

COUNCIL**HELD: Wednesday, 19 October 2016**

Start: 7.30 pm

Finish: 10.15 pm

PRESENT:

Councillors:

L Savage (Mayor)

N Furey (Deputy Mayor)

T Aldridge

I Ashcroft

S Bailey

M Barron

Mrs P Baybutt

Mrs M Blake

T Blane

J Bullock

J Cairns

C Cooper

P Cotterill

S Currie

J Davis

N Delaney

T Devine

G Dowling

C Evans

D Evans

Y Gagen

J Gordon

P Greenall

N Hennessy

G Hodson

J Hodson

P Hudson

J Kay

D McKay

C Marshall

Mrs J Marshall

J Mee

M Mills

P Moon

I Moran

M Nixon

D O'Toole

G Owen

A Owens

J Patterson

A Pritchard

N Pryce-Roberts

D West

D Westley

Mrs M Westley

D Whittington

K Wilkie

K Wright

C Wynn

A Yates

Officers:

Ms K Webber, Chief Executive

R Livermore, Director of Housing and Inclusion

D Tilleray, Director of Leisure and Wellbeing

G Concannon, Director Street Scene

J Harrison, Director of Development and Regeneration

T Broderick, Borough Solicitor

M Taylor, Borough Treasurer

S Walsh, Borough Transformation Manager & Deputy Director of Housing and Inclusion

P Samosa, Deputy Director Street Scene

T Lynan, Elections and Administration Services Manager

Mrs J Denning, Assistant Member Services Manager

PRAYERS

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

43 **APOLOGIES**

Apologies for absence were received on behalf of Councillors McKenna, Ms Melling and Pope.

44 **DECLARATIONS OF INTEREST**

The following declarations were received:

1. Councillors Aldridge, Barron, Hennessy, O'Toole and D Westley declared a pecuniary / non pecuniary interest in relation to agenda item 8 'General Revenue Account Policy Options 2017/18'* , agenda item 12 'Overview and Scrutiny Committee Annual Report 2015/16', agenda item 13 'A Market Town Strategy for Ormskirk – Final Report of the Corporate and Environmental Overview and Scrutiny Committee' and agenda item 19(c) 'Motion – Grammar Schools', as Members of Lancashire County Council (LCC), as did Councillors Gagen and McKay as employees of LCC, and indicated that they would not participate in any detailed discussions which affected LCC*.
2. Councillors Ashcroft, Barron, Mrs Blake, Blane, Gordon, Kay, Mrs Marshall, Mee and Whittington declared a pecuniary / non pecuniary interest in relation to agenda item 8 'General Revenue Account Policy Options 2017/18' as Members of a Parish Council and indicated they would not participate in any detailed discussions which affected the finances of those bodies specifically.*
3. Councillor Wynn declared a Disclosable Pecuniary Interest in relation to item 8 'General Revenue Account Policy Options 2017/18' 'OP9 – Green Waste Collection' and OP11 'Full review of mechanical sweeping and street cleansing prestige work', as he is employed by Essential Fleet Services Ltd to maintain Council vehicles and works at the Robert Hodge Centre and indicated he would not participate in any detailed discussions which affected his employer or employment.*

* 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.

4. All Members declared a pecuniary interest in relation to item 8 'General Revenue Account Policy Options 2017/18' 'OP15 – Remove essential user lump sum car allowance and consider payment of mileage rates' but were entitled to speak and vote by virtue of an exemption.*
5. Councillors Delaney, Devine, Owen, Nixon, Patterson and West (Tenant of a Council flat/house) Aldridge and McKay (Tenant of a Council garage) declared disclosable pecuniary interests in relation to item 9 'Housing Revenue Account Policy Options for 2017/18' 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 their respective tenancy or lease).

6. Councillors Aldridge, Mee, Pendleton and Wright declared non-pecuniary interests in relation to item 9 'Housing Revenue Account Policy Options for 2017/18' as they have a connected person who is a tenant of rented Council accommodation. Insofar as that interest becomes a pecuniary interest (as it could 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 Cotterill and D Westley declared a non-pecuniary interest in agenda item 17(c) 'Grammar Schools – Motion' as school governors of a secondary school.
8. Councillor Aldridge declared a non-pecuniary interest in agenda item 17(b) 'Fracking on Council Owned Land' as a member of Lancashire County Council.

45 MINUTES

That the minutes of the meeting held on 20 July and the Extraordinary meeting held on 22 September 2016, be approved as a correct record and signed by the Mayor.

46 ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF EXECUTIVE**A. The Mayor announced:**

1. The following Charity events:
 - The '80's Disco' on 4 November 2016 at The Civic – tickets £5.00
 - Christmas Bingo in The Civic on 1 December – ticket price £5.00, to include hot drink/mince priceAnd asked for the support of Members at both of these events.
2. That the Saracen's Head, Halsall had won the award for 'Best Kept Pub, Inn or Restaurant' and Scarisbrick Marina had been highly commended in the 'Best Kept Industrial / Commercial Premises' in the 'Lancashire Best Kept Village Competition 2016' and presented Councillor Mills with the respective certificates on behalf of the organisations, as the Ward Councillor for Halsall.

- B. The Chief Executive announced the retirement of Mr R Livermore, Director of Housing and Inclusion, and Mr G Concannon, Director of Street Scene, and commended them on their service to the Council and their careers.

The Mayor presented the officers with a commemorative Shield and thanked each of them for their service to the Council.

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

There were no items under this heading.

48 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, 19 July and 11 October 2016
- B. Planning Committee - Thursday, 28 July, 1 September (*subject to Minute 25 'Membership of the Committee' where it reads 'Councillor Owens', this should read 'Owen'.*) and 6 October 2016
- C. Chief Officers Committee - Thursday, 8 and 29 September 2016
- D. Standards Committee - Tuesday, 20 September 2016
- E. Audit & Governance Committee - Tuesday, 27 September 2016

49 GENERAL REVENUE ACCOUNT POLICY OPTIONS 2017-18

Consideration was given to the report of the Chief Executive, as contained on pages 299 to 370 of the Book of Reports, which detailed the financial performance in the current year and the results of the Policy Options 2017/18 consultation, before agreeing a final set of Policy Options for implementation.

Additional information, which contained the views of the Trade Unions in relation to the 3 Options on Car Allowances was circulated, together with a Motion, which was moved and seconded.

An Amendment to the Motion was moved and seconded in the following terms:
"That the Motion be amended at paragraph C. to remove reference to the introduction of a charge for the collection of Green Waste."

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

FOR: Councillors Ashcroft, Bailey, Barron, Mrs Baybutt, Mrs Blake, Blane, Cairns, Currie, Mrs C Evans, Gordon, Greenall, Kay, C Marshall, Mrs Marshall, Mee, Moon, O'Toole, Owens, D Westley, Mrs Westley and Whittington (TWENTY ONE)

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AGAINST: Councillors Aldridge, Bullock, Cooper, Cotterill, Delaney, Devine, Dowling, D Evans, Furey, Gagen, Hennessy, G Hodson, J Hodson, Hudson, McKay, Mills, Moran, Nixon, Owen, Patterson, Pritchard, Pryce-Roberts, West, Wilkie, Wright and Yates (TWENTY SIX)

ABSTENTIONS: Councillor Savage (ONE)

The Amendment was LOST

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

FOR: Councillors Aldridge, Bullock, Cooper, Cotterill, Davis, Delaney, Devine, Dowling, D Evans, Furey, Gagen, Hennessy, G Hodson, J Hodson, McKay, Mills, Moran, Nixon, Owen, Patterson, Pritchard, Pryce-Roberts, Savage, West, Wilkie, Wright and Yates (TWENTY SEVEN)

AGAINST: Councillors Ashcroft, Bailey, Barron, Mrs Baybutt, Mrs Blake, Blane, Cairns, Currie, Mrs C Evans, Gordon, Greenall, Hudson, Kay, C Marshall, Mrs Marshall, Mee, Moon, O'Toole, Owens, D Westley, Mrs Westley and Whittington (TWENTY TWO)

ABSTENTIONS: NONE

The Motion was CARRIED.

- RESOLVED:
- A. That the financial performance at the mid year point as set out in Appendix 1 be noted.
 - B. That the results of the Policy Options consultation set out in Appendices 2, 3 and 4 be noted.
 - C. That the following Policy Option proposals be approved from 2017/18:
 - Introduce a charge of £30 per year for the collection of green compostable material (Appendix 5 reference OP9)
 - Introduce a charge of £25 per year to have an extra green bin emptied (Appendix 5 reference OP9)
 - Removal of Static Recycling sites across the Borough (Appendix 5 reference OP10)
 - Reduce time period for discretionary council tax discounts on empty properties by half (Appendix 5 reference OP12)
 - Introduce a flat rate for the essential user lump sum car allowance based on the NJC rate for the smallest size cars with pay protection for any staff whose allowance is reduced

(Appendix 6 option 2)

- Payment of HMRC rates for all business mileage (Appendix 6 option 2)

D. That the remaining Policy Option proposals contained in Appendix 5 be deferred for consideration at a later date.

E. That the Chief Executive and Heads of Service be given authority to take all necessary action in connection with the implementation of the approved proposals.

(Note: (i) Councillor Wynn declared a disclosable pecuniary interest in this item and left the room whilst the item was being considered.

(ii) Councillor Davis arrived during consideration of this item, following the vote on the Amendment.)

50

HOUSING REVENUE ACCOUNT POLICY OPTIONS 2017-18

Consideration was given to the report of the Director of Housing and Inclusion, as contained on pages 371 to 402 of the Book of Reports, which detailed the financial performance in the current year and the results of the Policy Options 2017/18 consultation, before agreeing a final set of Policy Options for implementation.

RESOLVED: A. That the financial performance at the mid year point as set out in Appendix 1 be noted.

B. That the results of the Policy Options consultation set out in Appendix 2 be noted.

C. That the Policy Option proposals set out in Appendix 3 be approved.

D. That the Director of Housing and Inclusion be given authority to take all necessary action in connection with the implementation of the approved proposals.

51

2018 BOUNDARY REVIEW (PARLIAMENTARY CONSTITUENCIES)

Consideration was given to the report of the Borough Solicitor, as contained on pages 403 to 420 of the Book of Reports, which detailed the Boundary Commission for England's consultation on its initial proposals for the West Lancashire and Southport Parliamentary constituencies in its "Initial Proposals for the North West Region" and provided a suggested response.

RESOLVED: That the Borough Solicitor responds to the consultation, as set out at Appendix 4 to the report.

52 TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS MONITORING 2016-17

Consideration was given to the report of the Borough Treasurer, as contained on pages 421 to 426 of the Book of Reports, which detailed the Treasury Management operations in the year to date and reported on the Prudential Indicators for 2016/17, where available.

RESOLVED: That the Prudential Indicators and Treasury Management activity in the year to date be noted.

53 OVERVIEW AND SCRUTINY ANNUAL REPORT 2015/16

Consideration was given to the report of the Borough Solicitor, as contained on pages 427 to 448 of the Book of Reports, which presented the Overview and Scrutiny Annual Report 2015/16 and considered how overview and scrutiny is working at West Lancashire.

RESOLVED: That the Overview and Scrutiny Annual Report 2015/16, attached at Appendix 1 to this report, be noted and the Overview and Scrutiny Committees be commended on their work.

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

54 A MARKET TOWN STRATEGY FOR ORMSKIRK - FINAL REPORT OF THE CORPORATE AND ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE

Consideration was given to the report of the Director of Leisure and Wellbeing, as contained on pages 449 to 500 and the final report and recommendations of the Corporate and Environmental Overview and Scrutiny Committee following a review it had conducted entitled 'A Market Town Strategy for Ormskirk'.

RESOLVED: A. That the Corporate and Environmental Overview and Scrutiny Committee be complimented on their work.

B. That the final report of the Corporate and Environmental Overview and Scrutiny Committee 'A Market Town Strategy for Ormskirk', attached at Appendix A to the report, be noted and approved for formal publication, subject to resources.

C. That the Corporate and Environmental Overview and Scrutiny Committee review the recommendations contained in the report in December 2016.

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

55 **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 paragraphs 1, 3 and 4 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.

56 **WESTEC HOUSE SITE**

Consideration was given to the report of the Director of Housing and Inclusion, as contained on pages 501 to 514 of the Book of Reports, which advised that the site identified to invest the 1-4-1 replacement funding together with Housing Revenue Account (HRA) funding for affordable housing redevelopment, will be the former Westec Site, Ormskirk (as detailed in Appendix C to the report) and sought approval for finance as necessary, so that the remainder of the site could be fully developed to provide the maximum Capital Receipt possible for the land.

- RESOLVED:
- A. That it be noted that subject to D. below, the Director of Housing and Inclusion, after consultation with the Housing Portfolio Holder, had selected the former Westec House site to build affordable homes approved by Council in July 2016.
 - B. That subject to D. below, additional funding to a maximum of £2.201M be authorised to develop out the whole of the Westec House site in accordance with paragraph 4.1d) of the report.
 - C. That the funding in B. above be used to build properties for market sale and to include all appropriate costs associated with the redevelopment process.
 - D. That it be noted that Cabinet is to consider the appropriation of Westec House site land.
 - E. That the proceeds of sale, less any revenue costs such as marketing etc., raised by this be allocated in part to provide £450,000 to support the current Capital Programme and the use of the remainder be determined by Council, in due course, to meet its priorities.
 - F. That subject to D. above, the Director of Housing and Inclusion take all necessary steps to deliver B. and C. above, including approvals, entering into relevant contracts/agreements and the obtaining of necessary permissions and consents.

(Note: Councillor Whittington asked that his Abstention from voting be recorded.)

57 SENIOR MANAGEMENT - INTERIM ARRANGEMENTS

Consideration was given to the report of the Chief Executive, as contained on pages 515 to 530 of the Book of Reports, which sought approval to the interim arrangements for senior management cover, prior to the successful candidates for the posts of Director of Housing and Inclusion and Director of Street Scene taking up their positions.

RESOLVED: A. That the approach to interim arrangements for senior management cover, as set out in paragraphs 5.3.1 and 5.3.2 of the report and Appendix 1b to the report, be agreed.

B. That pending the permanent appointment to the Director of Housing and Inclusion and Street Scene posts, on retirement of the current post holders, the following posts be redesignated as indicated:

| From | To |
|---|---|
| Borough Transformation Manager and Deputy Director of Housing & Inclusion | Director of Housing & Inclusion (Interim) |
| Deputy Director of Street Scene | Director of Street Scene (Interim) |
| Housing and Operations Manager | Deputy Director of Housing & Inclusion [Operations] (Interim) |
| Property Services Manager | Deputy Director of Housing & Inclusion [Property] (Interim) |
| Support Services Manager | Borough Transformation Manager (Interim) |

and that the current post holders assume the duties attributed to these revised roles as detailed in marked up job descriptions, with honoraria calculated in line with corporate policies, on the basis of existing terms and conditions.

C. That pending permanent appointment to the post of Director of Housing and Inclusion, on retirement of the current post holder, the Director of Development and Regeneration act as joint deputy for the Chief Executive (with the Director of Leisure and Wellbeing), at a salary level set out at 5.3.2 (i) of the report, on the basis of existing terms and conditions.

- D. That delegated authority be agreed for the Chief Executive to take all action necessary in connection with implementing A., B. and C. above, including varying the duration of the arrangement as required.
- E. That the Constitution including the 'Proper Officer Provisions and Scheme of Delegation' and relevant policies and procedures be updated as required to reflect A., B. and C. above, as set out at Appendix 3 to the report.

- (Note: (i) All officers, except for the Chief Executive, the Borough Solicitor, the Borough Treasurer and the Assistant Member Services Manager, left the room whilst this item was being considered.
- (ii) Councillor Owens requested that his Abstention from voting be recorded.
 - (iii) Following consideration of this item, Officers, the Press and Public were invited back into the meeting.)

58 **MOTIONS**

Consideration was given to the following Motions included on the agenda by the Members indicated:

59 **'TOTAL ECLIPSE OF THE S*n' - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR WILKIE ON BEHALF OF THE LABOUR GROUP**

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

'Total Eclipse of the S*n' - Motion Included on the Agenda by Councillor Wilkie on behalf of the Labour Group

This motion calls on shops in West Lancashire to stop selling the S*n newspaper and condemns it for publishing "blatant lies".

On 15th April 1989 a disaster at Hillsborough Stadium in Sheffield led, ultimately, to the deaths of 96 innocent fans that had left home that morning to watch a football match.

Due to crowd control mis-management those fans, whose ages ranged from 10 to 67 years old, had the life crushed out of them. Contrary to the facts, the S*n published a front page story with the banner headline 'The Truth' which contained blatant lies.

Many Hillsborough families who were affected by that fateful day reside in West Lancashire.

For this reason the Council calls on all retailers and vendors of newspapers in West Lancashire to stop selling The S*n and applauds the group 'Total Eclipse of the S*n' for endeavouring to rid the North West of the newspaper.

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

FOR: Councillors Aldridge, Bullock, Cooper, Cotterill, Davis, Delaney, Devine, Dowling, Mrs C Evans, D Evans, Furey, Gagen, Hennessy, G Hodson, J Hodson, Hudson, McKay, Mills, Moran, Nixon, Owen, Patterson, Pritchard, Pryce-Roberts, Savage, West, Wilkie, Wright, Wynn and Yates (THIRTY)

AGAINST: Councillors Ashcroft, Barron, Cairns, Currie, Greenall, Mee, Moon, O'Toole, Owens, D Westley, Mrs Westley and Whittington (TWELVE)

ABSTENTIONS: Councillors Bailey, Mrs Baybutt, Mrs Blake, Blane, Gordon, Kay, C Marshall and Mrs Marshall (EIGHT)

RESOLVED: That this Council calls on shops in West Lancashire to stop selling the S*n newspaper and condemns it for publishing "blatant lies".

On 15th April 1989 a disaster at Hillsborough Stadium in Sheffield led, ultimately, to the deaths of 96 innocent fans that had left home that morning to watch a football match.

Due to crowd control mis-management those fans, whose ages ranged from 10 to 67 years old, had the life crushed out of them. Contrary to the facts, the S*n published a front page story with the banner headline 'The Truth' which contained blatant lies. Many Hillsborough families who were affected by that fateful day reside in West Lancashire.

For this reason the Council calls on all retailers and vendors of newspapers in West Lancashire to stop selling The S*n and applauds the group 'Total Eclipse of the S*n' for endeavouring to rid the North West of the newspaper.

60 **FRACKING ON COUNCIL OWNED LAND - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR J HODSON ON BEHALF OF THE LABOUR GROUP**

The following Motion was moved and seconded:

As part of Labour's commitment to the Cop 21 Climate Change Agreement in Paris, the Shadow Secretary of State for Energy recently announced that Labour would place a ban on Fracking due to its incompatibility with targets to tackle Climate Change. West Lancashire Borough Council, in line with this commitment will not allow any Fracking to take place on any Council owned land.

RESOLVED: As part of Labour's commitment to the Cop 21 Climate Change Agreement in Paris, the Shadow Secretary of State for Energy recently announced that Labour would place a ban on Fracking due to its incompatibility with targets to tackle Climate Change. West Lancashire Borough Council, in line with this commitment will not allow any Fracking to take place on any Council owned land.

(Note: (i) Councillor Cairns left the meeting prior to consideration of this item.
(ii) Councillors Currie, Gordon and D Westley left the room whilst this item was under consideration.)

61 **GRAMMAR SCHOOLS - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR DOWLING ON BEHALF OF THE LABOUR GROUP**

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

This Council is proud of all secondary schools in the borough and applauds them in the work they do to educate our children, in times of tough financial pressures, ever increasing scrutiny from Ofsted and the ever changing policies of the Department for Education.

This council notes the opposition by Lancashire County Council, the Shadow Education Secretary Angela Rayner MP, former Education Secretary Nicky Morgan, Ofsted Chief Sir Michael Wilshaw, the OECD, and many others to this government's grammar schools proposals.

This Council believes the Tories' plan for grammar schools will segregate our children, providing a privileged education for a few and a second class education for the rest. Far from increasing social mobility, they undermine the quality of existing secondary schools and improving life chances across the board.

This Council resolves to write to the Prime Minister and the Secretary of State for Education urging them not to proceed with these divisive proposals which contradict all available evidence regarding the most effective ways to improve educational achievement and hence will do nothing to raise educational standards for all our children.

- RESOLVED:
- A. That this Council is proud of all secondary schools in the borough and applauds them in the work they do to educate our children, in times of tough financial pressures, ever increasing scrutiny from Ofsted and the ever changing policies of the Department for Education.
 - B. That this council notes the opposition by Lancashire County Council, the Shadow Education Secretary Angela Rayner MP, former Education Secretary Nicky Morgan, Ofsted Chief Sir Michael Wilshaw, the OECD, and many others to this government's grammar schools proposals.
 - C. That this Council believes the Tories' plan for grammar schools will segregate our children, providing a privileged education for a few and a second class education for the rest. Far from increasing social mobility, they undermine the quality of existing secondary schools and improving life chances across the board.
 - D. That this Council resolves to write to the Prime Minister and the Secretary of State for Education urging them not to proceed with these divisive proposals which contradict all available evidence regarding the most effective ways to improve educational

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achievement and hence will do nothing to raise educational standards for all our children.

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THE MAYOR