

COUNCIL**HELD: Wednesday, 22 February 2023**

Start: 7.30 pm

Finish: 10.00 pm

PRESENT:

Councillors:

Mrs M Westley (Mayor)
K Mitchell (Deputy Mayor)
T Aldridge
R Bailey
A Blundell
P Burnside
V Cummins
G Dowling
A Fennell
J Finch
N Furey
J Gordon
L Gresty
P Hogan
K Jukes
J Mee
J Monaghan
P O`Neill
P Turpin
G Owen
S Patel
I Rigby
J Thompson
D West
D Whittington
K Wilkie
A Yates

M Anderson
Mrs M Blake
G Clandon
C Coughlan
D Daniels
I Eccles
J Fillis
A Fowler
Y Gagen
S Gregson
D Hirrell
J Howard
Mrs J Marshall
R Molloy
M Nixon
D O'Toole
D Owen
A Owens
E Pope
N Pryce-Roberts
J Upjohn
D Westley
J Wilkie
J Witter

Officers:

Jacqui Sinnott-Lacey, Chief Operating Officer
Chris Twomey, Corporate Director of Housing, Transformation & Resources
James Pierce, Head of Finance, Procurement and Commercial Services
Kathryn Sephton, Head of Environmental Services
Simon Kirby, Head of Wellbeing and Place Services
Paul Charlson, Head of Planning & Regulatory Services
Alan Leicester, Head of Housing Services
Kay Lovelady, Legal & Democratic Services Manager
Jacky Denning, Democratic Services Manager
Simon Peet, Corporate Finance Manager (Deputy S151)
Jacqueline Pendleton, Corporate Compliance & Governance Manager
Claire Kelly, Principal Solicitor and Deputy Monitoring Officer
Chantal Barton, Digital Communications Officer
Thomas Lynan, Electoral Services Manager
Catherine Kirwan, Procurement Manager
Jennifer Lunn, Assistant Solicitor

68 PRAYERS

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

69 APOLOGIES

Apologies for absence were received on behalf of Councillors Ian Davis and Gordon Johnson.

70 DECLARATIONS OF INTEREST

The following declarations were received:

1. All Members present declared a pecuniary interest in item 9 'Members' Allowances Scheme 2023/24 and in relation to item 12 'Determination of Council Tax 2023/24' but were entitled to speak and vote by virtue of an exemption.
2.
 - a) Councillors Bailey, Mrs Blake, Blundell, Gordon, Howard, Mrs Marshall, Mee, Gaynar Owen, Patel, Pope, Sutton, Whittington and Witter declared a pecuniary interest in relation to relevant lines in the budget in respect of item 11 'GRA Revenue & Capital Programme Budget Setting 2023/24' in relation to Parish Council matters in view of their membership of a Parish Council and indicated they would not participate in any detailed discussions which affected the finances of those bodies specifically.*
 - b) Councillors Aldridge, Bailey, O'Toole, Pope and D Westley declared a pecuniary interest in relation to relevant lines in the budget in respect of item 11 'GRA Revenue & Capital Programme Budget Setting 2023/24', as Members of Lancashire County Council (LCC) as did Councillors Coughlan, Cummins and Gagen as employees of LCC, and indicated that they would not participate in any detailed discussions which affected LCC.*
 - c) Councillor Mee declared a pecuniary interest in relation to relevant lines in the budget in respect of item 11 'GRA Revenue & Capital Programme Budget Setting 2023/24', as an member of the Executive Committee on Dial a Ride.

* By virtue of a dispensation granted by the Standards Committee all Councillors who have disclosable pecuniary or pecuniary interests in relation to relevant lines in the budget may participate and vote in the budget debates but not engage in detailed discussions about matters which affect those interests.

3. Councillors Bailey, Mrs Blake, Blundell, Gordon, Howard, Mrs Marshall, Mee, Gaynar Owen, Patel, Pope, Sutton, Whittington and Witter declared a non-

pecuniary interest in relation to item 12 'Determination of Council Tax 2023/24' in view of their membership of a Parish Council.

4. Councillors Aldridge, Bailey, O'Toole, Pope and D Westley declared a non pecuniary interest in relation to item 12 'Determination of Council Tax 2023/24', item 19 'Acquisition and Development of Land in Skelmersdale' and item 21b 'Motion - £2 bus fares for West Lancashire residents', as Members of Lancashire County Council, as did Councillors Coughlan, Cummins and Gagen as an employee of Lancashire County Council.
5. 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 14 'Housing Account – Revenue and Capital Budget Setting' 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).
6. Councillors Aldridge, Gregson, Mee, Nixon, Rigby, Sutton and K Wilkie declared a non-pecuniary interest in relation to item 14 'Housing Account – Revenue and Capital Programme' 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.
7. Councillors Pope and David Westley declared a non pecuniary interest in item 8 'Pay Policy Statement 2022/23' as a member of the Lancashire County Council Pension Fund Committee.
8. Councillor O'Toole declared a non pecuniary interest in relation to item 12 'Determination of Council Tax 2023/24' as a Member of Lancashire Combined Fire & Rescue Authority and Councillor K Wilkie as an employee.
9. Councillors Marshall and Rigby declared a disclosable pecuniary interests/pecuniary interests in relation to item 13 'Council Tax Reforms – Second Homes and Empty Homes), as a landlord of private rented property and left the room whilst the item was under consideration.

MINUTES

RESOLVED: That the minutes of the meeting of Council held on 14 December 2023 be agreed as a correct record and signed by the Mayor.

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

The Mayor announced that the Mayors Charity Ball was being held on 17 March 2023 at Lancashire Manor, although there were very few tickers left.

Councillor Blundell was congratulated on the birth of his son.

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

The following Question was received, and Members were advised that the following response had been circulated prior to the meeting:

61 Westgate – Questions from Councillor Adrian Owens

a) *The date on which 61 Westgate, Skelmersdale became vacant?*

Response

The previous internal Council occupier gave notice and moved out June 2022. As there were no immediate takers for the space - clearance of furniture, equipment and extensive filing was phased for some months after then, as were making good works to décor, carpets etc. Relocation of comms and other plant through external suppliers has become protracted, but this has not prevented the carrying out of viewings.

b) *The date on which the council started marketing 61 Westgate, Skelmersdale to potential new occupants?*

Response

June 2022.

c) *The marketing channels utilised to date in relation to marketing 61 Westgate, Skelmersdale?*

Response

Advertising hoardings at the property, Advertisement on the Council's Available Properties Across the Borough Internet web site. Rightmove is advertising offices to rent at the Sandy Lane Centre

d) *The cost to date of any marketing to secure a new occupant for 61 Westgate, Skelmersdale"*

Response

Under £1k. Plans to ramp up marketing activity if no interest is received shortly exist.

74 **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. Licensing & Appeals Committee – Tuesday 6 December 2022
- B. Budget/Council Plan Committee – Thursday 15 December 2022
- C. Leisure Procurement Committee – Wednesday 11 January 2023
- D. Planning Committee – Thursday 19 January 2023
- E. Tawd Valley Developments Shareholders Committee – Wednesday 25 January 2023
- F. Audit & Governance Committee – Tuesday 31 January 2023
- G. Licensing & Gambling Committee – Tuesday 7 February 2023

75 **PAY POLICY STATEMENT 2023/24**

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 667 to 690 of the Book of Reports, which sought approval of the Pay Policy Statement for 2023/24, detailing the Authority's policy on Workforce remuneration, as required by the Localism Act 2011.

- RESOLVED:
- A. That the Pay Policy Statement for 2023/24 attached at Appendix (i) be approved, published on the Council's website and included in the Constitution.
 - B. That the approval of any administrative updates following a pay award implementation or changes to pension contributions banding requirements during any particular year be delegated to the Corporate Director of Transformation, Housing & Resources in consultation with the portfolio holder for Human Resources.

76 **MEMBERS' ALLOWANCES SCHEME 2023/24 AND APPOINTMENT OF THE INDEPENDENT REMUNERATION PANEL (IRP)**

Consideration was given to the report of the Chief Operating Officer, as contained on pages 691 to 698 of the Book of Reports, which sought approval of the Members' Allowances Scheme for 2023/24 and the Membership of the Independent Remuneration Panel (IRP).

- RESOLVED:
- A. That it be noted that the IRP has not been asked for a report this year, but met as referred to in paragraph 4.1 of the report.
 - B. That a Members Allowance Scheme be made, effective from 1 April 2023, in accordance with the current scheme, incorporating:
 - (a) A Basic Allowance of £4,842 (no increase)
 - (b) Provision for Special Responsibility Allowances (SRA)

payments, as detailed on the Schedule attached as Appendix 1 (no change)

(c) Childcare and Dependent Carer's Allowance to be set at the same level as the Living Wage (£10.42 per hour from 1 April 2023).

C. That the Legal & Democratic Services Manager update the Members' Allowances Scheme for the period commencing 1 April 2023, such scheme to be incorporated into the Constitution and subsequently published.

D. That the Membership of the IRP for 2023/24 and the respective terms of office be noted and endorsed as follows:

Mrs G Stanley (Chairman) 1 May 2024

Mr I Thompson 1 May 2025

Mr J Boardman 1 May 2026

77 **SUSPENSION OF COUNCIL PROCEDURE RULE 13.4**

RESOLVED: That Council Procedure Rule 13.4 be suspended to enable the Portfolio Holder/Shadow Portfolio Holder/Spokesperson for OWL to present their budget statements, in respect of agenda items 11 (GRA Revenue and Capital Programme Budget Setting 2023/24) and 14 (Housing Account – Revenue and Capital Budget Setting).

78 **GRA REVENUE & CAPITAL PROGRAMME BUDGET SETTING**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 699 to 960 of the Book of Reports, which presented the updated Medium-Term Financial Forecast (MTFF) for 2024/25 to 2025/26, detailing the latest budget gap of £2.708m (£1.470m in 2024/25 and £1.238m in 2025/26) together with the reserves position as at 31 March 2022 and the forecast position to 2025/26 and Capital Strategy 2023/24 to 2025/26, to enable the Council to set a balanced Revenue budget and Capital Programme for the 3 years 2023/24 to 2025/26.

The Mayor advised that the minute of the Executive Overview & Scrutiny Committee had been circulated prior to the meeting, together with Conservative Group's budget proposals.

The Portfolio Holder for Finance and Economic Regeneration moved a Motion that provided details of the Labour Budget Proposals, which was seconded, as follows:

"That recommendations 2.7 to 2.12 be approved, subject to an additional £30,000 of support being provided to West Lancashire Dial-A-Ride, funded from the potential savings in member allowances, which will come into effect from May 2023."

Amendment (1) from the Conservative Spokesperson was moved and seconded as follows:

"That to mark the Coronation of King Charles by the re-dedication of Ormskirk Coronation Park and Skelmersdale Stanley Coronation Park by the installation of two decorative and inscribed stone blocks.

The costs involved, together with the costs of holding 2 dedication ceremonies, to be met from the savings in Councillors allowances arising from the reduction in the number of councillors."

The meeting was adjourned for 5 minutes

In accordance with Council Procedure Rule 16.5, voting on Amendment (1) was recorded as follows:

FOR: Councillors: Bailey, Mrs Blake, Blundell, Daniels, Eccles, Gordon, Gresty, Hirrell, Howard, Jukes, Mrs Marshall, Mee, O'Toole, A Owens, Pope, Turpin, D Westley, Mrs Westley, Whittington and Witter (TWENTY)

AGAINST: Councillors: Aldridge, Anderson, Burnside, Coughlan, Cummins, Dowling, Fennell, Fillis, Finch, Fowler, Furey, Gagen, Gregson, Hogan, Molloy, Monaghan, Nixon, O'Neill, D Owen, G Owen, Patel, Pryce-Roberts, Upjohn, West, J Wilkie, K Wilkie and Yates (TWENTY SEVEN)

ABSENTIONS: Councillors Clandon, Mitchell, Rigby and Thompson (FOUR)

Amendment (1) was LOST.

Amendment (2) from the Our West Lancashire Spokesperson was moved and seconded as follows:

"Additional spending
£30,000 to Dial a Ride subject to due diligence and value for money assessment from officers – one year only

Savings:
£39,000 from the members allowance budget from the reduction from 54 to 45 councillors for 11 months of the financial year – one year only

£20,000 estimated heating cost savings from reduction in operating temperatures from 22 deg C to 19 deg C (or as close to 19deg C where heating systems do not permit close control) in council's corporate offices to be introduced by the time heating systems are operational again in autumn 2023

£24,500 by reducing the spend on consultants by 10% compared to 2022/23 levels

£18,500 by increasing trade waste charges by 5%"

During the course of the debate, the £24,500 by reducing the spend on consultants was removed, including the removal of the figure of £20,000 for heating cost savings

to allow for further consideration.

The Portfolio Holder for Finance accepted the Our West Lancashire's budget proposals, as amended, with the agreement of the seconder and the meeting.

A vote was taken on the amended Motion, which was recorded as follows:

FOR: Councillors: Aldridge, Anderson, Burnside, Coughlan, Cummins, Dowling, Fennell, Fillis, Finch, Fowler, Furey, Gagen, Gregson, Hogan, Mitchell, Molloy, Monaghan, Nixon, D Owen, G Owen, A Owens, Patel, Pryce-Roberts, Thompson, Upjohn, West, J Wilkie, K Wilkie and Yates (TWENTY NINE)

AGAINST: Councillors: Bailey, Mrs Blake, Blundell, Clandon, Daniels, Eccles, Gordon, Gresty, Hirrell, Howard, Juckes, Mrs Marshall, Mee, O'Toole, Pope, Turpin, D Westley, Mrs Westley, Whittington and Witter (TWENTY)

ABSENCES: Councillors O'Neill and Rigby (TWO)

RESOLVED: A. That the General Revenue Account (GRA) budget for 2023/24 be approved based on the proposals presented in the report, with the inclusion of an additional £30,000 of support being provided to West Lancashire Dial-A-Ride, funded from the potential savings in member allowances, which will come into effect from May 2023, subject to due diligence and value for money assessment from officers – one year only

Savings:

- £39,000 from the members allowance budget from the reduction from 54 to 45 councillors for 11 months of the financial year – one year only
- Further consideration of heating cost savings from reduction in operating temperatures from 22 deg C to 19 deg C (or as close to 19 deg C where heating systems do not permit close control) in council's corporate offices to be introduced by the time heating systems are operational again in autumn 2023
- £18,500 by increasing trade waste charges by 5%

B. That the latest GRA Medium-Term Financial Forecast (MTFF) budget gap for 2024/25 to 2025/26 be noted.

C. That the latest GRA reserves position as at 31 March 2022 and forecast to 2025/26 be noted and the GRA reserves policy be approved.

- D. That the Capital Strategy along with the Capital Programme of £13.556m for the three years 2023/24 to 2025/26 be approved, that include:
- New bids of £651k;
 - Additional approvals for UK Shared Prosperity Fund £1.726m.
- E. That the Capital Strategy for 2023/24 to 2025/26, that includes the change of use of HRA right to buy capital receipts, be used in delivering the capital business plan of the HRA from 2024/25.
- F. That delegated authority be given to the Chief Operating Officer and the Corporate Director to take all necessary action to implement the changes resulting from the budget proposals.

79

DETERMINATION OF COUNCIL TAX 2023/24

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, which sought approval to set the Council Tax rate for each property band for the whole of the Borough Council's area, including the Council Tax rate as set by the County Council, the Police and Crime Commissioner for Lancashire, the Lancashire Combined Fire Authority, and the local Parish Council in parished areas and to confirm the statutory resolutions that are required in order to set the Council Tax for 2023/24.

A Motion, to approve recommendations 2.1 to 2.7 in the report, was moved and seconded.

In accordance with Council Procedure Rule 16.5, voting was recorded as follows:

FOR: Councillors: Aldridge, Anderson, Bailey, Mrs Blake, Blundell, Burnside, Clandon, Coughlan, Cummins, Daniels, Dowling, Eccles, Fennell, Fillis, Finch, Fowler, Furey, Gagen, Gordon, Gregson, Gresty, Hirrell, Hogan, Howard, Jukes, Mrs Marshall, Mee, Mitchell, Molloy Monaghan, Nixon, O'Neill, O'Toole, D Owen, G Owen, A Owens, Patel, Pope, Pryce-Roberts, Rigby, Thompson, Turpin, Upjohn, West, D Westley, Mrs Westley, Whittington, J Wilkie, K Wilkie, Witter and Yates (FIFTY ONE)

AGAINST: NONE

The Motion was CARRIED.

RESOLVED: A. That it be noted that on the 15 December 2022, the Borough Treasurer declared the Council Tax Base amounts set out in Appendix A for the financial year 2023/24 in accordance with

the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.

- B. That the Budget for the Council's own purposes for 2023/24 (excluding parish precepts) be set at £16,327,095 in accordance with the earlier Budget Requirement report.
- C. That the following amounts be now calculated by the Council for the financial year 2023/2024 in accordance with the Local Government Finance Act 1992 (the Act):
- a) £66,427,547 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
 - b) £57,128,935 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act
 - c) £9,298,612 being the amount by which the aggregate at C.(a) above exceeds the aggregate at C.(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
 - d) £244.09 being the amount at C.(c) above divided by 38,095.77 (the Tax Base) calculated by the Council in accordance with Section 31(B) of the Act, as the basic amount of its Council Tax for 2023/2024.
 - e) £730,111 being the aggregate amount of all special items (i.e. Parish Precepts) referred to in Section 34(1) of the Act.
 - f) £224.92 being the amount at C.(d) above, less the result given by dividing the amount at C.(e) above by 38,095.77 (the Tax Base), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for 2023/2024 for dwellings in those parts of its area to which no special item relates.
 - g) Part of the Council's area:

	£. p
Aughton	20.49
Bickerstaffe	33.53
Bispham	0.00
Burscough	39.08
Dalton	22.61
Downholland	37.51

Great Altcar	13.52
Halsall	37.09
Hesketh with Becconsall	43.23
Hilldale	59.79
Lathom	19.06
Lathom South	28.09
Newburgh	36.40
North Meols	34.55
Parbold	35.45
Rufford	40.73
Scarisbrick	18.77
Simonswood	18.62
Tarleton	37.63
Up Holland	23.74
Wrightington	17.52

being the amounts given by adding to the amount at C.(f) above the amounts of the special item relating to dwellings in those parts of the Council's area mentioned above divided in each case by the relevant Tax Base for those areas, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of the Council Tax for 2023/2024 for dwellings in those parts of its area to which a special item (i.e. Parish Precepts) relate.

- h) Part of the Council's area for each valuation band, being the amounts given by multiplying the amounts at C.(f) and C.(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (See Schedule 1).

- D. That it be noted that for the year 2023/2024 Lancashire County Council has stated the following amounts in precept issued to the Council, in accordance with Section 40 of the Act, for each of the categories of dwelling shown below:

VALUATION BANDS

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£. p	£. p	£. p	£ .p
1049.81	1224.77	1399.74	1574.71	1924.65	2274.58	2624.52	3149.42

- E. That it be noted that for the year 2023/2024 the Police and Crime Commissioner for Lancashire has stated the following amounts in precept issued to the Council in accordance with Section 40 of the Act for each of the categories of dwelling shown below:

VALUATION BANDS

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£ .p	£. p	£. p	£. p
167.63	195.57	223.51	251.45	307.33	363.21	419.08	502.90

- F. That it be noted that for the year 2023/2024 the Lancashire Combined Fire Authority has stated the following amounts in precept issued to the Council in accordance with Section 40 of the Act for each of the categories of dwelling shown below:

VALUATION BANDS

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£. p	£. p	£. p	£. p
54.85	63.99	73.13	82.27	100.55	118.83	137.12	164.54

- G. That having calculated the aggregate in each case of the amounts at C.(h), D., E. and F., the Council, in accordance with Section 30(2) of the Act, hereby sets the amounts shown in Schedule 2 as the amounts of Council Tax for the year 2023/2024 for each of the categories of dwellings shown.

80 COUNCIL TAX REFORMS - SECOND HOMES AND EMPTY HOMES

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 739 to 754 of the Book of Reports, which set out proposed changes to the council tax charged on second homes and long-term empty properties.

RESOLVED: That subject to the Levelling Up and Regeneration Bill becoming Law, that the proposed changes to council tax discounts set out in Appendix B to the report be approved.

(Note: Councillors Marshall and Rigby declared a pecuniary interest in this item and left the room whilst this item was under consideration and did not vote.)

81 HOUSING ACCOUNT - REVENUE AND CAPITAL BUDGET SETTING

Consideration as given to the Head of Finance, Procurement & Commercial Services, which sought approval to set the Housing Revenue Account (HRA) budget and capital investment programme for the next financial year 2023/24.

The Portfolio for Housing, moved a Motion to approve the recommendations at 2.1 to 2.7 of the report, which was seconded.

A vote was taken, the Motion was CARRIED.

- RESOLVED:
- A. That the rent and service charges set within delegated authority, as detailed in sections 4 and 5 of the report, be noted.
 - B. That the 2023/24 HRA budget in Appendix 1 to the report be approved.
 - C. That the 30 year capital programme detailed in paragraph 7.6 of the report be approved.
 - D. That the budget issues in paragraph 8.2 of the report be approved.
 - E. That, subject to any updated approvals in regard to Tawd Valley Developments, the HRA budgets be added to reflect the HRA share of each scheme cost, as detailed in paragraphs 7.7 to 7.10 of the report.
 - F. That the reserves policy, set out in appendix 2 to the report, be approved.
 - G. That delegated authority be given to the Director of Transformation, Housing and Resources to take all necessary action to implement the decisions of Council.

CAPITAL FINANCE AND TREASURY MANAGEMENT STRATEGY

Consideration was given to the report of the Head of Finance, Procurement and Commercial Services, as contained on pages 771 to 798 of the Book of Reports, which set the framework for capital financing and treasury management operations for the next financial year.

The Mayor advised that the minute of Executive Overview & Scrutiny Committee had been circulated prior to the meeting.

- RESOLVED:
- A. That the projected position in respect of the Prudential Indicators for 2022-23, set out in Appendix 1 to the report, be noted.
 - B. That the Treasury and Prudential Indicators for the next three years, set out in Appendix 1 to the report, be agreed.
 - C. That the capital expenditure projections, set out in Appendix 1 to the report, be agreed.
 - D. That the Capital Financing Requirement projections, set out in Appendix 1 to the report, be agreed.

- E. That the Minimum Revenue Provision Policy, as set out in section 4.5 of the report, be agreed.

83 **PUBLIC SPACE PROTECTION ORDER (DOG CONTROL PROVISIONS)
RESULTS OF THE CONSULTATION**

Consideration was given to the report of the Corporate Director of Place & Community, as contained on pages 797 to 906 and 981 to 988 of the Book of Reports, which sought approval to renew the Councils' existing Public Space Protection Order which details numerous Dog Control provisions for locations across the Borough and included two additional locations.

The Mayor advised that a revised Appendix 2 had been circulated prior to the meeting.

- RESOLVED: A. That the results from the public consultation conducted between 15th December 2022 and 26th January 2023 be noted.
- B. That the Public Space Protection Order detailed in the revised Appendix 2 be approved for renewal for a 3-year period commencing on 1st April 2023 with the inclusion of the two additional locations as outlined in the public consultation.

84 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of that Act and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

85 **TAWD VALLEY DEVELOPMENTS LTD - BUSINESS PLAN UPDATE**

Consideration was given to the report of the Chief Operating Officer, as contained on pages 825 to 906 of the Book of Reports, which sought approval for the latest business plan of Tawd Valley Developments Limited (TVDL), which is the Council's wholly owned development company.

The Mayor advised that the Minute of the Tawd Valley Developments Shareholders Committee had been circulated prior to the meeting.

A Motion to approve the recommendations at 2.1 and 2.2 of the report was moved and seconded.

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

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

A vote was taken on the original Motion, which was CARRIED.
(Councillor Rigby asked that his vote against the Motion be recorded.)

- RESOLVED:
- A. That the TVDL business plan set out in the Appendix to this report be approved.
 - B. That the financial implications for the Council arising from the business plan, as set out in section 5 of the report, be approved.

86

ACQUISITION AND DEVELOPMENT OF LAND IN SKELMERSDALE

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 907 to 918 of the Book of Reports, which set out an opportunity for the Council to acquire and develop a derelict site in Skelmersdale for an affordable housing scheme and to obtain approval to proceed with the scheme, including authorising the release of the appropriate funds.

A Motion to approve the recommendations at 2.1 to 2.4 of the report, was moved and seconded.

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

During the debate, the mover and seconder accepted the Amendment, with the agreement of the meeting.

A vote was taken on the Amended Motion, which was CARRIED.

- RESOLVED:
- A. That authority be delegated to the Head of Finance, Procurement and Commercial Services, in consultation with the Portfolio Holder for Finance & Economic Regeneration, to bid to acquire the site of the former Hope High School either by private treaty or on the open market by way of tender, auction or other open market method of sale, up to the value compatible with the development appraisal prepared by Tawd Valley Developments Limited, as referenced within the report.
 - B. That should the Council's bid be accepted, authority be delegated to the Head of Finance, Procurement and Commercial Services, in consultation with the Portfolio Holder for Finance & Economic Regeneration, to undertake all steps necessary to complete the acquisition of the site.
 - C. That the development appraisal attached to this report be approved as a basis for the proposed acquisition and development.

- D. That Tawd Valley Developments Limited (TVDL) be authorised to proceed with the proposed development in accordance with the project plan and costings set out in Paragraphs 4.2 and 7.1 and Appendix 3 of the report.
- E. That that the financial limit to which the Council be authorised to bid for the land, be based on the valuation provided by the District Valuer and included in an up to date development appraisal from Tawd Valley Developments Ltd.

(Note: This item was considered before item 18 on the agenda 'Tawd Valley Developments Ltd – Business Plan Update'.)

87 **OPTIONS FOR OPERATING AND MAINTAINING EXISTING LEISURE FACILITIES IN ORMSKIRK, SKELMERSDALE AND BURSCOUGH**

Consideration was given to the report of the Corporate Director of Place & Community, as contained on pages 919 to 948 of the Book of Reports, which provided an update on the revised leisure centre operator approach following the Council meeting dated 15th December 2021, highlighted key information concerning the proposed alternative leisure centre operator strategies following an Officer led optional appraisal and set out a cost forecast for each of the alternative leisure centre operator strategies.

The Mayor advised that an Addendum to the report had been circulated with the agenda.

- RESOLVED:
- A. That Option A - Bring services for existing facilities in-house until such time as facilities reach the end of their safe operating period and are replaced by new facilities at Skelmersdale and Ormskirk (including a refurbished Burscough).
 - B. That the Corporate Director of Place and Community be delegated authority to take all necessary steps and actions and procure and enter such contracts that are required in order to deliver Option A.
 - C. That SERCO staff be transferred to the Council, to be continued until such time as the current Leisure Facilities are closed.
 - D. That the financial and resource implications as set out within section 12 of this report be approved from within a combination of existing budgets and a growth request.

88 **MOTIONS**

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

89 **EXEMPTION ON VOTER IDENTITY REQUIREMENTS - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR ADAM YATES**

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

"Council notes:

a) that the requirement for photographic voter identification prior to receiving a ballot paper for Local elections, Police and Crime Commissioner elections, Parliamentary By-elections, and Recall Petitions, set out at Schedule 1, paragraph 18, sub-para 1(H) of the Elections Act 2022, as an amendment to Schedule 1 of the Representation of the People's Act 1983, comes into effect from May 2023, with the same requirements for UK General Elections coming into force from October 2023;

b) that the range of documents deemed to be acceptable as a means of proof of identity under Schedule 1 of the Elections Act 2022 is limited, and may be considered to be discriminatory towards younger people;

c) that the procedure for, and means of, obtaining a Voter Authority Certificate, in cases where a voter does not possess accepted photographic evidence of identity of the type set out in the Elections Act 2022, were only formally made law in the Voter Identification Regulations 2022 (2022/1382) on December 22nd 2022, and that the online process for this only began in January 2023;

d) that the Department for Levelling Up & Communities acknowledged, two weeks into the availability of this online process, that only 10,000 applications for a Voter Authority Certificate had been made, with this being just 0.5% of the total number of people estimated to need such a certificate if they wish to vote under the new requirements from May 2023;

e) that by consequence of the legislation and arrangements set out at paras a) to d) above, there is a significant risk of excluding people from the electoral process who would otherwise have participated in it, in a way which may cause both disaffection with democracy overall and, on election days, hostility towards staff tasked with managing the election process;

Council further notes:

f) that a local authority is entitled to submit a proposal to the Secretary of State for the according of such powers under the procedure set out at Section 5A of the Sustainable Communities Act 2007 (as amended in 2010) (the Act), in cases where a local authority considers that new powers accorded to it would "contribute to promoting the sustainability of local communities" (Section 2 of the Act);

g) In addition, that individual submissions may also be made to the Secretary of State in accordance with the Sustainable Communities Regulations 2012 (the Regulations) and central government guidance entitled: "Sustainable Communities Act and barrier busting: how to submit proposals" (the Guidance);

h) That the Sustainable Communities Act 2007:

i) specifically includes “social well-being” within its interpretation of the sustainability of local communities (Section 1, para 2), and that “social well-being includes participation in civic and political activity” (Section 1, para 3);

ii) that para 1(h) of the Schedule pertaining to Section 2 of the Act specifically refers to “the increase in social inclusion, including an increase in involvement in local democracy” as one of “the matters to which a local authority must have regard”;

i) That in consequence of para h i) & ii) of this motion, powers sought by a local authority that might enhance such activity may reasonably be considered as;

- i) in accordance with the purpose of the overall Act, and therefore such powers which might mitigate negative impacts of the provisions of the Elections Act 2022; and
- ii) a legitimate matter for a proposal under the Sustainable Communities Act 2007 and associated secondary legislation.

Council Resolves:

1. That Council, in accordance with, and by consequences of paras a) to i) above, instructs the Leader and the Chief Operating Officer to take action (as outlined in paragraph 3 below) in order to raise a proposal for a new power to be accorded to the local authority, under the process set out at Section 5A of that Act, which allows the Chief Operating Officer (in her role as Returning Officer) to make exempt from the provisions of the Elections Act 2022 and associated secondary legislation, all persons wishing to vote within West Lancashire who would otherwise be unable to do so if those provisions were applied;
2. That this power of exemption be sought for the May 2023 local elections and for any subsequent applicable elections, until such time as either the regulations governing accepted voter identification documentation and Voter Authority Certificates are adjusted or removed, in order to ensure that that there is no risk of social well-being (as interpreted in the Sustainable Community Act 2007) being adversely affected by limitations to civic participation, or the number and percentage of people in receipt of Voter Authority Certificates is high enough to merit the cessation of the power of exemption. This hereby being know hereafter as "the Proposal";
3. That the steps outlined above shall be taken forward as follows:
 - a. That by the 24th February 2023 the Leader of the Council shall submit the proposal via the "Barrier Busting" application facility contained within the Guidance
 - b. In accordance with the requirements contained within the Regulations, the Chief Operating Officer will arrange for a public consultation to be

undertaken on the Proposal to take place via the Council's website and last for a period of 14 days.

- c. Following the close of the consultation period and in accordance with the Regulations the Proposal and consultation responses will be submitted in accordance with the Guidance.
 - d. Within both submissions outlined in paragraph 3a to 3c above there shall be a requirement that the Secretary of State for the Department of Levelling Up & Communities reply with a definitive response to the proposal within 10 working days of the date of the submission of the proposal, in light of the short timescale for action caused by the lateness of legislation and associated online application processes in respect of the May 20232 elections
4. That, in the event of the Secretary of State assenting to the Proposal and granting powers of exemption to the Chief Operating Officer (as Returning Officer or equivalent title), that the setting of criteria for exemption from the requirements set out under the Elections Act 2002 and associated regulations be delegated to the Chief Operating Officer in consultation with the Leader;
 5. That, in the event of the Secretary of State not assenting to the proposal and granting powers of exemption, power be delegated to the Chief Operating Officer to submit the proposal for consideration by the Selector (the Local Government Association), in accordance with para 5 of the Sustainable Communities Regulations 2012 (2012/1523), such that the Selector might then resubmit the proposal to the Secretary of State and that the duty of the Secretary of State to "consult and try to reach agreement with the selector before making a decision as to whether or not to implement the submitted proposal, in whole or in part" (para 5(b) of the same regulations, be triggered;
 6. That given the pending elections in May a progress report on the matter be brought to Full Council as soon as possible."

A vote was taken and at the request of a Member, voting was recorded as follows:

FOR: Councillors: Aldridge, Anderson, Burnside, Coughlan, Cummins, Dowling, Fennell, Fillis, Finch, Fowler, Furey, Gagen, Gregson, Hogan, Mitchell, Molloy, Monaghan, Nixon, O'Neill, D Owen, G Owen, A Owens, Patel, Pryce-Roberts, Thompson, Upjohn, West, J Wilkie, K Wilkie and Yates (THIRTY)

AGAINST: Councillors: Bailey, Mrs Blake, Blundell, Daniels, Eccles, Gordon, Gresty, Howard, Jukes, Mrs Marshall, Mee, O'Toole, Pope, Turpin, D Westley, Mrs Westley, Whittington and Witter (EIGHTEEN)

ABSENCES: Councillors Clandon and Rigby (TWO)

(Council Hirrell left the meeting prior to consideration of this item.)

The Altered Motion was CARRIED.

RESOLVED: A. That it be noted:

- a) that the requirement for photographic voter identification prior to receiving a ballot paper for Local elections, Police and Crime Commissioner elections, Parliamentary By-elections, and Recall Petitions, set out at Schedule 1, paragraph 18, sub-para 1(H) of the Elections Act 2022, as an amendment to Schedule 1 of the Representation of the People's Act 1983, comes into effect from May 2023, with the same requirements for UK General Elections coming into force from October 2023.
- b) that the range of documents deemed to be acceptable as a means of proof of identity under Schedule 1 of the Elections Act 2022 is limited, and may be considered to be discriminatory towards younger people.
- c) that the procedure for, and means of, obtaining a Voter Authority Certificate, in cases where a voter does not possess accepted photographic evidence of identity of the type set out in the Elections Act 2022, were only formally made law in the Voter Identification Regulations 2022 (2022/1382) on December 22nd 2022, and that the online process for this only began in January 2023.
- d) that the Department for Levelling Up & Communities acknowledged, two weeks into the availability of this online process, that only 10,000 applications for a Voter Authority Certificate had been made, with this being just 0.5% of the total number of people estimated to need such a certificate if they wish to vote under the new requirements from May 2023.
- e) that by consequence of the legislation and arrangements set out at a) to d) above, there is a significant risk of excluding people from the electoral process who would otherwise have participated in it, in a way which may cause both disaffection with democracy overall and, on election days, hostility towards staff tasked with managing the election process.

B. That it be noted:

- a) that a local authority is entitled to submit a proposal to the Secretary of State for the according of such powers under the procedure set out at Section 5A of the Sustainable Communities Act 2007 (as amended in 2010) (the Act), in cases where a local authority considers that new powers

accorded to it would “contribute to promoting the sustainability of local communities” (Section 2 of the Act).

- b) In addition, that individual submissions may also be made to the Secretary of State in accordance with the Sustainable Communities Regulations 2012 (the Regulations) and central government guidance entitled: “Sustainable Communities Act and barrier busting: how to submit proposals” (the Guidance).
- c) That the Sustainable Communities Act 2007:
 - i) specifically includes “social well-being” within its interpretation of the sustainability of local communities (Section 1, para 2), and that “social well-being includes participation in civic and political activity” (Section 1, para 3);
 - ii) that para 1(h) of the Schedule pertaining to Section 2 of the Act specifically refers to “the increase in social inclusion, including an increase in involvement in local democracy” as one of “the matters to which a local authority must have regard”.
- d) That in consequence of B c) i) & ii) above, powers sought by a local authority that might enhance such activity may reasonably be considered as:
 - i) in accordance with the purpose of the overall Act, and therefore such powers which might mitigate negative impacts of the provisions of the Elections Act 2022; and
 - ii) a legitimate matter for a proposal under the Sustainable Communities Act 2007 and associated secondary legislation.
- C. That Council, in accordance with, and by consequences of A. a) to e) and B. a) to d) above, instructs the Leader and the Chief Operating Officer to take action (as outlined in paragraph E. below) in order to raise a proposal for a new power to be accorded to the local authority, under the process set out at Section 5A of that Act, which allows the Chief Operating Officer (in her role as Returning Officer) to make exempt from the provisions of the Elections Act 2022 and associated secondary legislation, all persons wishing to vote within West Lancashire who would otherwise be unable to do so if those provisions were applied.
- D. That this power of exemption be sought for the May 2023 local elections and for any subsequent applicable elections, until such time as either the regulations governing accepted voter identification documentation and Voter Authority Certificates are

adjusted or removed, in order to ensure that that there is no risk of social well-being (as interpreted in the Sustainable Community Act 2007) being adversely affected by limitations to civic participation, or the number and percentage of people in receipt of Voter Authority Certificates is high enough to merit the cessation of the power of exemption. This hereby being know hereafter as "the Proposal".

- E. That the steps outlined above shall be taken forward as follows:
- a) That by the 24th February 2023 the Leader of the Council shall submit the proposal via the "Barrier Busting" application facility contained within the Guidance.
 - b) In accordance with the requirements contained within the Regulations, the Chief Operating Officer will arrange for a public consultation to be undertaken on the Proposal to take place via the Council's website and last for a period of 14 days.
 - c) Following the close of the consultation period and in accordance with the Regulations the Proposal and consultation responses will be submitted in accordance with the Guidance.
 - d) Within both submissions outlined in paragraph E. a) to c) above there shall be a requirement that the Secretary of State for the Department of Levelling Up & Communities reply with a definitive response to the proposal within 10 working days of the date of the submission of the proposal, in light of the short timescale for action caused by the lateness of legislation and associated online application processes in respect of the May 2023 elections.
- F. That, in the event of the Secretary of State assenting to the Proposal and granting powers of exemption to the Chief Operating Officer (as Returning Officer or equivalent title), that the setting of criteria for exemption from the requirements set out under the Elections Act 2002 and associated regulations be delegated to the Chief Operating Officer in consultation with the Leader.
- G. That, in the event of the Secretary of State not assenting to the proposal and granting powers of exemption, power be delegated to the Chief Operating Officer to submit the proposal for consideration by the Selector (the Local Government Association), in accordance with para 5 of the Sustainable Communities Regulations 2012 (2012/1523), such that the Selector might then resubmit the proposal to the Secretary of State and that the duty of the Secretary of State to "consult and

try to reach agreement with the selector before making a decision as to whether or not to implement the submitted proposal, in whole or in part" (para 5(b) of the same regulations, be triggered.

- H. That given the pending elections in May a progress report on the matter be brought to Full Council as soon as possible.

90 **£2 BUS FARES FOR WEST LANCASHIRE RESIDENTS - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR GARETH DOWLING**

With the agreement of the meeting, the following Altered Motion was moved and seconded:

"This Council notes:

That a national scheme to bring bus fares down to a flat rate of £2, or £1 for a child, and day pass down to £5, or £2.50 for a child, was brought into operation on 1 January 2023 for a pilot period of three months. This has been extended for a period of three months to 30 June 2023.

The Liverpool City Region and Greater Manchester Combined Authority adopted these subsidy schemes prior to the national pilot, and intend to continue beyond the pilot period.

In Greater Manchester, figures show a 10% increase in the number of bus journeys. Residents in West Lancashire would not qualify for these reduced fares beyond 30 June 2023, despite many of these services beginning or ending within LCR or GMCA boundaries, eg 375/385, 300/310.

Many West Lancashire residents rely on local bus services to reach employment, training, skills, education, shopping, medical appointments, family, friends and social opportunities across both LCR and GMCA.

Lancashire County Council are the Highways and Transport Authority covering the West Lancashire area, and manage the Bus Service Improvement Plan (BSIP).

This Council believes:

That the continuation of this reduced fare would actively support West Lancashire residents through the cost of living crisis, increase social mobility, open further opportunities for employment and skills, and support this council's Climate Change Strategy and Action Plan.

This Council resolves:

That the Chief Operating Officer write to the Chief Executive at Lancashire County Council calling for the consideration of using their Transport budget monies to facilitate or subsidise the reduced fares as they currently are, beyond the 30 June 2023, on any affected route.

That the Chief Operating Officer instruct West Lancashire Borough Council officers to work closely with Lancashire County Council officers, neighbouring city regions of Liverpool and Greater Manchester and bus operators to secure agreement."

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

RESOLVED: A. That this Council notes:

- That a national scheme to bring bus fares down to a flat rate of £2, or £1 for a child, and day pass down to £5, or £2.50

for a child, was brought into operation on 1 January 2023 for a pilot period of three months. This has been extended for a period of three months to 30 June 2023.

- That Liverpool City Region and Greater Manchester Combined Authority adopted these subsidy schemes prior to the national pilot, and intend to continue beyond the pilot period.
- That in Greater Manchester, figures show a 10% increase in the number of bus journeys.
- That residents in West Lancashire would not qualify for these reduced fares beyond 30 June 2023, despite many of these services beginning or ending within LCR or GMCA boundaries, eg 375/385, 300/310.
- That many West Lancashire residents rely on local bus services to reach employment, training, skills, education, shopping, medical appointments, family, friends and social opportunities across both LCR and GMCA.
- That Lancashire County Council are the Highways and Transport Authority covering the West Lancashire area, and manage the Bus Service Improvement Plan (BSIP).

- B. That this Council believes that the continuation of this reduced fare would actively support West Lancashire residents through the cost of living crisis, increase social mobility, open further opportunities for employment and skills, and support this council's Climate Change Strategy and Action Plan.
- C. That the Chief Operating Officer write to the Chief Executive at Lancashire County Council calling for the consideration of using their Transport budget monies to facilitate or subsidise the reduced fares as they currently are, beyond the 30 June 2023, on any affected route.
- D. That the Chief Operating Officer instruct West Lancashire Borough Council officers to work closely with Lancashire County Council officers, neighbouring city regions of Liverpool and Greater Manchester and bus operators to secure agreement.

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THE MAYOR