



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Tuesday, 10 May 2022

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 MAY 2022** 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 horizontal line.

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.)

1 - 2

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|-----|--|---------|
| 4. | MINUTES
To receive as a correct record, the minutes of the previous meeting held on 6 April 2022. | 3 - 14 |
| 5. | A. ELECTION OF MAYOR FOR ENSUING YEAR B. APPOINTMENT OF DEPUTY MAYOR FOR THE ENSUING YEAR
(See attached Procedural Note.) | 15 - 16 |
| 6. | ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF OPERATING OFFICER | |
| 7. | ELECTION OF THE LEADER, THE LEADER'S APPOINTMENT OF THE DEPUTY LEADER AND CABINET, AND 'PROPER OFFICER PROVISIONS AND SCHEMES OF DELEGATION'
To consider the report of the Chief Operating Officer. | 17 - 20 |
| 8. | TO NOTE THE APPOINTMENT OF THE LEADER AND DEPUTY LEADER OF THE OTHER GROUPS | |
| 9. | APPOINTMENT OF COMMITTEES ETC 2022/23
To consider the report of the Chief Operating Officer. | 21 - 24 |
| 10. | APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES
To appoint the Chairmen and Vice-Chairmen of Committees as indicated in the Appendix to be circulated as part of Agenda Item 7. (If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.) | |

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

**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**.

Agenda Item 3

MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		Notes
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

'disclosable pecuniary interest' (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	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.

Agenda Item 4

COUNCIL

HELD: Wednesday, 6 April 2022

Start: 7.30 pm

Finish: 10.15 am

PRESENT:

Councillor: G Johnson (Mayor)

Mrs M Westley (Deputy Mayor)

Councillors:

T Aldridge

A Blundell

R Cooper

V Cummins

I Davis

N Delaney

G Dowling

S Evans

J Finch

Y Gagen

S Gregson

Howard

K Lockie

J Mee

J Monaghan

M Nixon

D O'Toole

G Owen

E Pope

Mrs D Stephenson

J Thompson

D West

D Whittington

K Wilkie

A Yates

Mrs M Blake

Clandon

C Coughlan

Daniels

C Dereli

T Devine

I Eccles

Fennell

N Furey

J Gordon

Hirrell

Jukes

Mrs J Marshall

K Mitchell

I Moran

P O'Neill

Turpin

A Owens

N Pryce-Roberts

A Sutton

Upjohn

D Westley

J Wilkie

J Witter

Officers:

Jacqui Sinnott-Lacey, Chief Operating Officer

Chris Twomey, Corporate Director of Transformation & Resources

James Pierce, Head of Finance, Procurement and Commercial Services

Lisa Windle, Head of Corporate and Customer Services

Kay Lovelady, Legal & Democratic Services Manager

Jill Ryan, Senior Member Services Officer

Simon Kirby, Interim Head of Wellbeing and Leisure Services

Thomas Lynan, Electoral Services Manager

In attendance:

Father Godric

121 **PRAYERS**

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

At the conclusion of prayers, a special presentation was made to the Leader of the

Council, Councillor Ian Moran as he was standing down at the forthcoming May Elections.

The Chief Operating Officer, Councillors Y Gagen, D Westley, A Owens and the Mayor led speeches of thanks and appreciation to the Leader for all his service given to the Council.

The Leader and his wife were then invited by the Mayor up to the dais to receive an engraved Council Shield and some flowers.

A 5 minute break was given to allow for photographs to be taken.

122 **APOLOGIES**

Apologies for absence were received on behalf of Councillor Ian Rigby.

123 **DECLARATIONS OF INTEREST**

The following declarations were received:

1. Councillor Mrs Blake, Dereli, Gordon, Howard, Mrs Marshall, Mee, Moran, Owen, Pope, Ms Sutton, Whittington and Mrs Witter declared a non-pecuniary interest in relation to item 8 "West Lancashire Electoral Review – LGBCE Final Recommendations" in view of their membership of a Parish Council.
2. Councillors Aldridge, O'Toole, Pope and D Westley declared a non-pecuniary interest in relation to item 11a "BMI Testing of Children in West Lancashire – Motion", as Members of Lancashire County Council, as did Councillors Coughlan, Cummins and Gagen as an employee of Lancashire County Council.
3. Councillor Pope declared a pecuniary interest in relation to item 11b "Medical Waste Incinerator Simonswood – Motion", as he was a member of the Development Control Committee at Lancashire County Council and indicated that he would leave the Chamber during consideration of this item.

124 **MINUTES**

RESOLVED: That the minutes of Council held on Wednesday 23 February 2022 be received as a correct record and signed by the Mayor with the amendments as set out below in respect of Minute No. 110 – Revenue and Capital Programme Budget Setting:-

Amendment (4) from the Our West Lancashire Spokesperson was moved and seconded as follows: "That in relation to 'QE2 Jubilee Fountain - Coronation Park', include £50,000 Capital in 2022/23 and £6,000 maintenance each year.

Amendment (3) should read Amendment (4) and Amendment (2)

should read Amendment (5)

Amendment 5 which states Amendment (5) from the Our West Lancashire Spokesperson was moved and seconded with the following amendment:-

"That the fees and charges for Planning be increased to £23,458." should read "by £23,458"

125 **ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF OPERATING OFFICER**

The Mayor announced:

- A. Mayors Charity Ball was taking place on Friday 22 April 2022 at Hurlston Hall Golf Club.
- B. That this would be the last meeting for some members of the Council as they will not be standing in the forthcoming local elections in May and thanked Councillors Ron Cooper, Noel Delaney, Cynthia Dereli, Terry Devine, Sue Evans and Kath Lockie for their service to the Council.
- C. Councillor D Westley also wished to note his thanks to Councillor Mrs Pamela Baybutt who had recently resigned in her role as Ward Councillor for Wrightington.

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

There were no items under this heading.

127 **MINUTES OF COMMITTEES**

Consideration was given to the minutes of the undermentioned meeting of the Committee shown.

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

- A. Planning Committee – Thursday 17 March 2022.

128 **WEST LANCASHIRE ELECTORAL REVIEW - LGBCE FINAL RECOMMENDATIONS**

Consideration was given to the report of the Chief Operating Officer as contained on pages 1315 to 1369 which was to inform Council of the Local Government Boundary Commission for England (LGBCE) Final Recommendations for West Lancashire.

RESOLVED: That the LGBCE Final Recommendations Report, attached at Appendix 2 to the report, be noted.

129 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That under Section 100A(4) 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 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.

130 **LEISURE PROCUREMENT FUNDING STRATEGY**

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 1371 to 1387 of the Book of Reports which, was to approve the strategy for the use of CIL funding towards the development of the Ormskirk and Skelmersdale Wellbeing and Leisure Hubs and the refurbishment of Burscough Racquets and Fitness Centre and to approve the receipt of funding from West Lancashire Community Leisure Trust to support the investment in Burscough Racquets and Fitness Centre. The report was previously submitted to Extraordinary Cabinet held 6 April 2022.

RESOLVED: That the decision of Extraordinary Cabinet held on 6 April 2022 be endorsed and the financial elements set out in section 5 of the report be approved.

(Members of the press and public were invited back into the meeting)

131 **MOTIONS**

The following Motions were considered at the request of the Members indicated:

132 **BMI TESTING OF CHILDREN IN WEST LANCASHIRE - MOTION INCLUDED BY COUNCILLOR JAMES UPJOHN**

The following Motion was moved and seconded:

"That this Council does not agree with BMI testing of our children in West Lancashire and believes that BMI testing is outdated and is causing serious concern for parents who receive letters saying that their children are underweight or overweight, which can cause significant distress for both parents and their children.

That the Chief Operating Officer be asked to write to the CCG, the Cabinet Member for Education at LCC, Cabinet Member for Health at LCC & our local MPs to ask that this issue can be looked at."

An amendment to the first paragraph of the Motion was moved and seconded as below:-

"That this Council is concerned that the current method of weight testing through the sole use of BMI may be flawed and a more inclusive process could be explored as the current method of testing may be resulting in unnecessary distress for parents and children".

A vote was taken, on the Amendment which was CARRIED.

RESOLVED:

- A. That this Council is concerned that the current method of weight testing through the sole use of BMI may be flawed and a more inclusive process could be explored as the current method of testing may be resulting in unnecessary distress for parents and children
- B. That the Chief Operating Officer be asked to write to the CCG, the Cabinet Member for Education at LCC, Cabinet Member for Health at LCC & our local MPs to ask that this issue can be looked at.

133 **MEDICAL WASTE INCINERATOR SIMONSWOOD - MOTION INCLUDED BY COUNCILLOR IAN MORAN ON BEHALF OF THE LABOUR GROUP**

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

"That this Council calls for LCC to abandon its plans for a high waste temperature facility for medical waste to be built in Simonswood. West Lancs has had too many waste sites 'dumped' onto its residents with White Moss and Parbold hill to name a two.

That this Council believes that if the development is allowed to go ahead it would have a significant detrimental impact on the health and general amenity of many of our residents here in West Lancashire and also our neighbours in Knowsley. Enough is enough, stop dumping on the residents of West Lancashire."

An Amendment, circulated prior to the meeting, was moved and seconded.

A vote was taken, the Amendment was CARRIED.

RESOLVED:

- A. That this Council calls for LCC to refuse planning permission for a high waste temperature facility for medical waste to be built in Simonswood.
- B. West Lancashire has had too many waste sites 'dumped' onto its residents with White Moss and Parbold Hill to name a two.
- C. That this Council believes that if the development is allowed to go ahead it would have a significant impact on the health and general amenity of many of our residents here in West Lancashire and also our neighbours in Knowsley.

Enough is enough, stop dumping on the residents of West Lancashire.

(Note: Councillor Pope left the Chamber during consideration of this item as he had declared a pecuniary interest).

134 **TAWD VALLEY DEVELOPMENTS LTD- MOTION TO RESCIND A PREVIOUS DECISION INCLUDED BY COUNCILLORS JAMES UPJOHN, JENNY WILKIE, IAN MORAN, GARETH DOWLING, NOEL DELANEY, VICKI CUMMINS, KATH LOCKIE, ADAM YATES, SUSAN EVANS, CYNTHIA DERELI, JULIAN FINCH, CARL COUGHLAN, DONNA WEST, JANICE MONAGHAN, NICHOLA PRYCE-ROBERTS AND NEIL FUREY IN ACCORDANCE WITH SECTION 15.1 OF THE COUNCIL PROCEDURE RULES**

The following Altered Motion was moved and seconded with the agreement of the meeting:

"That the following resolution of Council held on 23 February 2022, be rescinded:

- A. That the independent review on TVDL set out in Appendix 1 be noted.
- B. That with immediate effect TVDL to stop all developments outside of the borough.
- C. That with immediate effect TVDL to stop all developments within the borough, other than those sites already in progress.
- D. That a Member Shareholder Committee be established to make any recommendations to Council, to implement a phased and controlled wind down of TVDL, comprising of 2 Labour Members, 2 Conservative Members and 1 Our West Lancashire Member for delegated decision making and scrutiny of TVDL, as follows:

Tawd Valley Developments Shareholder Committee
Membership (5 Members: 2 LAB 2 CON 1 OWL)

(Chairman) Councillor David Westley
(Vice-Chairman) Councillor Ian Davis

Functions

- (i) To approve any necessary changes to the Business Plan, if required
- (ii) To monitor and make any necessary decisions (other than to cease development/progression) in respect of the sites in progress.
- (iii) To communicate the shareholders' views to TVDL
- (iv) To evaluate the effectiveness of the TVDL board and the delivery of performance against strategic objectives and the business plan
- (v) To assess any risks to the council offered by TVDL activities

- (vi) To consider and make any recommendations to Council to implement a phased and controlled wind down of TVDL

Delegations

This Committee shall exercise the full powers, duties and functions of the Council in relation to points (i) to (vi) above, except in the case of the following:

1. The final decision to wind down TVDL;
2. The decision not to continue with the development/progression of a site that is already in progress;
3. Any decision which would result in the Council incurring a cumulative financial loss on any site which is already in progress, all of which will be a decision of full Council. E. That, subject to D above, it be noted that the Tawd Valley Development Cabinet Working Group will no longer be required to meet

That with immediate effect no further financial investment be made from WLBC into TVDL and if funding is required, this should be by way of a loan.

- G. That the proposed responses to the review recommendations set out in the revised Appendix 2 accompanying this motion be approved

H. That any associated costs be met from reserves."

And replaced with the following:

- A. That the independent review on TVDL set out in Appendix 1 to the report be noted.

- B. That the proposed responses to the review recommendations set out in Appendix 2 to the report, be approved."

C That a Member Shareholder Committee be created

Functions

1. To facilitate a cross party Committee to allow meaningful and productive discussions to take place in relation to the future direction of TVDL.
2. To evaluate the effectiveness of the TVDL board and the delivery of performance against strategic objectives and the business plan
3. To assess any risks to the council offered by TVDL activities

Delegations

1. Agreed comments to be referred to full Council and TVDL for consideration.

Membership – 2 Labour 2 Conservative 1 OWL

(Chairman) Councillor

(Vice-Chairman) Councillor

D. It be noted that the Tawd Valley Development Cabinet Working Group will no longer be required to meet

E. That any associated costs be met from reserves."

An amendment was moved and seconded which proposed that the below changes be made to the Committee:

(Chairman Councillor Jenny Wilkie
Vice-Chairman Councillor Adam Yates)

A member requested that a recorded vote be taken in respect of the amendments to the above altered Motion

FOR: Councillors Aldridge, Cooper, Coughlan, Cummins, Delaney, Dereli, Devine, Dowling, Evans, Fennell, Finch, Furey, Gagen, Gregson, Lockie, Monaghan, Moran, Nixon, O'Neill, Owen, Pryce-Roberts, Upjohn, West, J Wilkie, K Wilkie and Yates (TWENTY SIX)

AGAINST: Councillors Mrs M Blake, Blundell, Clandon, Daniels, Davis, Eccles, Gordon, Hirrell, Howard, Johnson, Jukes, Mrs J Marshall, Mee, Mitchell, O'Toole, Owens, Pope, Mrs Stephenson, Ms. Sutton, Thompson, Turpin, D Westley, Mrs M Westley, Whittington, Mrs Witter (TWENTY FIVE)

ABSTENTIONS: NONE

The Amendment was CARRIED .

RESOLVED: That the following resolution of Council held on 23 February 2022, be rescinded:

- A. That the independent review on TVDL set out in Appendix 1 be noted.
- B. That with immediate effect TVDL to stop all developments outside of the borough.
- C. That with immediate effect TVDL to stop all developments within the borough, other than those sites already in progress.
- D. That a Member Shareholder Committee be established to make any recommendations to Council, to implement a phased and controlled wind down of TVDL, comprising of 2 Labour Members, 2 Conservative Members and 1 Our West Lancashire Member for delegated decision making and

scrutiny of TVDL, as follows:

Tawd Valley Developments Shareholder Committee
Membership (5 Members: 2 LAB 2 CON 1 OWL)

(Chairman) Councillor David Westley
(Vice-Chairman) Councillor Ian Davis

Functions

- (i) To approve any necessary changes to the Business Plan, if required
- (ii) To monitor and make any necessary decisions (other than to cease development/progression) in respect of the sites in progress.
- (iii) To communicate the shareholders' views to TVDL
- (iv) To evaluate the effectiveness of the TVDL board and the delivery of performance against strategic objectives and the business plan
- (v) To assess any risks to the council offered by TVDL activities
- (vi) To consider and make any recommendations to Council to implement a phased and controlled wind down of TVDL

Delegations

This Committee shall exercise the full powers, duties and functions of the Council in relation to points (i) to (vi) above, except in the case of the following:

- 1. The final decision to wind down TVDL;
 - 2. The decision not to continue with the development/progression of a site that is already in progress;
 - 3. Any decision which would result in the Council incurring a cumulative financial loss on any site which is already in progress, all of which will be a decision of full Council.
- E. That, subject to D above, it be noted that the Tawd Valley Development Cabinet Working Group will no longer be required to meet .
- F. That with immediate effect no further financial investment be made from WLBC into TVDL and if funding is required, this should be by way of a loan.

- G. That the proposed responses to the review recommendations set out in the revised Appendix 2 accompanying this motion be approved
- H. That any associated costs be met from reserves."

And replaced with the following:

- "A. That the independent review on TVDL set out in Appendix 1 to the report be noted.
- B. That the proposed responses to the review recommendations set out in Appendix 2 to the report, be approved."
- C. That a Member Shareholder Committee be created

Functions

1. To facilitate a cross party Committee to allow meaningful and productive discussions to take place in relation to the future direction of TVDL.
2. To evaluate the effectiveness of the TVDL board and the delivery of performance against strategic objectives and the business plan
3. To assess any risks to the council offered by TVDL activities

Delegations

1. Agreed comments to be referred to full Council and TVDL for consideration.

Membership – 2 Labour 2 Conservative 1 OWL

(Chairman) Councillor Jenny Wilkie
(Vice-Chairman) Councillor Adam Yates

- D. It be noted that the Tawd Valley Development Cabinet Working Group will no longer be required to meet.
- E. That any associated costs be met from reserves."

(Note: this item was considered after Agenda Item 7a).

135 **FREEPORT IN LIVERPOOL - MOTION INCLUDED BY COUNCILLOR CYNTHIA DERELI**

The following Motion was moved and seconded:

"This Council notes with concern, particularly in the present crisis, the potential outcomes of moves by Liverpool City Region to become a Freeport.

While recognising that the creation of more jobs in the City Region may be a first visible outcome, we are concerned about the possible impact this may have on the quality of jobs in the area if the pattern that has emerged in other Freeports is followed, by removing workers rights and access to TU protection.

But we are also concerned that this will impact on a wider area/ hinterland by:

*drawing jobs into the Freeport area

*removing environmental protection and potentially opening up the area to fracking with all the environmental issues it creates

*endangering moves towards meeting climate action goals on a wider scale, particularly through moves to base their profit-oriented plans to develop hydrogen as a so-called 'transition' fuel in the Freeport area,

We urge Liverpool Cllrs, the City Mayor and the TU movement in the NW to express their opposition to such a move, and to work with neighbours to create a sustainable economy that protects workers' rights and is based on moves to truly green energy".

A vote was taken on the Motion which was LOST.

(Note: Councillors Mrs Marilyn Westley, Maureen Nixon and James Upjohn left the Chamber during consideration of this item and were not present for the remainder of the meeting).

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MENTAL HEALTH SUPPORT FOR COUNCILLORS - MOTION INCLUDED BY COUNCILLOR JAMES UPJOHN

Councillor J Upjohn had withdrawn this item from the Agenda.

.....
THE MAYOR

<p style="text-align: center;">ANNUAL COUNCIL MEETING – 18 MAY 2022 PROCEDURE FOR THE INVESTITURE OF MAYOR AND DEPUTY MAYOR</p>

1.0 INVESTITURE OF MAYOR

- 1.1 After the Mayor’s Chaplain has led the Council in prayer, the Mayor, Councillor Johnson 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 thank his Mayoress, Mrs Jackie Johnson for all her help and support during the last year.

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

Any nominations will need to be moved and seconded in the following terms:

“That Councillor be elected Mayor for the ensuing Municipal Year.”

Nominees will signify their assent to the nomination.

- 1.2 If there is more than one nomination, an election will take place.

1 vote in favour for 1 person

(If there are more than two people nominated and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.)

2.0 DECLARATION OF ACCEPTANCE OF OFFICE - MAYOR

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

3.0 MAYOR’S MAYORESS/CONSORT

The Mayor will then announce who the Mayoress/Consort will be for the year.

4.0 MAYOR’S SPEECH AND VOTE OF THANKS

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

5.0 INVESTITURE OF DEPUTY MAYOR

- 5.1 The newly elected Mayor will then invite nominations for the appointment of Deputy Mayor.

- 5.2 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.”

Nominees will signify their assent to the nomination.

- 5.3 If there is more than one nomination, an election will take place.

1 vote in favour for 1 person

(If there are more than two people nominated and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.)

6.0 DECLARATION OF ACCEPTANCE OF OFFICE – DEPUTY MAYOR

6.1 The newly appointed Deputy Mayor will make the Declaration of Acceptance of Office and a short speech of thanks.

6.2 The Deputy Mayor will then announce who the new Deputy Mayoress/Deputy Consort will be.

7.0 REMAINING ITEMS OF BUSINESS

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



ANNUAL COUNCIL: 18 MAY 2022

Report of: Chief Operating Officer

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

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

Borough-wide interest

1.0 PURPOSE OF THE REPORT

1.1 To elect the Leader of the Council until the Annual Meeting in 2023, to note the Leader's appointment of a Deputy Leader for the same term and of Cabinet for the Municipal Year 2022/23, 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 2023.
- 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 2022/23, with the Portfolios identified by the Leader, set out in the Appendix to the report, 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.
-

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 altered 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 election will be by direct ballot. If there is more than one nomination, an election will take place. 1 vote in favour for 1 nominated person. If there are more than two people nominated and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. The Leader remains a member of the Council until the next Annual Council meeting 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. The executive cannot be the chairman or vice-chairman of the authority.

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.

6.0 RISK ASSESSMENT

- 6.1 Appointing the Leader at the Annual meeting ensures that the Council meets its statutory responsibilities.

7.0 HEALTH AND WELLBEING IMPLICATIONS

7.1 There are no health and wellbeing implications arising from this report.

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:

Constitution 4.1A – Membership of the Cabinet (To follow)



ANNUAL COUNCIL: 18 May 2022

Report of: Chief Operating Officer

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

SUBJECT: APPOINTMENT OF COMMITTEES etc 2022/23

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 2022/23.

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 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 the attached Appendix (Constitution 4.1A) and the appointment of the Independent Persons & the 2 Parish Council Representatives on the Standards Committee, be as detailed in the appendix.
- 2.3 That the representatives of the political groups on Outside Bodies (Council appointments) be as indicated on the attached Appendix 2.
- 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 to the report, with the terms of reference included in the Constitution and appointed representatives to Outside Bodies (Cabinet appointments).
-

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 25 members – 46.3% of the total membership, the Conservative Group has 20 members – 37.04% of the total membership, ‘Our West Lancashire’ has 7 members (12.96%) of the total membership and 2 Independent members (3.7%) of the total membership, which does not constitute a Political Group.
- 3.2 Of the seats available in Committees, these will be allocated to the Labour Group, the Conservative Group and Our West Lancashire, in line with the above. The allocation of remaining seats not allocated to any Political Group will fall to be made by the Council in its discretion. The regulations provide that the Council must only appoint from Members who belong to no Political Group. The remaining seats must therefore be allocated to an Independent Member that does not belong to a Political Group.
- 3.3 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.
- 3.4 The entitlement to seats under the Council's Political Management Structure is set out in the attached Appendix 1.
- 3.5 The Terms of Reference for each of the Committees etc are set out in the Council's Constitution 4.1: Responsibility for Functions.
- 3.6 The Council appointments to Outside Bodies are attached at Appendix 2 for approval.

4.0 APPOINTMENT OF CABINET COMMITTEES, WORKING GROUPS etc

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

5.0 SUSTAINABILITY IMPLICATIONS

- 5.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 There are no significant financial or resource implications arising from this report.

7.0 RISK ASSESSMENT

7.1 Reviewing the political balance on committees ensures that the Council is complying with its obligation, under Section 15(1) of the Local Government and Housing Act 1989.

8.0 HEALTH AND WELLBEING IMPLICATIONS

8.1 There are no health and wellbeing implications arising from this report.

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. (See item 7) – To follow
2. Constitution 4.1C 'Appointments to Outside Bodies' – To follow

