

COUNCIL**HELD: Wednesday, 12 December 2018**

Start: 7.30 pm

Finish: 8.20 pm

PRESENT:

Councillors:

N Delaney (Mayor)
G Owen (Deputy Mayor)
T Aldridge
Mrs P Baybutt
T Blane
C Cooper
P Cotterill
S Currie
C Dereli
G Dowling
D Evans
Y Gagen
N Hennessy
C Marshall
J Mee
I Moran
D O'Toole
J Forshaw
A Pritchard
L Savage
D West
Mrs M Westley
K Wilkie
K Wright

I Ashcroft
Mrs M Blake
J Cairns
R Cooper
V Cummins
I Davis
T Devine
Mrs C Evans
S Evans
J Gordon
K Lockie
Mrs J Marshall
M Mills
M Nixon
A Owens
E Pope
N Pryce-Roberts
Mrs D Stephenson
D Westley
D Whittington
J Witter
A Yates

Officers:

Kim Webber, Chief Executive
Jacqui Sinnott-Lacey, Director of Housing and Inclusion
John Harrison, Director of Development and Regeneration
Heidi McDougall, Director of Leisure & Environment
Marc Taylor, Borough Treasurer
Terry Broderick, Borough Solicitor
Ian Gill, Deputy Director of Development & Regeneration
Jacky Denning, Member Services Manager

56 **PRAYERS**

The Mayor's Chaplain for the evening, Father Godric, led Members and officers in prayer.

57 **APOLOGIES**

Apologies for absence were received on behalf of Councillors J Bullock, N Furey, J Hodson, G Hodson, P Hudson, J Kay and C Wynn.

58 **DECLARATIONS OF INTEREST**

The following declarations were received:

1. Councillors Aldridge, Hennessy, O'Toole and Pope declared a pecuniary / non pecuniary interest in relation to, agenda item 8 'Budget Update*', agenda item 10 'Revised Capital Programme', agenda item 11 'Approval of Statement of Licensing Policy and Authorisations Required by the Gambling Act 2005', agenda item 13 'Health and Wellbeing Strategy Annual Performance Review 2018' and agenda item 17 'Review of Grounds Maintenance and Street Cleansing Update', as Members of Lancashire County Council (LCC), as did Councillors Cummins and Gagen as employees of LCC, and indicated that they would not participate in any detailed discussions which affected LCC*.
2. Councillors Ashcroft, Mrs Blake, Blane, Dereli, Gordon, Mrs Marshall, Mee, Moran, Owen, Pope and Whittington declared a pecuniary / non pecuniary interest in relation to agenda item 10 'Revised Capital Programme', agenda item 11 'Approval of Statement of Licensing Policy and Authorisations Required by the Gambling Act 2005' and agenda item 13 'Health and Wellbeing Strategy Annual Performance Review 2018' as Members of a Parish Council and indicated they would not participate in any detailed discussions which affected the finances of those bodies specifically.*

* 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.

3. Councillors Delaney, Devine, Forshaw, Owen, Nixon and West (Tenant of a Council flat/house) Aldridge (Tenant of a Council garage) declared disclosable pecuniary interests in relation to item 9 'HRA Revenue and Capital Mid-Year Review' for the reasons indicated but were entitled to speak and vote by virtue of an exemption (nothing in these reports relates particularly to their respective interests arising from the tenancy or lease).
4. Councillors Aldridge, Blane, Mee and Wright declared non-pecuniary interests in relation to item 9 'HRA Revenue and Capital Mid-Year Review' as they have a connected person who is a tenant of rented Council accommodation. Insofar as that interest becomes a pecuniary interest (as it could affect the financial position of their relative and a member of the public with knowledge of the relevant facts would reasonably regard this as so significant that it is likely to prejudice their judgement of the public interest) they declared that interest but considered that they were entitled to speak and vote by virtue of an exemption as nothing in these reports relates particularly to the relevant tenancy or lease.
5. Councillor Wilkie declared a non-pecuniary interest in relation to agenda item 13 'Health and Wellbeing Strategy Annual Performance Review 2018' as an employee of the Fire Service.

59 **MINUTES**

RESOLVED: That the minutes of the Meeting held on the 17 October 2018 be approved as a correct record and signed by the Mayor.

60 **ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF EXECUTIVE**

There were no items under this heading.

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

The following question was received from Councillor Nikki Hennessy:

"What partnership work went into organising Freshers Week this year?"

The Leader provided the following response:

The Community Safety Partnership recognises the Edge Hill University 'Welcome Weeks' period as a priority and has led on an initiative to provide information to students to encourage them to be good neighbours, for over a decade. For clarification, the first three weeks of Edge Hill's Autumn term are described as the Welcome Weeks. Whilst the partnership used to look at the first week of term, given activities aimed at new and returning students tend to take place for over a week, the period was extended.

In May 2018 a number of partner organisations, including Edge Hill University, Edge Hill Students Union, Lancashire Constabulary, Lancashire Fire and Rescue, Young Addaction, Ormskirk Street Pastors, Council Members and the Ormskirk Residents Group, were invited to attend a pre-planning meeting to discuss what actions they could undertake, including improved communication between Edge Hill and the British Transport Police on when the 'Nightclub Night', involving a significant number of students travelling by train between Ormskirk and Liverpool, would be taking place.

Following the meeting, an action plan was finalised detailing all the actions agreed by the partner agencies. Some of the key actions included additional police patrols, visits to student properties to discuss noise and waste and leave posters, alcohol harm reduction work, fire safety and specific presentations being provided for students on a range of topics.

During the Welcome Weeks period, meetings took place with partners as appropriate to review activities, complaint levels and investigate whether any additional action was required.

Following delivery of the action plan an evaluation was completed and reported back to the Community Safety Partnership and Edge Hill Forum.

62 MINUTES OF COMMITTEES

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

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

- A. Licensing & Appeals Committee – Tuesday, 9 October 2018
- B. Planning Committee – Thursday, 18 October and 29 November 2018
- C. Audit & Governance Committee – Tuesday, 30 October 2018

63 BUDGET UPDATE

Consideration was given to the report of the Borough Treasurer, as contained on pages 525 to 532 of the Book of Reports, which provided an update on a range of business rates and council tax matters.

- RESOLVED:**
- A. That delegated authority be given to the Director of Housing and Inclusion in consultation with the relevant Portfolio Holders to implement the new Business Rate Reliefs announced in the Chancellor of the Exchequer's Budget Speech in October 2018.
 - B. That the level of Council Tax charges be set at the maximum possible level for homes that have been empty for more than 2 years as set out in section 5 of the report.
 - C. That the existing Council Tax Support Scheme be continued for the next financial year.

64 HRA REVENUE AND CAPITAL MID-YEAR REVIEW

Consideration was given to the joint report of the Director of Housing and Inclusion and the Borough Treasurer, as contained on pages 533 to 544 of the Book of Reports, which provided a summary of the Housing Revenue Account (HRA) and Housing capital programme positions for the 2018/19 financial year.

- RESOLVED:**
- A. That the 2018/19 HRA and Housing capital programme positions be noted.
 - B. That the proposed budget adjustments identified in Appendix 2 to the report, be approved.

65 REVISED CAPITAL PROGRAMME

Consideration was given to the report from the Borough Treasurer, as contained on pages 545 to 556 of the Book of Reports, which discussed a Revised General Revenue Account (GRA) Capital Programme for 2018/2019 and provided an update on progress on capital schemes.

RESOLVED: A. That the revised Capital Programme, including the budget adjustments contained within Appendix A to the report, be approved.

B. That progress against the Revised Capital Programme be noted.

**66 APPROVAL OF STATEMENT OF LICENSING POLICY AND AUTHORISATIONS
REQUIRED BY THE GAMBLING ACT 2005**

Consideration was given to the report of the Director of Leisure and Environment, as contained on pages 557 to 600, which sought approval of the Statement of Licensing Policy required under the Gambling Act 2005.

Members were advised that the minute of the Licensing and Gambling Committee held on 4 December 2018 had been circulated separately.

RESOLVED: A. That the Statement of Licensing Policy attached at Appendix 2 to the report, be approved.

B. That the Director of Leisure and Environment be given delegated authority to publish and administer the Statement of Licensing Policy.

67 COUNCIL ENFORCEMENT POLICY

Consideration was given to the report of the Director of Leisure and Environment, as contained on pages 601 to 630 of the Book of Reports, which advised of a new Corporate Enforcement Policy.

RESOLVED: That the Corporate Enforcement Policy proposed in Appendix 1b to the report, be approved.

**68 HEALTH AND WELLBEING STRATEGY ANNUAL PERFORMANCE REVIEW
2018**

Consideration was given to the report of the Director of Leisure and Environment, as contained on pages 631 to 652 of the Book of Reports, which provided an update on performance during the first twelve months of the 2018 – 2021 Health and Wellbeing Strategy.

RESOLVED: That the content of the Health and Wellbeing Strategy Performance Review 2018, attached at Appendix 1 to the report, be noted.

69 EXECUTIVE DECISIONS - SPECIAL URGENCY

Consideration was given to the report from the Borough Solicitor, as contained on pages 653 to 654 of the Book of Reports, which advised that, for the period 1 December 2017 to 30 November 2018, no decisions were taken under Access to Information Procedure Rule 16 (Special Urgency).

RESOLVED: That it be noted that Access to Information Rule 16 (Special Urgency) was not exercised during the period 1 December 2017 to 30 November 2018.

70 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following 2 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 & 3 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.

71 COMMERCIAL PROPERTY INVESTMENTS - UPDATE

Consideration was given to the report of the Director of Development and Regeneration, as contained on pages 655 to 666 of the Book of Reports, which provided an update on the most recent commercial property investments made by the Council and requested an uplift in the level of investment delegated to the Strategic Asset Purchasing Committee to £2 million.

A revised Appendix A was circulated.

RESOLVED: A. That the update on the most recent commercial property investments be noted.

B. That the level of investment delegated to the Strategic Asset Purchasing Committee, be increased to £2 million.

72 REVIEW OF GROUNDS MAINTENANCE AND STREET CLEANSING UPDATE

Consideration was given to the report of the Director of Leisure and Environment, as contained on pages 667 to 700 of the Book of Reports, which provided an update on progress with implementing the recommendations of the grounds maintenance and street cleansing review; sought agreement of service standards and a revised structure, designed to offer greater flexibility and focus to deliver the new service.

A Motion was circulated, which was moved and seconded.

A vote was taken, the Motion was CARRIED.

- RESOLVED:
- A. That the suggestion included in the minutes of the Executive Overview & Scrutiny Committee at Appendix 10, be noted and the structure set out in Appendix 3 'Clean & Green Operatives' be amended to include "Burscough East" in the list above "Burscough West".
 - B. That, subject to (A) above, the revised proposed service structures at Appendix 3 and 6 be noted.
 - C. That the Director of Leisure and Environment be given delegated authority in consultation with the relevant Portfolio Holder to take all action required for the implementation of the new structures.

73 **MOTIONS**

The following Motion was considered at the request of the Member indicated:

74 **FAIR DEAL FOR LEASEHOLDERS - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR ADRIAN OWENS ON BEHALF OF THE OUR WEST LANCASHIRE GROUP**

The following Motion was moved and seconded:

"There is a concern at the Government's failure to adequately regulate the sale of leasehold properties within the UK and tackle the onerous terms of existing leases; at the financial burdens suffered by homeowners, due to unregulated developer practices, and the unacceptable terms of leases; for residents, who find themselves unable to sell their homes, except for a considerable discount, following the public's increasing awareness of the struggles affecting leasehold homeowners.

Pledges to address the matter are welcomed however there is frustration expressed regarding the extent of the Government's plans, and its commitment to support those already affected by unfair practices, and charges.

This Council resolves that:

- A. The Government be requested to take urgent action to address:
 - i) The level of and rate of increase in ground rent charges that existing leaseholders are obliged to pay to developers, or the companies to which the freehold has been sold;
 - ii) The practice of freeholders selling the freehold to third parties, without the knowledge of the existing leaseholders, and without first offering the leaseholder the option of purchasing the freehold;

- iii) The manner in which estate maintenance charges are levied against the leaseholders without sufficient transparency or cost-efficiency;
 - iv) The unclear, and in many cases, seemingly excessive cost for the purchase of freeholds by leaseholders including excessive costs even to enter into such negotiations;
 - v) The unfair systems of administration charges imposed via the lease, to the hindrance of (for example) leaseholders who wish to make alterations to the property;
 - vi) The requirement of existing leaseholders to have owned the lease for a minimum period, before being eligible to purchase the freehold;
 - vii) The lack of advice and adequate compensation schemes available to many leaseholders who believe they have been miss-sold, and/or their lease contains onerous conditions.
- B. The Chief Executive be requested to write to the Secretary of State for Housing, Communities and Local Government, to express the Council's concern regarding the above issues, and request further, pressing action is taken not only to restrict the development of further leasehold homes, but to provide appropriate support and means of redress for existing leaseholders."

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

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

- RESOLVED: A. That the Government be requested to take urgent action to address:
- i) The level of and rate of increase in ground rent charges that existing leaseholders are obliged to pay to developers, or the companies to which the freehold has been sold;
 - ii) The practice of freeholders selling the freehold to third parties, without the knowledge of the existing leaseholders, and without first offering the leaseholder the option of purchasing the freehold;
 - iii) The manner in which estate maintenance charges are levied against the leaseholders without sufficient transparency or cost-efficiency;
 - iv) The unclear, and in many cases, seemingly excessive cost for the purchase of freeholds by leaseholders including excessive costs even to enter into such negotiations;
 - v) The unfair systems of administration charges imposed via the lease, to the hindrance of (for example) leaseholders who wish to make

- alterations to the property;
 - vi) The requirement of existing leaseholders to have owned the lease for a minimum period, before being eligible to purchase the freehold;
 - vii) The lack of advice and adequate compensation schemes available to many leaseholders who believe they have been miss-sold, and/or their lease contains onerous conditions.
- B. The Chief Executive be requested to write to the Secretary of State for Housing, Communities and Local Government, to express the Council's concern regarding the above issues, and request further, pressing action is taken not only to restrict the development of further leasehold homes, but to provide appropriate support and means of redress for existing leaseholders.
- C. The Director of Development and Regeneration provide a report to Cabinet on the options available to this Council in controlling:
- i) The number of properties sold on leasehold in future housing developments and
 - ii) The terms under which these leaseholds are offered to prospective buyers.

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THE MAYOR