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# COUNCIL

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**Thursday, 7th July, 2016**

**Present:** Councillor Tim O'Kane (Mayor), Councillors Judith Addison, Lisa Allen, Jean Battle, Peter Britcliffe, Stephen Button, Clare Cleary, Loraine Cox, Paul Cox, Munsif Dad, Bernard Dawson, Tony Dobson, Stewart Eaves, Diane Fielding, Melissa Fisher, Glen Harrison, June Harrison, Eamonn Higgins, Terry Hurn, Abdul Khan, Gareth Molineux, Ken Moss, Jenny Nedwell, Bernadette Parkinson, Miles Parkinson, Joyce Plummer, Kath Pratt, Jeff Scales, Paddy Short and Paul Thompson

**Apologies:** Councillors Mohammad Ayub, Noordad Aziz, Stephanie Haworth, Julie Livesey and Malcolm Pritchard

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## **72 Apologies for absence**

Apologies were submitted on behalf of Councillors Mohammad Ayub, Noordad Aziz, Stephanie Haworth, Julie Livesey and Malcolm Pritchard.

## **73 Declarations of Interest and Dispensations**

Councillor Glen Harrison declared a pecuniary interest in item 10 on the agenda (Scrutiny Report - Calderstones Trust and Evergreen School) as an employee of Calderstones NHS Trust.

Councillor Jeff Scales declared a pecuniary interest in item 14 on the agenda (two motions relating to the closure of libraries) as an employee of a charity supporting community libraries.

## **74 Announcements**

### **1) Somme Centenary Commemorations**

The Mayor reported on his visit to France, to commemorate the centenary of the Battle of the Somme and referred to the moving service at the Pals memorial at Serre on 1<sup>st</sup> July 2016 attended by many people from Accrington and Hyndburn, as well as descendants of Accrington Pals. He wished to thank all concerned for organising the trip.

The Deputy Mayor also mentioned the events which had been held in the borough, including a candlelit vigil on 30<sup>th</sup> June, an early morning service at the Pals memorial on 1<sup>st</sup> July and a roll call of all members of the 11<sup>th</sup> (Service) Battalion (Accrington) East Lancashire Regiment, "The Accrington Pals", which had taken place throughout the day. He thanked Council staff, the Royal British Legion, and community groups, for organising these events.

The Leader of the Council concurred with the comments made by the Mayor and Deputy Mayor and indicated that we should now look forward to the final centenary milestone of the First World War, 11<sup>th</sup> November 2018, by which time the centenary square in Accrington should be complete.

2) Eid Mubarak

The Chief Executive asked all to join him in wishing all concerned Eid Mubarak.

**75 Confirmation of Minutes**

The minutes of the Council meetings held on 19<sup>th</sup> and 21<sup>st</sup> May 2016 were submitted.

**Resolved** - **That the minutes of the Council meetings held on 19<sup>th</sup> and 21<sup>st</sup> May 2016 be approved as a correct record.**

**76 Question Time**

The following question was put to the Leader of the Council by Councillor Tony Dobson, in accordance with Council Procedure 2.2(vi):-

“Can the Leader of the Council give us an up-to-date statement in light of the road changes in Accrington town centre, which have left many residents and business owners angry at the way that these changes have been introduced without consultation and which have left the Council looking unprofessional and incompetent?”

The Leader of the Council asked Councillor Clare Cleary, Cabinet member with responsibility for the town centre, to respond. Councillor Cleary outlined in detail the consultation process which had taken place on the traffic changes in Accrington town centre before their implementation and assured Members of the Council that adjustments to the traffic flow would be made if necessary, in the light of the first weeks of operation.

**77 Older People in Hyndburn - Our Policy**

The Cabinet member for health and communities, Councillor Munsif Dad, invited Miss Lesley Jackson and Mrs Dorothy Westell, Chair and Vice-Chair of Hyndburn Over 50's Forum to present a document “Older People in Hyndburn”, the purpose of which was to promote the needs of older people and to encourage all service areas to consider the challenges and opportunities faced by this group when making new policy.

Hyndburn Borough Council, the Older People's Champion and Local Older People's Groups had together created this positive statement of ageing in the borough to challenge negative stereotypes and to recognise their impact in terms of volunteering, citizenship, as well as consumer spending, all of which were disproportionately high, compared to other sectors of the population; yet the time, skills and resources that older people had to offer society were often undervalued.

The document aimed to strengthen Hyndburn's approach to supporting communities whilst increasing opportunities for older people and ensuring local resources were well promoted and utilised.

**Resolved** - **That the report be noted.**

**78 Rhyddings Park Heritage Lottery Bid**

Council received a report to update members on the situation regarding the Heritage Lottery Bid for Rhyddings Park in Oswaldtwistle, and which included an arboricultural consultant's report concerning the sequoia tree, situated at the entrance to the park.

In early January 2016 the Council had been notified that it had been successful in a Parks for People funding bid to the Heritage Lottery Fund (HLF) relating to Rhyddings Park in Oswaldtwistle, a bid developed in conjunction with the Friends of Rhyddings Park. The HLF had been allocated £1,461,900 for the delivery stage of the project and the total value of the project, including in-kind funding and volunteer work, was £2m.

One element of the park refurbishment was the removal of the sequoia tree to facilitate the landscape improvements to the Rhyddings Street entrance of the Park. In late January 2016, a petition had subsequently been submitted to the Council asking for the tree to be saved. This had been discussed at the Council meeting on 24<sup>th</sup> March 2016, when it had been agreed that an independent arboricultural consultant's report would be commissioned in respect of the tree and the issue opened up for debate at Council.

That report was now submitted for debate, and Council was invited to make a recommendation to Cabinet, if it so wished, bearing in mind that Cabinet would make the ultimate decision whether to continue with the landscape plan or to change it any way in respect of the sequoia tree.

It was firstly put to Council whether it would, in fact, wish to make a recommendation to Cabinet. A named vote was requested in accordance with Council Procedure Rule 16.5 and the vote was as follows:-

For:

Councillors Judith Addison, Lisa Allen, Jean Battle, Peter Britcliffe, Stephen Button, Clare Cleary, Lorainne Cox, Paul Cox, Munsif Dad, Bernard Dawson, Tony Dobson, Stewart Eaves, Diane Fielding, Melissa Fisher, Glen Harrison, June Harrison, Eamonn Higgins, Terry Hurn, Abdul Khan, Gareth Molineux, Ken Moss, Jenny Nedwell, Tim O'Kane, Bernadette Parkinson, Miles Parkinson, Joyce Plummer, Kath Pratt, Jeff Scales, Paddy Short, Paul Thompson (30)

Against:

none

Abstentions:

none

The vote was unanimous for Council to make a recommendation to Cabinet in in respect of the landscape bid and specifically the future of the sequoia tree.

It was then **proposed** by Councillor Peter Britcliffe and seconded by Councillor Judith Addison,

“That it be recommended to Cabinet that the sequoia tree should not be removed and is retained as part of the refurbishment.”

A named vote was requested in accordance with Council Procedure Rule 16.5 and the vote was as follows:-

For:

Councillors Judith Addison, Lisa Allen, Peter Britcliffe, Tony Dobson, Glen Harrison, Terry Hurn, Kath Pratt, Paul Thompson (8)

Against:

Councillors Stephen Button, Lorainne Cox, Eamonn Higgins, Ken Moss, Miles Parkinson (5)

Abstentions:

Councillors Jean Battle, Clare Cleary, Paul Cox, Munsif Dad, Bernard Dawson, Stewart Eaves, Diane Fielding, Melissa Fisher, June Harrison, Abdul Khan, Gareth Molineux, Jenny Nedwell, Tim O’Kane, Bernadette Parkinson, Joyce Plummer, Jeff Scales, Paddy Short (17)

- Resolved**
- (1) That Council wishes to make a recommendation to Cabinet in respect of the landscape bid; and**
  - (2) That it be recommended to Cabinet that the sequoia tree should not be removed and is retained as part of the refurbishment.**

**79 Management Review Committee - Membership and Terms of Reference**

Council was requested to approve revised terms of reference and membership for the Management Review Committee.

The Council operated the JNC model procedure (2008) in respect of any disciplinary action relating to chief officers and formed part of chief officer’s terms and conditions of employment. The procedure provided for chief officers who were subject to disciplinary action to have a right of appeal either to Council or a committee. Local arrangements did not currently exist to give effect to this requirement. It was therefore recommended that this provision be incorporated into the Management Review Committee’s terms of reference, as the most appropriate body.

With regard to its membership, at the AGM on 21st May 2016, Council had appointed the following membership: Councillors Paul Cox, Clare Cleary, Dobson and Miles Parkinson (Chair). This did not reflect the membership as stated in the Constitution, which was by position, namely the Leader and Deputy Leader of the Council and the Leader of each of the other political groups on the Council or their respective nominees. Council was therefore requested to approve revised membership to reflect the positions held.

- Resolved**
- (1) That the terms of reference of the Management Review Committee be amended to include the following:-**
    - To consider and determine disciplinary appeals in respect of Chief Officers**
  - (2) That the membership of the management Review Committee for 2016/17 be revised to reflect the positions held by members:-**

**Councillor Miles Parkinson (Leader), Councillor Paul Cox (Deputy Leader), Councillors Tony Dobson and Paul Thompson (Leaders of the other political groups), or their nominees.**

**80 Appointment of Co-opted Members to Overview and Scrutiny Committees**

Councillor Eamonn Higgins, Chair of the Communities and Wellbeing Overview and Scrutiny Committee recommended to Council the appointment of co-opted members to the two Overview and Scrutiny Committees.

**Resolved**

- (1) That Council approves the appointment of Ms Kerry Molineux to the Communities and Wellbeing Overview and Scrutiny Committee; and**
- (2) That Council reappoints Honorary Alderman Dave Parkins to the Communities and Wellbeing Overview and Scrutiny Committee, and Honorary Alderman Ian Ormerod to the Resources Overview and Scrutiny Committee.**

## **81 Scrutiny Report - Calderstones NHS Trust and the Evergreen School**

*As Councillor Glen Harrison had, at the start of the meeting, declared a pecuniary interest in this item, he left the meeting during the debate and vote.*

A report was submitted, informing Council of two scrutiny reviews carried out at the Communities and Wellbeing Overview and Scrutiny Committee on 28th June 2016.

The first concerned the future of services provided by Calderstones NHS Trust, which ceased to exist on 1st July, as it was to merge with Mersey Care. The facilities at Calderstones would close in 2018 with patients transferring to alternative care, including other in-patient facilities and community provision. The Chief Executive of the Trust had attended the Overview and Scrutiny meeting, and had informed members that these decisions were as a result of several policies/papers including:

- Transforming Care
- Building the Right Support - A national plan to develop community services and close inpatient facilities for people with a learning disability and/or autism who display behaviour that challenges, including those with a mental health condition.
- Homes Not Hospitals

Scrutiny members had expressed a number of concerns, including lack of services for care in the community, ability of private and third sector providers to care for patients with complex needs, displacement of patients away from the area, potential job losses, perceived lack of consultation and the decision not to retain any in-patient services at the Calderstones site, despite the fact the Low Secure Unit there was "state of the art" and built only 2 years ago. Together with the Medium Secure Facility at the site (built only 7 years ago), this had cost £40m of public money. Committee members were particularly concerned by plans to build a new facility elsewhere in Lancashire, at significant expense, despite there being a purpose built facility already in place at Calderstones.

The Committee felt that these concerns should be put in writing to NHS England and was asking the Council to support these concerns.

The second review concerned the proposed Evergreen School, a new free school, providing secondary education to be located in Great Harwood. Trustees of the Evergreen School had attended the Overview and Scrutiny Committee to explain their vision. The Committee felt that the creation of this school would fit within the strategic vision of Hyndburn Borough Council to improve educational standards in the borough and would address local industry and employment issues. As such, it was recommended that Council support the proposal.

**Resolved**

- (1) That Council writes to the Chief Executive of NHS England regarding the closure of in-patient facilities at**

**Calderstones NHS Trust outlining the following concerns:**

- **A lack of meaningful public consultation taking place to inform the decision to close the in-patient facilities at Calderstones**
- **The decision taken not to retain any in-patient facilities at Calderstones, and to re-site a Medium Secure Unit at Maghull and a Low Secure Unit at a yet unidentified site.**
- **The letter should also urge NHS England to reconsider using purpose built facilities at Calderstones for future medium and low secure in-patient facilities.**

**(2) That Council gives its formal support to the application for a free school in Great Harwood, The Evergreen School.**

**82 Amendment to the Scheme of Delegation**

A report was submitted, seeking approval for an amendment to the scheme of delegation of non-executive functions to officers in respect of tree preservation orders. Currently officers had power to make and confirm tree preservation orders without any elected Member involvement, in what was often a sensitive and emotive issue. It was therefore proposed that the scheme of delegation be amended, to give delegated power to the Chief Planning and Transportation Officer “to make and confirm Tree Preservation Orders where satisfied that trees were in danger of felling or lopping or to preserve the amenity of an area following consultation with the relevant portfolio holder, save where the possibility of felling or lopping was so imminent that time does not permit consultation to take place.”

It was proposed at the meeting that consultation should also take place with Ward Councillors, a proposal accepted by all members.

**Resolved**

- **That Council agrees to amend the scheme of delegation to officers as set out below:-**

**To the Chief Planning and Transportation Officer:-**

<b>1.2.17</b>	<b>To make and confirm Tree Preservation Orders where satisfied that trees are in danger of felling or lopping or to preserve the amenity of an area</b>	<b>Following consultation with the relevant portfolio holder and Ward Councillors, save where the possibility of felling or lopping is so imminent that time does not permit consultation to take place</b>
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### 83 Minutes of Cabinet

The minutes of Cabinet meetings held on 23<sup>rd</sup> March and 8<sup>th</sup> June 2016 were submitted.

**Resolved** - That the minutes be received and noted.

### 84 Minutes of Committees

The minutes of the following meetings were submitted:-

<u>COMMITTEE</u>	<u>DATE</u>
Planning Committee	16 <sup>th</sup> March 2016
Communities and Wellbeing Overview and Scrutiny Committee	18 <sup>th</sup> March 2016
Audit Committee	21 <sup>st</sup> March 2016
Resources Overview and Scrutiny Committee	22 <sup>nd</sup> March 2016
Judicial Committee (Private Hire and Hackney Carriage Licensing)	29 <sup>th</sup> March 2016
Judicial Committee (Private Hire and Hackney Carriage Licensing)	4 <sup>th</sup> April 2016
Planning Committee	13 <sup>th</sup> April 2016
Judicial Committee (Private Hire and Hackney Carriage Licensing)	18 <sup>th</sup> April 2016
Licensing Sub-Committee	21 <sup>st</sup> April 2016
Licensing Sub-Committee	29 <sup>th</sup> April 2016
Planning Committee	18 <sup>th</sup> May 2016

**Resolved** - That the minutes be received and noted.

### 85 Motion submitted on Notice: Library Closures

*As Councillor Jeff Scales had, at the start of the meeting, declared a pecuniary interest in this item, he left the meeting during the debate and vote.*

The following **motion** was moved by Councillor Judith Addison and seconded by Councillor Peter Britcliffe under Council Procedure Rule A9:-

"This Council deplores the proposal by Lancashire County Council to close three out of five Hyndburn Libraries in the townships of Clayton-le-Moors, Oswaldtwistle and Rishton. Libraries are not merely lenders of books but serve as a community focus for a range of resident activities covering all age groups. This Council therefore resolves to write to Jennifer Mein, Leader of Lancashire County Council, asking her to reconsider the proposed Library closures Lancashire-wide, as local communities will suffer from the withdrawal of this valuable facility."

An **amendment** was proposed by Councillor Gareth Molineux and seconded by Councillor Glen Harrison as follows:-

“This Council acknowledges the serious financial burden that the Conservative government has imposed on Lancashire County Council whilst also having concerns regarding their proposal to close three out of five Hyndburn libraries in the townships of Clayton-le-Moors, Oswaldtwistle and Rishton. Libraries are not merely lenders of books but serve as a community focus for a range of resident activities covering all age groups. This Council therefore resolves to write to Jennifer Mein, Leader of Lancashire County Council, asking her to reconsider the proposed Library closures Lancashire-wide, unless Lancashire County Council can prove that all avenues of funding streams have been investigated, as local communities will suffer from the withdrawal of this valuable facility.”

A named vote was requested on the amendment in accordance with Council Procedure Rule 16.5 and the vote was as follows:-

For:

Councillors Jean Battle, Stephen Button, Clare Cleary, Lorainne Cox, Paul Cox, Munsif Dad, Bernard Dawson, Stewart Eaves, Diane Fielding, Melissa Fisher, Glen Harrison, June Harrison, Eamonn Higgins, Abdul Khan, Gareth Molineux, Ken Moss, Jenny Nedwell, Tim O’Kane, Bernadette Parkinson, Miles Parkinson, Joyce Plummer, Paddy Short (22)

Against:

None

Abstentions:

Councillors Judith Addison, Lisa Allen, Peter Britcliffe, Tony Dobson, Terry Hurn, Kath Pratt, Paul Thompson (7)

The amendment was therefore carried. The motion, as amended, was put to the vote and carried.

**Resolved**

- (1) That this Council acknowledges the serious financial burden that the Conservative government has imposed on Lancashire County Council whilst also having concerns regarding their proposal to close three out of five Hyndburn libraries in the townships of Clayton-le-Moors, Oswaldtwistle and Rishton. Libraries are not merely lenders of books but serve as a community focus for a range of resident activities covering all age groups; and**
- (2) That this Council therefore resolves to write to Jennifer Mein, Leader of Lancashire County Council, asking her to reconsider the proposed Library closures Lancashire-wide, unless Lancashire County Council can prove that all avenues of funding streams have been investigated, as local communities will suffer from the withdrawal of this valuable facility.**

**86 Motion submitted on Notice: Oswaldtwistle Library Closures**

*As Councillor Jeff Scales had, at the start of the meeting, declared a pecuniary interest in this item, he left the meeting during the debate and vote.*

The following **motion** was moved by Councillor Peter Britcliffe and seconded by Councillor Judith Addison under Council Procedure Rule A9:-

"Oswaldtwistle residents oppose the proposed closure of their local library by Lancashire County Council on cost grounds. Last October the town was proud to commemorate the Centenary of its Carnegie Library, which not only lends out books but welcomes people of all ages to a range of free learning activities in a warm and friendly environment. If the County Council can no longer fund our Library we ask Hyndburn Borough Council to support our proposal for a resident group to take over the building and operate it as a Community Library so that this much-valued local facility is not lost."

At the meeting, the mover of the motion proposed the deletion of the words "by Lancashire County Council on cost grounds".

An **amendment** was then proposed by Councillor Gareth Molineux and seconded by Councillor Glen Harrison as follows:-

"It is plain to see that the residents of Oswaldtwistle are strongly opposed to the proposed closure of their local Library by Lancashire County Council on cost grounds. Last October the town was proud to commemorate the Centenary of its Carnegie Library, which not only lends out books but welcomes people of all ages to a range of free learning activities in a warm and friendly environment. If the County Council can no longer fund Oswaldtwistle's Library, Hyndburn Borough Council encourages proposals to be brought forward for consideration, for a resident group social enterprise or other third sector organisation to take over the building and operate it as a Community Library or other community service so that this much-valued local facility is not lost."

During the debate, the Leader agreed to meet with the community group proposing to take over the management of Oswaldtwistle Library and the motion and amendment were subsequently withdrawn.

Signed:.....

Date: .....

Chair of the meeting  
at which the minutes were confirmed