



Jacqui Sinnott-Lacey
Chief Operating Officer
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Tuesday, 4 October 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, 12 OCTOBER 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 circular stamp or mark.

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.)

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4. **MINUTES**
To receive as a correct record, the minutes of the previous meeting held on Wednesday 20 July 2022. 233 - 246
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) **Licensing & Appeals Committee - Tuesday, 26 July 2022** 247 - 250
- b) **Audit & Governance Committee - Wednesday, 27 July 2022** 251 - 254
- c) **Planning Committee - Thursday, 28 July 2022** 255 - 258
- d) **Planning Committee - Thursday, 8 September 2022** 259 - 262
- e) **Standards Committee - 20 September 2022** *TO FOLLOW*
- f) **Budget/Council Plan Committee - 28 September 2022** *TO FOLLOW*
8. **OVERVIEW & SCRUTINY ANNUAL REPORT 2021/22 AND REQUEST FOR ADDITIONAL RESOURCES**
To consider the report of the Corporate Director of Transformation, Housing & Resources. 263 – 266
(Appendix - To follow)
9. **CHANGE OF GOVERNANCE ARRANGEMENTS**
To consider the report of Simon Goacher, Independent Legal Advisor (Weightmans LLP) on behalf of the Chief Operating Officer. 267 - 286
10. **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**
11. **BECCONSALL LANE - HESKETH BANK - CONDITIONAL LAND PURCHASE**
To consider the report from the Chief Operating Officer. 287 - 294

PART 3 - OPEN TO THE PUBLIC

12. MOTIONS

To consider the following Motions included on the agenda at the request of the Members indicated:

a) **Youth Council & Youth Mayor - Motion from Councillor James Upjohn**

That a report be submitted to either February or April 2023 full Council meeting, to consider how West Lancashire can work with Lancashire County Council to strengthen relationships with the Lancashire Youth Council on local issues. The report to also include what it would entail to have a Youth Mayor in West Lancashire, what levels of support would be available for a Youth Mayor and how they could be involved with helping the Mayor in their role.

b) **Mental Health Support for Councillors - Motion Included by Councillor James Upjohn**

"That it be noted that council staff have access to counselling services if needed and that some WLBC staff are trained as Mental Health First Aiders, to offer support.

That this Council recognises that Councillors may also need mental health support and that mental health first aid provisions should also be given to Councillors when needed."

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

**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		
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, 20 July 2022

Start: 7.30 pm

Finish: 9.00 pm

PRESENT:

Councillors:

Mrs M Westley (Mayor)	
K Mitchell (Deputy Mayor)	
T Aldridge	M Anderson
R Bailey	Mrs M Blake
A Blundell	P Burnside
G Clandon	C Coughlan
V Cummins	I Davis
G Dowling	I Eccles
A Fennell	J Fillis
J Finch	N Furey
Y Gagen	J Gordon
S Gregson	D Hirrell
P Hogan	Howard
G Johnson	K Jukes
Mrs J Marshall	J Mee
J Monaghan	M Nixon
P O`Neill	D O`Toole
D Owen	G Owen
A Owens	S Patel
E Pope	I Rigby
N Pryce-Roberts	A Sutton
J Thompson	P Turpin
J Upjohn	D West
D Westley	D Whittington
J Wilkie	K Wilkie
J Witter	A Yates

Officers:

Jacqui Sinnott-Lacey, Chief Operating Officer
Chris Twomey, Corporate Director of Housing, Transformation & Resources
Lisa Windle, Head of Corporate and Customer Services
Kay Lovelady, Legal & Democratic Services Manager
Jacky Denning, Democratic Services Manager
Thomas Lynan, Electoral Services Manager

In attendance:

11 **PRAYERS**

The Mayor's Chaplain for the year, Venerable David Garnett, from St Cuthberts, Halsall, led Members and officers in prayer.

12 **APOLOGIES**

Apologies for absence were received on behalf of Councillors Daniels, Fowler, Gresty and Molloy.

13 **DECLARATIONS OF INTEREST**

The following declarations were received:

1. Councillors Mrs Blake, Gordon, Howard, Mrs Marshall, Mee, Gaynar Owen, Patel, Pope, Sutton, Whittington and Witter declared a non-pecuniary interest in relation to item 10 Capital Programme Out-Turn 2021-22 and item 13 'Council Plan Annual Report 2021/22 in view of their membership of a Parish Council.
2. Councillors Aldridge, Bailey, O'Toole, Pope and D Westley declared a non pecuniary interest in relation to item 10 Capital Programme Out-Turn 2020-2 and 12 'Council Plan Annual Report 2021/22' and Item 19(e) 'Skelmersdale Railway Motion – Motion', as Members of Lancashire County Council, as did Councillors Coughlan, Cummins and Gagen as an employee of Lancashire County Council.
3. Councillors Gaynar Owen, Nixon, West and J Wilkie (Tenant of a Council flat/house) Coughlan and Gregson (Tenants of a Council garage) declared disclosable pecuniary interests in relation to item 11 'Housing Account – Revenue and Capital Outturn' and item 19(a) 'Social Housing Decarbonisation Fund Wave 2 – Motion' for the reasons indicated but were entitled to speak and vote by virtue of an exemption (nothing in these reports relates particularly to their respective interests arising from the tenancy or lease).
4. Councillors Aldridge, Gregson, Mee, Nixon, Sutton and K Wilkie declared non-pecuniary interests in relation to item 11 'Housing Account – Revenue and Capital Outturn' and item 19(a) 'Social Housing Decarbonisation Fund Wave 2 – Motion' as they have a connected person who is a tenant of rented Council accommodation. Insofar as that interest becomes a pecuniary interest (as it would affect the financial position of their relative and a member of the public with knowledge of the relevant facts would reasonably regard this as so significant that it is likely to prejudice their judgement of the public interest) they declared that interest but considered that they were entitled to speak and vote by virtue of an exemption as nothing in these reports relates particularly to the relevant tenancy or lease.

14 **MINUTES**

The minutes of the Annual Council meeting held on 18 May 2022 were received as a correct record and signed by the Mayor.

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

The Mayor announced:

1. That her theme for the year would be 'Youth Empowerment'.

2. That fund-raising activities for the year would be in aid of the Evermoor Hub, Divine Days and Noah's Ark.
3. That the Civic Service would be held on Sunday 11 September 2022 at St Cuthberts Church, Halsall.
4. That the Mayor's Charity dinner/ball was provisionally booked for 17 March 2023 at Lancashire Manor Hotel.
5. That a Charity lunch was being held at Briars Hall on 29 July 2022 at 12 noon, tickets £20 for a buffet lunch and humorous guest speaker.

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

The following 2 Questions were received:

1. Council Properties in Flimby, Skelmersdale

"Could the Council Leader please advise when council properties in Flimby in Skelmersdale will be re-rendered and have additional insulation installed. (Submitted on behalf of a Flimby resident)"

Response

" The Council spend around £9.5m per year on maintaining and improving the housing stock. We have properties across Skelmersdale that have the same external insulation, maintenance requirements and energy performance certificate category as the properties on Flimby. Given this, we are aware that there will be other properties that display the same or similar thermal comfort/efficiency characteristics as those at Flimby.

The Council is currently in the process of undertaking a full stock condition survey and zero carbon study of all our housing stock. This is so the authority can understand where its investment priorities are and develop an evidence based approach to future investment.

We anticipate that the data from the stock condition survey will be validated and uploaded into our Asset Management software between September and December of this year. Once this is complete, the Asset Management Team will commence programme planning for the short, medium and long term. This plan will set out the timetable for the improvement programme including thermal efficiency and link in to the Councils Climate Change Strategy and business plan. It is at this stage we will be able to provide a clear timescale to our resident at Flimby"

2. Building Site at Bobby Langton Way, Burscough

"Could the Council Leader please advise when something is going to be

done about the now semi-derelict building site at Bobby Langton Way, Burscough. The development company went bust last winter and the half-finished houses are now slowly decaying and becoming an eyesore. (Submitted on behalf of a Burscough resident)"

Response

The Council has been in regular contact with Torus Homes, the Registered Provider who own the site in question. Torus have provided the following response:

"It is unfortunate that the Burscough FC site has been so substantially disrupted through the problems experienced by the former Contractor Crossfield Living and we fully appreciate the concern this will cause the local community. As the Developer and Landowner Torus sought to support Crossfield and we hoped that the issues affecting the Company would subside, allowing them to successfully complete the project. Unfortunately, this was not possible. Torus are committed to completing the development and bringing the new homes forward in due course. At this stage we are procuring a new Contractor to complete the works. We anticipate formally returning to site by the Autumn. In the meantime, we are taking steps to ensure that the site remains secure. Should local residents or stakeholders have concerns during the interim period we would encourage you to report these via e-mail to consultations@torus.co.uk and a response will be forthcoming."

Representatives from Torus would be happy to meet with Councillors or any concerned stakeholders should they have specific concerns they wish to discuss.

17 **MINUTES OF COMMITTEES**

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

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

- A. Tawd Valley Developments Shareholders Committee held on Monday 28 March, subject to Minute 8 being amended to read debenture (not debarment), Wednesday 27 April and Tuesday 28 June 2022, subject to Minute 16 to remove items 9, 10 & 12 being removed from those being requested to be held in public.
- B. Planning Committee held on Thursday 21 April and Wednesday 25 May 2022.
- C. Audit & Governance Committee held on Tuesday 31 May 2022.
- D. Licensing & Appeals Committee held on Wednesday 8 June 2022.

E. Polling Districts & Polling Places Review Committee held on Wednesday 15 June 2022.

18 **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014: PUBLIC SPACE PROTECTION ORDER IN RESPECT OF PIMBO INDUSTRIAL ESTATE**

Consideration was given to the report of the Corporate Director of Place & Community, as contained on pages 95 to 126 of the Book of Reports, which following public consultation, sought approval of a Public Space Protection Order (PSPO) to deter organised car meets / car cruising on Pimbo Industrial Estate, Up Holland, West Lancashire.

RESOLVED: A. That the Public Space Protection Order be made, as shown at Appendix 1 of the report, for a period of three years.

B. That a fixed penalty level of £100.00 be approved, for failing to comply with a PSPO, which is payable to the Council within a stipulated period of the fixed penalty notice being served, with no reduction for early payment of the penalty.

19 **GRA REVENUE OUTTURN POSITION 2021-22**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 127 to 130 of the Book of Reports, which provided a summary of the revenue outturn position on the General Revenue Account (GRA) for the 2021/22 financial year, noting movements in the Council's reserves and balances and to approve the transfer of the underspend.

RESOLVED: That the balanced revenue outturn position be noted.

20 **GRA CAPITAL PROGRAMME OUTURN**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 131 to 140 of the Book of Reports, which provided a summary of the capital outturn position on the General Revenue Account (GRA) for the 2021/2022 financial year.

RESOLVED: A. That the Capital outturn position be noted and the proposed Capital allocation set out in Appendix 1 to the report, be approved.

B. That the Capital programme and Re-profiling in Appendix 1 be noted and approved.

21 **HOUSING ACCOUNT - REVENUE & CAPITAL OUTURN**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 141 to 148 of the Book of Reports,

which provided a summary of the Housing Revenue Account (HRA) revenue and capital outturn positions for the 2021/22 financial year and highlight budget pressure identified in 2022/23.

- RESOLVED: A. That the draft financial outturn position of the 2021/22 HRA and Capital Investment Programme be noted and that the allocation of 2021/22 HRA outturn to reserves, as noted in paragraphs 4.4 and 4.5 of the report, be endorsed.
- B. That the switching of funding from HRA borrowing to HRA revenue contributions in paragraphs 5.3 and 5.5, be noted.
- C. That the amendments to the Housing capital budget identified in appendix 1 to the report, be approved.

22 TREASURY MANAGEMENT & PRUDENTIAL INDICATOR PERFORMANCE 2021-22

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 149 to 156 of the Book of Reports, which detailed the Treasury Management performance and Prudential Indicators for the year ended 31 March 2022.

RESOLVED: That the performance for the 2021-22 financial year be noted.

23 COUNCIL PLAN ANNUAL REPORT 2021/22

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 157 to 174 of the Book of Reports, which presented the Council Plan Annual Report 2021/22

RESOLVED: That the Council Plan Annual Report 2021/22 (Appendix 1) be noted.

24 FUTURE DIRECTION FOR TAWD VALLEY DEVELOPMENTS LTD

Consideration was given to the report of the Head of Finance, Procurement and Commercial Services, as contained on pages 175 to 194 of the Book of Reports, which set out a series of proposals to reset and refocus the aims, objectives and activities of Tawd Valley Developments Ltd (TVDL), the Council's wholly owned development company.

RESOLVED: That the proposals set out in section 8 of the report be approved and that a new Business Plan be drawn up on this basis, for consideration by Council.

25 PROPOSED AMENDMENTS TO SCRUTINY PROCEDURE RULE 15C OF THE CONSTITUTION REGARDING THE REQUIREMENTS TO EXERCISE CALL IN

Consideration was given to the report of the Legal & Democratic Services Manager (Monitoring Officer) as contained on pages 195 to 198 of the Book of Reports, which

sought approval to amend the provisions contained in Constitution 9.1 at Part 4, 9a - Overview and Scrutiny Procedure Rules - Rule 15 (c) in respect of the requirements to exercise Call In.

RESOLVED: That Constitution 9.1 at Part 4, 9a - Overview and Scrutiny Procedure Rule 15 (c) in the Constitution be amended to read as follows:

"The Chief Operating Officer shall include an item on an agenda for scrutiny by the relevant Overview and Scrutiny Committee, at its next meeting, if so requested by notice in writing by any five members of the **Council** no later than 5 p.m. on the Tuesday of the week following publication of the decision. The notice shall specify the reasons for the call in and specify the decision the five members would put in place if the call-in were successful. For the avoidance of doubt, that decision cannot be a deferral for more information. The Chief Operating Officer shall then (a) validate the "call-in" and notify the decision-taker of it (in the case of Cabinet by putting it on the next Agenda) or (b) in consultation with the Chairman of the relevant Overview and Scrutiny Committee, determine that the "call-in" is not valid and notify the 5 members accordingly. Further for the avoidance of doubt, the next meeting of the Overview and Scrutiny Committee must take place within 15 working days of the request for call in."

26 **TIMETABLE OF MEETINGS - CHANGE OF DATE FOR EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

RESOLVED: That the Executive Overview & Scrutiny Committee meeting, scheduled on Thursday 1st September be changed to Tuesday 6th September 2022.

27 **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 paragraphs 1, 2 & 3 of Part 1 of Schedule 12A of that Act and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

28 **VOLUNTARY REDUNDANCY - REVENUES & BENEFITS SERVICE**

Consideration was given to the report of the Corporate Director Transformation, Housing & Resources, as contained on pages 199 to 204 of the Book of Reports, which outlined the wider context and implications of the voluntary redundancy of the Exchequer Services Manager.

RESOLVED: That the Exchequer Services Manager post be deleted from the

establishment and the payment of redundancy on a voluntary basis be approved.

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

29 **MOTIONS**

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

30 **SOCIAL HOUSING DECARBONISATION FUND WAVE 2 - MOTION FROM COUNCILLOR ADRIAN OWENS ON BEHALF OF THE OUR WEST LANCASHIRE GROUP**

The following Motion was moved and seconded:

"Council notes that in February in Social Housing Decarbonisation Fund Wave 1, 69 councils received a total of £179 million at an average of £2.6million per council to upgrade around 20,000 council house homes which are currently below Energy Performance Certificate (EPC) C rating, helping to cut fuel bills for social housing tenants as well as delivering warm homes and reducing carbon emissions while supporting around 9,000 jobs in the green energy sector.

Council further notes that the Social Housing Decarbonisation Fund Wave 2 is scheduled to open for bids in late August/early September 2022 with around £700 million available for distribution. Furthermore, council notes that the current stock condition survey of West Lancashire Borough Council housing stock is well advanced and that this will provide the information necessary relating to WLBC properties which are currently below Energy Performance Certificate (EPC) C rating to make a detailed bid possible.

Council therefore instructs officers to prepare and submit an ambitious bid to the Social Housing Decarbonisation Fund Wave 2 so that council tenants in West Lancashire in poorly insulated homes can benefit from upgrades to their properties in the same way as 20,000 tenants in other parts of England are already benefiting."

An Amendment to the Motion, which was presented on the screens, was moved and seconded in the following terms:

"That the following be inserted after the first paragraph of the Motion:

Council also notes that the launch of the government's Review of Electricity Markets on Monday 18 July seeks to address the imbalance in costs of gas and electricity which is deterring conversion to heat pumps and other green household energy initiatives as the economic gain is currently marginal.

In addition, Council notes that work has already commenced with regards to including such initiatives as part of any future improvements in WLBC housing stock and commercial property assets."

With the agreement of the meeting, the mover and seconder of the Motion accepted

the amendment.

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

- RESOLVED: A. That it be noted that in February in Social Housing Decarbonisation Fund Wave 1, 69 councils received a total of £179 million at an average of £2.6million per council to upgrade around 20,000 council house homes which are currently below Energy Performance Certificate (EPC) C rating, helping to cut fuel bills for social housing tenants as well as delivering warm homes and reducing carbon emissions while supporting around 9,000 jobs in the green energy sector.
- B. That it be noted that the launch of the government's Review of Electricity Markets on Monday 18 July seeks to address the imbalance in costs of gas and electricity which is deterring conversion to heat pumps and other green household energy initiatives as the economic gain is currently marginal and that work has already commenced with regards to including such initiatives as part of any future improvements in WLBC housing stock and commercial property assets.
- C. That it be noted that the Social Housing Decarbonisation Fund Wave 2 is scheduled to open for bids in late August/early September 2022 with around £700 million available for distribution. Furthermore, it be noted that the current stock condition survey of West Lancashire Borough Council housing stock is well advanced and that this will provide the information necessary relating to WLBC properties which are currently below Energy Performance Certificate (EPC) C rating to make a detailed bid possible.
- D. That officers prepare and submit an ambitious bid to the Social Housing Decarbonisation Fund Wave 2 so that council tenants in West Lancashire, in poorly insulated homes, can benefit from upgrades to their properties in the same way as 20,000 tenants in other parts of England are already benefiting.

31

TO INTRODUCE AN INCENTIVE TO ATTRACT NEW TRADERS TO ORMSKIRK MARKET - MOTION FROM COUNCILLOR ADRIAN OWENS ON BEHALF OF THE OUR WEST LANCASHIRE GROUP

The following Motion was moved and seconded:

"Council strongly supports a thriving market in Ormskirk.

Council therefore agrees to the introduction of an incentive scheme to attract new traders to Ormskirk market as follows:

- 1.1 A new trader incentive scheme should be developed and introduced as soon as practicable that offers the following to new market traders:
 - a) Free loan of a council gazebo for up to 6 weeks if required
 - b) A rebate of the first 6 weeks' rent for new traders, the rebate being made at the point the trader commits to taking a permanent market stall for a minimum 12-month period
- 1.2 Delegation to be given to the Corporate Director of Place & Community, in consultation with the Portfolio Holder, to amend the Market Regulations to give effect to this motion.
- 1.3 The new market trader incentive scheme to be promoted through all Council promotional channels once the scheme is launched.

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

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

- RESOLVED: A. That this Council strongly supports a thriving market in Ormskirk.
- B. That the Council therefore wishes to consider the introduction of new incentive schemes to attract new traders to Ormskirk market such as:

A new trader incentive that offers the following to new market traders:

- a) Free loan of a council gazebo for up to 6 weeks if required
 - b) A rebate of the first 6 weeks' rent for new traders, the rebate being made at the point the trader commits to taking a permanent market stall for a minimum 12-month period
- C. That to take matters forward, a Scrutiny Task and Finish Group be established to undertake a review of market operation across the borough, which will include potential rent incentives for new market traders to ensure markets continue to be the best possible offer and service within Wellbeing and Place. This would provide an overarching review which would result in a way forward for the markets by the end of 2022 with potential implementation to commence 1st April 2023 following discussion.

The following Motion was moved and seconded:

"Council notes that the Chancellor of the Exchequer reduced fuel duty by 5 pence per litre to 52.95 pence per litre in March 2022 to help address in a small way concerns about the cost of living.

Council further notes that since that reduction in March 2022 from figures provided by the RAC Foundation the average forecourt price of unleaded petrol has risen from 163.59 pence per litre in the week to 28 March 2022 to 191.05 pence per litre in the week to 27 June 2022 – a further rise of more than 16%. Council notes that the cost of diesel has risen by a similar amount.

Given that this most recent increase in forecourt petrol and diesel prices since March 2022 has resulted in the Chancellor of the Exchequer receiving in additional VAT receipts almost an additional 5 pence per litre and given that almost wipes out the previous reduction in fuel duty, this council instructs the Chief Operating Officer to write to the Chancellor of the Exchequer calling on him to introduce a further reduction in fuel duty of at least 5 pence per litre to give some small relief to motorists and businesses including haulage companies."

A vote was taken, the Motion was CARRIED.

- RESOLVED:
- A. That it be noted that the Chancellor of the Exchequer reduced fuel duty by 5 pence per litre to 52.95 pence per litre in March 2022 to help address in a small way concerns about the cost of living.
 - B. That it be noted that since that reduction in March 2022 from figures provided by the RAC Foundation the average forecourt price of unleaded petrol has risen from 163.59 pence per litre in the week to 28 March 2022 to 191.05 pence per litre in the week to 27 June 2022 – a further rise of more than 16% and that the cost of diesel has risen by a similar amount.
 - C. That given this most recent increase in forecourt petrol and diesel prices since March 2022 has resulted in the Chancellor of the Exchequer receiving additional VAT receipts, almost an additional 5 pence per litre and given that almost wipes out the previous reduction in fuel duty, this council instructs the Chief Operating Officer to write to the Chancellor of the Exchequer calling on him to introduce a further reduction in fuel duty of at least 5 pence per litre to give some small relief to motorists and businesses including haulage companies.

33 **RIGHT TO FOOD - MOTION FROM COUNCILLOR GARETH DOWLING ON BEHALF OF THE LABOUR GROUP**

The following Motion was moved and seconded:

"This council notes:

That we are seeing a crisis of food poverty born out of the political choices and systemic failings created over the past four decades, which have now reached a tipping point for so many in our communities. The figures are devastating for one of the richest nations in the world and highlight the inequality of the UK in 2022.

Need for food banks is already at a record high. Food banks in the Trussell Trust network gave out 2.1 million emergency food parcels between April 2021 and March 2022, a 14% rise on the year 2019/20. This comes on top of year-on-year increases in need.

This council's own commissioned study into Food Insecurity in West Lancashire (paid for by WLBC and carried out by Iconic Consultancy) found that 4,580 households in West Lancashire experience food insecurity, with over 2,000 children (under 16) living in food insecure households.

We also note the Government's National Food Strategy; which reported in July 2021 and was the first independent review of England's entire food system for 75 years, and its subsequent response. The 'Right to Food' campaign believes that the 11 million people currently living in food poverty must be central to the response from Government.

This council further notes the cross-party commitment in supporting action on food insecurity, appointing a Food Security Champion, setting up of a Food Insecurity Forum, councillors' and officers' continued work in this area and engagement with our partners across the borough including Trussell Trust Foodbanks, LCC, ICS, WLBC Financial Inclusion and Money Advice, The Larder Lancashire, The Birchwood, and many other statutory and VCFS organisations.

This council believes:

Enshrining the 'Right to Food' into law would clarify Government obligations on food poverty and would introduce legal avenues to hold Government bodies accountable for violations.

This council resolves:

To call for the Right to Food to be incorporated in the Government's White Paper in response to the National Food Strategy. We ask the Chief Operating Officer to write to the Prime Minister to further this request.

To formally declare as a Right to Food Council and join with other councils across the country to continue to push for a Right to Food enshrined in law."

A vote was taken, the Motion was CARRIED.

RESOLVED: A. That it be noted:

- (i) That we are seeing a crisis of food poverty born out of the

political choices and systemic failings created over the past four decades, which have now reached a tipping point for so many in our communities. The figures are devastating for one of the richest nations in the world and highlight the inequality of the UK in 2022.

- (ii) That the need for food banks is already at a record high. Food banks in the Trussell Trust network gave out 2.1 million emergency food parcels between April 2021 and March 2022, a 14% rise on the year 2019/20. This comes on top of year-on-year increases in need.
 - (iii) That the Council's own commissioned study into Food Insecurity in West Lancashire (paid for by WLBC and carried out by Iconic Consultancy) found that 4,580 households in West Lancashire experience food insecurity, with over 2,000 children (under 16) living in food insecure households.
- B. That the Government's National Food Strategy; which reported in July 2021 and was the first independent review of England's entire food system for 75 years, and its subsequent response be noted. The 'Right to Food' campaign believes that the 11 million people currently living in food poverty must be central to the response from Government.
- C. That the cross-party commitment in supporting action on food insecurity be noted, appointing a Food Security Champion, setting up of a Food Insecurity Forum, councillors' and officers' continued work in this area and engagement with our partners across the borough including Trussell Trust Foodbanks, LCC, ICS, WLBC Financial Inclusion and Money Advice, The Larder Lancashire, The Birchwood, and many other statutory and VCFS organisations.
- D. That this council believes that enshrining the 'Right to Food' into law would clarify Government obligations on food poverty and would introduce legal avenues to hold Government bodies accountable for violations.
- E. That this council:
- (i) Calls for the Right to Food to be incorporated in the Government's White Paper in response to the National Food Strategy and the Chief Operating Officer to write to the Prime Minister to further this request.
 - (ii) Formally declares that it is a Right to Food Council and joins with other councils across the country to continue to push for a Right to Food enshrined in law.

34 SKELMERSDALE RAILWAY MOTION - MOTION FROM COUNCILLOR GARETH DOWLING ON BEHALF OF THE LABOUR GROUP

This item was withdrawn from the agenda.

.....
THE MAYOR

LICENSING & APPEALS COMMITTEE

HELD: Tuesday, 26 July 2022

Start: 7.00 pm

Finish: 8.05 pm

PRESENT:

Councillor: G Johnson (Chairman)
J Mee (Vice Chairman)

Councillors: D Owen T Aldridge
I Eccles N Furey
J Gordon L Gresty
J Monaghan M Nixon
P O'Neill

Officers: Paul Charlson, Head of Planning & Regulatory Services
Kay Lovelady, Legal & Democratic Services Manager
Kirsty Breakell, Democratic Services Officer
Andrew Smith, Legal Assistant/Acting Licensing Officer

1 APOLOGIES

There were no apologies for absence received.

2 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillor Patel and the appointment of Councillor D Owen for this meeting only, thereby giving effect to the wishes of the political groups.

3 URGENT BUSINESS

There were no urgent items of business.

4 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

5 DECLARATION OF INTEREST

There were no declarations of interest.

6 MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

There were no minutes to receive.

7 MINUTES

RESOLVED: That the minutes of the meeting held on 8 June 2022, be received as a correct record and signed by the Chairman.

8 APPROVAL OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2022

Consideration was given to the report of the Corporate Director of Place and Community contained on pages 13-218 of the Book of Reports which sought approval of the draft Hackney Carriage and Private Hire Licensing Policy, following public consultation and revised Department for Transport Guidance.

The Head of Planning & Regulatory Services outlined the report and the purpose of the proposed amendments to the Members of the Committee.

Comments and questions were raised as follows:

- Costs involved in installing CCTV equipment into Licensed Taxis.
- GDPR Implications
- Controlling the Data to comply with GDPR and the costs involved.
- Online training to continue for Licensed Drivers regarding safeguarding

RESOLVED:

- A. That having regard to the matters contained in the report and the responses to the public consultation, the Hackney Carriage and Private Hire Licensing Policy 2022, attached at Appendix 2 to the report, be approved for use with effect from 1 October 2022.
- B. The Policy to be amended to reflect that the Committee reviewed and consulted on the CCTV proposal and the same will be kept under review.

9 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 items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 2 (Identity of an individual) and Paragraph 7 (Criminal Matters) part 1 of Schedule 12A outweighs the public interest in disclosing the information.

10 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000273770

Members were asked to consider an application for a Private Hire Driver Licence, reference number WK/000273770, having regard to offences recorded against the Driver.

It was noted that the Applicant's DBS certificate was not available in time for the meeting.

RESOLVED: That the Application for a Private Hire Driver Licence, reference number WK/000273770 be deferred for 1 meeting.

11 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000273128

Members were asked to consider an application for a Private Hire Driver Licence,

reference number WK/000273128, having regard to offences recorded against the Driver.

RESOLVED: That the Application for a Private Hire Driver Licence, reference number WK/000273128 be REFUSED.

(Note: The Officers from Place & Community Services left the meeting whilst Members considered their decision)

.....
Chairman

AUDIT & GOVERNANCE COMMITTEE

HELD: Wednesday, 27 July 2022

Start: 7.00 pm

Finish: 8.05 pm

PRESENT:

Councillor: E Pope (Chairman)

Councillors: P O'Neill (Vice-Chair) N Furey
J Gordon J Mee
R Molloy D Owen
S Patel A Fennell
K Jukes

In attendance: Georgia Jones, Key Audit Partner - Grant Thornton

Officers: Jacqueline Pendleton, Corporate Compliance and Governance Manager
James Pierce, Head of Finance, Procurement and Commercial Services
Simon Peet, Corporate Finance Manager (Deputy S151)
Julia Brown, Democratic Services Officer
Kay Lovelady, Legal & Democratic Services Manager
Catherine Kirwan, Procurement Manager
Jennifer Lunn, Assistant Solicitor

16 APOLOGIES

Apologies were received on behalf of Councillor I Davis.

17 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors J Finch and D Daniels and the appointment of Councillors A Fennell and K Jukes for this meeting only, thereby giving effect to the wishes of the Political Groups.

18 URGENT BUSINESS

There were no urgent items of business.

19 DECLARATIONS OF INTEREST

There were no declarations of interest.

20 MINUTES OF PREVIOUS MEETING

RESOLVED: That the Minutes of the meeting held on 31 May 2022 be received as a correct record and signed by the Chairman.

(Note: The Chairman commented in respect of Minute 15 - Derby Street Refurbishment, in respect of an update to be provided by External Auditor, Grant Thornton at the next meeting of the Committee).

21 PUBLIC SPEAKING

There were no items under this heading.

22 EXTERNAL AUDIT PROGRESS REPORT AND SECTOR UPDATE 2020-21

Consideration was given to the Grant Thornton Update Report as contained on pages 185 to 199 of the Book of Reports.

The Chairman invited Georgia Jones, Key Audit Partner - Grant Thornton, to present the report to the Committee.

Comments and questions were raised as follows:

- Difficulties during Pandemic and catch-up work/capacity issues in Team
- A staff re-structure of the Finance Team has been undertaken and this will now provide stability moving forward
- A notice of delay for the 2020/21 audit has been published on the Council's website in line with regulation
- Clarification/breakdown of the increase in fees - Grant Thornton/ Justify to PSAA for agreement
- Project Plan for Audit 2020/21 – Autumn 2022
- Grant Thornton revising samples following some changes made to the 2020/21 Accounts
- Civica Improvement modules / wider transactional
- Impact on Annual Governance Statement due to non-receipt of 2020/21 Accounts
- Audit deliverables

RESOLVED: That the Grant Thornton Progress Update Report be noted.

23 INTERNAL AUDIT ANNUAL REPORT AND OPINION 2021-22

Consideration was given to the Internal Audit Activities – Progress Report as contained on pages 201 to 218 of the Book of Reports, which was to present the 2021-22 Internal Audit Annual Report and Opinion for consideration.

The Corporate Compliance and Governance Manager outlined the report and responded to comments and questions raised by Members.

- The Chair suggested that the level be reduced from Moderate to Limited due to the number of Limited and No Assurance Audit Reports. This was rejected as it is the Corporate Compliance and Governance Managers independent opinion based on a number of factors, not just the results from Internal Audit Reports.
- Peer Review
- Risk Management / Pentana Training
- Independence of the Corporate Compliance and Governance Manager
- Style of working and efficiencies - MS Teams / face to face

RESOLVED: That the Internal Audit Annual Report and Opinion for 2021-22 be noted.

24 **INTERNAL AUDIT ACTIVITIES - PROGRESS REPORT**

Consideration was given to the Internal Audit Activities – Progress Report as contained on pages 219 to 229, which advised of progress against the 2022/23 Internal Audit Plan.

The Corporate Compliance and Governance Manager outlined the report and responded to comments and questions raised by Members:

- 14% of planned work completed
- One Internal Auditor has provided significant support to enable the completion of the NHS Data Security and Protection Toolkit
- Assurance Reports - D100 – Corporate / Housing Stock
- Performance Indicators – On target to complete Audit Plan by end of Financial Year
- Assurance Audit of Voids – Substantial piece of fieldwork/ lifecycle

RESOLVED: That Members note progress in the year to date.

25 **ANNUAL REPORT OF THE SENIOR INFORMATION RISK OWNER (SIRO) - 2021/22**

Consideration was given to the report of the Corporate Director of Transformation, Housing and Resources as contained on pages 231 to 247 of the Book of Reports, which provided an overview of West Lancashire Borough Councils obligation in meeting statutory regulatory requirements relating to the processing of personal, confidential, or identifiable data under the UK General Data Protection Regulation, the Data Protection Act 2018 and the Councils duty to be transparent through compliance within the Freedom of Information Act 2000.

The Corporate Compliance and Governance Manager outlined the report and responded to comments and questions in respect of:

- No changes to legislation 2020/21 GDPR Training
- Annual Training refresher for all staff

RESOLVED: That the Annual Report of the Senior Information Risk Owner (SIRO), as set out in Appendix 1 of the report, be noted.

26 **REGULATION OF INVESTIGATORY POWERS ACT - USE OF POWERS**

Consideration was given to the report of the Legal and Democratic Services Manager as contained on pages 249 to 250 of the Book of Reports, the purpose of which was to report on the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA).

The Legal and Democratic Services Manager outlined the report and responded to a question in relation to the pilot use of CCTV surveillance. She informed Members of the difference between 'overt' surveillance, where signage is used and "covert surveillance where the Regulation of Investigatory Powers Act 2000 (RIPA) apply.

RESOLVED: That it be noted that the Council has not had cause to use its powers under the Regulation of Investigatory Powers Act 2020 (RIPA) during the last 12 months.

27 **ANNUAL GOVERNANCE STATEMENT 2020/21**

Consideration was given to the annual Governance Statement 2020/21 as contained on pages 251 to 267 of the Book of Reports.

The Corporate Compliance and Governance Manager outlined details of the report.

Resolved: That the Annual Governance Statement 2020/21, as set out in Appendix 1 to the report, be deferred for approval pending the following actions:

1. That a follow up report be presented to a future meeting of the Committee from External Auditor Grant Thornton, in respect of feedback on the Derby Street Refurbishment Report.
2. That the Council's Financial Statements and External Auditor's Letter is available on the Council's website with note to say the 2021 Accounts are to be completed
- 3 That the Council produces Financial Statements in accordance with CIPFA's Practice on Local Authority Accounting in the UK following International Financial Reporting Standards (IFRS). The Financial Statements are scrutinised by the External Auditor with a separate report produced. (This is to be looked in to by Officers as the 2021 Accounts are not completed)

28 **WORK PROGRAMME**

Consideration was given to the Committee's 2022/23 Work Programme as set out on page 269 of the Book of Reports.

The Chairman informed that Georgia Jones, Key Audit Partner, Grant Thornton would provide a Briefing to Members on 'Value for Money' in October. He also asked for any suggestions to be put forward for the May 2023 meeting.

RESOLVED: A. That the Committee Work Programme 2022/23 be agreed.
B. That Georgia Jones, Key Audit Partner, Grant Thornton, provide a Briefing to Members on 'Value for Money' on 25 October 2022.

.....
Chairman

PLANNING COMMITTEE

HELD: Thursday, 28 July 2022

Start: 7.00 p.m.

Finish: 7.46 p.m.

PRESENT:

Councillor: D O'Toole (Chairman)

Councillors: M Anderson E Pope
A Blundell G Owen
P Burnside J Thompson
A Fennell D Westley
G Johnson Mrs J Witter
R Molloy

In attendance: Councillor J Howard (North Meols Ward)

Officers: Steve Faulkner – Planning Services Manager
Kate Jones – Planning Services Team Leader
Judith Williams – Assistant Solicitor
Jill Ryan – Senior Democratic Services Officer

9 APOLOGIES

There were no apologies for absence received.

10 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors J Finch, J Howard and A Fowler and the appointments of Councillors P Burnside, D Westley and R Molloy for this meeting only, thereby giving effect to the wishes of the Political Groups.

11 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business received.

12 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

13 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

14 MINUTES

RESOLVED: That the minutes of the meeting held on the 25 May 2022 be approved as a correct record and signed by the Chairman.

15 PLANNING APPLICATIONS

Consideration was given to the reports of the Corporate Director of Place and Community as contained on pages 25 of the 45 Book of Reports.

(Note: 1. An Objector spoke in connection with planning application 2022/0212/FUL relating to Land to the West of Todds Lane, Banks.

2. In accordance with Regulatory Procedure Rule 7(a) Councillor J Howard spoke as a Ward Councillor in connection with planning application 2022/0212/FUL relating to Land to West of Todds Lane, Banks.)

16 2022/0212/FUL - LAND TO THE WEST OF TODDS LANE, BANKS

The Corporate Director of Place and Community submitted a report on planning application 2022/0212/FUL relating to land to the West of Todds Lane, Banks.

RESOLVED: That planning application 2022/0212/FUL relating to Land to the West of Todds Lane Banks be refused for the following reason:

That the proposed design of the development would, by reason of its, scale massing and design, result in a cramped form of development which would be out of character with the area and be detrimental to the visual amenities of the street scene contrary to Policy GN3 of the West Lancashire Local Plan and the Supplementary Planning Document - Design Guide.

17 2022/0107/FUL - MOSSHOLM, 36 WARPERS MOSS LANE, BURSCOUGH

The Corporate Director of Place and Community submitted a report on planning application 2022/0107/FUL relating to Mossholm, 36 Warpers Moss Lane, Burscough.

RESOLVED: That planning application 2022/0107/FUL relating to Mossholm, 36 Warpers Moss Lane, Burscough be approved subject to the conditions and reasons as set out on pages 43 to 45 of the Book of Reports and with an additional condition and reason as set out below:

Additional Condition

That the development hereby permitted shall only be used for purposes ancillary to the enjoyment of the existing residential dwelling and no trade or business shall be carried out from the building at any time.

Reason:

To safeguard the amenities of occupants of existing dwellings located in the vicinity of the application site and to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

.....
Chairman

PLANNING COMMITTEE

HELD: Thursday, 8 September 2022

Start: 7.00 p.m.

Finish: 7.20 p.m.

PRESENT:

Councillor: D O'Toole (Chairman)
J Finch (Vice-Chairman)

Councillors: M Anderson G Owen
A Blundell E Pope
A Fennell J Thompson
A Fowler Mrs J Witter
J Howard

Officers: Steve Faulkner - Planning Services Manager
Kate Jones - Planning Services Team Leader
David Delaney – Planning Assistant Solicitor
Jill Ryan - Senior Democratic Services Officer

Note: At the commencement of the meeting, the Chairman called for 1 minutes silence to be observed recording the sad death of Her Majesty Queen Elizabeth II.

18 APOLOGIES

Apologies for absence were received on behalf of Councillor Gordon Johnson.

19 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

20 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no items of urgent business received.

21 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

22 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

23 MINUTES

RESOLVED: That the minutes of the meeting held on the 28 July 2022 be approved as a correct record and signed by the Chairman.

24 PLANNING APPLICATIONS

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 55 to 80 of the Book of Reports and on pages 81 to 82 of the Late Information Report.

25 2021/1420/FUL - RING O'BELLS PUBLIC HOUSE, RING O'BELLS LANE, LATHOM

The Corporate Director of Place and Community submitted a report on planning application 2021/1420/FUL relating to the Ring O'Bells Public House, Ring O'Bells Lane, Lathom.

RESOLVED: That planning application 2021/1420/FUL relating to the Ring O'Bells, Public House, Ring O'Bells Lane, Lathom be refused for the reasons as set out on page 67 of the Book of Reports.

26 2022/0455/FUL - 10 OLD RECTORY GREEN, AUGHTON

The Corporate Director of Place and Community submitted a report on planning application 2022/0455/FUL relating to 10 Old Rectory Green, Aughton.

RESOLVED: That planning application 2022/0455/FUL relating to 10 Old Rectory Green Aughton be approved subject to the conditions and reasons as set out on pages 76 to 77 of the Book of Reports but with an extra two conditions as listed below:-

Condition 2

The applicant is advised that United Utilities will not allow building over or in close proximity to a water main and will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. It is noted that a public sewer crosses the site and building will not be permitted over it.

Reason

United Utilities will require an access strip for maintenance or replacement. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, it is recommended that the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

Condition 3

The applicant is advised in respect of the National Planning Policy Framework (NPPF) and the National Planning Practice

Guidance (NPPG) which states that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Reason

The applicant is therefore advised to consider their drainage plans in accordance with the drainage hierarchy outlined above.

.....
Chairman



COUNCIL: 12 October 2022

Report of: Corporate Director of Transformation, Housing and Resources

Relevant Portfolio Holder: Councillor Y Gagen

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

OVERVIEW AND SCRUTINY ANNUAL REPORT 2021/22 AND REQUEST FOR ADDITIONAL RESOURCES

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To present the Overview and Scrutiny Annual Report 2021/22 and consider how Overview and Scrutiny is working at West Lancashire and seek additional resources in order to undertake the additional work arising from the creation of the four Task & Finish Groups that have been established and the additional pressures in Democratic Services.

2.0 RECOMMENDATION

- 2.1 That the Overview and Scrutiny Annual Report 2021/22, appended to this report, be noted and the Overview and Scrutiny Committees be commended on their work.
- 2.2 That a permanent allocation of 20 hours per week at Grade SO1 be assigned to facilitate the additional work arising from the creation of four Task & Finish Groups, either as a standalone Democratic Services Officer role or a more substantive role combined with other duties.
- 2.3 That an additional post 'Principal Democratic Services Officer' at Grade PO2 be created, as set out in paragraph 6.3 of this report to address the current resource issues.
-

3.0 BACKGROUND

3.1 The Overview and Scrutiny Annual Report, appended to this report, provides a retrospective insight into the important work undertaken by each of the Council's Overview and Scrutiny Committees during 2021/22 that has made a real difference

to the work of the authority and contains information on some of the subjects our Committees will be scrutinising during 2022/23.

- 3.2 In January 2022 the Council approved a number of recommendations following a review of the Overview & Scrutiny Function in West Lancashire, undertaken by the Member Development Commission. It was resolved "that the Corporate & Environmental Overview & Scrutiny Committee establish Task and Finish Groups to undertake in depth scrutiny work, rather than the work being undertaken by the main Committee". It was also resolved "that a permanent allocation of 10 hours per week at Grade SO1 at 10 hours per week be assigned to facilitate this work, either as a standalone Member Services Officer role or a more substantive role combined with other duties".

4.0 CURRENT POSITION

- 4.1 It was envisaged, when submitting those recommendations to Council in January 2022, that only one Task & Finish Group would be established, to reflect the previous commitment of the Committee, however in 2022/23, four Task and Finish Groups have been established in respect of the following:

1. Community Environmental Improvements, Including Community Orchards
2. Litter Clearance in West Lancashire, Including 'Fly Tipping' And 'Grot Spots'
3. Shop Front Improvements
4. Ormskirk Market

It is therefore apparent that this additional work cannot be accommodated within the current 10 hour per week allocated resource. Commencing the work of Task & Finish Groups has been unachievable within the current resource allocated. This report is therefore seeking approval for an additional 20 hour resource in order to progress this work.

- 4.2 Democratic Services provide a pivotal role in delivery of the Council's governance and decision-making processes. In May 2021 the Council went into a position of no overall control. As a result of which, in addition to the four Task and Finish Groups, new Committees and Working Groups have been created to allow for cross party involvement in key corporate projects. The creation of the new Committees and increased task and finish groups have resulted in a situation where current work demands cannot be met within current resources. Additional resource is required to ensure that proper governance and decision making processes are undertaken correctly irrespective of whether there is a change in governance arrangements and in order to maintain a support service for Councillors in their role.

5.0 SUSTAINABILITY IMPLICATIONS

- 5.1 Overview and Scrutiny arrangements can assist in involving the community in decisions which affect their lives.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 There are specific financial and resource implications arising from this report. The additional work associated with introducing additional task and finish groups

will require a permanent allocation of 20 hours per week at Grade SO1, either as a standalone Democratic Services Officer role or a more substantive role combined with other duties. A budget commitment of approx. £24,000 is required, which includes on-costs. The additional hours will facilitate and add value to the work being undertaken by the Council and build and evolve the scrutiny function in line with the corporate direction of travel.

6.2 The current staffing structure in Member Services consists of 1 x Democratic Services Manager – FT – Managing Member Services and Elections and the following are details of purely the Members Services Team who also have responsibility for Mayoral Services and Civic Engagements:

- 1 x Senior Democratic Services Officer – FT
- 2 x Democratic Services Officers – PT (4 days per week)
- 1 x Democratic Services Officer – PT (10 hours per week)
- 1 x Apprentice – FT (1 day in college)

6.3 Given the current extensive workloads currently experienced in Member Services, referred to at paragraph 4.2 above, the Council is also asked to approve the creation of one additional member of staff = 1 x full time Principal Democratic Services Officer at Scale PO2 at a cost of up to £53,000, which includes on-costs. Further staffing resources may be required if the proposed change in governance arrangements is approved and once officers have a full understanding of the work required both prior to and after implementation, a full review of staffing will be undertaken.

7.0 RISK ASSESSMENT

7.1 Effective overview and scrutiny arrangements are important in holding the executive to account, policy development and meeting statutory requirements.

8.0 HEALTH AND WELLBEING IMPLICATIONS

8.1 There are no direct health and wellbeing implications arising from this report, however it is inevitable that there will be future implications arising from the work that scrutiny will undertake at Committees and in the Task and Finish Groups, which will be considered.

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, or stakeholders. Therefore, no Equality Impact Assessment is required.

Appendices



COUNCIL: 12 October 2022

Report of: Simon Goacher (Independent Legal Adviser, Weightmans LLP) on behalf of the Chief Operating Officer

**Contact for further information: Jacky Denning (Extn. 5384)
(E-mail: jacky.denning@westlanacs.gov.uk)**

SUBJECT: CHANGE OF GOVERNANCE ARRANGEMENTS

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To present Council with the recommendations of the Political Governance Arrangements Working Group to move to a Committee System following a review undertaken and to set out the legal framework and implications for change.

2.0 RECOMMENDATIONS

2.1 That Council consider and note the following recommendations of the Working Group;

(a) That the council adopts the committee system form of governance with effect from the annual council meeting of the Council in 2024.

(b) That in respect of consultation arrangements:

(i) a referendum should not be held.

(ii) That a public consultation should not be held prior to a decision being made.

(iii) That consultation be undertaken with relevant stakeholders if a decision is taken to move to a Committee System

(c) That the following Committee structure be adopted:

Service/Policy Committees:

- Policy & Resources
- Housing & Health
- Environment

Statutory Committees:

- Audit and Governance Committee
- Licensing and Appeals Committee
- Licensing and Gambling Committee
- Planning Committee
- Standards Committee

Although other suggestions that come forward can be considered by the Working Group and Council.

2.2 That taking into account the recommendations of the Working Group above, the implications of change set out in paragraph 8 of the report, including the financial/resource implications, set out in paragraph 10, Council considers either:

- (i) To retain the current governance model
- (ii) Adapt current governance model to make it a hybrid/more inclusive model
- (iii) To move to a committee system with effect from the Annual Council meeting in 2024.

2.3 That should the Council resolve 2.2 (iii) above (To move to a committee system with effect from 2024):

- (a) Taking into account the 3 Committee model illustrations provided by the Centre for Governance & Scrutiny attached as Appendix 1 to this report and the examples of the committee structures of other authorities attached as Appendix 2, Council considers whether to endorse the recommendation of the Working Group to adopt the Committee structure set out at 2.1 (c) above.
- (b) That the Terms of Reference of the Political Governance Arrangements Working Group be expanded, in order to bring further reports back to Council, in respect of the following:
 - (i) The Consultation arrangements
 - (ii) The Size and Terms of Reference of Committees and to consider if any other bodies, such as Sub-Committee, Working Groups or Task & Finish Groups will be required.
 - (iii) Changes to the Constitution, including, but not limited to, the Scheme of Delegation to Chief Officers.
 - (iv) a review of the staffing required in Democratic Services to support the change.
- (c) That it be noted that the Independent Remuneration Panel will be called upon to undertake a review of the Members Allowance Scheme for 2024/25, following the all-out elections being held in May 2023.
- (d) That it be noted that the Member Development Commission will be consulted on proposals in relation to the required training for Members.

3.0 BACKGROUND

3.1 The Full Council at its meeting on the 15 December 2021 debated a Notice of Motion on the authority's political governance arrangements and resolved:

"A. *That this Council recognises that the current constitutional arrangements may not be well-suited to a situation of 'No Overall Control' and resolves to consider possible changes to its Constitution and to its Governance arrangements.*

B. *That the Chief Operating Officer is instructed to bring a Report to a Full Council Meeting no later than February 2023 setting out the options and necessary actions that would need to be taken into account to discontinue the existing Leader and Cabinet system of decision making and to revert to a Committee system, or any alternative legal system, with effect from the start of the civic year beginning in May 2023. The Report of the Chief Operating Officer is to also set out the statutory framework, possible options for political governance structures, timescales and detailed implications of any change.*

C. *That this Council also authorises:*

(a) *The establishment of a cross party working group to thoroughly investigate the options for any change in the political system of governance. The working group is to comprise 3 Labour, 2 Conservative and 1 Our West Lancashire Members and is to be chaired by Councillor David Whittington. The cross party working group is expected to report its findings to the Full Council Meeting no later than February 2023.*

(b) *An all Member briefing on the options for change and their implications to be provided with the support of the Centre for Governance & Scrutiny and/or the Local Government Association.*

(c) *That the Chief Operating Officer in consultation with the Chairman of the Cross-party working group be authorised to commission the above independent review and that it be funded by allocating appropriate reserves."*

3.2 Since that resolution was passed the Political Governance Arrangements Working Group has met and considered the options and implications for any change in governance arrangements. The Working Group has also received support from the Centre for Governance and Scrutiny on the options. There has been a full member presentation. The Working Group has also met with representatives from Wirral Borough Council which recently changed to the committee system of governance. More details on the work of the Working Group are set out below.

4.0 THE LEGAL FRAMEWORK

- 4.1 Chapter 4 of the Local Government Act 2000 (as amended by the Localism Act 2011) governs permissible forms of local authority governance and the rules to be followed in order to change form. Section 9KC of the Act states, a “resolution of a local authority” (i.e. a simple majority) is required in order for the council to make such a change in governance arrangements.
- 4.2 A local authority may not then pass another resolution that makes a change from one to another of the permissible forms of governance arrangements “before the end of the period of 5 years” beginning with the date the first resolution is passed, unless that change is supported in a referendum.
- 4.3 A resolution passed by the Authority to change from one of the permissible forms of governance arrangements to another will then be implemented only at:
- (a) the first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed, or
 - (b) a later annual meeting of the local authority specified in that resolution.
- 4.4 There is no requirement to hold a referendum when changing forms of governance (save where there has been a change within the previous five years or where a petition requesting a referendum signed by 5% of local electors is presented to the Council).
- 4.5 There is also no legal requirement to consult the local electorate when making a change to the form of governance.

5.0 WORKING GROUP PROGRESS

- 5.1 The Working Group met on 29 July 2022 and received a presentation from Ed Hammond of the Centre for Governance & Scrutiny, on the Committee System Model of governance. The working group passed the following motion:

"A. *That a change to a Committee System be pursued, potentially looking at something similar to Model 2 (streamlined) on the presentation from Ed Hammond, Centre for Governance & Scrutiny, but not ruling out other models:*

Model 2 (streamlined)

- *Main “Strategy and Resources Committee” (meeting once every 2 months)*
- *Three sub-committees (meeting quarterly) –*
 - *Housing*
 - *Regeneration*
 - *Public Realm / Environment*
- *External scrutiny committee*

B. *That a report be brought back to the Working Group on potential examples of Committee type structures and the legal costs involved in moving to from the Leader and Cabinet Model.*

- C. *That a meeting with officers and Members from Wirral Council be arranged to learn from their experience in moving to a Committee System from a Leader and Cabinet Model to a Committee System."*

6.0 ADVANTAGES AND DISADVANTAGES OF A COMMITTEE SYSTEM

- 6.1 The Working Group considered the advantages and disadvantages of a Committee System at its meeting on 29 June 2022.
- 6.2 In considering a change specifically from a Cabinet form of Governance to a Committee system there are a number of advantages and disadvantages of each system which would have to be considered and looked at in close detail. An all Member Briefing was also held on 25 July 2022, which outlined the various options available to the Council.
- 6.3 The following provided a very brief snapshot of what are often put forward as the pros and cons of each system:

(a) Committee System

Arguments often put in favour include:

- *There is broader membership involvement in decision making meaning it is more inclusive*
- *debate takes place before decisions considering all alternatives*
- *all decisions are made in public*
- *politically balanced Committees.*

Common criticisms include:

- *There is voting on party political lines and application of the 'whip' (no 'whip' at overview & scrutiny under executive arrangements);*
- *Decision making is more bureaucratic and slower*
- *increased officer briefings and support*
- *less individual responsibility and accountability so a diminution of leadership; and*
- *higher cost of administration.*

(b) Cabinet (Executive):

Arguments often put in favour include:

- *More efficient decision making*
- *clear lines of responsibility and transparency*
- *clear Leadership of the Council*
- *clear separation between decision makers and those holding to account; and*
- *easier partnership working.*

Criticisms include:

- *power is concentrated in a few hands*

- *party with control of the executive controls most decisions*
- *backbenchers are under-utilised; and*
- *decisions taken "behind closed doors".*

6.4 The Working Group also considered the advice received from Ed Hammond, Centre for Governance and Scrutiny at the meeting held on 25th March 2022:

- Don't focus on what other authorities have in place as each Council is different
- That no one form of governance is better than the other, everything depends on the behaviours and culture of the authority
- Dissatisfaction could be addressed, rather than a systematic change

7.0 OPTIONS

7.1 Although the Working Group has resolved that it wishes to continue to pursue a move to the committee system this is ultimately a decision which only full Council can make. In reaching such a decision full Council will need to evaluate each of the options which are:

- (i) Retain current governance model
- (ii) Adapt current governance model to make it a hybrid/mor inclusive model
- (iii) To move to a committee system

7.2 If Council resolves at this meeting to move to a committee system of governance from 2024, there are a number of options to consider. This includes what form the committee system should take, how many committees there should be and what level of decision-making responsibility they should have.

Current governance model

7.3 Members are aware of the strengths and weaknesses of the current model and some of the recognised pros and cons are set out in paragraph 6.3 above.

Adapting current governance model

7.4 There are ways in which the current form of governance could be adapted to retain the leader and executive model to try and address some of the perceived weaknesses of the model. These could include:

- strengthening of the overview and scrutiny system
- increasing pre-decision scrutiny/policy development
- creating politically balanced executive advisory committees effectively developing and strengthening the roles of the current Cabinet Working Groups; and/or
- strengthening area committee-based decision making.

This could lead to a more hybrid model without formally changing the form of governance.

Consultation/Referendum

- 7.5 To date there has been no consultation with the residents of the borough about whether the form of governance should be changed. This is a significant change which will have a major impact on the way the Council operates, in all likelihood for a period of at least 5 years. Despite the fact that there is no legal obligation to consult, the Council may feel it should seek the views of local residents in such a major change to the governance of the Council.
- 7.6 The Working Group has indicated that it does not believe that it is necessary to consult prior to the Council resolving to change the governance arrangements of the Council. However, it is proposed to consult with key stakeholders on the implementation of the new arrangements. In order for any consultation to be lawful and effective it must:
- be carried out when proposals are still at a formative stage
 - contain sufficient information to give 'intelligent consideration'
 - give adequate time for consideration and response
 - be properly considered and taken into account by decision makers
- 7.7 There is no requirement for the Council to hold a referendum on any proposed change of governance. However, it could choose to do so. This would involve putting any proposal to all local electors and would involve significant costs though these would be reduced if the referendum was held alongside the local elections.
- 7.8 Any change in the governance system would amount to a significant change in the way the Council makes decisions about its services and policies. There is no clear or consistent approach from other authorities which have changed forms of governance. However, clearly the Council needs to consider very carefully how and when it engages with residents on this important proposal.

Moving to a Committee System

- 7.9 There are two issues to consider in respect of this. Firstly, the date when any change should be implemented and secondly the committee structure which should be adopted.
- 7.10 The Working Group has recommended a change from 2024, given that there is likely to be a significant amount of work needed to implement any change of governance. The main work will require the constitution of the Council to be completely rewritten to reflect the new governance arrangements, the officer structure to support the new arrangements will need to be reviewed, the members' allowance scheme will need to be reviewed to reflect the new structure and there will need to be training for officers and members on the new arrangements. The Working Group agreed that undertaking this work to implement the new arrangements by May 2023 would be challenging and a resolution providing for implementation at the annual council meeting in 2024 would allow more time for these elements to be put in place and create less pressure on the delivery of other council priorities.

7.11 In terms of the Committee structure adopted the Council already has a number of non-executive decision making committees which deal with decisions on non-executive functions. These are:

- Audit and Governance Committee
- Licensing and Appeals Committee
- Licensing and Gambling Committee
- Planning Committee
- Standards Committee

These would be retained if the Council changed to a committee system of governance.

7.12 The 3 Committee model illustrations provided by the Centre for Governance & Scrutiny are attached as Appendix 1 to this report. Some examples of the committee structures of other authorities which have adopted the committee system are also attached as Appendix 2.

Recommendations of the Working Group

7.13 The Working Group's recommendation to the Council is that it resolves to change to a committee system form of governance to take effect from annual council in 2024.

7.14 The Working Group recommends that the committee system should include the following committees:

Service/Policy Committees:

- Policy & Resources
- Housing & Health
- Environment

Statutory Committees:

- Audit and Governance Committee
- Licensing and Appeals Committee
- Licensing and Gambling Committee
- Planning Committee
- Standards Committee

7.15 If Council approves the recommendation of the working group a further report will be brought to the next meeting of Council with more detail on the proposed membership and terms of reference of these committees. It is not anticipated that the terms of reference of the existing statutory committees will change. The Council are therefore asked to extend the terms of reference of the Working Group to consider this detail.

8.0 IMPLICATIONS OF CHANGE

8.1 There are significant implications for the Council in changing its decision-making structure to any new governance arrangements:

- A comprehensive rewrite of the Council's constitution, governance and decision-making processes would be required.
- A Comprehensive review of the Scheme of Delegation to Chief Officers.
- A new approach would be required to engagement with partners and partnerships, in the significantly changed partnership environment.
- Consideration of the impact on the decision flow and relationship with Directorate officer structure.
- Significant resource implications for those officers involved in formal and informal engagement with Councillors.
- A review would need to be carried out of the Members' Allowances Scheme

8.2 There are also specific significant implications for Democratic Services. There will be a need for:

- A complete overhaul of the members' remuneration arrangements in consultation with the Independent Remuneration Panel
- Additional extensive training for members and officers
- The servicing of the new committee structure
- A review of scrutiny arrangements - there would be no requirement for a formal scrutiny committee, however the crime and disorder scrutiny functions may still need to be retained.

9.0 SUSTAINABILITY IMPLICATIONS

9.1 A clear fundamental principal of any governance review must be that any system of governance must reflect and be designed to meet the requirements of the Council so that it can function effectively and efficiently support its service delivery framework to the community.

10.0 FINANCIAL AND RESOURCE IMPLICATIONS

10.1 There are major implications for any change in governance arrangements, in terms of resources, effective engagement with the public and Member and officer time and amendments to the Services Action Plans of relevant service areas. There are direct costs associated with making the change from one system to another, redrafting the constitution, making changes to rules of procedure and financial systems, project delivery and impact on forward work programmes, training and briefing costs for officers and Members and a full review of Members' Allowances will also be required.

10.2 It is difficult to identify the full costs of the implementation of the change to the governance system and there will be direct and indirect costs. However, based on the experience of other authorities it is likely that they will be in the region of £50,000-£100,000 in one off costs on internal and external resources to implement the changes. In addition, there may be a need for additional staffing costs to support the new structure.

10.3 The Council has been receiving external support from the Centre for Governance and Scrutiny (subsidised by the LGA) and Weightmans LLP which has supported officers. It is likely that additional external capacity will continue to be required should Council resolve to change the governance arrangements. The external

support is likely to be required in respect of legal advice and support on the changes and revised drafting of the constitution.

- 10.4 There will be a need for a comprehensive programme of training for members and officers on any new governance arrangements and the new constitution. The cost will depend on the detailed design of the training programme and procurement processes.
- 10.5 A change of governance arrangements will also require additional work from officers, in particular the Legal and Democratic Services Teams and this will be subject to a further report.
- 10.6 The Council is also looking into whether additional financial support would be available from the LGA to facilitate a change.
- 10.7 Any additional financial resources will need to be identified within the budget. Council will be aware of the savings requirements faced by the Council in setting its budget for 2023/4 and this will add additional strain.

11.0 RISK ASSESSMENT

Actions Required Following Approval in a change to the governance arrangements

- 11.1 A number of actions will follow if Council approves the recommendation of the Working Group. This will include:
 - Design and approval of the committee structure, including membership and terms of reference
 - Review and amend of the Members Allowances Scheme, including consideration by the Independent Remuneration Panel and Council
 - Amend the Council's constitution. This will need to include:
 - amendment of the responsibility for functions to remove references to executive decision making and allocate such decisions to the relevant committees
 - remove the executive/cabinet procedure rules
 - review the committee procedure rules
 - make consequential amendments to all parts where references are made to executive members.
 - Reviewing the supporting structures to ensure they align to and meet the needs of the new form of governance
 - A training programme for members and officers on the new arrangements and decision-making processes.
- 11.2 All of these actions will need officers to prepare reports for the consideration of the Working Group and all changes to the constitution will require full council approval. The risks involved in implementing a change from 2023 would be significant, the Working Group are therefore recommending a change from May 2024.
- 11.3 There are risks to the Council in any change of political governance structure in terms of cost; impact on resources; effective governance of the authority;

effective operation of the Council's decision-making structure in accordance with statutory requirements and the impact on the Council's member and officer structures.

12.0 HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no direct 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 – Centre for Governance and Scrutiny on potential committee structures*
- 2 – Analysis of committee structure used by other authorities*

Committee models: illustrations

Model 1 (traditional)

- Six policy committees (all meeting quarterly)
 - Corporate
 - Finance
 - Housing
 - Development and Regeneration
 - Community Services
 - Public Realm
- No separate scrutiny committee

Committee models: illustrations

Model 2 (streamlined)

- Main “Strategy and Resources Committee” (meeting once every 2 months)
- Three sub-committees (meeting quarterly) –
 - Housing
 - Regeneration
 - Public Realm / Environment
- External scrutiny committee

Committee models: illustrations

Model 3 (even more streamlined)

- Strategy and Resources Committee (meeting monthly)
- Performance Committee (meeting every two months)
- Task and finish panels for policy development

West Lancashire Council Report re Governance

Appendix 2 – other committee structures operated by local authorities

Swale Council (adopted committee system in May 2022)

Service/Policy Committees

Community Committee
Environment Committee
Housing and Health Committee
Policy and Resources Committee
Regeneration and Property Committee

Regulatory/Statutory Committees

Licensing Committee
Licensing Sub-Committee
Planning Committee
Planning Working Group

No Overview and Scrutiny Committee

St Albans Council (adopted committee system in May 2021)

Service/Policy Committees

Policy Committee
Public Realm Committee
Housing & Inclusion Committee
Regeneration & Business Committee

Regulatory/Statutory Committees

Audit Committee
Licensing and Regulatory Committee
Planning (Development Management Committee)
Standards Committee
Employment Committee

Overview and Scrutiny Committee

Arun District Council (Adopted committee system in May 2021)

Service/Policy Committees

Corporate Support Committee

Economy Committee

Environment Committee

Housing and Wellbeing Committee

Planning Policy Committee

Policy and Finance Committee

Regulatory/Statutory Committees

Audit & Governance Committee

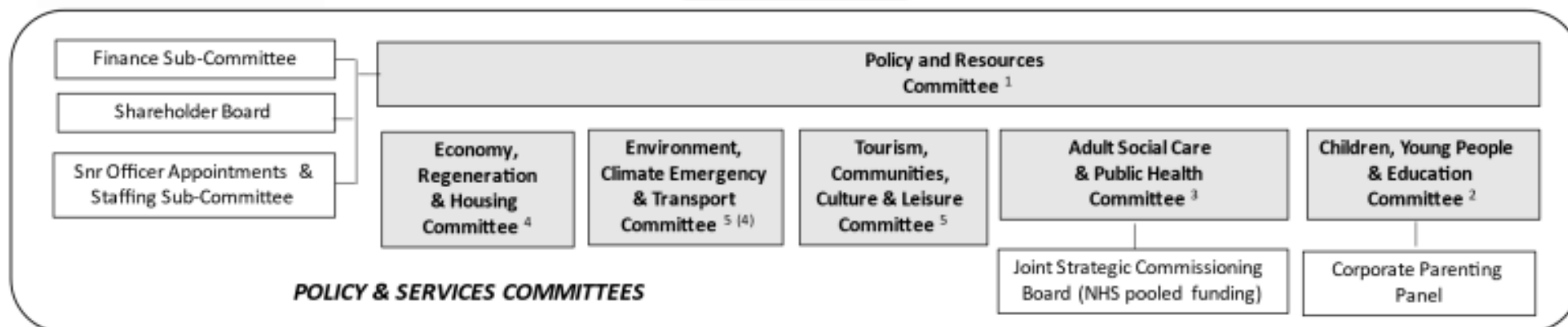
Licensing Committee

Licensing Sub-Committee

Planning Committee

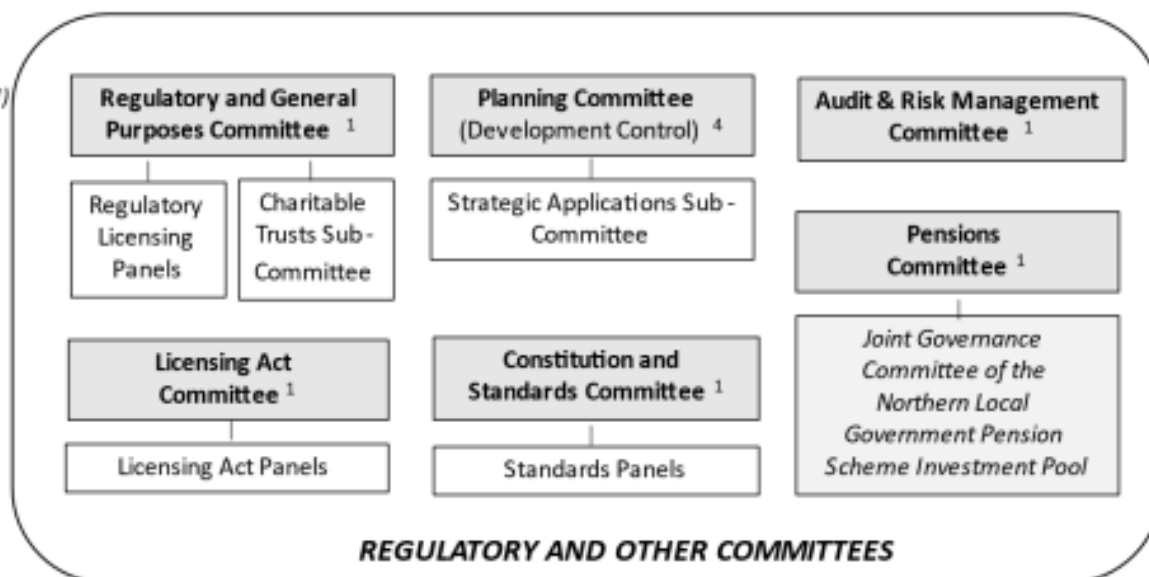
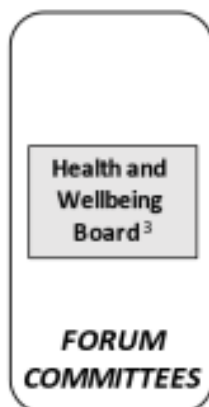
Standards Assessment Panel

Standards Committee



Lead Directors

1. CX, s151 & MO
2. Director for Children's Services (DCS)
3. Director for (Adult) Care and Health & Director of Public Health (DASS & DPH)
4. Director for Economic and Housing Growth & ACX
5. Director for Delivery Services & ACX



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

