

Minutes of Policy & Finance Committee

Meeting Date: Tuesday, 16 November 2010 starting at 6.30pm
Present: Councillor E M H Ranson (Chairman)

Councillors:

R Adamson	R E Sherras
J Hill	D Smith
K Hind	J S Sutcliffe
J Holgate	R J Thompson
A Knox	N Walsh
J Rogerson (6.45pm)	

In attendance: Chief Executive, Director of Resources, Director of Commercial Services and Legal Services Manager

474 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillors D Eccleston and S Hirst.

475 MINUTES

The minutes of the meeting held on 21 September 2010 were approved as a correct record and signed by the Chairman.

With regard to Minute 335 the Chief Executive informed Committee that he had appointed a new panel in respect of independent remuneration for Members' allowances that consisted of David Morris, Liz McQue, Reverend Andy Froud and Ian Lloyd.

476 DECLARATIONS OF INTEREST

Councillor R Thompson declared a non-pecuniary interest in Agenda Item 8 – Wiswell/Barrow Parish Council Review as a Member of the Parish Council.

477 PUBLIC PARTICIPATION

The Chairman welcomed Mr Eddleston of Wiswell to speak on Agenda Item 8 – Wiswell/Barrow Parish Council Review. He gave a brief history of the request made to split this Parish Council into two, outlining various reasons why this would be desirable and asked Committee to consider this request.

478 WISWELL/BARROW PARISH COUNCIL REVIEW

Councillor Thompson declared an interest in this agenda item and left the meeting.

The solicitor submitted a report for Committee to consider the results of the consultation on whether to divide the Wiswell Parish into two separate Parishes thereby creating a new Parish for Barrow and to determine whether the Wiswell Parish should be so divided. The Legal Services Manager informed Committee that there was a lot of history to this request which went back to 2004. A consultation had taken place at this time but its recommendations had never been implemented. Since then the legislation had changed in 2007. The Council had exercised its discretion to consider whether to divide, Wiswell Parish without requiring the Parish Council to carry out a community governance review. She reminded Committee that, at its meeting of 24 March 2009, they had resolved that given the long standing history to this matter to agree to planning and legal officers commencing work on undertaking a five year forecast in order to consider whether to divide the Parish of Wiswell. A consultation pack had been prepared and made available on the feedback on-line website. A press release had also been issued and a letter sent to all residents of Barrow and Wiswell asking for their views. As only a small number of responses had been received by the consultation deadline the deadline had been extended for a further period. Even with the two week extension to the deadline the report showed that only a small percentage of the overall population of Wiswell and Barrow had responded to the consultation. The Legal Services Manager referred to the threshold outlined in the guidance which applied when a community governance review was being considered which, when applied to Wiswell and Barrow, would have meant that for an area with between 500 and 2500 local electors a petition must be signed by at least 250 of them. Responses to the consultation had not reached this threshold. However, this was only a matter for comparison and did not prevent Committee agreeing to division of the Parish.

The electors in Wiswell clearly felt strongly about this issue and in light of the history concerning this request.

RESOLVED: That Committee agree that a working group be set up (make up to be delegated to the Chairman of Committee) to meet with the Parish Council of Wiswell and Barrow to try and understand the issues/problems and a further report be submitted to the next meeting of this Committee.

Councillor Thompson returned to the meeting.

479 CHARGING FOR ENVIRONMENTAL INFORMATION AND LOCAL LAND CHARGES

The Legal Services Manager submitted a report informing Committee about the current situation with regard to local land charge fees and environmental information and to seek Committee's approval for a new charging schedule for environmental information and an interim approach for dealing with requests for such information from personal search companies and others seeking local land charges data. She informed Committee that the Council is obliged to keep a register of local land charges which includes, for example, charges enforceable against subsequent purchasers of that land. Prospective purchasers, usually via their solicitors, can carry out an official search of the Local Land Charges Register to see whether there are any outstanding charges registered against the

property that they are considering buying. This can be done either by a form CON29(R) which is a standard form of enquiry charged at £107, or by a personal search system for which the fee had recently been removed from legislation and is therefore free of charge. Having considered the 2008 and 2009 guidance and the 2008 regulations it was felt that there was a need to define and divide the information held by local authorities into three types - pre unrefined; unrefined or refined - and add a scale of charges for such information. The Environmental Information Regulations 2004 also placed numerous duties on public authorities with regard to environmental information in that they oblige the Council to make such information available to the public by electronic means that are easily accessible and to take reasonable steps to organise it with a view to the active and systematic dissemination of it. The Legal Services Manager informed Committee that the Council already has a fees policy in relation to requests under the Freedom of Information Act 2000 and the Data Protection Act 1998 but as yet does not have a schedule of fees for environmental information (where providing such information attracts a fee).

RESOLVED: That

1. Committee continue not to charge personal searchers who wish to inspect the Local Land Charges Register;
2. Committee continue to charge as previously approved by Committee for official searches for refined data supplied upon request by the Council;
3. the Council should treat requests for unrefined property records as requests made under the EIR; and
4. Committee authorise the Council's Solicitor to finalise the schedule for information available under the EIR along the lines as attached in the Appendix to the report with the modification of email addresses.

480

LICENSING STATEMENT OF PRINCIPLES AND ADOPTING THE SEXUAL ENTERTAINMENT VENUE POWERS

The Legal Services Manager submitted a report requesting that Committee recommend to Full Council approval of the Council's revised Licensing Statement of Policy and the adoption of the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended – Powers to Control Sexual Entertainment Venues. She informed Committee that the Council's Licensing Committee, at its meeting on 15 June 2010, had approved a revised Statement of Licensing Policy which had formed the basis of a consultation exercise which ended on 1 October 2010 and that this policy needed to be adopted by the full Council. With regard to sexual entertainment venues she informed Committee that local authorities have the ability to adopt additional powers to regulate these venues which provide entertainment of a sexual nature, for example lap dancing clubs. To date the Council had not been asked to licence such premises but it was felt that there ought to be a policy in place to cover every eventuality.

RESOLVED: That Committee

1. approve the amended Licensing Statement of Principles and refer the matter to Full Council for final approval; and
2. recommend to Full Council that this Council adopt the powers in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to sexual entertainment venues.

481 THE CORPORATE POLICY IN RESPECT OF REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

The Legal Services Manager submitted a report outlining the amendments which had been made to the corporate policy in respect of regulation of the Investigatory Powers Act 2000 to keep it up to date in line with Home Office guidance. The report also included information on the use of RIPA within the Council over the preceding year, so that Committee could consider whether the policy was still fit for purpose. She informed Committee that the Coalition Government had announced earlier this year that it would be carrying out a review of RIPA and that it was likely that all RIPA authorisations would need authorisation from a Magistrate in the future. To date, however, the result of the government's review had not been made public.

RESOLVED: That Committee

1. note the amendments to the policy and confirm that it remains fit for purpose; and
2. note the use of RIPA over the preceding year and that it is consistent with the policy.

482 REVIEW OF FEES AND CHARGES

The Director of Resources submitted a report seeking Committee's approval on proposals to increase the Council's fees and charges with effect from 4 January 2011 due to the increase in the rate of VAT (from 17.5% to 20%) from that date. In line with the recommendations made by the Budget Working Group it was also proposed to look at implementing inflationary increases on the same date instead of 1 April 2011 in order to avoid, potentially, two successive price increases for fees and charges in relatively close proximity. She informed Committee that in the case of the charges operated by this Committee they are not subject to VAT and therefore the only increase to be applied would be as part of the inflationary increase. The Director of Resources informed Committee that charges for the provision of meals under the Meals on Wheels Scheme fall within this Committee but due to indications of potential third part funding changes the service costs and its income were currently subject to a separate review that would be reported back to this Committee at its next meeting. This would also apply to charges for summonses which must be set in agreement with the Courts and would, therefore, also be subject to a separate review. Another set of charges that fell under this Committee were those for the use of the Civic Suite and Councillors

felt that these could be re-examined with regard to the rates for commercial use. As such, the fees and charges for this Committee would be considered at its January 2011 meeting.

The Director of Resources also referred to the decision taken last year by Committee to offer free car parking on Council car parks on Saturdays in December. Members discussed this and confirmed they would like to also offer this in December 2010.

RESOLVED: That Committee

1. approve the inflation increase in fees and charges to be implemented from the 1 April 2011; and
2. agree to offer free car parking on Council car parks on Saturdays in December 2010.

483 WITHDRAWAL OF STATUTORY GUIDANCE ON PETITIONS

The Chief Executive submitted a report informing Committee of the withdrawal of the statutory guidance on petitions. He reported, however, that the new duty to respond to petitions that came into effect on 15 June 2010 meant that we had set up a system to receive petitions, including e-petitions, which had been approved by this Council. The withdrawal of the statutory guidance means that the Council will now have more discretion on how to approach petitions locally, but the facility would still be available.

RESOLVED: That Committee agree to a review of the Council's petition scheme in 12 months time subject to receiving any petitions in the meantime.

484 COMPREHENSIVE SPENDING REVIEW 2010

The Director of Resources submitted a report for Committee's information updating them with the latest information arising from the Comprehensive Spending Review 2010 announced on 20 October 2010. The report outlined the impact on Local Government and in more detail on Ribble Valley Borough Council. She informed Committee that officers would analyse any further information arising out of the spending review and continue to examine all our budgets very carefully.

RESOLVED: That the report be noted.

485 TREASURY MANAGEMENT MONITORING 2010/11

The Director of Resources submitted a monitoring report for Committee's information on the treasury management activities for the period 1 April 2010 to 27 September 2010.

RESOLVED: That the report be noted.

486 LOCAL GROWTH WHITE PAPER

The Chief Executive submitted a report for Committee's information on the White Paper – Local Growth: Realising Every Place's Potential. He informed Committee that the general thrust of the White Paper was to place much of the decision making in the hands of local communities and make them responsible for the future growth and prosperity of their area. Growth would be rewarded by financial incentives.

RESOLVED: That the report be noted.

487 CALCULATION OF COUNCIL TAX BASE 2011/12

The Director of Resources submitted a report for Committee's information to consider the council tax base for the next financial year, ie 2011/12. The Local Government Finance Act 1992 requires each billing authority to calculate the council tax base for its area or part of its area, eg: Parish. The report included provisional calculation of the tax base of which the Parishes would be notified to enable them to set precepts for their own areas. She reported that there would only be a very small increase in the tax base for next year to 22,364.

RESOLVED: That the report be noted.

488 REVENUES AND BENEFITS GENERAL REPORT

The Director of Resources submitted a report detailing the following items:

- national non-domestic rates;
- council tax;
- housing benefit performance;
- housing benefit right time indicator 2010/11;
- housing benefit fraud;
- housing benefit overpayments.

RESOLVED: That the report be noted.

489 REVENUE MONITORING 2010/11

The Director of Resources submitted a report informing Committee of the position for the first six months of this year's revenue budget as far as this Committee was concerned.

RESOLVED: That the report be noted.

490 OVERALL REVENUE MONITORING 2010/11

The Director of Resources submitted a report for Committee's information informing them of the overall position on the revenue budget for the first half of the financial year.

RESOLVED: That the report be noted.

491 CAPITAL MONITORING 2010/11

The Director of Resources submitted a report for Committee's information on the progress to the end of October with the capital programme for this Committee for the current financial year.

RESOLVED: That the report be noted.

492 OVERALL CAPITAL MONITORING 2010/11

The Director of Resources submitted a report for Committee's information with progress on the overall capital programme for the current financial year.

RESOLVED: That the report be noted.

493 OVERALL CAPITAL MONITORING – EDISFORD CHANGING ROOMS PROPOSED FUNDING TRANSFER

The Director of Commercial Services submitted a report asking Committee to approve the transfer of capital budget totalling £27,960 from the Ribblesdale Pool energy efficiency measures scheme to the Edisford football changing rooms refurbishment scheme. This was necessary in order to include the provision of the fire alarm and gas supply and safety floor covering to the recently refurbished Edisford changing rooms.

RESOLVED: That Committee approve the transfer of capital funding totalling £27,960 from the Ribblesdale Pool energy efficiency measures scheme to the Edisford football changing rooms refurbishment scheme.

494 MINUTES OF BUDGET WORKING GROUP

Committee received the minutes of the Budget Working Group from the meeting held on 25 August 2010 and 22 September 2010.

495 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

Councillor Hind gave Members a verbal update on the Longridge town team and its recent economic development report that had considered various issues including industrial/retail areas, signage, broadband signals and street markets/food festivals, the intention being that Longridge be made into a sustainable community.

Councillor Sherras also informed Committee that information was readily available on SPARSE.

496 EMERGENCY ITEM – COUNCILLOR S FARNSWORTH

The Chief Executive reported to Committee that it had come to his attention that Councillor S Farnsworth had not attended any meeting for a period of more than six months which, under Section 85 of the Local Government Act 1972, would disqualify him as a Councillor as of 28 October 2010. The Chief Executive stated he would declare a vacancy in the Salthill ward with immediate effect. However, because this declaration would be made less than six months before a scheduled election, by statute there would be no by-election before 5 May 2011.

497 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That by virtue of the nature of the next items of business be exempt information under Categories 1, 3 and 7 of Schedule 12A of the Local Government Act 1972 the press and public be now excluded from the meeting.

498 APPLICATION FOR DISCRETIONARY RATE RELIEF IN A RURAL SETTLEMENT

The Director of Resources submitted a request for Committee's consideration for discretionary rate relief in a rural settlement from the Red Pump Inn Limited, Bashall Eaves. She reported that up until 1 April 2010 the Red Pump Inn Limited had qualified for mandatory rural rate relief being designated rural settlement with a population less than 3,000 having a rateable less than the threshold and being the only public house in that rural settlement. However, as the result of the NNDR revaluation which took effect from 1 April 2010 the rateable value had now increased above the threshold.

The Director of Resources informed Committee that a right of appeal against the rateable value was available to the District Valuers.

RESOLVED: That Committee refuse the request for rural discretionary rate relief by the Red Pump Inn Limited.

499 NATIONAL NON DOMESTIC RATES WRITE OFFS

The Director of Resources submitted a report asking Committee's approval to write off certain national non-domestic rate debts.

RESOLVED: That Committee approve the writing off of £4,353.44 of NNDR debts where it had not been possible to collect the amounts due.

500 ANTI MONEY LAUNDERING POLICY

The Director of Resources submitted a report asking Committee to consider the approval of the draft Anti Money Laundering Policy document. The policy described what money laundering is, the obligations of the Council, disclosure procedures, the role of the MLRO in disclosure, reporting standards and related procedures policy review arrangements. It was proposed within the policy that the Council would not accept any cash payments in excess of £1,000.

RESOLVED: That Committee approve the draft Anti Money Laundering Policy as submitted.

501 LOCAL LAND CHARGES – REPLACEMENT OF THE EXISTING SOFTWARE SYSTEM

The Legal Services Manager submitted a report seeking Committee's instructions regarding the replacement of the Council's local land charges software system. She informed Committee that earlier this year the Council was notified by Strand Computer Services, now Computer Share, that as a result of changes to their ownership and business model with effect from 31 March 2011 they would cease to provide support for the existing system. This meant that options had to be considered in order to continue with a computerised land charge system. Enquiries had been made of various software suppliers in an attempt to clarify the options available for replacement. It was felt that an upgrade of an existing system by one of the suppliers who already supply systems within the Council would be the best option.

RESOLVED: That Committee

1. authorise the Legal Services Manager in consultation with the Chief Executive to enter into negotiations to upgrade one of the Council's existing systems; and
2. request a report to the next meeting of Policy and Finance Committee if additional funding is required, for example necessitating an increase in fees.

502 SALE OF LAND AT MOUNT PLEASANT, PADIHAM ROAD, SABDEN

The Legal Services Manager submitted a report asking Committee to decide upon and approve which offer to accept for the sale of Council owned land at Mount Pleasant, Padiham Road, Sabden. She outlined the offers that had been received by five interested purchasers.

RESOLVED: That Committee authorise the Legal Services Manager to accept the offers in order of value to the first three interested purchasers subject to a strict time period and guidelines for obtaining planning permission.

The meeting closed at 8.55pm

If you have any queries on these minutes please contact Jane Pearson (414430).

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OH/JS