

COUNCIL**HELD: 24 FEBRUARY 2016**

Start: 7.30pm

Finish: 11.05pm

PRESENT:

Councillor Mrs Hennessy (Mayor)
Savage (Deputy Mayor)

Councillors

Aldridge	Hudson
Ashcroft	Kay
Mrs Atherley	McKay
Bailey	C Marshall
Barron	Mrs Marshall
Mrs Baybutt	Mee
Bell	Moran
Mrs Blake	Nixon
Blane	Oliver
Bullock	Owen
Cotterill	Owens
Davis	Patterson
Delaney	Pendleton
Dereli	Pope
Devine	Mrs Stephenson
Dowling	West
Mrs C Evans	D Westley
Mrs R Evans	Mrs Westley
Forshaw	Whittington
Furey	Wilkie
Gagen	Wright
Greenall	Wynn
G Hodson	
J Hodson	
Mrs Houlgrave	

Officers:

Acting Chief Executive (Ms K Webber)
Interim Director Housing & Regeneration (Mr R Livermore)
Interim Director Community Services (Mr D Tilleray)
Interim Director Planning (Mr J Harrison)
Interim Director Street Scene (Mr G Concannon)
Interim Borough Solicitor (Mr T Broderick)
Interim Borough Treasurer (Mr M Taylor)
Interim Borough Transformation Manager (Mr S Walsh)
Human Resources Adviser (Ms S Lewis)
Deputy Borough Treasurer (Mr M Kostrzewski)
Exchequer Services Manager (Revenues, Benefits & Payments)
(Mr P Blakey)
Property Services Manager (Mr P Holland)
Facilities Manager (Mr J Powell)
Programmed Works Manager (Mr R Hague)
Senior Surveyor (Mr K Spencer)
Assistant Member Services Manager (Mrs J Denning)

In attendance: Mr S Goacher, Weightmans Solicitors (For agenda items 9 'Management Structure – Post of Chief Executive' and 10 'Senior Management Structure')

79. PRAYERS

The Rev Duncan Petty led Members and officers in prayer.

80. APOLOGIES

Apologies for absence were received on behalf of Councillors L Hodson, McKenna, Ms Melling, O'Toole and Pryce-Roberts.

81. DECLARATIONS OF INTEREST

The following declarations were received:

1. All Members present declared a pecuniary interest in item 13 'Members' Allowances Scheme 2016/17 and Appointment of Independent Remuneration Panel (IRP); in relation to the lines in the budget in regard to Members Allowances in item 16 'Budget Requirement 2016/17' and in relation to item 17 'Determination of Council Tax 2016/17', but were entitled to speak and vote by virtue of an exemption.
2.
 - a) Councillors Ashcroft, Mrs Atherley, Bailey, Barron, Bell, Mrs Blake, Blane, Mrs R Evans, Forshaw, Mrs Houlgrave, Kay, Mrs Marshall, C Marshall, Mee, Moran, Pope, Mrs Stephenson and Whittington declared an interest in relation to relevant lines in the budget in respect of item 14 'Policy Options 2016/17', item 16 'Budget Requirement 2016/17' and item 18 'Medium Term GRA Capital Programme' in relation to Parish Council matters in view of their membership of a Parish Council and indicated they would not participate in any detailed discussions which affected the finances of those bodies specifically.*
 - b) Councillors Aldridge, Barron, Dereli, Hennessy and Westley declared an interest in relation to relevant lines in the budget in respect of item 14 'Policy Options 2016/17', item 16 'Budget Requirement 2016/17' and item 18 'Medium Term GRA Capital Programme' as Members of Lancashire County Council (LCC) as did Councillor Gagen, McKay and Savage as employees of LCC and indicated that they would not participate in any detailed discussions which affected LCC.*
 - c) Councillor Bullock declared an interest in relation to relevant lines in the budget in respect of item 16 'Budget Requirement 2016/17' and item 18 'Medium Term GRA Capital Programme' in respect of his appointment as a Director of West Lancashire Community Leisure Trust and his appointment as a Director as the Council's representative on the Trust and advised that he would not participate in any detailed discussions which affected the Trust*.

- d) Councillors Nixon, Mrs Houlgrave and Pendleton declared an interest in relation to relevant lines in the budgets in respect of item 16 'Budget Requirement 2016/17' in respect of the Skelmersdale Community Centres in view of their appointment to the Tanhouse Action Group.*
- e) Councillor Pendleton declared an interest in relation to relevant lines in the budget in respect of item 16 'Budget Requirement 2016/17' in respect of the 'Skelmersdale Community Centres' in view of his role on the Tanhouse Enterprise Board.*
- f) Councillor Wynn declared an interest in relation to item 14 'Policy Options 2016/2017', PO4 'Dual waste bins' and PO5 'Introduce a charge for the collection of green compostable material' and item 16 'Budget Requirement 2016/17', as he is employed by Essential Fleet Services Ltd to maintain Council vehicles and works at the Robert Hodge Centre and indicated he would not participate in any detailed discussions which affected his employer or employment.*
- g) The following Councillors, appointed by the Council to the bodies listed, declared an interest in relation to relevant lines in the budget in respect of item 16 'Budget Requirement 2016/17' in respect of the 'Grant to Voluntary Organisations' as these bodies had been recommended to receive funding for 2016/17:
- | <u>Councillors*</u> | <u>Voluntary Body</u> |
|---------------------|------------------------------|
| • Devine | Lancashire West CAB |
| • Bell | Dial A Ride Association |
| • G Hodson | West Lancs CVS |
| Aldridge | Homestart Central Lancashire |
- h) Councillor Whittington declared an interest in relation item 16 'Budget Requirement 2016/17' in respect of the 'Grant to Voluntary Organisations' as his wife is a trustee of Lancashire West CAB as this body had been recommended to receive funding for 2016/17.*

*By virtue of a dispensation granted by the Standards Committee on 20 February 2013 until 19 February 2017 all Councillors who have disclosable pecuniary or pecuniary interests in relation to relevant lines in the budget may participate and vote in the budget debates.

3. Councillors Ashcroft, Mrs Atherley, Bailey, Barron, Bell, Mrs Blake, Blane, Mrs R Evans, Forshaw, J Hodson, Mrs Houlgrave, Kay, Mee, Moran, Pope, Mrs Stephenson and Whittington declared a non-pecuniary interest in relation to in relation to item 17 'Determination of Council Tax 2016/17' in view of their membership of a Parish Council.
4. Councillors Delaney, Devine, Owen, Nixon, Patterson and West (Tenant of a Council flat/house) Aldridge and McKay (Tenant of a Council garage) declared disclosable pecuniary interests in relation to item 19 'Housing Account – Revenue and Capital Programme' for the reasons indicated but were entitled to speak and vote by virtue of an exemption (nothing in these reports relates particularly to their respective interests arising from the tenancy or lease).

5. Councillors Aldridge, Mee, Pendleton and Wright declared non-pecuniary interests in relation to item 18 'Medium Term GRA Capital Programme and item 19 'Housing Account – Revenue and Capital Programme' as they have a connected person who is a tenant of rented Council accommodation. Insofar as that interest becomes a pecuniary interest (as it would affect the financial position of their relative and a member of the public with knowledge of the relevant facts would reasonably regard this as so significant that it is likely to prejudice their judgement of the public interest) they declared that interest but considered that they were entitled to speak and vote by virtue of an exemption as nothing in these reports relates particularly to the relevant tenancy or lease.
6. Councillors Aldridge, Barron, Dereli, Hennessy and Westley declared a non pecuniary interest in relation to item 17 'Determination of Council Tax 2016/17', item 23 'Leisure Strategy', 26(a) 'TTIP – Motion', 26(b) 'Cleaning of Highway gillies, Culverts and Trash Barriers – Motion' and 26(e) 'Fracking in Lancashire – Motion', as Members of Lancashire County Council, as did Councillor Gagen and McKay as employees of Lancashire County Council.
7. Councillors Barron, Pope and Westley declared a non pecuniary interest in item 12 'Pay Policy Statement' as members of the Lancashire County Council Pension Committee.
8. Councillors Aldridge declared a non pecuniary interest in relation to item 17 'Determination of Council Tax 2016/17' as a Member of Lancashire Fire & Rescue Authority and Councillor Wilkie as a Fire-fighter.
9. Councillor Bullock declared a Disclosable Pecuniary Interest in relation to item 23 'Leisure Strategy Consultation Results' in respect of his appointment as a Director of West Lancashire Community Leisure Trust and his appointment as a Director as the Council's representative on the Trust and advised that he would leave the room whilst the item was under consideration.
10. Councillors Blane, G Hodson, J Hodson and Forshaw declared a non pecuniary interest in relation to item 25 'The Smoke and Carbon Monoxide Alarm (England) Regulations 2015' as landlords.

82. MINUTES

RESOLVED That the minutes of the Council meeting held on Wednesday, 16 December 2015 be received as correct record and signed by the Mayor.

83. ANNOUNCEMENTS BY THE MAYOR AND/OR THE ACTING CHIEF EXECUTIVE

The Mayor announced:

- That a Celebrating Women Event would take place on Friday 26 February 2016.
- That Dementia Awareness Training had been organised for all Members on 16 and 30 March 2016.

- That special thanks be given to all those involved, who assisted during the flooding incidents that took place across the Borough during the Christmas period and advised that the LGA has recognised West Lancashire as an example of good practice for the work undertaken during this period.

84. TO ANSWER ANY QUESTIONS UNDER THE PROVISIONS OF COUNCIL PROCEDURE RULE 10.2

The following Question to the Leader was received and a response circulated at the meeting:

Staff Recruitment - Question from Councillor Owens

"In 2015 the council staff recruitment pattern is as detailed:

Age Range	Number	FTE	Permanent	Temp/Fixed Term
16-19	0	0	0	0
20-29	5	5	3	2
30-39	3	3	2	1
40-49	5	3.9	3	2
50-59	7	6.5	3	4
60+	1	1	1	0

While recognising that apprenticeships can be taken by working age people of all ages, given that the council recruited more than 20 staff in 2015 and given that not one of these persons recruited was under 20 years of age, and given the importance of the council's work in promoting apprenticeships more widely in West Lancashire and in ensuring a balanced age profile among council staff for succession planning, what steps is the Council taking in 2016, within employment legislation, to recruit apprentices and other young people to job positions?"

Leader's Response:

Over the last two years the Council has offered a number of posts that had the potential for attracting younger people to work with us. The posts available were:-

- 2 x Trainee Surveyor posts (Housing & Regeneration)
- 3 x Apprentice Clerical Assistants (Housing & Regeneration)
- 2 x Graduate Planning Officers (Planning Services)
- 1 x Graduate post (Community Services)
- 1 x Graduate post (Transformation Services)

Whilst it is not possible to limit the age ranges of people who are appointed to these posts to under 20 years old, we do try to encourage interest in the Council as an employer of choice for young people. We do this by offering work experience placements, of which we have offered more than 25 across the Council during the last two years.

In the year ahead, we will continue with the existing contracted apprenticeships and trainees, whilst also endeavouring to accommodate work experience requests, including those from Edge Hill University and West Lancashire College.

In addition, Managers will continue to review vacancies as they arise to assess whether they would be suitable to convert to apprentice posts (where there is scope for creating trainee vacancies within existing budgets).

The Council engages in recruitment events and careers days at local colleges and schools and will continue to take part in such local activities wherever possible. Plans are also in place to further improve its approach to recruitment advertising by using a number of free electronic Job Boards in addition to social media options, such as Facebook and Twitter in order to raise awareness of our job vacancies to all sectors of the community.

Equality of opportunity is a primary/key factor in our recruitment processes, and all offers of appointment must be made based purely on merit, and no other determining factor such as age, in order to avoid challenges around discrimination.

The Council is also mindful of the Government's proposals to issue targets for apprenticeships to be offered in the public sector and we will be keen to track and research how this develops. This will also help us to put measures in place to ensure that we comply, and adopt a positive approach to meeting any targets set as appropriate.

(Note: Councillor Devine arrived during consideration of this item.)

85. MINUTES OF COMMITTEES

Consideration was given to the minutes of the undermentioned meetings of the Committees shown.

RESOLVED That the minutes of the undermentioned meetings and any recommendations contained in them, be approved:

- A. Planning Committee held on Thursday 14 January and 11 February 2016.
- B. Audit and Governance Committee held on Tuesday 26 January 2016.
- C. Polling Districts and Polling Places Review Committee held on Wednesday 27 January 2016.
- D. Licensing and Gambling Committee held on Tuesday 2 February 2016.
- E. Licensing and Appeals Committee held on Tuesday 2 February 2016.

86. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following 3 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 3 and 4 of Part 1 of Schedule 12A of that Act, as set out on the agenda, and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

(Note: Members noted that all officers, except the Deputy Borough Treasurer, the Human Resources Adviser and the Assistant Member Services Manager, left the meeting during consideration of the next 2 items and Mr S Goacher of Weightmans Solicitors advised the meeting.)

87. MANAGEMENT STRUCTURE - POST OF CHIEF EXECUTIVE

Consideration was given to the report of the Leader, as contained on pages 1009 to 1036 of the Book of Reports, which sought approval to establish a post of Chief Executive from 1 March 2016, agree the Job Description and appropriate remuneration and appoint to the post by way of redesignation.

- RESOLVED
- A. That the post of the Chief Executive be established from 1 March 2016, with the Job Description attached at Appendix 4, at a spot salary of £98,808 and the Chief Executive post be designated Head of the Paid Service and Returning Officer.
 - B. That, with effect from 1 March 2016, the Acting Chief Executive be redesignated Chief Executive.
 - C. That the 'Proper Officer Provisions and Scheme of Delegation' be updated to reflect Recommendations A. and B. above, from 1 March 2016, and all other Policies and Procedures be similarly updated.
 - D. That the next item on the Agenda, a report on the Senior Management Structure, reporting to the new post of Chief Executive, be considered.
 - E. That the Council's Pay Policy, appearing as a later item on the Agenda, be updated accordingly.

(Note: The Acting Chief Executive was invited back into the meeting for the next item.)

88. SENIOR MANAGEMENT STRUCTURE

Consideration was given to the report of the Acting Chief Executive, as contained on pages 1037 to 1068 of the Book of Reports, which sought to establish a revised management structure to provide strategic leadership to deliver the Council's priorities, in the current financial context.

RESOLVED A. That the management structure attached at Appendix 3 to the report and payline at Appendix 5 be agreed, with effect from 1 March 2016 and the following posts be redesignated as indicated:

i.	Interim Director Community Services	Director of Leisure and Wellbeing
ii.	Interim Director Housing and Regeneration	Director of Housing and Inclusion
iii.	Interim Director Planning	Director of Development and Regeneration
iv.	Interim Director Street Scene	Director of Street Scene
v.	Interim Borough Solicitor	Borough Solicitor
vi.	Interim Borough Treasurer	Borough Treasurer
vii.	Interim Borough Transformation Manager	Borough Transformation Manager and Deputy Director of Housing and Inclusion
viii.	Deputy Assistant Director Housing and Regeneration	Deputy Director of Development and Regeneration
ix.	Head of Leisure and Cultural Services	Deputy Director of Leisure and Wellbeing
x.	Contracts Performance Manager	Deputy Director of Street Scene

and that the current postholders assume the duties attributed to these revised roles as detailed in updated job descriptions and at salary levels as set out in paragraph 6.2 of the report, on the basis of existing terms and conditions (with the exception of the Chief Officer car allowance).

- B. That the Borough Solicitor be designated Monitoring Officer and the Borough Treasurer be designated S151 Officer.
- C. That the Proper Officer Provisions and Scheme of Delegation be updated from 1 March 2016, as set out in Appendix 7 to the report and all other Policies and Procedures be similarly updated to reflect the new job titles and redesignation of roles (where appropriate).

- D. That the comments of the North West Employers Organisation on these proposals as set out at Appendix 8 to the report be noted.
- E. That the Council's Pay Policy appearing as a later item on this agenda be updated accordingly.
- F. That the Chief Executive be given authority to take all action in connection with the implementation of the above recommendations.

(Note: All officers were invited back into the meeting room following consideration of this item.)

89. STRATEGIC ASSETS PURCHASE FUND

Consideration was given to the report of the Interim Director Housing and Regeneration, as contained on pages 1069 to 1078 of the Book of Reports, which sought authority to establish a Strategic Asset Purchasing Committee to purchase land and property for the council if considered prudent to do so and the timeframe precludes the normal process.

A revised Appendix 2 to the report was circulated containing proposed membership details of the Strategic Asset Purchasing Committee, which included details of the proposed Chairman and Vice Chairman, terms of reference and delegations.

- RESOLVED
- A. That the report be noted.
 - B. That a Strategic Asset Purchasing Committee be established as follows:

Membership: 5 Members (3 Labour and 2 Conservative):

Labour: (Chairman) Councillor Moran
(Vice-Chairman) Councillor J Hodson
Pendleton

Conservative: Councillors: D Westley and Whittington

Functions: To consider the purchase by the Council of land or property assets with an individual value of up to £1 million where the business case for doing so is made out and timescales do not allow for consideration at Council. The business case must be robust and demonstrate a net rate of return of at least 4% per annum on average over the time that it is expected that the asset will be held.

Delegations: Full delegated powers duties and functions of the Council as set out above including the ability to instruct the Interim Director Housing & Regeneration to carry out all necessary steps to affect a purchase of land or property assets, including any necessary investment and associated costs, up to an overall individual value of £1 million if considered prudent to do so or to decline to proceed.

- (Note: (i) Councillor Bailey arrived during consideration of this item.
(ii) Members of the public were invited back into the meeting following consideration of this item.)

90. PAY POLICY STATEMENT

Consideration was given to the report of the Interim Borough Transformation Manager, as contained on pages 1079 to 1098 of the Book of Reports, to agree a Pay Policy Statement for 2016/17 detailing the Authority's policy on workforce remuneration, as required by the Localism Act 2011.

The Leader advised that the Pay Policy Statement 2016/17 would be revised and presented to April 2016 Council, following the implementation of the new Senior Management Structure.

RESOLVED That the Pay Policy Statement for 2016/17, attached at Appendix (i) to the report, be approved, published on the Council's website and included in the Constitution

91. MEMBERS' ALLOWANCES SCHEME 2016/17 AND APPOINTMENT OF INDEPENDENT REMUNERATION PANEL (IRP)

Consideration was given to the report of the Interim Borough Solicitor, as contained on pages 1099 to 1112 of the Book of Reports, which introduced the report of the Independent Remuneration Panel (IRP), sought approval of the Members' Allowances Scheme for 2016/17 and the noting and endorsement of the Membership of the IRP.

A Motion was circulated at the meeting, which was moved and seconded, together with a revised Schedule of Special Responsibility Allowances.

An Amendment to the Motion was moved, which was not seconded.

A vote was taken the Motion, which was CARRIED.

- RESOLVED**
- A. That the IRP's report for 2016/17, attached at Appendix 2 to the report, be received and noted.
 - B. That in accordance with paragraph 4 of the IRP's report, a Members Allowance Scheme be made, effective from 1 April 2016 incorporating a Basic Allowance of £4,842 (no increase) and provision for SRA payments, as detailed on the Schedule circulated at the meeting, which includes a new Special Responsibility Allowance (SRA) of 50%, i.e. £2421, for the Chairman of the Audit and Governance Committee, a uniform rate of SRA of 100% for Cabinet Members and a reduced SRA for the Chairman of Planning Committee of 100% (from 120%), i.e. £4842 (from £5,810)
 - C. That the Basic Allowance of £4,842 be fixed for a 4 year period until 31 March 2020, as set out in paragraph 4.2 of the IRP's report, the Council being able to ask the IRP to consider an increase in any year and to give specific reasons for the request.

- D. That the Interim Borough Solicitor update and publish the Members' Allowances Scheme for the period commencing 1 April 2016, such scheme to be incorporated into the Constitution.
- E. That the Membership of the IRP for 2016/17 and the respective terms of office be noted and endorsed as follows:
 - Mrs G Stanley (Chairman) 1 May 2018
 - Mr J Boardman 1 May 2017
 - Mr I Thompson 1 May 2019

92. POLICY OPTIONS 2016/17

Consideration was given to the report of the Acting Chief Executive, as contained on pages 1113 to 1156 of the Book of Reports, which detailed the results of the Policy Options 2016/17 consultation and sought agreement to any amendments to the Policy Option proposals as a result of the consultation.

A Motion was circulated, which was moved and seconded.

A vote was taken the Motion was CARRIED.

- RESOLVED
- A. That the results of the Policy Option consultation set out at Appendix B to the report, be noted.
 - B. That the Policy Options set out at Appendix A to the report, be approved for inclusion in the 2016/17 budget with the exception of option PO5 Charging for Green Waste Collection, and with Option A selected for proposals PO7 and PO8 (reduce grant funding for Parish Councils by 10% per year over each of the next 3 years), with a total savings value of £174,000.
 - C. That the introduction of a seasonal Green Waste Collection service based on a 34 week March to October period be approved for inclusion in the 2016/17 budget, subject to consultation, with an estimated savings value of £85,000 per year (a saving of £85,000 to be met from the Budget and Efficiency Savings Reserve if it is determined not to introduce the change following consultation).
 - D. That the Acting Chief Executive and Interim Heads of Service be given authority to take all necessary action in connection with the implementation of these Policy Options.

(Note: Councillor Wynn declared a Disclosable Pecuniary Interest and left the meeting whilst this item was under consideration.)

93. SUSPENSION OF COUNCIL PROCEDURE 13.4

RESOLVED That Council Procedure Rule 13.4, be suspended, to enable the Portfolio Holder / Shadow Portfolio Holder to present their budget statements, in respect of agenda items 16 (Budget Requirement 2016/17) and 19 (Housing Account – Revenue and Capital Programme).

94. BUDGET REQUIREMENT 2016/17

Consideration was given to the report of the Borough Treasurer, as contained on pages 1157 to 1178 of the Book of Reports, which set out the General Revenue Account (GRA) Reserves Policy and the Draft GRA Estimates.

Councillor Wynn, Portfolio Holder for Finance, moved a Motion that provided details of the Labour Budget Proposals (as circulated at the meeting and contained in the Book of Reports), which was seconded.

Councillor Whittington, Shadow Portfolio Holder for Finance, moved an Amendment that provided details of the Conservative Budget Proposals (as circulated at the meeting and contained in the Book of Reports), with the inclusion of £58k 'Fund from Planning Income Equalisation Reserve in 2016/17', which was seconded.

In accordance with Council Procedure Rule 16.5, the voting on the Amendment was recorded as follows:

FOR: Councillors Ashcroft, Mrs Atherley, Bailey, Barron, Mrs Baybutt, Mrs Blake, Blane, Mrs C Evans, Mrs R Evans, Forshaw, Greenall, Mrs Houlgrave, Kay, C Marshall, Mrs Marshall, Mee, Pope, Mrs Stephenson, D Westley, Mrs Westley and Whittington (TWENTY ONE)

AGAINST: Councillors Aldridge, Bell, Bullock, Cotterill, Davis, Delaney, Dereli, Devine, Dowling, Furey, Gagen, Hennessy, G Hodson, J Hodson, Hudson, McKay, Moran, Nixon, Oliver, Owen, Patterson, Pendleton, Savage, West, Wilkie, Wright and Wynn (TWENTY SEVEN)

ABSTENTIONS: Councillor Owens

The Amendment was LOST.

In accordance with Council Procedure Rule 16.5, the voting on the Motion was recorded as follows:

FOR: Councillors Aldridge, Bell, Bullock, Cotterill, Davis, Delaney, Dereli, Devine, Dowling, Furey, Gagen, Hennessy, G Hodson, J Hodson, Hudson, McKay, Moran, Nixon, Oliver, Owen, Patterson, Pendleton, Savage, West, Wilkie, Wright and Wynn (TWENTY SEVEN)

AGAINST: Councillors Ashcroft, Mrs Atherley, Bailey, Barron, Mrs Baybutt, Mrs Blake, Blane, Mrs C Evans, Mrs R Evans, Forshaw, Greenall, Mrs Houlgrave, Kay, C Marshall, Mrs Marshall, Mee, Pope, Mrs Stephenson, D Westley, Mrs Westley and Whittington (TWENTY ONE)

ABSTENTIONS: Councillor Owens

The Motion was CARRIED.

- RESOLVED
- A. That the General Revenue Account Estimates for 2016/17 set out in Appendix B of the Council report be approved, subject to the changes set out in the Labour Budget Proposals circulated at the meeting.
 - B. That the GRA reserves policy set out in Appendix A to the Council report be approved.
 - C. That delegated authority be given to the Acting Chief Executive and Interim Heads of Service to take all necessary action to implement the changes resulting from the budget proposals.

95. DETERMINATION OF COUNCIL TAX 2016/17

Consideration was given to the revised report of the Interim Borough Transformation Manager, as circulated at the meeting, which set out the proposed Council Tax rate for each property band for the whole of the Borough Council's area, including the Council Tax rate as set by the County Council, the Police and Crime Commissioner for Lancashire, the Lancashire Combined Fire Authority and the local Parish Council in parished areas, in order to confirm the statutory resolutions that are required to set the Council Tax for 2016/17.

Councillor Wynn moved a Motion to approve the recommendations in the revised report circulated at the meeting and contained in the Book of Reports, which was seconded.

In accordance with Council Procedure rule 16.5, the voting on the Motion was recorded as follows:

FOR: Councillors: Aldridge, Ashcroft, Mrs Atherley, Bailey, Barron, Mrs Baybutt, Bell, Mrs Blake, Blane, Bullock, Cotterill, Davis, Delaney, Dereli, Devine, Dowling, Mrs C Evans, Forshaw, Furey, Gagen, Greenall, Hennessy, G Hodson, J Hodson, Mrs Houlgrave, Hudson, Kay, McKay, C Marshall, Mrs Marshall, Moran, Nixon, Oliver, Owen, Owens, Patterson, Pendleton, Pope, Savage, Mrs Stephenson, West, D Westley, Mrs Westley, Whittington, Wilkie, Wright and Wynn (FORTY SEVEN)

AGAINST: Mrs R Evans (ONE)

ABSTENTIONS: Mee (ONE)

The Motion was CARRIED.

- RESOLVED
- A. That it be noted that on the 8 January, 2016, the Borough Treasurer declared the Council Tax Base amounts set out in Appendix A to the report, for the financial year 2016/2017 in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012.

- B. That the Budget for the Council's own purposes for 2016/2017 (excluding parish precepts) be set at £12,883,318 in accordance with the earlier Budget Requirement report.
- C. That the following amounts be now calculated by the Council for the financial year 2016/2017 in accordance with the Local Government Finance Act 1992 (the Act):
- a) £87,208,061 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - b) £80,304,791 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act
 - c) £6,903,270 being the amount by which the aggregate at C.(a) above exceeds the aggregate at C.(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
 - d) £202.91 being the amount at C.(c) above divided by 34,020.96 (the Tax Base) calculated by the Council in accordance with Section 31(B) of the Act, as the basic amount of its Council Tax for 2016/2017.
 - e) £549,516 being the aggregate amount of all special items (i.e. Parish Precepts) referred to in Section 34(1) of the Act.
 - f) £186.76 being the amount at C.(d) above, less the result given by dividing the amount at C.(e) above by 34,020.96 (the Tax Base), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for 2016/2017 for dwellings in those parts of its area to which no special item relates.

- g) Part of the Council's area:

	£. p
Aughton	203.05
Bickerstaffe	217.02
Bispham	195.33
Burscough	222.15
Dalton	206.96
Downholland	216.90
Great Altcar	201.33
Halsall	211.34
Hesketh with Becconsall	227.44
Hilldale	234.30
Lathom	202.30
Lathom South	216.34

Newburgh	210.39
North Meols	213.94
Parbold	220.89
Rufford	225.02
Scarisbrick	200.55
Simonswood	208.46
Tarleton	219.19
Up Holland	203.56
Wrightington	199.28

being the amounts given by adding to the amount at C.(f) above the amounts of the special item relating to dwellings in those parts of the Council's area mentioned above divided in each case by the relevant Tax Base for those areas, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of the Council Tax for 2016/2017 for dwellings in those parts of its area to which a special item (i.e. Parish Precepts) relate.

- h) Part of the Council's area for each valuation band, being the amounts given by multiplying the amounts at C.(f) and C.(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (See Schedule 1 of the revised report circulated at the meeting).

- D. That it be noted that for the year 2016/2017 Lancashire County Council has stated the following amounts in precept issued to the Council, in accordance with Section 40 of the Act 1992, for each of the categories of dwelling shown below:

VALUATION BANDS

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£. p	£. p	£. p	£ .p
783.24	913.78	1,044.32	1,174.86	1,435.94	1,697.02	1,958.10	2,349.72

- E. That it be noted that for the year 2016/2017 the Police and Crime Commissioner for Lancashire has stated the following amounts in precept issued to the Council in accordance with Section 40 of the Act for each of the categories of dwelling shown below:

VALUATION BANDS

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£. p	£. p	£. p	£. p
108.15	126.17	144.20	162.22	198.27	234.32	270.37	324.44

- F. That it be noted that for the year 2016/2017 the Lancashire Combined Fire Authority has stated the following amounts in precept issued to the Council in accordance with Section 40 of the Act for each of the categories of dwelling shown below:

VALUATION BANDS

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£. p	£. p	£. p	£. p
43.67	50.94	58.22	65.50	80.06	94.61	109.17	131.00

- G. That having calculated the aggregate in each case of the amounts at C(h), D, E, and F, the Council, in accordance with Section 30(2) of the Act, hereby sets the amounts shown in Schedule 2 of the revised report circulated at the meeting, as the amounts of Council Tax for the year 2016/2017 for each of the categories of dwellings shown.

96. MEDIUM TERM GRA CAPITAL PROGRAMME

Consideration was given to the report of the Interim Borough Treasurer, as contained on pages 1189 to 1212 of the Book of Reports, which advised on the Council's Medium Term Capital Programme.

Councillor Wynn, Portfolio Holder for Finance, moved a Motion, which set out the Labour Capital Programme proposals, as circulated at the meeting and contained within the Book of Reports, which was seconded.

An Amendment was moved by Councillor Whittington, Shadow Portfolio Holder for Finance, which sought the inclusion of the following:

“Extension of Moor Street project to Railway Road junction (£180,000) (The cost of the Moor Street project is an estimate and would be dependent on discussion that would need to take place with Lancashire County Council in order for the scheme to proceed and the project specification)

Less Environmental / Town and Village Centre Improvement Fund – reallocation of funding from Ormskirk Town Centre Strategy Implementation and Sklemersdale Public Realm Improvements (-£180,000)”

which was seconded.

A vote was taken on the Amendment, which was LOST.

A vote was taken on the Motion, which was CARRIED.

- RESOLVED
- A. That the budget items be approved based on the Revised Capital Programme proposals presented at the meeting.
 - B. That delegated authority be given to the Acting Chief Executive and Interim Heads of Service to take all necessary action to implement the agreed capital programme.

(Note: Councillor Bullock left the meeting during consideration of this item.)

97. HOUSING ACCOUNT - REVENUE AND CAPITAL PROGRAMME

Consideration was given to the report of the Interim Director Housing and Regeneration, as contained on pages 1213 to 1236 of the Book of Reports, which advised on the rent and service charges to be applied; and detailed the Public Sector Housing Capital Investment Programme and Housing Revenue Estimates for 2016/17.

Councillor Patterson, Portfolio Holder for Housing and Landlord Services, moved a Motion, as circulated at the meeting and contained in the Book of Reports, which set out Labour proposals in relation to the Draft Housing Revenue Account Estimates for 2016/17 and Public Sector Housing Capital Investment Programme 2016/17, which was seconded.

Councillor Mrs Houlgrave, Shadow Portfolio Holder for Housing and Landlord Services, moved an Amendment, as circulated at the meeting and contained in the Book of Reports, which set out Conservative proposals in relation to the Draft Housing Revenue Account Estimates for 2016/17 and Public Sector Housing Capital Investment Programme 2016/17, which was seconded.

A vote was taken on the Amendment, which was LOST.

An Amendment was circulated, which was accepted by the Mover and Seconder of the Motion as an alteration, with the consent of the meeting.

A vote was taken on the Altered Motion, which was CARRIED.

- RESOLVED
- A. That the Rent and Service charges set within delegated authority, as detailed in Section 4 of the report be noted and endorsed.
 - B. That delegated authority be given to the Interim Director Housing and Regeneration, in consultation with the relevant Portfolio Holder to set rent levels for new tenancies in Sheltered Housing in accordance with relevant regulations once these are in place.
 - C. That the comments of the Tenants Scrutiny Group, as set out in Appendix D of the report be noted.

- D. That the Housing Revenue Estimates for 2016/17, set out in Appendices A and B of the report be approved, subject to the changes set out in the Labour proposals circulated at the meeting.
- E. That delegated authority be given to the Interim Director Housing and Regeneration to take all necessary action to implement the decision of Council.
- F. That the Interim Borough Treasurer be asked to bring a report to a future meeting of Council, detailing alternatives to the current method adopted to repay our Housing borrowing.

98. CAPITAL FINANCING AND TREASURY MANAGEMENT FRAMEWORK

Consideration was given to the report of the Interim Borough Treasurer, as contained on pages 1237 to 1248, which set the framework for capital financing and treasury management operations for the next financial year.

- RESOLVED
- A. That the projected position in respect of Prudential Indicators, as set out in Appendix 1 to the report, for 2015-16, be noted.
 - B. That the Prudential Indicators for the next three years be agreed, as set out in Appendix 2 to the report.
 - C. That the Minimum Revenue Provision (MRP) policy, as set out in Appendix 3 to the report, be approved for the next financial year.
 - D. That the Treasury Management Strategy, as set out in section 8 of the report, be approved.

(Note: Councillor Devine left the meeting following consideration of this item.)

99. MAYOR ELECT 2016/17

Consideration was given to the report of the Interim Borough Solicitor, as contained on pages 1249 to 1250 of the Book of Reports, which sought nominations for the positions of Mayor and Deputy Mayor for 2016/17.

RESOLVED That it be noted that the Labour Group nominees for Mayor and Deputy Mayor for the Municipal Year 2016/17 are Councillors Savage and Furey respectively.

100. TIMETABLE OF MEETINGS 2016/17

Consideration was given to the report of the Interim Borough Solicitor, as contained on pages 1251 to 1254 of the Book of Reports, which sought approval of the timetable of meetings for the Municipal Year 2016/17.

RESOLVED That the timetable for the meetings for the 2016/17 Municipal Year, attached as an Appendix to the report, be approved.

101. LEISURE STRATEGY CONSULTATION RESULTS

Consideration was given to the report of the Interim Director Community Services, as contained on pages 1255 to 1288 of the Book of Reports, which detailed the results of the consultation on the draft Leisure Strategy and draft Playing Pitch Strategy that was considered at the Council meeting on the 21 October 2015.

A Motion to approve the recommendations set out at paragraphs 2.1 and 2.2 of the report was moved and seconded.

An Amendment was circulated, which was moved and seconded.

A vote was taken on the Amendment, which was LOST.

A vote was taken on the Motion, which was CARRIED.

- RESOLVED
- A. That the consultation comments be received and noted and the updated Key Action Plan in appendix B to the report, be approved.
 - B. That the Leisure Strategy and Playing Pitch Strategy with the amendments agreed at A. above, be formally adopted by the Council.

102. LIVERPOOL CITY REGION HOUSING & SPATIAL PLANNING BOARD

Consideration was given to the report of the Interim Director Planning, as contained on pages 1289 to 1292 of the Book of Reports, which sought authority for West Lancashire Borough Council to join the Liverpool City Region Housing & Spatial Planning Board as an associate (non-voting) member should the Liverpool City Region Combined Authority agree to the change in membership.

RESOLVED That West Lancashire Borough Council join the Liverpool City Region Housing & Spatial Planning Board, as an associate Member, nominating the Portfolio Holder for Planning, Cllr John Hodson, as the Council's representative, with the Portfolio Holder for Housing and Landlord Services, Cllr Jenny Patterson, as his reserve.

(Note: Councillors Mrs Atherley and Wright were not present during consideration of this item.)

103. THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015

Consideration was given to the report of the Interim Director Community Services, as contained on pages 1293 to 1307 of the Book of Reports, which detailed the new duties and responsibilities placed on landlords and local authorities under The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and brought to put into place relevant arrangements.

A Motion to approve the recommendations at paragraph 2.1 to 2.4 of the report, was moved and seconded.

An Amendment was circulated, which was accepted by the Mover and Seconder of the Motion as an alteration, with the consent of the meeting.

A vote was taken on the Altered Motion, which was CARRIED.

- RESOLVED
- A. That an amendment of the constitution 4.2D part (ix) Private Sector housing paragraph 18 (as outlined in Appendix 1 to the report) be approved and the Interim Director Community Services and officers designated by him, be authorised to implement the Regulations.
 - B. That landlords, on receipt of a Remedial Notice under the Regulations, make their written representation to the Interim Director of Community Services, who will thereafter determine what (if any) action is required and notify the landlord of the decision in accordance with the Regulations.
 - C. That landlords seeking a review of a Penalty Charge Notice under the Regulations, do so in writing to the Interim Director of Community Services, who will thereafter determine what (if any) action is required and notify the landlord of the decision in accordance with the Regulations.
 - D. That the Interim Director of Community Services, in consultation with the relevant portfolio holder be authorised to, on behalf of the council, prepare and publish the 'Statement of principles' which it proposes to follow in determining the amount of a penalty notice.
 - E. That the Interim Director of Community Services be asked to provide Members with an update in June/July 2016.

(Note: Councillor Blane left the meeting following consideration of this item.)

104. MOTIONS

Consideration was given to the following 5 Motions included on the agenda at the request of Members:

105. TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP (TTIP) - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR DERELI ON BEHALF OF THE LABOUR GROUP

The following Motion was moved and seconded:

"That this Council joins with 26 other Local Authorities in the UK, in declaring ourselves to be a TTIP-free zone and in doing so declare our fundamental opposition to this trade deal being negotiated by the EU with no mandate from the people of the UK or of other countries across Europe.

This Council notes that Lancashire County Council, in declaring its opposition to TTIP, invited us to join them and that the response they have received from the Local Government Association (LGA) indicated that they will be lobbying against it. That this Council writes to the LGA expressing support for their campaign against TTIP and to

local MPs asking them to join in lobbying against this trade deal, which poses a threat both to the very existence of any public services and to democratic accountability.”

- RESOLVED
- G. That this Council joins with 26 other Local Authorities in the UK, in declaring ourselves to be a TTIP-free zone and in doing so declare our fundamental opposition to this trade deal being negotiated by the EU with no mandate from the people of the UK or of other countries across Europe.
 - H. That this Council notes that Lancashire County Council, in declaring its opposition to TTIP, invited us to join them and that the response they have received from the Local Government Association (LGA) indicated that they will be lobbying against it. That this Council writes to the LGA expressing support for their campaign against TTIP and to local MPs asking them to join in lobbying against this trade deal, which poses a threat both to the very existence of any public services and to democratic accountability.

106. CLEANING OF HIGHWAY GULLIES, CULVERTS AND TRASH BARRIERS - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR GREENALL ON BEHALF OF THE CONSERVATIVE GROUP

The following Motion was moved and seconded:

“That this Council condemns the decision taken by Lancashire County Council (LCC) in February 2015 to stop regular cleaning of highway gullies, culverts and trash barriers and only to clean them when there is a need i.e. once they are reported as blocked. In view of the serious flooding in various parts of West Lancashire over the Christmas period, this Council calls upon LCC to reinstate the regular and proactive routine cleaning of highway gullies, culverts and trash barriers, to ensure that the risk of flooding in the future is reduced. Accordingly, the Acting Chief Executive is to write to the Chief Executive of LCC to convey this request.”

An Amendment to the Motion was circulated, which was moved and seconded.

A vote was taken, the Amendment was CARRIED, which became the Substantive Motion.

A vote was taken on the Substantive Motion, which was CARRIED

RESOLVED That in view of the serious flooding in various parts of West Lancashire over the Christmas period, this Council calls upon:

- A. Lancashire County Council (LCC) to ensure the regular and proactive routine cleaning of highway gullies, culverts and trash barriers, to ensure that the risk of flooding in the future is reduced.
- B. The Government to reverse its draconian imposition of huge cuts to local authorities and reinstates funding to LCC for the provision of year round inspection and maintenance of all highways gullies and culverts which lie within its responsibility, in order to reduce the risk of water accumulation on highways during periods of

heavy and prolonged rainfall. Accordingly, the Acting Chief Executive is to write to the relevant Government Minister to convey this request.

(Note: Councillors Bailey and Patterson left the meeting during consideration of this item.)

107. PLANNING AND LICENSING APPLICATIONS E-MAIL NOTIFICATION - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR OWENS

The following Motion was moved and seconded:

“That the current neighbour notification for planning applications, while meeting legal requirements, excludes notification of many residents living close to proposed developments and that there is no system of notification of interested residents when applications are received for Premises Licences or changes under the Licensing Act 2003.

That while recognising the financial constraints on the council budgets, it is noted that notification by email of validated planning applications is sent to councillors on a weekly basis and similar email notification of applications under the Licensing Act 2003 as they are made and so resolves that a system be established within 3 months to allow residents to register, via the council website, to be added to the email circulation list to receive these notification emails in the same manner as councillors currently do.”

A vote was taken, the Motion was LOST.

(Note: During consideration of this item a Motion was moved and seconded in the following terms in relation to Council Procedure Rule 9 ‘Duration of the meeting’:
“That in order to complete the required business, the meeting continues beyond 11pm.” A vote was taken on the Motion, which was CARRIED.)

108. COMMUNITY USE OF COUNCIL PREMISES - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR D WESTLEY ON BEHALF OF THE CONSERVATIVE GROUP

The following Motion was moved and seconded:

“That given the article on the front page of the Champion Newspaper dated 10th February 2016, that carried the headline "Residents Group fury over two-faced councillors" and disclosed alleged details of an exchange of offensive emails between five named Labour councillors and a Labour candidate and given that these same labour councillors were allegedly giving consideration to means of trying to subvert the Ormskirk Residents Group including the banning of the Group's use of the Council's premises for it's meeting, this Council resolves the following;

(a) That this Council highly values the work of all the Voluntary Community Groups and Associations in West Lancashire, welcomes opportunities to interact and exchange views and undertakes to do so without interference.

(b) That the Acting Chief Executive be instructed to bring a Report back to a future meeting of the Full Council on the Community use of Council Premises that details existing such usage, existing policies or protocols and makes suitable recommendations to provide safeguards against possible political interference by members.”

An Amendment was circulated, which was moved and seconded.

A vote was taken on the Amendment, which was CARRIED and became the Substantive Motion.

At the request of a Member voting on the Substantive Motion was recorded as follows:

FOR: Councillors Aldridge, Mrs Atherley, Bailey, Mrs Baybutt, Bell, Mrs Blake, Cotterill, Davis, Delaney, Dereli, Dowling, Mrs C Evans, Forshaw, Furey, Gagen, Greenall, Hennessy, G Hodson, J Hodson, Mrs Houlgrave, Hudson, Kay, McKay, C Marshall, Mrs Marshall, Moran, Nixon, Oliver, Owen, Patterson, Pendleton, Savage, Mrs Stephenson, West, D Westley, Mrs Westley, Whittington, Wilkie, Wright and Wynn (THIRTY NINE)

AGAINST: NONE

ABSTENTIONS: Councillors Ashcroft, Barron, Mee, Owens and Pope (FIVE)

The Substantive Motion was CARRIED.

- RESOLVED
- I. That this Council highly values the work of all those Voluntary Community Groups and Associations in West Lancashire, who promote a positive message about their Borough as a welcoming and desirable place to live, for all residents, and who support positive, open and meaningful engagement with their Borough Council.
 - J. That the Interim Borough Transformation Manager and the Interim Borough Solicitor bring a report back to a future meeting of Council setting out how such organisations can be supported in their important role, by the Borough Council, including in relation to use of Borough Council Premises and development of good governance.

(Note: Councillor Pope left the meeting following consideration of this item.)

109. FRACKING IN LANCASHIRE - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR J HODSON ON BEHALF OF THE LABOUR GROUP

The following Motion was moved and seconded:

“That Lancashire County Council has spent significant time and resources ensuring that the process of determining planning applications on Fracking in Lancashire has been open, transparent and well informed. The Development Control Committee received evidence and opinion from organisations both in favour of and opposed to Fracking, as well as from local resident groups, local businesses and public health professionals.

That whilst national government is rightly entitled to take a view and determine national policy regarding energy, this Council believes that the determination of individual planning applications should remain with the County Council as it is best able to consider local planning issues. The Secretary of State is a member of a cabinet with a clear policy in favour of Fracking and he has made statements in favour of Fracking.

That this Council strongly supports Lancashire County Council as the legitimate democratic decision making body for Planning Applications on Fracking in Lancashire.”

- RESOLVED
- K. That Lancashire County Council has spent significant time and resources ensuring that the process of determining planning applications on Fracking in Lancashire has been open, transparent and well informed. The Development Control Committee received evidence and opinion from organisations both in favour of and opposed to Fracking, as well as from local resident groups, local businesses and public health professionals.
 - L. That whilst national government is rightly entitled to take a view and determine national policy regarding energy, this Council believes that the determination of individual planning applications should remain with the County Council as it is best able to consider local planning issues. The Secretary of State is a member of a cabinet with a clear policy in favour of Fracking and he has made statements in favour of Fracking.
 - M. That this Council strongly supports Lancashire County Council as the legitimate democratic decision making body for Planning Applications on Fracking in Lancashire.

THE MAYOR