

COUNCIL

HELD: Wednesday, 19 July 2023

Start: 7.30 pm

Finish: 8.50 pm

PRESENT:

Councillor: M Nixon (Mayor)

J Finch (Deputy Mayor)

Councillors:

T Aldridge

R Bailey

P Burnside

V Cummins

T Devine

I Eccles

J Fillis

T De Freitas

Y Gagen

N Hennessy

P Hesketh

J Howard

K Lloyd

R Molloy

M Parlour

E Pope

I Rigby

Webster

D Westley

J Witter

M Anderson

A Blundell

C Coughlan

D Daniels

G Dowling

A Fennell

A Fowler

N Furey

J Gordon

P Hennessy

P Hogan

S Lawton

Mrs J Marshall

G Owen

S Patel

Marsh-Pritchard

N Pryce-Roberts

D West

D Whittington

A Yates

Officers:

Jacqui Sinnott-Lacey, Chief Operating Officer

Chris Twomey, Corporate Director of Housing, Transformation & Resources

James Pierce, Head of Finance, Procurement and Commercial Services Section 151 Officer

Kay Lovelady, Head of Legal & Democratic Services

Jacky Denning, Democratic Services Manager

Chantal Barton, Digital Communications Officer

Thomas Lynan, Electoral Services Manager

11 PRAYERS

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

12 APOLOGIES

Following the Countermanded Election held on 22 June, the Mayor welcomed new members Councillors Linda Webster and Thomas Marsh-Pritchard and also welcomed back Councillor Ian Rigby.

The Mayor also paid tribute to Councillor Paul Turpin who was no longer a Member of the Council following that Countermanded Election and thanked him for his service to the Council.

Apologies for absence were received on behalf of Councillors Rear, Jukes and Mrs M Westley.

13 DECLARATIONS OF INTEREST

The following declarations were received:

1. Councillors Blundell, de Freitas, Gordon, Howard, Mrs Marshall, Gaynar Owen, Pope, Webster, Whittington and Witter declared a non-pecuniary interest in relation to item 12 'Capital Programme Out-Turn 2022-23' and item 17 'Linear Parks Update' in view of their membership of a Parish Council.
2. Councillors Aldridge, Bailey, Pope and D Westley declared a non pecuniary interest in relation to item 12 Capital Programme Out-Turn 2022-23 and item 17 'Linear Parks Update', 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 and West (Tenant of a Council flat/house) Coughlan (Tenant of a Council garage) declared a non-pecuniary interest in relation to item 14 'HRA – Revenue & Capital Outturn' 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, de Freitas, Nixon and Rigby declared a non-pecuniary interest in relation to item 14 'HRA – Revenue & Capital Outturn' 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 meeting held on 17 May 2023 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 an Extraordinary Council meeting will be held at 6.45pm on Wednesday 18 October 2023 to confer upon Mrs May Blake, the title of Honorary Alderman of the Borough of West Lancashire in recognition of the eminent services which she has rendered to the Council of the Borough of West Lancashire during the 28 years in which she was a Member of the Council.
2. That the fund-raising Committee are organising a Red Carpet Cinema Night at the end of September or first week in October. The date to be confirmed.
3. Civic Sunday would be held on Sunday 10 September at 2.30pm at St Anne's RC Church, Prescott Road, Ormskirk.

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

The following question and response was circulated prior to the meeting:

Planning Application 2019/0366/FUL – Question from Councillor Marsh-Pritchard

To ask the Council Leader, in relation to the Planning Application 2019/0366/FUL Demolition of existing structures and erection of a foodstore (Use Class E(a)) and trade counter unit (Use Class B8) | Pennylands House, High Street, Skelmersdale which was considered by Planning committee on 16 February 2023:

- a. *To confirm that conditions 9 and 10 approved by Planning Committee have been fulfilled to the satisfaction of the council*
- b. *If the conditions 9 and 10 have not yet been fulfilled what further steps the Council will contemplate to preserve the amenity of local residents during the construction phase of the development given that construction is already underway"*

Response

Officers are aware of a number of concerns raised by local residents and we have written to developer's planning representatives to remind them of their responsibilities. In response, they have apologised for any disruption caused. We now have applications to address condition 9 relating to Traffic Management and condition 10, which relates to Construction Environment Management Plan (CEMP). If unacceptable disruption continues pending the outcome of these applications, it is open to the Council to take formal action against the developers. Such measures could include a Breach of Condition Notice or a Temporary Stop Notice. In the meantime, officers will continue to monitor the site to ensure that conditions remain complied with at all times.

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. Licensing & Appeals Committee – Tuesday, 28 March and 6 June 2023
- B. Planning Committee – Thursday, 20 April, 25 May and 22 June 2023
- C. Audit & Governance Committee – Tuesday, 30 May 2023.

18 **PROCUREMENT POLICY**

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 29 to 52 of the Book of Reports, which detailed the proposed Procurement Policy.

The minutes of the Audit & Governance Committee, Executive Overview & Scrutiny Committee and Cabinet had been circulated prior to the meeting.

RESOLVED: That the Procurement Policy is noted and approved.

19 **COMMUNITY WEALTH BUILDING STRATEGY**

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 53 to 122 of the Book of Reports, which sought approval of the Council's first Community Wealth Building Strategy.

The Minute of Cabinet was circulated prior to the meeting.

RESOLVED: A. That the Community Wealth Building Strategy contained at Appendix A be approved.

B. That the Director of Transformation, Housing and Resources be given delegated authority to make any minor or inconsequential amendments to the Strategy as deemed appropriate.

20 **USE OF COMMUNITY INFRASTRUCTURE LEVY MONIES ON BURSCOUGH WELLBEING AND LEISURE HUB**

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 123 to 136 of the Book of Reports, which sought authority for the allocation and expenditure of up to £320,000 of Community Infrastructure Levy monies towards the refurbishment of Burscough Racquets and Fitness Centre.

The Minute of Cabinet was circulated prior to the meeting.

RESOLVED: That the following decision of Cabinet held on 27 June 2023, be

endorsed:

- A. The sum of £320,000 be taken from the Community Infrastructure Levy (CIL) to be used towards the refurbishment of Burscough Racquets and Fitness Centre.
- B. That the Director of Transformation, Housing and Resources and/or the Head of Finance, Procurement and Commercial Services, in consultation with the Portfolio Holder for Human Resources and Leisure and the Portfolio Holder for Resources and Transformation be granted delegated authority to utilise funding allocated CIL Funding to take all steps (including the appointment and payment to Alliance Leisure) to undertake the works set out in Section 5 of the report.

21 REVIEW OF POLITICAL BALANCE 2023/24

Consideration was given to the report of the Chief Operating Officer, as contained on pages 137 to 140 of the Book of Reports, which reviewed the allocation of seats on Committees to Political Groups, as a result of the Countermanded Election held on 22 June 2023 and the re-establishment of the Our West Lancashire (OWL) Group.

A Motion circulated prior to the meeting was moved and seconded.

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

RESOLVED: A. That, for the period ending with the next Annual Meeting of the Council, or such lesser period should the political balance or allocation to political groups change during the year requiring a review under the provisions of the Local Government and Housing Act 1989, the allocation of seats to the political groups be as agreed at the Annual Meeting of the Council on 17 May 2023, subject to:

- (i) Executive Overview & Scrutiny Committee – less 1 Conservative, plus 1 OWL
 - (ii) Corporate & Environmental Overview & Scrutiny Committee – less 1 Conservative, plus 1 OWL
 - (iii) Planning Committee – less 1 Conservative, plus 1 OWL
 - (iv) Licensing & Appeals Committee – less 1 Labour, plus 1 Conservative, plus 1 OWL
 - (v) Licensing & Gambling Committee – plus 1 Conservative
 - (vi) Standards Committee – plus 1 OWL
 - (vii) Audit & Governance Committee – plus 1 OWL
 - (viii) Investigating Committee – less 1 Conservative, plus 1 OWL
- B. That the Leaders of each Political Group advise the Head of Legal & Democratic Services in relation to the names of the Councillors in respect of A. above and Section 4.1A of the

Council's Constitution be updated accordingly.

22 UK SHARED PROSPERITY FUND UPDATE

Consideration was given to the report of Corporate Director of Transformation, Housing & Resources, as contained on pages 141 to 158 of the Book of Reports, which sought approval for the Council's proposed delivery of the UK Shared Prosperity Fund ('UKSPF') and Rural England Prosperity Fund ('REPF') investment programme.

The Leader gave an undertaking to provide regular updates via the Members Update.

- RESOLVED:
- A. That the spending and investment proposals and all other associated work(s) required to deliver, award, manage and monitor both the UK Shared Prosperity Fund (£4.25m) and Rural England Prosperity Fund (£441,630) set out in this Report and Appendices be approved.
 - B. Thereafter, the Corporate Director of Transformation, Housing and Resources, in consultation with the portfolio holder be granted delegated authority to amend the investment proposals/plan as deemed appropriate
 - C. That the Corporate Director of Transformation, Housing and Resources be given delegated authority to procure specialist support and advice, to ensure the programmes of work can be implemented and meet the UKSPF framework and timescales. The cost of which will be taken from the over-all administration and management fees allocation.
 - D. That West Lancashire Partnership Board are appointed to act as the Independent Local Partnership Board. The role of the Board will be to provide guidance and advice on the strategic fit and deliverability of the activities funded by UK Shared Prosperity Fund.
 - E. That the Corporate Director of Transformation, Housing and Resources in consultation with the Portfolio Holder be granted delegated authority to make alternative arrangements for the provision of an Independent Partnership Board if at any time the West Lancashire Partnership Board are either unwilling or unable to carry out that function.

23 GRA REVENUE OUT-TURN 22-23

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 159 to 166 of the Book of Reports, which provided a summary of the revenue outturn position on the General Revenue Account (GRA) for the 2022/23 financial year, noting movements in the Council's

reserves and balance.

- RESOLVED: A. That the revenue outturn position be noted.
- B. That the use of reserves required was £234k less than was budgeted be noted.

24 **GRA CAPITAL OUT-TURN 2022-23**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 167 to 178 of the Book of Reports, which provided a summary of the capital outturn position on the General Revenue Account (GRA) for the 2022/2023 financial year.

- RESOLVED: A. That the Capital outturn position be noted and the proposed Capital allocation set out in Appendix 1 be approved.
- B. That the Capital programme and Re-profiling in Appendix 1 be noted and approved.

25 **HRA REVENUE & CAPITAL OUT-TURN**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 179 to 186 of the Book of Reports, which provided a summary of the Housing Revenue Account (HRA) revenue and capital outturn positions for the 2022/23 financial year.

- RESOLVED: A. That the draft financial outturn position of the 2022/23 HRA and Capital Investment Programme be noted and that the use of HRA reserves be noted.
- B. That the switching of funding from HRA borrowing to HRA revenue contributions in paragraph 5.4 be noted.
- C. That capital slippage identified in appendix one be noted.

26 **TREASURY MANAGEMENT & PRUDENTIAL INDICATOR PERFORMANCE 22-23**

Consideration was given to the report of the Head of Finance, Procurement & Commercial Services, as contained on pages 187 to 196 of the Book of Reports, which detailed the Treasury Management performance and Prudential Indicators for the year ended 31 March 2023.

RESOLVED: That the performance for the 2022-23 financial year be noted.

27 **LINEAR PARKS UPDATE**

Consideration was given to the report of the Corporate Director of Transformation, Housing & Resources, as contained on pages 197 to 202 of the Book of Reports,

which provided an update in relation to progress of the proposed linear parks between Ormskirk – Burscough and Tarleton - Hesketh Bank.

RESOLVED: That the update be noted.

28 **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.

29 **TAWD VALLEY DEVELOPMENTS LIMITED - BUSINESS PLAN UPDATE**

Consideration was given to the report of the Chief Operating Officer, as contained on pages 203 to 262, which sought approval for the latest Business Plan of Tawd Valley Developments Limited (TVDL), which is the Council's wholly owned development company.

A Motion to move the recommendations at paragraph 2 of the report was moved and seconded.

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

FOR: Councillors: T Aldridge, M Anderson, R Bailey, A Blundell, P Burnside, C Coughlan, V Cummins, D Daniels, T Devine, G Dowling, I Eccles, A Fennell, J Fillis, J Finch, A Fowler, T de Frietas, N Furey, Y Gagen, J Gordon, N Hennessy, P Hennessy, P Hogan, J Howard, S Lawson, K Lloyd, Mrs Marshall, , R Molloy, M Nixon, G Owen, M Parlour, S Patel, E Pope, N Pryce-Roberts, D West, D Westley, D Whittington, J Witter and A Yates (THIRTY EIGHT)

AGAINST: Councillors: T Marsh-Pritchard, I Rigby and L Webster (THREE)

ABSENCES: Councillor: P Hesketh (ONE)

The Motion was CARRIED.

RESOLVED: A. That the TVDL Business Plan set out in the Appendix to the report be approved.

B. That the implications for the Council arising from the Business Plan, as set out in section 5 of the report, be approved.

30 **MOTIONS**

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

31 **STANDING UP FOR RESPONSIBLE TAX CONDUCT - MOTION FROM COUNCILLOR ADAM YATES ON BEHALF OF THE LABOUR GROUP**

A Motion, included on the agenda at the request of a Member was moved and seconded.

An Amendment to the Motion, 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.

RESOLVED: A. That full Council notes that:

1. The pressure on organisations to pay their fair share of tax has never been stronger.
2. Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Two thirds of people (66%) believe the Government and local councils should at least consider a company’s ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.

B. That full Council believes that:

1. Paying tax is often presented as a burden, but it shouldn't be.
 2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
 3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
 4. Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned.
 5. More action is needed, however, as current and proposed new UK procurement law significantly restricts councils' ability to either penalise poor tax conduct (as exclusion grounds are rarely triggered) or reward good tax conduct, when buying goods or services.
 6. UK cities, boroughs, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.
- C. That Full Council resolves to:
1. Approve the Councils for Fair Tax Declaration. (1)
 2. Lead by example in West Lancashire and demonstrate good practice in our tax conduct, right across our activities.
 3. Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.
 4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
 5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.

6. Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.
7. Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in West Lancashire, and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax.
9. Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

(1) <https://fairtaxmark.net/wp-content/uploads/2022/12/Councils-for-Fair-Tax-Declaration-ENG-CYM-2022.pdf>

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THE MAYOR