



Kim Webber B.Sc. M.Sc.  
Chief Executive  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

Tuesday, 10 October 2017

**TO: THE MAYOR AND COUNCILLORS**

Dear Councillor,

You are summoned to a meeting of the **COUNCIL** to be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **WEDNESDAY, 18 OCTOBER 2017** at **7.30 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be "Kim Webber", written over a horizontal line.

Kim Webber  
Chief Executive

**AGENDA**  
**(Open to the Public)**

**PAGE(S)**

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|--|-----------|
| <b>1. PRAYERS</b>  |           |
| <b>2. APOLOGIES</b>  |           |
| <b>3. DECLARATIONS OF INTEREST</b>   |           |
| If a member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.) | 221 - 222 |
| <b>4. MINUTES</b>  |           |
| To receive as a correct record the minutes of the previous meeting held on 19 July 2017.   | 223 - 232 |

5. **ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF EXECUTIVE**
6. **TO ANSWER ANY QUESTIONS UNDER THE PROVISIONS OF COUNCIL PROCEDURE RULE 10.2**
7. **MINUTES OF COMMITTEES**  
To receive the minutes of the following meetings, to confirm, if appropriate, such of the minutes as require confirmation and to pass such resolutions as the Council may deem necessary:
  - a) Licensing & Appeals Committee - Tuesday, 18 July 2017 233 - 234
  - b) Planning Committee - Thursday, 27 July 2017 235 - 240
  - c) Audit & Governance Committee - Tuesday, 5 September 2017 241 - 244
  - d) Planning Committee - Thursday, 7 September 2017 245 - 248
  - e) Standards Committee - Tuesday, 19 September 2017 249 - 252
  - f) Planning Committee - Thursday, 5 October 2017 **(To Follow)**
8. **POLICY OPTIONS 2018-21**  
To consider the report of the Borough Treasurer. 253 - 290
9. **TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS MONITORING 2017-18**  
To consider the report of the Borough Treasurer. 291 - 298
10. **BROWNFIELD LAND REGISTER AND PERMISSION IN PRINCIPLE**  
To consider the report of the Director of Development and Regeneration. 299 - 338
11. **WEST LANCASHIRE TOURISM - THE VISITOR ECONOMY - FINAL REPORT OF THE CORPORATE & ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE**  
To consider the report of the Director of Leisure and Wellbeing. 339 - 368
12. **OVERVIEW AND SCRUTINY ANNUAL REPORT 2016/17**  
To consider the report of the Borough Solicitor. 369 - 390
13. **HOUSING AND PLANNING ACT 2016: CIVIL PENALTIES & RENT REPAYMENT ORDERS**  
To consider the report of the Director of Leisure and Wellbeing. 391 - 420
14. **DISCRETIONARY BUSINESS RATE RELIEFS** **(To follow)**  
To consider the report of the Borough Treasurer.

**15. APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEE AND CHANGE TO CABINET**

421 - 422

To consider the report of the Borough Solicitor.

**16. EXCLUSION OF PRESS AND PUBLIC**

It is recommended that members of the press and public be excluded from the meeting during consideration of the following item(s) of business in accordance with Section 100A(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 (Any Individual), 3 (Financial/Business Affairs) & 4 (Labour Relations) of Part 1 of Schedule 12A to 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.

**PART 2 – Not Open to the Public**

**17. SENIOR MANAGEMENT STRUCTURE**

423 - 442

To consider the report of the Chief Executive.

**PART 3 - Open to the Public**

**18. MOTIONS**

To consider the following Motions included on the agenda at the request of the Members indicated:

**a) Small Business Tax Burden - Motion Included on the Agenda by Councillor Bullock on Behalf of the Labour Group**

That this Council notes that Small Business, are spending more of their time delivering statutory tax obligations & compliance which can be absorbed easier by larger entities without impact to their bottom line. Small Business in West Lancashire are spending increasing time with red tape rather than productive time managing their businesses. Small businesses are experiencing more leakage in direct and indirect taxation than larger corporations and Multi Nationals, and this Council recognises the struggles and risks taken by Small Business here in West Lancashire.

That this Council believes that the tax burden placed on Small Business coupled with an increasing burden of red tape is stifling growth of fledgling business looking to grow here in West Lancashire.

That the Chief Executive writes to the Chancellor of the Exchequer to ask:

- (i) Why have Small Business (Self employed/life style businesses and/or Micro Entities), been targeted with unfair tax schemes and not large corporations?
- (ii) What consideration, if any, was given to making all the changes tax neutral? For example, offsetting one tax for another? For reducing red tape for businesses with less than

50 employees?

By way of example;

- Auto enrolment
  - SSP paid by the employer not government from the Employer NI paid
  - Increase in the Flat Rate of Vat
  - Restriction on MIR
  - Reduction in Fees from government for FREE childcare
- (iii) How do you think it will impact Small Business here in West Lancashire?
- (iv) Will the Chancellor/Treasury/Government consider redressing the balance of taxation & compliance for Small Business against that of their Multi National counterparts in its Autumn Statement?

**b) NJC Pay - Motion Included on the Agenda by Councillor Pryce-Roberts on Behalf of the Labour Group**

That West Lancashire Borough Council notes that:

- NJC basic pay has fallen by 21% since 2010 in real terms
- NJC workers had a three-year pay freeze from 2010-2012
- Local terms and conditions of many NJC employees have also been cut, impacting on their overall earnings
- NJC pay is the lowest in the public sector
- Job evaluated pay structures are being squeezed and distorted by bottom-loaded NJC pay settlements needed to reflect the increased National Living Wage and the Foundation Living Wage
- There are growing equal and fair pay risks resulting from this situation

That this Council:

- (i) Supports the NJC pay claim for 2018, submitted by UNISON, GMB and Unite on behalf of council and school workers and calls for the immediate end of public sector pay restraint. NJC pay cannot be allowed to fall further behind other parts of the public sector.
- (ii) Welcomes the joint review of the NJC pay spine to remedy the turbulence caused by bottom-loaded pay settlements.
- (iii) Notes the drastic ongoing cuts to local government funding and

calls on the Government to provide additional funding to fund a decent pay rise for NJC employees and the pay spine review.

That this Council:

- Calls immediately on the LGA to make urgent representations to Government to fund the NJC claim and the pay spine review and notify us of their action in this regard
- Writes to the Prime Minister and Chancellor supporting the NJC pay claim and seeking additional funding to fund a decent pay rise and the pay spine review
- Meets with local NJC union representatives to convey support for the pay claim and the pay spine review

c) **Policing of Events at Orgreave - Motion Included on the Agenda by Councillor Cooper on Behalf of the Labour Group**

That this Council is disappointed by the Home Secretary's rejection on the 31<sup>st</sup> October, 2016 of an Inquiry into the policing of events at Orgreave.

That the Council:

- (i) observes that the Independent Police Commission said in their redacted report released in June 2015 "that there was evidence of excessive violence by police officers, and a false narrative from police exaggerating violence by miners, perjury by officers giving evidence to prosecute the arrested men, and an apparent cover-up of that perjury by senior officers".
- (ii) believes in the light of such statements that the Home Secretary needs to review her decision that there should be no enquiry into such events.
- (iii) notes that 95 miners were arrested and charged with riot offences, but were all later acquitted amid claims that police at the time had fabricated evidence.
- (iv) requests that the Chief Executive and the West Lancashire MP, Rosie Cooper, write to the Home Secretary and ask that she takes into account the opinion of this Council and accepts that there is widespread public concern about events at Orgreave and calls for her to order an inquiry into them.
- (v) calls on Lancashire County Council and the other local authorities across the North West to pass a similar motion.

d) **Ormskirk 'Night Market' - Motion Included on the Agenda by Councillor Dowling on Behalf of the Labour Group**

That this Council recognises the initiative shown and efforts made by

those local retailers and small businesses in Ormskirk Town Centre who have led on the town's series of 'Night Market' events.

That a letter of thanks is sent to those businesses involved, for their efforts in promoting the town and the borough of West Lancashire, and instructs officers to continue to support the project in whatever way they can within available resource levels through:

- professional and legal advice and guidance
- event planning
- marketing and communications
- supply of access to council materials and property
- and any other help, where practical.

**e) Student Accommodation - Motion Included on the Agenda by Councillor Owens on Behalf of Our West Lancashire Group**

Council notes that:

- Student landlords do not pay for the local public services their tenants use as student accommodation is currently exempt from business rates and student households are exempt from council tax.
- As at August 2017, there are 717 properties registered within the Borough that attract an exemption from Council Tax in accordance with the Regulation relating to student households (Exemption Class N) and a further 308 properties registered within the Borough that attract an exemption from Council Tax in accordance with the Regulation relating to student halls of residence (Exemption Class M).
- If these properties were not exempt from Council Tax, if a full Council Tax charge was levied in all these cases (assuming no Council Tax Support entitlement or other Council Tax Discounts/ Exemptions were eligible), it is estimated that an additional £1.3M Council Tax liability may be generated of which the Borough Council's share of the additional liability income is estimated to be approximately £169K.
- Student landlords have tenants who generate much need of local authority-funded public services, e.g. extra street cleansing, waste management, and environmental health demands (noise abatement and poor housing conditions).
- Councils currently effectively receive funding to cover the cost of these services through the Revenue Support Grant (RSG), but the Government's intention is to phase out the RSG by 2020. After 2020 when the RSG is phased out, the income lost from council tax exemptions relating to student accommodation will effectively be borne by all other West Lancashire council tax payers.

Council believes that:

- Students are a very welcome part of our community and our local economy, but live in concentrated areas of the Borough in

densely populated conditions. This has a big impact on services in these parts of the Borough.

- Student households should continue to be exempt from council tax, as students are on low (and loaned) incomes.
- Student landlords are profit –making businesses, and should pay properly for the demands their tenants make on public services.

Council resolves to ask the Chief Executive to write to the Chancellor of the Exchequer, Secretary of State for Communities and Local Government, the Chair and Vice-Chairs of the Local Government Association and the Members of Parliament serving West Lancashire Borough to request that councils should be given powers to bring student landlords within the scope of business rates in the same way that hotels, self-catering and holiday lets are within the scope of business rates.

f) **WASPI (Women Against State Pension Inequality) Motion submitted by Cllr Yvonne Gagen on Behalf of the Labour Group**

This Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification. Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950s are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute – it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

The Council calls upon the Government to reconsider transitional arrangements for women born on or after 6 April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.

**g) Minister for Older People - Motion by Cllr Aldridge on Behalf of the Labour Group**

That this Council believes that the appointment of a Minister for Older People in Government is a real opportunity to commit to a coherent cross-governmental approach to age and ageing.

There are gaps between the remit of the Health and Pensions Ministers which needs to be addressed in order to effectively deal with the unprecedented demographic change that underpins the transformation of the economy, training, work and social care.

A similar model of that for the Minister for Disabled people should be considered. They work successfully across all Government departments to ensure disabled people are not disadvantaged in any way. The same approach needs to be considered for older people.

From a local authority perspective, we are working across a range of council services, as well as with our partner agencies, to plan for the needs of the projected ageing population. The Government should attach the same priority and approach across their own Government departments to ensure that people over the age of 50 are skilled, empowered and enabled to contribute fully to society, whilst also taking into consideration their health and living needs, as well as tackling issues such as isolation.

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**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@westlincs.gov.uk](mailto:jacky.denning@westlincs.gov.uk)



**FIRE EVACUATION PROCEDURE FOR:  
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT  
(52 DERBY STREET, ORMSKIRK)**

<b>PERSON IN CHARGE:</b>	Most Senior Officer Present
<b>ZONE WARDEN:</b>	Member Services Officer / Lawyer
<b>DOOR WARDEN(S)</b>	Usher / Caretaker

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

**CHECKLIST FOR PERSON IN CHARGE**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

**NOTE:**

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

**CHECKLIST FOR ZONE WARDEN**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

**INSTRUCTIONS FOR DOOR WARDENS**

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.