

COUNCIL

HELD: 16 DECEMBER 2015

Start: 7.30pm

Finish: 9.50pm

PRESENT:

Councillor Mrs Hennessy (Mayor)
Savage (Deputy Mayor)

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

Officers: Managing Director (Transformation) (Ms K Webber)
Managing Director (People & Places) (Mrs G Rowe)
Assistant Director Housing & Regeneration (Mr R Livermore)
Assistant Director Community Services (Mr D Tilleray)
Borough Solicitor (Mr T Broderick)
Borough Treasurer (Mr M Taylor)
Transformation Manager (Mr S Walsh)
Deputy Assistant Director Housing & Regeneration (Mr I Gill)
Electoral and Admin Services Manager (Mr T Lynan)
Assistant Member Services Manager (Mrs J Denning)

58. PRAYERS

The Rev Duncan Petty and Ann Petty, led Members and officers in prayer.

59. APOLOGIES

An apology for absence was received on behalf of Councillor Blane.

60. DECLARATIONS OF INTEREST

The following declarations were received:

1. Councillors Aldridge, Barron, Dereli, Hennessy, O'Toole and Westley declared a non pecuniary interest in relation to agenda item 10 'Electoral Review of Lancashire County Council', item 14 'Towards a Combined Authority for Lancashire – Update', as Members of Lancashire County Council, as did Councillors Gagen, McKay and Savage as employees of Lancashire County Council.
2. Councillors Ashcroft, Mrs Atherley, Bailey, Barron, Bell, Mrs Blake, Mrs R Evans, Forshaw, Mrs Houlgrave, Mrs Marshall, C Marshall, Mee, Moran, Pope, Mrs Stephenson and Whittington declared a non-pecuniary interest in item 8 'Approval of Statement of Licensing Policy Required by the Gambling Act 2005' and a pecuniary interest in item 11 'Revised Capital Programme and Mid Year Review 2015/2016' in relation to Parish Council matters, in view of their membership of a Parish Council.*
3. 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 11 'Revised Capital Programme and Mid-Year Review 2015/2016' and item 12 'HRA Budget Monitoring Position' for the reasons indicated but were entitled to speak and vote by virtue of an exemption as nothing in these reports relates particularly to their respective tenancy or lease.*
4. Councillors Aldridge, Mee, Pendleton and Wright declared non-pecuniary interests in relation to item 11 'Revised Capital Programme and Mid-Year Review 2015/2016' and item 12 'HRA Budget Monitoring Position' 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 their relevant tenancy or lease.*
5. Councillor Wynn declared an interest in relation to item 11 'Revised Capital Programme and Mid Year Review 2015/2016' in relation to the 'Vehicle In-Cab Communication System' 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.*
6. Councillors J Hodson and Wright declared a non-pecuniary interest in Agenda Item 19(a) 'Alt Crossens Catchment Drainage - Motion' as Members of the Environment Agency Alt Crossens Advisory Group appointed by West Lancashire as did Councillors Barron and Dereli as members appointed by Lancashire County Council.

7. Councillor Bullock declared a Disclosable Pecuniary Interest in relation to item 19(b) 'Park Pool – Motion' 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.
8. Councillor Bailey declared a non-pecuniary interest in relation to item 9 'Review of Polling District, Polling Places and Polling Stations for Edge Hill Polling Station' and item 19(b) 'Park Pool – Motion' as she is a Senior Lecturer at Edge Hill University.
9. Councillors Hudson, Melling and Wright declared a non-pecuniary interest in item 19(b) 'Park Pool – Motion' as service users.

* By virtue of a dispensation granted by the Standards Committee 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 but not engage in detailed discussions about matters which affect those interests.

61. MINUTES

RESOLVED That the minutes of the Council meeting held on Wednesday, 21 October 2015 be received as a correct record and signed by the Mayor.

62. ANNOUNCEMENTS BY THE MAYOR AND/OR THE MANAGING DIRECTORS

The Mayor announced:

- That there would be a Charity Concert held at the Civic Hall on Saturday 30 January 2016 by a group of singing Ormskirk Doctors called The Undecided.
- That this would be the last Council meeting attendance by the Managing Director (People and Places). The Mayor presented Mrs Gill Rowe with flowers and a commemorative plaque to wish her well for the future.

The Leader of the Council and the Leader of the Conservative Group gave their thanks to Mrs Gill Rowe for her long service to the Council and she addressed the meeting.

63. 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:

'To Let' Boards – Question from Councillor Owens on Behalf of a Local Resident

"Noting that the number of To Let boards on residential properties have become excessive in parts of Ormskirk where there are high concentrations of rented accommodation and that this is having a negative impact on the visual amenity in these

neighbourhoods, and further noting that many councils have implemented voluntary letting boards codes of practice or ultimately applied to the Secretary of State for a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) (England) Regulation 2007, asks the Council Leader whether he will take steps to introduce a voluntary letting boards code of practice for the West Lancashire Borough Council and to involve letting agents and resident groups from the affected areas in the drafting of the code of practice.”

Leader’s Response

A balance needs to be struck between allowing landlords to advertise their properties and the visual impact of letting boards. The number of boards in the town tends to peak for a few months in the autumn/winter but there is no evidence of a long term problem in Ormskirk. Councils around the country report mixed results when using Voluntary Codes of Practice which, if in place, would affect all to let properties.

The use of a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 alongside voluntary codes tends to be more successful, however this is an evidence based, lengthy and resource intensive process, requiring Secretary of State approval. It is not considered that the evidence available would currently support the establishment of a Direction. However, I have asked officers to keep the matter under review.

64. MINUTES OF COMMITTEES

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

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

- A. Planning Committee held on Thursday, 12 November and 10 December 2015.
- B. Licensing and Gambling Committee held on Tuesday, 1 December 2015.
- C. Licensing and Appeals Committee held on Tuesday, 1 December 2015.

65. APPROVAL OF STATEMENT OF LICENSING POLICY REQUIRED BY THE GAMBLING ACT 2005

Consideration was given to the report of the Assistant Director Community Services, as contained on pages 787 to 818 of the Book of Reports, which sought approval of the Statement of Licensing Policy required under the Gambling Act 2005 following public consultation.

- RESOLVED
- A. That the Statement of Licensing Policy attached at Appendix 2 to the report, be approved.
 - B. That the Assistant Director Community Services be given delegated authority to publish and administer the revised Statement of Licensing Policy.

66. REVIEW OF POLLING DISTRICT, POLLING PLACES AND POLLING STATIONS FOR DERBY WARD - DISTRICT DEC

Consideration was given to the report of the report of the Borough Solicitor, as contained on pages 819 to 836 of the Book of Reports, which considered how to action the (Acting) Returning Officer's proposal of November 2013 to site a Polling Place/Station at Edge Hill University, while retaining a Polling Place/Station at the Community Centre.

An updated paragraph 3.8 was circulated, together with a revised Appendix 4, which contained details of the proposed membership and the proposed Chairman and Vice-Chairman of a Polling Districts and Polling Places Review Committee.

- RESOLVED
- A. That the outline timetable and process for the review of Derby Ward District DEC (the Review) as set out in Appendix 1 to the report, be noted.
 - B. That the Borough Solicitor be authorised to administer the Review.
 - C. That the Returning Officer be consulted on the Review and report on the existing Polling Stations and any new Polling Stations within Derby Ward District DEC.
 - D. That a Polling Districts and Polling Places Review Committee be established by Council, with the membership, Chairman and Vice Chairman, terms of reference and delegations set out in the Appendix 4 circulated at the meeting.
 - E. That following the outcome of the consultation on the Review, the Borough Solicitor reports to the Polling Districts and Polling Places Review Committee with the Final Review Proposals for determination.
 - F. That the Managing Director (People and Places) be authorised to designate/re-designate Polling Places within the Borough to suitable venues in consultation with the Leader, the Leader of the main opposition group and the Ward Councillors, in exercise of the powers conferred by Sections 18A, 18B, 18C, 18D and 31 of the Representation of the People Act 1983 (as amended).

67. ELECTORAL REVIEW OF LANCASHIRE COUNTY COUNCIL - CONSULTATION

Consideration was given to the report of the Borough Solicitor, as contained on pages 837 to 854 of the Book of Reports, which detailed a response to the Local Government Boundary Commission's consultation on proposals for West Lancashire in its "Draft Recommendations on the new electoral arrangements for Lancashire County Council".

RESOLVED That the response to the consultation set out at Appendix 5 to the report, be agreed.

68. REVISED CAPITAL PROGRAMME AND MID YEAR REVIEW 2015-2016

Consideration was given to the report of the Borough Treasurer, as contained on pages 855 to 874 of the Book of Reports, which sought agreement of a Revised Capital Programme for 2015/2016 and provided an overview on the progress against it at the mid-year point.

- RESOLVED
- A. That the revised Capital Programme, including the re-profiling, virements and budget adjustments contained within Appendix A to the report, be approved.
 - B. That progress against the revised Capital Programme at the mid-year point be noted.

69. HRA BUDGET MONITORING POSITION

Consideration was given to the joint report of the Assistant Director Housing and Regeneration and the Borough Treasurer, as contained on pages 875 to 892 of the Book of Reports, which provided a projection of the financial position on the Housing Revenue Account (HRA) and the Housing Capital Investment Programme to the end of the financial year and sought agreement to a number of budget changes.

- RESOLVED
- A. That the financial position of the HRA and Capital Investment Programme be noted.
 - B. That the minutes of the Landlord Services Committee (Cabinet Working Group) and Executive Overview and Scrutiny Committee be noted.
 - C. That the revised Capital Investment Programme, including the re-profiling, virements and budget adjustments contained in Appendix A to the report, be approved.

70. BUDGET UPDATE

Consideration was given to the joint report of the Borough Treasurer and Transformation Manager, as contained on pages 893 to 898 of the Book of Reports, which provided an update on a range of financial and budget matters.

A Motion was circulated, which was moved and seconded.

A vote was taken, the Motion was CARRIED.

- RESOLVED
- A. That the projected outturn position on the General Revenue Account for the current financial year be noted.
 - B. That the new Voluntary Living Wage level of £8.25 per hour be implemented from 1st December 2015 and that delegated authority be given to the Borough Treasurer to implement future increases in the Voluntary Living Wage from 1st December each year.
 - C. That the existing Council Tax Reduction Scheme be continued for the next financial year.

71. TOWARDS A COMBINED AUTHORITY FOR LANCASHIRE - GOVERNANCE REVIEW AND NEXT STEPS

Consideration was given to the joint report of the Managing Directors, as contained on pages 899 to 948 of the Book of Reports, which outlined the findings of the Governance Review undertaken for Lancashire and set out the next steps and recommendations.

An Equality Impact Assessment was circulated.

A Motion was circulated, which was moved and seconded.

A vote was taken, the Motion was CARRIED.

- RESOLVED
- A. That the contents of the report be noted.
 - B. That the contents of the Lancashire Governance Review and recommendation therein be noted.
 - C. That the contents of the draft Scheme for a Combined Authority be noted.
 - D. That the Council take part in the public consultation in January/February 2016 which will seek views on the formation of a Combined Authority for Lancashire.
 - E. That the Council consider the feedback from the public consultation and note that following this, those authorities who wish to form a Lancashire Combined Authority will submit a proposal to the Secretary of State for consideration.
 - F. That in principle the Council become a constituent member of the Combined Authority for Lancashire.
 - G. That final consideration is given to becoming a constituent member of a Lancashire Combined Authority at Council on 13 April 2016, after consideration of the consultation responses.

72. PUBLIC INVOLVEMENT AT MEETINGS - DRAFT PROTOCOL

Consideration was given to the report of the Borough Solicitor, as contained on pages 949 to 960 of the Book of Reports, which considered extending public speaking at meetings via an agreed Protocol.

A Motion was circulated, which was moved and seconded.

A vote was taken, the Motion was CARRIED.

- RESOLVED
- A. That the work undertaken by the Public Involvement In Meetings Working Group, at its meetings held on 28 July and 28 September 2015, as detailed in paragraph 5 of the report, be noted.
 - B. That the resource issues set out in paragraph 9 of the report be given further consideration through the budget setting process for the next financial year.
 - C. That the Protocol, attached at Appendix 1 to the report, be approved and implemented from April 2016, subject to the related additional staffing requirement being agreed at February Council.
 - D. That in respect of implementation, the following meetings affected should start at the times indicated below, ie. 30 minutes earlier, to allow for the extension of public involvement in meetings:
 - 7.00pm for meetings of Cabinet, Executive Overview & Scrutiny Committee, Corporate and Environmental Overview & Scrutiny Committee.
 - 6.30pm for meetings of Audit & Governance Committee (although the usual training sessions held prior to this Committee would then start at 6.00pm).(Standards Committee meetings are called on an ad hoc basis.)
 - E. That relevant changes to the Constitution, as a result of the decisions above, be made by the Borough Solicitor, as appropriate.

73. EXECUTIVE DECISIONS - SPECIAL URGENCY

Consideration was given to the report of the Borough Solicitor, as contained on pages 961 to 962 of the Book of Reports, which advised that, for the period 1 December 2014 to 30 November 2015, there were no executive decisions made in relation to Access to Information Procedure Rule 16 (Special Urgency).

RESOLVED That it be noted that Access to Information Procedure Rule 16 (Special Urgency) was not exercised during the period 1 December 2014 to 30 November 2015.

74. 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A of that Act 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.

75. SKELMERSDALE LAND AUCTION AND DELIVERING PUBLIC REALM IN THE TOWN CENTRE

Consideration was given to the report of the Assistant Director Housing and Regeneration, as contained on pages 963 to 973 of the Book of Reports, which considered the best approach to ensure the Council gets the maximum possible return from the Land Auction sites at Whalleys, Skelmersdale and to develop proposals for the funding of public realm infrastructure for Skelmersdale Town Centre.

- RESOLVED
- A. That delegated authority be given to the Assistant Director Housing & Regeneration to enter into formal discussions about the purchase of the remaining land auction sites at Whalleys, Skelmersdale, from the HCA at the base values identified in the draft Memorandum of Understanding.
 - B. That delegated authority be given to the Assistant Director Housing & Regeneration, in consultation with the Borough Treasurer, Leader and Finance Portfolio Holder to determine whether there is a positive business case to purchase up to three of the remaining land auction sites, at Whalleys, Skelmersdale (as shown at Appendix 1 to the report) prior to the 31st March 2018 deadline and, if so, to proceed to purchase taking all necessary steps to do so.
 - C. That a future report be brought back to Cabinet and/or Council, as appropriate, to give consideration to how any Whalleys sites purchased by this Council will be brought forward for development and on any additional resources required to deliver this development.
 - D. That temporary borrowing be used, if necessary, to fund the delivery of public realm in Skelmersdale Town Centre alongside the St Modwen Scheme, should sufficient funds from the Land Auction not be in place at the relevant point in time.

76. MOTIONS

Consideration was given to the following 2 Motions included on the agenda at the request of Members:

77. ALT CROSSENS CATCHMENT DRAINAGE - MOTION INCLUDED ON THE AGENDA AT THE REQUEST OF COUNCILLOR D WESTLEY ON BEHALF OF THE CONSERVATIVE GROUP

The following Motion was moved and seconded:

“Given the Environment Agency has now served the required 2 year statutory period of notice of closure for the 5 pumping stations at Banks Marsh, Boundary Brook, Kew, Clay Brow and Rufford Causeway and given the implications for agriculture, infrastructure and surface drainage should these pumps cease to operate this Council resolves the following;

- (A) That an Alt Crossens Working Group be established comprising 3 Labour Members and 2 Conservative Members with a Chairman and Vice Chairman as now nominated by the Leader of the Council with the following Terms of Reference:
1. To explore all possible options for the continued operation of the 5 local pumping stations currently under Notice of Closure from the Environment Agency.
 2. To meet and discuss with all interested parties including any appropriate statutory bodies to gather evidence, consider cost implications and make recommendations on possible solutions by way of a report to a future meeting of the Full Council.
- (B) That funding of £10,000 from the Major Projects Reserve to cover the costs of servicing the work of the Alt Crossens Working Group be agreed.”

An Amendment to the Motion was moved and seconded.

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

An Amendment to the Substantive Motion was moved and seconded.

A vote was taken, the Amendment was LOST.

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

RESOLVED Given the Environment Agency has now served the required 2 year statutory period of notice of closure for the 5 pumping stations at Banks Marsh, Boundary Brook, Kew, Clay Brow and Rufford Causeway and given the implications for agriculture, infrastructure and surface drainage should these pumps cease to operate and the current circumstance of record amounts of rainfall and flooding events, this Council resolves the following:

- A. To call upon the Environment Agency to revoke the Notices and continue to fund the operation of these pumping stations.
- B. To ask, if the Notices are not revoked, that Lancashire County Council, as Local Lead Flood Authority, and the Environment Agency work together with any relevant Government body to develop a solution which does not place a direct financial burden on the Council Tax payers of West Lancashire.

78. PARK POOL - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR D WESTLEY, ON BEHALF OF THE CONSERVATIVE GROUP

The following Motion was moved and seconded:

“Given that the Consultant's Report dated January 2015, that was included as an appendix to the Draft Leisure Strategy, assessed the condition of the Changing Facilities at Park Pool as "poor" and given that Park Pool is now in direct competition with the newly built Sporting Edge for the retention of its existing users, this Council resolves as follows:

- A. That in conjunction with West Lancashire Community Leisure Trust and Serco, a complete refurbishment of the Changing Facilities at Park Pool be undertaken as soon as feasible.
- B. That £150,000 be allocated to carry out the refurbishment work from the funding of £634,000 within the Capital Programme that the Council agreed to allocate at a later date at its meeting in February 2015.”

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 Given that the Consultant's Report dated January 2015, that was included as an appendix to the Draft Leisure Strategy, assessed the Changing Facilities at Park Pool as "poor" and given that Park Pool is now in direct competition with the newly built Sporting Edge for the retention of its existing users, this Council resolves as follows:

- A. That, in conjunction with West Lancashire Community Leisure Trust and Serco, a report be submitted to Council in February 2016 on the refurbishment of the Changing Facilities at Park Pool in the context of the Council's new Leisure Strategy.
- B. That £150,000 be allocated for Park Pool, Ormskirk from the funding of £634,000 within the Capital Programme that the Council agreed to allocate at a later date at its meeting in February 2015.

THE MAYOR