



MEETING OF THE COUNCIL

TO BE HELD ON

THURSDAY 15th DECEMBER, 2016

AT 7.00 p.m.

IN THE COUNCIL CHAMBER AT NELSON TOWN HALL

Minutes of all meetings held since the last Council meeting can be accessed via the Council's website www.pendle.gov.uk followed by the "Council" tab.

Members are reminded that it is now not necessary to submit amendments in writing prior to the start of the meeting. Members are however urged wherever possible to continue to do this so that the effect of amendments can be fully understood.

For further information please contact **Jane Watson** on telephone **661648**.

PHILIP MOUSDALE, CORPORATE DIRECTOR



If you would like this information in a way which is better for you, please telephone us.



اگر آپ یہ معلومات کسی ایسی شکل میں چاہتے ہیں، جو کہ
آپ کے لئے زیادہ مفید ہو تو براہ مہربانی ہمیں بتائیوں کریں۔

AGENDA

1. Apologies
2. Minutes of Council

Enc. To approve as a correct record, or otherwise, the Minutes of the meeting held on 20th October, 2016.

3. Declarations of Interest

Members are reminded of the legal requirements concerning the declaration of interests.

A Member must declare a disclosable pecuniary interest which he/she has in any item on the agenda. A Member with a disclosable pecuniary interest in any item may not participate in any discussion of the matter at the meeting and must not participate in any vote taken on the matter at the meeting.

In addition the Council's Standing Orders require a Member with a disclosable pecuniary interest to leave the room where the meeting is held while any discussion or voting takes place.

4. Announcements from the Mayor and Leader of the Council (if any)
5. Questions on Notice from the Public to the Leader (if any)
6. 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 (if any)
7. Report by the Leader on the Executive's Work

Enc. A report of the Leader on the work of the Executive since the last Council meeting is attached.

8. Report by the Chairman of the Scrutiny Management Team

Enc. A report of the Chairman of the Scrutiny Management Team on recent overview and scrutiny activity is attached.

9. Recorded Votes

Members are reminded that in accordance with Rule 17 of the Procedure at Full Council all votes on budgets are to be recorded. This will include all motions and amendments on the next following items 10, 11 and 12.

10. Liberata – Extension of Contract and Related Matters

Enc. The attached report of the Strategic Director was considered by the Executive on 17th November, 2016 and the Council was recommended as follows:-

“(1)That the current contract with Liberata UK Ltd., be extended for a 10 year period from February, 2020 on the basis of the terms set out in the report.

(2)That delegated authority be granted to the Strategic Director to conclude the contract extension as outlined in the report in consultation with the Leader and Executive Member

for Finance.

(3) That the Council purchase the freehold interest of Number One Market Street, Nelson from Barnfield Investment Properties Ltd., for £3.300m in 2017/18.

(4) Subject to (3) above, it be agreed that the purchase be funded by borrowing and that this be reflected in the development of the Council's capital programme for 2017/18 (with the timing of such borrowing delegated to the Financial Services Manager).

(5) That subject to (1) and (3) above, it be agreed that Number One Market Street, Nelson be leased to Liberata on the basis of the terms outlined in the report."

The Council is asked to approve the recommendations.

11. Developing the Medium Term Capital Programme 2017/20

The Executive, on 8th December, 2016, will be asked to consider recommending to Council a supplementary capital estimate of £1.1m in 2016/17 to cover the loan advance to Pendle Leisure Trust funded by borrowing.

The recommendation from the Executive will be reported at the meeting.

12. Transfer of Parks and Recreation Grounds to Town and Parish Councils

Enc. A report of the Corporate Director is to be considered by the Executive on 8th December and any recommendations will be reported at the meeting.

13. Local Scheme of Council Tax Support 2017/18

Enc. To consider the attached report from the Financial Services Manager.

Appendix B can be accessed via the Council's website www.pendle.gov.uk and via the following link: <http://www.pendle.gov.uk/meetings/meeting/2258/council>

This report was considered by the Executive on 17th November, 2016 where it was resolved:

"(1) That the results of the recent public consultation exercise on possible changes to the Council's Local Scheme of Council Tax Support for 2017/18 be noted.

(2) That it be noted that two of the changes proposed from 1st April, 2017 are dependent on confirmation of Government policy decisions.

(3) Subject to (2) above the technical changes required to align the scheme with the administration of Housing Benefits be recommended to Council for approval.

(4) That subject to (3) above the proposed scheme of Local Council Tax Support at Appendix B attached to the report be recommended for approval by Council in December with an implementation date of 1st April, 2017.

(5) That Council be recommended to grant delegated authority to the Financial Services Manager, in consultation with the Executive member for Finance, to make any amendments to the Scheme resulting from the annual updating of the detailed regulations which underpin the primary legislation."

14. Corporate Governance

(a) Governance Working Group

Enc. Minutes of a meeting of the Corporate Governance Working Group held on 11th November, 2016 are submitted for information.

(b) Council Size and Frequency of Elections

Enc. To consider the attached report from the Corporate Director.

(c) Community Governance Review

Enc. To consider the attached report from the Corporate Director.

15. Appointment of External Auditor to the Council

Enc. To consider the attached report from the Financial Services Manager.

This report was considered by the Executive on 17th November, 2016 where it was resolved:

“That Council be recommended to opt in to the appointing person arrangements made by Public Sector Audit Appointments for the appointment of external auditors.”

16. Review of Political Balance – Allocation of Seats

Following the result of the recent by-election for the Reedley Ward a review of the allocation of seats has been carried out. The only potential change would be on the Taxi and Other Licensing Committee. Currently this has 8 seats with the figures for the Labour and Conservative groups rounded up to give them 3 and 2 seats respectively. The figure for the Conservative Group should also now be rounded up to give the Group 4 seats. The simple answer would be that the Committee now have 9 seats instead of 8 split 4:3:2.

RECOMMENDATION

That the Taxi and Other Licensing Committee be increased from 8 to 9 seats consisting of a membership of 4 Conservatives, 3 Labour and 2 Liberal Democrats.

17. Corporate Peer Challenge Review – Follow up Visit

Enc. To consider the attached report from the Strategic Director.

18. Notices of Motion

(a) Consistency of Education Authority Approach on New Dwelling Planning Applications

To be moved by Councillor K. Hartley, seconded by Councillor A. R. Greaves –

At the last Development Management Committee meeting it was highlighted that there is an irrational and inconsistent approach being taken by the Local Education Authority when applied to the seeking of an education contribution from developers as a condition of approval for new dwelling developments.

In Earby a recent development proposal was approved for 34 dwellings and with a primary yield of 7.3 primary places did not seek an education contribution despite it being centred in an area where all primary schools are operating at capacity, and with no planned expansion of primary school provision. In Kelbrook, a smaller development, which was refused (with a primary yield of 2 places) did ask for a contribution from the developers.

Within Colne brownfield development attract demands from the education authority whilst greenfield developments do not.

This Council therefore resolves to specifically prompt the Education Authority to adopt a consistent approach.

(b) Sustainability and Transformation Plan for Lancashire and South Cumbria

To be moved by Councillor A. R. Greaves, seconded by

Pendle Council notes the latest position on the NHS Sustainability and Transformation Plan for Lancashire and South Cumbria, and expresses its concern at the low level of public information about proposals and consequences for health and care services in East Lancashire.

(c) Flooding

To be moved by Councillor D. M. Whipp, seconded by

Council notes that almost 12 months since severe flooding on Boxing Day in Earby, and despite funding being agreed 11 months ago by the Environment Agency, no work has been done on the ground by the EA to reduce flood risk in the Earby catchment area; council also notes that the town was affected by further flooding in September and that this is an all too regular occurrence.

Council is greatly concerned at the slow implementation of flood alleviation work in Earby by the Environment Agency and the consequent continued heightened risk to homes and businesses in the area.

Council therefore resolves that;

1. The Strategic Director writes to relevant Government Ministers and the Member of Parliament for Pendle expressing the council's concern at the failure of the Environment Agency to carry out work on the ground and requesting a start on work without any further delay.
2. This authority supports calls for flood alleviation work to be carried out by councils, including borough council's like Pendle, and that our Member of Parliament is requested to support such a move.
3. Relevant agencies and councils are informed of this council's capability to oversee works of this nature and this authority's willingness to do so.

(d) Vote of No Confidence

To be moved by Councillor J. Cooney, seconded by Councillor P. White:

1. This Council has no confidence in the way the Leader, Councillor M. Iqbal, is leading the Council.

2. As a result the Leader, Councillor M. Iqbal, be removed from office with immediate effect.

(e) Urban Altitude, Colne/Nelson Fun Fair Site, Carr Road, Nelson

To be moved by Councillor J. Cooney and seconded by Councillor P. White:

Council resolves that it will not sell or enter into any negotiations for sale, the land at Pendle Leisure Centre which has been used by Urban Altitude, or the land which has been recently used for Nelson Funfair, for a period of at least twelve months from this date.