

**MINUTES OF THE COUNCIL MEETING  
HELD AT NELSON TOWN HALL  
ON 17<sup>th</sup> DECEMBER, 2019**

**PRESENT –**

*His Worship the Mayor Councillor K. Hartley (in the Chair)*

**Councillors**

G. Adam  
M. Adams  
Z. Ali  
M. Ammer  
E. Ansar  
Mohammed Arshad  
N. H. Ashraf  
M. Aslam  
N. Butterworth  
R. E. Carroll  
C. Carter  
D. Clegg  
S. E. Cockburn-Price  
T. A. Cooney  
L. M. Crossley  
V. A. Fletcher  
M. S. Foxley  
P. J. Foxley  
M. Goulthorp  
T. Greaves

M. Hanif  
M. Iqbal  
Y. Iqbal  
C. Lioni  
D. E. Lord  
N. T. McCollum  
N. McGowan  
J. M. Mills  
B. Newman  
J. A. Nixon  
M. Sakib  
Q. Shazad  
K.E. Shore  
Y. M. Tennant  
K. Turner  
G. Waugh  
D M. Whipp  
T. Whipp  
S. Wicks

*(Apologies for absence were received from Councillors N. Ahmed, Musawar Arshad, J. M. P. Henderson, N. McEvoy, A. Mahmood, A. Mann, S. Petty, J. Purcell and C. Wakeford).*



**41. DECLARATIONS OF INTEREST**

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

**42. MINUTES**

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

**RESOLVED**

That the Minutes of the Council meeting held on 26<sup>th</sup> September, 2019 be approved as a correct record and signed by the Mayor.

**43. 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 in relation to minute number 53.

#### **44. ANNOUNCEMENTS FROM THE MAYOR AND LEADER OF THE COUNCIL**

The Mayor extended his congratulations to Andrew Stephenson on his re-election as the MP for Pendle and Councillor Wakeford's election as MP for Bury South. He also extended his thanks to the officers and staff of the Council for all their hard work in preparing for the running of the additional, impromptu election, in addition to their normal duties at a traditionally very demanding time of year.

The second round of the Mayor's Commendation Awards was planned for 20<sup>th</sup> February and Councillors were invited to submit nominations of worthy candidates in their wards. Details could be found on the Council's website.

Volunteers were required for a tombola and charity collection activity at the Asda store in Colne on 23<sup>rd</sup> December. This was in support of the Mayoresses Charity fund.

On 7<sup>th</sup> February there was to be a showcase theatre production of Pendle at the Proms at Colne Municipal Hall. This was also to support the Mayoresses Charity fund.

The Mayor invited all Councillors into the Members Room after the meeting for traditional Christmas refreshments.

#### **45. QUESTIONS ON NOTICE FROM THE PUBLIC TO THE LEADER**

Andrew Hubbard, a resident from Nelson, asked the Leader if the demolition of the Walton Lane Cemetery Lodge was to go ahead, what did he feel would be achieved in terms of new grave plots, as this seemed to be a short term fix to a much bigger problem ahead in terms of capacity.

The Leader said that if the Council was minded to demolish the Lodge this could not be done without permission from the Secretary of State. He felt that members of the public had been misled with the false news that the Council had already made a decision to demolish the Lodge. He reiterated that this was outside the Council's hands. With regards to the additional burial plots the Leader said he was unable to quantify the income to the Council as work had not been done to establish this. He concluded by saying that whether people chose to be buried or cremated it was the responsibility of the Council to plan in advance to provide space for people to be buried across the Borough.

Steve Moore, a resident from Nelson, asked the Leader if some of the recently secured Pendle Regeneration money could be used to renovate the Walton Lane Cemetery Lodge which would then generate further, much needed income for the Borough in either sale or rent as a residential property or a commercial or community enterprise.

The Leader said that whilst many residents had been written to by the MP for Pendle with a lure of £25m for Nelson not a single penny of this money had been received by the Council but he looked forward to this promise being fulfilled. In the absence of this money he said he was unable to commit any monies from the Council's severely depleted funds for renovation of the Lodge. He acknowledged that only Nelson had been promised this money whilst Colne and Barnoldswick had also put forward excellent bids but they didn't make it through the first round.

Barbara Moore, a resident from Nelson, referred to the demolition of the Walton Lane Cemetery Lodge and asked the Leader what investigations had been done to see if demolishing the Lodge would contravene curtilage laws as she understood the gates and chapel were listed buildings. She also presented a petition opposing to the demolition of the Lodge.

Council (17.12.2019)

The Leader said at this stage no investigations had been undertaken by officers as the Council was not even in a position, if minded to expand the cemetery, which had been mentioned earlier. He apologised on behalf of the Council if residents of Pendle had been misled about the demolition of the Lodge.

**46. 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 K. Turner asked the Leader if he recalled at the July Council meeting he assured that the transfer of Barrowford Memorial Park and Heritage Centre would be completed by 1<sup>st</sup> September. At the September Council meeting you stated within 2/3 weeks and now at 17<sup>th</sup> December still unresolved. Is this indicative of your promises and actions?

In response the Leader said that the new lease had now been agreed with Pendle Heritage Centre and the transfer of the park and the Heritage Centre to Barrowford Parish Council would be completed shortly and he congratulated the Corporate Director on taking the lead to resolve this matter.

Following a supplementary question the Leader confirmed that nearly all of the 23 points on the Labour/Liberal Democrat plan had been fulfilled. He also acknowledged the recent transfer of Alkincoats Park to Colne Town Council.

Councillor K. Turner asked the Leader if he recalled in July and again in September discussions at Council meetings on environment we collectively agreed this Council becoming environmentally considerate. He asked that this Council requests Lancashire County Council consideration to request of all transport companies that when any form of public transport becomes blocked or unable to serve all tickets, passes and returns could be used on all other forms of public transport, to the ticket destination, thereby facilitating encouragement for use of public transport?

The Leader agreed with Councillor Turner.

Councillor K. Turner said the dangerous condition of the M65 between junctions 11 and 14 had again been brought to his attention. During heavy rainfall the road was turned into a swimming pool developing land reduction and potential of serious incident by aquaplaning vehicles colliding with consequence of damage. In fact, an incident fortunately with, he believed, light damage, occurred on Wednesday 11<sup>th</sup> December. He said he hoped this was not a prelude to further events.

This particular section had been reported on a number of occasions and especially since road resurfacing had been effected, it seemed it was still unable to resolve the issue. Councillor Turner asked the Leader if as a collection, the Council undertake to request of Lancashire County Council and the Highways Agency take urgent action before a horrendous incident with consequential results.

The Leader said this issue had been raised with the County Council since 2015 and confirmed that another letter had been sent to the Cabinet Member for Highways only yesterday. He added that the drains were cleared every three months and that the problem was not related to surface water.

Councillor A. R. Greaves asked the Leader in consideration of the potential provision by the Government of funding for Nelson from the Town Deal scheme and the Future High Streets fund of up to £50 million, what further proposals did he recommend to the Council in relation to investment in and promotion of the town centres in Colne, Barnoldswick, Brierfield and Earby.

In response the Leader said Nelson had been within one of the first one hundred towns allocated Town Deal funding. However, it was important to note that the funding had not yet been received. Officers were now preparing an investment plan as part of the second stage of the bid. Further information from the Government was required on how this funding was to be released.

In response to supplementary questions regarding the lack of funding for other areas of the Borough the Leader referred to the bids submitted by Colne and Barnoldswick which, unfortunately had not been successful. He also referred to the £8m cuts the Government had imposed on the Council since 2010. He added that he would lobby wherever possible to find additional funding for other areas of the Borough.

Councillor A. R. Greaves asked the Leader if he knew if the outstanding rent payable by Live Lounge Bars Ltd., in respect of the use of the Lesser Municipal Hall had been paid.

The Leader said he did not know and that this was an issue for the Pendle Leisure Trust.

In a supplementary question Councillor Greaves asked the Leader if he was aware that the lease had been terminated because the rent had not been paid. The Leader said he did not know and therefore could not confirm this.

Councillor A. R. Greaves asked the Leader did he know of any outstanding bills that were due for payment by Live Lounge Bars Ltd., that had been submitted to Pendle Leisure Trust since the Lesser Municipal Hall had been vacated by that company and what action was being taken to ensure that these costs were paid by them.

The Leader said he was not aware of the situation but would write to the Chief Executive of the Pendle Leisure Trust to find out and circulate the response to all Members. In response to a supplementary question the Leader agreed that if any of the grant allocated to the Pendle Leisure Trust from the Council was used to write off bad debts this would be a concern for the Council.

Councillor A. R. Greaves asked the Leader if he knew what costs had been incurred by the Pendle Leisure Trust in relation to the redecoration of the Lesser Municipal Hall and any other matters since it was vacated by Live Lounge Bars Ltd., and whether action was being taken so that the company redeemed those costs.

The Leader said he was not aware of any costs incurred at this stage. In response to supplementary questions from the Leader said that concerns over the use of the Lesser Municipal Hall and the non-payment of rent by Live Lounge Bars Ltd., (run by the then Leader of the Council) had been raised at a previous Council meeting and satisfactory answers had not been given.

Councillor A. R. Greaves asked the Leader what contacts had been made with Pendle Council in the past year by the Government or Transport for the North, or by consultants working on their behalf or on behalf of Transport for the North, in connection with the provision of a "Colne and Villages By-Pass" from the M65 to the A59 in the direction of Skipton.

The Leader said he was not aware the Council had been invited to attend any meetings of the Working Group to discuss the East/West Connectivity or to provide evidence. He was aware that the County Council had been involved but Pendle had not been invited to any meetings. He acknowledged that the Council had campaigned for some time for the introduction of a villages by-pass and was therefore in a position to provide evidence to justify the project.

**47. REPORT BY THE LEADER ON THE WORK OF THE  
POLICY AND RESOURCES COMMITTEE**

The Leader submitted, for information, a report on the work of the Policy and Resources Committee since the last meeting.

The Leader answered a number of questions in relation to Elliott House, Pendle Sculpture Trail, transfer of services and facilities to Town and Parish Councils, Japanese Knotweed, Office 265 and the Lancashire Healthy Weight Programme.

**48. POST OF CHIEF FINANCIAL OFFICER AND S151 OFFICER**

The Corporate Director submitted a report on the position of the statutory Section 151 Officer.

The Chief Financial Officer was currently also the Section 151 Officer but she had recently tendered her resignation and would leave the Council on 31<sup>st</sup> March, 2020.

Following discussions with Group Leaders it was proposed to combine the roles of Chief Executive and Section 151 Officer. This would be for a temporary period of 12 months. North West Employers had advised that it was reasonable to offer an honorarium rather than increase the salary.

As this would impact on the capacity of the Chief Executive it was also proposed that the Corporate Director would work 4 days a week rather than 3. The Accountancy Manager would become the Deputy Section 151 Officer and be offered support/training to develop his role. He would also become a member of Management Team.

Additional capacity would be required in the Accountancy Team and this would be funded from the saving on not filling the existing Chief Financial Officer post.

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

**RESOLVED UNANIMOUSLY**

- (1) That with effect from 1<sup>st</sup> January, 2020 the Chief Executive be appointed as the Section 151 Officer.
- (2) That the appointment be reviewed in 12 months' time.
- (3) That the payment of an honorarium of £6,000 for taking on this additional responsibility be approved.
- (4) That the other changes in senior management referred to in the report be noted.

**49. COUNCIL TAX BASE 2020/21**

The Chief Financial Officer submitted a report which sought approval of the council tax base for 2020/21 (including the tax base for each part of the area to which parish precepts related).

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

**RESOLVED UNANIMOUSLY**

- (1) That in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012 agree that the amount calculated by the Borough of Pendle as its Council tax base for the year 2020/21 shall be 24,257.6.
- (2) That the tax base for parished areas be agreed as:

<b>Parish Area</b>	<b>Tax Base at 96.0% Collection</b>
Barley	132.6
Barnoldswick	3,022.7
Barrowford	2,126.8
Blacko	303.8
Bracewell and Brogden	124.9
Brierfield	2,058.0
Colne	4,681.7
Earby	1,254.0
Foulridge	583.4
Goldshaw Booth	112.7
Higham	353.9
Kelbrook and Sough	347.1
Laneshaw Bridge	312.3
Nelson	6,097.8
Old Laund Booth	650.5
Reedley Hallows	724.7
Roughlee	158.1
Salterforth	313.2
Trawden Forest	899.4
<b>TOTAL</b>	<b>24,257.6</b>

- (3) That the Class C discount be retained for 2020/21 on the same basis as it has operated in the current year.

**50. ELECTORAL REVIEW AND REVIEW OF POLLING PLACES  
AND POLLING DISTRICTS**

As a result of the General Election and Central Government purdah the Local Government Boundary Commission's final recommendations on new wards had been delayed from 3<sup>rd</sup> to 17<sup>th</sup> December. Details of the new wards were circulated at the meeting.

At the September Council meeting it was noted that the Council was required to undertake a review of polling places and polling districts to become effective from the end of January, 2020. A public consultation exercise had been undertaken but it had not been possible to complete the review because of the delayed publication of the new wards. Council was recommended to grant delegated authority to the all-party Governance Working Group to approve the completed review.

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

**RESOLVED UNANIMOUSLY**

That delegated authority be granted to the all-party Governance Working Group to approve the completed review.

**51. BARROWFORD NEIGHBOURHOOD PLAN**

The Planning, Economic Development and Regulatory Services Manager submitted a report on the outcome of the Referendum on the Barrowford Neighbourhood Plan.

The Referendum was held on 14<sup>th</sup> November with a total of 903 votes cast from an electorate of 4,702. A simple majority vote in favour of the plan was required and 80.6% voted in favour of the plan.

It was moved by Councillor M. Iqbal, seconded by Councillor K. Turner and –

**RESOLVED**

- (1) That the Barrowford Neighbourhood Plan be adopted.
- (2) That the Council's Decision Statement be published for a 6 week period in accordance with Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 as amended.

**52. SCRUTINY WORKING GROUP ON DRUG PROBLEMS IN PENDLE**

Notes of a meeting of the Scrutiny Working Group on Drug Problems in Pendle were submitted for consideration. There were four recommendations for Council to consider.

It was moved by Councillor B. Newman, seconded by Councillor N. Butterworth and –

**RESOLVED**

- (1) That Pendle Council already plays a key role in delivering actions to deal with the problems of drug taking and drug dealing in Pendle with its representation on the Pendle Community Safety Partnership.
- (2) That proposals for additional measures would risk duplication of work, waste already stretched resources and would therefore be counterproductive.
- (3) That Council acknowledge and support the ongoing collaborative work of the various agencies in dealing with this problem.
- (4) That in consultation with the police, the Council be proactive in publicising how best to report crime.

**53. DISABLED FACILITIES GRANTS**

At a meeting of the Policy and Resources Committee on 21<sup>st</sup> November, 2019 it was resolved "that Council be recommended to approve a £25,000 discretionary grant from within the existing DFG fund

Council (17.12.2019)

for the remainder of the current financial year to provide additional funding for mandatory grants over £30,000.”

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

## **RESOLVED**

That a discretionary fund of £25,000 be allocated from within existing DFG fund for the remainder of the current financial year to provide additional funding for mandatory grants over £30,000.

*In accordance with Minute 43 above a recorded vote was taken on this issue.*

*Those Members voting in favour of the Motion were Councillors:*

*G. Adam, M. Adams, Z. Ali, M. Ammer, E. Ansar, Mohammed Arshad, N. H. Ashraf, M. Aslam, N. Butterworth, R. E. Carroll, C. Carter, D. Clegg, S. E. Cockburn-Price, L. M. Crossley, V. A. Fletcher, M. S. Foxley, P. J. Foxley, M. Goulthorp, A. R. Greaves, M. Hanif, K. Hartley, M. Iqbal, Y. Iqbal, C. Lioni, D. E. Lord, N. T. McCollum, N. McGowan, J. M. Mills, B. Newman, J. A. Nixon, M. Sakib, Q. Shazad, K. E. Shore, Y. M. Tennant, K. Turner, G. Waugh, D. M. Whipp, T. Whipp and S. Wicks.*

**54.**

## **NOTICES OF MOTION**

### **(a) Fireworks**

It was moved by Councillor S. E. Cockburn-Price and seconded by Councillor M. S. Foxley –

This Council resolves:

- To require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people;
- To actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks;
- To write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90db for those sold to the public for private displays;
- To encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display.

## **AMENDMENT**

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

That Council resolves:

- To write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90db for those sold to the public for private displays.
- That a report be submitted to the Policy and Resources Committee in February and to include information regarding the requirement of all public firework displays within the local authority boundaries to be advertised in advance of an event; to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people (including the



Council (17.12.2019)

precautions that could be taken to mitigate risks; and options to encourage local suppliers of fireworks to stock 'quieter' fireworks for public display.

Upon being put to the vote the amendment was **CARRIED UNANIMOUSLY** and –

**RESOLVED**

That Council resolves:

- To write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90db for those sold to the public for private displays.
- That a report be submitted to the Policy and Resources Committee in February and to include further relevant information including information regarding the requirement of all public firework displays within the local authority boundaries to be advertised in advance of an event; to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people (including the precautions that could be taken to mitigate risks; and options to encourage local suppliers of fireworks to stock 'quieter' fireworks for public display.

**(b) Pendle's Member of Parliament**

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

Council notes the result of the Pendle Parliamentary election and resolves to request a meeting as soon as possible with Pendle's Member of Parliament to discuss the urgent issues facing residents of the Borough and how the MP and Pendle Council could take effective action together to address these problems.

**RESOLVED**

Accordingly.

**(c) Pennine Lancashire Unitary Authority**

It was moved by Councillor T. Whipp and seconded by Councillor B. Newman –

Council notes the proposal for a Pennine Lancashire Unitary Authority put forward by Blackburn with Darwen Unitary Authority and the alternative put forward by the Leader of Lancashire County Council requesting that any unitary proposals cover the whole of the county council's area.

Council reaffirms its opposition to the creation of any such massive and remote structures; believing that local issues are best determined at a local level and that the government has far more urgent issues than shuffling the deckchairs and instructs the Chief Executive to write accordingly to the relevant government minister.

**RESOLVED**

Accordingly.

His Worship the Mayor \_\_\_\_\_