

**MINUTES OF THE SPECIAL BUDGET COUNCIL MEETING
HELD AT NELSON TOWN HALL
ON 26th FEBRUARY, 2019**

PRESENT –

His Worship the Mayor (Councillor J. K. Starkie – in the Chair)

Councillors

G. Adam	M. Iqbal
M. Adams	Y. Iqbal
Nadeem Ahmed	D. E. Lord
Nawaz Ahmed	N. T. McCollum
M. Ammer	P. A. McCormick
E. Ansar	N. McEvoy
Mohammed Arshad	N. McGowan
Musawar Arshad	A. Mahmood
W. Blackburn	B. Newman
N. Butterworth	J. A. Nixon
R. E. Carroll	S. Petty
J. Cooney	G. Roach
T. A. Cooney	M. Sakib
L. M. Crossley	K. E. Shore
V. A. Fletcher	C. Wakeford
M. S. Foxley	G. Waugh
P. J. Foxley	D. Whalley
M. Goulthorp	D. M. Whipp
A. R. Greaves	T. Whipp
K. Hartley	P. White
J. M. P. Henderson	S. Wicks
M. Horsfield	N Younis

(Apologies for absence were received from Councillors N. Ashraf, J. Purcell, C. Teall and K. Turner).



63. DECLARATIONS OF INTEREST

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

64. RECORDED VOTES

Members were reminded that in accordance with Rule 17 of the Procedure at Full Council all votes on budget issues would be recorded. This included all motions and amendments.

65. STANDING ORDERS

In accordance with normal practice Council suspended Standing Order 14.3 to allow Group Leaders to speak on minute numbers 68 and 69 for longer than 5 minutes.

66. COUNCILLOR JENNIFER PURCELL – LEAVE OF ABSENCE

It was moved by His Worship the Mayor Councillor J. K. Starkie, seconded by Councillor M. S. Foxley and –

RESOLVED

That Councillor Jennifer Purcell be granted leave of absence until 1st September, 2019.

67. ROBUSTNESS OF ESTIMATES 2019/20 AND ADEQUACY OF FINANCIAL RESERVES

The Chief Financial Officer submitted a report on the robustness of the Council's budget estimates for 2019/20 and the adequacy of financial reserves in accordance with Section 25 of the Local Government Act 2003.

The report pointed out, that the Council should have regard to the report when making decisions on the 2019/20 budget and the associated level of Council Tax. The Council was required to consider the report in order to acknowledge the risks and uncertainties faced by the Council and determine that adequate provision had been made for these, both as part of the budget estimates and also in determining the adequacy of reserves.

Statements from the Chief Financial Officer were set out in Appendix A to the report and was pointed out that these statements were predicated on Management Team's proposed budget which was presented elsewhere on the agenda. It was noted that should there be material changes to the proposed budget that impacted on the robustness of the estimates or the adequacy of reserves, it may be necessary for the Chief Financial Officer to amend these statements.

It was moved by Councillor P. White, seconded by Councillor Nadeem Ahmed and –

RESOLVED

That the Statements from the Chief Financial Officer, set out in Appendix A attached to the report be taken into account when determining the budget and level of Council Tax for 2019/20.

68. CAPITAL PROGRAMME AND STRATEGY FOR 2019/20 TO 2021/22

Council considered a report from Management Team on the proposed Capital Programme and Strategy for 2019/20 to 2021/22. Details of the Medium-Term Capital Programme for the same period, along with various prudential indicators were also submitted for consideration.

MOTION

It was moved by Councillor P. White, seconded by Councillor Nadeem Ahmed and –

RESOLVED UNANIMOUSLY

- (1) That the forecast out-turn position on the Council's Capital Programme for 2018/19, as shown in Appendix A and detailed in the report be noted.
- (2) That the Corporate Capital Strategy (Appendix B attached to the report) including the

flexible use of capital receipts strategy for 2019/20 be approved.

- (3) That the proposed Capital Programme for 2019/20, as shown in Appendix C attached to the report, be approved.
- (4) That delegated authority be granted to the Chief Financial Officer to determine the most appropriate method of financing the Capital Programme for 2019/20 to ensure the use of resources was optimised by the Council.
- (5) That the indicative programmes for 2020/21 and 2021/22, as shown in Appendix C attached to the report, be noted and it be acknowledged that these would be subject to further review as part of the development of future years capital programmes.
- (6) That an updated Asset Management Plan be developed, with a view to identifying surplus and under used assets for disposal and that a report on this matter be considered at a future meeting.
- (7) That the Prudential Indicators, as shown in Appendix D attached to the report, be approved.

In accordance with minute 64 above a recorded vote was taken on this issue.

Those Members voting in favour of the motion were Councillors:

G. Adam, M. Adams, Nadeem Ahmed, Nawaz Ahmed, M. Ammer, E. Ansar, Mohammed Arshad, Musawar Arshad, W. Blackburn, N. Butterworth, R. E. Carrol, J. Cooney, T. A. Cooney, L. M. Crossley, V. A. Fletcher, M. S. Foxley, P. J. Foxley, M. Goulthorp, A. R. Greaves, K. Hartley, J. M. P. Henderson, M. Horsfield, M. Iqbal, Y. Iqbal, D. E. Lord, N. T. McCollum, P. A. McCormick, N. McEvoy, N. McGowan, A. Mahmood, B. Newman, J. Nixon, S. Petty, G. Roach, M. Sakib, K. E. Shore, J. K. Starkie, C. Wakeford, G. Waugh, D. Whalley, D. M. Whipp, T. Whipp, P. White, S. Wicks and N. Younis.

69. GENERAL FUND REVENUE BUDGET 2019/20

Management Team submitted a report which asked Council to consider the proposed General Fund Revenue Budget for 2019/20; sought agreement on the level of Council Tax to be set for the 2019/20 financial year; and gave details of the Council's Medium Term Financial Plan for the period 2019/20 to 2021/22 to highlight the significant budget deficit, the increased uncertainty of the budget forecasts for 2019/20 and the need to take further action to reduce expenditure to a sustainable level.

MOTION

It was moved by Councillor P. White and seconded by Councillor C. Wakeford –

- (1) That the proposal to maintain the General Fund Minimum Working Balance at £1.0m for 2019/20 be approved.
- (2) That the Conservative Groups General Fund Revenue Budget for 2019/20, as set out in Appendix 1 to these Minutes, be approved.

- (3) That a grant of £1,208,020 be approved for Pendle Leisure Trust for 2019/20.
- (4) That it be agreed that a Band D Council Tax for the Borough Council for 2019/20 be set at £265.34 (an increase of £7.70 or 2.99% compared with 2018/19).

A copy of the motion was circulated at the meeting.

AMENDMENT

It was moved by Councillor M. Iqbal, seconded by Councillor W. Blackburn –

That the Labour Group's General Fund Revenue Budget for 2019/20, as set out in Appendix 2 to these Minutes, be approved.

A copy of the amendment was circulated at the meeting.

FURTHER AMENDMENT

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

That the Liberal Democrat Group's General Fund Revenue Budget for 2019/20, as set out in Appendix 3 to these Minutes, be approved.

A copy of the amendment was circulated at the meeting.



At this point His Worship the Mayor adjourned the meeting for a period of twenty minutes.

The meeting was reconvened at 8.40 p.m.



When the meeting reconvened His Worship the Mayor put forward the amendment from the Labour Group.

Upon being put to the vote the **amendment from the Labour Group** was **LOST**.

In accordance with minute 64 above a recorded vote was taken on this issue.

Those Members voting in favour of the amendment were Councillors:

G. Adam, M. Ammer, E. Ansar, Mohammed Arshad, W. Blackburn, J. M. P. Henderson, M. Iqbal, Y. Iqbal, A. Mahmood, M. Sakib, K. E. Shore, D. Whalley, S. Wicks and N. Younis.

Those Members voting against the amendment were Councillors:

M. Adams, Nadeem Ahmed, Nawaz Ahmed, Musawar Arshad, N. Butterworth, R. E. Carrol, J. Cooney, T. A. Cooney, L. M. Crossley, V. A. Fletcher, M. S. Foxley, P. J. Foxley, M. Goulthorp, A. R. Greaves, K. Hartley, M. Horsfield, D. E. Lord, N. T. McCollum, P. A. McCormick, N. McEvoy, N.

McGowan, B. Newman, J. Nixon, S. Petty, G. Roach, J. K. Starkie, C. Wakeford, G. Waugh, D. M. Whipp, T. Whipp and P. White.

14 in favour and 31 against.

Upon being put to the vote the **amendment from the Liberal Democrat Group** was **LOST**.

In accordance with minute 64 above a recorded vote was taken on this issue.

Those Members voting in favour of the amendment were Councillors:

Councillors M. Adams, A. R. Greaves, K. Hartley, D. E. Lord, B. Newman, G. Road, D. M. Whipp and T. Whipp.

Those Members voting against the amendment were Councillors:

G. Adam, Nadeem Ahmed, Nawaz Ahmed, M. Ammer, E. Ansar, Mohammed Arshad, Musawar Arshad, W. Blackburn, N. Butterworth, R. E. Carrol, J. Cooney, T. A. Cooney, L. M. Crossley, V. A. Fletcher, M. S. Foxley, P. J. Foxley, M. Goulthorp, J. M. P. Henderson, M. Horsfield, M. Iqbal, Y. Iqbal, N. T. McCollum, P. A. McCormick, N. McEvoy, N. McGowan, A. Mahmood, J. Nixon, S. Petty, M. Sakib, K. E. Shore, J. K. Starkie, C. Wakeford, G. Waugh, D. Whalley, P. White, S. Wicks and N. Younis.

8 in favour and 37 against.

FURTHER AMENDMENT

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

That the proposal to increase **cemetery fees** not be agreed.

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

In accordance with minute 64 above a recorded vote was taken on this issue.

Those Members voting in favour of the amendment were Councillors:

G. Adam, M. Ammer, E. Ansar, Mohammed Arshad, W. Blackburn, J. M. P. Henderson, M. Iqbal, Y. Iqbal, A. Mahmood, M. Sakib, K. E. Shore, D. Whalley, S. Wicks and N. Younis.

Those Members voting against the amendment were Councillors:

Nadeem Ahmed, Nawaz Ahmed, Musawar Arshad, N. Butterworth, R. E. Carroll, J. Cooney, T. A. Cooney, L. M. Crossley, V. A. Fletcher, M. S. Foxley, P. J. Foxley, M. Goulthorp, M. Horsfield, N. T. McCollum, P. A. McCormick, N. McEvoy, N. McGowan, J. Nixon, S. Petty, J. K. Starkie, C. Wakeford, G. Waugh and P. White.

Those Members who abstained from voting were Councillors:

M. Adams, A. R. Greaves, K. Hartley, D. E. Lord, B. Newman, G. Roach, D. M. Whipp and T. Whipp.

14 in favour, 23 against and 8 abstained.

FURTHER AMENDMENT

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

That the proposed reduction in the operating hours of the **ACE Centre** not be agreed and the Brexit funding of £35k be used to maintain the existing opening hours.

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

In accordance with minute 64 above a recorded vote was taken on this issue.

Those Members voting in favour of the amendment were Councillors:

G. Adam, M. Ammer, E. Ansar, Mohammed Arshad, W. Blackburn, J. M. P. Henderson, M. Iqbal, Y. Iqbal, A. Mahmood, M. Sakib, K. E. Shore, D. Whalley, S. Wicks and N. Younis.

Those Members voting against the amendment were Councillors:

M. Adams, Nadeem Ahmed, Nawaz Ahmed, Musawar Arshad, N. Butterworth, R. E. Carrol, J. Cooney, T. A. Cooney, L. M. Crossley, V. A. Fletcher, M. S. Foxley, P. J. Foxley, M. Goulthorp, A. R. Greaves, K. Hartley, M. Horsfield, D. E. Lord, N. T. McCollum, P. A. McCormick, N. McEvoy, N. McGowan, B. Newman, J. Nixon, S. Petty, G. Roach J. K. Starkie, C. Wakeford, G. Waugh, D. M. Whipp, T. Whipp and P. White.

14 in favour and 31 against.

FURTHER AMENDMENT

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

That the **cessation of the collection of garden waste** between December and February not be agreed.

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

In accordance with minute 64 above a recorded vote was taken on this issue.

Those Members voting in favour of the amendment were Councillors:

G. Adam, M. Adams, M. Ammer, E. Ansar, Mohammed Arshad, W. Blackburn, A. R. Greaves, K. Hartley, J. M. P. Henderson, M. Iqbal, Y. Iqbal, D. E. Lord, A. Mahmood, B. Newman, G. Roach, M. Sakib, K. E. Shore, D. Whalley, D. M. Whipp, T. Whipp, S. Wicks and N. Younis.

Those Members voting against the amendment were Councillors:

Nadeem Ahmed, Nawaz Ahmed, Musawar Arshad, N. Butterworth, R. E. Carroll, J. Cooney, T. A. Cooney, L. M. Crossley, V. A. Fletcher, M. S. Foxley, P. J. Foxley, M. Goulthorp, M. Horsfield, N.

T. McCollum, P. A. McCormick, N. McEvoy, N. McGowan, J. Nixon, S. Petty, J. K. Starkie, C. Wakeford, G. Waugh and P. White.

22 in favour and 23 against.

FURTHER AMENDMENT

It was moved by Councillor M. Iqbal, seconded by Councillor W. Blackburn –

That a budget growth for **tackling health inequalities** be agreed.

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

In accordance with minute 64 above a recorded vote was taken on this issue.

Those Members voting in favour of the amendment were Councillors:

G. Adam, M. Ammer, E. Ansar, Mohammed Arshad, W. Blackburn, J. M. P. Henderson, M. Iqbal, Y. Iqbal, A. Mahmood, M. Sakib, K. E. Shore, D. Whalley, S. Wicks and N. Younis.

Those Members voting against the amendment were Councillors:

M. Adams, Nadeem Ahmed, Nawaz Ahmed, Musawar Arshad, N. Butterworth, R. E. Carrol, J. Cooney, T. A. Cooney, L. M. Crossley, V. A. Fletcher, M. S. Foxley, P. J. Foxley, M. Goulthorp, A. R. Greaves, K. Hartley, M. Horsfield, D.E. Lord, N. T. McCollum, P. A. McCormick, N. McEvoy, N. McGowan, B. Newman, J. Nixon, S. Petty, G. Roach, J. K. Starkie, C. Wakeford, G. Waugh, D. M. Whipp, T. Whipp and P. White.

14 in favour and 31 against.

No further amendments were moved and the Mayor put forward the motion from the Conservative Group.

The motion was **CARRIED** and it was –

RESOLVED

- (1) That the proposal to maintain the General Fund Minimum Working Balance at £1.0m for 2019/20 be approved.
- (2) That the Conservative Groups General Fund Revenue Budget for 2019/20, as set out in Appendix 1 to these Minutes, be approved.
- (3) That a grant of £1,208,020 be approved for Pendle Leisure Trust for 2019/20.
- (4) That it be agreed that a Band D Council Tax for the Borough Council for 2019/20 be set at £265.34 (an increase of £7.70 or 2.99% compared with 2018/19).

In accordance with minute 64 above a recorded vote was taken on this item.

Those Members voting in favour of the motion were Councillors:

Nadeem Ahmed, Nawaz Ahmed, Musawar Arshad, N. Butterworth, R. E. Carrol, J. Cooney, T. A. Cooney, L. M. Crossley, V.A. Fletcher, M. S. Foxley, P. J. Foxley, M. Goulthorp, M. Horsfield, N. T. McCollum, P. A. McCormick, N. McEvoy, N. McGowan, J. Nixon, S. Petty, J. K. Starkie, C. Wakeford, G. Waugh and P. White.

Those Members voting against the motion were Councillors:

G. Adam, M. Adams, M. Ammer, E. Ansar, Mohammed Arshad, W. Blackburn, A. R. Greaves, K. Hartley, J. M. P. Henderson, M. Iqbal, Y. Iqbal, D. E. Lord, A. Mahmood, B. Newman, G. Roach, M. Sakib, K. E. Shore, D. Whalley, D. M. Whipp, T. Whipp, S. Wicks and N. Younis.

23 in favour and 22 against.

70. SETTING OF THE COUNCIL TAX 2019/20

MOTION

It was moved by Councillor P. White, seconded by Councillor Nadeem Ahmed –

That the Council Tax calculations 2019/20 and the Council Declaration set out in Appendix 4 to these Minutes be approved.

Upon being put to the vote the motion was **LOST**.

In accordance with minute 64 above a recorded vote was taken on this item.

Those Members voting in favour of the motion were –

Councillors Nadeem Ahmed, Nawaz Ahmed, Musawar Arshad, N. Butterworth, R. E. Carrol, J. Cooney, T. A. Cooney, L. M. Crossley, M. S. Foxley, P. J. Foxley, M. Goulthorp, M. Horsfield, N. T. McCollum, P. A. McCormick, N. McEvoy, N. McGowan, J. Nixon, S. Petty, J. K. Starkie, C. Wakeford, G. Waugh and P. White.

Those Members voting against the motion were –

Councillors G. Adam, M. Adams, M. Ammer, E. Ansar, Mohammed Arshad, W. Blackburn, V. A. Fletcher, A. R. Greaves, K. Hartley, J. M. P. Henderson, M. Iqbal, Y. Iqbal, D. E. Lord, A. Mahmood, B. Newman, G. Roach, M. Sakib, K. E. Shore, D. Whalley, D. M. Whipp, T. Whipp, S. Wicks and N. Younis.

22 in favour and 23 against.



At this point His Worship the Mayor adjourned the meeting to allow discussions to take place on the implications of the failure to set the Council Tax for 2019/20.

The meeting reconvened at 9.40 p.m.

The Mayor reported that he had been advised by the Chief Executive and the Monitoring Officer that the Council was under a clear legal duty to set a Council Tax for 2019/20 and that this was the last scheduled meeting at which it could do so in time to comply with that duty.

It was moved by Councillor P. White and seconded by Councillor Nadeem Ahmed that Standing Order 16.2 be waived to allow the previously rejected motion to be moved again.

RESOLVED UNANIMOUSLY

That Standing Order 16.2 be suspended to allow the previously rejected motion to be moved again.



Upon being put to the vote the motion was **CARRIED** and it was –

RESOLVED

That the Council Tax calculations 2019/20 and the Council Declaration set out in Appendix 4 to these Minutes be approved.

In accordance with Minute 64 above a recorded vote was taken on this item.

Those Members voting in favour of the motion were –

Councillors Nadeem Ahmed, Nawaz Ahmed, Musawar Arshad, N. Butterworth, R. E. Carroll, J. Cooney, T. A. Cooney, L. M. Crossley, M. S. Foxley, P. J. Foxley, M. Goulthorp, M. Horsfield, N. T. McCollum, P. A. McCormick, N. McEvoy, N. McGowan, J. Nixon, S. Petty, J. K. Starkie, C. Wakeford, G. Waugh and P. White.

Those Members voting against the motion were –

Councillors G. Adam, M. Adams, M. Ammer, E. Ansar, Mohammed Arshad, W. Blackburn, A. R. Greaves, K. Hartley, J. M. P. Henderson, M. Iqbal, Y. Iqbal, D. E. Lord, A. Mahmood, B. Newman, G. Roach, M. Sakib, K. E. Shore, D. Whalley, D. M. Whipp, T. Whipp, S. Wicks and N. Younis.

22 in favour and 22 against.

His Worship the Mayor used his casting vote in favour of the motion and therefore the results were 23 in in favour and 22 against.

72. COUNCIL TAX SUPPORT SCHEME 2019/20

The Chief Financial Officer submitted a report on the Council's Council Tax Support Scheme for 2019/20. There had been no changes made to the Scheme, however, the document had been updated to reflect changes as cited in the Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendments) Regulations 2018.

The Council was required to approve its local schemes of support annually and no later than 11th March for the following financial year.

It was moved by Councillor P. White, seconded by Councillor Nadeem Ahmed and –

RESOLVED

That the updated Council Tax Support Scheme for 2019/20, as attached to the report at Appendix A, be approved.

73. TRAWDEN FOREST NEIGHBOURHOOD PLAN

The Planning, Building Control and Licensing Services Manager submitted a report on the outcome of the Referendum on the Trawden Forest Neighbourhood Plan.

A total of 709 votes (from an electorate of 2,127) had been cast at the Referendum which had been in held in November, 2018. For the plan to be made (adopted) a simple majority vote in favour of the plan was required. The result of the votes cast was:

Number cast in favour of YES	668	(94%)
Number cast in favour of No	41	(6%)

It was moved by Councillor P. White, seconded by Councillor M. S. Foxley and –

RESOLVED

- (1) That the Trawden Neighbourhood Plan be made (adopted).
- (2) That the Council's Decision Statement on the Trawden Neighbourhood Plan be publicised.

74. CHARGING FOR FOOD EXPORT CERTIFICATES

At a meeting of the Policy and Resources Committee on 18th December, 2019 it was resolved that Council be recommended to:

- “(1) Agree to the introduction of charges for issuing a food export certificate to allow food manufacturers to export their products to non EU countries.
- (2) Agree for the cost recovery charge of £80.00 to be set with effect from 1st April, 2019.”

The report considered by the Committee was submitted for information.

It was moved by Councillor P. White, seconded by Councillor Nadeem Ahmed and –

RESOLVED UNANIMOUSLY

- (1) That the introduction of charges for issuing a food export certificate to allow food manufacturers to export their products to non EU countries be approved.
- (2) That the cost recovery charge of £80.00 be set with effect from 1st April, 2019.

In accordance with minute 64 above a recorded vote was taken on this issue.

Those Members who voting in favour of the motion were Councillors:

G. Adam, M. Adams, Nadeem Ahmed, Nawaz Ahmed, M. Ammer, E. Ansar, Mohammed Arshad, Musawar Arshad, W. Blackburn, R. E. Carroll, J. Cooney, T. A. Cooney, L. M. Crossley, M. S. Foxley, P. J. Foxley, M. Goulthorp, A. R. Greaves, K. Hartley, J. M. P. Henderson, M. Horsfield, M. Iqbal, Y. Iqbal, D. E. Lord, N. T. McCollum, P. A. McCormick, N. McEvoy, A. Mahmood, B. Newman, J. Nixon, K. E. Shore, J. K. Starkie, C. Wakeford, G. Waugh, D. Whalley, D. M. Whipp, P. White, S. Wicks and N. Younis.

75. EMPTY HOMES PREMIUM POLICY

At a meeting of the Policy and Resources Committee on 12th February, 2019 it was resolved “that Council be recommended to approve the Council Tax Empty Property Premium Policy Guidelines, attached to the report at Appendix A.”

The report considered by the Committee was submitted for information.

It was moved by Councillor P. White, seconded by Councillor D. M. Whipp and –

RESOLVED

That the Council Tax Empty Property Premium Policy Guidelines, attached to the report at Appendix A be approved.

76. TENDER RE: VEHICLE PROCUREMENT

It was reported that on 18th September, 2018 the Policy and Resources Committee approved the commencement of a procurement exercise for the replacement of all of the Council’s 47 vehicles, including the refuse collection fleet.

The exercise was being undertaken by way of a competition based on the Yorkshire Purchasing Organisation Framework.

Tenders had been invited for both outright purchase of the vehicles by the Council and contract hire, with a full maintenance package. The deadline for tenders was 12 noon on 21st February, 2019.

A detailed technical evaluation would be carried out by a panel comprising the Corporate Director, Chief Financial Officer, Environmental Services Manager and the Council’s Procurement Advisor. This evaluation would cover both price and quality.

It was moved by Councillor P. White, seconded by Councillor Nadeem Ahmed and –

RESOLVED

- (1) That the Chief Executive, in consultation with the three Group Leaders, be authorised to accept a tender for the replacement of all of the Council’s 47 vehicles, including the refuse collection fleet.
- (2) That a detailed report on the successful tender be submitted to the Policy and Resources Committee on 19th March, 2019.

His Worship the Mayor _____

APPENDICES

- Appendix 1 – Conservative Group's Budget 2019/20
- Appendix 2 – Labour Group's Budget 2019/20
- Appendix 3 – Liberal Democrat Group's Budget 2019/20
- Appendix 4 – 2019/20 Council Tax Resolution
- Appendix 5 – Leader's Budget Speech