

## SOUTH RIBBLE BOROUGH COUNCIL

### Council

**Meeting held at 6.00pm on Wednesday 5th October 2016 in Shield Room, Civic Centre, West Paddock, Leyland, PR25 1DH**

#### Present:-

Councillor Mrs Woollard (Mayor)

Councillors Mrs Ball, Ms Bell, Bennett, Bird, Mrs Blow, Clark, Coulton, Donoghue, Evans, Forrest, Foster, Mrs Mary Green, Michael Green, Miss Hamilton, G Hancock, Hesketh, Higgins, Howarth, Hughes, Marsh, Martin, Ms Mawson, Mrs Moon, Mrs Mort, Mullineaux, M Nathan, Nelson, Mrs Noblet, Ogilvie, Patten, Rainsbury, Mrs M Smith, P Smith, Mrs Snape, Suthers, Titherington, C Tomlinson, M Tomlinson, G Walton, Mrs K Walton, Watkinson, Watts, Wharton, Woodcock, Wooldridge and Yates

#### In Attendance:-

The Director of Development, Enterprise and Communities (Denise Johnson), the Legal Services Manager (David Whelan) and Democratic Services Officer (James Wallwork)

**Public Attendance:- 37 members of the public were in attendance**

**Other Officers:- 15 other officers were present**

Minute No.	Description/Resolution
44	<p><b>Apologies for Absence</b></p> <p>Apologies for absence were submitted on behalf of Councillors K Jones, Mrs S Jones and Mrs B Nathan.</p>
45	<p><b>Declarations of Interest</b></p> <p>The Director of Development, Enterprise and Communities (Denise Johnson) and the Head of Shared Financial Services (Susan Guinness), who was in the audience, declared prejudicial interests in the item, Appointment of Chief Executive and Establishment of an Appointment and Employment Panel.</p> <p>Councillors Bennett, Mrs Mary Green, Michael Green, Mrs Moon and Mullineaux all declared personal interests in the item, Scrutiny Review – Licensing Final Report.</p>
46	<p><b>Minutes of the Last Meeting</b></p> <p>The Mayor reported that Councillor Watts had suggested an amendment to the minutes of the meeting held on 15 September 2016, so that in the 4th paragraph on page 32 (minute 42), the words “secure election” be replaced by “move the Council forward”.</p> <p>She added that a further amendment to these minutes had been suggested by Councillor Bell, so that in the 5th paragraph on page 32 (minute 42), the words “She pondered whether Councillor Mullineaux possessed the qualities” be replaced by “She expected council to ponder these qualities”.</p> <p>Councillor Martin referred to the minutes of the meeting held on 20 July 2016 and suggested that the 2<sup>nd</sup> full paragraph on page 27 be amended so that it reads:-</p> <p>“Councillor Martin referred to the murder of Sophie Lancaster in 2007. He said that hate crime was not just about race, as with the murder of Sophie Lancaster in 2007. Sadly, he felt the country seemed more divided now and that the Council should contact the Sophie</p>

	<p>Lancaster Foundation as a way forward.”</p> <p>Following a question from Councillor Foster, the Leader indicated that he would review the committee membership at the right time once the new Chief Executive had been appointed and when he had spoken to other members of the council. He did however indicate that Councillor Bird would be replacing Councillor Mrs Snape on the Governance Committee and if this was allowable would be agreeable to make this change at this meeting.</p> <p>UNANIMOUSLY RESOLVED: That, subject to the above amendments, the minutes of the meetings held on 20 July 2016 and 15 September 2016 be approved as a correct record and signed by the Mayor.</p>
47	<p><b>Mayor’s Announcements</b></p> <p>The Mayor provided an update on the events she had recently attended and her forthcoming engagements.</p> <p>At this point in the meeting the Leader requested a 15 minute adjournment to give further consideration to late information concerning the following item.</p> <p>The meeting was adjourned at 6.24pm and reconvened at 6.39pm.</p>
48	<p><b>Appointment of Chief Executive and Establishment of an Appointment and Employment Panel</b></p> <p>(The Director of Development, Enterprise and Communities (Denise Johnson) and the Head of Shared Financial Services (Susan Guinness), who was in the audience, declared prejudicial interests in the following item, and left the meeting during the consideration thereof.)</p> <p>In moving the report, the Leader indicated that he was delighted to agree to recommendations 1, 2, 5 and 6 but proposed amendments to recommendations 3 and 4. He suggested that recommendation 3 should be amended so that the Head of Shared Assurance Services be appointed as the Council’s Head of Paid Service until the next Council Meeting on 16 November 2016. In respect of recommendation 4, he suggested that the words “pending an interim appointment” be removed from the recommendation. He also suggested the inclusion of an additional condition waiving Article 13.1 of Part Two of the Council’s Constitution.</p> <p>Councillor Clark rose to second the report subject to the amendments referred to by the Leader.</p> <p>Councillor Foster referred to the report only being issued at 10am that morning, and that considering the scale and importance of the report, he thought it was appalling. He indicated that the only part of the report which he had been consulted on was the appointment of Jean Hunter as Interim Chief Executive. He was delighted with this news and hoped she would help turn round the council.</p> <p>In respect of recommendation 2, he stated that this wasn’t required, but would be happy to agree with it.</p> <p>In respect of recommendation 3, this was the single most important role of the council and in 99% of the cases this was the Chief Executive. The report had advised that Jean Hunter could not be the Head of Paid Service as she would not be an employee of the Council – he queried that advice. If the Council didn’t appoint to this position, it would be placed in special measures. He explained that he had nothing against the person currently in the role of Director of Development, Enterprise and Communities, but that the appointment of the Head of Shared Assurance Services, would provide Chorley Borough Council assurance which he</p>

	<p>felt was required.</p> <p>Councillor Foster continued to refer to the appointment of the S151 Officer and that this had been discussed at the Governance Committee on 21 September.</p> <p>In referred to the recommendation to waive the Officer Employment Procedure Rules of the Constitution and that this bothered him. However, he had no option but to allow this.</p> <p>He next turned to recommendation 6 and that the decision to vote against this at the last meeting was right. However, now that the panel contained two members of Cabinet he was happy to support this.</p> <p>In respect of the additional recommendation regarding the waiving of Article 13, Councillor Foster was frustrated with the arrogance of the executive and that currently everything being carried out was unconstitutional. He looked forward to the new Chief Executive coming back to Council in November with robust proposals.</p> <p>Councillor Howarth agreed with Councillor Foster stating that it was appalling to receive the report so late. He added that Mike Nuttall had resigned on 12 July and this had left plenty of time for this report not to be last minute.</p> <p>Councillor Ogilvie had reservations about the amendment to appoint the Head of Shared Assurance Services to the Head of Paid Service position but to move forward would support this until it would be reconsidered by Council at the next meeting.</p> <p><b>UNANIMOUSLY RESOLVED:</b> That Council approves;-</p> <ol style="list-style-type: none"> <li>(1) The appointment of Jean Hunter as Interim Chief Executive, for twelve months.</li> <li>(2) A supplementary estimate in respect of this interim appointment of £20,000 in 2016/17 and £20,000 in 2017/18.</li> <li>(3) The appointment of the Head of Shared Assurance Services as the Council's Head of Paid Service until the next Council Meeting on 16 November 2016.</li> <li>(4) The arrangement whereby the Head of Shared Financial Services will fulfil temporarily the role of Section 151 Officer.</li> <li>(5) The waiving of Officer Employment Procedure Rules, 4l, (2), (3) and 4l, (4) (a) &amp; (b) of the Constitution, in respect of the above.</li> <li>(6) The establishment of an Appointment and Employment Panel for Statutory Officers. This will be a Standing Committee of the Council, [to enable this to happen Standing Order 21 needs to be suspended].</li> <li>(7) That Article 13 of Part Two of the Council's Constitution be amended/waived until the next Council Meeting on to allow the above.</li> </ol>
49	<p><b>Report of the Cabinet</b></p> <p>The Leader, Councillor Mullineaux, presented the report of the Cabinet meeting held on 7 September 2016. The report was seconded by Councillor Clark.</p> <p><u>City Deal: Capital Project Updates</u> Councillor Foster indicated that he was aware of a £17.5m funding gap on the City Deal and that one of the reasons for this was that the completion of the Broughton By-Pass had over-run. He asked the Leader if he could provide an update at the next meeting.</p> <p><u>Affordable Housing Commuted Sum Policy</u> Councillor Ms Bell thanked everyone for the hard work which had gone into producing this policy. She encouraged everyone to attend the Members Learning Hour on 11 October 2016 when the topic would be on Affordable Housing. She was worried that the government were pushing starter homes at 80% and that even though they were affordable a considerable deposit would still be required.</p>

	<p><u>Revenues and Benefits Software Support Agreement - Waiver of Contract Procedure Rules</u> Councillor Foster suggested that the Cabinet Member needed to get a grip with struggling IT systems and welcomed a fundamental review of all IT systems as soon possible. Councillor Nelson agreed stating that they were totally inadequate with too many passwords which discouraged people from using them. Councillor Clark replied by stating that the use of IT by members did need to be looked at.</p> <p><u>Syrian Resettlement Programme – Waiver to Contract Procedure Rules</u> Councillor Ms Bell was pleased to see that the five Syrian families had been homed within South Ribble and that they were settling in. She thanked all the officers involved. Councillor Wharton indicated that he had a family in his ward and they were grateful for what South Ribble had done. He thanked Councillor Moon and the Director of Governance &amp; Business Transformation for their involvement. The Leader thanked all the officers involved indicating that some officers had spent considerable time ensuring that the homes were ready for the families.</p> <p>UNANIMOUSLY RESOLVED:</p> <ol style="list-style-type: none"> <li>1) That the report be noted;</li> <li>2) <u>Performance, Budget and Risk monitoring report – year end 2015/16 (April 2015 to March 2016)</u> That the report be noted.</li> <li>3) <u>Syrian Resettlement Programme – Waiver to Contract Procedure Rules</u> <ol style="list-style-type: none"> <li>(1) That Paragraph 11 of the Council’s Contract Procedure Rules (CPR) concerning High Value Procurements be waived for the reasons outlined in the report;</li> <li>(2) That the appointment of the specialist organisation to provide intensive caseworker support to the families concerned be delegated to the Scrutiny &amp; Performance Officer in consultation with the Leader of the Council and that a further waiver of paragraph 22.4 of CPR be granted to enable this to happen.</li> </ol> </li> </ol>
50	<p><b>Report of the Scrutiny Committee</b></p> <p>Councillor Titherington presented the report of the Scrutiny Committee meeting held on 21 September 2016. He referred to a Lancashire County Council Health Scrutiny Committee which he had recently attended and that the Chorley and South Ribble Hospital A &amp; E was discussed. He encouraged all members to continue trying to ensure that the A &amp; E reopens. The report was seconded by Councillor Mrs Ball.</p> <p>Councillor Phil Smith referred to the Performance, Budget and Risk Monitoring Report and that it was an outstanding report which did indicate that there was good work going on at the Council.</p>
51	<p><b>Report of the Governance Committee</b></p> <p>Councillor Ogilvie presented the report of the Governance Committee meeting held on 20 September 2016. He provided a summary of the items, with the exception of those being discussed later on the agenda, which had been considered at that meeting.</p> <p>The report was seconded by Councillor Patten.</p>
52	<p><b>Scrutiny Reviews</b></p> <p><b>(a) Licensing – Final Report</b></p> <p>(Councillors Bennett, Michael Green, Mrs Moon and Mullineaux and all declared personal interests in the following item as they had been interviewed as part of the review process. Councillor Mrs Mary Green declared a personal interest in the following item as she was related to Councillor Michael Green who had been interviewed as part of the review process. All, under the Code of Conduct for Elected Members, were able to remain in the</p>

meeting during the consideration of the item.)

Councillor Titherington presented the Scrutiny Committee's Final Report into the way in which the external licensing investigation was handled by South Ribble Borough Council. He said that members would have had sight of the report for some time now and reminded Council that once a report had been adopted by the Scrutiny Committee it could not be changed by Council. However, as Scrutiny was not a decision making body it could only make recommendations.

He believed that the report being considered, represented a result of a forensic examination of the facts. He referred to his promise he made at the Scrutiny Committee, when he promised that any report produced by a task group chaired by himself would be evidence based. He believed that he had kept that promise. The terms of reference endorsed and agreed by Council were clear and specific and it was under those terms which the Task Group focused its efforts and that he fully believed those had been met.

Councillor Titherington thanked the members of the Task Group for their diligence in approach and commitment to their work. Reviews such as this were not easy and he thanked them for their independence of mind and resoluteness to get the job done. He also wanted to thank Darren Cranshaw, Scrutiny and Performance Officer and Alison Lowton, the LGA Associate for their professional support they provided. He stated that it would be safe to say without their help the Task Group could not have completed its work.

Having said that, the Task Group took full ownership of the report and were pleased that it had been endorsed by the Scrutiny Committee. The Task Group had now completed their task and had met their responsibility. The findings were evidenced and based on fact and could stand any examination. The recommendations were designed for the Council to learn lessons from the whole experience and to move forward from and to restore the Council's credibility and reputation. Scrutiny had now concluded its part and it was now for Council to decide where they went from here. In making that decision, members should be aware of the stakes were high and the consequences of a bad decision could be catastrophic for the Council.

There were parties external to the Council who would be taking a keen interest on what the Council decides and would be looking at what kind of Council we want to build. He believed that if the Council adopted this report with the recommendations, it would demonstrate our desire to draw a line under certain events. Councillor Titherington knew there were still issues to clear up, but a fresh start was required to restore the Council's standing, improve staff morale and enhance service delivery.

He commended the report to Council.

Councillor Mullineaux responded by welcoming the Scrutiny Review of Licensing and thanked the Scrutiny Committee for their hard work in preparing the report. He stated that although there had been some criticism of the review process, it was not appropriate for him to get into this, and that it was more important to draw a line between conjecture and facts.

The terms of reference for the report had been agreed by the cross-party Scrutiny Committee and endorsed by the Council from the start of this process. Their job, which was agreed by all, was to examine the overall review process and identify any areas for improvement and it was made clear from the very beginning that it wouldn't be appropriate for the Task Group to look at the licensing service or individual cases as this had already been considered in detail by the Wilkin Chapman report. Councillor Mullineaux believed that the Scrutiny Task Group had done what it said it was going to do and what this Council asked had asked it to do.

The review had highlighted that there were lessons to be learnt and, under his leadership, he was determined to embrace that. He indicated that a robust action plan had been put into place to address each of the recommendations and work had already started to improve

the Corporate Plan by strengthening the Scrutiny, Governance and Standards Committees, and refreshing the council's People Plan.

Councillor Mullineaux added that the new Interim Chief Executive would be looking at the Senior Management Structure as a priority to ensure it was fit for purpose. He had also committed to delivering an annual report on safeguarding to the Scrutiny Committee. In addition, we have spoken to the Local Government Association (LGA) and asked them to carry out a peer review in six months' time to ensure that our policies and procedures are in good shape.

He stated that one important thing to come out of the review, was that the decision made by Cabinet Members to commission an independent report into the Licensing Service was made in good faith, for the right reasons and based on facts presented to them at the time. He continued to say that he wasn't completely satisfied that the Council had got to the bottom of the issues surrounding the cost of the independent report and that he had asked for a Cabinet report to look into this matter. What was important now was that the Council looked to the future. He believed that there was a shared desire in the meeting that now was the time to move forward.

He continued to say that it was important to put the reputation of this Council back at the top, where it rightfully belonged. The Council had now appointed an excellent new Interim Chief Executive, who had the benefit of already knowing the authority. He had moved quickly to name his new Cabinet, made up of hard-working and dedicated councillors who share his vision for re-instating South Ribble as one of the top five districts in the country. He assured Council that he would work around the clock, alongside the new Interim Chief Executive, and with colleagues from across the Council to restoring the reputation of this Council.

The Leader indicated that there was a lot of good news in South Ribble. In the last fortnight alone work has started on the multi-million pound regeneration of Bamber Bridge and the new Leyland Train Station which had been opened following a £4.5million upgrade to make the platforms more accessible for all. There was no question that these have been difficult times for the Council, but he was determined that the people of South Ribble would be served by a Council they can be proud of. He assured those present that by working together and putting differences aside the council would get back on track.

This was currently the single most important concern for the Council and was confident the council would move forward and gain back the confidence of the staff and residents.

He concluded that now changes were being made with plans in place to go forward. We need to live up to the expectations of the residents in South Ribble, the dedicated staff and Members of the Council who all deserve better.

With that, he moved that Council should note the report.

Councillor Michael Green indicated that Councillors Bennett, Mrs Moon and himself had sought independent legal advice upon contents of the report. He thought there were fundamental deficiencies with the report.

Following a discussion regarding the need to take a vote on this item, and the Mayor being advised that although it was normal practice to vote on Scrutiny Review reports but that it was a decision for herself to make, the Mayor agreed that Council would just note the report.

Councillor Mrs Moon stated that on 10 November 2015, the Cabinet received very serious information from the Monitoring Officer which they acted upon. They did not react, panic and there was no chaos. She stated that the Monitoring Officers brought recommendations to the six members of Cabinet and they remained measured and considered. The families were involved throughout. She couldn't imagine now the frustration the families must be feeling with this review as they were assured of a voice and role throughout the process and

that this hadn't been the case. She stressed that the families needed closure. She concluded by saying that one councillor had said that Councillor Mrs Moon had wanted the whole world to apologise. She denied this stating that she only wanted those involved to apologise, namely the then Leader and Chief Executive.

Councillor Foster commenced by referring to previous comments and to ensure absolute clarity, he, nor any member of his group have ever made any suggestions that Councillors Bennett, Michael Green or Mrs Moon had attempted to cover up child exploitation or grooming, which clearly they hadn't. He indicated that all initial historic comments were based on information received from the former Leader and Chief Executive. He thanked Councillor Titherington and the Task group for the work in preparing this report. There were not many councillors who would have been able to chair this Task Group. He suggested that they should focus on what this review was about and assist the families in getting what they want from this. Councillor Foster said that the Council needed to move forward with this and the Leader support all the recommendations. He concluded by stating that the matter had been handled appallingly and that although the report didn't do this they would get to the bottom of it.

Councillor Michael Green started by thanking Councillor Foster for some of his comments. He continued to refer to a statement by Councillor Titherington that the process would include participating councillors being interviewed by a legally qualified advisor and agree the evidence they would present. Councillor Titherington felt that the most organised and professional way with participating councillors would be for them to prepare their evidence, provide a statement and then answer questions in a public arena. The Council and the residents of South Ribble had been assured by the Chairman of Scrutiny that he would lead a review that was thorough, robust and evidence-based. Councillor Mrs Moon had advocated that the Council's review needed to understand how the situation had occurred with the Licensing function and that it not be repeated. Councillor Green indicated that Councillor Titherington had stated that he had not felt that the terms of reference were constrained and concurred that everyone wanted to know how the Council had arrived at this situation and that it would be a fundamental part of the report to Council.

Next Councillor Green referred to the external advisor, Alison Lowton, who had conducted a number of 'fact finding' interviews. Some of these had been face to face, and others had been over the telephone, which he thought the Scrutiny Committee Chairman was not aware of at the meeting held on 20<sup>th</sup> September. He continued to refer to paragraph 3.6 within the report which stated that 'The task group can only properly rely on the signed notes. It is preferable for the task group to see all the interview notes in one go so that a more complete picture is presented. All the agreed notes will be circulated together when they are available'. All the interview notes had been signed off at various times, with his being signed off just before midnight on 5<sup>th</sup> September and the final ones being signed on 7<sup>th</sup> September. As the report had been finalised on 5<sup>th</sup> September, he asked Councillor Coulton whether the task group had relied upon unsigned notes or had they not read the notes at all.

From the interview notes, which were still unapproved, Alison Lowton had appeared to produce her final report dated 10<sup>th</sup> August 2016. Contained within it were her thoughts on possible lines of inquiry for the task group to pursue. In her conclusions to the task group at paragraph 5.2 she stated that 'Once the lines of inquiry for the task group have been established I am happy to work with the Chairman to identify potential questions for the witnesses'. Councillor Green suggested that it was evident from her report that she had expected that public meetings would follow. These had already been referenced as being the opportunity for participating councillors to bring evidence, make a statement and then be questioned. In her footnote of 7<sup>th</sup> September she noted that the task group had decided not to have public meetings. Despite noting this the conclusion had remained unchanged.

The Task Group published its conclusions to all councillors on 12<sup>th</sup> September without having made the draft available to all persons mentioned within it beforehand. He suggested that it was standard practice that this should have happened and that the Task Group were wrong to publicly publish in the absence of this. They had also failed to amend certain

elements of the report that were very damaging and that he felt, for the staff members currently suspended, that the Task Group had published the views of the external investigators as to the culpability of those officers in relation to service failings. This was a fundamental failure of the Task group.

Next Councillor Michael Green referred to the Scrutiny Committee Meeting on 20th September and that there were a number of extra submissions for the committee to consider, from many individuals. Contained within the report were 19 possible lines of inquiry which Alison Lowton had suggested that the Task Group might want to look into. He asked Councillors Mrs Ball and Matthew Tomlinson on what grounds and supported by what evidence, had the Task Group concluded that it would not consider any lines of inquiry and neither did they opt for alternative lines of inquiry.

Councillor Green referred to the Scrutiny Task Group Findings and that it was common practice to link the recommendations to the findings. But this had not been done. Firstly he referred to finding 1 and that it was very concerning and inexplicable that this finding had been reached in the absence of interviews with the Democratic Services Manager or the Legal Services Manager. In light of the current suspension of the Monitoring Officer he suggested that it would not be appropriate to comment further at this stage. However, at all stages they acted on the advice provided by officers and therefore if this finding was sound then they would be seeking explanations for the advice.

In respect of finding 4, it was clear that on 27<sup>th</sup> November that Councillor Bennett had requested a Council meeting as soon as possible. This was followed up with the meeting to coincide with receiving the interim report, so as to present it before Council. The advice of the Monitoring Officer, on the basis of advice he had received, was that it could not be brought to Council, as this would prejudice on-going legal proceedings. Where was the evidence that officers had been culpable, as referred to in the recommendations? It was deplorable that they had been criticised in this way, especially without being interviewed.

Councillor Green disputed finding 3 as they had fully complied with the Safeguarding Policy as they had reported their concerns to the Chief Executive.

He suggested that the submission to the Scrutiny Committee meeting on 20<sup>th</sup> September 2016 from Wilkin Chapman Solicitors clearly refuted finding 6.

Councillor Green continued by referring to Finding 7 and that the delegated decision budget of £25,000 was explicitly for external investigation. The actual spend of just over £23,000 came in under the budget and this was monitored by the Head of Shared Financial Services. There had been no escalation of cost for external investigation and this was the only element that the Task group were reviewing. The task group were confusing the HR element which sat firmly with the HR department and that the over spend and escalation was purely from this budget.

In respect of finding 10, the submission to the Scrutiny Committee meeting on 20<sup>th</sup> September 2016 from Wilkin Chapman Solicitors stated that 'It should be understood that the internal audit report did not consider the handling of the individual taxi licences referred to in our interim report. We note that Mr Barclay advised the Chair of the Governance Committee by email on 13<sup>th</sup> November 2015 that the internal audit was included in that year's internal audit plan due to the changes that had occurred in the Licensing Service and the review was undertaken in complete ignorance of the issues which had subsequently emerged.'

Finally, referring to finding 14, Councillor Green suggested that the status of the interim report as a legal and privileged document was not within their gift to conclude. They were told by Wilkin Chapman Solicitors and the Monitoring Officer, acting on legal advice, that to disclose the report could/would jeopardise disciplinary proceedings. Paragraph 2.9 of the final report from Wilkin Chapman Solicitors dated 17<sup>th</sup> June stated 'We completed the Interim Report on 22<sup>nd</sup> December 2015. The report was confidential and intended to remain



so because it related to potential disciplinary investigations in respect of individual staff.' The submission to the Scrutiny Committee Meeting on 20<sup>th</sup> September 2016 from Wilkin Chapman Solicitors further confirmed that 'The interim report could not be considered a complete report and there were areas of the terms of reference which had yet to be fully investigated. For this reason, it was always intended to be a confidential report to Mr Parker.'

Councillor Michael Green said that they were content that they were a part of the solution to a problem that had occurred before they had come to the Cabinet. They had worked as a team of elected members, alongside and fully advised by the highly qualified, skilled and respected Senior Officers, which included the Monitoring Officer, the Legal Services Manager and the Democratic Services Manager, together with advice from external experts in their respective fields. The Scrutiny Committee Chairman had given his commitment to carry out a thorough, robust and evidence-based review. But this had been far from a forensic examination. He, along with Councillors Bennett and Mrs Moon had made a submission to Scrutiny Committee, but Councillor Titherington said it didn't change anything then it was moved and seconded. Subsequently, there had been a further meeting of the Task Group after the Scrutiny Committee had approved the draft and why had their submissions not been appended to the report, like everyone else's?

Councillor Green concluded by stating that it was with regret that the findings were unsound and therefore so were the recommendations and on that basis, the report should not be accepted.

Councillor Ogilvie was concerned with the report stating that there was no audit trail between the data and the findings. He indicated that some of the evidence appeared to be uncorroborated and conflicted and just because that a statement had been signed, didn't make it true. He was more interested about what lessons could be learnt from the process.

Councillor Bennett welcomed some of the comments but particularly one from Councillor Foster. He hoped that all members had taken time to read the whole document despite it being lengthy, as a lot of time had gone into producing it. However, he thought that some parts were factually incorrect. He suggested that the point at which the Council lost control with this was when the Interim Report was leaked to the press.

Councillor Bennett referred to a document which had been left on the photocopier by a member of the Labour Group, and used this as an example of how easy it was for something confidential to be seen by someone that shouldn't have been able to. Councillor Foster raised a point of order as he felt it was unfair to raise this with the member not being present to defend themselves and stated that it wasn't relevant to the discussion.

Councillor Bennett continued to refer to the report stating that the recommendations did not match up with what was contained in the report. He said it would not possible for all the recommendations to happen. In fact, Councillor Bennett thought that more questions had been created from the document than answers, but without those answers there couldn't be closure for the families involved. The Council needed to make sure that lessons had been learnt from the process and welcomed the opportunity to do so with the new Interim Chief Executive and Cabinet.

He concluded by stating that since a member of staff had been suspended no one had spoken to the families. He urged the Leader and Interim Chief Executive to recommence the discussion with those families.

Councillor Matthew Tomlinson also thanked and congratulated Councillor Titherington and the Task Group because of the pressure and stress they will have been under during the review. He agreed with Councillor Foster in that not many councillors would have been able to see this through. He thought that everyone could get behind and support the recommendations. No one had enjoyed or could be proud of this period and suggested that Cabinet should consider these recommendations seriously.

Councillor Yates thanked Councillor Titherington as he thought it was a very good report. He suggested that Council should vote to accept or note the report and let Cabinet take those recommendations forward.

Councillor Caleb Tomlinson agreed with some of the comments of Councillor Bennett and stated that it was a disgrace that the licensing function had failed. However, he was not surprised because of the amount of cuts there had been with the staff.

A member of the public spoke stating that the children involved had been abused and terrorised and that still he hadn't received an apology from the Council. He stated that the Monitoring Officer had been excellent and that the only Councillors that had spoken to him were Councillors Bennett, Michael Green, Howarth and Mrs Moon. At no time tonight had anyone actually mentioned the children involved. He concluded that he wasn't even allowed to express the views of the children during the review.

A further member of the public spoke and expressed the view that the constitution of Task Group did not reflect the political balance. He also suggested that Councillor Matthew Tomlinson had a conflict of interest with being Lancashire County Council's Cabinet Member for Children, Young People and Schools. He continued to question why Councillor Foster had not been interviewed as part of the review because of the involvement he had with the process. He paid tribute to Councillors Bennett, Michael Green and Mrs Moon and their involvement within the process. He suggested that this was a disaster waiting to happen, and it did. The member of the public believed that the responsibility lay with the Senior Management Team, Chief Executive and the Cabinet. He hoped that lessons had been learnt from the process and the Council returned to the excellent first class services the residents were used to receiving.

Legal Services Manager referred to the member of publics perceived conflict of interest of Councillor Tomlinson and explained that the role of the review was tight and narrow and although he was not aware of the full role of his portfolio, did not see there being a conflict of interest.

Councillor Matthew Tomlinson commented that he shouldn't have to defend himself and that when declaring interests each councillor has to think what a reasonable member of the public would think, and he had done just that.

Councillor Titherington concluded the debate by responding to some of the comments raised. He started by saying that he was rather disappointed as there had been very little debate about the report.

He responded to Councillor Mrs Moon's comment that there wasn't chaos at the meeting on 10<sup>th</sup> November by stating that there was only those people who were present at that meeting who knew what went on, as the meeting hadn't been minuted. He also responded to Councillor Michael Green's comment regarding the submission of late evidence, and stated that even though the evidence had only been submitted 35 minutes prior to Scrutiny Committee starting, he still gave members enough time to read the evidence. He also referred to the criticism of holding a further Task Group meeting after the Scrutiny Committee and explained that this had been done to ensure that their initial view, that it wasn't new evidence, was correct.

Councillor Titherington ended by stating that if anyone was to read all the fact finding and the timeline they would see that all the findings and recommendations were substantiated.

#### **(b) The Council's Response to Flooding – December 2015**

Councillor Titherington presented the Scrutiny Committee's Final Report into the Council's to Flooding in December 2015. Firstly, he paid tribute to all the members of staff, councillors and the community who helped in dealing with any issues arising from the flooding. He

reminded Council that South Ribble was not the statutory body in respect of flooding and there were an exceptional set of circumstances which lead to the flooding in 2015.

The community had to face very difficult circumstances. However, the review was not to point fingers but more to examine what went on and put forward recommendations to improve the process if it was to happen again.

He referred to the internal de-brief report which the Task Group had agreed to consider as part of the review. The Task Group also met with a number of officers and councillors.

He commended the report to Council.

Councillor Clark responded by welcoming the Scrutiny Review of the Council's response to the flooding in 2015 and thanked the Scrutiny Committee for preparing the report. He stated that the report identified issues which needed to be addressed following an unprecedented and exceptional rainfall event which was due to a sudden change in weather patterns and at a time when the Council offices were closed for the Christmas period. The report dealt with the emergency response and post event recovery actions and he praised the actions of the Neighbourhood and Street Scene staff for their sterling efforts and commitment.

He continued to state however, that the report did not appear to specifically separate the statutory responsibilities and from the non-statutory issues. So far as the Emergency Plan was concerned he was content that the risk of non-compliance with our statutory responsibilities was minimal and the plan was very robust.

The Cabinet Member for Support and Assets indicated that the Council would be providing media information for residents to explain the Council's role and responsibilities, as well as explaining the responsibilities of Lancashire County Council, the Environment Agency, and United Utilities, as the primary organisations, in terms of flood events and their alleviation. The next issue of Forward would also include an article on the matter.

Councillor Clark commented that it was a natural reaction for residents to telephone the Council when they are threatened by flooding to their property, and there needed to be effective signposting from Gateway to these primary organisations.

The Cabinet would review the report, and its recommendations, taking account of the actions already taken by the Senior Management Team, and would report back to the Scrutiny Committee in due course.

Councillor Bennett indicated that he was on Cabinet when the report was started and was disappointed by how long it had taken for the report to come forward. However, he thanked the Task Group for the work undertaken. He indicated that it was nearing that time of year when the potential of something similar could occur again and hoped that the recommendations could be implemented as soon as possible.

Councillor Matthew Tomlinson indicated a similar review undertaken by Lancashire County Council had only been considered the previous week so appeared to follow a similar timescale to this council. He indicated that it was extraordinary circumstances which lead to the flooding with four storms occurring within a short period of time. He thanked everyone who was involved in assisting with the clear up following the flooding. He continued to refer to the previous restructure of the Senior Management Team and that he opposed the proposals as he thought they were a kneejerk reaction to a specific set of circumstances. However, the restructure went ahead and the report findings were an indirect response to that. Councillor Tomlinson asked the Leader to reassure him that he would work with the Interim Chief Executive to create a Senior Management Structure which made sense.

Councillor Martin also paid tribute to those who had helped. He looked forward to the recommendations coming forward but hoped that recommendation 2, to appoint a Flooding and Drainage Champion, was someone with knowledge of flooding.

	<p>In response to Councillor Tomlinson's comment regarding the Senior Management Structure, Councillor Yates indicated that officers and members worked well together. He stated that Lancashire County Council were at fault as they were giving residents a Police number to call. He congratulated all the workforce involved.</p> <p>Councillor Mullineaux responded to the comments by indicating that he thought the Council had done an excellent job. He stated that the response by Gateway and the efficiency at which the Council issued the Property Level Flood Resilience Grants to those affected were very good. Any Council would have been hard pressed to deal with those specific circumstances and those involved should be congratulated, especially those who had worked through the night to help those affected. He reassured Councillor Tomlinson that he would be discussing the Senior Management Team Structure with the new Interim Chief Executive.</p>
53	<p><b>Questions to the Leader</b></p> <p>Councillor Bennett referred to the City Deal funding gap which had been mentioned earlier in the meeting. He understood that there was a slight surplus and wasn't sure where Councillor Foster had received his information from. Councillor Foster responded by stating that the predicted funding gap of £17.5m had been reported at the Governance Committee the previous week by the Head of Shared Financial Services. The Leader agreed to clarify the situation.</p> <p>Following a question from Councillor Bennett, the Leader agreed to contact Marcus Jones, the Minister for Communities and Local Government, to clarify the situation regarding the New Homes Bonus.</p> <p>Next the Leader responded to a question from Councillor Ogilvie, where he confirmed that he would bring the changes to committee membership, because of the appointments to Cabinet, to the next Council meeting.</p> <p>Further to a question from Councillor Miss Hamilton, the Leader indicated that Licensing now sits better within the responsibilities of the Public Health, Safety and Wellbeing portfolio rather than Regeneration and Leisure.</p> <p>The Leader responded to a question from Councillor Matthew Tomlinson and explained what his commitments were for that day. Councillor Tomlinson had raised the question as he was aware that he hadn't attended the Public Sector Operating Model Review of Lancashire County Council which had been held that day. The Leader explained that unfortunately he was unable to attend the meeting due to other commitments that day particularly with it being Council.</p> <p>A member of the public reminded the Leader of a question he asked several meetings ago under his old portfolio concerning the long term dumping of vegetative matter and building debris into a Grade II listed heritage woodland of Worden Park, by a private social and sports club. He indicated that the problem had been reported to Neighbourhood Services on many occasions by residents and councillors. The Leader explained that he had passed on his comments to the relevant officer, and as the member of public had not come back to him, he had assumed that these had been addressed. If these hadn't, he would follow it up with the officer. He explained to the member of the public that Councillor Graham Walton was now the Portfolio for this area.</p>
54	<p><b>Questions to Members of the Cabinet</b></p> <p><u>Corporate Support &amp; Assets</u> Councillor Howarth enquired if the Cabinet Member could advise what progress has been made with the restoration of the Coach House in Hurst Grange Park in assessing costings of</p>

the project, public demand for its use, and if any lottery bids and funding grant applications have been successful? The Cabinet Member agreed to put a response in writing to Councillor Howarth.

#### Finance

No questions were raised.

#### Neighbourhoods & Street Scene

Councillor Wharton had submitted the following written question to Councillor Graham Walton, the Cabinet Member for Neighbourhoods and Street Scene, in advance of the meeting.

“Would you agree with me that our levels of enforcement with regards to littering and dog fouling are particularly disgraceful in comparison to other local authorities? We have heard the leader talk about new technology being introduced, and under his previous position as portfolio holder an introduction of higher fines for fly-tipping, but this will make little or no difference unless a complete change in direction is implemented. Please will you advise this council and our residents what you are doing to tackle this ever increasing problem?”

The Cabinet Member for Neighbourhoods and Street Scene provided the following response.

“Whilst each instance of littering, dog fouling or fly tipping is one too many, the public are not telling us that there is a significant issue. This year so far the Council has averaged low numbers of customer contacts regarding these issues. There have been less than five contacts per week regarding dog fouling, just over two per week for littering and less than nine per week for fly tipping and larger items of litter. This is from a borough of over 47,000 properties and over 100,000 residents. Whilst the public are telling us that we do not have significant issues the Council does take an approach which combines education and enforcement to get the message across. There is an educational programme to all schools in the borough for years 3 and 6, with most, if not all schools signing up year after year. This Council is also prepared to talk to any other groups about the clean environment. The Council also promotes the clean environment through community clean ups and campaigns such as the ‘Clean for the Queen’ last year when we helped promote and organise events across the borough. In respect of enforcement, during the whole of the last financial year, there were 71 Fixed Penalty Notices, 285 cautions and six successful prosecutions. Therefore, I consider that the balance of education and enforcement is the right approach as can be seen through the message that our residents are giving us.”

Councillor Yates referred to the flood defence scheme for the Bannister Hall area of Higher Walton and that originally this did stop properties in this area from being flooded. However, last year there were some properties which experienced flooding and under further investigation it was because of a blocked pipe underneath those properties. He asked the Cabinet Member if he knew when this work would be done. In response Councillor Walton explained that a meeting had taken place and that Councillor Yates was correct in that the pipe was approximately 85% blocked. Unfortunately, the difficulty was to access the pipes and how to obtain the funding to finance the repair work. He would report back to Councillor Yates when he was able to say if, how and when the repairs would be undertaken.

A member of the public asked Councillor Walton the following questions

- 1) Is the political and operational management of your portfolio exempt from the Council’s Code of Governance, guidelines, policies, statutory bye-laws, national statutes and deeds of covenant? The answer should be, most certainly not, and in that case why has your officers refused to repair and reinstate protected boundary hedges and fences in order to safe guard a flood defence, protect a council property and make a residential area more secure?
- 2) Can you explain why officers have deliberately sited three junior pitches adjacent to

Parkgate Drive, on the most highly dog faecal contaminated grassed area in Worden Park? Why has a clean area close to the special expensive enlarged car parks not been used?

- 3) The Chief Executive and Leader have pledged to deliver to the residents, high standards of service, integrity, openness and transparency. Given the bye-laws of Worden Park, can you explain why there is now a secretive 'red route' into Parkgate Drive and why has there been no notification or consultation with residents?
- 4) Can you explain, given the newspaper articles and Council meetings concerning nuisance parking from Worden Park football teams, dog walkers etc, why officers have deliberately exacerbated a vehicle nuisance parking situation for residents by placing more junior pitches by Parkgate Drive?
- 5) Can you explain why officers have refused to enforce the contractual terms and conditions and bye-laws for pitch use, despite promises that offending terms and leagues would have their contracts annulled?

The Cabinet Member agreed to investigate the points raised and report back to the member of the public.

#### Public Health, Safety & Wellbeing

Councillor Wharton had submitted the following written question to Councillor Mrs Mort, the Cabinet Member for Public Health, Safety & Wellbeing, in advance of the meeting.

"Owing to the levels of anti-social behaviour across our Borough, and the value that CCTV has shown to be in neighbouring boroughs, with regards to providing re-assurance and an asset in crime prevention and detection, as the cabinet member, please advise this council how many fully functioning cameras we have across our Borough, and what plans or initiatives are being looked at to move forward to replace and improve our network, including any thoughts regarding real-time monitoring?"

The Cabinet Member for Public Health, Safety & Wellbeing provided the following response.

"South Ribble is very fortunate that anti-social behaviour is on the decrease which is very much against the trend from other areas. Even over the summer months when anti-social behaviour is generally at its highest there has been a 5% reduction. The Community Safety Partnership focuses on anti-social behaviour with work being undertaken to target the hotspots throughout South Ribble to reduce incidents. Examples of this work include using Police and Crime Commissioner funding to support a drugs and alcohol outreach team to visit the hotspots, training for local business on how to de-escalate anti-social behaviour and targeting the use of off-road motorbikes.

"With regard to CCTV there are 13 fully functioning cameras in operation across the borough. All of the cameras are on regular maintenance schedules and are replaced as and when needed. Both the Police and the Council can both access the cameras to view at any time. If a camera is due to be replaced, the Council at this time will upgrade to take advantage of improving technology. Three cameras have been upgraded in the last 18 months."

Councillor Miss Hamilton raised a question concerning the reopening of Chorley & South Ribble's A&E department. She indicated that although 12 hours a day was an improvement, 24 hours was needed. She asked the Cabinet Member what was required to enable the A&E department to be open 24 hours a day. A member of the public asked what the Cabinet Members thought of the A&E department only being open part time. Councillor Mrs Mort stated that it was good news to see it being open albeit at the moment for 12 hours a day. She explained that unfortunately there was nothing more that could be done at this stage, as it was a shortage of doctors that was the issue rather than a shortage of funding. Councillor Matthew Tomlinson informed those present that he had recently attended the

	<p>Clinical Commissioning Group AGM and it wished to see the A&amp;E open 24 hours a day. He stated that contrary to the article on Twitter it wasn't fantastic news, but was a step in the right direction. Councillor Michael Green agreed with Councillor Tomlinson in that it was a small step in the right direction, but as the Cabinet Member had explained, it wasn't an issue with the funding.</p> <p><u>Regeneration &amp; Leisure</u> Councillor Howarth referred to the floodlights at Penwortham Leisure Centre which had provided at a cost of £30k to enable floodlit netball to be played. He asked the Cabinet Member if he knew how many times they had been used. Councillor Smith said he was unsure and would let Councillor Howarth know. Councillor Howarth responding by stating that the answer would probably be never as he could see the floodlights from his house window and he had never seen them being used. He added that there wasn't the demand from the public and therefore the £30k had been wasted.</p> <p>Following a question from Councillor Martin, Councillor Phil Smith indicated that he hoped to attend the next Penwortham My Neighbourhood Forum. Councillor Martin suggested that if he was he could assist them in setting up for the meeting, as the officers relied on councillors for help for setting up because of the heavy lifting involved.</p> <p>Councillor Howarth enquired how My Neighbourhood Forums were delivering community engagement and how much of the community's money had been wasted booking venues for My Neighbourhood meetings when no public attend. Councillor Smith stated that he had arranged a meeting with the My Neighbourhood Forum Chairman to discuss the issue of attendance at My Neighbourhood Forums. He was asked what he was doing to encourage members of the public to attend stating that it was a 'bottom up' approach. Councillor Foster disagreed stating that it wasn't a 'bottom up' approach and that the community engagement had completely failed. It was a constant battle encouraging people to attend. He referred to the £3.5m improvements currently taking place in Bamber Bridge and the My Neighbourhood wasn't consulted. The Cabinet Member disagreed adding that members controlled went on in their own areas and that the Western Parishes My Neighbourhood Forum was a huge success.</p> <p>A member of the public referred to Worden Arts Centre and that is had now been closed for seven years. He had been assured that it would be reopening and enquired when this would likely to be.</p> <p><u>Strategic Planning &amp; Housing</u> Following a request from Councillor Nelson for an update regarding Wesley Street Mill, Councillor Hughes explained that unfortunately it had been a long drawn out saga but hopefully they were approaching a stage when progress would be made. He would provide Councillor Nelson with a further update when he could do.</p>
55	<p><b>Questions to Chairmen of Committees and My Neighbourhood Areas</b></p> <p>Councillor Mrs Moon referred to a recent e-mail she had sent to the Chairman of Scrutiny asking for clarification on certain issues relating to the Scrutiny Review of Licensing. Councillor Michael Green also asked the Chairman of Scrutiny a question relating to the Licensing Review and how the Chairman was accountable. Councillor Titherington responded by stating that he had recently received a number of questions which were of a vexatious nature and that as the Review of Licensing had been discussed earlier in the meeting he did not feel there was anything further he could add at this stage.</p>
56	<p><b>Questions to Member Champions and Representatives on Outside Bodies</b></p> <p><u>Older People's Champion – Councillors Mrs Blow and Mrs Snape</u> Councillor Wharton had submitted the following written question to Councillor Mrs Blow, the Older People's Champion, in advance of the meeting.</p>

	<p>“Cllr Blow, Would you agree with me, it is important in your role to be a catalyst in order to make a difference to older people. As such can you advise me and this Council what dialogues you have been involved with those who are responsible for planning and delivering local services to ensure the wellbeing of older people in our borough”</p> <p>Councillor Miss Hamilton had submitted the following written question to Councillor Mrs Blow, the Older Peoples Champion, in advance of the meeting.</p> <p>“Cllr Blow, I assume you are fully versed with the Age UK ‘Best practice guide for older people’s champions’ and the Department for Health ‘Toolkit for older people’s champions’. In it they provide guidance and support to you role and its importance within our local community. Can you please advise the council and our residents on where you are up to in preparing your strategy in consultation with our voluntary sector partners and older peoples reference groups?”</p> <p>Councillor Mrs Blow provided the following response.</p> <p>“Both of the questions from Councillors Wharton and Miss Hamilton are similar and link together so I will answer them both together.</p> <p>“The Age UK Best Practice Guide and the Department of Health Toolkit for Older People’s Champions are useful reference points for any Older People’s Champion. As the Older People’s Champions we have a real commitment to supporting Older People and are taking a targeted approach to try and make a difference to priority areas. We have therefore put a lot of time into the work on dementia as part of the Council’s Corporate Plan vision for strong and healthy communities and are working towards becoming a Dementia Friendly Borough. We are delighted to say that this work had paid off as the Council had helped to establish the South Ribble Dementia Action Alliance with the Alliance having just signed the National Dementia Declaration. This National Dementia Declaration has been created by carers and people suffering from dementia and by signing the declaration we are setting out publicly what we intend to do by the end of 2017 to transform the quality of life for people with dementia and their families. The Alliance is finalising a strategy and action plan in partnership with the Alzheimer’s Society, Age Concern, CCG, Local Churches, Local Businesses, Emergency Services, Dementia carers and many more voluntary groups.</p> <p>“The Council is also a member of the Central Lancashire Health and Wellbeing Partnership and we use our role to influence the wider work around health which includes meeting the challenge of the aging population. Work is currently ongoing with health care partners to develop Lancashire’s Sustainability and Transformation Plan, the Local Delivery Plan and Operational Plans to ensure the wellbeing of people in our borough.”</p> <p>Both Councillor Miss Hamilton and Wharton thought that Councillor Blow had not responded to the question. Councillor Blow agreed to put it in writing to them.</p>
57	<p><b>Treasury Management Activity – Mid Year Review 2016/17</b></p> <p>The Cabinet Member for Finance presented the reported on the Treasury Management Activity Mid-Year Review for 2016-17. She asked Council to approve the changes to the Prudential Indicators and Treasury Indicator which had already been approved by the Governance Committee.</p> <p>The Cabinet Member highlighted the key aspects of the report and provided an explanation of the three changes requiring approval concerning Prudential Indicator 1 – Capital Investment, Prudential Indicator 2 – Capital Financing Requirement and Treasury Indicator 1 – Upper Limit on Variable Rate Exposure. She also drew Council’s attention to the updated interest rate forecast by Capita Assets Services and that interest rates on future investments made by the Council could be lowered later in the year to just above 0%. This would affect this Council’s future reinvestments, when current investments come to an end, so that the</p>



	<p>current income generated would be less.</p> <p>Councillor Foster stated that this was a very important item as this was the report which enabled the Council to invest in the Icelandic Banks in 2008. He asked the Cabinet Member to ensure that we carried out background checks on every investment to ensure that this did not occur again. The Cabinet Member reassured Councillor Foster and she was keen, that where due diligence was required, this would be completed thoroughly prior to obtaining approval by Council.</p> <p><b>UNANIMOUSLY RESOLVED:</b> That Council approves the changes as presented in appendix B to the report.</p>
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The meeting finished at 10.17pm.

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