

## COUNCIL

**HELD: Wednesday, 15 December 2021**

Start: 7.30 pm

Finish: 8.35 pm

## PRESENT:

### Councillors:

G Johnson (Mayor)	
Mrs M Westley (Deputy Mayor)	
T Aldridge	Mrs P Baybutt
Mrs M Blake	A Blundell
Clandon	C Coughlan
I Davis	N Delaney
T Devine	Eccles
D Evans	S Evans
Fennell	J Finch
N Furey	Y Gagen
J Gordon	Hirrell
Howard	Juckes
K Lockie	Mrs J Marshall
J Mee	K Mitchell
I Moran	M Nixon
P O`Neill	D O`Toole
Turpin	A Owens
E Pope	I Rigby
Mrs D Stephenson	A Sutton
J Thompson	Upjohn
D Westley	D Whittington
J Witter	

### Officers:

Jacqui Sinnott-Lacey, Chief Operating Officer  
Kay Lovelady, Legal & Democratic Services Manager  
Jacky Denning, Democratic Services Manager  
James Crowley, Strategic Partnership Development Manager

## 59 PRAYERS

Due to concerns surrounding the new Omicron Covid variant and the Council's aim to reduce the numbers of those present, Father Godric was not in attendance to say prayers.

## 60 APOLOGIES

Apologies for absence were received from Councillors Ron Cooper, Darren Daniels, Gareth Dowling, Sue Gregson, Gaynar Owen, Jenny Wilkie, Nicola Pryce-Roberts, Donna West, and Adam Yates.

The Mayor asked Members to remain seated throughout the meeting and keep masks on when speaking.

The Mayor welcomed new Member, Councillor John Howard, to the Council following a By-election in November 2021.

**61 DECLARATIONS OF INTEREST**

The following declarations were received:

1. Councillors Aldridge, O'Toole, Pope and D Westley declared a non pecuniary interest in relation to item 13 'Approval of Statement of Licensing Policy and Authorisations required by the Gambling Act 2005' as Members of Lancashire County Council, as did Councillors Coughlan and Gagen as an employee of Lancashire County Council, and indicated that they would not participate in any detailed discussions which affected LCC.
2. Councillors Mrs Blake, Gordon, Marshall, Mee, Moran, Owen, Pope, Ms Sutton, Whittington and Witter declared a non pecuniary interest in relation to Agenda Item 13 'Approval of Statement of Licensing Policy and Authorisations required by the Gambling Act 2005' as Members of a Parish Council and indicated they would not participate in any detailed discussions which affected those bodies specifically.
3. Councillor Coughlan declared a pecuniary interest in relation to Agenda Item 21 'Leisure Procurement Strategy Review' in respect of his appointment to West Lancashire Community Leisure.

**62 MINUTES**

The minutes of the 3 meetings of the Council held on the 13 October 2021 were received as a correct record and signed by the Mayor.

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

The Mayor announced that there were a number of Charity raising events coming up in the new year and that these would be circulated to members in due course.

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

There were no items under this heading.

**65 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 5 October 2021

- B. Planning Committee – Thursday – 14 October and 25 November 2021
- C. Audit & Governance Committee – Tuesday 26 October 2021
- D. Strategic Asset Purchasing Committee – Tuesday 30 November 2021, subject to Minute 2 being amended to remove reference to 'Working Group' and replace with 'Committee'.

66 **HRA REVENUE & CAPITAL MID-YEAR REVIEW (WITHDRAWN)**

This item had been withdrawn from the Agenda.

67 **MID-YEAR GENERAL REVENUE ACCOUNT (GRA) FINANCIAL UPDATE  
2021/2022 (WITHDRAWN)**

This item had been withdrawn from the Agenda.

68 **CAPITAL PROGRAMME MID YEAR REVIEW (WITHDRAWN)**

This item had been withdrawn from the Agenda.

69 **TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS MONITORING  
2021-22 (WITHDRAWN)**

This item had been withdrawn from the Agenda.

70 **REVISED COMMERCIAL PROPERTY STRATEGY (WITHDRAWN)**

This item had been withdrawn from the Agenda.

71 **APPROVAL OF STATEMENT OF LICENSING POLICY AND AUTHORISATIONS  
REQUIRED BY THE GAMBLING ACT 2005**

Consideration was given to the report of the Corporate Director of Place and Community, as contained on pages 599 to 636 & 707 to 740 of the Book of Reports setting out the necessary action to be taken to approve the Statement of Licensing Policy required under Gambling Act 2005.

- RESOLVED:
- A. That the Statement of Licensing Policy attached at Appendix 2 to the report be approved.
  - B. That the Corporate Director of Place & Community be given delegated authority to publish and administer the Statement of Licensing Policy.

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

Consideration was given to the Corporate Director of Place and Community as contained on pages 637 to 642 of the Book of Reports following a request from Lancashire Constabulary, to seek support for the introduction of a Public Space Protection Order to deter organised car meets/car cruising on Pimbo Industrial Estate in Up Holland, West Lancashire.

- RESOLVED:
- A. That the introduction of a Public Space Protection Order to deter organised car meets/car cruising on Pimbo Industrial Estate, Up Holland, West Lancashire, be supported.
  - B. That delegated authority be granted to the Corporate Director of Place and Community, in consultation with the Portfolio Holder for Communities and Community Safety, to prepare a draft Public Space Protection Order and to consult on its content in accordance with the relevant legislation and guidance, prior to bringing the matter before Council for final ratification and approval.

**73 WEST LANCASHIRE ELECTORAL REVIEW - LGBCE DRAFT RECOMMENDATIONS (WITHDRAWN)**

This item had been withdrawn from the Agenda.

**74 DUKE OF LANCASTER REGIMENT - FREEDOM OF THE BOROUGH AND FREEDOM OF ENTRY (WITHDRAWN)**

This item had been withdrawn from the Agenda.

**75 APPOINTMENT OF POLLING DISTRICTS CHAIRMAN & STRATEGIC ASSETS PURCHASING COMMITTEE VICE-CHAIRMAN (WITHDRAWN)**

This item had been withdrawn from the Agenda.

**76 TIMETABLE OF MEETINGS 2022/23 (WITHDRAWN)**

This item had been withdrawn from the Agenda.

**77 EXECUTIVE DECISIONS - SPECIAL URGENCY (WITHDRAWN)**

This item had been withdrawn from the Agenda.

**78 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.

**79 LEISURE PROCUREMENT STRATEGY REVIEW**

Consideration was given to the report of the Corporate Director of Place and Community as contained on pages 675 to 693 of the Book of Reports, which sought approval of the proposed revised strategy for the procurement of new Wellbeing and Leisure Hubs and the future operational options for Leisure facilities.

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

A vote was taken, the Motion was CARRIED.

**RESOLVED:** A. That the decision of Cabinet held on 2<sup>nd</sup> November 2021, set out in Appendix 2 to the report, be endorsed as follows:

- "1. That the minutes of the West Lancashire Leisure Partnership Cabinet Working Group held on 12 October 2021 as attached as appendix 1 to the report and the preferred options recommended by the Group, be endorsed.
2. That given the assessments of future operational options detailed in section 6 of the report, Option 3 should be pursued as the preferred option for the future Leisure Procurement and Operating positions.
3. That in respect of the financial modelling detail in section 7 of the report, that in the first instance Option 1 should be pursued to reduce the reliance on prudential borrowing on the schemes and allow both buildings to be developed in parallel and consider what option is preferred should Option 1 be unsuccessful.
4. That in respect of the extension of the Leisure contract it is recommended that Option 2 in paragraph 8 of the report should be pursued as agreed by the Leisure Procurement Cabinet Working Group on 12 October 2021.
5. That the Director of Place and Community, in consultation with the Portfolio Holder for Human Resources and Leisure, be granted delegated authority to develop a Leisure only approach to the development of the Wellbeing and Leisure Hubs, as detailed in section 5 of the report.

6. That the Director of Place and Community, in consultation with the Portfolio Holder for Human Resources and Leisure be granted delegated authority to develop a Design and Build (D&B) approach to the development of the Wellbeing and Leisure Hubs as detailed in section 6 and section 8 of the report.
7. That the Director of Place and Community, in consultation with the Portfolio Holder for Human Resources and Leisure be granted delegated authority to develop a bid to the Levelling Up Fund in relation to the development of the new Skelmersdale Wellbeing and Leisure Hub as detailed in section 5 of the report.
8. That the Director of Place and Community and 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 provide the necessary resources to support a Levelling Up Fund bid as detailed at 7.16 of the report.
9. That the Director of Place and Community and 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 engage the professional design team as detailed in 7.17 of the report.
10. That the Director of Place and Community, in consultation with the Portfolio Holder for Human Resources and Leisure, be granted delegated authority to undertake a procurement exercise to procure a Leisure Contract using the approach detailed at paragraphs 8.5 to 8.15 of the report.
11. That the Director of Place and Community, in consultation with the Portfolio Holder for Human Resources and Leisure, be granted delegated authority to negotiate a short term contractual arrangement with Serco Leisure to cover the period from 1st April 2022 until the procurement of a Leisure Contract has been concluded and to enter into contractual arrangements as required."

Subject to the inclusion of the following, which reflects the outcome of the West Lancashire Leisure Partnership Cabinet Working Group held on 12 October 2021:

12. That in relation to 4 and 10 above, the number of variant

bids included in the procurement exercise to procure a new Leisure Contract will not exceed 3 and it be agreed that variant options 4 and 5 as detailed at 8.5 of the report will not be included.

13. That the length of contract offered in the procurement exercise to procure a new Leisure Contract, as referenced at 8.5 option 2, should be defined as 10 years plus an option to extend of 5 years.
14. That in respect of the financial modelling detail in section 7 of the report, that in the first instance Option 1 should be pursued to reduce the reliance on prudential borrowing on the schemes and allow both buildings to be developed in parallel and that if option 1 is unsuccessful two redesigned buildings, still offering excellent facilities, should be pursued within an affordable prudential borrowing model.

- B. That the financial elements set out in paragraph 8 of the report be approved.

(Note: Councillor Coughlan left the room whilst this item was under consideration.)

80 **MOTIONS**

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

81 **GOVERNANCE ARRANGEMENTS - MOTION INCLUDED BY COUNCILLOR ADRIAN OWENS**

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

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

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

This Council also authorises:

- (a) The establishment of a cross party working group to thoroughly investigate the options for any change in the political system of governance. The working group is to comprise 3 Labour, 2 Conservative and 1 Our West Lancashire

Members and is to be chaired by Councillor David Whittington. The cross party working group is expected to report its findings to the Full Council Meeting no later than February 2023.

- (b) An all Member briefing on the options for change and their implications to be provided with the support of the Centre for Governance & Scrutiny and/or the Local Government Association.
- (c) That the Chief Operating Officer in consultation with the Chairman of the Cross-party working group be authorised to commission the above independent review and that it be funded by allocating appropriate reserves."

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

A vote was taken, the Amendment was LOST.

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

A vote was taken, the Further Amendment was LOST.

During the debate Councillor Owens altered the second paragraph of his Motion, to include the words "or any legal alternative system" with the agreement of the meeting and the seconder of the Motion.

A vote was taken the Altered Motion was CARRIED.

- RESOLVED
- A. That this Council recognises that the current constitutional arrangements may not be well-suited to a situation of 'No Overall Control' and resolves to consider possible changes to its Constitution and to its Governance arrangements.
  - B. That the Chief Operating Officer is instructed to bring a Report to a Full Council Meeting no later than February 2023 setting out the options and necessary actions that would be need to be taken into account to discontinue the existing Leader and Cabinet system of decision making and to revert to a Committee system, or any legal alternative system, with effect from the start of the civic year beginning in May 2023. The Report of the Chief Operating Officer is to also set out the statutory framework, possible options for political governance structures, timescales and detailed implications of any change.
  - C. That this Council also authorises:
    - (a) The establishment of a cross party working group to thoroughly investigate the options for any change in the political system of governance. The working group is to comprise 3 Labour, 2 Conservative and 1 Our West Lancashire Members and is to be chaired by Councillor

David Whittington. The cross party working group is expected to report its findings to the Full Council Meeting no later than February 2023.

- (b) An all Member briefing on the options for change and their implications to be provided with the support of the Centre for Governance & Scrutiny and/or the Local Government Association.
- (c) That the Chief Operating Officer in consultation with the Chairman of the Cross-party working group be authorised to commission the above independent review and that it be funded by allocating appropriate reserves.

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**THE MAYOR**