

**MINUTES OF THE FULL COUNCIL MEETING
HELD AT NELSON TOWN HALL
ON 9th DECEMBER, 2021**

PRESENT –

His Worship the Mayor (Councillor N. Butterworth – in the Chair)

Councillors

*M. Adams
M. Adnan
F. Ahmad
N. Ahmed
D. Albin
Z. Ali
R. Anwar
N. Ashraf
M. Aslam
R. Carroll
D. Cockburn-Price
S. Cockburn-Price
D. Harrison
M. Hanif*

*K. Howarth
M. Iqbal
Y. Iqbal
C. Lioni
D. Lord
K. McGladdery
N. McGowan
A. Mahmood
B. Newman
J. Purcell
M. Sakib
A. Sutcliffe
D. Whipp
T. Whipp*

(Apologies for absence were received from Councillors E. Ansar, L. Crossley, M. Goulthorp and D. Lockwood).

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40. DECLARATIONS OF INTEREST

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

41. 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.

42. MINUTES

It was moved by Councillor N. Ahmed, seconded by Councillor S. Cockburn-Price and –

RESOLVED

That the Minutes of the Council meeting held on 30th September, 2021 be agreed as a correct record and signed by His Worship the Mayor.

43. ANNOUNCEMENTS FROM THE MAYOR AND LEADER OF THE COUNCIL

The Leader said that the Council had been awarded £200k from the Brownfield Regeneration Fund for the Bradley Ward in Nelson.

He also referred to meetings which had been held regarding the proposed County Deal both at local level and at district level. Discussions were ongoing and further meetings were planned. A presentation would also be given to all Members in the New Year.

44. QUESTIONS ON NOTICE FROM THE PUBLIC TO THE LEADER

Emma Hartley, a resident of Colne, asked the Leader how he could possibly face the people who voted for his party on the basis that he was going to protect greenfields when he was proposing to delay adopting a Local Plan for a further two years.

The Leader said that discussions around the Local Plan Part 2 was to protect the greenfield sites in the Borough and he said this is what everyone was trying to do. Ultimately this was the goal.

On behalf of Charles Hartley, a resident of Colne, Simon Hartley asked the Leader why, when the housing number was reduced in March did the Council's Plan Part 2 continue to be developed using the incorrect number of 240?

In response the Leader said the draft Part 2 Local Plan was taken to the Policy and Resources Committee on 21st January, 2021. The Committee resolved to carry out the legally required consultation on the draft Plan. The purpose of the consultation was to gauge the views of all sections of the community on what the Plan should contain. The housing figure agreed to be consulted on was 240. The consultation commenced on 12th February, 2021.

The Council resolution changing the housing number to 145 was taken on 25th March, the day before the consultation period expired on 26th March. By that time many responses had been received. The draft Plan contained a range of options including the Standard Methodology figure. The responses to the consultation were now before Council to determine what policy and next steps the Council should pursue.

Simon Harley, a resident of Colne asked if the Council had done a thorough analysis of not having a Plan in place for the next number of years as essentially this would leave all of Pendle's green countryside wide open for developers to put plans in wherever they wanted.

The Leader said that there had not been a Part 2 Plan in place since the Core Strategy had been adopted. That was the way the legislation sets up the Planning System. Not having a Part 2 Plan in place did not lead to a situation of a planning free for all. Unacceptable development had been and would continue to be refused and that would not change if the Part 2 Plan was not adopted. The Council had been advised on a range of potential scenarios that could occur depending on the decision to be taken on the Plan this evening.

Caroline Spencer-Palmer asked the Leader why would the Council not agree with and vote to adopt the Pendle Plan Part 2 when they had already worked on this Plan for six years and the adoption of the Plan would immediately afford protection to our much loved and precious green fields.

In response the Leader said that the Local Plan Part 2 was excellent in many ways and thanked officers for their time and hard work in preparing it. However, owing to the adoption of the Core Strategy there was a need to invest in the protection of green fields so that fewer greenfields would be needed in the lifetime of the Plan. Any amendments would result in the Plan taking a further year for it to be completed.

Council (09.12.2021)

The Leader also read out three further questions from local residents who were unable to attend the meeting.

On behalf of Claire Kelly: “how many green spaces will be left to protect by the time you finally get a new Plan in place?”

On behalf of Karin Grandal-Park and Rachel Williams: “please can you advise why the Pendle Local Plan Part 2 is being scrapped?”

On behalf of Tessa Whatever: “please can you give a detailed account of why the Pendle Local Plan Part 2 is being scrapped at the last minute and explain why the Council sees fit to leave our beautiful green spaces unprotected against potential development which will have a detrimental effect on our small town.”

In response the Leader said that the decision on the Local Plan was for discussion and decision this evening.

45. 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 M. Iqbal asked if the Leader supported the proposed amendment being tabled by the Conservative Government and supported by Andrew Stephenson MP for Pendle that would put at risk the British citizenship of some Pendle residents born here.

The Leader provided a lengthy response in which he referred to the new bill making it a criminal offence to arrive in the UK without permission and would allow the Government to strip people of their British Citizenship without notice. This would be for public interest reasons, mostly connected to national security and counter terrorism.

Councillor M. Iqbal asked the Leader a supplementary question and asked if he agreed with him that he was misinformed and that the right of appeal had been removed and that this was what Clause 9 referred to.

Councillors T. Whipp, Y. Iqbal, A. Mahmood and Z. Ali also asked supplementary questions in relation to.

In response the Leader said the he had written his own response to the question; he had not read all of the Bill but he had researched it; he referred to the National Interest and expressed concern about whether the National Interest was determined by the civil service/parliament or the courts. In relation to the right of appeal the Leader said he would always argue for fairness, justice and equality.

Councillor A. Mahmood asked the Leader what meetings he and his colleagues had had with the Planning Department staff since May, 2021 regarding the Local Plan Part 2.

The Leader said that he and members of his Group had met with officers on a number of occasions.

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

The Leader of the Council submitted a report on the work of the Policy and Resources Committee.

The Leader answered questions in relation to the Investment in Leisure Facilities and the removal of trees at Klondyke, Earby.

47. 2022/23 BUDGET SETTING AND MEDIUM TERM FINANCIAL PLAN INITIAL EFFICIENCY/SAVINGS OPTIONS AND INCOME REVIEW

At a meeting of the Policy and Resources Committee held on 25th November, 2021 it was resolved:-

- “(1) That Council be recommended to approve the proposed new charges and savings relating to:
- Cemetery fees – 50% premium for non-residents.
 - Increased Garden Waste charge based on an increase of £2 annually for both 2022/23 and 2023/24.
 - Reduction in mechanical street sweeping.
 - Reduction in manual street sweeping.
 - Revised verge maintenance arrangements.
- (2) That Council be recommended to support the proposal to support further critical transformation activity to the sum of £250k, utilising allocated reserves in principle, subject to the submission of a further report providing information on the invest to save plan.”

The Chief Finance Officer submitted a report on the need for investment in the transformation of critical services, in order to support the Council’s medium term financial strategy requirements. Without this critical investment there was significant risk that the Council would be unable to set a legal budget within the next 2/3 years.

The report provided details of the key strategic transformation opportunities along with service transformation opportunities.

MOTION

It was moved by Councillor N. Ahmed and seconded by Councillor D. Cockburn-Price –

- (1) That the following proposed new charges and savings be approved:
- (a) with effect from 1st January, 2022:-
- Cemetery fees – 50% premium for non-residents.
 - Increased Garden Waste charge based on an increase of £2 annually for both 2022/23 and 2023/24.
- (b) with effect from 1st April, 2022:-
- Reduction in mechanical street sweeping.

Council (09.12.2021)

- Reduction in manual street sweeping.
- Revised verge maintenance arrangements.

(2) That Council be recommended to support the proposal to support further critical transformation activity to the sum of £250k, utilising allocated reserves, with the removal of the town centre parking policy from the programme and subject to the submission of regular reports providing information on the invest to save plan to the Policy and Resources Committee.

AMENDMENT

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

That in relation to resolution (1) this be amended to read:-

That the following proposed new charges and savings be approved:

(a) with effect from 1st January, 2022:-

- Cemetery fees – 50% premium for non-residents.
- Increased Garden Waste charge based on an increase of £2 annually for both 2022/23 and 2023/24.

(b) with effect from 1st April, 2022:-

- Revised verge maintenance arrangements.

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

In accordance with minute number 41 above a recorded vote was taken on this issue.

Those Councillors voting in favour of the amendment were:-

M. Adams, F. Ahmad, Z. Ali, R. Anwar, N. Ashraf, M. Hanif, M. Iqbal, Y. Iqbal, D. Lord, A. Mahmood, B. Newman, M. Sakib, D. Whipp and T. Whipp.

Those Councillors voting against the amendment were:-

M. Adnan, N. Ahmed, D. Albin, M. Aslam, N. Butterworth, R. Carroll, D. Cockburn-Price, S. Cockburn-Price, D. Harrison, K. Howarth, C. Lioni, K. McGladdery, N. McGowan, J. Purchell and A. Sutcliffe.

AMENDMENT

It was moved by Councillor D. Whipp and seconded by Councillor T. Whipp –

That resolution (2) in the original motion be deleted.

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

In accordance with minute number 41 above a recorded vote was taken on this issue.

Those Councillors voting in favour of the amendment were:-

M. Adams, D. Lord, B. Newman, D. Whipp and T. Whipp.

Those Councillors voting against the amendment were:-

M. Adnan, N. Ahmed, D. Albin, M. Aslam, N. Butterworth, R. Carroll, D. Cockburn-Price, S. Cockburn-Price, D. Harrison, K. Howarth, C. Lioni, K. McGladdery, N. McGowan, J. Purcell and A. Sutcliffe.

The following Councillors abstained from voting:

F. Ahmad, Z. Ali, R. Anwar, N. Ashraf, M. Hanif, M. Iqbal, Y. Iqbal, A. Mahmood and M. Sakib.

RESOLVED

(1) That the following proposed new charges and savings be approved:

(a) with effect from 1st January, 2022:-

- Cemetery fees – 50% premium for non-residents.
- Increased Garden Waste charge based on an increase of £2 annually for both 2022/23 and 2023/24.

(b) with effect from 1st April, 2022:-

- Reduction in mechanical street sweeping.
- Reduction in manual street sweeping.
- Revised verge maintenance arrangements.

(2) That Council be recommended to support the proposal to support further critical transformation activity to the sum of £250k, utilising allocated reserves, with the removal of the town centre parking policy from the programme and subject to the submission of regular reports providing information on the invest to save plan to the Policy and Resources Committee.

In accordance with minute number 41 above a recorded vote was taken on this issue.

Those Councillors voting in favour of the amendment were:-

M. Adnan, N. Ahmed, D. Albin, M. Aslam, N. Butterworth, R. Carroll, D. Cockburn-Price, S. Cockburn-Price, D. Harrison, K. Howarth, C. Lioni, K. McGladdery, N. McGowan, J. Purcell and A. Sutcliffe.

Those Councillors voting against the amendment were:-

M. Adams, F. Ahmad, Z. Ali, R. Anwar, N. Ashraf, M. Hanif, M. Iqbal, Y. Iqbal, D. Lord, A. Mahmood, B. Newman, M. Sakib, D. Whipp and T. Whipp.

48. PENDLE LOCAL PLAN PART 2 – SITE ALLOCATIONS AND DEVELOPMENT POLICIES

At a meeting of the Policy and Resources Committee on 25th November, 2021 it was recommended “that Council be recommended to agree a housing number of 142 for the Pendle Local Plan Part 2.”

MOTION

It was moved by Councillor N. Ahmed and seconded by Councillor S. Cockburn-Price –

- (1) That a housing number of 142 be agreed for the Pendle Local Plan Part 2.
- (2) That officers re-visit the Core Strategy and Pendle Local Plan Part 2 and its supporting policies in order to protect greenfield sites.

AMENDMENT

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

That a housing number of 142 be agreed for the Pendle Local Plan Part 2.

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

In accordance with the Council’s Rules of Procedure 17.4.1 and at the request of two Councillors a named vote was taken.

Those Councillors voting in favour of the amendment were:-

M. Adams, F. Ahmad, Z. Ali, R. Anwar, N. Ashraf, M. Hanif, M. Iqbal, Y. Iqbal, D. Lord, A. Mahmood, B. Newman, M. Sakib, D. Whipp and T. Whipp.

Those Councillors voting against the amendment were:-

M. Adnan, N. Ahmed, D. Albin, M. Aslam, N. Butterworth, R. Carroll, D. Cockburn-Price, S. Cockburn-Price D. Harrison, K. Howarth, C. Lioni, K. McGladdery, N. McGowan, J. Purcell and A. Sutcliffe.

RESOLVED

- (1) That a housing number of 142 be agreed for the Pendle Local Plan Part 2.
- (2) That officers re-visit the Core Strategy and Pendle Local Plan Part 2 and its supporting policies in order to protect greenfield sites.

In accordance with the Council’s Rules of Procedure 17.4.1 and at the request of two Councillors a named vote was taken.

Those Councillors voting in favour of the amendment were:-

M. Adnan, N. Ahmed, D. Albin, M. Aslam, N. Butterworth, R. Carroll, D. Cockburn-Price,

Council (09.12.2021)

S. Cockburn-Price, D. Harrison, K. Howarth, C. Lioni, K. McGladdery, N. McGowan, J. Purcell and A. Sutcliffe.

The following Councillors abstained from voting:-

M. Adams, F. Ahmad, Z. Ali, R. Anwar, N. Ashraf, M. Hanif, M. Iqbal, Y. Iqbal, D. Lord, A. Mahmood, B. Newman, M. Sakib, D. Whipp and T. Whipp.

49. DRAFT FINAL NELSON MASTERPLAN

At a meeting of the Policy and Resources Committee on 25th November, 2021 it was recommended –

“That Council be recommended to agree to adopt the Nelson Masterplan subject to:

- Investigations into the possible compulsory purchase of Pendle Rise.
- The removal of land at Halifax Road, Nelson as an “opportunity site” for housing within the Masterplan.
- More emphasis and a targeted approach with regards to diversity issues and on-line marketing with this being led by a Senior Executive Officer.
- To note the comments received from the Nelson Town Deal Board as set out in the report.”

It was moved by Councillor N. Ahmed, seconded by Councillor K. Howarth and –

RESOLVED

That the Nelson Masterplan be adopted subject to:

- Investigations into the possible compulsory purchase of Pendle Rise.
- The removal of land at Halifax Road, Nelson as an “opportunity site” for housing within the Masterplan.
- More emphasis and a targeted approach with regards to diversity issues and on-line marketing with this being led by a Senior Executive Officer.
- To note the comments received from the Nelson Town Deal Board as set out in the report.
- To extend the town centre boundary to include the former Baptist Church on Every Street, Nelson (3B Systems).

50. CHANGES TO THE CONSTITUTION

The Corporate Director submitted a report on changes to the Councillor Code of Conduct and amendments to the Rules of Procedure on Questions on Notice at Full Council.

The Governance Working Group had recently reviewed the Local Government Associations, new model Code of Conduct for Councillors. They felt that it should not be adopted in full but that certain parts could be lifted from it and inserted into the present Code to give it more clarity. A revised Code was attached to the report.

The Governance Working Group also recommended changes to the Rules of Procedure at Full Council. Specifically Rule 11.2 allows questions to be asked of the Mayor, the Leader, a chairman of a committee or a representative on an outside body. There was no provision to ask a question of a Member Champion.

Rule 11.3 requires questions on notice to be given in writing to the Corporate Director by noon on the day of the meeting. The Working Group suggested that this be brought forward to 12 noon the day before the meeting.

It was moved by Councillor N. Ahmed and seconded by Councillor D. Cockburn-Price and –

RESOLVED

- (1) That the revised Councillor Code of Conduct, attached as an appendix to the report, be approved.
- (2) That Rule 11.3 of the Rules of Procedure at Full Council be amended and the deadline for the submission of questions from Members to the Corporate Director be 12 noon the day before the meeting.

51. COMMUNITY GOVERNANCE REVIEW

The Corporate Director submitted a report which provided details on the outcome of the Community Governance Review undertaken by the Governance Working Group.

A consultation exercise had been carried out in March, 2021 in which town and parish councils and members of the public were asked for their suggestions as to what the review should cover. Following a further consultation exercise carried out between 21st September and 29th October, 2021 with only 7 responses. However, the Working Group recommended the Council:

- To abolish the Bracewell and Brogden parish and amend the boundary of the Barnoldswick parish to include the parish in the Craven ward of the Barnoldswick parish.
- To increase the number of councillors on Roughlee Booth parish council from seven to nine.
- To amend the Barnoldswick/Salterforth boundary so that the whole of Dales View Park was within the Salterforth parish (this would be subject to the approval of the Local Government Boundary Commission to also alter the boundary between the Borough wards of Barnoldswick and Earby and Coates).
- To reduce the Brierfield parish wards from five to three by combining the existing North and East wards into a new East ward, the existing Central and South wards into a new South ward and retaining the existing West ward.

MOTION

It was moved by Councillor N. Ahmed and seconded by Councillor D. Cockburn-Price –

- (1) That the Bracewell and Brogden parish be abolished and the boundary of the Barnoldswick parish be amended to include the parish in the Craven ward of the Barnoldswick parish.
- (2) That the number of councillors on Roughlee Booth parish council be increased from seven to nine.
- (3) That the Barnoldswick/Salterforth boundary be amended so that the whole of Dales View Park was within the Salterforth parish (subject to the approval of the Local Government

Council (09.12.2021)

Boundary Commission to also alter the boundary between the Borough wards of Barnoldswick and Earby and Coates).

Upon being put to the vote the **MOTION** was –

RESOLVED

Accordingly.

52. UPDATED RISK MANAGEMENT STRATEGY AND POLICY STATEMENT

At a meeting of the Policy and Resources Committee on 25th November, 2021 it was resolved “that the updated Risk Management Strategy and Policy Statement be endorsed and recommended to Council for adoption.”

It was moved by Councillor D. Cockburn-Price and seconded by Councillor K. McGladdery and –

RESOLVED

That the updated Risk Management Strategy and Policy Statement be endorsed and adopted.

53. ADOPTING AND IMPLEMENTING THE ELECTRICAL SAFETY STANDARDS IN THE PRIVATE RENTED SECTOR (ENGLAND) REGULATIONS 2020

At a meeting of the Policy and Resources Committee on 25th November, 2021 it was resolved:

- “(1) That Council be recommended to adopt and implement the regulations in order to allow the Council to carry out its statutory function in relation to electrical safety standards in the private rented sector and that the Environmental Health Enforcement Policy be updated to incorporate the regulations.
- (2) That the same process of issuing and determining levels of civil penalties for the offences in the regulations be agreed and adopted in line with the Civil Penalty Policy adopted by the Council on 24th August, 2017.
- (3) That delegated authority be granted to the Housing, Health and Engineering Services Manager all powers to issue, use and enforce the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
- (94) That the money received from civil penalties returns to the Environmental Health Residential revenue budget to fund further enforcement activity.”

It was moved by Councillor N. Ahmed and seconded by Councillor D. Cockburn-Price and –

RESOLVED

- (1) That the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 be adopted and implemented in order to allow the Council to carry out its statutory function in relation to electrical safety standards in the private rented sector and that the Environmental Health Enforcement Policy be updated to incorporate the regulations.

Council (09.12.2021)

- (2) That the same process of issuing and determining levels of civil penalties for the offences in the regulations be agreed and adopted in line with the Civil Penalty Policy adopted by the Council on 24th August, 2017.
- (3) That delegated authority be granted to the Housing, Health and Engineering Services Manager all powers to issue, use and enforce the Electrical Safety Standards in Private Rented Sector (England) Regulations 2020.
- (4) That the money received from civil penalties returns to the Environmental Health Residential revenue budget to fund further enforcement activity.

54. APPOINTMENT OF EXTERNAL AUDITORS FROM 2023/24

The Chief Finance Officer submitted a report on propos for appointing the Council's external auditor for the five year period from 2023/2024.

The Public Sector Audit Appointments (PSAA) had invited all principal local government bodies to opt into the sector led scheme for the second appointing period, which would provide external audit arrangements for the financial year commencing 2023/24. If the decision was to join the scheme a Form of Acceptance was to be submitted to the PSAA no later than midnight on Friday 11th March, 2022.

Three options were set out in the report for consideration:

Option 1 – Opt-in to a sector led body (PSAA Process)

Option 2 – to make a stand-alone appointment outside of the PSAA Process

Option 3 – set up a Joint Auditor Panel/local joint procurement arrangement outside of the PSAA process

It was moved by Councillor D. Cockburn-Price, seconded by Councillor N. Ahmed and –

RESOLVED

That Council supports to opt into the sector-led option through Public Sector audit Appointments for the appointment of the external audit contract for the period 2023/2024 to 2027/2028.

55. NOTICES OF MOTION

(a) Integrated Rail Plan

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

Council notes the watering down of infrastructure plans for the North of England with the publication of the Integrated Rail Plan and the consequential negative impacts for residents in Pendle and the wider region.

Accordingly, Council resolves that the strongest possible protest about the short-changing of residents of this area with regard to rail infrastructure be made to the Prime Minister, Secretary of State for Transport and Pendle MP Andrew Stephenson.

AMENDMENT

It was moved by Councillor K. McGladdery and seconded by Councillor J. Purcell –

Council notes:-

- (a) The massive investment to railways in the North and across the Country, seeing £96 billion invested through the Integrated Rail Plan. This will see hundreds of miles of track electrified, increasing capacity, shortening journeys and better connecting people, bringing economic prosperity.
- (b) The Integrated Rail Plan only covers major rail projects such as High Speed 2 (HS2) and Northern Powerhouse Rail meaning the plans for Pendle and Lancashire remain unchanged.
- (c) That the new direction of the Integrated Rail Plan will mean that people see the real benefits of the improved capacity and speeds much sooner.
- (d) The environmental impact will be significantly reduced through improving existing tracks.
- (e) That this investment comes despite record Government spending throughout the pandemic to try to save lives, project jobs and support local businesses – seeing millions of pounds of support come to Pendle's businesses.
- (f) The hypocrisy of the Liberal Democrat and Labour Party Councillors claiming outrage about the Plan. The Liberal Democrats campaigned against HS2 in the recent Chesham and Amersham by-election when it was politically expedient, yet claim to support HS2. Sir Kier Starmer QU has campaigned for HS2 to be scrapped yet the Labour Party claim to support HS2.

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

(b) Openness and Transparency

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

Council notes the continuing failure of Pendle Council to live-stream its meetings of Council and principle committees.

Council also notes the erosion of rights for local representatives to raise issues of concern to residents at area committees by the imposition of unnecessary hurdles to get items on agendas; and the draconian actions of the chair of the West Craven Committee in curtailing debate and unlawfully excluding members of the public when matters of concern were due to be discussed.

Council therefore resolves that the principles of open and transparent governance, which have served this area well for many years, be reasserted and that live-streaming be resumed; and that the highest standards be observed in committee and council.

RESOLVED

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

His Worship the Mayor _____

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