



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

Tuesday, 7 May 2019

**TO: THE MAYOR AND COUNCILLORS**

Dear Councillor,

You are summoned to the Annual Meeting of the **COUNCIL** to be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **WEDNESDAY, 15 MAY 2019** 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)**

1. **PRAYERS**

2. **APOLOGIES**

3. **DECLARATIONS OF INTEREST**

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.)

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4. **A. ELECTION OF MAYOR FOR ENSUING YEAR B.  
APPOINTMENT OF DEPUTY MAYOR FOR THE ENSUING YEAR** 3 - 4  
(See attached Procedural Note.)
5. **ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF  
EXECUTIVE**
6. **ELECTION OF THE LEADER, THE LEADER'S APPOINTMENT OF  
THE DEPUTY LEADER AND CABINET, AND 'PROPER OFFICER  
PROVISIONS AND SCHEMES OF DELEGATION'** 5 - 6  
To consider the report of the Borough Solicitor.
7. **TO NOTE THE APPOINTMENT OF THE LEADER AND DEPUTY  
LEADER OF THE OPPOSITION GROUPS AND SHADOW  
CABINET**
8. **APPOINTMENT OF COMMITTEES ETC 2019/20** 7 - 10  
To consider the report of the Borough Solicitor.
9. **APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN OF  
COMMITTEES**  
To appoint the Chairmen and Vice-Chairmen of Committees as  
indicated in the Appendix to be circulated as part of Agenda Item 8.

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

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

**PERSON IN CHARGE:** Most Senior Officer Present  
**ZONE WARDEN:** Member Services Officer / Lawyer  
**DOOR WARDEN(S)** 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**.



	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;*

*"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;*

*"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;*

*"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;*

*"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

*"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

**'non pecuniary interest'** means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**'a connected person'** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

**'body exercising functions of a public nature'** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

**NB** Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

<p style="text-align: center;"><b>ANNUAL COUNCIL MEETING – 15 MAY 2019</b> <b>PROCEDURE FOR THE INVESTITURE OF MAYOR AND DEPUTY MAYOR</b></p>
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## **1.0 INVESTITURE OF MAYOR**

- 1.1** After the Mayor's Chaplain has led the Council in prayer, the Mayor, Councillor Delaney will invite the submission of apologies for absence from the meeting.

The Mayor will then take the opportunity of thanking those who have helped him during his term of office.

The Mayor will then invite his Mayoress, Mrs Ann Stubbart, to the dais to receive her Past Mayoress' Shield.

- 1.2** The Mayor will invite nominations for the office of Mayor.

A motion will then be moved and seconded in the following terms:

*"That Councillor Gaynar Owen be elected Mayor for the ensuing Municipal Year."*

- 1.3** The Mayor will then ask if there are any other nominations and, provided there are none, the motion will be put to the meeting and having been duly carried, the retiring Mayor will request Councillor Gaynar Owen signify her assent to the resolution.

If there are any further nominations an election will take place.

- 1.4** The Member Services/Civic Officer will escort Councillor Gaynar Owen from her seat in the body of the Chamber, to the dais via the doors behind the Mayor's seat, during which time the retiring Mayor, Councillor Delaney will move to a position in front of the Deputy Mayor's chair, immediately to the right of the Mayor. The Mayor's Attendant will remove the Mayor's Badge of Office from the Mayor's Chain and pass it to the Chief Executive, who will place it on the appropriate pouch on the dais.

The Attendant will then take from Councillor Delaney the Chain of Office and pass it to the Chief Executive. The Attendant will then remove the robes from Councillor Delaney and place them on the newly elected Mayor.

The Attendant will then take the Chain of Office from the Chief Executive and place it on the shoulders of the newly elected Mayor. He will then hand to Councillor Delaney the Mayor's Badge of Office (*which will be in its place on the dais*) and Councillor Delaney will affix it to the Chain of Office on the newly elected Mayor.

## **2.0 PRESENTATION TO PAST MAYOR**

The newly elected Mayor will then present Councillor Delaney with his Past Mayor's Shield. Councillor Delaney will then take his seat in the body of the Chamber.

## **3.0 DECLARATION OF ACCEPTANCE OF OFFICE - MAYOR**

The newly elected Mayor will make the Declaration of Acceptance of Office.

#### **4.0 MAYOR'S MAYORESS TO DAIS**

The Mayor will announce who her Mayoress will be for the year and she will invite the Ms. Lisa Packer to come up to the dais, escorted by the Member Services/Civic Officer. The Mayor's Attendant will then take the Mayoress's Chain (*which will already be on the dais*) and place it on her shoulders, she will then assume the seat to the right of the Mayor.

#### **5.0 MAYOR'S SPEECH AND VOTE OF THANKS**

The newly elected Mayor will make a short speech thanking the Council for electing her and will propose a vote of thanks to the retiring Mayor.

#### **6.0 INVESTITURE OF DEPUTY MAYOR**

**6.1** The newly elected Mayor will then invite nominations for the appointment of Deputy Mayor.

**6.2** A motion will then be moved and seconded in the following terms:

"That Councillor \_\_\_\_\_ be appointed Deputy Mayor of the Council for the ensuing Municipal Year."

The Mayor will ask Councillor \_\_\_\_\_ whether he/she accepts the nomination.

**6.3** The Mayor will ask if there are any amendments and providing there are no other nominations, the motion will be put to the meeting and, having been duly carried, the Mayor will request Councillor \_\_\_\_\_ to signify his/her acceptance of the office.

If there is an amendment, then the Mayor will first put the amendment to the vote.

**6.4** If there are no amendments and the motion is carried the Member Services/Civic Officer will escort the newly appointed Deputy Mayor from the body of the Chamber to the dais. At this time the Mayoress will move to the chair on the right. The newly elected Deputy Mayor will stand in front of the chair to the immediate right of the Mayor. The Mayor's Attendant will then place the Deputy Mayor's Chain of Office (*which will already be on the dais*) on the shoulders of the newly appointed Deputy Mayor. He will then hand to the Mayor, the Deputy Mayor's Badge of Office, which the Mayor will affix to the Deputy Mayor's Chain of Office.

#### **7.0 DECLARATION OF ACCEPTANCE OF OFFICE – DEPUTY MAYOR**

**7.1** The newly appointed Deputy Mayor will occupy the chair to the right of the Mayor; make the Declaration of Acceptance of Office and a short speech of thanks.

**7.2** The Mayor will then invite the Deputy Mayoress/Consort, \_\_\_\_\_ to the dais so that she/he can receive her/his Chain and Badge of Office. The Deputy Mayoress/Consort will then return to her/his seat in the Chamber.

**PLEASE ALL STAND FOR THE NATIONAL ANTHEM**

#### **8.0 REMAINING ITEMS OF BUSINESS**

The Council will then proceed to the remaining items of business on the agenda.

**Note:** The Member and Executive Services Manager will complete the Declaration of Acceptance of Office Book and hand it to the Mayor and Deputy Mayor respectively for items 3 and 7.1.





ANNUAL COUNCIL: 15 May 2019

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**Report of:** Borough Solicitor

**Contact for further information:** Mrs J Denning (Extn. 5384)  
(E-mail: [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk))

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**SUBJECT: ELECTION OF THE LEADER, THE LEADER'S APPOINTMENT OF THE DEPUTY LEADER AND CABINET, AND 'PROPER OFFICER PROVISIONS AND SCHEMES OF DELEGATION'**

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Borough-wide interest

## **1.0 PURPOSE OF THE REPORT**

1.1 To elect the Leader of the Council until the Annual Meeting in 2020, to note the Leader's appointment of a Deputy Leader for the same term and of Cabinet for the Municipal Year 2019/20, and to confirm/note the 'Proper Officer Provisions and Schemes of Delegation'.

## **2.0 RECOMMENDATIONS**

- 2.1 That a Councillor be elected as the Leader of the Council for a term of office expiring on the date of the Annual meeting in 2020.
- 2.2 That the Member appointed by the Leader as Deputy Leader for the same term of office, and the Members appointed by the Leader as Members of the Cabinet for 2019/20, with the Portfolios identified by the Leader, as circulated on the updated Appendix 1 to be circulated at the meeting, be noted.
- 2.3 That the 'Proper Officer Provisions and Scheme of Delegation to Chief Officers', insofar as they are Council functions be confirmed and insofar as they are Cabinet functions it be noted that the Leader has delegated these to the officers stated therein.
- 2.4 That the Leader's Scheme of Delegation to Cabinet members, as updated to reflect the Portfolios/Portfolio Holders now appointed, be noted.
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## **3.0 BACKGROUND**

3.1 The Council has been operating executive arrangements under the Local Government Act 2000 since May 2002. The Council's Constitution was first

adopted at that time and continues to be updated to take account of changes since then. On 15 December 2010 the Council resolved to change its executive arrangements from May 2011, as required by the Local Government Public Involvement in Health Act 2007, and adopt the Leader and Cabinet Executive (England) model.

- 3.2 The Localism Act 2011 recast the local governance arrangements in the Local Government Act 2000. The key points were that the Leader and Cabinet Executive arrangements kept the Strong Leader features but the Council could move to the Committee system, if it wished, with one or more overview and scrutiny committees, but this was not obligatory. The legal requirement for the Leader to be elected for a 4-year term was removed and the Council returned to a 12-month term of office for the Leader.
- 3.3 The Council should therefore elect a Leader of the Council until the day of the next Annual Meeting. The Leader remains a member of the Council until that date unless he/she resigns from the office; is disqualified from being a Councillor; or the Council so resolve. This provision would be applicable in circumstances such as the Leader wishing to step down, political change or the Council wishing to remove a Leader from office.
- 3.4 The Leader determines the size of the Cabinet, appoints the Deputy Leader for the same term as his own and appoints Members of the Cabinet and allocates portfolios or areas of responsibility to the various Cabinet Members. He also allocates decision-making powers to the Cabinet and individual Cabinet Members and is responsible for removing and replacing Cabinet Members. In addition, it is the Leader who approves the Scheme of Delegation of executive (Cabinet) powers to officers. Under the Local Government Act 2000, the Cabinet is to consist of the Leader, together with at least 2, but not more than 9 Councillors.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 Appropriate resources are in place to provide support for the current political management system.

#### **5.0 SUSTAINABILITY IMPLICATIONS**

- 5.1 The Local Government Act 2000 and supporting legislation and guidance requires the Council to maintain a Constitution setting out the working rules and procedures of the Council.

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#### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

#### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

#### **Appendices:**

1. Constitution 4.1A – Membership of the Cabinet – To follow at item 8.



ANNUAL COUNCIL: 15 May 2019

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**Report of:** Borough Solicitor

**Contact for further information:** Mrs J Denning (Extn. 5384)  
(E-mail: [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk))

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**SUBJECT:** APPOINTMENT OF COMMITTEES etc 2019/20

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Borough wide interest

## **1.0 PURPOSE OF REPORT**

1.1 To consider the appointment of Committees etc and their terms of reference and the allocation of seats thereon to the political groups for the Municipal Year 2019/20.

## **2.0 RECOMMENDATIONS**

- 2.1 That, for the period ending with the next Annual Meeting of the Council, or such lesser period should the political balance or allocation to political groups change during the year requiring a review under the provisions of the Local Government and Housing Act 1989, the Committees, Sub-Committees etc be appointed as detailed in the attached Appendix 1 and that the allocation of seats to the political groups be as indicated.
- 2.2 That the representatives of the political groups on the Committees etc now appointed shall be as indicated on Appendix 1 circulated at the meeting and the appointment of the Independent Person and Reserve Independent Person on the Standards Committee, be as detailed in the appendix now circulated.
- 2.3 That the terms of reference for the Committees etc now appointed be agreed as set out in the Constitution.
- 2.4 That it be noted that the Leader has appointed Cabinet Working Groups as indicated on Appendix 1 now circulated, with the terms of reference included in the Constitution, with the addition of the Flooding & Drainage Cabinet Working Group and the change of title of the Estates Revival Cabinet Working Group to the Estates Regeneration Cabinet Working Group and wider terms of reference to incorporate the functions of the Hall Green Cabinet Working Group, as set out in Appendix 2 to the Report.

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### **3.0 APPOINTMENT OF COMMITTEES, SUB-COMMITTEES etc**

- 3.1 At its Annual Meeting, the Council is under an obligation, under Section 15(1) of the Local Government and Housing Act 1989, to review the representation of the Political Groups on Committees and Sub-Committees. Under the Act, the numbers of seats on ordinary Committees have to be aggregated and allocated to the proportion that each political group bears to the total members of the Council, in so far as reasonably practicable. The current elected membership of the Council is 54. The Labour Group has 29 members – 53.70% of the total membership, the Conservative Group has 19 members – 35.19% of the total membership and ‘Our West Lancashire’ has 6 members (11.11%).
- 3.2 There is no legal requirement under the 1989 Act to aggregate the number of seats on ordinary sub-committees. The Act simply requires the seats on such sub-committees to be allocated to the political groups in the same proportion as each group bears to the whole Council. Political balance rules do not apply to Working Groups or Commissions.
- 3.3 The entitlement to seats under the Council's Political Management Structure is set out in the attached Appendix 1. An updated Appendix 1 will be circulated prior to the meeting with final membership details for each Group.
- 3.4 The Terms of Reference for each of the Committees etc are set out in the Council's Constitution.

### **4.0 APPOINTMENT OF CABINET COMMITTEES, WORKING GROUPS etc**

- 4.1 It is for the Leader to appoint Cabinet Committees and Working Groups to assist it in its work and details of the same are included on Appendix 1 and Appendix 2 for noting.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

1. Constitution 4.1A ‘Membership of Committees, Sub-Committees, etc. (To follow)
2. Flooding & Drainage Cabinet Working Group  
Estates Regeneration Cabinet Working Group

***Flooding & Drainage Cabinet Working Group***

Membership - See Appendix at Section 4.1A.

Functions

- (a) To consider how a wider, more co-ordinated approach to managing flooding and drainage across the whole Borough could be achieved.
- (b) To liaise with the Environment Agency, Lancashire County Council as the Lead Local Flood Authority, United Utilities, neighbouring Local Authorities, and any other relevant bodies on the issue of flooding and drainage.
- (c) To investigate any opportunities for relevant funding from appropriate bodies.
- (d) To report back to the relevant Portfolio Holder and Cabinet and, where appropriate, future meetings of Full Council with its findings and recommendations.

***Estates Regeneration Cabinet Working Group - Amended Terms of Reference  
(Previously Estates Revival Cabinet Working Group)***

Membership – See Appendix at Section 4.1A

Functions

- (a) To oversee the Beechtrees Revival Project.
- (b) To oversee the development of key HRA estates improvement and regeneration schemes.
- (c) To consider innovation options in development and construction in potential schemes.
- (d) To report recommendations to Cabinet and/or Council as appropriate.

