



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 13 October 2022

TO: THE MAYOR & COUNCILLORS

Dear Councillor,

Please find attached the question and responses for tonight's meeting of the **COUNCIL**.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL' with a flourish at the end.

Jacqui Sinnott-Lacey
Chief Operating Officer

AGENDA
(Open to the Public)

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| 6. | TO ANSWER ANY QUESTIONS UNDER THE PROVISIONS OF COUNCIL PROCEDURE RULE 10.2 QUESTIONS AND RESPONSES | 339 -
344 |
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We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.

MOBILE PHONES: These should be switched off or to 'silent' at all meetings.

For further information, please contact:-
Jacky Denning on 01695 585384
Or email jacky.denning@westlancs.gov.uk

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

1. Questions from Councillor James Upjohn – Report 'Change of Governance Arrangements'

- (i) Leader, should there be a public consultation on such a monumental and costly change to council workings?

As stated in the report there is no legal requirement to carry out any consultation. Some Councils have carried out consultations and/or referendums prior to changing but many have not. It is a decision for Council to make on whether there should be a consultation prior to any change or not.

- (ii) We recently switched to pre-scrutiny, after a vote at full council, has this been implemented yet and if yes how effective is it?

Yes, pre scrutiny has been implemented, a copy of the Overview & Scrutiny Annual Report for 2021/22 is included on the agenda for this meeting, for Members to consider.

- (iii) Is it a good idea to switch to a committee structure? Has any research been done on Hybrid Models?

It is a matter for each Council to determine which governance model is the best for it. As set out in the report there are considered to be benefits and disadvantages to each governance system and there is no universally accepted better model. I am not aware of any research on hybrid models.

- (iv) The report at 7.6 refers to consultation proposed with key stake holders and the implementation of the new arrangements. For the consultation to be lawful and effective it must be carried out when the proposals are still at an informative stage. Can you confirm this has been done and if so where is the data.

No, the consultation would be on the implementation not the decision whether to change the governance model if Council agreed with the recommendation of the Working Group.

2. Questions from Councillor Rob Molloy – Report 'Change of Governance Arrangements'

I have several questions on the report into Change of Governance Arrangements that is in the Council papers for the meeting on October 12th.

- (i) The report states in Section 10 that there are "major implications" in terms of resources in any change to governance arrangements. In section 10.2 the

report says that they are likely to be £50k to £100k in one off costs but there is no breakdown of how this is made up.

Has a financial impact assessment been taken to validate this £50k to £100k range?

The figure in the report is an estimate based on known likely costs such as legal support on the change of the constitution and on looking at the experience of other authorities which have gone through this process. The actual figure will depend to a large extent on how the Council implements any resolution to change governance.

Is there a detailed breakdown that members can see to assure themselves and our residents that all one-off costs both internally and externally have been accurately considered in arriving at this figure?

No, as indicated in the report the Council is still seeking to identify whether any of the costs will be met from support by the LGA and the actual costs will depend on future decisions.

- (ii) Paragraph 10.4 calls for a comprehensive training programme for members and officers.

Has this programme been designed and what are the costs arising from it for both external training costs and officer time?

No, the programme cannot be designed until the Council has made further decisions of the governance model and constitution.

What will the time commitment for "comprehensive training" be for officers and members?

As above.

- (iii) Paragraph 10.6 states that the Council is looking into whether additional financial support is available.

Has this been progressed and if so how much funding has been made available? If not how much is being requested and when will the council know if support is available?

To date the LGA have funded some advice via Ed Hammond of the Centre for Governance and Scrutiny (CFGs). Members were also keen to know if grant funding which had been made available to Wirral could be applicable to West Lancashire.

While grant funding would not be available (this was allocated to Wirral for a different purpose) should a decision be taken to adopt a Committee system of governance, support can be provided by the LGA and Centre for Governance Scrutiny to progress change and make the necessary arrangements to enable the new structure to commence in May 2024.

The LGA will provide support to the Council to understand and implement the change and look at how the new governance model will operate in practice, to ensure that, the council and the residents of West Lancs gain maximum benefit. The LGA were keen to stress that the support will ensure that the new governance model maintains a focus on accountability, credibility, transparency and timeliness of decision making.

The LGA will continue to part fund the support and a proposal will be worked up with CFGS to agree the scope.

3. Question from Councillor Kate Mitchell – JMO Sports Park

Having been contacted by concerned residents whose children or grandchildren have had their junior football cancelled at the Council's Blaguegate pitches on Sunday 9th October as a result of dangerous and inconsiderate parking arising from a dispute between the council and JMO Sports Park about the previous parking provision at JMO Sports Park, to respectfully ask the Council Leader what action she proposes to take to ensure that the situation is resolved; the dangerous parking eliminated; and the interests of local junior footballers is not relegated below those of footballers at JMO, some of whom are from outside the area?

Previous seasons have seen only four pitches in use resulting in community frustration that the Council are letting young people down by not maximising the site. To overcome this Council officers have been working closely with the local leagues, football clubs and JMO to facilitate an increase in the number of football matches taking place at Blaguegate.

To accommodate this increased volume of matches, an agreement was reached with Skelmersdale Junior Football League (SJFL) that users of the grass facilities would take responsibility for ensuring that all vehicles, including visiting team vehicles and spectators, park on Sandy Lane Car Park. This is to reduce the scope of any direct impact or inconvenience on residents and the neighbouring business.

Many managers, parents, guardians and spectators are following this reasonable request, as they understand that it is what is required to facilitate eighteen kick offs every Sunday with no car parking facilities.

In addition to Team managers agreeing to this solution, SJFL agreed to be on site to aid with communicating the revised car parking arrangements with participants and spectators attending Blaguegate grass pitches.

Unfortunately, some participants and spectators have continued to park incorrectly, including on double yellow lined roads and grass verges which is not safe and presents a real danger. The previous Sunday saw similar issues with people ignoring reasonable requests from stewards.

Officers could not ignore the real possibility of a child being injured by crossing the road from parking on a grass verge because of obscured visibility. The reality is SJFL warned that fixtures would be cancelled if irresponsible parking continued and it did, so fixtures on Sunday 9th were cancelled by WLBC.

This is regrettable, but arrangements have been made to ensure participant safety and that the neighbouring business and residents are not inconvenienced. SJFL, team managers, parents, guardians and spectators must honour the agreement or present a safe and sustainable solution that protects all partners.

Following detailed discussions on Monday 10th Oct between the council, SJFL and JMO, mutual agreement has been reached enabling all scheduled Blaguegate Grass Playing Fields fixtures to resume on Sunday 16th October.

It has now been agreed that on each Sunday morning SJFL will install cones and undertake routine inspections to ensure that any person not complying is reported to the council.

Lancashire County Council Traffic Regulation Order team have confirmed that any vehicle parking in contravention of the lines can be subject to enforcement, the implementation of this order is currently in the process of being sealed. When official, this will then see residents able to request enforcement by contacting the county councils Parking Services team.

All partners are united in this approach and hope that people will take personal responsibility for parking on Sandy Lane Car Park. If these reasonable requests are ignored there is a potential for suspensions to continue.

4. Questions from Councillor Julian Finch – Report 'Change in Governance Arrangements'

These questions are not about legal compliance, but whether or not we have complied with “accepted good practice” as defined by the LGA’s Centre for Public Scrutiny (CfPS) Guidelines and in good practice in any other type of organisation.

It was made clear to the cross-party working group, in the first meetings, that there is a clear process for Council’s to review their governance arrangements

and its effectiveness. Based on their extensive research and the experience of Councils who have changed governance arrangements, their guidance is promoting “good practice” rather than legal advice. They also make it abundantly clear that “introducing a structural solution will not resolve issues which may have underlying political causes.”

The first stage of the LGA’s recommended process is planning your approach, scoping your review, and assessing the current position.

- (i) Can the Council provide evidence clearly demonstrating these first stages of governance review were carried out properly (diligently)?
- (ii) Are you satisfied that a proper assessment of the current position has been carried out?
- (iii) What evidence have we established that the current governance arrangements as per current constitution, are inadequate?

The cross party Working Group met on 13 occasions to consider these matters and has consequently put forward recommendations to Council based on those considerations. It is for the Council to consider those recommendations and make a decision on the information provided.

The second stage on the LGA’s recommended review process is to consider and agree the principles on which the new governance arrangements could be designed. Quote: “From the initial assessment (Stage 1) you have identified some strengths, practices and ways of working that you want to keep, and weaknesses, ways of working that you want to stop or change substantially.” These principles should be tangible, so that in future you can judge whether or not.

- (iv) Is the Leader / Council confident that we have identified clear and tangible/measurable objectives? If so, what are they?

The cross party Working Group met on 13 occasions to consider these matters and has consequently put forward recommendations to Council based on those considerations. It is for the Council to consider those recommendations and make a decision on the information provided.

It is imperative when budgets are going to be tight that you are clear on the financial implications, but you can’t put a cost to operating a new structure before you have agreed what that structure is going to be.

- (v) Is the leader on behalf of the Council, convinced that WLBC has a clear rationale for the proposed formal change in governance arrangements? (If not, could this be challenged legally?)

- (vi) What will be done to mitigate the various risks involved in this proposed change, including those which have been identified in the review process?
- (vii) What evidence do we have that this proposed change will strengthen our governance in a way that cannot be achieved by other means, e.g evidence that:
 - under a committee system decision making will be more consensual
 - partnership decision making will be more effective
 - engagement with Councillors in policy making will be more inclusive than it is now?
- (viii) Is the Leader of the Council satisfied that sufficient consideration has been given to the option of a “Hybrid system of governance which would require cultural change in the organisation rather than major constitutional /structural change, and possibly some more minor changes to the constitution? If so what evidence do we have to substantiate that?

The cross party Working Group considered these matters and has consequently put forward recommendations to Council based on those considerations. It is for the Council to consider those recommendations and make a decision on the information provided.