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Tuesday 19 February 2019

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 27 February 2019.

1. MINUTES OF CABINET AND OVERVIEW AND SCRUTINY COMMITTEES

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| 1A | MINUTES OF CABINET HELD ON 15 JANUARY 2019 | 1 - 8 |
| 1B | MINUTES OF EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE HELD ON 31 JANUARY 2019 | 9 - 12 |

2. MINUTES OF SUB - COMMITTEES

- | | | |
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Agenda Item 1a

CABINET

HELD: Tuesday, 15 January 2019

Start: 7.00 pm

Finish: 7.15 pm

PRESENT:

Councillor: Councillor Ian Moran
(Leader, in the Chair)

Councillors:		<u>Portfolio</u>
	Councillor Yvonne Gagen	Deputy Leader of the Council and Portfolio Holder for Leisure & Human Resources
	Councillor Claire Cooper	Portfolio Holder for Communities and Older People
	Councillor Jenny Forshaw	Portfolio Holder for Housing and Landlord Services
	Councillor John Hodson	Portfolio Holder for Planning
	Councillor Kevin Wilkie	Portfolio Holder for Street Scene
	Councillor Adam Yates	Portfolio Holder for Resources & Transformation

In attendance: Councillor A Owens
Councillors

Officers: Kim Webber, Chief Executive
John Harrison, Director of Development and Regeneration
Jacqui Sinnott-Lacey, Director of Housing and Inclusion
Heidi McDougall, Director of Leisure & Environment
Terry Broderick, Borough Solicitor
Marc Taylor, Borough Treasurer
Sue Griffiths, Principal Member Services Officer

62 APOLOGIES

Apologies for absence were received on behalf of Councillor Wright.

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

There were no items of special urgency.

64 DECLARATIONS OF INTEREST

1. Councillors Forshaw and Wilkie (tenants of Council accommodation) declared disclosable pecuniary interests in agenda item 6(e) (Housing Account – Revenue and Capital Programme) and 8(a) (Forming a Development

Company) but considered they were entitled to speak and vote by virtue of an exemption as nothing in the reports relate particularly to their relevant tenancy or lease.

2. Councillor Cooper declared a non-pecuniary interest in agenda items 6(k) 'Community Involvement in Service Delivery' Review Final Report and 6(l) (Funding of Voluntary Bodies and Other Organisations Working Group) in relation to her association with the Council for Voluntary Service – West Lancashire.
3. Councillor Moran declared a non-pecuniary interest in agenda item 6(l) (Funding of Voluntary Bodies and Other Organisations Working Group) due to his appointment to Citizens Advice Lancashire by the Council.
4. Councillor Gagen declared a non-pecuniary interest in agenda item 6(b) (Use of Section 106 monies for shared cycle/footpath between the rail and bus station in Ormskirk) due to her being an employee of Lancashire County Council.

65 **PUBLIC SPEAKING**

There were no items under this heading.

66 **MINUTES**

RESOLVED That the minutes of the Cabinet meeting held on 6 November 2018 be received as a correct record and signed by the Leader.

67 **MATTERS REQUIRING DECISIONS**

Consideration was given to the reports relating to the following matters requiring decisions as circulated and contained on pages 1263 – 1446 of the Book of Reports.

68 **CIL FUNDING PROGRAMME 2019/20**

Councillor J Hodson introduced the report of the Director of Development and Regeneration which advised of the outcome on the consultation of, and proposed final recommendations for, the CIL funding programme in 2019/20.

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 consultation feedback report provided at Appendix A to the report be noted.

B. That £91,000 of CIL monies be allocated to the delivery of the following projects in 2019/20:

- Improvements to Hunters Hill Country Park, Parbold (£60,000)
 - Improvements to Sluice Lane Public Right Of Way (£31,000)
- C. That £103,000 of the neighbourhood portion of CIL raised in Ormskirk be allocated to the delivery of the following projects in 2019/20:
- Ormskirk town centre – improvements to signal co-ordination for gyratory traffic (£50,000)
 - Ormskirk town centre – cycle and pedestrian link between the rail station and the bus station (£53,000)

69 **USE OF SECTION 106 MONIES FOR SHARED CYCLE/FOOTPATH BETWEEN THE RAIL AND BUS STATION IN ORMSKIRK**

Councillor J Hodson introduced the report of the Director of Development and Regeneration which sought authorisation to utilise Section 106 funding to deliver a shared use cycle and footpath between Ormskirk rail station and bus station.

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 use of S106 monies be authorised to deliver the proposed shared use cycle and footpath between Ormskirk rail station and bus station.

B. That delegated authority be given to the Director of Development and Regeneration to take all necessary steps to procure contractors and enter into agreements with landowners and any other parties as required to deliver this scheme.

70 **DRAFT REVENUE BUDGET 2019 - 2020**

Councillor Yates introduced the report of the Borough Treasurer which provided a summary of the current General Revenue Account budget position.

The Borough Treasurer advised on the current position in respect of the draft revenue estimates and the draft medium term capital programme. He proposed revised recommendations to reflect the current position in order to submit firm revenue and capital proposals to Council on 27 February 2019. The Portfolio Holder for Resources and Transformation indicated his support for the revised recommendations.

In reaching the decision below, Cabinet considered the revised recommendations of the Borough Treasurer, the comments of the Portfolio Holder for Resources and

Transformation and the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED A. That the financial position for 2019-20 and later years be noted, and consideration given to how a balanced budget can be achieved.
- B. That the Portfolio Holder for Resources and Transformation be given delegated authority to submit firm revenue and capital proposals to Council on 27 February 2019 to enable the budget to be set.
- C. That a virement of up to £30,000 from the Planning Application Fee Income budget to the Local Plan Consultancy budget as set out in section 8 be approved.
- D. That call-in is not appropriate for this item as it is to be submitted to the next meeting of the Executive Overview and Scrutiny Committee on 31 January 2019.

71 **DRAFT MEDIUM TERM CAPITAL PROGRAMME**

This item was withdrawn.

72 **HOUSING ACCOUNT - REVENUE AND CAPITAL PROGRAMME**

Councillor Forshaw introduced the joint report of the Director of Housing and Inclusion and Borough Treasurer which provided a summary of the Housing Account's financial position.

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 financial position be noted.
- B. That the use of the Director of Housing and Inclusion's delegated authority in relation to rent and service charge changes be noted and endorsed.
- C. That the report be used for consultation purposes prior to the Council considering this matter in February 2019.
- D. That the Housing and Landlord Services Portfolio Holder be given delegated authority to submit firm proposals to Council on 27 February 2019 to enable the budget to be set.

- E. That call-in is not appropriate for this item as it is to be submitted to the next meeting of the Executive Overview and Scrutiny Committee on 31 January 2019.

73 QUARTERLY PERFORMANCE INDICATORS (Q2 2018/19)

The Leader introduced the report of the Director of Housing and Inclusion which presented performance monitoring data for the quarter ended 30 September 2018.

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 September 2018 be noted.
- B. That the call-in procedure is not appropriate for this item as the report was considered by the Corporate & Environmental Overview and Scrutiny Committee meeting on 6 December 2018.

74 RIPA ACT REGULAR MONITORING OF USE OF POWERS - ANNUAL SETTING OF THE POLICY

The Leader introduced the report of the Borough Solicitor which reported upon the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 and presented an updated RIPA policy document.

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 updated RIPA Policy at Appendix 1 to the report be approved.

75 USE OF SECTION 106 MONIES IN THE PARISH OF HESKETH WITH BECCONSALL

Councillor Gagen introduced the report of the Director of Leisure and Environment which considered a proposal in respect of the use of Section 106 monies for the enhancement of public open space provision in Hesketh Bank.

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 use of up to £12,540 of S106 monies be approved, as outlined at paragraph 5.1 of the report, to enable improvements to be made at Shore Road Recreation Ground in Hesketh Bank.

76 USE OF S106 MONIES IN THE PARISH OF SCARISBRICK

Councillor Gagen introduced the report of the Director of Leisure and Environment which considered a proposal in respect of the use of Section 106 monies for the enhancement of public open space provision in Scarisbrick.

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 use of up to £13,254 of S106 monies be approved, as outlined at paragraph 5.1 of the report, to enable improvements to be made at Scarisbrick Village Hall, Smithy Lane.

77 USE OF SECTION 106 MONIES IN THE PARISH OF HALSALL

Councillor Gagen introduced the report of the Director of Leisure and Environment which considered a proposal in respect of the use of Section 106 monies for the enhancement of public open space provision in Halsall.

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 use of up to £5,500 of S106 monies be approved, as outlined at paragraph 5.2 of the report, to enable improvements to be made at Shirdley Hill Village Green, Halsall.

78 'COMMUNITY INVOLVEMENT IN SERVICE DELIVERY' REVIEW FINAL REPORT

Councillor Cooper introduced the report of the Director of Leisure and Environment which presented the final report and recommendations of the review conducted by the Corporate and Environmental Overview and Scrutiny Committee entitled "Community Involvement in Service Delivery".

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 final report, attached as an Appendix to this report, and the recommendations therein at paragraph 1 to 4, page 3, be approved.

79 FUNDING OF VOLUNTARY & OTHER ORGANISATIONS CABINET WORKING GROUP

Councillor Cooper introduced the report of the Director of Housing and Inclusion which advised Cabinet of the recommendations of the Funding of Voluntary & Other Organisations Cabinet Working Group in respect of the monitoring arrangements for the current grant recipients and the applications for one year revenue funding for 2019/20.

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 subject to B. below, the recommendations arising from the scoring of the applications received from voluntary organisations for one year revenue funding from April 2019 by the Funding of Voluntary and Other Organisations Cabinet Working Group at its meeting on 19 December 2018 be endorsed as detailed in the minutes of the meeting attached at Appendix 3 to the report.
- B. That Applicants be advised of Cabinet's recommendations and that funding is not guaranteed but will form part of considerations when the Council's budget is finalised on 27 February 2019.

80 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 (financial/business affairs) 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.

(Note: No representations had been received in relation to the following item being considered in private.)

81 MATTER REQUIRING DECISION

Consideration was given to the report relating to the following items of business as contained on pages 1447 to 1524 of the Book of Reports.

82 FORMING A DEVELOPMENT COMPANY

Councillor Forshaw introduced the joint report of the Director of Housing and Inclusion and Borough Treasurer which provided an update on progress

following the resolution of Cabinet and Council meetings on 17 October 2018 and sought approval to proceed with the appointment of the Board of Directors and for the Company to become operational and to approve the Development Company's Business Plan for implementation together with its funding arrangements.

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 contents of the report and the resolutions of the Executive Overview and Scrutiny Committee meeting on 22 November 2018 be noted and recommendations 2.1 to 2.9 (inclusive) as set out in the joint report of the Director of Housing and Inclusion and Borough Treasurer, 'Forming a Development Company' (at Appendix A to this report) be approved.
- 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 31 January 2019.

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Leader

EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

HELD: Thursday, 31 January 2019

Start: 7.00 pm

Finish: 7.25 pm

PRESENT:

Councillor: J Bullock (Chairman)
E Savage (Vice Chair)

Councillors: T Devine V Cummins
M Mills S Evans
Mrs D Stephenson E Pope
T Blane Mrs M Blake
J Witter

In attendance: D Evans

Officers: Jacqui Sinnott-Lacey, Director of Housing and Inclusion
Mike Kostrzewski, Deputy Borough Treasurer
Kay Lovelady, Principal Solicitor
Sue Griffiths, Principal Member Services Officer

38 APOLOGIES

There were no apologies for absence.

39 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 2, Members noted the termination of membership of the Committee of Councillors I Ashcroft, D Westley and D Whittington and the appointment of Councillors J Whitter, T Blane and M Blake for this meeting only, thereby giving effect to the wishes of the Political Groups.

40 URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

41 DECLARATIONS OF INTEREST

There were no declarations of interest.

42 DECLARATIONS OF PARTY WHIP

There were no declarations of a Party Whip.

43 PUBLIC SPEAKING

There were no items under this heading.

44 MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 22 November 2018 be approved as a correct record and signed by the Chairman.

45 CALL IN ITEMS

There were no items under this Heading.

46 RELEVANT MEETINGS OF CABINET - TUESDAY, 15 JANUARY 2019

Consideration was given to the minutes of the meeting of Cabinet held on 15 January 2019.

RESOLVED: That the minutes of the Cabinet meeting held on 15 January 2019 be noted.

47 DRAFT REVENUE BUDGET 2019 - 2020

Consideration was given to the report of the Borough Treasurer contained on pages 807 to 814 of the Book of Reports that summarised the current General Revenue Budget position.

During the ensuing discussion a member raised a question in regard to the 75% business rate retention pilot.

RESOLVED: That the budget position be noted.

48 DRAFT MEDIUM TERM CAPITAL PROGRAMME

Consideration was given to the report of the Borough Treasurer contained on pages 815 to 824 of the Book of Reports which set out details on the General Revenue Account medium term capital programme position for the next 3 years.

A Member raised a question in relation to the additional receipts generated from land sales.

RESOLVED: That the report be noted.

49 HOUSING ACCOUNT - REVENUE AND CAPITAL PROGRAMME

Consideration was given to the joint report of the Director of Housing and Inclusion and the Borough Treasurer contained on pages 825 to 840 of the Book of Reports which provided a summary of the Housing Account's financial position.

RESOLVED: That the report be noted.

50 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED: That under Section 100(A) of the Local Government Act 1972, the press and 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 (financial/business) 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

51 **FORMING A DEVELOPMENT COMPANY**

Consideration was given to the joint report of the Director of Housing and Inclusion and the Borough Treasurer contained on pages 841 to 920 of the Book of Reports which provided an update on progress.

In referring to the proposed Board membership/governance arrangements, a Member requested that the Council explore how other similar arms-length organisations operate.

RESOLVED: That the report be noted and that consideration be given to the Board Membership/Scrutiny arrangements of other arms-length organisations operating in a similar manner.

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Chairman

Agenda Item 2a

EMPLOYMENT APPEALS SUB-COMMITTEE **HELD: Monday, 8 October 2018**
Start: 10.30 a.m.
Finish: 3.20 p.m.

PRESENT:

Councillors: K Wright (Chairman)
 C Dereli (Vice-Chair)
 J Mee

Officers: Principal Solicitor (Mrs K Lovelady)
 Principal HR & Learning & Development Officer (Ms G Farrimond)
 Member Services/Civic Support Officer (Mrs J A Ryan)

Parties to
The Appeal: Management
 Director of Leisure and Environment (Mrs H McDougall)
 Head of HR and Organisational Development (Mrs S Lewis)

Appellant: Employee Payroll Number 2900123
Appellant Advisor: Unison Regional Organiser (Ms D Baugh)

1 APPOINTMENT OF CHAIRMAN

That Councillor Wright be appointed Chairman for the meeting.

2 APOLOGIES

There were no apologies for absence received.

3 MEMBERSHIP OF THE SUB - COMMITTEE

There were no changes to the Membership of the Committee.

4 URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN

There were no items of urgent business.

5 DECLARATION OF INTEREST

There were no Declarations of Interest received.

6 EMPLOYMENT APPEALS PROCEDURE

The Chairman referred to the above procedure.

7 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

EMPLOYMENT APPEALS SUB-COMMITTEE HELD: Monday, 8 October 2018

of an individual) and Paragraph 4 (Labour Relations) Part 1 of Schedule 12A outweighs the public interest in disclosing the information.

8 APPEAL AGAINST OUTCOME OF DISCIPLINARY HEARING - EMPLOYMENT PAYROLL NUMBER (2900123) (IDENTITY OF AN INDIVIDUAL - PARAGRAPH 2 AND LABOUR RELATIONS - PARAGRAPH 4)

The Chairman welcomed both parties to the meeting.

Members were informed that the Sub – Committee was meeting to consider an appeal by an employee, payroll number 2900123 against summary dismissal.

That the grounds for appeal were:-

- That the sanction imposed was unfair and unjust given the circumstances of the allegation and that no allowance was made for his 32 years exemplary service with the Council
- A full and thorough investigation of the incident did not take place in that all parties involved were not interviewed.

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, in accordance with the procedure heard the following aspect of the Appeal;

- i. An oral submission and cross examination by Management.
- ii. An oral submission and cross examination 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 in its entirety.

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- CHAIRMAN -