



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Tuesday, 16 February 2021

TO: THE MAYOR AND COUNCILLORS

Dear Councillor,

You are summoned to a meeting of the **COUNCIL** to be held on **SKYPE** on **WEDNESDAY, 24 FEBRUARY 2021 at 7.30 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JS', written over a light blue circular stamp.

Jacqui Sinnott-Lacey
Chief Operating Officer

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 Legal and Democratic Services Manager 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.)

621 - 622

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| 4. | MINUTES
To receive as a correct record, the minutes of the previous meeting held on Wednesday, 16 December 2021. | 623 - 628 |
| 5. | ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF OPERATING OFFICER | |
| 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) | Strategic Asset Purchasing Committee - Tuesday, 8 December 2020 | 629 - 632 |
| b) | Planning Committee - Thursday, 14 January 2021 | 633 - 636 |
| c) | Audit & Governance Committee - Tuesday, 26 January 2021 | 637 - 640 |
| d) | Planning Committee - Thursday, 11 February 2021 | 641 - 644 |
| 8. | PAY POLICY STATEMENT 2021/22 AND INTRODUCTION OF HOLIDAY PAY PERCENTAGE SUPPLEMENT
To consider the report of the Corporate Director of Transformation & Resources. | 645 - 668 |
| 9. | MEMBERS' ALLOWANCES SCHEME 2021/22 AND APPOINTMENT OF THE INDEPENDENT REMUNERATION PANEL
To consider the report of the Corporate Director of Transformation & Resources. | 669 - 676 |
| 10. | SUSPENSION OF COUNCIL PROCEDURE RULE 13.4
To enable the Portfolio Holder / Shadow Portfolio Holder / Spokesperson for OWL to present their budget statement it will be necessary to suspend Council Procedure Rule 13.4 for Agenda Items 11 and 14. (This Rule limits the length of a speech to 5 minutes.) | |
| * IN ACCORDANCE WITH THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2014, A RECORDED VOTE WILL BE TAKEN ON THESE | | |
| 11. | * BUDGET REQUIREMENT 2021/22
To consider the report of the Head of Finance, Procurement and Commercial Services. | 677 - 696 |
| 12. | * DETERMINATION OF COUNCIL TAX
To consider the report of the Head of Finance, Procurement and Commercial Services. | 697 - 702 |

13. **MEDIUM TERM GRA CAPITAL PROGRAMME 2021-22**
To consider the report of the Head of Finance, Procurement and Commercial Services. 703 - 712
14. **HOUSING ACCOUNT - REVENUE AND CAPITAL BUDGET SETTING**
To consider the report of the Head of Finance, Procurement and Commercial Services. 713 - 728
15. **CAPITAL FINANCIAL AND TREASURY MANAGEMENT FRAMEWORK**
To consider the report of the Head of Finance, Procurement and Commercial Services. 729 - 744
16. **WEST LANCASHIRE ELECTORAL REVIEW - COUNCIL SIZE SUBMISSION**
To consider the report of the Chief Operating Officer. 745 - 774
17. **TIMETABLE OF MEETINGS 2021/22**
To consider the report of the Corporate Director of Transformation & Resources. 775 - 780
18. **MOTIONS**
To consider the following Motions included on the agenda at the request of the Members indicated:
- a) **Planning Enforcement - Motion from Councillor Tom Blane on behalf of the Conservative Group**
This Council has a duty to investigate alleged breaches of planning control and has powers to remedy proven breaches subject to available resources.
The Council views breaches of planning control very seriously and the Council's policy to exercise powers appropriately and rigorously so that development takes place in accordance with the appropriate legislation, or with the planning conditions and limitations imposed on any planning permission through the development management process.
- While the planning enforcement system does not exist to simply punish those responsible for a breach of planning control and it is an important principle of the planning system that the use of formal planning enforcement action is a discretionary power of this Council and seen as a last resort. Yet the Members of this Council do not at present have any effective involvement in the exercise of this discretionary power nor is there any opportunity for the Public to witness or influence the decision making process.
- To rectify this situation, I move the following Motion:
- That this Council instructs the Director of Place and Community to bring a report to a future meeting of the Full Council setting out recommendations on the options and their implications for having

Enforcement Decisions decided by the Planning Committee.

b) Commonwealth Service Personnel - Motion from Councillor T Devine, Armed Forces Champion, on behalf of the Labour Group

That this council expresses its deep concern as to the handling of the Eight Commonwealth Soldiers who have been denied their leave to remain in the United Kingdom. Due to administrative errors on many levels and also to the fees that are being asked of £2,400 per application.

This Council notes the service of our armed forces personnel including our West Lancashire Armed Forces Champion who have proudly fought alongside Australians, Canadians, Fijians, South Africans, Zimbabweans, Jamaicans and many other nationalities.

That this council resolves:

That the Chief Operating Officer/Leader/Armed Forces Champion write to the Foreign and Commonwealth Office, The Home Office and also to Johnny Mercer MP, Minister for Veterans Affairs. The letter asks that a change in the Law is sought so that any Commonwealth Service personnel who does more than five years exemplary service to the Crown has automatic leave to remain in the United Kingdom and also for these ludicrous fees of £2,400 per application to be scrapped forthwith.

This council offers solidarity to all those current and former service personnel who have bravely served this country, regardless of the nationality or place of birth.

c) Coronavirus Pandemic - Financial compensation - Motion from Councillor Ian Moran on behalf of the Labour Group

That the Chief Operating Officer writes to the government to honour its commitment to fully compensate this council financially with regards to its costs incurred during the coronavirus pandemic.

The government told us to get on with the fight against the virus and support our residents and businesses and they would fully support us but so far they have been woefully lacking.

Their failed promises have left this council £1M out of pocket which will have to be found either through services cuts or higher council tax rises. The people of West Lancashire don't deserve that.

d) West Lancashire water level management - Motion from Councillor Andrew Pritchard on behalf of the Labour Group

This council notes

- Since 2015 the Environment Agency has served notice of its intention to cease operation of five satellite pumping stations in the Alt Crossens Catchment area, which serve West Lancashire.
- The successful campaign to save our flood pumps in 2016 which led to their continuation beyond their previous notice periods.
- The EA's recent intent to cease operating the pumping stations

on 31 March 2021, with no alternative proposed for their future operation, and their subsequent u-turn and further two year extension.

- The quarter of a billion pound agricultural industry in West Lancashire which supports jobs across the whole borough including farming, processing, packaging, logistics, wholesale and retail.
- The commitment by partners including this council, parish council, the National Farmers Union and the Environment Agency to develop a long-term, sustainable solution to operation of the pumping stations.
- The delay to the Environment Bill 2020 which is required in order to allow for the formation of new Internal Drainage Boards (IDB) or Water Level Management Boards (WLMB) in England.

This council believes

- Farming of Grade 1 agricultural land in West Lancashire is essential to continued food supply locally and nationally.
- Discontinuation of the pumping stations' operations will lead to increased flooding across West Lancashire particularly affecting rural homes, farms, businesses and infrastructure including roads and transport.

This council resolves

- That the Chief Operating Officer/Leader/Portfolio Holder for Planning write to Lancashire County Council, as the Lead Local Flood Authority, to ask
 - what considerations and modelling they have undertaken to identify the risks posed by the discontinuation of the pumping stations' operation, and what impact assessment has been drawn up
 - what action they have taken or to intend to take, in their role as the LLFA as per their requirement under the Flood and Water Management Act 2010, in developing the local flood risk management strategy, with particular respect to the pumping stations' discontinuation
- That the Chief Operating Officer/Leader/Portfolio Holder for Planning write to the Environment Agency, to ask what considerations and modelling they have undertaken to identify the risks posed by the discontinuation of the pumping stations' operation, and what impact assessment has been drawn up
- That the Chief Operating Officer/Leader/ Portfolio Holder for Planning write to the Prime Minister and Secretary of State for Environment, Food and Rural Affairs, to ask
 - that additional funding be provided to continue the operation of the pumping stations until such point as a long-term, sustainable solution for the future operation of the pumping stations is agreed and implemented, which

- could be some years away
- that DEFRA assign a dedicated civil servant to facilitate the creation of an IDB/WLMB as appropriate, and begin work with partners immediately, in advance of the pumping stations' operation ceasing, with knowledge of the expected financial commitment from each partner critical to ensuring progress can be made
- That relevant officers and the Portfolio Holder for Planning undertake work to assess West Lancashire's position in relation to the pumping station and consider work through the Flooding and Drainage Cabinet Working Group and/or the Alt Crossens Advisory Group to meet and communicate with relevant partners in order to progress the project.

e) **Local NHS services - 'Shaping Care Together' - Motion from Councillor Vickie Cummins on behalf of the Labour Group**

This council notes

The launch of the 'Shaping Care Together' listening exercise by West Lancashire NHS Clinical Commissioning Group (CCG), Southport and Ormskirk Hospital NHS Trust and Southport and Formby CCG.

The consultation seeks to gather views and experiences of the public and local stakeholders about local health and care services, as part of the organisations' aims to make sure that health and care services are accessible, effective and operated by skilled staff to meet everyone's needs.

Views are being sought on what currently works well at Southport and Ormskirk hospitals as well as in primary and community healthcare services and in particular, what steps should be taken to improve the following:

- frail and elderly care
- when you have an urgent or emergency care need
- services for children including those who have complex needs
- services for women who are pregnant and for the new-born
- gynaecology - dealing with women's reproductive system
- sexual health service for all genders
- planned care, such as follow-up outpatient and/or subsequent admissions as part of ongoing treatment.

This council believes

- That provision of health and care services are best placed locally and serve the residents and community of West Lancashire.
- That Ormskirk Hospital should be considered as the primary location for the provision of Adult Accident and Emergency (A&E) to the residents of West Lancashire.
- That the current arrangement of adult A&E serving residents across West Lancashire including Skelmersdale and Upholland at Southport hospital is unsuitable and unsustainable for such a large population and geographic spread.

This council resolves

- That the Chief Operating Officer/Leader/Portfolio Holder for Health & Wellbeing formally contribute to this consultation on behalf of West Lancashire Borough Council outlining our beliefs and calling for the return of adult A&E provision to Ormskirk Hospital.
- That this council continues to promote the consultation engagement to all our residents and providing them with the opportunity to join us in supporting these calls for the return of adult A&E to Ormskirk Hospital.
- That the Shaping Care Together team be called to present to councillors through a dedicated meeting or through Overview and Scrutiny on their consultation.

19. 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 Paragraph 3 (Financial/Business Affairs) 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

20. PURCHASE OF LAND AT FAIRLIE, SKELMERSDALE

To consider the report of the Corporate Director of Place & Community. 781 - 792

21. DEVELOPMENT COMPANY BUSINESS PLAN

To consider the report of the Chief Operating Officer. 793 - 822

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



REMOTE MEETINGS – GUIDANCE

This guidance is designed to assist members when attending remote meetings.

The guidance should be read in conjunction with the Council's Remote Meetings Protocol and Procedures Rules

General

1. If members wish to speak on a particular item it will assist the smooth running of the remote meeting if they indicate to the Chairman their wish to speak in advance of the meeting.
2. Please join the meeting no later than 15 minutes before the start of the meeting to ensure that the technology is working correctly.
3. It is a requirement of the remote meetings regulations that any member participating in a remote meeting must be able to be heard (and if practicable also be seen) by all other members, officers and public speakers participating in the meeting and, in turn, be able to hear (and if practicable see) those persons.
4. It is also a requirement that the meeting be live broadcast and so any camera (video-feed) should show a non-descript background and members should take care to ensure that no exempt or confidential papers can be seen in the video-feed.
5. At the start of the meeting please ensure that your microphone is muted and your video feed (if available on your device) is paused. Please remember to unmute your microphone (and unpause your video feed if available) when invited to speak by the Chairman!
6. At the start of the meeting the Member Services Officer will read out which Members and Officers are present. The attendance of members will be recorded.

7. Please remember to mute your mic/pause your video feed when you're not talking.
8. Only speak when invited to by the Chair.
9. Please state your name before you make an address.
10. If you're referring to a specific page or slide mention the page or slide number.
11. In the event of failure of the live broadcast then the Chairman will immediately adjourn the meeting until such time as the live broadcast is restored.
12. In the event that a member's individual remote connection should fail, the Chairman will call a short adjournment to determine whether the connection can be re-established (either by video technology or telephone connection). If connection cannot be restored after a reasonable period of time then the presumption is that the meeting should continue, providing the meeting remains quorate.
13. If connection to a member is lost during discussion of an item of business at a regulatory meeting (planning and licensing committees) that member will not be able to vote on that item (unless that part of the discussion during which connection was lost is, in the view of the Chairman, capable of being repeated for the benefit of the member concerned).

Public speaking

14. Any member of the public participating in a meeting remotely in exercise of their right to speak must be able to be heard (and if practicable also be seen) by members, officers and public speakers participating in the same item of business and, in turn, be able to hear (and if practicable see) those persons.
15. The Member Services Officer will mute the member of the public once they have spoken and remove them from the remote meeting on the instruction of the Chairman once the relevant item of business has been dealt with. Note: members of the public will be able to view/listen to the remainder of the meeting via the live broadcast.

Voting

16. Unless a recorded vote is called by a member, the method of voting will be, at the discretion of the Chairman, by:
- General assent by the meeting (where there is no dissent); or
 - By the Member Services Officer calling out the name of each member present with members stating "for", "against" or "abstain" to indicate their vote when their name is called. The Member Services Officer will then clearly state the result of the vote (to be confirmed by the Chairman)
17. Details of how members voted will not be minuted, unless a recorded vote is called for prior to the vote taking place.

Declarations of Interest

18. Any member participating in a remote meeting who declares a disclosable pecuniary interest, or pecuniary interest that would normally require them to leave the room in which the meeting is taking place must leave the remote meeting. Their departure will be confirmed by the Member Services Officer who will invite the relevant member to re-join the meeting at the appropriate time.

Exclusion of the Press and Public

19. There are times when council meetings are not open to the public when confidential, or "exempt" items (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. The Member Services Officer will ensure that there are no members of the public in remote attendance and the live broadcast is ended, once the exclusion has been agreed by the meeting for that item(s).
20. Every Member in remote attendance must ensure there are no other persons present in their remote location who are able to hear, see or record the proceedings (unless those such persons are also entitled to be so present). Members must declare to the meeting, if at any point during discussion of the item, this requirement is not met.