
COUNCIL

Thursday, 15th September, 2016

Present: Councillor Tim O'Kane (Mayor), Councillors Judith Addison, Mohammad Ayub, Noordad Aziz, Peter Britcliffe, Stephen Button, Loraine Cox, Paul Cox, Munsif Dad, Bernard Dawson, Tony Dobson, Stewart Eaves, Diane Fielding, Melissa Fisher, Glen Harrison, June Harrison, Stephanie Haworth, Eamonn Higgins, Terry Hurn, Abdul Khan, Julie Livesey, Gareth Molineux, Jenny Nedwell, Bernadette Parkinson, Miles Parkinson, Joyce Plummer, Kath Pratt, Malcolm Pritchard, Jeff Scales, Paddy Short and Paul Thompson

Apologies: Councillors Lisa Allen, Jean Battle, Clare Cleary and Ken Moss

159 Apologies for absence

Apologies for absence were submitted on behalf of Councillors Lisa Allen, Jean Battle, Clare Cleary and Ken Moss.

160 Death of Honorary Alderman and Former Councillor Wendy Dwyer

The Mayor paid tribute to Wendy Dwyer, who had died in July. Councillor Joyce Plummer gave a tribute to her as a friend, colleague and Councillor and also read out some words of appreciation on behalf of Wendy's family. This was followed by a minute's silence, observed by all present, in her memory.

161 Declarations of Interest and Dispensations

Councillor Glen Harrison declared a pecuniary interest in item 5 on the agenda (Calderstones NHS Trust - Response from NHS England) as an employee of Calderstones NHS Trust.

162 Announcements

1) Queen's 90th Birthday

The Mayor read out a letter from the Chief Clerk to the Queen, stating that the Queen had asked him to convey her thanks to the residents of Hyndburn for the splendid arrangement of flowers sent in April to mark Her Majesty's ninetieth birthday. The Queen had greatly appreciated the thoughtful gesture and the kind sentiments expressed on behalf of the local community and, in return, Her Majesty wished to send her warm good wishes to all concerned.

2) Battle of the Somme Centenary

The Mayor referred to a letter from the Secretary to the Accrington Pals Centenary Commemoration Fund, thanking the Mayor and Mayoress and Councillor Judith Addison for attending the centenary commemorations in France in July 2016; and also to Hyndburn BC officers for providing welcomed support in organising the

events, both in France and in Hyndburn and giving them wider publicity and promotion.

3) Introduction of Car Parking Charges at Accrington Victoria Hospital

The Leader of the Council announced that he had written to the Chief Executive of East Lancashire NHS Hospital Trust, expressing opposition to the introduction of car parking charges at Accrington Victoria Hospital. The Leader opposed the introduction of car parking charges firstly, as it would erode one of the fundamental principles of the NHS, that the service should be free at the point of need; secondly, charging would impact on some of Hyndburn's most vulnerable residents who needed to make frequent visits to hospital. Thirdly, the process for applying for concessions was not straightforward, again adversely impacting on residents who need to make regular visits to hospital. Finally, the introduction of parking fees would also have an adverse impact on residents living in the surrounding area, as hospital visitors would use on street parking. A resident-only parking scheme to combat this problem would create a financial burden on those residents.

163 Confirmation of Minutes

Resolved - **That the minutes of the Council meeting held on 7th July 2016 be approved as a correct record.**

164 Calderstones NHS Trust - Response from NHS England

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.

The report submitted was to follow up the issue discussed at the last Council meeting, concerning the closure of inpatient facilities at Calderstones NHS Trust. Council had asked that a letter be sent to the Chief Executive of NHS England, expressing objection to the closure for a number of reasons, including the lack of services for care in the community, and concerns about the ability of private and "third sector" providers to care for patients with complex needs. The Chief Executive had replied and the response was now submitted, indicating that whilst the proposals had been discussed with a range of Overview and Scrutiny Committees across the north west, prior to a full consultation reading the redesign of these services, he wished to give assurances, that a formal consultation period was now open, and welcomed views from service users, members of the public and others.

Resolved

- (1) That notes the response received from NHS England, now submitted; and**
- (2) That Council delegates responsibility to the Communities and Wellbeing Overview and Scrutiny Committee to respond to the consultation on the development of a new model of care for people with a Learning Disability and or Autistic Spectrum Disorder (ASD), to be carried out jointly by all commissioners of these services in Lancashire and Greater Manchester and NHS England.**

165 Question Time

It was noted that no questions had been submitted under Council Procedure Rule 2.2(vi).

166 Outcome of the Call-In of the Cabinet Decision on the Rhyddings Park Heritage Lottery Bid (Sequoia Tree)

The Council’s Overview and Scrutiny Procedure Rules (C14(g)) stated that details of all decisions called in by overview and scrutiny committees and the decision maker’s response to them shall be reported to the next meeting of Council for information.

Accordingly, Council was informed that Resources Overview and Scrutiny Committee, on 11th August had considered the call-in of the Cabinet decision on the Rhyddings Park Heritage Lottery Bid, and specifically the removal of a sequoia tree as part of a new landscape plan for the park (Cabinet, 20th July 2016). It was therefore reported to Council that the Scrutiny Committee, after considering representations made by the sponsor of the call-in, reasons for the original decision and responses from the portfolio holder and service manager to some of the points made, had released the original Cabinet decision for implementation.

The matter was now submitted for Council to note.

167 Amendment to Scheme of Delegation - Enforced Sales Procedure

Council was requested to approve a change to the scheme of delegation to officers, namely a delegation of an executive function to the Executive Director (Legal and Democratic Services), to take action to enforce a sale of a property. The proposed change was as follows:-

Delegation no.	Summary of Revised Delegation	Comments
4.15	<p>To take action to enforce a sale of property in the following circumstances:-</p> <p>(1) To implement the Council’s Enforced Sales Procedure in accordance with the Council’s Empty Dwellings Strategy and/or in support of regeneration and housing renewal activity ; or</p> <p>(2) To recover an outstanding debt due to the Council with a minimum value of £1,500 (this includes both residential and commercial property) if satisfied that the power of sale is available to the Council in respect of a particular property.</p> <p>This includes serving the necessary notices pursuant to the Law of Property Act 1925, drawing up and sealing deeds, registering charges, taking possession and marketing the property in an appropriate manner and completing the sale of the property</p>	<p>(1) In consultation with the Head of Regeneration and Housing and the relevant Portfolio Holder</p> <p>(2) In consultation with the Head of the Department which raised the debt and the relevant Portfolio Holder</p>

The change aimed to clarify the position regarding the use of the enforced sales process for the recovery of debt and to confirm that this process could be used for debt recovery purposes in respect of both residential and commercial property.

Resolved - That the amendment to the Scheme of Delegation, set out above, be approved.

168 Development Management DPD (Publication Consultation Version)

Council approval was sought to allow the Development Management Development Plan Document to be publicised for a 6-week consultation period. This document formed an important part of the Council's Local Plan for Hyndburn and set out in more detail planning policies to be used by planning officers and the Planning Committee in determining planning applications for the Borough. Council had ultimate responsibility to approve, amend or revoke plans comprising the Council's policy framework, of which the Local Plan formed part.

Cabinet on 31st August 2016 had approved the content of the draft and for a statutory six-week consultation in the period September/October 2016 to take place. Cabinet had also delegated authority to the Council's Executive Director (Legal and Democratic Services) and the Chief Planning and Transportation Officer, following consultation with the Portfolio Holder for Planning, to make further necessary changes to the Development Management Development Plan document as they considered necessary or appropriate, before beginning the public consultation.

- Resolved**
- (1) That Council notes the decision of Cabinet to delegate authority to make necessary changes to the Development Management Development Plan document; and**
 - (2) That approval be given for a statutory 6-week consultation period to commence, starting on 29th September 2016.**

169 Appointment of Co-opted Members to Overview and Scrutiny Committees

Council was asked to approve a recommendation by the Resources Overview and Scrutiny Committee, for Mr Paul Barton (Honorary Alderman) to be appointed as a co-opted member on that Committee.

Resolved - That the nomination of Mr Paul Barton (Honorary Alderman) as a co-opted member of the Resources Overview and Scrutiny Committee be approved.

170 Minutes of Cabinet

The minutes of Cabinet meetings held on 20th July and 31st August 2016 were submitted.

Resolved - That the minutes be received and noted.

171 Minutes of Committees

The minutes of the following meetings were submitted:-

<u>COMMITTEE</u>	<u>DATE</u>
Planning Committee	21 st June 2016
Judicial Committee (Private Hire and Hackney Carriage	27 th June 2016

<u>COMMITTEE</u>	<u>DATE</u>
Licensing)	
Audit Committee	27 th June 2016
Communities and Wellbeing Overview and Scrutiny Committee	28 th June 2016
Resources Overview and Scrutiny Committee	19 th July 2016
Planning Committee	20 th July 2016
Resources Overview and Scrutiny Committee (extraordinary meeting)	11 th August 2016
Judicial Committee (Private Hire and Hackney Carriage Licensing)	22 nd August 2016
Planning Committee	31 st August 2016

Resolved - That the minutes be received and noted.

172 Motion submitted on Notice: To condemn Racism, Xenophobia and Hate Crimes

The following **motion** was moved by Councillor Munsif Dad and seconded by Councillor Noordad Aziz under Council Procedure Rule A9:-

1. That all members of this Council are proud to live in a diverse and tolerant society and that racism, xenophobia and hate crimes have no place in our country.
2. That Hyndburn Council condemns racism, xenophobia and hate crimes unequivocally and it will not allow hate to become acceptable.
3. That this Council will work to ensure that local bodies and programmes have the support and resources they need to fight and prevent racism and xenophobia.
4. That the Council wants to reassure all people in Hyndburn that they are valued members of our community.”

After a debate, the motion was put to the vote and carried.

- Resolved**
- (1) That all members of this Council are proud to live in a diverse and tolerant society and that racism, xenophobia and hate crimes have no place in our country.**
 - (2) That Hyndburn Council condemns racism, xenophobia and hate crimes unequivocally and it will not allow hate to become acceptable.**
 - (3) That this Council will work to ensure that local bodies and programmes have the support and resources they need to fight and prevent racism and xenophobia; and**

(4) That the Council wants to reassure all people in Hyndburn that they are valued members of our community.

Signed:.....

Date:

Chair of the meeting
at which the minutes were confirmed