

**COUNCILLOR JEFFREY CHEETHAM MAYOR**

**MINUTES OF: THE COUNCIL OF THE BOROUGH OF ROSSENDALE**

**Date of Meeting: 21<sup>st</sup> September 2005**

**PRESENT: The Mayor Councillor J. Cheetham (in the Chair)  
Councillors Atkinson, A. Barnes, Challinor, Crosta,  
Disley, Eaton, Entwistle, Farquharson, Forshaw,  
Hancock, Huntbach, Lamb, Marriott, McShea, Neal,  
Ormerod, J. Pawson, S. Pawson, Pilling, Robertson,  
Ruddick, Sandiford, Starkey, Swain, Thorne and  
Unsworth.**

**IN ATTENDANCE: Owen Williams, Chief Executive,  
Carolyn Wilkins, Deputy Chief Executive,  
George Graham, Executive Director of Resources,  
Mark Weston, Head of Legal and Democratic Services,  
Chris McConville, Principal Administrative Assistant**

**APOLOGIES: Councillors D. Barnes, L. Barnes, Driver, Graham,  
Nicholass, H. Steen, P. Steen and Young**

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**BUSINESS MATTERS**

**1. MINUTES**

**Resolved:-**

That the minutes of the Council meeting held on 24<sup>th</sup> August 2005 be signed by the Mayor as a correct record.

**2. DECLARATIONS OF INTEREST**

Councillor Neal declared a personal interest in the item contained within the Minutes of the last meeting of the Committee headed "Food Law Enforcement Service Plan 2005/06" by virtue of his employment within the food industry.

**3. COMMUNICATIONS FROM THE MAYOR, THE LEADER OR HEAD OF THE PAID SERVICE**

The Mayor referred to a communication received from Councillor Hancock relating to the rights of Members to ask questions at Council which referred to a letter Members of the Council had received from the Leader of the Council on the subject.

The Mayor indicated that Members would be entitled to ask questions at Council in respect of any business relevant to the Council.

The Leader advised Council that the use of Members' Question Time at Council to raise "housekeeping" matters such as issues with Members' laptops or questions in which officers who were not in a position to defend themselves at Council, were criticised, was not wholly appropriate and if questions of this type were asked at Council, he would respond suitably.

The Leader of the Council welcomed Carolyn Wilkins, newly appointed Deputy Chief Executive to the Council meeting and introduced her to Members.

The Chief Executive informed Council of the resignation of Councillor Wadsworth and advised that the By-election to fill the resultant vacancy in the Hareholme Ward was to be held on 20<sup>th</sup> October 2005.

The Chief Executive introduced Craig Fairbrother, Licensing Manager and Derek Hamill and Susan Chadwick, members of the Licensing Team who were present at the meeting. He congratulated the Team including Maria Todd who was unable to be present on their achievements in successfully implementing the new Licensing regime in Rossendale and establishing Rossendale as a leading licensing authority. The 95% figure of licence applications received was well in excess of the estimated 75% received nationally and was one of if not the best in Lancashire.

Members thanked the whole Team and applauded them for their excellent work.

#### **4. MEMBERS' QUESTION TIME**

Councillor Neal asked the following question:

In respect of the recent introduction of legislation regarding high hedges, does the Leader of the Council believe that it is acceptable for the complainants to pay a fee for a complaint to be investigated and does the Council wish to write to the appropriate Government Department to ask that the charge be abolished.

The Leader replied that on 25<sup>th</sup> May 2005 the Executive resolved that the Council would charge a fee of £500 payable upon making a complaint relating to high hedges. It was further resolved that the fee of £500 would be reviewed after six months and the Legal Services Manager would be reporting to the Cabinet in December. He pointed out that the charge was intended to deter frivolous complaints but he acknowledged the point made that the legislation was unfair in requiring costs to be paid in respect of a complaint which was upheld. He advised that when the Cabinet considered the matter in December they might consider it appropriate to write to the Secretary of State.

Councillor Neal referred to the absence of Senior Officers at the meeting and pointed out that he had raised this issue at the last meeting of the Council.

The Leader replied that the role of officers at Council was to support the Council and that the forum was intended to facilitate debate by Members. He had no criticism of the attendance of officers at Council meetings.

Councillor Hancock welcomed Carolyn Wilkins on behalf of the Labour Group and commented on the issue raised earlier in the meeting by agreeing the point made by the Leader of the Council that Members should not use the Council meeting to criticise officers who were not in a position to defend themselves at Council. He proceeded to ask the following question:-

Hurstwood House telephones – it appears (from the numbers circulated) that the Housing staff at Hurstwood House are contactable only by mobile phone can you tell me (a) is this the case (b) are there any cost implications for people contacting Housing staff in this way (c) what are the arrangements for computer and fax link ups.

The Leader replied a small number of Housing staff moved from the first floor of the annex to facilitate the development of the One Stop Shop (10 staff in total). The new phone system was now in place and when voicemail was activated in the next two weeks will be fully operational. Overall the use of mobile phones for these staff covered a four week period.

These staff were not front line staff and had minimal contact from the public. Therefore there was little impact in costs for the public in contacting these staff through mobile phone numbers.

Computers were online from day one. The fax was not available until the new phone system became available but the fax traffic was almost non-existent.

Councillor Hancock asked the following question:-

Could you provide the information requested at the last Council meeting regarding the number of outside consultants employed by the Council and the cost to the Council during the past 12 months?

The Leader confirmed that from the Housing Revenue Account, £225,000 had been spent of which £180,000 was incurred in relation to the potential housing stock transfer. In respect of the General Rate Fund, £854,000 had been spent a significant amount of which was funded via external grant such as the ODPM, Planning Delivery Grant, Elevate etc. He pointed out that the Audit Commission Direction of Travel Report had acknowledged that capacity was stretched as the Council was working on a large number of major initiatives and had acknowledged that this was being addressed through the recent organisational review and the employment of consultants in key areas.

Councillor Hancock asked the following question:-

At the Council meeting on 16<sup>th</sup> February 2005 a resolution was agreed with regard to the rebuilding of Whitworth Civic Hall, I am pleased to note from a recent press release that progress is being made towards the appointment of a Contractor. Could I ask

- a) The resolution required that 'a decision about whether or not to suspend standing orders on the letting of this contract be delegated to the CEO in

consultation with the Leader and Leader of the Opposition' could I ask when this consultation took place.

- b) Can I ask what the Contract sum is for the project
- c) What type of contract is being used for the project
- d) Does the facility include provision for a Neighbourhood Office and if so what are the details of this, opening times, staffing arrangements and facilities provided.

The Leader replied

- a) Following a tender exercise a preferred contractor has been identified, being McGoff & Byrne based in Altrincham, Cheshire. However, formal contracts have not yet been agreed, as we still await final detailed costs. A non contracting letter of intent has, however, been given to McGoff & Byrne.
- b) Contract sums have not yet been finalised. Amongst other things the impact, if any, of the Environmental study has yet to be factored into the final proposal (this was the same with all the tenders received).
- c) Joint Contracts Tribunal - Design and Build: I'm informed that this is an industry standard approach.
- d) The design is as per the CLAW proposal incorporating a Council office, reception and Police post allowing the potential for customer access. Exact details of the service provision have yet to be finalised

Councillor Hancock asked a question for clarity in respect of the status of the Housing Policy Position Statement. He referred to a communication he had received via the Chartists from the Office of the Deputy Prime Minister which appeared to be conflict with the information on the subject currently available to Members.

The Leader replied that he had not seen the communication referred to by Councillor Hancock but would ensure that a comprehensive answer was supplied to all Members of the Council on this issue. (Councillor Challinor advised that specialist legal advice was currently being sought on this issue).

Councillor Disley asked a question relating to access ability for personal callers of housing staff who had moved to Hurstwood House.

The Leader asked that the staff who had moved to Hurstwood House were not frontline staff and would not therefore normally need to be available to members of the public. He pointed out that until the One Stop Shop was open for business, staff at the Town Hall would remain available for personal callers and that in respect of people requiring assistance at their home, Visiting Officer would continue to make visits as previously.

Councillor Disley asked when the Neighbourhood Office at Waterfoot was to be closed.

The Leader replied that the Neighbourhood Office would close once the One Stop Shop was open for business.

Councillor Robertson asked a question relating to the Housing Policy Position Statement whereby applications for residential development were likely to be refused except in certain specified areas. She asked whether applications were still being accepted in respect of those areas where planning permission was likely to be refused, and the fee taken for applications.

The Leader replied that the current Housing Policy of the Council was well documented and known publicly. If applicants wished to pursue an application, they must be free to do so and it remained the role of the Development Control Committee to consider those applications before it in accordance with the Policy and on the merits of each application.

Councillor A. Barnes asked the Leader of the Council for an assurance that the Lancashire County Council would be given time to make arrangements to provide Tourist Information from their branches within Rossendale and to establish the facility for selling bus tickets for the X43 service before the local Tourist Information Centre premises were closed.

The Leader replied that discussions were currently ongoing with Lancashire County Council and he understood that they would be available to offer the full range of facilities in January 2006; the Tourist Information Centre would remain open until that time.

Councillor A. Barnes asked for information on exactly what services would be provided by the One Stop Shop initially and what was the ultimate range of services to be offered.

The Leader advised that a report on the matter would be going to the next meeting of the Cabinet but that initially it was proposed that basic services such as housing benefits and Council Tax would be the first to be available from the One Stop Shop and that currently discussions were ongoing with partners in respect of further facilities to be provided.

Councillor A. Barnes referred to the impending closure of the Tourist Information Centre and asked that the Leisure "offer" be retained.

The Leader pointed out that the Council was taking a joint approach with partners within East Lancashire in respect of the Leisure "offer" in this area. He referred to the adrenalin centre and the proposals for the proposed expansion of Haslingden Sports Centre which were significant proposed improvements to the Leisure facilities.

Councillor A. Barnes commented on the poor acoustics at Bacup Leisure Hall

and asked whether a loop system should be provided.

The Leader replied that efforts were continuing to find the most suitable meeting place for Council meetings and that he had requested the Democratic Services Manager to look into the possible acquisition of a portable PA system similar to that used at meetings of Lancashire Local.

Councillor A. Barnes asked for specific information on proposals for the One Stop Shop particularly a timetable whereby services would be available and details of future plans for the One Stop Shop.

The Leader replied that he would ask the Head of Customer Services and E-Government to provide the best available information to Members.

## **5. PUBLIC QUESTION TIME**

A Rawtenstall Resident reported that having lived in the same property for a long number of years, he was saddened to find he had been fined for parking on the road immediately outside his property.

The Leader replied that parking restrictions in Rawtenstall were currently under review and full consideration would be given to the needs of Town Centre residents.

A Bacup Trader referred to notices posted on lamp posts on St. James Street in respect of a proposed traffic regulation order prohibiting the parking of vehicles on that street. She questioned the method of consultation and suggested that traders should be advised individually of proposals such as parking restrictions given the significant potential impact on the businesses in the area.

The Leader advised that traffic regulation orders were a function undertaken by Lancashire County Council and that the issues would be taken up with the County Council.

## **CONSTITUTIONAL MATTERS**

### **6. APPOINTMENT OF LEADER AND DEPUTY LEADER OF THE COUNCIL**

Resolved that Councillor Ruddick be appointed Leader of the Council and that Councillor Challinor be appointed Deputy Leader of the Council.

### **7. SCHEDULE OF MEETINGS**

Resolved that the Schedule of Meetings circulated at Council be approved.

### **8. APPOINTMENT OF COMMITTEES**

Members considered the appointments to Committees in the light of changes to

the Council's structure following the introduction of the new political governance arrangements.

**Resolved:**

1. That the appointment of Committees from 1<sup>st</sup> October 2005 for the remainder of the Municipal Year made in accordance with Part I of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Group) Regulations 1990 as amended.
2. Having agreed the allocation of seats, to note each political groups' appointments to fill their allocation of seats on the Committees as notified to the Chief Executive Officer and to make the appointments to each Committee so as to give effect to the wishes of each political group in accordance with the Schedule below

Development Control – Councillors S. Pawson (Chair), T. Swain (Vice Chair), Atkinson, D. Barnes, L. Barnes, Crosta, Entwistle, Lamb, Robertson, Thorne and Young.

Licensing – Councillors Huntbach (Chair), D. Barnes (Vice Chair), Atkinson, L. Barnes, Eaton, Entwistle, Forshaw, Neal, Nicholass, J. Pawson, Pilling, Sandiford, H. Steen, P. Steen and Unsworth.

Audit and Performance Management Overview and Scrutiny – Councillors Sandiford (Chair), H. Steen (Vice Chair), Entwistle, Hancock, Huntbach, Lamb, Marriott, Neal, J. Pawson, Robertson and Starkey.

Policy Development Overview and Scrutiny – Councillors Sandiford (Chair), H. Steen (Vice Chair), A. Barnes, Disley, Entwistle, Huntbach, Marriott, McShea, J. Pawson, Pilling and Starkey.

Standards – Councillors Atkinson, Crosta, J. Pawson, P. Steen, Unsworth, Young.

Appointments and Appeals – Five or three members to be chosen by the Chief Executive from all members of the Council if possible to reflect the political balance on the Council and if possible on a rota basis.

Lancashire Contact Centre Joint Management Committee – Councillors J. Pawson, Sandiford and Unsworth.

3. To note the appointment of three independent Members and one Whitworth Town Council Member to serve on the Standards Committee as detailed below:-

A. Heakin, A. Neville, A. Nixon and Thomas.

4. To appoint the following Members to serve on the Cabinet for the remainder of the municipal year. Councillor Ruddick (Chair), Councillor

Challinor (Vice Chair), Councillors Driver, Farquharson, Graham and Ormerod.

5. To note the portfolios in respect of the Cabinet and to approve the appointment of the individual portfolio holders as detailed below:-

Housing	D. Ruddick
Regeneration	W. Challinor
Street Scene and Liveability	J. Driver
Customer Services	J. Farquharson
Finance/Risk Management	M. Ormerod
Human Resources/Member Development	J. Graham

## **9. REVISION OF NEW CONSTITUTION**

Members considered a report prepared by the Head of Legal and Democratic Services which outlined proposed amendments the new Constitution which was to come into effect on 1<sup>st</sup> October 2005.

The report outlined the main amendment which related to the accessibility to Members of exempt information. The Constitution as drafted denied access to certain Members in particular circumstances but the amendment removed that restriction thereby allowing all Members access to exempt information.

The report outlined additional incidental proposed changes which were contained in Appendix 1 to the report.

### **Resolved:**

1. That Council approve the amendments to the Council's new Constitution as set out in Appendix 1 to the report of the Head of Legal and Democratic Services with effect from 1<sup>st</sup> October 2005.
2. That the Head of Legal and Democratic Services be given delegated authority to make further minor amendments to the Constitution as they become necessary subject to both the Leader of the Council and the Leader of Opposition agreeing that any such amendments are minor.

## **ORDINARY ITEMS OF BUSINESS**

### **10. ROSSENDALE BOROUGH COUNCIL'S STATEMENT OF COMMUNITY INVOLVEMENT**

Members received a report on the draft Statement of Community Involvement (SCI) which outlined the process to be followed by the Council in consulting the local community and other stakeholders on the preparation and revision of the Local Development Framework.

Members welcomed the Statement and reference was made to the recent recommendation of the Overview and Scrutiny Committee which asked for full

and comprehensive consultation to be undertaken in respect of planning policy.

Reservations were expressed about the format of the Statement, specifically the density and size of the type face used.

Councillor Challinor acknowledged that criticism and in answer to a question from a Member he undertook to investigate what other methods of presentation could be used to make the document more widely accessible.

**Resolved:**

That Council endorsed the draft Statement of Community Involvement.

**RECOMMENDATIONS TO COUNCIL**

**Executive 14<sup>th</sup> September 2005**

**11. WORKING TOWARDS A SMOKE FREE ROSSENDALE**

Members were provided with a copy of a report which had been supplied to the Executive on 14<sup>th</sup> September which was aimed at enabling the Council to take a lead on the promotion of working environments which were free from the effects of tobacco smoke.

The report contained proposed responses to a consultation document from the Department of Health and the Executive had endorsed the proposed responses to the consultation document and agreed to mount a public consultation exercise to determine the level of public support for the extension of smoke free environments in places of work.

The Executive had also made a recommendation to Council to approve the outline strategy.

**Resolved:**

That Council approves the outline strategy described in the report for the purposes of encouraging the extension of smoke free environments in places of work.

**12. REPAIRS TO BACUP LEISURE HALL.**

Members were advised that at the meeting of the Executive on 14<sup>th</sup> September when considering the financial monitoring report, the Executive had sought approval to expenditure in the sum of £18,000 for necessary repairs to Bacup Leisure Hall.

**Resolved:**

That the £18,000 required for repairs to Bacup Leisure Hall be approved and funded from those funds identified as currently unallocated.

(The meeting started at 7 pm and concluded at 8.33 pm)