

COUNCIL FORUM
26th January 2012

PRESENT –*The Mayor Councillor Karimeh Foster (in the Chair), Councillors Akhtar, Bateson, Connor, Cottam, Daley, Davies, Desai, Entwistle, Foster D, Gordon, Harling, Hirst, Hollern, Humphrys, Hussain F., Hussain I., Jan-Virmani, Johnson, Jones, Kay, Khan M., Khan Z., Khonat H. Khonat S, Law-Riding, Lee, Mahmood, Maxfield, McFall, Mulla, Nuttall, O’Keeffe, Oldfield, Patel, Pearson D., Pearson J., Rehman, Rigby C., Rigby J., Riley, Rizwan, Shorrocks, Sidat, Slater Jacqueline, Slater John, Smith D, Smith James, Smith Joseph, Solkar, Talbot, Tapp, Taylor, Thayne, Walsh and Wright.*

RESOLUTIONS

62 Notice Convening Meeting

The Chief Executive read the notice convening the meeting.

63 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Browne, Doherty, Gee, Graham, Hardman, Meleady, Julie Slater and Surve.

64 Minutes of the Meeting of the Policy Council meeting held on 1st December 2011

RESOLVED – That the minutes of the meeting held on 1st December 2011 be approved as a correct record.

65 Declarations of Interest

No Declarations of Interest were received.

66 Mayoral Communications

The Mayor updated the Council Forum on recent activities and events since the last Council Forum Meeting.

The Mayor had attended a variety of Christmas events, including the Civic Carol Concert and had also received several school visits, as well as visitors from Rwanda and Russia. Reference was also made to visits to local businesses the Mayor had made, and the Mayor thanked staff in Democratic Services for their assistance with a recent Charity coffee morning.

Upcoming events included the Mayor’s Command Performance and a Quiz which would be held at Jan’s Conference Centre. The annual

Holocaust Memorial Day would be held on 29th January 2012 and all Councillors and Officers were invited to attend.

Finally, the Mayor wished Harry Devonport a long and happy retirement.

67 Council Forum

The Chief Executive advised that there were no questions from members of the public under Procedure Rule 10.

68 Motions Submitted under Procedure Rule 12

The Chief Executive considered the following Notices of Motion that had been submitted under Procedure Rule 12.

Motion 1

*This Council resolves to amend the Call-In procedures as follows:
Constitution Part 4 Section 5 Paragraph 14 (b) amend this section to read:*

(b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 9 a.m. on the fourth working date following the publication of a decision on Friday.

It authorises the Chief Executive to make any other changes to the Constitution in consequence of this amendment.

Proposed by
Councillor David Foster

Seconded by
Councillor Roy Davies

Members debated the motion and the motion was then put to the vote.

RESOLVED – That the motion be lost.

Motion 2

This Council notes and welcomes the UK-wide campaign to end 'legal loan sharking'. This Council believes that the lack of access to affordable credit is socially and economically damaging. Unaffordable credit is causing a myriad of unwanted effects such as poorer diets, colder homes, rent, council tax and utility arrears as well as depression and poor health. Unaffordable credit is extracting wealth from the most deprived communities.

This Council believes it is the responsibility of all levels of Government to try to ensure affordable credit for all and therefore pledges to use best practice to promote financial literacy and affordable lending. This will help to ensure that wealth stays in the local economy. We also pledge to continue to promote credit unions in our Borough, - community based organisations offering access to affordable credit and promoting saving.

This Council calls on the Government to introduce caps on the total lending rates that can be charged for providing credit, - and to give local authorities the powers to veto licences for high street credit agencies where they could have negative economic or social impacts on communities.

Proposed by
Councillor Brian Taylor

Seconded by
Councillor Dave Smith

Members debated the motion and the motion was then put to the vote.

RESOLVED – That the motion be carried.

69 Interim Planning Policy

A report was submitted which requested that Members note the recommendation made at the Executive Board meeting on 8th December 2011 to adopt the Interim Planning Policy for Whalley Range and Victoria Street Blackburn and which asked the Council to adopt the Interim Planning Policy as Council Policy.

Adoption of the Interim Planning Policy would give it “weight” as a material consideration in making decision on planning applications under Section 38(6) of the Planning and Compulsory Purchase Act 2004. The weight given to the interim policy in any particular case would be a matter for the decision maker (officers or the Planning and Highways Committee) at that time.

RESOLVED –

That the Council Forum:

- 1) Note the recommendation of the Executive Board to adopt the Interim Planning Policy for Whalley Range and Victoria Street; and
- 2) To approve that the Interim Planning Policy for Whalley Range and Victoria Street be adopted as Council policy.

70 **Proposed Article 4 Direction to control the change of use from a family dwelling to a House in Multiple Occupation (HMO)**

Council approval was sought for the making of an Article 4 Direction to control the change of use of a small family dwelling to a House in Multiple Occupation (HMO) within the area defined on the plan submitted as Appendix 1 of the report. This included 5 wards within Blackburn (Shear Brow, Corporation Park, Wensley Fold, Mill Hill and Ewood) and 2 in Darwen (Sunnyhurst and Sudell) and commencement of the required local consultation.

Elected Members, residents, businesses and other stake holders agencies including the PCT had increasingly expressed their concerns at the detrimental impact that the high numbers and localised concentrations of houses in multiple occupations (HMO) was having on the physical, economic and social fabric of communities and neighbourhoods across the Borough.

A recent change in national planning regulations had meant that the change of use of a dwelling into an HMO with between 3 and 6 unrelated residents was now classed as "permitted development" and hence no longer required planning permission. This meant that the Council/local planning authority had no planning controls over the conversion of small dwellings to an HMO.

An Article 4 Direction would allow the local planning authority to withdraw these permitted development rights within the defined area.

It was reported that the Planning and Highways Committee had endorsed the proposed Article 4 Direction as their preferred option based on the available evidence and their priority that a robust direction was put in place as quickly as possible within the defined area.

If at a later date similar issues relating to HMO development were identified in other parts of the Borough which would justify the making of a direction, a separate Article 4 Direction would be brought forward for Members' consideration.

RESOLVED –

That Council Forum:

- 1) Note the recommendation of the Planning and Highways Committee to approve the making of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 as amended, with a 12 month lead in period, removing the permitted development right granted by Schedule 2 Part 3 Class 1 of that Order, which allows a change of use from a dwelling to a house in multiple occupation with between 3 and 6 occupants; and

4

- 2) Approve the commencement of local consultation, on the making of the Article 4 Direction, over a 6 week period during January/February 2012.

71 Report of the Chair and Vice Chair of the Policy and Corporate Resources Overview and Scrutiny Committee

The Chair of the Policy and Corporate Resources Overview and Scrutiny Committee, Councillor Jim Shorrocks, presented his report on Scrutiny work undertaken since the last meeting of the Council Forum.

RESOLVED – That the report of the Chair and Vice Chair of the Policy and Corporate Resources Overview and Scrutiny Committee be noted.

72 Reports of Executive Members with Portfolios

Council received and considered reports of the Leader and Executive Members with portfolios. These were considered as follows: The Leader, Neighbourhoods and Customer Services, Adult Social Care, Children's Services, Regeneration, Leisure and Culture, Housing, Resources and Environmental Improvement and Sustainability.

Several members made reference to the impending retirement of Harry Devonport and Mel Young and both received thanks for their excellent service and the best wishes of the Council for a healthy retirement.

RESOLVED – That the reports from the Leader, Neighbourhoods and Customer Services, Adult Social Care, Children's Services, Regeneration, Leisure and Culture, Housing, Resources and Environmental Improvement and Sustainability be noted.

73 Report for the Chair of the Standards Committee

The Council Forum received an update on the latest position on the impending changes to the Standards Regime as a result of the Localism Act 2011.

Members also received an update on the most recent meeting of the Standards Committee which was held on 5th December 2011.

RESOLVED – That the report of the Chair of the Standards Committee be noted.

74 Questions Received from Members under Procedure Rule 11

The Chief Executive announced that one question had been received under Procedure Rule 11 as follows:

From Councillor David Foster to the Leader of the Council, Councillor Kate Hollern;

Has the list of Council Appointments been finally approved?

The Leader of the Council, Councillor Kate Hollern, provided a response. Following a supplementary question by Councillor Foster, the Leader provided a further response.

75 Questions submitted regarding the functions of the Police Authority

The Chief Executive reported that no questions had been received regarding the functions of the Police Authority.

76 Report for the Chair of the Police Authority

The Council Forum received a report from the Chair of the Police Authority.

RESOLVED – That the report of the Chair of Police Authority be noted.

Signed at a meeting of the Council
on the day of
(being the next ensuing meeting of the Council) by

MAYOR

FINANCE COUNCIL MEETING
Monday 5th March 2012

PRESENT – *The Mayor Councillor Karimeh Foster (in the Chair), Councillors Bateson, Browne, Connor, Cottam, Daley, Davies, Doherty, Entwistle, Foster D, Gee, Gordon, Graham, Hardman, Harling, Hollern, Humphrys, Hussain F., Hussain I., Jan-Virmani, Johnson, Jones, Kay, Khan M., Khan Z., Khonat H. Khonat S, Law-Riding, Lee, Maxfield, McFall, Mulla, Nuttall, O’Keeffe, Oldfield, Patel, Pearson D., Pearson J., Rehman, Rigby C., Rigby J., Riley, Shorrock, Sidat, Slater Jacqueline, Slater John, Slater Julie, Smith D, Smith James, Smith Joseph, Solkar, Surve, Talbot, Tapp, Taylor, Thayne, and Wright.*

RESOLUTIONS

77 Notice Convening Meeting

The Chief Executive read the notice convening the meeting.

78 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Parwaiz Akhtar, Mustafa Desai, Jim Hirst, Arshid Mahmood, Anthony Meleady, Mohammed Rizwan and Dorothy Walsh.

79 Declarations of Interest

Declarations of Interest (Personal) in items on the agenda were received from the following Councillors:

Maureen Bateson (Relative works for the Borough)

Suleman Khonat (Relative works for the Borough and School Governor TIGHS)

Michael Lee (Wife works for Pennine Lancashire Building Control)

Salim Sidat (Wife works for the Borough)

Salim Mulla (Daughter works for the Council and Governor of Audley Junior School)

Frank Connor (Employed in the field of Supporting People in Blackburn)

Brian Taylor (Employed by Capita and Creative Support)

Damian Talbot (Chair of Turton Tower Charitable Fund Committee)

Denise Gee (Business Holder at Darwen Market)

Pat McFall (Daughter works for Borough Council)

Hanif Khonat (Vice Chair/ Governor of Brookhouse Primary School)

Jean Rigby (Vice Chair – Trustees of Turton Tower)

80 Mayoral Communications

The Mayor updated the Finance Council on recent activities and events since the last Council Forum Meeting.

Reference was made to the recent restoration of the dome at Darwen Tower and the visit of His Royal Highness Prince Edward to open the new Youth Zone.

The Mayor had also recently attended the opening of the Beacon Centre at Blackburn College, and had hosted a number of visits to the Mayor's Parlour.

Best wishes were sent to Councillors Derek Hardman and Jim Hirst who were both recovering after recent illnesses.

The Mayor had indicated that this would be the last Council Meeting David Kerambrum would attend and thanked him for his dedicated service and offered best wishes for a long and healthy retirement (these sentiments were repeated by several Members during the meeting).

Finally the Mayor reminded all present of the Mayor's Ball which would be held on 30th March 2012.

81 Treasury Management Strategy, Prudential Indicators and Minimum Revenue Provision Policy 2012/13

Finance Council was asked to approve the Treasury Management Strategy, Prudential Indicators and Minimum Revenues Provision Policy 2012/13. It was explained that the Council was required to determine the range of prudential indicators and a Policy for a "Prudent" level of minimum reserve provision for repayment of debts both of which needed to be consistent with the Council's Medium Term Financial Strategy.

RESOLVED –

1. The Council is recommended to adopt the CIPFA's 2011 Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes, and an updated Treasury Management Policy Statement, as outlined in Appendix 1.

2. The Council is recommended to approve:
- (a) the proposed Treasury Management Strategy for 2012/13, including Treasury Management Indicators, as outlined in Appendix 2;
 - (b) the proposed Prudential Indicators for 2012/13, as outlined in Appendix 3;
 - (c) the policy proposals for determination of Minimum Revenue Provision for repayment of debt, as outlined in Appendix 4.

82 The Robustness of the 2012/13 Budget and the Recommended Level of Reserves

A report was submitted which provided statutory advice to Members when setting the budget in accordance with the Local Government Act 2003, and which needed to be received by Members prior to the Council formalising the budget process and setting the Council Tax.

RESOLVED -

That the Council resolves to take note of the report of the Director of Finance which provided advice on:

- 1) The robustness of the Revenue Budget and Capital Programme for 2012/13 outlined in the report of the Executive Member, Resources; and
- 2) The recommended level of proposed financial reserves.

83 Revenue Budget 2012/13, Medium Term Financial Strategy and Capital Programme 2012/2015

The Executive Member for Resources, Councillor Andy Kay, on behalf of the Labour Group, presented proposals for the Revenue Budget 2012/13, Medium Term Financial Strategy (MTFS) and Capital Programme for 2012/15 to underpin the priorities agreed at Policy Council on 1st December 2011.

The report informed Members of:-

- The Local Government Finance settlement
- Potential funding reductions in 2013/14 and 2014/15

Corporate budget pressures were highlighted for:-

- Adult Social Care
- Children's Safeguarding and Commissioning
- Energy
- Treasury Management, Financing Costs and Investment Income

- Reductions in income
- Waste Services
- Blackburn Market / Mall
- Efficiencies
- Service Reviews, and
- New Investment

The report further detailed the savings and level of funding for each Portfolio and in terms of fees and charges approval was sought for lead Directors for Portfolios in consultation with the relevant Executive Members and Director of Finance to have the flexibility and independence to set short term pricing / offers / charges in response to business needs during 2012 – 13.

In addition, the report also referred to Investment in Delivering our Priorities, (in terms of the four community outcomes, and two organisational outcomes) the Capital Programme 2012/15, Level of Reserves, Council Tax and the Medium Term Financial Strategy.

RESOLVED –

- 1) That the proposals for the Revenue Budget for the financial year 2012/13 and the indicative MTFs for 2012/15 outlined in the report be approved;
- 2) That the proposals for the Capital Programme for the period 2012/13 to 2014/15 as outlined in the report be approved;
- 3) That the impact of fees and charges approved at the Executive Board meeting on 9th February 2012 on the budget proposals within the report be noted;
- 4) That approval is given for the Lead Directors for Portfolios in consultation with the relevant Executive Members and Director of Finance to have the flexibility and independence to set short term pricing/offers/charges in response to business needs during 2012-13.
- 5) That the Medium Term Financial Strategy 2012/15 be approved with the final version to be published incorporating the approved budget proposals.
- 6) That subject to recommendation 2.1 outlined above that the Council be requested to approve the consequent Council Tax levels detailed in the formal resolution of the Director of Finance's report; and
- 7) That the Council approves the Pay Policy Statement prepared in accordance with the requirements of Section 38 of the

Localism Act 2011, to have effect for the year 2012/13 unless replaced or varied by the Full Council, as set out in Appendix G.

84 Council Tax for 2012/13

A report was submitted on the Council's requirement to set amounts of Council Tax before 11th March in the financial year preceding that for which it was set.

Sections 72 to 79 of the Localism Act 2011, changed some of the details of Part 1 of the Local Government Finance Act 1992 ("the 1992 Act") governing the calculation of the Council Tax in England. The Council, as billing authority, was now required to calculate a Council Tax requirement for the forthcoming year, rather than a Budget Requirement as previously.

In setting its Council Tax requirement, the Council took into account any funding from reserves, income it expected to raise and general funding it would receive from Government as part of the Local Government Finance Settlement.

The Council was also required to set a basic amount of Council Tax for the financial year 2012/13. The Council Tax was set on the basis of:

- (a) The precept on the Collection Fund issued by the Lancashire Police Authority.
- (b) The precept on the Collection Fund issued by the Lancashire Combined Fire Authority.
- (c) The Borough Council's precept on the Collection Fund, which is dependent on two factors:
 - (i) its council tax requirement, and
 - (iv) the precepts issued by the seven Parish / Town Councils.

The Council was recommended to approve the draft resolution setting the Council Tax for 2012/13, as set out in Appendix 1 of the report submitted.

RESOLVED –

1. That it be noted that on 23rd January 2012, the Council calculated the Council Tax Base for the year 2012/13 in accordance with regulations made under Section 31B(3) of the Local Government Finance Act 1992, as amended (the Act):
 - a) 39,525.21 being the Council Tax Base for the whole of the Council area (Item T in the formula in Section 31B of the Act); and

- b) for dwellings in those parts of its area to which a Parish precept relates, as detailed in Appendix 2.
2. That the following amounts be calculated for the year 2012/13 in accordance with Sections 31 to 36 of the Act:
- a) £402,012,100 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) (a) to (f) of the Act taking into account all precepts issued to it by Parish Councils.
- b) £351,757,781 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) (a) to (d) of the Act.
- c) £50,254,319 being the amount by which the aggregate at 2 (a) above exceeds the aggregate at 2 (b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
- d) £1,271.45 being the amount at 2 (c) above (Item R) divided by the amount at 1(a) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- e) £181,823 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (see Appendix 2).
- f) £1,266.85 Being the amount at 2 (d) above less the result given by dividing the amount at 2 (e) above by Item T (1 (a) above), calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
4. That it be noted that for the year 2012/13 Lancashire Police Authority and Lancashire Combined Fire Authority have issued precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, as indicated in the tables below.
5. That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for the year 2012/13 for each part of its area and for each of the categories of dwellings.

a) Blackburn with Darwen Borough Council

<u>Part of the Council's Area</u>	<u>Valuation Bands</u>							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
Eccleshill Parish	£862.74	£1,006.53	£1,150.32	£1,294.11	£1,581.69	£1,869.27	£2,156.85	£2,588.22
Livesey Parish	£849.95	£991.60	£1,133.26	£1,274.92	£1,558.24	£1,841.55	£2,124.87	£2,549.84
North Turton Parish	£856.31	£999.03	£1,141.75	£1,284.47	£1,569.91	£1,855.35	£2,140.78	£2,568.94
Pleasington Parish	£848.45	£989.86	£1,131.27	£1,272.68	£1,555.50	£1,838.32	£2,121.13	£2,545.36
Tockholes Parish	£864.16	£1,008.19	£1,152.21	£1,296.24	£1,584.29	£1,872.35	£2,160.40	£2,592.48
Yate and Pickup Bank Parish	£863.91	£1,007.90	£1,151.88	£1,295.87	£1,583.84	£1,871.81	£2,159.78	£2,591.74
Darwen Town Council	£854.47	£996.88	£1,139.29	£1,281.70	£1,566.52	£1,851.34	£2,136.17	£2,563.40
All other parts of the Council's area	£844.57	£985.33	£1,126.09	£1,266.85	£1,548.37	£1,829.89	£2,111.42	£2,533.70

b) Major Precepting Authorities

<u>Precepting Authority</u>	<u>Valuation Bands</u>							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
Lancashire Police Authority	£99.95	£116.61	£133.27	£149.93	£183.25	£216.57	£249.88	£299.86
Lancashire Combined Fire Authority	£42.43	£49.51	£56.58	£63.65	£77.79	£91.94	£106.08	£127.30

d) Aggregate Council Tax

<u>Part of the Council's Area</u>	<u>Valuation Bands</u>							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
Eccleshill Parish	£1,005.12	£1,172.65	£1,340.17	£1,507.69	£1,842.73	£2,177.78	£2,512.81	£3,015.38
Livesey Parish	£992.33	£1,157.72	£1,323.11	£1,488.50	£1,819.28	£2,150.06	£2,480.83	£2,977.00
North Turton Parish	£998.69	£1,165.15	£1,331.60	£1,498.05	£1,830.95	£2,163.86	£2,496.74	£2,996.10
Pleasington Parish	£990.83	£1,155.98	£1,321.12	£1,486.26	£1,816.54	£2,146.83	£2,477.09	£2,972.52
Tockholes Parish	£1,006.54	£1,174.31	£1,342.06	£1,509.82	£1,845.33	£2,180.86	£2,516.36	£3,019.64
Yate and Pickup Bank Parish	£1,006.29	£1,174.02	£1,341.73	£1,509.45	£1,844.88	£2,180.32	£2,515.74	£3,018.90
Darwen Town Council	£996.85	£1,163.00	£1,329.14	£1,495.28	£1,827.56	£2,159.85	£2,492.13	£2,990.56
All other parts of the Council's area	£986.95	£1,151.45	£1,315.94	£1,480.43	£1,809.41	£2,138.40	£2,467.38	£2,960.86

Town and Parish Council Precepts

<u>Parish/Town Council</u>	<u>2011/12</u>			<u>2012/13</u>			<u>Council Tax Increase</u>
	<u>Tax Base</u>	<u>Precepts</u>	<u>Council Tax</u>	<u>Tax Base</u>	<u>Precepts</u>	<u>Council Tax</u>	
		£	£		£	£	£
Eccleshill Parish	101.16	2,742	27.10	100.57	2,742	27.26	0.16
Livesey Parish	1,999.85	14,000	7.00	1,983.39	16,000	8.07	1.07
North Turton Parish	1,671.25	30,340	18.15	1,671.05	29,450	17.62	(0.53)
Pleasington Parish	249.01	1,350	5.42	248.52	1,450	5.83	0.41
Tockholes Parish	203.50	5,714	28.08	206.06	6,056	29.39	1.31
Yate and Pickup Bank Parish	142.73	4,085	28.62	142.14	4,125	29.02	0.40
Darwen Town Council	8,227.02	122,000	14.83	8,213.80	122,000	14.85	0.02
TOTAL / AVERAGE	12,594.52	180,231	4.54	12,565.53	181,823	4.60	0.06

Signed at a meeting of the Council
on the day of
(being the next ensuing meeting of the Council) by

MAYOR

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