



NELSON TOWN COUNCIL

MINUTES OF A MEETING OF NELSON TOWN COUNCIL held at the Selina Cooper Hall, Unity Well Being Centre, Vernon Street on Wednesday 12 September 2018 at 7.00pm

Councillors Present: Nazeem Hayat (Chair), Michelle Pearson-Asher, Nigel Pearson-Asher, Mohammad Aslam, Hassan Mahmood, Mohammed Khalid, Mohammed Malik, George Adam, Sheila Wicks, Mashuq Hussain, Neil McGowan, Saanval Safir, Kaamran Latif, Majid Anwar, Faraz Ahmad, Sajid Ali

Absent Councillors: Cllrs Zafar Ali, Malik Anwar

Non-Councillor (without voting rights): Mohammed Iqbal; County Councillor Azhar Ali (absent);

Officers: Safia Kauser - Town Clerk/RFO [minute taker]

Members of the Public: Seven members of the public

2018/039 **ONE MINUTE SILENCE**
(TC) The Chairman invites members to observe a one minute of silence

A one minutes silence was observed.

2018/040 **CHAIRMAN'S OPENING REMARKS**
(TC) To receive the Chairman's opening remarks

The town hall had problems with the electricity that had gone down earlier today. Due to health and safety, the meeting had to be convened at the Unity Centre.

2018/041 **APOLOGIES FOR ABSENCE**
(TC) To receive and approve apologies for absence and reasons given to the Clerk prior to the meeting.

Apologies were received and accepted from Cllrs Zafar Ali, Malik Anwaar and Non-Councillor Azhar Ali.

2018/042 **DECLARATIONS OF INTERESTS**
(TC) Members are reminded of the legal requirements concerning the declaration of interests. A Member must generally declare a disclosable pecuniary interest which he or she has in any item on the Agenda. A Member with a disclosable pecuniary interest may not participate in any discussion of the matter at the meeting and must not participate in any vote taken on the matter at the meeting. In addition, the Council's Standing Orders require a Member with a disclosable pecuniary interest to leave the room where the meeting is held while any discussion or voting takes place.

There were no declarations of Interest.

2018/043
(TC)

ADJOURNMENT FOR PUBLIC PARTICIPATION

To adjourn the meeting for 15 minutes to allow members of the public to make representation on the business of the agenda for the meeting. No resolutions can be made under public participation.

Two members of Wolverden Park addressed the Council on various matters. The group was concerned on the future of the park as joint responsibility was currently with Pendle BC and Nelson Town Council. The group requested to work closely with NTC in the near future should they take on 100% upkeep of the park. Thanks were expressed to the friends group for all the work they had contributed.

2018/044
(TC)

FRIENDS OF WOLVERDEN PARK

To receive a report from the Friends of Wolvderen Park (Cllr Wicks to report on this item)

Agenda item number 12 was brought forward.

Cllr Wicks reported that there were recent problems with the park being in a mess. Contractors had been on site and used heavy machinery that impacted on the mowed grass area. NTC was requested to persuade Pendle Borough Council not to use heavy machinery on the land. A recent field in trust report highlighted the financial government cuts facing the parks.

Proposed by Non-Councillor Iqbal and Seconded by Councillor S Ali, and
RESOLVED: That NTC supports the work of Friends of Wolvderen Park and a letter is sent to Pendle Borough Council with the concerns raised.

Two members from the Friends of Wolverden Park left the meeting.

2018/045
(TC)

REPORTS FROM BOROUGH/COUNTY COUNCILLORS AND INVITED GUESTS

2018/045.1 - To receive reports from the Borough or County Councillors

County Cllr Iqbal addressed the Council. In 2020 Lancashire County Council will no longer receive government funding. This will affect adult and social care as currently 70% of the budget is contributed towards them services. An update was also provided on halal meat in school.

Pendle Borough Council will make 20/30 job cuts due to an internal restructure. The Area Committee had previously committed to supporting the free initiative swimming, however on advice of the accountants, PBC could no longer support this.

2018/045.2 - To receive reports from other invited guests

Pendle Borough Officer Tim Horsley addressed the Council in relation to agenda item number 11 – Public Protection Spaces Order. The PSPO is a response to behavior to determine the quality of life in the area. This was last reviewed in September 2016. The new draft order includes a dog control order, provision of cemeteries and play areas. The orders generally last up to three years and only the Borough Council can implement this and not Lancashire County Council or Nelson Town Council. A public consultation had been carried out and the general feedback was that no dogs should be allowed in play areas or MUGA's. There were two new restrictions being introduced which included officers can insist that a dog goes on a lead in Parks and if there are no means of picking up dog fouling, then there is an order contained within the PSPO.

2018/046
(TC)

PUBLIC SPACE PROTECTION ORDER

To consider a formal response to the Public Spaces Protection Order (previously circulated). The response will be considered by PBC Policy and Resources Committee on the 18 September 2018

Agenda item number 11 was brought forward.

Proposed by Councillor Michelle Pearson-Asher and Seconded by Councillor Aslam, and **RESOLVED:** That the Town Council approves the draft PSPO order and that thanks are expressed for showing no severity to dog walkers.

Tim Horsley left at 7.38pm.

2018/047
(TC)

MINUTES

To approve the draft minutes of the Town Council meeting held on 11 July 2018 and the reconvened meeting held on the 17 July 2018

Proposed by Councillor Latif and Seconded by Councillor Ali, and **RESOLVED:** That the draft minutes of the Town Council meeting held on the 11 July 2018 and the reconvened meeting held on 17 July 2018 be approved as a true record and signed by the chair.

2018/048
(TC)

CASUAL VACANCY – CLOVER HILL WARD

2018/048.1 - To adopt the Co-option Policy and application form (enclosed)

The Clerk had drafted a co-option policy and application form for approval.

Proposed by Non-Councillor Iqbal and Seconded by Councillor Latif, and **RESOLVED:** That the Co-option Policy and Application Form is adopted

2018/048.2 - To receive written applications for the office of Town Councillor and to co-opt a candidate to fill in the existing vacancy for the Clover Hill ward (total of six applications received)

- Candidates addressing the council will be asked to step forward by the Chair in alphabetical name order (by surname)
- Candidates to be given five minutes maximum to introduce themselves, give information on their background and explain why they wish to become a member
- Process will be carried out in public session and there will be no private discussion between members
- Where the council is discussing the merits of candidates and inevitably their personal attributes, this could be prejudicial and the Council should resolve to exclude the press and public
- Council is required to proceed to a vote with each candidate being proposed and seconded by the councillors in attendance and a vote to be taken by a show of hands. A recorded vote may be requested by any member.
- In order for a candidate to be elected, it will be necessary for them to have absolute majority of votes cast (50% + 1 of the votes available at the meeting)

Five of the six candidates had attended the meeting.

PUBLIC BODIES (ADMISSION TO MEETINGS ACT) 1960

Proposed by Councillor S Ali and seconded by Councillor Latif, **RESOLVED:** That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw

Each candidate was invited to address Council in the confidential session.

The meeting was then resumed in the public session where a vote was taken for co-option.

- Sadia Bashir was proposed by Cllr S Ali and Seconded by Cllr Safir.
- Patricia Hannah-Wood was proposed by Cllr M Pearson-Asher and Seconded by N Mcgowan

- Margaret McKenzie was proposed by Cllr George Adam and Seconded by Cllr Wicks

A vote was taken by a show of hands.

Candidate	Number of Votes	
Sadia Bashir	9	56.25%
Patricia Hannah-Wood	5	31.25%
Margaret McKenzie	1	6.25%

Proposed by Councillor S Ali and Seconded by Cllr Safir and,
RESOLVED: That Sadia Bashir is co-opted to the Council for the Clover Hill Ward

2018/049
(TC)

Committee Minutes

To confirm the receipt of committee minutes previously circulated:

- Personnel Committee 11 July 2018
- Finance and General Purposes 25 July 2018

Proposed by Councillor Latif and Seconded by Councillor S Ali, and
RESOLVED: That all of the above block minutes of the Town Council committee meetings be received by the Town Council.

2018/050
(TC)

TO CONSIDER COMMITTEE RECOMMENDATIONS BROUGHT FORWARD

Environmental Improvements committee held on 05 September 2018: Transport issues

Proposed by Councillor Z Ali and Seconded by Councillor Latif, and
RECOMMENDED: The Council formally sends a letter to the local MP, National Rail and Minister for Transport on the current rail issues affecting the Lancashire services and that an update is received on the ongoing enquiry (**Resolved, carried**)

2018/051
(TC)

NALC ANNUAL CONFERENCE

2018/051.1 - To note the submission of the Town Council's entry for the NALC Star Council Award and SLCC nomination for the 'Innovative award'. Entries submitted by the Clerk with the 10-year anniversary video footage

This was noted by the council.

2018/051.2 - To authorize the Clerk and the Chairman to attend the NALC annual conference to be held on the 30 October 2018 inclusive of training costs

Proposed by Councillor Latif and Seconded by Councillor S Ali, and
RESOLVED: That the Clerk and Chairman are authorised to attend the NALC conference inclusive of training costs.

2018/052
(TC)

GENERAL DATA PROTECTION REGULATIONS (GDPR)

2018/052.1 - In compliance with the GDPR regulations that came into force on the 25th May 2018 [which supersedes the existing Data Protection Act 1998] the Council is requested to adopt the model suite of documents (listed) produced by SLCC (checklist enclosed):

1. General Privacy Policy Notice (for residents and general members of the public)	2. Retention of Documents - Appendix A List of Documents for Retention or Disposal
3. Privacy Notice (for staff, councilors and role handlers)	4. Social Media Policy
5. General Data Protection Regulations (Service) Consent to Hold Contact Information Form	6. Email Contact Privacy Notice
7. Document Retention and Disposal Policy	8. New Councillor Contact Privacy Notice
9. Information Data Protection Policy 2018	10. Allotment Tenants Privacy Notice Consent Form
11. Removable Media Policy	12. Data Audit Schedules
13. Subject Access Request Form	14. Data Breach Policy

Proposed by Councillor S Ali and Seconded by Non-Councillor Iqbal, and
RESOLVED: That the Council adopts the suite of model documents produced by SLCC in compliance with the GDPR regulations.

2018/052.2 - To approve GDPR training for staff and Councillors inclusive of training costs

The Clerk recommended that all Council officers and members should undertake GDPR training in respective of their roles. Non-Cllr Iqbal suggested that NTC should follow Pendle Borough Council's training on GDPR.

Proposed by Cllr S Ali and Seconded by Non-Councillor Iqbal, and
RESOLVED: That the Clerk contacts Pendle Borough Council to enquire about GDPR training given to their members and that all Town Council Officers and Councillors undertake the same training (inclusive of any training costs).

2018/053
(TC)

EMPLOYMENT LAW AND HEALTH AND SAFETY SUPPORT SERVICES

To delegate to the Town Clerk the appointment of Employment Law (HR) and health and safety support services (subject to quotations) for a five-year contract. The support service is required due to an increase of staff members and management of the Unity Wellbeing Centre.

Proposed by Non-Councillor Iqbal and Seconded by Councillor Latif, and
RESOLVED: That the Clerk is delegated to appoint Employment Law and Health and Safety support in consultation with the Chair and Vice-Chair of the council and subject to quotations

2018/054
(TC)

HIGHWAYS PROJECTS

2018/054.1 - To receive the Area Committee Programme for 2018/19 dated 06 August 2018. A total balance of £52,006 was available. The Council is asked to note:

- £7,000 allocated for capital works – Whitefield area
- £7,500 allocated for capital works – Bradley Area

This was noted by the Council.

2018/054.2 - To note the draft minutes of the Area Committee held on the 06 August 2018. A proposal of back street resurfacing for the rear of 177-203 Leeds Road, Nelson was submitted subject to a contribution of £4,000 from Nelson Town Council and £7,000 from Pendle PB. The contribution from Pendle BC was refused. The Council is formally requested to refuse the funding in conjunction with the Pendle BC Policy and Resources committee decision.

This was noted by the Council. It was confirmed that the original motion by the Area Committee had now been annulled.

2018/054.3 - To receive an update on the £10k allocated towards the resurfacing works from number 60 to 90 Every Street and to authorize the RFO to submit an official purchase order for the works to be undertaken (subject to confirmation of costs from Pendle Borough Council)

The Clerk reported that PBC was unable to provide a fixed quote, however it was expected that the allocated £10k would cover two blocks as opposed to three which was reported to Council in July. A resolution was required to confirm the works before PBC could appoint contractors.

Proposed by Councillor S Ali and Seconded by Councillor Anwar, and

RESOLVED: That the RFO is authorised to submit a formal purchase order for £10k for resurfacing works from number 60 to 90 Every Street

2018/054.4 - To consider appointing a working group to develop a policy/action plan on the highways project in conjunction with the Clerk. Members would be required to consider a criteria that can be used to prioritize the back streets for resurfacing and have regards to developing joint partnership agreements with the Area Committee and Pendle BC to save costs.

A number of requests had been received by PBC Engineering department for potential quotations on back streets. This was not the best use of officer time and a request had been made to NTC to consider a policy. The Council agreed that one councillor per ward should be appointed to the working group.

Proposed by Councillor Latif and Seconded by Councillor Ali, and

RESOLVED: That Councillors S Ali, Mashuq, Adam, Latif, H Mahmood, N Pearson-Asher and the Chair and Vice-Chair of the Council are appointed on the working group with the Clerk.

2018/054.5 - NOTICE OF MOTION: Moved by Councillor Sajid Ali ' That 'Seedhill terrace be considered as a back street for repairs. The decision of the Bradley back street needs to be moved and supported by majority bradley ward councillors only like wise in any other ward.

Proposed by Non-Councillor Iqbal and Seconded by Councillor Latif, and

RESOLVED: That £6k is allocated for Seedhill Terrace back street repair subject to finding the shortfall of the funding required.

2018/055
(TC)

TRANSFERRED SERVICES

To receive reports on transferred services (see report from the Town Clerk attached)

- MUGAs
- CCTV (Six monthly reports from March – July 2018 circulated)
- Parks Services
- Roadside seats

A compressive report from the Clerk on transferred services had been circulated to members in advance of the meeting.

MUGAS

The SLA stated that the Council is responsible for erecting signage at each site notifying the public of a contact name and telephone number.

Action: The Town Council are required to provide & erect their own signs to each play area to include emergency contact numbers.

The SLA had been active since August 2016 which confirms Pendle Borough Council own the assets. The asset transfer of land registry was complete and transferred to NTC in February 2017. There was no record of an updated service level agreement on file for PBC to maintain the MUGA's.

Proposed by Non-Councillor Iqbal and Seconded by Nigel Pearson-Asher

RESOLVED: That the Clerk enquires with Philip Mousdale or the legal department if the current service level agreement was updated at the time of asset transfer? If this is not updated then a new SLA is to be drafted. The draft SLA to be considered by full council prior to being renewed.

CCTV

The Town Council contributed towards an annual monitoring and maintenance charge for the CCTV of 10 cameras (+3 mothballed). Pendle Borough Council had transferred responsibility to the Blackburn Hub to directly invoice Town and Parish Councils from June 2018. The maintenance charges covered a daily rate charge of approx £5.18 for 10 cameras. The annual charge is approx. £18,939. The current Town Council budget was set at £25,000.

The Hub usually sends out a monthly report which goes to members of the Operational group and a quarterly one which goes to the Strategic group (Philip Mousdale currently gets these). The CCTV Services Manager at Blackburn, had agreed to share these reports with the four Town Councils going forward.

There is an agreement, which is between Blackburn with Darwen Council, and Burnley, Hyndburn and Preston Councils as well as Pendle for monitoring. Should it be agreed to transfer CCTV as an asset to the Town Councils, a new agreement would be drawn up for each Town Council to approve. Members had been provided with the CCTV monthly reports to date.

Parks

There is no formal SLA for the parks. NTC contributes for 50% of the overall contribution of costs for maintenance. The 3 parks include Wolverden, Marsden and Victoria (Victoria park, the river splits the boundary between Nelson and Barrowford).

Road Side Seats

Pendle Borough Council agreed in September 2015 that responsibility for the roadside seats would be passed to the relevant Town/Parish Councils. The Clerk received a report last month from a Pendle BC Officer of the damage to two roadside seats on Railway Street, Nelson and for repairs to be undertaken. The Clerk was initially advised by a Town Cllr that the Town Council did not agree to the transfer of roadside seats. However after investigation into previous minutes, minute reference 15/98 – Town Council minutes dated 09 September 2015 indicate the following reference:

RESOLVED: That Nelson Town Council is willing to receive road side seats from Pendle Borough Council by way of gift. However, it is on the understanding that any seats in poor condition will be removed before the transfer.

The request has been referred back to Pendle Borough Council to liaise with their legal department and confirm when the transfer of roadside seats took place and if any service level agreements are in place and to provide a list of the seats within the NTC area.

Cllr George Adam had agreed to address the damaged roadside seats via the ward initiate funding.

2018/056
(TC)

REPORTS FROM TOWN COUNCILLORS

To receive reports from town councillors who have attended recent meetings or events on behalf of the Town Council including representation on external bodies:

- Nelson Area Committee
- Lancashire Association of Local Councils, Lancashire Branch meetings
- Pendle Fair Trade
- Town Centre Partnership / Town Team
 - Empty arcade shops on Scotland Road
- Nelson Youth Forum
- Whitfield Community Forum
- Bradley Big Local Community
- Conferences and courses

Nelson Area Committee

No meeting had taken place.

LALC

The next scheduled meeting was to take place on Monday.

Pendle Fair Trade

The next meeting was to take place in October.

Town Centre Partnership / Town Team

The Chair of the Town Team had resigned following the creation of a watsapp group and comments received from traders. A AAA tenant had signed up for the Pendle Rise Centre.

There were no reports for Nelson Youth Forum, Whitefield Community Forum, Big Bradley Local and conferences an courses.

2018/057
(TC)

TOWN CLERK CORRESPONDENCE

To consider any correspondence or communication brought forward by the Clerk not otherwise specifically relating to items being discussed by the Town Council committees.

The new website was launched last month, and some councillors had still not provided the office with their photos.

2018/037
(TC)

ANY ITEMS FOR DISCUSSION FOR A FUTURE AGENDA

To notify the Clerk of any matters for inclusion on the agenda of the next meeting

No items were declared.

2018/038
(TC)

DATE OF THE NEXT TOWN COUNCIL MEETING

The next Nelson Town Council meeting is due to be held on Wednesday 12th October 2018 at 7:00pm in the Council Chambers, Town Hall, Market Street, Nelson.

The meeting was closed by the Chair at 8.30pm.