

**MINUTES OF THE COUNCIL MEETING
HELD AT NELSON TOWN HALL
ON 17th DECEMBER, 2015**

PRESENT –

His Worship the Mayor (Councillor Nawaz Ahmed – in the Chair)

Councillors

*M. Adams
Nadeem Ahmed
R. B. Allen
E. Ansar
M. Arshad
N. H. Ashraf
A. Aziz
S. A. Benson
W. Blackburn
N. Butterworth
R. E. Carroll
D. Clegg
S. E. Cockburn-Price
J. Cooney
T. A. Cooney
L. M. Crossley
L. Davy
M. Goulthorp
A. R. Greaves
M. Hanif*

*K. Hartley
J. M. P. Henderson
M. Horsfield
Y. Iqbal
D. E. Lord
A. Mahmood
B. Newman
B. N. Parker
G. Roach
M. Sakib
J. K. Starkie
C. Teall
I. W. Tweedie
C, Wakeford
G, Waugh
D. Whalley
D. M. Whipp
P. White
S. Wicks
N. Younis*

(Apologies for absence were received from Councillors M. Ammer, M. S. Foxley, C. Jowett, N. McEvoy, R. Milner and K. Shore).



45. MINUTES

It was moved by Councillor M. Iqbal, seconded by Councillor A. Mahmood and –

RESOLVED

That the minutes of the Council meeting held on 15th October, 2015 be approved as a correct record and signed by the Mayor.

46. DECLARATIONS OF INTEREST

Members were reminded of the requirement to declare any pecuniary or substantial non-pecuniary items of business.

47. ANNOUNCEMENTS FROM THE MAYOR AND LEADER OF THE COUNCIL

The Leader announced that unfortunately Colne had not won the Great British High Street competition but had done well to be shortlisted in the top three in the Market Town category. He

congratulated the traders and businesses who had contributed to the rejuvenation of the town centre which had helped make the town eligible for this competition.

48. QUESTIONS ON NOTICE FROM THE PUBLIC TO THE LEADER

John Rowe from Tennis Street, Burnley asked the Leader if he would support a change in the Council's constitution to allow members of the public wishing to ask a question at public question time to ask a question on any matter in which the Council may be interested, not excluding matters for discussion or debate by Councillors at the same meeting, which the Council's constitution currently forbid.

The Leader said the matter would be referred to the Governance Working Group for their consideration.

49. QUESTIONS ON NOTICE BY MEMBERS TO THE LEADER, A COMMITTEE CHAIRMAN OR A REPRESENTATIVE ON AN OUTSIDE BODY ON MATTERS NOT OTHERWISE ON THE AGENDA

Councillor J. Cooney asked the Leader to update the Council on the latest position on the East Lancashire Empty Homes project managed by Rossendale Borough Council. The Leader said the project had been a difficult one for Rossendale and they had entered into various agreements. There were around 80 properties within Nelson and Brierfield where the owners of those properties had entered into agreements with Rossendale Borough Council. The Council's position was that there was no liability for Pendle and that this was a matter for Rossendale to deal with.

Councillor P. White asked the Leader what action Pendle Council was taking to support the schools and young people affected following the VIA Partnership going into liquidation late last week. The Leader said this was a matter for the Council's that owned the company and that Pendle was not one of them. Councillor J. Cooney said he was aware that Fisher More and Park High Schools had work placements booked in for January and asked the Leader to help these schools to retain these placements. The Leader said he would be happy to take this on board and invited the other County Councillors to do the same.

50. REPORT BY THE LEADER ON THE EXECUTIVE'S WORK

The Leader submitted, for information, a report on the work of the Executive since the last meeting.

51. REPORT BY THE CHAIRMAN OF THE SCRUTINY MANAGEMENT TEAM

The Chairman of the Scrutiny Management Team submitted a report on overview and scrutiny activity since the last meeting of the Council.

52. MEMBER CHAMPION

It was moved by Councillor M. Iqbal, seconded by Councillor D. Whalley and –

RESOLVED

That Councillor W. Blackburn be appointed Member Champion for Mental Health for the Municipal Year 2015/16.

53. CORPORATE PEER CHALLENGE

The Strategic Director submitted a report following the recent Corporate Peer Challenge. The Peer Team visited the Council from 3rd to 5th November and during their time onsite they interviewed around 90 people including a range of Council staff, Councillors, external partners and other stakeholders.

An initial feedback session had been held on 5th December but Council were now presented with a more detailed report which set out their findings and recommendations.

It was moved by Councillor M. Iqbal, seconded by Councillor A. R. Greaves and –

RESOLVED

- (1) That the report from the Local Government Association detailing the findings from the Corporate Peer Challenge (attached to the report as Appendix A) be noted.
- (2) That the recommendations set out on page 4 of the report be noted and used as a basis to proceed with recommendations in paragraphs 10 and 11 on the same page.
- (3) That a Task and Finish Group of 6 Councillors (2 from each of the main political groups) be established to review the findings and recommendations with a view to developing an Action Plan which would deal with the issues raised by the Peer Team.
- (4) That the implementation of the Action Plan be the subject of regular reports to the Council's Executive along with a six-monthly update to Council.

54. CORE STRATEGY

The Planning, Building Control and Licensing Services Manager submitted a report on the proposed adoption of the Core Strategy (Part 1 Local Plan). The report set out the adoption process and recommended a number of modifications. It also set out the implications of not adopting the Strategy.

The Part 1 Local Plan had been found sound by an independent Inspector and Council were recommended to adopt it.

It was moved by Councillor M. Iqbal. seconded by Councillor R. B. Allen and –

RESOLVED

That the Core Strategy (Local Plan Part 1) be adopted in accordance with the recommendations set out in the Inspector's report (dated 26th October, 2015) and its accompanying appendices.

55. COMBINED AUTHORITY FOR LANCASHIRE

The Strategic Director submitted a report which outlined the findings of the Governance Review undertaken for Lancashire and set out the next steps required to establish a Combined Authority for Lancashire.

It was moved by Councillor M. Iqbal, seconded by Councillor J. Cooney and –

RESOLVED

- (1) That the contents of the Lancashire Governance Review (as shown at Appendix A attached to the report) and recommendation therein be noted.
- (2) That the contents of the draft Scheme for a Combined Authority (as shown at Appendix B attached to the report) be noted.
- (3) That Council agrees to participate in a public consultation in January/February which would seek views on the formation of a Combined Authority for Lancashire.
- (4) That Council agrees to consider the feedback from the public consultation and it be noted that following this, those authorities who wished to form a Lancashire Combined Authority would submit a proposal to the Secretary of State for consideration.
- (5) That Council agrees in principle, to becoming a constituent member of the Combined Authority for Lancashire.
- (6) That a further report be submitted to the Council meeting in March 2016 to give final consideration to the Council becoming a constituent member of a Lancashire Combined Authority.

56. LICENSING AND GAMBLING POLICY STATEMENTS

The Planning, Building Control and Licensing Services Manager submitted a report on the updated Licensing and Gambling Policy Statements. Both documents had been subject to a 12 week public consultation exercise. No adverse comments had been received and no recommendations to alter them had been submitted.

It was moved by Councillor M. Iqbal, seconded by Councillor J. Cooney and –

RESOLVED

That the Licensing and Gambling Policy Statements be adopted.

57. LOCALISED SCHEME OF SUPPORT FOR COUNCIL TAX 2016/17

The Financial Services Manager submitted a report on the proposed scheme for Council Tax Support for 2016/17. A summary of the proposed Scheme was submitted at Appendix A and Appendix B was a draft to the full Council Tax Support Scheme Policy. It was reported that details were still awaited from the DCLG and the DWP on any revisions to the scheme regulations and annual uprating of prescribed amounts. Once this information had been received any amendments would be made with a proposed implementation date of 1st April, 2016.

It was moved by Councillor M. Iqbal, seconded by Councillor J. Cooney and –

RESOLVED

That the Localised Scheme of Support for Council Tax 2016/17 be approved and it be implemented from 1st April, 2016 subject to delegated authority being granted to the Financial Services Manager, in consultation with the Executive Member for Finance and Devolution, so as to make any

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amendments to the Scheme resulting from the annual updating of the detailed regulations which underpin the primary legislation.

58. CONTAMINATED LAND STRATEGY 2015-2020

The Housing, Health and Economic Development Services Manager submitted a report on the updated Contaminated Land Strategy.

The Strategy outlined the Council's duties in dealing with potentially contaminated land. It had been updated with regard to recent changes to the statutory guidance and reduction/abolition of central government grants.

It was moved by Councillor M. Iqbal, seconded by Councillor J. Cooney and –

RESOLVED

That the Contaminated Land Inspection Strategy be adopted and the Contaminated Land Officer be authorised to keep the Strategy up to date.

59. TRANSFER OF SERVICES AND FACILITIES TO TOWN AND PARISH COUNCILS

The Corporate Director submitted, for information, an overview of progress with the programme of transfers to town and parish councils and outlined the proposed programme for future years.

60. ELECTORAL REVIEW OF LANCASHIRE COUNTY COUNCIL DRAFT RECOMMENDATIONS

The Corporate Director submitted a report on the draft recommendations of the Boundary Commission on its review of the Lancashire County Council divisions as they related to Pendle and its consequent recommendations for the wards of Nelson and Colne town councils.

The County Council draft recommendation was to continue with six County Councillors in Pendle but the number of divisions be reduced from six to five and that one of these be a two member ward. The change was required because of the electoral inequality arising from the number of electors in the West Craven division.

It was reported that the County Council had put forward a revised proposal which created an electoral division of Barnoldswick and Earby and a revised Pendle East division. These changes ensured that all the % variances were within the Boundary Commission's 10% threshold.

It was moved by Councillor A. R. Greaves, seconded by Councillor M. Iqbal and –

RESOLVED

That the Council's response to the draft recommendations be to agree with the County Council's revised proposal to create an electoral division of Barnoldswick and Earby and a revised Pendle East division.

It was moved by Councillor M. Iqbal, seconded by Councillor A. R. Greaves and –

At the request of two members a recorded vote was taken on this issue.

Those Members voting in favour of the Motion were:

M. Adams, Nadeem Ahmed, Nawaz Ahmed, R. B. Allen, E. Ansar, M. Arshad, N. H. Ashraf, A. Aziz, S. A. Benson, W. Blackburn, N. Butterworth, R. E. Carroll, D. Clegg, S. E. Cockburn-Price, L. Davy, M. Goulthorp, A. R. Greaves, M. Hanif, K. Hartley, J. M. P. Henderson, M. Horsfield, M. Iqbal, Y. Iqbal, D. E. Lord, A. Mahmood, B. Newman, B. N. Parker, G. Roach, M. Sakib, C. Teall, I. W. Tweedie, D. Whalley, D. M. Whipp, S. Wicks and N. Younis.

Those Members voting against the Motion were:

J. Cooney, T. A. Cooney, J. K. Starkie, C. Wakeford, G. Waugh and P. White.

61. GOVERNANCE ARRANGEMENTS

The Corporate Director submitted a report on a proposed change to a Committee System of governance. It was noted that if the change was agreed then there could not be a further change for 5 years. The Council would be required to publish a statement explaining the change in the local press and on the Council's website and this would be made available at its offices for public inspection.

It was moved by Councillor M. Iqbal, seconded by Councillor A. R. Greaves and –

RESOLVED

That the report be referred back to the Governance Working Group for further consideration and a report be submitted to a future Council meeting.

62. NOTICES OF MOTION

(a) Storm Desmond

It was moved by Councillor D. M. Whipp, seconded by Councillor D. E. Lord –

That this Council expresses sympathy for the thousands of residents in the North West affected by recent devastating floods and thanks all the individuals and agencies involved in attempts to reduce the impact of flooding and in the early efforts to recover from the impact of flooding on residents and businesses.

Council notes that had Storm Desmond's track been a little to the south, the heaviest rainfall would have fallen on our area with the likelihood that households in Pendle would have suffered consequences similar to those experienced by people in north Lancashire and Cumbria.

Council notes that recent weeks have seen a succession of flooding incidents in Pendle which for the individuals affected are extremely disruptive to their homes and businesses. Council thanks the members of staff and people from other agencies whose actions have minimised the impact of flooding on these occasions. Council also notes that flood alleviation work carried out in Pendle in past years has reduced risk of flooding to people's homes and property.

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However, it is noted that considerable numbers of householders remain at risk during severe flooding throughout the borough and that the impact of lesser events causes considerable disruption and potential risk to people's safety.

Council therefore calls upon Government to provide adequate resources to enable effective flood defences to be built to protect people and properties at risk, and upon the Lead Local Flood Risk Authority and Environment Agency to maintain existing infrastructure sufficiently to reduce flood risk.

Council resolves accordingly that the Secretary of State, relevant agencies and affected authorities in the North West be advised of the terms of this resolution.

RESOLVED

Accordingly.

(b) Whitehough, Barley

It was moved by Councillor J. K. Starkie, seconded by Councillor C. Wakeford –

Pendle Borough Council notes with regret the proposed closure of one of the county's four outdoor education centres – Whitehough in Pendle.

Whitehough served local wards which were known to be amongst the most deprived in the country, as well as those from further afield and was a much respected and popular aspect of our children's upbringing and wellbeing. It was used for half day and full day visits as well as for several days.

Council resolves to write to the Leader of Lancashire County Council requesting –

- (1) That all parties/groups interested in taking over the running of Whitehough are afforded an opportunity to present a business case to secure the long-term future of the centre.
- (2) That, in the meantime, no action be taken to prejudice the future continuation of service at Whitehough

RESOLVED

Accordingly.

(c) Boundary Commission Review

It was moved by Councillor J. Cooney, seconded by Councillor P. White –

Over recent years Pendle Borough Council had gone through significant change, including reduction in the number of services and staff provided to the residents of Pendle. With a new streamlined council, responsible for less services, the current number of councillors and election cycle were untenable. To reflect the changes within Pendle Borough Council, and to contribute towards reduction in cost, the Council hereby resolves that with a view to implementation of changes at the ordinary day of Council elections in May 2018:

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- (1) to request the Local Government Boundary Commission to undertake a review of the number of Councillors with a view to a reduction of at least one third; and
- (2) to start the process to change from elections by thirds to whole elections every four years by undertaking a public consultation exercise.

AMENDMENT

It was moved by Councillor A. R. Greaves, seconded by Councillor M. Iqbal –

That the question of the future democratic basis of the Council, including the number of Councillors, pattern of wards, frequency of elections, the implications for the operation and governance arrangements of the Council, the timetable for any changes and any other related matters, be referred to the Governance Working Group, the Working Group to report back in due course to the Council.

RESOLVED

That the question of the future democratic basis of the Council, including the number of Councillors, pattern of wards, frequency of elections, the implications for the operation and governance arrangements of the Council, the timetable for any changes and any other related matters, be referred to the Governance Working Group, the Working Group to report back in due course to the Council.

(d) Government's Comprehensive Spending Review

It was moved by Councillor A. R. Greaves, seconded by Councillor M. Iqbal –

Council notes the Government's Comprehensive Spending Review (CSR) and the impact this would have upon residents of Pendle and the services provided by this Council and other local authorities.

In particular, Council notes the disproportionate impact of the cessation of local government grant on relatively poor areas like Pendle (and on Lancashire County Council) due to the redistribution of resources away from such areas towards more affluent parts of the country.

Council also notes announcements within the CSR of even greater pressures upon planning authorities to grant planning consents for housing developments through the proposed 'delivery test' and other changes to the planning system.

This Council expresses great concern at the impact that the spending review would have on Pendle residents because of the reduction or cessation of services provided by the Borough and the County Council due to cuts in the finance provided by the government.

Council resolves to write to Pendle's Member of Parliament to ask him to urgently take up these matters with the Government in order to defend the interests of his constituents.

RESOLVED

Accordingly.

(e) Government Cuts and Rising Social Care Costs

It was moved by Councillor K. Hartley, seconded by Councillor M. Adams –

This Council notes with grave concern the double impact of government cuts and rising social care costs upon Lancashire County Council and the resulting funding gap which threatens many of the non-statutory services provided by the county council (e.g. libraries, subsidised bus services, museums, countryside services, some highway services and switching street lamps off). And that the forecast 'black hole' in resources is so great that even ending all such non-statutory services would fail to fill the funding gap.

Council also notes that areas like Pendle, made up of several different towns and distinct dispersed communities will be particularly badly affected by any contraction in facilities and services provided by the county council.

This Council resolves to: request Lancashire County Council to make all possible efforts to secure alternative ways of providing services, for instance through volunteer supported or volunteer run facilities, in order to keep services going; that urgent discussions take place with the county council about the impact on services in Pendle of the options under consideration; and that such discussions consider the options to share accommodation in order to reduce costs.

RESOLVED

Accordingly.

His Worship the Mayor _____