

COUNCIL

HELD: Wednesday, 12 October 2022

Start: 7.42 pm

Finish: 9.40 pm

PRESENT:

Councillors:

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

Officers:

Jacqui Sinnott-Lacey, Chief Operating Officer
Chris Twomey, Corporate Director of Housing, Transformation & Resources
Lisa Windle, Head of Corporate and Customer Services
Kathryn Sephton, Head of Environmental Services
Paul Charlson, Head of Planning & Regulatory Services
Alan Leicester, Head of Housing
Kay Lovelady, Legal & Democratic Services Manager
Jacky Denning, Democratic Services Manager
Thomas Lynan, Electoral Services Manager

PRAYERS

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

A minute silence was held to pay respect to Her Majesty The Queen.

36 APOLOGIES

Apologies for absence were received on behalf of Councillors J Monaghan, K Wilkie and A Yates.

37 DECLARATIONS OF INTEREST

The following declarations were received:

Councillors Aldridge, Bailey, O'Toole, Pope and D Westley declared a non pecuniary interest in relation to item 12 (a) Youth Council & Youth Mayor - Motion', as Members of Lancashire County Council, as did Councillors Coughlan, Cummins and Gagen as an employee of Lancashire County Council.

38 MINUTES

RESOLVED: That the Minutes of the previous meeting held on Wednesday 20 July 2022, be agreed as a correct record and signed by the Mayor.

39 ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF OPERATING OFFICER

The Mayor announced:

- A. That a member of the public would be filming part of the meeting, using a mobile phone.
- B. The following fund raising events:
 - Saturday 15 October – Fashion Show at Ormskirk Civic Hall 7pm – Tickets £5.00
 - Friday 25 November – An Evening of Song and Dance, Haskayne Village Hall 7pm – Tickets £15.00
 - 17 March 2023 The Mayors Charity dinner/ball is booked for Lancashire Manor Hotel – Tickets £39.50

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

The following Questions were received, and Members were advised that the following responses had been circulated prior to the meeting:

1. Questions from Councillor James Upjohn – Report 'Change of Governance Arrangements'

- (i) *Leader, should there be a public consultation on such a monumental and costly change to council workings?*

Response

As stated in the report there is no legal requirement to carry out any consultation. Some Councils have carried out consultations and/or referendums prior to changing but many have not. It is a decision for Council to make on whether there should be a consultation prior to any change or not.

- (ii) *We recently switched to pre-scrutiny, after a vote at full council, has this been implemented yet and if yes how effective is it?*

Response

Yes, pre scrutiny has been implemented, a copy of the Overview & Scrutiny Annual Report for 2021/22 is included on the agenda for this meeting, for Members to consider.

- (iii) *Is it a good idea to switch to a committee structure? Has any research been done on Hybrid Models?*

Response

It is a matter for each Council to determine which governance model is the best for it. As set out in the report there are considered to be benefits and disadvantages to each governance system and there is no universally accepted better model. I am not aware of any research on hybrid models.

- (iv) *The report at 7.6 refers to consultation proposed with key stake holders and the implementation of the new arrangements. For the consultation to be lawful and effective it must be carried out when the proposals are still at an informative stage. Can you confirm this has been done and if so where is the data.*

Response

No, the consultation would be on the implementation not the decision whether to change the governance model if Council agreed with the recommendation of the Working Group.

2. Questions from Councillor Rob Molloy – Report 'Change of Governance Arrangements'

I have several questions on the report into Change of Governance Arrangements that is in the Council papers for the meeting on October 12th.

- (i) *The report states in Section 10 that there are "major implications" in terms of resources in any change to governance arrangements. In section 10.2 the report says that they are likely to be £50k to £100k in one off costs but there is no breakdown of how this is made up.*

Has a financial impact assessment been taken to validate this £50k to £100k range?

Response

The figure in the report is an estimate based on known likely costs such as legal support on the change of the constitution and on looking at the

experience of other authorities which have gone through this process. The actual figure will depend to a large extent on how the Council implements any resolution to change governance.

Is there a detailed breakdown that members can see to assure themselves and our residents that all one-off costs both internally and externally have been accurately considered in arriving at this figure?

Response

No, as indicated in the report the Council is still seeking to identify whether any of the costs will be met from support by the LGA and the actual costs will depend on future decisions.

- (ii) *Paragraph 10.4 calls for a comprehensive training programme for members and officers.*

Has this programme been designed and what are the costs arising from it for both external training costs and officer time?

Response

No, the programme cannot be designed until the Council has made further decisions of the governance model and constitution.

What will the time commitment for "comprehensive training" be for officers and members?

Response

As above.

- (iii) *Paragraph 10.6 states that the Council is looking into whether additional financial support is available.*

Has this been progressed and if so how much funding has been made available? If not how much is being requested and when will the council know if support is available?

Response

To date the LGA have funded some advice via Ed Hammond of the Centre for Governance and Scrutiny (CFGs). Members were also keen to know if grant funding which had been made available to Wirral could be applicable to West Lancashire.

While grant funding would not be available (this was allocated to Wirral for a different purpose) should a decision be taken to adopt a Committee system of governance, support can be provided by the LGA and Centre for Governance Scrutiny to progress change and make the necessary arrangements to enable the new structure to commence in May 2024.

The LGA will provide support to the Council to understand and implement the change and look at how the new governance model will operate in practice, to ensure that, the council and the residents of West Lancs gain maximum benefit. The LGA were keen to stress that the support will ensure that the

new governance model maintains a focus on accountability, credibility, transparency and timeliness of decision making.

The LGA will continue to part fund the support and a proposal will be worked up with CFGS to agree the scope.

3. Question from Councillor Kate Mitchell – JMO Sports Park

Having been contacted by concerned residents whose children or grandchildren have had their junior football cancelled at the Council's Blaguegate pitches on Sunday 9th October as a result of dangerous and inconsiderate parking arising from a dispute between the council and JMO Sports Park about the previous parking provision at JMO Sports Park, to respectfully ask the Council Leader what action she proposes to take to ensure that the situation is resolved; the dangerous parking eliminated; and the interests of local junior footballers is not relegated below those of footballers at JMO, some of whom are from outside the area?

Response

Previous seasons have seen only four pitches in use resulting in community frustration that the Council are letting young people down by not maximising the site. To overcome this Council officers have been working closely with the local leagues, football clubs and JMO to facilitate an increase in the number of football matches taking place at Blaguegate.

To accommodate this increased volume of matches, an agreement was reached with Skelmersdale Junior Football League (SJFL) that users of the grass facilities would take responsibility for ensuring that all vehicles, including visiting team vehicles and spectators, park on Sandy Lane Car Park. This is to reduce the scope of any direct impact or inconvenience on residents and the neighbouring business.

Many managers, parents, guardians and spectators are following this reasonable request, as they understand that it is what is required to facilitate eighteen kick offs every Sunday with no car parking facilities. In addition to Team managers agreeing to this solution, SJFL agreed to be on site to aid with communicating the revised car parking arrangements with participants and spectators attending Blaguegate grass pitches.

Unfortunately, some participants and spectators have continued to park incorrectly, including on double yellow lined roads and grass verges which is not safe and presents a real danger. The previous Sunday saw similar issues with people ignoring reasonable requests from stewards.

Officers could not ignore the real possibility of a child being injured by crossing the road from parking on a grass verge because of obscured visibility. The reality is SJFL warned that fixtures would be cancelled if irresponsible parking continued and it did, so fixtures on Sunday 9th were cancelled by WLBC.

This is regrettable, but arrangements have been made to ensure participant safety and that the neighbouring business and residents are not

inconvenienced. SJFL, team managers, parents, guardians and spectators must honour the agreement or present a safe and sustainable solution that protects all partners.

Following detailed discussions on Monday 10th Oct between the council, SJFL and JMO, mutual agreement has been reached enabling all scheduled Blaguegate Grass Playing Fields fixtures to resume on Sunday 16th October.

It has now been agreed that on each Sunday morning SJFL will install cones and undertake routine inspections to ensure that any person not complying is reported to the council.

Lancashire County Council Traffic Regulation Order team have confirmed that any vehicle parking in contravention of the lines can be subject to enforcement, the implementation of this order is currently in the process of being sealed. When official, this will then see residents able to request enforcement by contacting the county councils Parking Services team.

All partners are united in this approach and hope that people will take personal responsibility for parking on Sandy Lane Car Park. If these reasonable requests are ignored there is a potential for suspensions to continue.

4. Questions from Councillor Julian Finch – Report 'Change in Governance Arrangements'

These questions are not about legal compliance, but whether or not we have complied with “accepted good practice” as defined by the LGA’s Centre for Public Scrutiny (CfPS) Guidelines and in good practice in any other type of organisation.

It was made clear to the cross-party working group, in the first meetings, that there is a clear process for Council’s to review their governance arrangements and its effectiveness. Based on their extensive research and the experience of Councils who have changed governance arrangements, their guidance is promoting “good practice” rather than legal advice. They also make it abundantly clear that “introducing a structural solution will not resolve issues which may have underlying political causes.”

The first stage of the LGA’s recommended process is planning your approach, scoping your review, and assessing the current position.

- (i) Can the Council provide evidence clearly demonstrating these first stages of governance review were carried out properly (diligently)?*
- (ii) Are you satisfied that a proper assessment of the current position has been carried out?*
- (iii) What evidence have we established that the current governance arrangements as per current constitution, are inadequate?*

Response

The cross party Working Group met on 13 occasions to consider these matters and has consequently put forward recommendations to Council based on those considerations. It is for the Council to consider those recommendations and make a decision on the information provided.

The second stage on the LGA's recommended review process is to consider and agree the principles on which the new governance arrangements could be designed. Quote: "From the initial assessment (Stage 1) you have identified some strengths, practices and ways of working that you want to keep, and weaknesses, ways of working that you want to stop or change substantially." These principles should be tangible, so that in future you can judge whether or not.

- (iv) *Is the Leader / Council confident that we have identified clear and tangible/measurable objectives? If so, what are they?*

Response

The cross party Working Group met on 13 occasions to consider these matters and has consequently put forward recommendations to Council based on those considerations. It is for the Council to consider those recommendations and make a decision on the information provided. It is imperative when budgets are going to be tight that you are clear on the financial implications, but you can't put a cost to operating a new structure before you have agreed what that structure is going to be.

- (v) *Is the leader on behalf of the Council, convinced that WLBC has a clear rationale for the proposed formal change in governance arrangements? (If not, could this be challenged legally?)*
- (vi) *What will be done to mitigate the various risks involved in this proposed change, including those which have been identified in the review process?*
- (vii) *What evidence do we have that this proposed change will strengthen our governance in a way that cannot be achieved by other means, e.g evidence that:*
- *under a committee system decision making will be more consensual*
 - *partnership decision making will be more effective*
 - *engagement with Councillors in policy making will be more inclusive than it is now?*
- (viii) *Is the Leader of the Council satisfied that sufficient consideration has been given to the option of a "Hybrid system of governance which would require cultural change in the organisation rather than major constitutional /structural change, and possibly some more minor changes to the constitution? If so what evidence do we have to substantiate that?*

Response

The cross party Working Group considered these matters and has

consequently put forward recommendations to Council based on those considerations. It is for the Council to consider those recommendations and make a decision on the information provided.

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. Licensing & Appeals Committee – Tuesday 26 July 2022
- B. Planning Committee – Thursday 28 July and 8 September 2022
- C. Standards Committee – 20 September 2022
- D. Budget/Council Plan Committee – 28 September 2022

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

Consideration was given to the report of the Corporate Director of Transformation, Housing and Resources, as contained on pages 263 – 266 and 305 – 332 of the Book of Reports, which set out the Overview and Scrutiny Annual Report 2021/22 and how Overview and Scrutiny is working at West Lancashire and sought additional resources in order to undertake the additional work arising from the creation of the four Task & Finish Groups that have been established and the additional pressures in Democratic Services.

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

43 CHANGE OF GOVERNANCE ARRANGEMENTS

Consideration was given to the report of Simon Goacher, Independent Legal Adviser (Weightman's LLP) on behalf of the Chief Operating Officer, as contained on pages 267 – 286 of the Book of Reports, which set out the recommendations of the Political

Governance Arrangements Working Group, recommending to move to a Committee System following a review undertaken and which set out the legal framework and implications for change.

The Mayor advised that Simon Goacher was in attendance to take any questions.

The Chairman of the Working Group thanked Members, Officers, Simon Goacher from Weightmans and Ed Hammond from the Centre of Governance & Scrutiny for the work undertaken during the review.

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

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

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

FOR: Councillors Bailey, Mrs Blake, Blundell, Clandon, Daniels, Davis, Eccles, Gordon, Gresty, Hirrell, Howard, Johnson, Jukes, Mrs Marshall, Mee, Mitchell, O'Toole, Owens, Pope, Rigby, Sutton, Thompson, Turpin, D Westley, Mrs Westley, Whittington and Witter. (TWENTY-SEVEN)

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

ABSTENTIONS: (NONE)

The Amendment was CARRIED.

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

RESOLVED: A. That the following recommendations of the Working Group be noted:

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

(b) That in respect of consultation arrangements:

(i) a referendum should not be held.

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

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

(c) That the following Committee structure be adopted:

Service/Policy Committees:

- Policy & Resources
- Housing & Health
- Environment

Statutory Committees:

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

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

- B. That taking into account the recommendations of the Working Group above, the implications of change set out in paragraph 8 of the report, including the financial/resource implications, set out in paragraph 10, the Council move to a committee system with effect from the Annual Council meeting in 2024.
- C. That the Council adopts the Committee structure set out at A. (c) above.
- D. That the Terms of Reference of the Political Governance Arrangements Working Group be expanded, in order to bring further reports back to Council, in respect of the following:
 - (i) The Consultation arrangements
 - (ii) The Membership size and Terms of Reference of Committees and to consider if any other bodies, such as Sub-Committee, Working Groups or Task & Finish Groups will be required.
 - (iii) Changes to the Constitution, including, but not limited to, the Scheme of Delegation to Chief Officers.
 - (iv) a review of the staffing required in Democratic Services to support the change.
- E. That it be noted that the Independent Remuneration Panel will be called upon to undertake a review of the Members Allowance Scheme for 2024/25, following the all-out elections being held in May 2023.
- F. That it be noted that the Member Development Commission will be consulted on proposals in relation to the required training for

Members.

44 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.

45 BECCONSALL LANE - HESKETH BANK - CONDITIONAL LAND PURCHASE

Consideration was given to the report of the Chief Operating Officer, as contained on pages 287 to 294 of the Book of Reports, which set out details of a proposed land purchase to facilitate a new housing scheme.

RESOLVED: That a site at Becconsall Lane, Hesketh Bank be purchased and that relevant agreements are put in place with Heylo Housing and Tawd Valley Developments Limited (TVDL) to deliver the scheme, subject to the conditions at paragraph 4.9 of the report, being met.

46 MOTIONS

The following 2 Motions were considered at the request of the Members indicated:

47 YOUTH COUNCIL & YOUTH MAYOR - MOTION FROM COUNCILLOR JAMES UPJOHN

The following Motion was moved and seconded:

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

The mover and the seconder amended the Motion to remove the words "either February", with the agreement of the meeting

RESOLVED: That a report be submitted to April 2023 full Council meeting, to consider how West Lancashire can work with Lancashire County Council to strengthen relationships with the Lancashire Youth Council on local issues. The report to also include what it would entail to have a Youth Mayor in West Lancashire, what levels of support would be

available for a Youth Mayor and how they could be involved with helping the Mayor in their role.

48 **MENTAL HEALTH SUPPORT FOR COUNCILLORS - MOTION INCLUDED BY COUNCILLOR JAMES UPJOHN**

The following Motion was moved and seconded:

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

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

The Portfolio Holder gave a commitment to resend the details previously provided in an email, which set out what provision was available to Councillors in West Lancashire.

Following a debate, the Motion was WITHDRAWN by the mover and seconder, and with the agreement of the meeting.

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THE MAYOR