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11 October 2016

COUNCIL MINUTE BOOK

These Minutes are not included on the Council Agenda (except for specific items, which may be included on the Agenda, if necessary) but are enclosed for information for the Council Meeting on Wednesday 19 October 2016.

1. MINUTES OF CABINET AND OVERVIEW & SCRUTINY COMMITTEES

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Agenda Item 1a

CABINET

HELD: Tuesday, 13 September 2016

Start: 7.00 pm

Finish: 7.25 pm

PRESENT:

Councillor: Councillor I Moran
(Leader of the Council, in the
Chair)

Portfolio

Councillors:	Councillor Y Gagen	Deputy Leader of the Council and Portfolio Holder for Leisure & Human Resources
	Councillor T Aldridge	Portfolio Holder for Older People
	Councillor J Hodson	Portfolio Holder for Planning
	Councillor J Patterson	Portfolio Holder for Housing and Landlord Services
	Councillor K Wilkie	Portfolio Holder for Street Scene
	Councillor K Wright	Portfolio Holder for Health and Community Safety
	Councillor C Wynn	Portfolio Holder for Finance

In attendance: Furey, Owens, Pendleton and D Westley
Councillors

Officers:

- Chief Executive (Ms K Webber)
- Director of Housing and Inclusion (Mr B Livermore)
- Director of Leisure and Wellbeing (Mr D Tilleray)
- Director of Development and Regeneration (Mr J Harrison)
- Borough Solicitor (Mr T Broderick)
- Borough Treasurer (Mr M Taylor)
- Borough Transformation Manager and Deputy Director of Housing and Inclusion (Mr S Walsh)
- Strategic Planning & Implementation Manager (Mr P Richards)
- Principal Member Services Officer (Mrs S Griffiths)

23 **APOLOGIES**

There were no apologies for absence.

24 **SPECIAL URGENCY (RULE 16 ACCESS TO INFORMATION PROCEDURE RULES)/URGENT BUSINESS**

The Leader advised that, in accordance with Rule 16 and 20 Access to Information Procedure Rules, he had obtained the agreement of the Chairman of the Executive Overview & Scrutiny Committee to consider a joint report from the Director of Development and Regeneration and Borough Solicitor in relation to the a Planning Appeal Decision Regarding Land to the East of Prescott Road, Aughton, as this item could not reasonably be deferred as the matter concerns a potential legal challenge, under Section 288 of the Town and Planning Act 1990, to a decision of the Secretary of State's Planning Inspectorate, with strict time limits, expiring on 29 September 2016, which will not be capable of being met if a decision is delayed.

The Leader also advised that, in accordance with Rule 20 Access to Information Procedure Rule, he had obtained the agreement of the Chairman of the Executive Overview and Scrutiny Committee to consider the report in Part 2 of the agenda, which is not open to the public, on the grounds that it involves the likely disclosure of exempt information, as defined in paragraphs 3 (business/financial affairs) and 5 (legal matters) of Schedule 12A to the Local Government Act 1972.

This item was considered at the end of the meeting (Minute 43 refers).

25 DECLARATIONS OF INTEREST

1. Councillors Aldridge declared a non-pecuniary interest in agenda item 6a (Garage Strategy) as he is a tenant of Council accommodation and a garage. Insofar as that interest becomes a disclosable pecuniary/pecuniary interest he declared that interest but considered that his was entitled to speak and vote by virtue of an exemption as nothing in this report relates particularly to the relevant tenancy or lease.
2. Councillor Aldridge declared a non-pecuniary interest in agenda item 6h (A Market Town Strategy for Ormskirk – Final Report of the Corporate & Environmental Overview and Scrutiny Committee) as a Member of Lancashire County Council, as did Councillor Gagen as an employee of Lancashire County Council.

26 PUBLIC SPEAKING

There were no items under this heading.

27 MINUTES

RESOLVED That the minutes of the Cabinet meeting held on 14 June 2016 be received as a correct record and signed by the Leader.

28 MATTERS REQUIRING DECISIONS

Consideration was given to the report relating to the following matters requiring decisions as contained on pages 463 – 786 and pages 801 - 806 of the Book of Reports.

29 GARAGE STRATEGY 2016-20

Councillor Patterson introduced the report of the Director of Housing and Inclusion which sought approval of the Garage Strategy 2016-20.

Minute no. 18 of the Landlord Services Committee (Cabinet Working Group) held on 8 September 2016 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

RESOLVED That the Garage Strategy 2016-2020 attached at Appendix A to the report, be approved.

30 LOCAL PLAN REVIEW - THE LOCAL DEVELOPMENT SCHEME AND REGULATION 18 "SCOPING" CONSULTATION

Councillor Hodson introduced the report of the Director of Development and Regeneration which advised of the commencement of work towards the Local Plan Review and sought authority to undertake an initial "scoping" consultation exercise with key stakeholders.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED (A) That the commencement of a Local Plan Review in order to update the current West Lancashire Local Plan be endorsed and that the Local Development Scheme provided at Appendix 1 be adopted with effect from 1 October 2016.

(B) That the initial Regulation 18 "scoping" consultation on the Local Plan Review with key stakeholders described at paragraph 4.7 of the report be authorised.

31 LIVERPOOL CITY REGION STATEMENT OF CO-OPERATION

Councillor Hodson introduced the report of the Director of Development and Regeneration which sought endorsement of the Liverpool City Region Statement of Co-operation.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED That the Liverpool City Region Statement of Co-operation provided at Appendix 1 be adopted.

32 COMMUNITY INFRASTRUCTURE LEVY FUNDING PROGRAMME 2017/18

Councillor Hodson introduced the report of the Director of Development and Regeneration which proposed options for consideration in respect of a Community Infrastructure Levy funding programme for 2017/18 based on the CIL monies anticipated to have been collected by the Council by 31 March 2017.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED (A) That the updated Infrastructure Delivery Schedule provided at Appendix 2 to the report, be noted.

(B) That the public consultation on four possible options for spending CIL monies in 2017/18 as set out in paragraph 4.11 of the report be approved.

33 USE OF SECTION 106 MONIES IN BURSCOUGH

Councillor Gagen introduced the joint report of the Director of Leisure and Wellbeing and Director of Development and Regeneration which considered a proposal for the use of Section 106 monies received by the Council from housing developers, for the enhancement of public open space and recreation provision in Burscough.

Cabinet was advised that the grant of £8,000 had been secured from 'Tesco Bags of Help' (paragraph 7.2 of the report refers) and confirmed that £12,000 was requested from the S106 funds for this project.

In reaching the decision below, Cabinet considered the comments from the Deputy Leader and Portfolio Holder for Leisure and Human Resources and details as set out in the report before it and accepted the reasons contained therein.

RESOLVED That the proposed project to enhance the public open space on the former landfill site adjacent to Mill Dam Lane, known as Burscough Brickpits, be approved and £12,000 of the Section 106 sum of £17,672 generated in Burscough West, be used for this project.

34 FORMING A DEVELOPMENT COMPANY - OPTIONS APPRAISAL SUPPORTING CONSTRUCTION DEVELOPMENT

Councillor Patterson introduced the report of the Director of Housing and Inclusion which sought authority to further investigate the benefits of the formation of a development company in order to drive forward the ambitions of the Council.

Minute no. 17 of the Landlord Services Committee (Cabinet Working Group) held on 8 September 2016 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED (A) That the Director of Housing and Inclusion investigate further the benefits of forming a Development Company or other appropriate vehicle for delivery of achievement of the Council's ambitions for development and facilitating development as set out in paragraph 5 of the report.

(B) That up to £50,000 be made available to carry out initial investigations as set out in paragraph 6 of the report.

35 **RISK MANAGEMENT**

Councillor Wynn introduced the report of the Borough Treasurer which set out details on the Key Risks facing the Council and how they are managed.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED That the progress made in relation to the management of the risks shown in the Key Risks Register (Appendix A to the report) be noted and endorsed.

36 **A MARKET TOWN STRATEGY FOR ORMSKIRK - FINAL REPORT OF THE CORPORATE & ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE**

The Leader introduced the report of the Director of Leisure and Wellbeing which considered the final report and recommendations of the review entitled "A Market Town Strategy for Ormskirk" undertaken by the Corporate and Environmental Overview and Scrutiny Committee.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED (A) That the Corporate and Environmental Overview and Scrutiny Committee be complimented on their work.

(B) That the following recommendations contained in the final report of the Corporate and Environmental Overview and Scrutiny Committee on A Market Town Strategy for Ormskirk be endorsed.

- (1)** That Lancashire County Council (LCC), as the Highways Authority, give due consideration to the following:
- (i) the impact of heavy goods traffic in the refurbished area of Ormskirk Town Centre.
 - (ii) the on-going maintenance of the gullies and the monitoring of the effectiveness of the aggregate resin within them.
 - (iii) the refurbishment of Aughton Street to tie-in with the Moor Street improvements.
 - (iv) the impact of town centre congestion, including the bottle necks at Derby/Stanley Street/Wigan Road/Moor Street/Moorgate and Park Road.
 - (v) the on-going improvements to the rail bridge and cycle link from the Town Centre to Edge Hill University, as contained in the West Lancashire Highways and Transport Masterplan.
 - (vi) encourage effective enforcement of the Traffic Regulation Orders (TROs) operating in Ormskirk Town Centre, particularly on Market Days by exploring:
 - (a) the provision of more clearer signage to alert drivers to the restrictions of the TROs;
 - (b) breaches of on-street parking.
 - (vii) in relation to finding a permanent solution to traffic management safety in the pedestrian area of Ormskirk by exploring:
 - (a) the provision of Gates at access points (Aughton Street, Church Street and Burscough Street with a “lift assist” bollards to Moor Street/Moorgate.)
 - (b) Hydraulic “lift assist” bollards in Church Street, Aughton Street, Burscough Street and Moor Street/Moorgate.
 - (c) Automatic Rise and Fall Bollards in the areas referred to above.
 - (d) the narrowing of the access points
- (2)** That the Portfolio Holder for Transformation and Regeneration, in consultation with the Director of Development and Regeneration give due consideration to the findings within the report to add to the emerging Ormskirk Town Centre Strategy to include the following:
- (i) In relation to ‘Events Square that it:
 - (a) is a flexible and multi-functional space;
 - (b) is adaptable for day and evening events.
 - (c) provides an opportunity for wider community use
 - (d) is adaptable and able to embrace new and emerging technologies.
 - (e) is well-managed and there is provision for a semi or permanent cover of the ‘Square’.

- (ii) In relation to the Market Stalls that the:
 - (a) stall canopies be replaced with matching/branded ones.
 - (b) there is provision for a mixture of traditional and non-traditional stalls.
 - (c) there is adequate space around each stall

- (iii) In relation to Car Parking that
 - (a) on-going discussions with Merseyrail continue in respect of car parking arrangements at Ormskirk rail station.
 - (b) alternative ways of paying for parking be considered as part of any future assessment of these facilities including cashless machines; CCTV and advances in technology.
 - (c) the revised Ormskirk Car Park Map be included on the web-site.

- (iv) In relation to Technology and Marketing by exploring:
 - (a) the positioning of the Market and Town Centre locally and in the wider community.
 - (b) methods of promotion and advertising: Ormskirk's historical and special character; embracing traditional and emerging technologies.
 - (c) improvements to the Visitor Map of Ormskirk Town Centre with locations and insertion of the defibrillator icon inserted, as appropriate.
 - (d) digital signage as an alternative to A-boards outside shops.
 - (e) cultural tourism through its visitor attractions- Chapel Gallery; Vintage and Handcraft Fairs and exhibitions.
 - (f) promoting Ormskirk as a tourist destination, to include promotion with the bus and tour operators as a visitor destination.

- (v) In relation to Edge Hill University (EHU), continue the close association with EHU as a contributor to the economy.

- (3)** That the final report of the Corporate and Environmental Overview and Scrutiny Committee's review to be circulated to Love Ormskirk, Ormskirk Community Partnership, Marketing Lancashire, Edge Hill University, Edge Hill Students' Union and Business in the Community (BITC), scrutiny at Lancashire County Council and published on the Council and Centre for Public Scrutiny (CfPS) web-sites.

- (4)** That the Corporate and Environmental Overview and Scrutiny Committee review its recommendations in December 2016.

- (C) That the final report of the Corporate and Environmental Overview and Scrutiny Committee on A Market Town Strategy for Ormskirk, attached at Appendix A, be approved.
- (D) That the final report and recommendations (approved, subject to resources) be submitted to Council for approval on 19 October 2016.
- (E) That call-in is not appropriate for this item as it has previously been considered by the Corporate and Environmental Overview and Scrutiny Committee.

37 QUARTERLY PERFORMANCE INDICATORS Q1 2016-17

The Leader introduced the report of the Borough Transformation Manager and Deputy Director of Housing and Inclusion which presented performance monitoring data for the quarter ended 30 June 2016.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED (A) That the Council's performance against the indicator set for the quarter ended 30 June 2016 be noted.
- (B) That the call-in procedure is not appropriate for this item as the report is being submitted to the Corporate & Environmental Overview and Scrutiny Committee on 13 October 2016.

38 CAPITAL PROGRAMME OUTTURN 2015-16

Councillor Wynn introduced the report of the Borough Treasurer which provided a summary of the capital outturn position for the 2015/2016 financial year.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED (A) That the final position, including slippage, on the Capital Programme for the 2015/2016 financial year be noted and endorsed.
- (B) That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 29 September 2016.

39 CAPITAL PROGRAMME MONITORING 2016-17

Councillor Wynn introduced the report of the Borough Treasurer which provided an overview of the current progress on the Capital Programme.

In reaching the decision below, Cabinet considered the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED (A) That the current progress on the Capital Programme as at the end of July 2016 be noted.
- (B) That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 29 September 2016.

40 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 (financial/business affairs) & 5 (legal matters) 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.

41 MATTERS REQUIRING DECISION

Consideration was given to the report relating to the following matters requiring decisions as contained on pages 787 - 800 and 809 – 842 of the Book of Reports.

42 HALL GREEN - OPTION APPRAISAL

Councillor Patterson introduced the report of the Director of Housing and Inclusion which provided an update on the continued work in respect of the redevelopment of the Hall Green Sheltered accommodation site.

Minute no. 19 of the Landlord Services Committee (Cabinet Working Group) held on 8 September 2016 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED (A) That the current position be noted.

- (B) That a Cabinet Working Group be established consisting of 6 Members in order to consider the range and cost of options for the site and recommend a preferred scheme.
- (C) That Hall Green tenants be updated on progress to date.
- (D) That no further lettings be made to Hall Green.

43

**PLANNING APPEAL DECISION REGARDING LAND TO THE EAST OF
PRESCOT ROAD, AUGHTON**

Councillor Hodson introduced the joint report of the Director of Development and Regeneration and Borough Solicitor which provided an update on the current position in regard to the planning appeal decision in respect of development proposals on the above-mentioned site and advised on the merits and associated risks in relation to a potential legal challenge to the Planning Inspectorate's Decision.

Cabinet was advised that the final sentence of paragraph 5.6 of the report should be amended to read £75,000 rather than £100,000.

A motion was moved and seconded in the following terms:-

“(A) That subject to (B) below, the Borough Solicitor and the Director of Development and Regeneration, in consultation with the Portfolio Holders for Planning and Finance, be authorised to issue and conduct proceedings in the High Court under Section 288 of the Town and Country Planning Act 1990, to challenge the appeal decision issued by the Planning Inspectorate on 19 August 2016, relating to land to the east of Prescott Road, Aughton.

(B) That an extraordinary meeting of Council is called on Thursday 22 September 2016 to consider the matter of virement of Council budgets, as the Council's potential financial exposure in pursuing resolution (A) above is likely to exceed £50,000.

(C) That call-in is not appropriate for this item as this matter is one where urgent action is required because the deadline for submitting a legal challenge to the Planning Inspectorate's Decision falls on 29 September 2016.”

In reaching the decision below, Cabinet considered the comments from the Borough Solicitor, the motion from the Portfolio Holder for Planning and the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED (A) That subject to (B) below, the Borough Solicitor and the Director of Development and Regeneration, in consultation with the Portfolio Holders for Planning and Finance be authorised to issue and conduct proceedings in the High Court, under Section 288 of the Town and Country Planning Act 1990, to challenge the appeal

decision issued by the Planning Inspectorate on 19 August 2016, relating to land to the east of Prescot Road, Aughton.

- (B) That an Extraordinary meeting of Council is called on Thursday 22 September 2016 to consider the matter of virement of Council budgets, as the Council's potential financial exposure in pursuing resolution (A) above is likely to exceed £50,000.
- (C) That call-in is not appropriate for this item as this matter is one where urgent action is required because the deadline for submitting a legal challenge to the Planning Inspectorate's Decision falls on 29 September 2016.

Note

No representations had been received in relation to the above items being considered in private.

.....
Leader

Start: 7.00pm

Finish: 8.45pm

PRESENT:

Councillor: R Pendleton (Vice Chairman) Chairman of the Meeting

Councillors: I Ashcroft P Greenall
C Cooper D O'Toole
P Cotterill G Owen
S Currie D West
J Davis D Westley
D Evans D Whittington
P Greenall A Yates

In attendance: J Hodson (Portfolio Holder (Planning))
Councillor G Hodson

Officers: Director of Housing and Inclusion (Mr B Livermore)
Deputy Director of Development and Regeneration (Mr I Gill)
Deputy Borough Treasurer (Mr M Kostrzewski)
Strategic Planning and Implementation Manager (Mr P Richards)
Principal Solicitor (Mrs T Sparrow)
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

10 APOLOGIES

There were no apologies for absence.

11 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 2, Members noted the termination of membership of the Committee of Councillors Bullock, Delaney, Furey, Hudson, McKenna, Moon and Pope and the appointment of Councillors Cooper, Cotterill, D Evans, Owen, Hennessy and O'Toole, respectively, for this meeting only, thereby giving effect to the wishes of the Political Groups.

12 URGENT BUSINESS

There were no items of urgent business.

13 DECLARATIONS OF INTEREST

1. Councillor Westley declared an interest in Item 9, Call-In – Community Infrastructure Levy Funding, references to Halsall Memorial Hall, and indicated that he would leave the meeting if discussed.
2. Councillor Pendleton declared an interest in item 9, Call-In – Community Infrastructure Levy Funding, references to Tanhouse Community Centre.

14 DECLARATIONS OF PARTY WHIP

There were no declarations of a Party Whip.

15 PUBLIC SPEAKING

There were no items under this heading.

16 MINUTES

RESOLVED: That the minutes of the meeting held on 30 June 2016 be received as a correct record and signed by the Vice Chairman.

17 RELEVANT MINUTES OF CABINET

Consideration was given to the minutes of the meeting of Cabinet held on 13 September 2016.

Questions and comments were raised in respect of:

Minute 34 Forming a Development Company – Options Appraisal Supporting Construction Development – reporting mechanism following option appraisal.

Minute 42 - Hall Green Option Appraisal – Establishment of a Cabinet Working Group noted.

RESOLVED: That the minutes of the Cabinet meeting held on 13 September 2016 be noted.

**18 CALL-IN - COMMUNITY INFRASTRUCTURE LEVY FUNDING PROGRAMME
2017/18**

Consideration was given to the report of the Borough Solicitor which advised that a decision of Cabinet in relation to the above item (Minute 32 refers) had received a call in requisition signed by five members of the Committee. The report set out the reason for the call in, together with a different decision put forward by the five Members concerned on the requisition note.

The Portfolio Holder (Planning) attended the meeting and with the consent of the Chairman addressed the Committee and answered questions put to him.

The Deputy Director Development and Regeneration and the Strategic Planning & Implementation Manager also attended the meeting and provided further clarification on points raised, referring to details as set down in the report of the Director of Development and Regeneration.

In discussion Members made reference to the criterion used to assess potential projects and the opportunity for Members to receive appropriate “training” on the processes and methodology to gain a better understanding of CIL mechanisms.

Following consideration of the item, the Portfolio Holder (Planning) made an undertaking to arrange a presentation to Members by Officers to explain the technicalities of CIL.

A further undertaking was also provided, that the Director for Development and Planning, in consultation with the Portfolio Holder (Planning) would submit a report to the meeting of the Corporate and Environmental Overview and Scrutiny Committee on 1 December 2016, outlining the feedback from the public consultation due to take place in October 2016, to include recommendations on which infrastructure projects should be funded as part of the CIL Funding Programme 2017/18, prior to Cabinet's consideration of the report on 10 January 2017. The report also to include the methodology.

RESOLVED: That, as a consequence of the discussion on this item and the undertakings made it was determined that the Committee does not wish to ask for a different decision to the one agreed by Cabinet on 13 September 2016.

19 CAPITAL PROGRAMME OUTTURN 2015/2016

Consideration was given to the report of the Borough Treasurer as contained on pages 39 to 53 of the Book of Reports which provided a summary of the capital outturn position for the 2015/2016 financial year.

RESOLVED: That the final position on the Capital Programme for the 2015/16 financial year be noted.

20 CAPITAL PROGRAMME MONITORING 2016/17

Consideration was given to the report of the Borough Treasurer as contained on pages 39 to 53 of the Book of Reports which provided an overview of the current progress on the Capital Programme.

RESOLVED: That the current on the Capital Programme be noted.

21 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 paragraph 3 of Part 1 (financial/business affairs) of Schedule 12A of the 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.

22 MOOR STREET GATEWAY PROJECT

Consideration was given to the report of the Director of Development and Regeneration that provided information in relation to the Moor Street Gateway Project and procurement options and sought agreed comments prior to consideration by Cabinet at its meeting on 8 November 2016.

The Deputy Director of Development and Regeneration attended the meeting and provided clarification on the issues raised.

RESOLVED: That, as a consequence of the discussion on this item, it was agreed that the recommendations to Cabinet be supported.

.....
Chairman

Start: 7.00 pm

Finish: 9.20 pm

PRESENT:

Councillor: N Hennessy (Chairman)

Councillors:	M Barron	Mrs M Blake
	T Blane	P Cotterill
	Currie	G Dowling
	Evans	P Greenall
	J Kay	D McKay
	M Nixon	N Pryce-Roberts
	D West	Yates

In attendance: Councillor R Pendleton

Officers: Director of Leisure and Wellbeing (Mr D Tilleray)
Borough Solicitor (Mr T Broderick)
Borough Transformation Manager and Deputy Director of Housing
& Inclusion (Mr S Walsh)
Electoral and Administration Services Manager (Mr T Lyman)
Performance Officer (Ms A Grimes)
Assistant Solicitor (Mr N Astles)
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

1 APOLOGIES

There were no apologies for absence.

2 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, Members noted the termination of membership of Councillor G Hodson and the appointment of Councillor Dowling for this meeting only, thereby giving effects to the wishes of the political group.

3 URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

4 DECLARATIONS OF INTEREST

1. Councillors Barron and Hennessy declared a non-pecuniary interest in item 9 (BT Lancashire Services Annual Review), as Members of Lancashire County Council (LCC).
2. Councillor McKay declared an interest in item 10 (Quality Performance Indicators (Q4 2015-16), references to household waste PIs (Street Scene) as an employee of LCC.

5 DECLARATIONS OF PARTY WHIP

There were no declarations of a Party Whip.

6 MINUTES

RESOLVED: That the Minutes of the Corporate and Environmental Overview and Scrutiny Committee meeting held on 18 February 2016 be received as a correct record and signed by the Chairman.

7 PUBLIC SPEAKING

There were no items under this heading.

8 ELECTORAL REVIEW OF WEST LANCASHIRE

Consideration was given to the report of the Borough Solicitor, as contained on pages 15 to 30 of the Book of Reports which gave details of the outcome of work undertaken by the Public Involvement in Meetings Working Group (the Working Group) in regard to a review that had been undertaken of the Council's elected membership, ward boundaries, members per ward and the electoral cycle.

In discussion Members raised questions and comments in respect of the following:

- Cost of whole Council Elections: outcome of study; methodology used; anticipated savings; capture of data.

The Borough Solicitor attended the meeting with the Electoral and Administration Services Manager and provided clarification on issues raised.

The Chairman of the Working Group, Councillor Pendleton, also attended the meeting, with the permission of the Chairman spoke on the item and provided additional clarification in relation to the study and the outcomes.

RESOLVED: A. That the report and appendices be noted.

- B. That the Committee accept the view of the Working Group that the status quo be maintained for the reasons stated within section 4 to 9 of the report and recommend to Council that no further action be taken at this time.

9 BT LANCASHIRE SERVICES ANNUAL REVIEW

Consideration was given to the report of the Borough Transformation Manager and Deputy Director of Housing & Inclusion as contained on pages 31 to 60 of the Book of Reports that detailed the Annual Review 2015/16 of the ICT and Revenues and Benefits Council services delivered by BT Lancashire Services as part of the partnership agreement with Lancashire County Council.

The Chairman welcomed the representatives from BT Lancashire Services (BTLS).

A presentation, supported by a series of slides as contained on pages 141 to 144 of the Book of Reports, was undertaken by Mr Mark Orford (Director of ICT Services) and Ms Claire Hall (Director of Revenues and Benefits Service) on the work that had been undertaken over the previous 12 months under the shared services agreement.

The Director of Revenues and Benefits provided an overview of key activity in her service during 2015/16 highlighting details as set down in the report and presentation. Reference was made to the Services Improvements during the period and the targets that had been met or been exceeded; the Service Plans & Improvements and the Key Challenges.

The Director of ICT then provided an overview of the work undertaken during the review period referencing details as set down in the report, highlighting the Key Achievements in the service during 2015/16 that had included Public Service Accreditation (PSN) and other projects that had been completed. He went on to briefly outline some of the service plans and improvements and some of the priority projects they were helping to delivery, including Modern.Gov. and telephony replacement.

Comments and questions were raised in respect of:

- Savings achieved in the period
- Impact of Universal Credit (UC) – transfer to Department of Works & Pensions (DWPI) (impact on workforce)
- Major Business Disruption – impact on service; measurement and monitoring.
- IT technical support at Lancashire Place – staff complement.
- Training – delivery; impact of services; measuring success.
- Annual Review Presentation – future format.

RESOLVED: That the BT Lancashire Services Annual Review 2015/16, attached at Appendix A, and accompanying presentation be noted.

10 QUARTERLY PERFORMANCE INDICATORS Q4 2015-16

Consideration was given to the report of the Borough Transformation Manager and Director of Housing & Inclusion, as contained on pages 61 to 80 of the Book of Reports which detailed performance monitoring data for the quarter ended 31 March 2016. The report had previously been considered by Cabinet at its meeting on 14 June 2016.

In discussion Members raised questions and comments in respect of the following performance indicators:

- HS1 (% Housing repairs completed in timescale) – financial impact of missed target; effect of downturn in performance on tenants/ contractors performance

- (penalties); PI target triggers (tolerance %).
- HS13 (% LA properties with CP12 outstanding) – process to gain entry; financial implications; variation of visiting times;
 - TS24a (Average time taken to re-let local authority housings (days) (General Needs) – financial impact of missed target; process associated with calculation of PI.
 - WL18 (Use of leisure and cultural facilities (swims and visits) – access to data
 - NI191 (Residual household waste per household (Kg) – changes in recycling of inert waste (charges) – impact on fly tipping.
 - NI157a & NI157b (Processing of planning applications (Major & Minor applications) – targets set – impact on minor applications.
 - NI195b (Improved street and environmental cleanliness (levels of litter, detritus, graffiti and flying posting) Detritus) – Survey, details of locations visited; involvement of ward councillors.

The Borough Transformation Manager and Deputy Director of Housing & Inclusion attended the meeting with the Performance Officer and provided clarification on the issues raised and made an undertaking to provide additional information, as noted, in relation to them.

RESOLVED: That the Council's performance against the indicator set for the quarter ended 31 March 2016 be noted.

11 A MARKET TOWN STRATEGY FOR ORMSKIRK - DRAFT FINAL REPORT OF THE CORPORATE AND ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE

Consideration was given to the draft final report of the Committee, attached as Appendix A, on the findings of the review 'A Market Town Strategy for Ormskirk'.

Members discussed the report, its findings and the recommendations within it.

In relation to actions on the recommendations it was noted that these would come back for consideration at the meeting of the Committee in December.

RESOLVED: That the draft final report and recommendations therein be approved and be submitted to Cabinet on 13 September 2016 and Council, as appropriate.

12 WORK PROGRAMME 2016/17

Consideration was given to the joint report of the Borough Solicitor and Director of Leisure and Wellbeing (Lead Officer) as contained on pages 81 to 91 of the Book of Reports that provided details in relation to establishing the Work Programme for 2016/17 of the Committee.

In discussion Members raised comments and questions in relation to topics for future consideration and the concerns of residents in relation to the flooding that had

occurred in parts of the Borough earlier in the year. In relation to the latter Members discussed how best this could be scrutinised at an early date.

It was agreed that the recommendations as set down at 2.1 to 2.5 be agreed but that additionally that the Work Programme include an item, to be considered as soon as practicable, on the highways drainage systems with an input from the appropriate agencies, an invitation to which would be proffered to attend the next meeting of the Committee.

- RESOLVED:
- A. That the timetable attached at Appendix 'A' for establishing the Work Programme for the Corporate and Environmental Overview and Scrutiny Committee 2016/17 be agreed.
 - B. That arrangements be put in place to request items for the Work Programme for 2016/17 from Members, the Corporate Management Team (CMT), by inviting members of the public to submit topics via a press release and by the inclusion of an article on the Council's web-site.
 - C. That all potential topics received by the deadline be published on the Council's web site for Members of the public to comment or make suggestions.
 - D. That following the deadline for receipt of potential topics the Lead Officer, in consultation with the Chairman, Vice-Chairman and Conservative Spokesperson be requested to score each of the topics using the agreed selection criteria set out at Appendix B.
 - E. That a report on the Work Programme for 2016/17 together with the results of the scoring exercise, be considered at the next meeting of the Corporate and Environmental Overview and Scrutiny Committee and the Committee select one topic for Review.
 - F. That the Director of Leisure and Wellbeing make arrangements for an invitation to be proffered to representatives from external agencies, as appropriate, to attend the next meeting of the Committee scheduled to be held on 13 October 2016 in relation to an item on the Borough's highways systems, with particular reference to the gullies and that questions relating to same be forward to the Chairman of the Committee and Director of Leisure and Wellbeing ahead of that meeting.

13 MINUTES OF THE MEMBER DEVELOPMENT COMMISSION

Consideration was given to the Minutes of the Member Development Commission meeting held on 17 March 2016.

In relation to "in-house" overview and scrutiny training, which had been raised at the

Commission, this was currently scheduled to take place on 4 October 2016.

The Chairman made an undertaking to speak to the Leader in relation to the provision of scrutiny training event to be facilitated by an external trainer.

RESOLVED: That the minutes of the Member Development Commission meeting held on 17 March 2016 be noted.

14 MEMBERS ITEMS/COUNCILLOR CALL FOR ACTION (CCFA)

There were no items under this heading.

15 ITEMS FROM THE MEMBERS UPDATE

There were no items under this heading.

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Chairman

LICENSING SUB-COMMITTEE

HELD: Tuesday, 19 July 2016

Start: 10.30 am

Finish: 2.35 pm

PRESENT:

Councillor: Delany (Chairman)

Devine
Kay

In attendance: Mr R Allison (Applicant)
Members of the public (objectors)
Councillor Cotterill (Ward Member Bickerstaffe)

Officers: Principal Solicitor (Mrs K Lovelady)
Senior Licensing Officer (Mrs S Jordan)
Member Services/Civic Support Officer (Mrs J Brown)

1 **APOLOGIES**

There were no apologies for absence received.

2 **MEMBERSHIP OF THE COMMITTEE**

There were no changes to Membership of the Committee.

3 **URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**

There were no items of urgent business.

4 **DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

5 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

6 **MINUTES**

RESOLVED That the minutes of the meeting held on 4 March 2016 be received as a correct record and signed by the Chairman.

7 **LICENSING HEARING PROCEDURE**

The Chairman outlined the Licensing Procedure.

8 **APPLICATION FOR A PREMISES LICENCE IN RESPECT OF WARBRECK GARDEN CENTRE, LYELAKE LANE, LATHOM, ORMSKIRK, L40 6JW**

Consideration was given to the report of the Director of Leisure and Wellbeing as circulated and contained on pages 7 to 54 of the Book of Reports in respect of an application under the Licensing Act 2003 for a Premises Licence in respect of Warbreck Garden Centre, Lyelake Lane, lathom, Ormskirk, L40 6JW.

In considering the matter the Sub – Committee had regard to its Licensing Policy and the guidance issued under S. 182 of the Licensing Act. It considered the relevant Licensing Objectives.

The Applicant had previously offered forward conditions and amended timings following discussions with the Senior Environmental Health Officer. Following the conclusion of the evidence the Applicant notified the Sub Committee that he wanted to reduce the operational hours and the time the outside space would be used. The conditions offered by the Applicant have been reviewed by the Committee and additional conditions added in order to maintain the four licensing objectives. As the intention of the Applicant was for licensable activities to cease at 23.00 hours, the application in respect of Late Night Refreshment has not been included.

RESOLVED : The timings be granted as follows:

- A. That the premises shall be open to the public:
Monday to Sunday 09.00 to 23.30 hours.
- B. That the sale/supply of alcohol shall be permitted on and off the premises:-
Monday to Sunday 09.00 to 23.00 hours.
- C. That the provision of live music and recorded music shall be permitted:-
Sunday to Monday 09.00 hours to 23.00 hours
- Conditions
- D. That noise from music and associated sources (including D.J's and amplified voices) shall not be clearly audible at the boundary of any residential premises sharing a boundary with the Premises, at any time regulated entertainment is taking place.
- E. The Sale and Supply of Alcohol and all regulated entertainment being undertaken outside the premises shall

cease after 20.00 hours.

- F That after 20.00 hours each day, customers will not be permitted to congregate in the outside seating area at any time other than for the purposes of smoking and this will be subject to regular checks by the management to ensure any persons smoking are not causing a disturbance to residents.

- G. That all external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency or to allow access or egress.

- H. That the placing of refuse, such as bottles, into receptacles outside the premises shall not take place between 22.00 hours and 08.00 hours on any day so as to prevent disturbance to nearby premises.

- I. That the Licensee shall ensure that staff arriving early morning or departing late at night when the business has ceased trading conduct themselves in such a manner to avoid disturbance to nearby residents.

- J. Signage will be displayed asking customers to respect the needs of the local residents by leaving in a quiet and orderly manner.

- K. Customers waiting for taxis will be asked to remain inside the premises after 20.00 hours until the taxis arrive.

This is the decision of the Licensing Sub – Committee.

The Sub – Committee recommend that a residents meeting takes place to address any issues every six months.

- CHAIRMAN -

EMPLOYMENT APPEALS SUB-COMMITTEE

TUESDAY, 20TH SEPTEMBER, 2016

Start: 10.30am

Finish: 2.45pm

Councillors:	Devine (Chairman) Delaney (Vice Chairman) Kay
Officers:	Principal Solicitor (Mrs K Lovelady) Member Services/Civic Support Officer (Mrs J Brown) Human Resources Advisor (Ms K Roberts)
Parties to The Appeal:	Management Director of Housing and Inclusion (Mr B Livermore) Head of HR and Organisational Development (Interim) (Ms J Woods)
Appellant:	Employee Payroll Number 2900086
Appellant Advisors:	Unison Branch Secretary (Mr P Foster) Unison Area Organiser (Ms S Garry)

8 APOLOGIES

There were no apologies for absence received.

9 MEMBERSHIP OF THE SUB - COMMITTEE

There were no changes to Membership of the Committee.

10 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of Urgent Business.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 EMPLOYMENT APPEALS PROCEDURE

The Chairman referred to the above procedure.

13 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100 (A) 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 Paragraph 2 (Identity of an individual) and Paragraph 4 (Labour Relations) Part 1 of Schedule 12A outweighs the public interest in disclosing the information.

14 APPEAL AGAINST OUTCOME OF DISCIPLINARY HEARING - EMPLOYMENT PAYROLL NUMBER 2900086

The Chairman welcomed both parties to the meeting.

Members were informed that the Sub – Committee was meeting to consider an appeal by an employee of the Council against the outcome of a disciplinary hearing.

In considering the Appeal the Sub – Committee had before it the following documents:-

Management Statement of Case and Appendices.
Appellant Statement of Case and Supporting Documents.

The Sub – Committee were also provided with a demonstration of the Councils CRM system from the Customer Services Manager.

The Sub – Committee, in accordance with the procedure heard the following aspect of the Appeal;

- i. An oral submission by Management.
- ii. An oral submission on behalf of the Appellant.
- iii. A summing up by Management and the Appellant's Representative.

Following the conclusion of summing up, both parties, together with the representative, withdrew from the meeting and the Sub – Committee gave consideration to their decision.

The Sub – Committee came to the following conclusion:-

RESOLVED: That the Appeal be dismissed.