

SOUTH RIBBLE BOROUGH COUNCIL

Meeting held at 6.00pm on Wednesday, 20th November, 2013 in Shield Room, Civic Centre, West Paddock, Leyland, PR25 1DH

Present:-

Councillor Mrs D Gardner (in the chair)

Councillors Ms Bell, S Bennett, W Bennett, Clark, Coulton, Crook, Evans, Forrest, Foster, M Gardner, Mrs Mary Green, Michael Green, Hamman, Hanson, Harrison, Hesketh, Heyworth, Higgins, Mrs Hothersall, Howarth, Hughes, K Jones, Mrs S Jones, Kelly, Marsh, Martin, Mrs Mort, Mullineaux, Nelson, Mrs Noblet, O'Hare, Ogilvie, Otter, Pimblett, Prynne, Rainsbury, Mrs M Smith, Smith, Stettner, Suthers, Titherington, C Tomlinson, M Tomlinson, Miss Walker, Walton, Mrs Woollard and Yates

In Attendance:-

The Chief Executive (Mike Nuttall), the Director of Corporate Governance (Maureen Wood) and the Democratic Services Officer (Carol Eddleston)

Public Attendance:-

3

Other Officers:-

3

Minute No.	Description/Resolution
47	<p>Apologies for Absence</p> <p>Apologies for absence were submitted on behalf of Councillors Mrs Ball, Beattie, Bradley, Mrs Moon, Patten, Robinson and Watts.</p>
48	<p>Declarations of Interest</p> <p>Councillor Martin declared a personal interest in a number of items as an employee of Lancashire County Council. These are reported in the relevant minute below.</p>
49	<p>Minutes of the Meeting held on 18 September 2013</p> <p>Councillor Titherington said that some of his comments to the Mayor at the close of the last meeting may have been perceived as being discourteous to her and to the mayoral office. He stressed that this had not been his intention and that he fully supported the Mayor and the mayoral office.</p> <p>Councillor Heyworth referred to comments made at the last meeting about the timing of his reporting at the July meeting of an incident in Brickfield Wood and said he would not want anybody to think he was being tardy. He pointed out that he had said at the time that he had been reluctant to raise the matter earlier because he had been relying on hearsay.</p> <p>RESOLVED (unanimously) that: The minutes of the meeting held on 18 September 2013 be approved as a correct record and signed by the Mayor.</p>

50

Report of the Cabinet

Councillor Martin declared a personal interest in this item as an employee of Lancashire County Council.

Councillor Crook said he was pleased to see the progress being made on the LDF Site Allocations DPD Adoption Version and that Cabinet was recommending that the Planning Inspector's recommendations be accepted. However, he pointed out that the Inspector had issued only a Partial Report because she had considered that sites for gypsies and travellers had not been adequately dealt with. He was surprised that this had not been mentioned in the Cabinet report although members were being asked to vote on it and he sought assurance that the matter would be addressed.

Councillor Hughes said that this had been discussed at length and he had made the point that a report had found some years ago that there was no need for such a site. However, in response to the Inspector's view that the need should now be reviewed, this Council had co-commissioned a study with Chorley Borough and Preston City Councils.

Councillor Foster referred to Cabinet's decision to waive paragraphs 10.1 to 10.3 of Contract Procedure Rules for the telephony system upgrade. Noting that waivers should be used only in exceptional circumstances, he asked for an explanation of what the exceptional circumstances were. He did not believe that this spend was a good use of the Council's money and he suggested that the Governance Committee should be asked to look at the waiving of the Contract Procedure Rules.

Councillor Hamman said that he had previously pointed out that the alternative would have been to spend in the region of £500,000 on a new telephony system. Information Technology was a difficult area in as far as certain elements within wider systems sometimes had to be replaced and the decision had been taken to spend £43,000 rather than £500,000. He would be happy for the Governance Committee to look at this but he confirmed that the Monitoring Officer and the Legal department had been consulted about whether the correct procedure was being followed and they had confirmed that it was.

Councillor Foster expressed his concern at the response which seemed to indicate that the decision to waive Contract Procedure Rules had not been taken due to exceptional circumstances but rather to save money. He suggested that the Cabinet Member had therefore admitted to breaching the rules.

As chairman of the Governance Committee, Councillor W Bennett said that he would be happy to meet with Councillor Foster as vice-chairman, and Councillor Hamman as Cabinet Member for Corporate and Support Services, to discuss the issues raised.

Councillor Martin welcomed the introduction of the Scrap Metal Dealers Act 2013 but had some concerns about the wording and enquired how it would be enforced. Councillor P Smith pointed out that the wording was fixed as this was primary legislation. Council officers would be responsible for enforcement.

In relation to the Review of Charges for Fixed Penalty Notices (FPN) item, Councillor M Tomlinson said that the Labour group was fully supportive of the Council's zero tolerance approach but was a little mystified by the Cabinet's decision not to increase two of the FPNs to the maximum amount permissible.

Councillor Mullineaux explained that the Council used a zero tolerance and education approach. Recovering unpaid fines via the court system would incur additional expense and keeping fines for certain offences at a particular level could make all the difference to

how likely the offender was to pay the fine.

Councillor Martin commented on a recent incident where a dog roaming off the lead had attacked and killed a cat. As the road where the incident had occurred was unadopted, no action could be taken. With this in mind, he foresaw problems in the future when the City Deal brought forward lots of new developments whose roads might not be speedily adopted.

Councillor Hughes acknowledged that unadopted roads were a 'nuisance'. The local highways authority was of course the Lancashire County Council but this council was working hard with developers and the county council to encourage them to ensure that the roads were brought up to adoptable standards.

With regard to the Waste Re-tendering and Procurement of Vehicles, Councillor Pimblett enquired whether the waste service could be brought back in house.. At Councillor M Tomlinson's comment that there had been no mention in the report of member involvement in the exercise, Councillor Mullineaux acknowledged that the report had mentioned an officer group but he would be happy to have all party member involvement in the project.

Acknowledging a comment from Councillor Mullineaux that the current waste service arrangements had been introduced by the Labour/Lib Dem coalition, Councillor Howarth expressed his hope that the invitation to tender would be based on the current arrangements rather than a return to the previous arrangements. Councillor Mullineaux confirmed that it was a very important contract.

Although he had some sympathy with residents in the vicinity of 30 Rhodesway, Councillor Foster said he did not believe that the proposed spend on the property was an efficient or effective use of Council money or that it was in line with the empty homes policy. Councillor Hughes said he was saddened by this comment as he believed the Council had a responsibility to look after its residents. He hoped that by bringing the property back into use, it would assist the Council to meet its aims of working with Methodist Action to rent out properties to homeless people. He did not consider this to be a waste of public money.

The Leader pointed out that when the property was brought back into use it would generate New Homes Bonus income for the Council for six years and Council Tax. Councillor M Tomlinson suggested that the report might have been more palatable if there had been reference to potential New Homes Bonus and Council Tax income.

In response to a suggestion from Councillor Foster that the decision was being rushed in order to keep certain members happy, Councillor W Bennett said that although the property concerned was in his ward he had had no influence in the decision and, as he considered that it was an effective use of Council money, he would have supported it whichever the ward. Councillor Green pointed out that it was part of a councillor's role to raise issues which were of concern to the residents that s/he represented.

RESOLVED that:

- 1) The report be noted;
- 2) LDF Site Allocations DPD Adoption Version (YES – 48, NO – 0, ABSTENTION – 0)
 - (i) the Main Modifications recommended by the Planning Inspector and the findings of her Partial Report be accepted;
 - (ii) the Site Allocations and Development Management Policies DPD – Partial Version, including all Main Modifications amendments for Development Management purposes, be endorsed, and
 - (iii) authority be delegated to the Planning Manager in consultation with the Cabinet Member for Strategic Planning and Housing to make minor text, layout and formatting

	<p>amendments.</p> <p>3) Scrap Metal Dealers Act 2013 (YES – 42, NO – 4, ABSTENTION – 0)</p> <p>(i) the Licensing Act Committee and the Director of Regeneration, Leisure and Healthy Communities be authorised to carry out the Authority’s functions under the Scrap Metal Dealers Act 2013;</p> <p>(ii) responsibility for subsequent reviews of fees be delegated to the Director of Regeneration and Healthy Communities in conjunction with the appropriate Cabinet Member;</p> <p>(iii) the changes necessary to the Constitution as a result of (i) and (ii) above be made;</p> <p>(iv) the period of time for representations to be made under the provisions of Schedule 1, paragraph 7 (6)(a) be 21 days in all cases.</p> <p>4) Review of Charges for Fixed Penalty Notices (YES – 31, NO – 17, ABSTENTION – 0) The proposed Fixed Penalty Charges as detailed in Appendix 1 of the report be approved and implemented from 1 April 2014.</p> <p>5) 30 Rhodesway (YES – 29, NO – 12, ABSTENTION – 4)</p> <p>(i) the Corporate Property Officer be authorised to continue negotiations for the acquisition of the property by agreement in an attempt to avoid the need for a Compulsory Purchase Order;</p> <p>(ii) further to the powers set out in Section 17 of the Housing Act 1985 (as amended) the making of the following compulsory purchase order of the purpose of re-sale and renovation in accordance with the Council’s Empty Properties Policy 2013: namely ‘The South Ribble (30 Rhodesway Hoghton) Compulsory Purchase Order 2013’;</p> <p>(iii) the Legal Services Manager be authorised to take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order, including the publication and service of all notices, and the presentation of the Council’s case at any Public Inquiry. In addition, to negotiate the withdrawal of objections to the Order and take all necessary steps to acquire the property, by agreement;</p> <p>(iv) following the confirmation of the Compulsory Purchase Order or acquisition by agreement, the Corporate Property Officer be authorised to enter into negotiations with a developer partner/purchaser, identified following a marketing exercise and agreed in consultation with the Cabinet Member for Strategic Planning and Housing, for the disposal and renovation of the property with minimal financial impact to the Council, to bring it back to a habitable condition for occupation.</p>
51	<p>Report of the Scrutiny Committee</p> <p>Councillor Martin declared a personal interest in this item as an employee of Lancashire County Council.</p> <p>Councillor Titherington presented the report of the Scrutiny Committee meetings held on 9 October and 5 November. The report was seconded.</p> <p>Councillor Titherington said that the committee had contacted Serco outside of the 9 October meeting seeking reassurance that the organisation did not indulge in some of the practices recently reported in the press.</p> <p>He was pleased to report that Lancashire Fire and Rescue Service appeared to be taking on board much of the committee’s response to the consultation on emergency cover and had been delighted with the level of public attendance. Councillor M Tomlinson congratulated the members of the Scrutiny Committee for their input to this consultation.</p> <p>Councillor Titherington confirmed that the Scrutiny Committee had had an opportunity to discuss delegated decision 729 (Budget adjustments to ensure the delivery of Community Works programme) and had decided not to call it in.</p>

	<p>The Leader referred to paragraph 3 of the report of the 5 November meeting and reiterated that there was no link between the City Deal and Leyland Board.</p>
52	<p>Report of the Governance Committee</p> <p>Councillor W Bennett presented the report of the Governance Committee meeting held on 25 September. The report was seconded.</p> <p>He urged more members of the Council to read the reports provided by the external auditors, Grant Thornton, which he considered to contain some of the most important information about the Council that members would see. The new audit contract generated recurring savings of £40K annually and members had been reassured that the level of audit and scrutiny had been maintained and that Grant Thornton was in fact adding value to the service provided. He again congratulated the officers involved for their excellent work on the 2012/13 audit. The report on the Council's financial resilience had shown that the Council's arrangements met or exceeded adequate standards in all but one indicator, 'adequacy of planning assumptions'. This was, however, outside of this Council's control, given the current inherent uncertainties in the level of future funding to be received from Government and impact on savings required.</p>
53	<p>Report of the Boundary Committee</p> <p>The Leader presented the report of the Boundary Committee meetings held on 22 October and 4 November. The report was seconded.</p> <p>The Leader commented that since the 4 November meeting some further work had been carried out relating to recommendation 3 (proposed Walton-le-Dale West and Walton-le-Dale East wards) and members of her group were happy but she did not know whether or not Councillor Watts still had some concerns.</p> <p>Councillor M Tomlinson said that the Labour group's submission had now been sent off and it was largely in line with many of the suggestions from the Boundary Commission. He paid tribute to the hours of work undertaken by Councillors Martin and Watts.</p> <p>There was some discussion from all sides of the chamber about particular ward names and about the appropriateness or otherwise of single-member wards.</p> <p>RESOLVED that:</p> <p>1) Unanimous The recommendations of the Boundary Committee that all members of the committee present agreed be approved;</p> <p>2) YES – 28, NO – 20, ABSTENTION – 0 The recommendations of the Boundary Committee that the majority of members of the committee agreed be approved;</p> <p>3) YES – 28, NO – 20, ABSTENTION – 0 The revised boundary of the proposed Walton-le-Dale West and Walton-le-Dale East wards be agreed;</p> <p>4) Unanimous The revised boundaries of the proposed Farington East/Turpin Green wards be agreed, and</p> <p>5) Unanimous The Chief Executive in consultation with the chairman of the Boundary Committee be authorised to finalise the Council's response to the Local Government Boundary Commission's Draft Recommendations for New Electoral Arrangements for South Ribble Borough Council by 6 January 2014.</p>

54

Scrutiny Review of Health Inequalities

Councillor Martin declared a personal interest in this item as an employee of Lancashire County Council.

Councillor Titherington presented the report of the Health Inequalities Task Group and expressed his thanks to all those who had been involved: fellow task group members, partners, health officials and representatives of various bodies. He expressed particular appreciation to Darren Cranshaw, Scrutiny and Performance Officer for his diligence and professionalism.

A DVD which helped put the review in context was shown to the Council.

Councillor Titherington said that this Council had already begun to build relationships with various appropriate agencies even before the Health and Social Care Reform Act had begun to be implemented and recognised that the setting up of the Chorley and South Ribble Health and Wellbeing Partnership was a unique initiative amongst the Lancashire boroughs. The Health Profile reports of 2011 and 2012 provided startling reading as in 2011 the difference in life expectancy between those living in the most deprived areas of the borough and those in the least deprived areas was 8.6 years for men and 6.3 years for women. In 2012 this gap had widened.

He said that the review had been undertaken at a time of unprecedented change in the health service and health sector and 70% of the health determinants responsible for health and wellbeing lay outside the health service (including jobs, housing, leisure and environment). Whilst this authority did not have any statutory powers under the Health and Social Care Act, that should not allow the Council to abrogate its responsibilities or deter it from acting in the interests of local residents.

The report had been structured in such a way that the health determinants had been identified and practical, appropriate and effective recommendations proposed.

Councillor Miss Walker seconded the report and shared some of her thoughts on the review.

Councillor P Smith thanked members of the task group for their hard work on the report and Councillor Titherington for inviting him and the Leader to discuss their thoughts on an earlier draft. He welcomed the recognition in Councillor Titherington's presentation of the work of the Health and Wellbeing Partnership and of Jeremy Hunt, MP's commitment to narrowing the gap in health inequalities.

Councillor M Tomlinson welcomed what he said was an excellent report with some really good recommendations and said that every member involved in its preparation should be commended. Health inequalities did not occur just between boroughs such as Burnley and Ribble Valley, but the report showed that a person's health was determined by where s/he was born and where s/he subsequently lived.

Councillor Titherington concluded by saying that the intention of the report was to tackle health inequalities and not to be divisive or to direct criticism in any direction.

RESOLVED (unanimously) that:

- i) The Scrutiny Committee and task group be thanked for their hard work on the review, and
- ii) the report be submitted to Cabinet for consideration.

55	<p>Central Lancashire Local Development Framework Joint Advisory Committee - Revised Terms of Reference</p> <p>Councillor Martin declared a personal interest in this item as an employee of Lancashire County Council.</p> <p>Councillor Hughes presented the report which recommended a revision to the committee's terms of reference in light of a number of factors relating to joint working across the county. The report was seconded.</p> <p>RESOLVED (unanimously) that:</p> <ol style="list-style-type: none"> 1) the revised Terms of Reference of the Joint Advisory Committee as set out in the report be approved; 2) the Director of Corporate Governance be authorised to negotiate and conclude a legal agreement setting out the revised governance arrangements of the Joint Advisory Committee, and 3) the necessary changes to the Council's Constitution to reflect the above recommendations be agreed.
56	<p>Questions to the Leader</p> <p>Councillor Martin declared a personal interest in this item as an employee of Lancashire County Council.</p> <p>Noting that the county council had recently begun the process of becoming a Living Wage employer, Councillor Mrs S Jones enquired if the Leader would be reconsidering her own position on the matter. The Leader observed that the county council's decision would cost £3M in tax payers' money. This Council had debated the matter at length previously and she still stood by her position. Councillor M Tomlinson expressed his disappointment at the Leader's response and said that people who worked for councils should not be working for a 'poverty wage'. He said that the Prime Minister himself had said that the Living Wage was an idea whose time had come and he wondered therefore if the Leader considered that Mr Cameron was 'woefully out of touch'.</p> <p>Councillor Michael Green welcomed the significant progress that now seemed to be being made in relation to the ongoing closure of Longmeanygate following the fatal accident in April. Numerous meetings had taken place between relevant parties and he asked the Leader to thank those concerned and to do everything in her power to expedite the re-opening of that stretch of Longmeanygate. The Leader welcomed Councillor Green's thanks and confirmed that efforts were ongoing to try to bring the matter to a satisfactory conclusion.</p> <p>In response to the request to attendees to switch off all electronic devices at the start of the meeting, a member of the public enquired when the Council chamber would be equipped with an effective communication system which would enable attendees to tweet during meetings. The Leader confirmed that she was not a user of Twitter herself and there were no plans to replace the current equipment at this point in time. Councillor Howarth questioned the provision of tablets to members if they could not be used in the Council chamber when the microphone and voting system was in use.</p> <p>Councillor Forrest had submitted a question to the Leader in advance about whether this council had signed up to offering 10 days paid leave for potential reservists to attend military training in line with the government's hope of replacing 20,000 regulars with reservists. The Leader thanked Councillor Forrest for his question and invited Councillor Ogilvie to respond as Member Champion for the Armed Forces. Councillor Ogilvie</p>

	<p>confirmed that at the current time there were no existing employees who were reservists. Many years ago there had been one officer involved who had been granted two weeks' paid leave to attend annual camp. The council had not received directly any correspondence or publicity or request to sign up but, given Councillor Forrest's question, would consider the matter more fully and report back.</p>
57	<p>Questions to Members of the Cabinet</p> <p>Councillor Martin declared a personal interest in this item as an employee of Lancashire County Council.</p> <p><i>Deputy Leader, Neighbourhoods and Street Scene</i></p> <p>Councillor Michael Green welcomed the decision to introduce a period of free parking in the run up to Christmas for another year which he was sure would be welcomed by shopkeepers and shoppers alike. Councillor Mullineaux welcomed the comments and took the opportunity to remind the meeting that parking charges in South Ribble compared very favourable with those in many other parts of the north west.</p> <p>Councillor Heyworth said that he had received letters of complaint about the ongoing problem of parking on Parkgate Drive and observed that the problem appeared to be spreading to Royal Avenue. He enquired about progress being made to resolve the issue. Councillor Mullineaux acknowledged that this was an ongoing issue on which a lot of officer time had been spent in encouraging the people concerned not to park irresponsibly. Having said this, the area concerned was not a 'No Parking' area which made the situation somewhat more difficult to address. As a local resident, Councillor Hamman confirmed that the Worden Park car parks were regularly filled to capacity on Sundays.</p> <p>Councillor Nelson referred to a recent incident involving a cyclist and a pedestrian on the footway on Wigan Road. Councillor Mullineaux regretted that he was not aware of the incident but said that he would raise the matter with Lancashire Constabulary and enquire why illegal cycling on footways was not enforced. As cyclists themselves, Councillors M Tomlinson and Forrest commented that it was sometimes relatively safer to cycle on the footway and, with the level of police cuts, it was hard to imagine that this would be a police priority.</p> <p>In response to a question from Councillor Martin about drainage works on Hurst Grange Park, Councillor Mullineaux confirmed that money had been allocated to this and work should start within the next six months.</p> <p><i>Regeneration, Leisure and Healthy Communities</i></p> <p>Councillor Prynne asked if the Cabinet Member agreed with her that an increase in betting shops and payday loan companies might be detrimental to the health and well-being of South Ribble's communities, particularly young people and residents affected by austerity measures and the current economic climate. Noting that gambling could be addictive and may lead to further stresses and strains on the health service and criminal justice system, she asked whether the Council should take the opportunity offered by the Gambling Bill currently going through Parliament to put forward amendments which called for more stringent controls on Gambling outlets and terminals. She enquired how many betting shops were operating within the borough and about the number of fixed odds betting machines located within these shops or elsewhere in the community. She also enquired about the number of pay day loan companies operating in South Ribble and the percentage increase of such companies over the last ten years.</p> <p>As chairman of the Licensing Committee, Councillor Rainsbury confirmed that this council</p>

	<p>had become responsible for issuing licences for betting shops in 2007. At that time there were 11 betting shops in the borough. In 2013 there were 12 betting shops. Given that each premise may provide up to four Amusement with Prizes there was a maximum of 48 Fixed Odds Betting Terminals in the borough.</p> <p>Councillor M Tomlinson observed that there were policies in place to deal with fast food outlets and, noting that nothing blighted a high street more than betting shops, pawn shops and pay day loan companies, he suggested that if there were opportunities to restrict the number of such premises, the Council should take them. Councillor P Smith said that if this Council were a consultee to the Gambling Bill, the Planning Committee would have an opportunity to make comments.</p> <p>Councillor Hughes undertook to look into who / what body was responsible for payday loans companies but pointed out that, from a planning perspective, if an application were received to convert a shop to something else, it would probably be approved unless there were any planning reasons for not doing so.</p> <p>Councillor Forrest enquired if there were any plans to bring forward improvement works to the Churchill Way end of Hough Lane as some shopkeepers had contacted him with concerns about the level of footfall at that end of the street suggesting that they might 'shut up shop'. Councillor P Smith reminded Council that the whole area of Churchill Way had been renovated and that the improvements had been well received.</p> <p><i>Strategic Planning and Housing</i></p> <p>Councillor M Tomlinson enquired why a planning application for the WW1 memorial was 'pulled' from a recent Planning Committee and asked whose scheme it was (Central Area My Neighbourhood or Council), which members had been involved in the siting of the memorial and who had been consulted on the design. As there seemed to be various degrees of understanding among members of the background to the application the Mayor suggested that it would be more helpful if a definitive explanation could be provided to members outside of the meeting.</p> <p><i>Shared Services and Corporate Support</i></p> <p>Councillor C Tomlinson commented that the new IT equipment rolled out to members was a real success and congratulated the officers involved. However, he queried why members were now being told, without notice, that they could not use this equipment in conjunction with the microphone and voting equipment. Councillor Hamman agreed that the tablets were a real success and he would find out definitively if they caused interference with the microphone and voting equipment. He acknowledged, however, that there were some reports which members would inevitably prefer to have in hard copy.</p>
58	<p>Questions to Chairmen of Committees and My Neighbourhood Areas</p> <p>Councillors C Tomlinson and Ms Bell referred to a recent good news story in the local press which had spoken of Leyland as a good place to raise a family and congratulated Leyland members, past and present, for their work in helping to make Leyland such an attractive location.</p> <p>In response to recent revelations about the former chairman of the Co-operative Bank, Councillor O'Hare enquired of the Governance Committee chairman if this Council had any investments in this bank and whether the Treasury Management Strategy might need any revision in the light of the emerging issues. Councillor W Bennett confirmed that the Council had no investments in this bank and that it would not meet the criteria of the Council's Treasury Management Strategy anyway.</p>

59	<p>Questions to Representatives on Outside Bodies</p> <p>In response to a question from Councillor Foster, Councillor Ogilvie confirmed that he would be attending a county wide signing of an Armed Forces Community Covenant to sign the covenant on behalf of this Council. It was a covenant between Lancashire County Council, representatives of the municipal, public, private, charitable and voluntary sectors of Lancashire, the civilian community of Lancashire and the armed forces community in Lancashire.</p>
60	<p>Notice of Motion</p> <p>Councillor Martin declared a personal interest in this item as an employee of Lancashire County Council.</p> <p>Notice of the following motion, to be proposed by Councillor Martin and seconded by Councillor Titherington, had been submitted in accordance with Standing Order 9(2).</p> <p>‘This Council notes evidence which has emerged as part of a Parliamentary inquiry into blacklisting in employment, which has brought forward allegations of widespread use of blacklists in relation to public sector works.</p> <p>This Council deplores and wholeheartedly condemns the practice of ‘Blacklisting’, declaring it a fundamental breach of human rights and therefore resolves to adopt the following measures:</p> <ol style="list-style-type: none"> 1) Within the pre-qualification process asking the contractor to confirm they have not taken part in any blacklisting practices [as described in The Employment Regulations Act 1999 (Blacklists) Regulations 2010] since 2nd March 2010. If they have not compensated their victims, and there are further outstanding issues, they should not be shortlisted for tender. 2) Within the standard terms and conditions [of the contract] include a clause which states that if after a contract has been awarded, a contractor and its associated companies is found to have breached the regulations post 2nd March 2010, this council reserves the right to terminate the contract and seek damages.’ <p>In presenting the motion, Councillor Martin outlined the background to the Employment Regulations Act 1999 (Blacklists) regs 2010 and said blacklisting was a nasty and unacceptable practice of punishing or excluding workers simply because they had raised health and safety fears or were a member of a body that represented them. He said that this Council should not be awarding contracts to companies or their subsidiaries that used fear and intimidation brought about by engaging in blacklisting,</p> <p>Councillor Titherington congratulated Councillor Martin for bringing this important motion to Council and was pleased to be able to second it. He had witnessed the impact of blacklisting first hand and was aware of the effect it had on people and their families. He said that there could be few more heinous crimes perpetrated against human rights than the practice of denying somebody their right to earn a living. He said that the motion asked members of the Council to say that they simply did not accept the practice of blacklisting and would not be doing business or be associated with any firms or organisations who were indulging in it or had done so in the past.</p> <p>Councillor Hamman rose to propose the following amendment to the motion:</p> <p>‘This Council notes evidence which has emerged as part of a Parliamentary inquiry into blacklisting in employment, which has brought forward allegations of the use of blacklists in</p>

relation to some areas of public sector works.

This Council deplores and wholeheartedly condemns the practice of 'Blacklisting' and will continue to ensure that all due regard is made in the process of seeking and awarding contracts in respect of any company or its subsidiaries where it has been proven that the company or its subsidiaries have been involved in any illegal activity, such as the practice of blacklisting.

Equally, the Council deplores the use of leverage tactics, whereby company managers and their families are directly targeted as part of an industrial protest and welcomes the government announcement of an inquiry into the practice of leveraging

As a consequence of this, the Council's procurement processes for works contracts will be amended to specifically ask for the following information at the Pre-Qualification Questionnaire (PQQ) stage or as part of an Open Tender process.

1. A statement confirming compliance with the Employment Relations Act 1999 (Blacklisting) Regulations 2010 or the company's policy showing how it addresses the issue of "blacklisting" as defined under those Regulations.
2. Details of any successful legal action taken against the company or its subsidiaries for breach of the Employment Relations Act 1999 (Blacklisting) Regulations 2010 together with any mitigating action that has subsequently been taken to prevent a repetition.'

In response to Councillor Foster's suggestion that the amendment was out of order because paragraph 3, in referring to the use of leverage tactics, was not relevant to the Notice of Motion, the Leader confirmed that great care had been taken with the wording of the amendment and in fact the first four paragraphs were simply preamble to the recommendations which would be voted on. Her group was broadly supportive of the motion but considered that the Labour group's wording was potentially not proportionate or balanced in the right direction.

The Mayor was advised by officers that in their view the amendment was in order.

Councillor Pimblett said that blacklisting was despicable and he suggested that the proposed amended in fact watered down the original notice of motion. There were some suggestions from Labour group members that the amendment was more likely to gain unanimity if the paragraph referring to leverage tactics were removed but Conservative group members argued that this should be maintained.

Councillor M Tomlinson conferred with his members and indicated that the Labour group would not be voting on the amendment. At this point the Labour group members left the chamber.

Conservative group members stood in support of Councillor Michael Green's request for a named vote.

The Mayor invited members to vote on the amendment.

The vote was carried.

Conservative – YES – 27 –

The Mayor, Cllr W L Bennett, Cllr C Clark, Cllr C Coulton, Cllr M Gardner, Cllr Mrs Mary Green, Cllr Michael Green, Cllr C P Hamman, Cllr J Hesketh, Cllr Mrs J R Hothersall,

Cllr J C Hughes, Cllr J D Marsh, Cllr Mrs J A Mort, Cllr P Mullineaux, Cllr M R Nelson, Cllr Mrs R J Noblet, Cllr A Ogilvie, Cllr G O'Hare, Cllr J W M Otter, Cllr J Rainsbury, Cllr Mrs M R Smith, Cllr P J Smith, Cllr P G R Stettner, Cllr Miss F A Walker, Cllr G Walton, Cllr Mrs L R Woollard, Cllr B Yates

Liberal Democrat – NO – 2
Cllr D Howarth, Cllr A E Pimblett

The meeting then proceeded to vote on the substantive motion:

RESOLVED (YES – 27, ABSTENTION – 2) that:

The Council's procurement processes for works contracts be amended to specifically ask for the following information at the Pre-Qualification Questionnaire (PQQ) stage or as part of an Open Tender process:

- 1) A statement confirming compliance with the Employment Relations Act 1999 (Blacklisting) Regulations 2010 or the company's policy showing how it addresses the issue of 'blacklisting' as defined under those Regulations, and
- 2) Details of any successful legal action taken against the company or its subsidiaries for breach of the Employment Relations Act 1999 (Blacklisting) Regulations 2010 together with any mitigating action that has subsequently been taken to prevent a repetition.

Conservative – YES - 27

The Mayor, Cllr W L Bennett, Cllr C Clark, Cllr C Coulton, Cllr M Gardner, Cllr Mrs Mary Green, Cllr Michael Green, Cllr C P Hamman, Cllr J Hesketh, Cllr Mrs J R Hothersall, Cllr J C Hughes, Cllr J D Marsh, Cllr Mrs J A Mort, Cllr P Mullineaux, Cllr M R Nelson, Cllr Mrs R J Noblet, Cllr A Ogilvie, Cllr G O'Hare, Cllr J W M Otter, Cllr J Rainsbury, Cllr Mrs M R Smith, Cllr P J Smith, Cllr P G R Stettner, Cllr Miss F A Walker, Cllr G Walton, Cllr Mrs L R Woollard, Cllr B Yates

Liberal Democrat – ABSTENTION – 2
Cllr D Howarth, Cllr A E Pimblett

The meeting closed at 9.16pm.

..... Mayor