

Minutes of Meeting of the Council

Meeting Date: Tuesday, 11 December 2018, starting at 6.30pm
Present: Councillor S Carefoot (Chairman)

Councillors:

P Ainsworth	S Hind
J E Alcock	S A Hirst
S Atkinson	J Holgate
R Bennett	S Hore
S Bibby	A M Knox
A Brown	S Knox
I Brown	G Mirfin
S Brunskill	R Newmark
P M Dobson	M Robinson
P Dowson	J Rogerson
P Elms	I Sayers
R J Elms	G Scott
M Fenton	R E Sherras
M French	D T Smith
L Graves (left meeting at 7.25pm)	R Swarbrick
R Hargreaves	D Taylor
T Hill	R J Thompson
B Hilton	N C Walsh
K Hind	J White

In attendance: Chief Executive, Director of Resources, Head of Legal and Democratic Services, Director of Community Services, Director of Economic Development and Planning, Head of HR and Principal Communications Officer.

514 PRAYERS

The Mayor's Chaplain, the Reverend A Froud, opened the meeting with prayers.

515 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillor G Geldard.

516 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

Declarations of Interest in respect of Agenda item 6 were offered by Councillors S Atkinson, P Dowson, P Elms, B Hilton, S Hind, G Mirfin, R Newmark and N Walsh, the Chief Executive asked Members to defer this item until consideration of Agenda item 6.

517 PUBLIC PARTICIPATION

Mr Michael Ranson of Grindleton, spoke in respect of the item on the Agenda relating to the Call-in of the recent Accounts and Audit Committee decision and the Council's procedures for dealing with complaints against Members relating to the Council's Code of Conduct. He urged Members to abide by such procedures and to support the recommendation of the Council's Chief Executive.

518 COUNCIL MINUTES

The minutes of the meeting held on 16 October 2018 were approved as a correct record and signed by the Chairman.

519 MAYORAL COMMUNICATIONS

The Mayor reported on 31 events that he had attended since the last meeting. These had included a variety of events including the opening of a new peace garden, lighting a beacon in respect of the First World War Commemorations, various carol services and band concerts. He particularly highlighted events that he had attended in respect of the Armistice Commemorations, an East Lancashire Ceremony of Light at the Cathedral and a recent fundraising evening at Stanley House.

The Mayor thanked his Mayoress for her contribution and support during the year and also gave particular thanks to the Mayor's Attendant and the Mayor's Secretary who supported him in his role.

520 LEADER'S SPEECH

The Leader began by looking back over achievements in 2018. He highlighted that following the appointment of a new Director of Economic Development and Planning, the Council had continued to drive forward plans to improve the economy and to generate new jobs and new business for the borough. He recognised that the Council may have to adopt a cautious approach to setting the budget and the Council Tax next year due to the continuing uncertainty around Brexit.

In respect of plans for 2019, the Leader reported that the Council would be addressing Mearley Lodge and Primrose Lodge development in Clitheroe, would return to consideration of the future of the market scheme and would look at the review of the Core Strategy and 5 year housing land supply position.

521 LEADER'S QUESTION TIME

The Leader of the Opposition, Councillor A Knox, asked what actions the Council had taken to support National Anti-Bullying Week that had taken place between 12 – 16 November. The Leader thanked Councillor Knox for his question and confirmed that the Council had not taken any particular action to support Anti-Bullying Week.

Next Councillor Knox asked if the Leader directly or via a third party, had given Councillor Alcock guidance as to what she should include in her amendment to the Chief Executive's recommendations to his report that had been submitted to Special Accounts and Audit Committee. The Leader reported that Councillor Alcock was seeking in the motion to achieve proper adjudication of the complaint, she had much relevant experience as a Magistrate and Chair of Licensing Committee, and a profound sense of natural justice and fairness.

Councillor Knox withdrew his third question.

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CALL-IN OF AGENDA ITEM 4 OF SPECIAL ACCOUNTS AND AUDIT COMMITTEE, 21 NOVEMBER 2018

The Chief Executive was asked to advise on declarations of interest.

Councillor Atkinson declared an interest and left the meeting.

Consideration was given to the report of the Chief Executive regarding a Call-in of the decision of Special Accounts and Audit Committee held on 21 November 2018 that related to how complaints regarding the conduct of Elected Members should be dealt with.

The decision of the Special Accounts and Audit Committee had been called in because the 16 Councillors who had called it in, believed:

- the decision was ultra vires;
- was contrary to procedure;
- brought the Council into disrepute;
- was contrary to the Localism Act 2011.

The Chief Executive went through the background to the decision and how it had been arrived at; he updated Members on the legal position and went through the legal advice on this issue received on behalf of the Council from Mr James Goudie QC. This advice concluded that the process proposed by the Special Accounts and Audit Committee was manifestly unlawful. A copy of the advice from Mr Goudie was then circulated.

The Chief Executive confirmed the Call-in was in accordance with Standing Order 29. The Call-in/motion was proposed by Councillor A Knox and seconded by Councillor T Hill.

Members debated matters at some length and a vote was taken.

RESOLVED: That

1. Council endorse the course of action advised by the Chief Executive in his recommendation to Special Accounts and Audit Committee, including the appointment of a third Sub-Committee Member who was not a member of the Conservative Group; and
2. the selection of the third Sub-Committee Member be made by agreement between the three Members of the Committee who were not Members of the Conservative Group to ensure that the panel reflected the requirement for political balance.

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COMMITTEE MINUTES

(i) Licensing Sub-Committee 19 October 2018

RESOLVED: That the minutes of the above meeting be received.

(ii) Community Services Committee – 30 October 2018

RESOLVED: That the minutes of the above meeting be received.

(iii) Accounts and Audit Committee – 31 October 2018

RESOLVED: That the minutes of the above meeting be received.

(iv) Planning and Development Committee – 1 November 2018

RESOLVED: That the minutes of the above meeting be received.

(v) Licensing Sub-Committee – 6 November 2018

RESOLVED: That the minutes of the above meeting be received.

(vi) Personnel Committee – 7 November 2018

RESOLVED: That the minutes of the above meeting be received.

(vii) Health and Housing Committee – 8 November 2018

RESOLVED: That the minutes of the above meeting be received.

(viii) Licensing Committee – 13 November 2018

RESOLVED: That the minutes of the above meeting be received with the exception of Minute number 447:

Minute 447 – Approval of the Council’s Statement of Licensing Policy – Gambling Act 2009 – 2022

RESOLVED: That the Council’s Statement of Licensing Policy - Gambling Act 2019 to 2022 be approved.

(ix) Economic Development Committee – 15 November 2018

RESOLVED: That the minutes of the above meeting be received.

(x) Policy and Finance Committee – 20 November 2018

RESOLVED: That the minutes of the above meeting be received with the exception of Minute numbers 465 and 467:

Minute 465 – Regulation of Investigatory Powers Act 2000 (RIPA)

RESOLVED: That the revised Regulation of Investigatory Powers Act 2000 (RIPA) Policy be approved.

Minute 467 – Local Council Support Scheme 2019/2020

RESOLVED: That the Local Council Tax Support Scheme for 2019/2020 be approved.

(xi) Special Accounts and Audit Committee – 21 November 2018

RESOLVED: That the minutes of the above meeting be received.

(xii) Parish Council Liaison Committee – 22 November 2018

RESOLVED: That the minutes of the above meeting be received.

(xiii) Planning and Development Committee – 29 November 2018

RESOLVED: That the minutes of the above meeting be received.

The meeting closed at 8.17pm.

If you have any queries on these minutes please contact Marshal Scott (414400).