

COUNCIL**HELD: Wednesday, 17 October 2018**

Start: 7.30 pm

Finish: 9.00 pm

PRESENT:

Councillors:

N Delaney (Mayor)	
G Owen (Deputy Mayor)	
T Aldridge	I Ashcroft
Mrs P Baybutt	Mrs M Blake
T Blane	J Bullock
J Cairns	C Cooper
R Cooper	P Cotterill
Cummins	I Davis
C Dereli	G Dowling
C Evans	D Evans
Evans	N Furey
Y Gagen	J Gordon
N Hennessy	G Hodson
J Hodson	P Hudson
Lockie	C Marshall
Mrs J Marshall	J Mee
M Mills	I Moran
M Nixon	D O'Toole
A Owens	J Forshaw
E Pope	A Pritchard
L Savage	Mrs D Stephenson
D West	D Westley
Mrs M Westley	D Whittington
K Wilkie	Witter
K Wright	A Yates

Officers:

Kim Webber, Chief Executive
Jacqui Sinnott-Lacey, Director of Housing and Inclusion
John Harrison, Director of Development and Regeneration
Heidi McDougall, Director of Leisure & Environment
Marc Taylor, Borough Treasurer
Terry Broderick, Borough Solicitor
Jacky Denning, Assistant Member Services Manager

35 PRAYERS

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

36 APOLOGIES

Apologies for absence were received on behalf of Councillors Currie, Devine, Kay, McKenna, Pryce-Roberts and Wynn.

37 DECLARATIONS OF INTEREST

The following declarations were received:

1. Councillors Aldridge, Hennessy, O'Toole and Pope declared a non pecuniary interest in relation to Agenda Item 16(a) 'Non-Hydraulic Fracturing Shale Gas Exploration Applications – Motion' and item 16(e) 'Free School Meals – Motion', as Members of Lancashire County Council (LCC), as did Councillors Cummins and Gagen as employees of LCC, and indicated that they would not participate in any detailed discussions which affected LCC.
2. Councillors C Cooper, Cotterill, Cummins, Mrs Marshall, O'Toole, Owens, Savage, D Westley, Mrs Westley, Wright and Yates declared a non-pecuniary interest in agenda item 16(e) 'Free School Meals - Motion' as school governors, as did Councillor Furey, as a school governor as his wife works in a school.
3. Councillor Mrs Marshall declared a non-pecuniary interest in agenda item 12 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018' in view of her employment at a local veterinary establishment.

38 MINUTES

RESOLVED: That the minutes of the meeting of Council held on Wednesday, 18 July 2018 be approved as a correct record and signed by the Mayor.

39 ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF EXECUTIVE

The Mayor welcomed Councillors Gareth Dowling, Joan Witter and Ron Cooper to the meeting, who have been elected following the By Elections held in Knowsely, Hesketh with Beconsall and Tanhouse Wards respectively. He also paid tribute to former Councillors Paul Moon and Bob Pendleton and thanked them for their service to the Council.

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

There were no items under this heading.

41 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. Audit and Governance Committee held on Tuesday, 24 July 2018.
- B. Planning Committee held on Thursday, 26 July and 6 September 2018.
- C. Standards Committee held on Tuesday, 18 September 2018.

42 SUSTAINABLE ORGANISATION REVIEW: APPOINTMENT OF CONTRACTOR

Consideration was given to the report of the Borough Solicitor, as contained on pages 345 to 350 of the Book of Reports, which sought agreement of the appointment of the contractor for the Sustainable Organisation Review Project (SORP).

RESOLVED: A. That the content of this report be noted.

B. That Red Quadrant be appointed as the Contractor for the SORP.

43 MEDIUM TERM FINANCIAL FORECAST

Consideration was given to the report of the Borough Treasurer, as contained on pages 351 to 368 of the Book of Reports, which set out the challenging financial position facing the Council over the next 3 years.

RESOLVED: A. That the progress made in delivering the £1.06m package of efficiencies, additional income and savings that have been agreed for the 2018-19 financial year be noted.

B. That the Medium Term Financial Forecast for 2019-22, including the need to generate further ongoing savings and income of £1.91m per year to maintain the Council's financial health, be noted.

C. That the adjustments to reserves, set out in paragraph 6.3 of the report, be approved to ensure that there is sufficient funding available to support the Council's budget position over the next 3 years.

D. That any future staff restructuring costs arising from the Sustainable Organisation Review or other processes be financed from available capital receipts.

44 TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS MONITORING 2018-19

Consideration was given to the report of the Borough Treasurer, as contained on pages 369 to 374 of the Book of Reports, which set out details of Treasury Management operations in the year to date and on future plans, and to report on the Prudential Indicators for 2018/19 where available.

A Motion to approve the recommendation at paragraph 2.1 of the report, was moved and seconded, incorporating the wording of a proposed Amendment circulated at the meeting.

A vote was taken, the Motion was CARRIED.

RESOLVED: A. That the Prudential Indicators and Treasury Management position

be noted.

- B. That a report be presented to Council, no later than April 2019, setting out the potential risks and rewards of accepting less security when investing the Council's cash holdings.

45 **OVERVIEW & SCRUTINY ANNUAL REPORT 2017/18**

Consideration was given to the report of the Borough Solicitor, as contained on pages 375 to 392 of the Book of Reports, which presented the Overview and Scrutiny Annual Report 2017/18 and set out how Overview and Scrutiny is working at West Lancashire.

RESOLVED: That the Overview and Scrutiny Annual Report 2017/18, appended to this report, be noted and the Overview and Scrutiny Committees be commended on their work.

46 **THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018**

Consideration was given to the report of the Director of Leisure and Environment, as contained on pages 393 to 406 of the Book of Reports, which detailed the necessary action to be taken to adopt and implement the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

- RESOLVED: A. That the provisions of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be implemented.
- B. That the terms of reference for the Licensing and Appeals Committee contained within the Constitution be amended in accordance with Appendix 2 attached to the report.
- C. That the Proper Officer Provisions and Scheme of Delegation to the Director of Leisure and Environment contained within the Constitution be amended in accordance with Appendix 3 attached to the report.
- D. That, with immediate effect, the schedule of fees contained in Table 2 in this report are approved.

47 **APPOINTMENT OF VICE-CHAIRMAN OF AUDIT & GOVERNANCE COMMITTEE**

Consideration was given to the report of the Borough Solicitor, as contained on pages 407 and 408 of the Book of Reports, which sought to appoint the Vice-Chairman of the Audit and Governance Committee.

RESOLVED: That Councillor Chris Wynn, who is a Member of the Audit and Governance Committee, be appointed Vice-Chairman of the Audit and Governance Committee for the remainder of the 2018/19 Municipal Year.

48 **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.

49 **FORMING A DEVELOPMENT COMPANY**

The Leader advised that at the meeting of Extraordinary Cabinet, held immediately preceding the meeting of Council, had resolved to defer consideration of the report 'Forming a Development Company' until the next or a future meeting of Cabinet, in order to give consideration to the Chancellor of the Exchequer's budget statement which is to be delivered on 29 October 2018, and moved the following Motion, which was seconded:

"That consideration of the report should be deferred to the next or a future meeting of Council".

A vote was taken, the Motion was CARRIED.

RESOLVED: That consideration of the report should be deferred to the next or a future meeting of Council.

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

50 **MOTIONS**

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

51 **NON-HYDRAULIC FRACTURING SHALE GAS EXPLORATION APPLICATIONS - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR MILLS ON BEHALF OF THE LABOUR GROUP**

The following Motion was moved and seconded:

"West Lancashire Borough Council notes:

- 1) That in May this year Ministers outlined a proposal in a Written Ministerial Statement to redefine non-hydraulic fracturing shale gas exploration applications as permitted development and to redefine large scale shale gas production sites as Nationally Significant Infrastructure Projects, thus removing any local authority control and community involvement in decision-making.
- 2) That the Government consultation on both of these proposals began on 19th July 2018 and run until 25th October 2018

- 3) That on 5 July 2018, a report by the cross-party Housing, Communities and Local Government Committee warned the Government against its proposal to bring fracking applications under the Nationally Significant Infrastructure Projects (NSIP) regime, concluding that Mineral Planning Authorities, which in Lancashire is the County Council, were best placed to understand the local area and how fracking could best take place.
- 4) That the above report said the Nationally Significant Infrastructure Projects regime was unlikely to speed up the application process for fracking.

West Lancashire Borough Council is committed to the principles of localism and the involvement of local communities in decisions that affect their environment, their health and safety and their well-being.

West Lancashire Borough Council believes:

- 1) That moving decisions about fracking, which have huge implications for local communities, to a national level would contradict the principles of localism.
- 2) That 'Permitted Development' – the category of planning that the government wants to move Shale gas exploration drilling into – which was designed for developments with low environmental impacts, is an inappropriate category for drilling with such wide-reaching implications for local communities and climate change.
- 3) That bringing fracking applications under the Nationally Significant Infrastructure Projects regime will be harmful to local communities.
- 4) That local authorities are best placed to continue to make decisions throughout the planning process for shale gas exploration drilling, appraisal and production.

That the Director of Development and Regeneration:

- 1) Continues to work on a robust response to the consultation, which includes the above views and where possible does so jointly with other local authorities who share these opinions.
- 2) Shares this response with West Lancashire MPs and relevant government ministers."

A vote was taken, the Motion was CARRIED.

RESOLVED: A. West Lancashire Borough Council notes:

- 1) That in May this year Ministers outlined a proposal in a Written Ministerial Statement to redefine non-hydraulic fracturing shale gas exploration applications as permitted development and to redefine large scale shale gas production

sites as Nationally Significant Infrastructure Projects, thus removing any local authority control and community involvement in decision-making.

- 2) That the Government consultation on both of these proposals began on 19th July 2018 and run until 25th October 2018
 - 3) That on 5 July 2018, a report by the cross-party Housing, Communities and Local Government Committee warned the Government against its proposal to bring fracking applications under the Nationally Significant Infrastructure Projects (NSIP) regime, concluding that Mineral Planning Authorities, which in Lancashire is the County Council, were best placed to understand the local area and how fracking could best take place.
 - 4) That the above report said the Nationally Significant Infrastructure Projects regime was unlikely to speed up the application process for fracking.
- B. West Lancashire Borough Council is committed to the principles of localism and the involvement of local communities in decisions that affect their environment, their health and safety and their well-being.
- C. West Lancashire Borough Council believes:
- 1) That moving decisions about fracking, which have huge implications for local communities, to a national level would contradict the principles of localism.
 - 2) That 'Permitted Development' – the category of planning that the government wants to move Shale gas exploration drilling into – which was designed for developments with low environmental impacts, is an inappropriate category for drilling with such wide-reaching implications for local communities and climate change.
 - 3) That bringing fracking applications under the Nationally Significant Infrastructure Projects regime will be harmful to local communities.
 - 4) That local authorities are best placed to continue to make decisions throughout the planning process for shale gas exploration drilling, appraisal and production.
- D. That the Director of Development and Regeneration:
- 1) Continues to work on a robust response to the consultation, which includes the above views and where possible does so

jointly with other local authorities who share these opinions.

- 2) Shares this response with West Lancashire MPs and relevant government ministers.

52 **LOCAL PLAN REVIEW CABINET WORKING GROUP - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR POPE ON BEHALF OF THE CONSERVATIVE GROUP**

The following Motion was moved and seconded:

"The Local Plan Cabinet Working Group considered a number of updates to the existing Local Plan 2012/27 that were then incorporated as part of the Local Plan Preferred Options document, which resulted in a completely new Local Plan being approved by Cabinet for consultation.

If the Preferred Options are eventually accepted and form the basis of a new Local Plan 2020/50 then this will mean scrapping the existing Local Plan 2013/27 despite it having 9 years to run. The Existing Local Plan is continuing to (a) meet local housing need (b) deliver the planned number of new homes and (c) provide the necessary 5 year supply of housing land. It has withstood legal challenges in respect of rogue developments and is clearly soundly based and robust.

The proposal for a new 30 year Local Plan 2020/50 is unprecedented given that it has not been possible to identify any other council that has adopted such an approach. It is impossible to accurately forecast the Borough's population growth, future housing and employment needs for more than 30 years ahead. The proposal to plan for 15,992 new homes and a huge amount of land for employment use can only be a very rough estimate given the official population forecast only project to 2041 and even the Treasury has difficulties accurately forecasting medium term economic growth.

It is also proposed to stop the established practice of safeguarding sites identified for possible future development. This would mean the Council abdicating its responsibility to manage the release of sites and allow developers, or "market", to decide which sites should be developed first. It would also mean that all the sites needed for the next 30 years would be made available for development from 2021.

Apart from wanting a huge increase in the annual target for both house building and commercial development, the Preferred Options propose to provide land to meet the future housing and commercial development needs of Merseyside - 6,256 new homes and hundreds of acres for employment use as part of an uncertain promise of support with a possible rail link for Skelmersdale.

The proposed release of up to 1,500 acres from the Greenbelt or Safeguarded land

is cause for considerable concern. The need to take such drastic action is a direct consequence of the issues detailed above.

Given the above issues and the widespread public concern, this Council resolves to urge Cabinet to reconsider the Preferred Options and instruct the Local Plan Cabinet Working Group to consider new proposals to review the existing Local Plan 2012/27 and make suitable recommendations to Cabinet to update, amend and possibly extend that Local Plan."

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

FOR: Councillors Ashcroft, Mr Baybutt, Mrs Blake, Blane, Cairns, Davis, Mrs C Evans, Gordon, C Marshall, Mrs Marshall, Mee, O'Toole, Owens, Pope, Mrs Stephenson, D Westley, Mrs Westley, Whittington and Witter (NINETEEN)

AGAINST: Councillors Aldridge, Bullock, C Cooper, R Cooper, Cummins, Delaney, Dereli, Dowling, D Evans, S Evans, Forshaw, Furey, Gagen, Hennessy, G Hodson, J Hodson, Hudson, Lockie, Mills, Moran, Nixon, Owen, Pritchard, Savage, West, Wilkie, Wright and Yates (TWENTY EIGHT)

ABSTENTIONS: Councillor Cotterill (ONE)

The Motion was LOST.

(Note: Councillor Stephenson arrived during consideration of this item.)

53

REVIEW OF THE POLITICAL MANAGEMENT STRUCTURE - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR YATES ON BEHALF OF THE LABOUR GROUP

The following Motion was moved and seconded:

"That the current Sustainable Organisational Review Process (SORP) will significantly reshape Council functions, to ensure improved service delivery, greater opportunity for officers to undertake meaningful career development, and provide a sustainable financial basis for the Council to continue delivering and improving upon its services to residents and businesses;

That this review also offers an ideal opportunity to re-evaluate the structures of political management, ensuring that any restructuring of the organisation is fully comprehensive and allows for potential innovation across all areas;

That this administration is already undertaking other significant transformational projects, in regards to the Council-controlled development of Skelmersdale Town Centre, new leisure facilities for Skelmersdale and Ormskirk, and upgrades to the Burscough facilities, the continuing development of Ormskirk and its overall economy;

That this council believes:

That the potential for radical restructuring of Council governance exists within the SORP process, and should therefore be considered at this point in time;

That it is appropriate that the role and number of elected members be considered equally alongside those of officers within the review process;

That a concomitant review of governance and service delivery will provide the best opportunity for innovative changes across the council and the way in which its services are delivered at a local level;

That the new Target Operating Model, to be presented to Council in July 2019, will provide clear guidance as to the potential for revising the political management structure;

That this council resolves:

To commence an electoral review process, to review the Council's size, numbers of councillors and ward boundaries, following consideration of the SORP review and the agreement of the new Target Operating Model in July 2019;

To authorise officers to make initial contact with the Local Government Boundary Commission for England to establish timescales and likely issues arising from an electoral review and assess the resource provision required."

A vote was taken, the Motion was CARRIED.

RESOLVED: A. That this council believes:

- 1) That the potential for radical restructuring of Council governance exists within the SORP process, and should therefore be considered at this point in time.
- 2) That it is appropriate that the role and number of elected members be considered equally alongside those of officers within the review process.
- 3) That a concomitant review of governance and service delivery will provide the best opportunity for innovative changes across the council and the way in which its services are delivered at a local level.
- 4) That the new Target Operating Model, to be presented to Council in July 2019, will provide clear guidance as to the potential for revising the political management structure.

B. That this Council resolves:

- 1) To commence an electoral review process, to review the Council's size, numbers of councillors and ward boundaries, following consideration of the SORP review and the agreement of the new Target Operating Model in July 2019.
- 2) To authorise officers to make initial contact with the Local Government Boundary Commission for England to establish timescales and likely issues arising from an electoral review and assess the resource provision required.

54 **PREVENTING THE PREVENTABLE: REDUCING SUICIDE - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR COOPER ON BEHALF OF THE LABOUR GROUP**

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

"That this Council notes that sixteen people in the UK lose their life to suicide each day. Suicide is the most common cause of death for men between the ages of 20-49. Suicide is the leading cause of death amongst young people. This Council believes all deaths by suicide are preventable.

That behind every statistic is an individual, a family and a community devastated by their loss and this Council believes that suicide is everyone's business.

That this Council further believes that to eliminate suicide in young people we must start by preventing self-harm and suicidal behaviour in young people. This council recognises there is a direct link between social isolation, unemployment, long-term health conditions and suicide.

That this Council resolves to work as part of the Health and Wellbeing Partnership to bring organisations together to start the conversation about how we can challenge the stigma of suicide, promote suicide prevention services available locally and offer help and support to those who are bereaved by suicide.

That the Chief Executive be asked to ensure that the contact details and helplines for the Samaritans and CALM are made available on the Council's website."

A vote was taken, the Motion was CARRIED.

- RESOLVED:
- A. That this Council notes that sixteen people in the UK lose their life to suicide each day. Suicide is the most common cause of death for men between the ages of 20-49. Suicide is the leading cause of death amongst young people.
 - B. That this Council believes all deaths by suicide are preventable and that behind every statistic is an individual, a family and a community devastated by their loss and that suicide is everyone's business.

- C. That this Council further believes that to eliminate suicide in young people we must start by preventing self-harm and suicidal behaviour in young people.
- D. That this council recognises that there is a direct link between social isolation, unemployment, long-term health conditions and suicide.
- E. That this Council shall work as part of the Health and Wellbeing Partnership to bring organisations together to start the conversation about how we can challenge the stigma of suicide, promote suicide prevention services available locally and offer help and support to those who are bereaved by suicide.
- F. That the Chief Executive be asked to ensure that the contact details and helplines for the Samaritans and CALM are made available on the Council's website.

55 **FREE SCHOOL MEALS - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR COOPER ON BEHALF OF THE LABOUR GROUP**

This item was withdrawn.

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THE MAYOR