

**MINUTES OF THE
COUNCIL MEETING
HELD AT NELSON TOWN HALL
ON 14th JULY, 2016**

PRESENT –

Councillor D. Whalley (Deputy Mayor)

Councillors

*G. Adam
M. Adams
Nadeem Ahmed
Nawaz Ahmed
M. Ammer
Mohammed Arshad
Muzawar Arshad
N. H. Ashraf
D. Clegg
S. E. Cockburn-Price
J. Cooney
T. A. Cooney
L. M. Crossley
L. Davy
A. R. Greaves
K. Hartley
J. M. P. Henderson*

*Y. Iqbal
D. E. Lord
N. T. McCollum
A. Mahmood
B. Newman
B. N. Parker
S. Petty
J. Purcell
K. E. Shore
J. K. Starkie
C. Teall
K. Turner
C. Wakeford
G. Waugh
D. M. Whipp
P. White
S. Wicks*

(Apologies for absence were received from Councillors R. B. Allen, E. Ansar, W. Blackburn, R. E. Carrol, M. S. Foxley, M. Goulthorp, M. Horsfall, M. Iqbal, N. McEvoy, J. A. Nixon, G. Roach, M. Sakib and N. Younis).

17. MINUTES OF COUNCIL

It was moved by Councillor J. Cooney, seconded by Councillor A. Mahmood and –

RESOLVED

That the minutes of the Council meeting held on 19th May, 2016 be approved as a correct record and signed by the Deputy Mayor.

18. DECLARATIONS OF INTEREST

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

19. ANNOUNCEMENTS FROM THE MAYOR AND LEADER OF THE COUNCIL

No announcements were given.

20. QUESTIONS ON NOTICE FROM THE PUBLIC TO THE LEADER

John Rowe asked the Deputy Leader to confirm how far the finances of Marsden Golf Course were from the breakeven point, also whether, in the event that the breakeven point could not be achieved, at least in principle, would he consider a long lease of the Golf Course to a commercial body on terms that it remains used as a Golf Course as a term of the lease and would he give a commitment to the people of Marsden to resist any proposal for sale of the land for development, notwithstanding the straightjacket on Council finances imposed by this present government.

In response the Deputy Leader referred to how much it cost Pendle Leisure Trust to run the facility and that the Trust was working towards a breakeven position during this financial year. He also referred to the savings the Council had to make during 2016/17 and that the grant given to the Trust for 2017/18 would be less because of this. With regards to the leasing of the facility the Deputy Leader said it was therefore premature at this stage to comment.

21. 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 Parker asked the Deputy Leader to explain how the debt of £8,493.81 in relation to Unity Hall had arisen and what it represented. He asked why ITHAAD was not being pursued with the same alacrity and enthusiasm the Council employed against Council Tax defaulters for much smaller amounts. Councillor Parker referred to a report commissioned by Nelson Town Council which concluded that Unity Hall was non-viable as a community facility and suggested that given the dire financial situation of the Council Unity Hall should be put on the open market for sale with a view to obtaining the best price for the property.

The Deputy Leader said the debt was in relation to unpaid rent to the Council. The transfer of this building to Nelson Town Council was no different to other Council owned properties which had already been transferred to Parish and Town Councils such as Brierfield Town Hall, Barnoldswick Civic Hall and Trawden Forest Community Centre.

Councillor Newman asked if the Deputy Leader was satisfied with the standard of highways grass-cutting in Pendle. In response the Deputy Leader said that grass cutting, in most areas of the Borough, was carried out by Pendle Council on behalf of Lancashire County Council. In rural areas the County did the majority of the grass cutting and in urban areas this Council. At the moment additional grass cutting was carried out by Pendle in the urban areas. It was acknowledged that the County Council had drastically reduced the number of grass cuts to one per year which, the Deputy Leader felt, was unsatisfactory.

Councillor Clegg asked what progress was being made in obtaining Government financial support for housing development on brownfield sites in Pendle. The Deputy Leader said whilst every effort had been made to secure funding from the Homes and Communities Agency different Government schemes were announced regularly but based on a loan basis. He also referred to the non-viability of a lot of the brownfield sites in the Borough. As a result not much progress had been made but discussions were ongoing.

In response to a supplementary question from Councillor J. Cooney the Deputy Leader said that Pendle had not put forward any brownfield sites for consideration by the Growth Deal funding. He

said he would welcome any ideas on how this funding could be used for housing on brownfield sites.

Councillor Teall asked what progress was being made on the housing developments at Oak Mill, Colne and Brook Shed, Earby. The Deputy Leader said that discussions were ongoing with both sites and were progressing well. It was anticipated that a planning application would be submitted for the Oak Mill site within the next few months. The Brook Shed site was also progressing well but was not as well advanced as the Oak Mill site. Funding from the Council's Brownfield Sites fund was to be considered for both of these sites.

Councillor Hartley asked the Deputy Leader what assessment had been made of the prospects for funding for Pendle Council post Brexit. In response the Deputy Leader said not a lot at the moment. There were still a lot of uncertainties and the terms of Britain leaving the EU were not known at this stage.

Councillor Lord asked the Deputy Leader to set out the priorities agreed between the Labour and Liberal Democrat groups as the political administration of Pendle Council for 2016/17. The Deputy Leader said the priorities had been set prior to the Annual Council in May and these priorities were circulated at the meeting.

Councillor J. Cooney asked for an update on the progress of planning for the implementation of the Business Rates Retention Scheme. The Deputy Leader said it was difficult to plan ahead because the Government had not yet decided how the scheme would work. The Council was currently considering its response to the Government's consultations on this. He also referred to the increase in business rate appeals which was having an impact on the amount of business rates received.

Councillor White asked what contact had Pendle Council had with the developers of 1,000 planning permissions already granted. In response the Deputy Leader referred to the various types of applications which had received planning consent. Much of the land was in 27 large sites and the Council was in discussions with developers to progress some of these sites. He also said that the Executive had agreed that the Brownfield Development Fund would be aimed at some of the smaller sites on the list, many of which were brownfield. Work had started to promote the scheme and letters would be going out shortly advising people of how they could qualify for this fund. In response to a supplementary question from Councillor J. Cooney the Deputy Leader agreed that some of the larger sites could possibly be divided up and offered to smaller developers. He said he would advise officers of this and ask them to identify where this would be possible.

22. 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.

In response to questions the Deputy Leader provided updates on the Central Colne Selective Licensing area and the Medium Term Financial Plan.

23. 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.

24. REPRESENTATIVES ON OUTSIDE BODIES

Nominations to represent the Council on Carers Link Lancashire were invited. At the last meeting Councillor J. Purcell was appointed but had recently stood down from this position. Nominations for a Member Champion for Cycling were also invited.

It was moved by Councillor A. Mahmood, seconded by Councillor J. Cooney and

RESOLVED

- (1) That Councillor M. Arshad be appointed as the Council's representative for Carers Link Lancashire for the Municipal Year 2016/17.
- (2) That Councillor Nawaz Ahmed be appointed the Council's Cycling Champion for the Municipal Year 2016/17.

25. TREASURY MANAGEMENT – AMENDMENT TO INVESTMENT CRITERIA

The Financial Services Manager submitted a report which sought approval for a change in the Council's investment criteria following the outcome of the EU Referendum and the recent downgrading in the UK's sovereign rating by the main credit rating agencies.

The Council's Annual Investment Strategy was approved in March 2016. Part 4 of the Strategy set out the arrangements for investments and included a statement in relation to sovereign ratings:

"The Council has determined that it will only use approved counterparties from countries with a minimum sovereign credit rating of AA* (from Fitch or equivalent)."

It was reported that the downgrading reflected the agencies' views of the impact that the vote "to leave" would have on the UK economy, GDP growth and political stability. A summary of each of the three main agencies was set out in the report.

It was moved by Councillor J. Cooney, seconded by Councillor A. Mahmood and

RESOLVED UNANIMOUSLY

That the changes proposed in the Council's minimum lending criteria be approved and the UK sovereign rating from the minimum sovereign rating criterion be excluded.

26. REVIEW OF REVENUE RESERVES AT 31st MARCH, 2016

The Financial Services Manager submitted a report on the outcome of a review of the Council's revenue reserves following completion of the draft accounts for 2015/16. The report also sought approval to transfer amounts from specific reserves to the Budget Strategy Reserve to support the ongoing development of the Council's medium-term financial plan position.

The report was considered by the Executive on 30th June, 2016 with a recommendation that Council approve the transfer in 2016/17 of £1.75m from specific reserves to the Budget Strategy Reserve.

It was moved by Councillor A. Mahmood, seconded by Councillor J. Cooney and
RESOLVED UNANIMOUSLY

- (1) That the outcome of the review of revenue reserves as at 31st March, 2016 be noted.
- (2) That the transfer in 2016/17 of £1.75m from specific reserves to the Budget Strategy Reserve, as set out in paragraph 11 in the report be approved.

**27. STRATEGIC PLAN 2015-2018
(INCORPORATING THE ANNUAL REFRESH 2016-2017)**

The Strategic Director submitted the Council's Strategic Plan for 2015-2018 which incorporated the Annual Refresh for 2016-2017 for approval. The Plan had been considered by the Executive on 30th June, 2016 with a recommendation that the Plan be approved by Council.

It was moved by Councillor J. Cooney, seconded by Councillor A. R. Greaves and

RESOLVED UNANIMOUSLY

That the Strategic Plan 2015-2018 (incorporating the Annual Refresh 2016-2017) be approved.

28. COMMITTEE STRUCTURE – DEVELOPMENT MANAGEMENT

At the Annual meeting the Council requested the all-party Governance Working Group to consider a report from the Corporate Director to consider sending major planning applications direct to Development Management Committee because of their borough wide importance.

At its meeting on 10th June, 2016 the Governance Working Group recommended Council as follows:

- (1) That all applications for 60 or more houses be dealt with by the Development Management Committee and that the terms of reference for the Committee and Area Committees be amended accordingly.
- (2) That the operation of this arrangement be reviewed at the next Annual Council meeting.
- (3) That political groups not be allowed to appoint substitutes except for one standing substitute for the Municipal Year.

It was moved by Councillor A. R. Greaves, seconded by Councillor J. Cooney and

RESOLVED

- (1) That all applications for 60 or more houses be dealt with by the Development Management Committee and that the terms of reference for the Committee and Area Committees be Amended accordingly.
- (2) That reports on the applications referred to in (1) above be submitted to the appropriate Area Committee to allow them to comment and make recommendations prior to the reports being submitted to the Development Management Committee.

- (3) That the operation of this arrangement be reviewed at the next Annual Council meeting.
- (4) That political groups not be allowed to appoint substitutes except for one standing substitute for the Municipal Year.

29. COUNCIL SIZE AND FREQUENCY OF ELECTIONS

At its meeting on 16th February and 10th June, 2016 the all-party Governance Working Group considered the questions of the size of the Council and the frequency of elections following a reference to it by the Council at its meeting on 17th December, 2015.

It was reported that there were three reasons for reducing the number of councillors:

- Since 2001 the nature and role of the Council had shrunk with a reduction of resources and services provided and a much streamlined officer structure.
- The overall number of local democratic representatives had increased significantly with the creation of Nelson and Colne Town Councils. At the same time the role of all parish and town councils was growing, as a result of the transfer of services and facilities to them.
- To reduce the cost. The Medium Term Financial Plan envisages savings to be realised in 2018/19.

Council were advised that the starting point for an electoral review was the number of councillors the Council should have. There was no set formula just a question of what was right for the Council. Previous discussions had envisaged a reduction of around 15 councillors.

An electoral review would have regard to the Council's electoral cycle – in other words the desirability of setting the appropriate number of councillors per ward in relation to the frequency of elections. The Council itself had the ability to decide to move from elections by thirds to whole elections.

The Working Group had recommended "that Council agrees to the carrying out of an electoral review and as the first step an early meeting with the Local Government Boundary Commission be sought."

It was moved by Councillor A. R. Greaves, seconded by Councillor J. Cooney and

RESOLVED

- (1) That the Council accept the desirability of reducing the size of the Council and the consequent need for an electoral review.
- (2) That the Corporate Director be requested to produce a draft proposal to the Local Government Boundary Commission including the possible future decision making structure of the council following a reduction in the number of Councillors, to an early meeting of the Governance Working Group and then to the Council meeting on 20th October, 2016.
- (3) That, subject to approval of the draft proposal by the Council, a meeting with the Local Government Boundary Commission be sought.

30.

NOTICES OF MOTION

(a) EU Referendum

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

That Council notes the result of the EU Referendum and in particular the result in Pendle where 63% of voters chose to leave the European Union. As a democratic body Pendle Borough Council recognises and respects the decision of the people to leave the European Union.

This Council and all its members commits to play its part, no matter how small, to implement the will of the people and support HM Government in ensuring the United Kingdom leaves the European Union.

AMENDMENT

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

That Council notes the result of the EU Referendum and now commits to doing everything that it can to protect, support and enhance the position of the residents of Pendle, in whatever new agreements are sought and reached with the European union and its member countries and the rest of the world and otherwise, as a result of the Referendum decision to leave the EU.

In particular it believes:-

- (1) That the financial position of local authorities such as Pendle must not be further worsened and should, if possible, be improved.
- (2) That the Government must give an immediate guarantee that the existing rights of citizens of other European Union countries who are already living in Pendle will be protected.
- (3) That the importance of manufacturing (including the aerospace industry) in Pendle must be recognised and its future protected.
- (4) That there must not be any weakening of environmental legislation and employment rights that at present derive from EU directives.
- (5) That farming support for areas such as Pendle, including upland management subsidies, must be maintained by the Government following a withdrawal from the Common Agricultural Policy.

This Council is further shocked by the reported increases in race hate crimes and antisocial behaviour directed at EU citizens in the UK and other ethnic minorities since the referendum result was announced, including in Pendle, and resolves to call an early meeting with the local police and other agencies to consider its response.

Upon being put to the vote the amendment was **CARRIED**.

(b) Greenfield Sites

It was moved by Councillor G. Waugh, seconded by Councillor C. Wakeford –
That this Council recognises the need for further housing development with Pendle, however this development must be done sympathetically and within the keeping of Pendle's unique identity.

Pendle Borough Council owns several greenfield sites across the borough, most of which play an important part in local communities as open space. In recent months we have seen some of these areas come under threat from potential sell offs to developers.

This Council is particularly concerned about the sites at Gib Hill, Nelson and the parcels of land off Aspen Grove, Red Lion Street and Bailey Street in Earby. These sites have particular attributes that are more beneficial to the local community as open spaces than as potential development sites.

The Council therefore proposes to introduce a moratorium on the sale of these specific areas of land for a minimum of 10 years and definitely no sooner than 2026.

AMENDMENT

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

This Council recognises the need for further housing development with Pendle; however this development must be done sympathetically and within the keeping of Pendle's unique identity.

However, this Council believes that the number of houses required to be built in Pendle as a direct result of the planning policies imposed by the present Government are both unrealistic and harmful and therefore significantly too high.

This Council also notes the recent new Government Guidance on disposal of Local Authority Assets including land.

This Council notes that the overall numbers of new planning permissions required each year for the next 15 years in the Local Plan Core Strategy, together with the list of sites in the Strategic Housing Land Availability Assessment, were approved by the Council on a motion from the then Leader of the Council, Councillor J. Cooney, and supported by the Conservative group.

This Council notes that it does not currently possess a "five year supply of land" as defined for planning purposes, and that the removal of any sites from the SHLAA at this point would make it more difficult to defend refusals of planning permission for housing purposes at appeal.

This Council further notes that in general policy decisions it cannot bind its successors.

Upon being put to the vote the amendment was **CARRIED**.

DRAFT