

MINUTES OF COUNCIL

MEETING DATE **Wednesday, 5 December 2018**

MEMBERS PRESENT: Councillors John Rainsbury (Mayor), Carol Chisholm (Deputy Mayor), Jane Bell, David Bird, Renee Blow, Colin Clark, Colin Coulton, Malcolm Donoghue, Bill Evans, Derek Forrest, Paul Foster, Mary Green, Michael Green, Harry Hancock, Jon Hesketh, Mick Higgins, Cliff Hughes, Ken Jones, Susan Jones, Jim Marsh, Keith Martin, Elizabeth Mawson, Caroline Moon, Jacqui Mort, Peter Mullineaux, Barbara Nathan, Mike Nathan, Mike Nelson, Alan Ogilvie, James Patten, David Suthers, Michael Titherington, Matthew Tomlinson, Graham Walton, Karen Walton, Ian Watkinson, Jonathan Woodcock, Linda Woollard and Barrie Yates

OFFICERS: Dianne Scambler (Governance and Member Services Team Leader), Heather McManus (Chief Executive) and Dave Whelan (Legal Services Manager/Interim Monitoring Officer)

PUBLIC: 25

60 Minutes Silence

Councillors Paul Foster, Caroline Moon and Harold Hancock spoke compassionately about their friend and fellow Colleague Councillor David Watts who had recently passed away.

The Deputy Leader, Councillor Caroline Moon also paid tribute to Kevin Brown, a former work colleague who had worked in the Finance Department for eight years at South Ribble Council before moving to Chorley Council in 2009. Kevin, a friend to so many, had passed away on 27 November after losing his battle with cancer.

The tributes were followed by the observation of a two minutes silence.

61 Welcome

The Mayor welcomed both Tim Povall – Deputy Chief Executive (Resources and Transformation) and Greg Stott – Deputy Chief Executive (Regeneration and Growth) who had recently started work at the Council and were attending their first Council meeting.

62 Apologies for absence

Apologies were received from Councillors Warren Bennett, Claire Hamilton, David Howarth, Margaret Smith, Phil Smith, Susan Snape, and Paul Wharton.

63 Minutes of meeting Wednesday, 26 September 2018 of Council

Referring to minute **45** of the minutes, the Leader of the Opposition commented that it had been the cross party view of the Chamber for reports to be brought back to Council instead of minutes and asked the Cabinet to look into this issue. The Deputy Leader stated that she shared his frustration and would speak with the Leader to discuss a way forward.

RESOLVED: (Unanimously)

That subject to the following amendment:

50 Councillors Paul Foster, **Mick Titherington** and David Howarth asked the Leader if she condoned the actions of her son, Councillor Michael Green for sharing a tweet comparing a Labour Momentum fringe meeting with a Nazis gathering.

A heated debate ensued with passions running high for several Members of the Council and calls for both the Leader and Councillor Michael Green to resign were made.

The Mayor called for order in the Chamber and Councillor Mary Green stated that the matter would be investigated.

the minutes of the Council meeting held on 26 September 2018 be approved as a correct record.

64 Minutes of meeting Monday, 15 October 2018 of Council

RESOLVED: (Unanimously)

That subject to the inclusion of Councillor Carol Chisholm being present at the meeting as the Chair, the minutes of the Council meeting held on 15 October 2018 be approved as a correct record.

65 Minutes of meeting Thursday, 1 November 2018 of Council

RESOLVED: (Unanimously)

That the minutes of the Council meeting held on 1 November 2018 be approved as a correct record.

66 Declarations of Interest

There were no declarations of any interests.

67 Mayors Announcements

The Mayor provided an update on the events he had recently attended and his forthcoming engagements.

68 Report of Cabinet and Committees:

Cabinet

69 Minutes of meeting Wednesday, 12 September 2018 of Cabinet

Council noted the approved minutes of the Cabinet meeting held on 12 September 2018.

70 Minutes of meeting Wednesday, 17 October 2018 of Cabinet

Council noted the approved minutes of the Cabinet meeting held on 17 October 2018.

Governance Committee

71 Minutes of meeting Thursday, 20 September 2018 of Governance Committee

Council noted the approved minutes of the Governance Committee meeting held on 20 September 2018

Scrutiny Committee

72 Minutes of meeting Thursday, 30 August 2018 of Scrutiny Committee

Council noted the approved minutes of the Scrutiny Committee meeting held on 30 August 2018.

73 Minutes of meeting Thursday, 27 September 2018 of Scrutiny Committee

Council noted the approved minutes of the Scrutiny Committee meeting held on 27 September 2018,

74 Minutes of meeting Thursday, 8 November 2018 of Scrutiny Committee

Council noted the draft minutes of the Scrutiny Committee meeting held on 8 November 2018.

75 Revised Gambling Policy 2019-2022

The Council considered a report of the Legal Services Manager that sought adoption of a Statement of Gambling Policy for 2019-2022, that would come in to effect on 31 January 2019.

The revised policy had been agreed by the General Licensing Committee following a period of consultation and were recommending Council to approve.

Members were concerned about Gambling issues in the Borough and asked if the Council could work with the County Council and the Government to look into ways of deterring online gambling.

A member also requested that the Council write to Blackburn and Preston Football Clubs about the removal of electronic pitch side advertising for gambling.

A member of the public also raised the issue of 16 year olds being able to purchase lottery scratch cards and asked if the Leader of the Council would write to the MP about the possibility of raising the age to 18years.

It was moved by Councillor Barbara Nathan, seconded by Councillor Jacqui Mort, and

RESOLVED: (Unanimously)

That the Council adopt the final version of the Statement of Gambling Policy 2019-2022, that will come into effect on 31 January 2019.

76 Review of the Constitution: Part 2D - Governance Committee Terms of Reference

The Council considered a report of the Assistant Director of Scrutiny and Democratic Services that sought approval of the updated Terms of Reference for the Governance Committee.

The Terms of Reference had been reviewed to amend the reporting structure for budget monitoring information to Cabinet and Scrutiny Committee instead of being presented to the Governance Committee. The Committee's role in taking an overview of the constitution had also been added and formalised.

It was moved by Councillor Alan Ogilvie, seconded by Councillor Patten and

RESOLVED (Unanimously):

That the draft Part 2D of the Councils Constitution – Governance Committee, Terms of Reference be approved.

77 Amended Investment Strategy Options 2018/19

The Council considered a report of the Deputy Chief Executive (Resources and Transformation) that compared the performance of the Council's treasury investments with the performance of other councils. The report also sought approval to make amendments to the Investment Strategy for 2018/19.

It was reported that the average rate achieved on treasury investments in the first quarter of 2018/19 was in line with performance with other Lancashire district and unitary councils.

All UK-incorporated banks and building societies with a Link Asset Service suggested investment duration of at least three months should be considered for use as investment counterparties and that banks and building societies without investment durations should not be used. The limit should be increased from £5m to £6m, giving access to banks which require higher minimum investments and the ability to invest larger sums as term deposits at higher rates of interest.

Low Volatility Net Asset Value (LVNAV) Money Market Funds (MMFs) should also be added to the list of approved investment counterparties to ensure access to MMF accounts after they convert from Constant Net Asset Value (CNAV) status in January 2019.

It was moved by Councillor Ogilvie, seconded by Councillor Paul Foster and

RESOLVED (Unanimously):

That:

1. The amended limits per Investment Counterparty appended to the report be approved.
2. The addition of Low Volatility Net Asset Value Money Market Funds be approved and added to the list of Investment Counterparties.

78 Urgent Decision - Business Rates Retention Pilots 2019/20 - Update report

The Council noted a report of the Interim Deputy Chief Executive (Resources and Transformation) that had been provided to update Members on an urgent decision that had been taken by Cabinet on the Business Rates Retention Pilots for 2019/20.

Although the Leader of the Opposition expressed concerns that the decision should have been a Council decision, it was explained that the Government had invited councils in England to bid to pilot 75% retention of business rates in 2019/20, with a deadline for submission of 25 September 2018. As the decision was key and sat outside our policy framework, the decision did require Council approval. However, as full Council was set for 26 September, Cabinet were asked to consider the proposal in principle as a prelude to urgent decision making powers being exercised.

Due to the timescales for submitting a pilot bid, Cabinet also endorsed the use of urgent powers to approve submission of the bid by the Section 151 Officer (or Deputy Section 151 Officer in her absence) signing off the decision in consultation with the Cabinet Member (Finance).

Members noted that the decision appended to the report was for South Ribble to participate in the Lancashire bid to be a pilot of 75% Business Rate Retention in 2019/20 and that the decision had been made on the understanding that the Council would be in no worse a financial position, in entering the pilot, and that if not successful the default position would continue with the existing pool arrangement.

The Council were still awaiting the outcome of their submission bid.

RESOLVED (Unanimously):

To note the report.

79 Questions to the Leader of the Council

Councillor Mick Titherington asked the Leader if the matter referred to in minute 50 of the minutes of the Council meeting held on 26 September had been investigated by the Conservative Group. In Councillor Margaret Smith's absence, The Deputy Leader, Councillor Caroline Moon responded, giving assurances that the matter had been the subject of an internal investigation and the Member concerned had provided a public apology that had been printed by the local press.

Councillor Titherington thought that it was still appropriate for Councillor Michael Green to apologise to full Council. The Interim Monitoring Officer reported that a number of standards complaints were being considered in relation to the event.

Councillor Mick Titherington also asked if the Leader had met with Union Officials as had been promised at an earlier meeting and the Deputy Leader, Councillor Caroline Moon, once again provided assurances that this had been undertaken. The administration were confident that arrangements were in place to positively promote manager/staff relations and gave assurance that the Senior Management Team were doing all they could to effectively support staff.

A member of the public requested information on the notice periods and salary information of the previous Chief Executive of the Council and other members of the then senior management team. The Deputy Leader agreed to find out and respond outside of the meeting.

80 Questions to Members of the Cabinet

(a) Questions to the Cabinet Member (Corporate Support and Assets)

Councillor Ken Jones requested information on the details of any consultation that had taken place on the Bent Lane Play Area, a local group had recently formed and were ready to help improve the site for the benefit of the community, however, with the removal of the original play equipment and in light of recent communications from the Council regarding the consideration of building houses on all land not designated as a park area, local residents were understandably concerned.

Members of the public also shared their concerns asked about the Balcarres Green area of Leyland being identified for potential housing development. In view of the fact that this area was located next to the Air Quality Zone on Turpin Green Lane, residents felt that additional development would exacerbate the existing problems and asked what any public consultation would look like. This was a view supported by Councillor Matthew Tomlinson who pointed out that it had been a decision by Cabinet in September to release this land for consideration of development.

Councillor Colin Clark responded to say that the Council were reviewing all play areas as part of its Health and Wellbeing agenda and that as part of this, the provision of affordable housing was a serious consideration. He stressed that no decisions had made at this stage and that views would be sought from local residents and ward councillors before any informed decision would be made.

Councillor Caroline Moon, Deputy Leader of the Council also added that she would look into working with the local residents to identify any funding that may be available for the installation of new play equipment on the Bent Lane Play Area.

Councillor Paul Foster asked why the Shared Management arrangements that had been agreed with Chorley had been delayed until after the Elections next year, despite reporting great progress in September, also commenting that it had been disappointing to discover this update on the Council's Intranet as opposed to Members being informed specifically.

Councillor Colin Clark gave assurances that the administration were still supportive of the idea and that the Leaders of both Councils were meeting regularly. A meeting of the Shared Services Joint Committee was due to meet early in the New Year in an effort to move things forward. In the meantime a joint statement had been released for all staff across the two Councils, giving reasons for the delay.

(b) Questions to the Cabinet Member (Strategic Planning and Housing)

Councillor Keith Martin asked if the Council's response to the Ministry of Housing, Communities and Local Government consultation on permitted development for shale gas could be circulated to all Members. The Cabinet Member provided a brief response at the meeting and agreed to the request.

Councillor Michael Green declared a personal interest for his role as a County Councillor and Cabinet Member at Lancashire County Council who had provided a full consultation response to Ministry of Housing, Communities and Local Government in this matter.

A member of the public asked whether the Cabinet Member thought that more bungalows needed to be built across the Borough considering the aging population of Leyland. The Cabinet Member agreed with this sentiment.

(c) Questions to the Cabinet Member (Public Health and Safety, Wellbeing and Environmental)

Councillor Keith Martin asked the Cabinet Member to respond to a comment that had been made at full council on the 26 September by a licensed South Ribble Taxi driver. What is the environmental impact with regard to emissions, air quality and energy usage of the council's buildings and vehicles? Add to this, are the council's fleet using Adblue?

Councillor Karen Walton provided a response at the meeting that incorporated the following:

One of the projects in the Corporate Plan is to develop a renewable energy feasibility study. As part of this study our Environmental Health team are developing a draft energy policy which looks at the Council buildings energy uses. The Air Quality Management Action Plan was approved on the 21 November and a number of actions will address the Council's own impact on the air quality of South Ribble. We currently have a number of HGV's and Light Goods Vehicle (67 plate) on fleet whose engines are Euro 4 onwards and so need Adblue.

Councillor Keith Martin also asked if the Cabinet Member could inform if South Ribble took part in the Governments 25 Year Environmental Plan Consultation and if so, what were the comments and will we be looking at the document in relation to our future business and reduction of our carbon footprint.

Councillor Karen Walton provided a response at the meeting that incorporated the following:

The Council did not take part in the Governments 25 Year Environment Plan Consultation, but are looking at the documentation in relation to Clean air as part of our Air Quality Management Action plan, Thriving plants and wildlife as part of our Green Links and Central parks programme, Reducing the risks of harm from environmental hazards through our planning policies, Enhancing beauty, heritage and engagement with the natural environment through our parks development plans and minimising waste working with our waste collection partner.

A member of the public asked about the impact of 'log burners' on air quality/public health. The Cabinet Member agreed to provide an answer outside of the meeting.

81 Questions to Chairs of Committees and My Neighbourhood Areas

None.

82 Questions to Member Champions and Representatives on Outside Bodies

Questions to Member Champions.

Councillor Jane Bell commented on the work that had been undertaken by officers on Remembrance Sunday to commemorate the 100 years since the end of World War I and asked Councillor Alan Ogilvie as Member Champion of the Armed Forces to thank all involved. This was echoed by Councillor Colin Clark who agreed that the work officers did was absolutely phenomenal and much appreciated. Councillor Ogilvie responded that he had already written to the Chief Executive and asked her to pass on thanks to everyone concerned in the parade and Beacon lighting event.

Questions to the Representative(s) of Outside Bodies.

Councillor Keith Martin asked if the representative of the Springfields Fuels Ltd – Site Stakeholder's Group could update the Council on the last meeting held in October, particularly in relation to Operation Heron.

Councillor Karen Walton provided the following response:

As you are probably aware Springfield's Fuels Limited is a UK Nuclear Licensed Site and COMAH (holds certain chemicals which requires registration by the Health and Safety Executive) establishment situated on the outskirts of Preston just north of the Ribble Estuary. The plant is directly adjacent to South Ribble Borough Council as the crow flies and as such the Council is part of the Multi Agency Response arrangements to address any major incident at the premises.

The principal activity on site is the production of fuel for civil nuclear reactors involving the processing of highly toxic Uranium Fluoride (UF6) to manufacture nuclear fuel products. Springfield's is required to comply with the Radiation (Emergency Preparedness and Public Information) Regulations 2001 (REPPPIR) and the Control of Major Accident Hazards (COMAH) 2015 Regulations and Lancashire County Council are responsible for producing and exercising an off-site plan for the site every 3 years.

Testing of the Springfield's REPPPIR/COMAH off Site Plan called Exercise Heron 7 took place on the 3 October and three officers from South Ribble Borough Council were in attendance. The full debrief meeting of the exercise will take place on the 5 December 2018 and will be attended by our Emergency Planning Officer. A full report will then be produced and if this report is made available to the public we can forward a copy.

Councillor Keith Martin asked if the representative of Campaign to Protect Rural England (CPRE) could provide a response to the following questions:

1. CPRE have raised concerns that the Government's plan to Fast Track applications for Shale Gas Exploration. They say this removes the power from Planning Authorities to fully investigate any Shale Gas application, and could be seen that the Government is favouring some energy projects and not others by choosing different paths via localism, which should put residents at the heart of decisions.
Was this discussed at a Lancashire level, and if so, what were the comments and thoughts of the Lancashire Branch?

2. CPRE agree there is a need to develop more homes, but these homes should be the right type and are in the right place. Given that Penwortham is looking at thousands of properties being built as part of the City Deal. Will the Lancashire Branch of CPRE be commenting on these consultations within Penwortham and continue to campaign locally for the right housing in the area?
If the Lancashire Branch have already discussed this, could you pass on the thoughts and recommendations of the branch.

Although Councillor David Bird had provided a response in advance of the meeting, it was considered that this should be in consultation with the Cabinet Member and it was reported that a full response would be circulated to all Members outside of the meeting.

Councillors Bird was not happy that he had been prevented from sharing his response at the meeting, an opinion shared by Councillors Keith Martin and Paul Foster. However, there was a view by officers that the response needed to be a collated one to ensure that the response was as full and accurate as possible.

83 Exclusion of Press and Public

It was moved by Councillor Caroline Moon, seconded by Councillor Colin Clark and

RESOLVED (Unanimously):

That the press and public be excluded from the meeting during the consideration of the following item(s) of business as it involved the discussion of information defined as exempt from publication under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, 'Information relating to the financial or business affairs of any particular person (including the authority holding that information) ' and in which the public interest in maintaining the exemption outweighed the public interest in disclosing it.

84 Urgent Decision - Acquisition of Property in Borough

The Council noted a report of the Director of Planning and Property that informed Members of an emergency decision that had been taken to acquire a property within the Borough.

The purchase of the property would significantly enhance the delivery of a project in the Corporate Plan. Bids were required to be submitted by 31 October and the Council were minded that there were other interested parties in the property. Therefore it was considered appropriate to rely on the emergency powers set out in

Standing Order 35 (Council Procedure Rules) to allow the decision to be taken. A copy of the decision made was appended to the report.

RESOLVED:

That the report be noted.

85 Urgent Decision - Acquisition of property out of Borough

The Council noted a report of the Director of Planning and Property that informed Council of an emergency decision that had been taken to put in a bid for a property outside the Borough in accordance with the Council's approved Property Investment Strategy.

Bids for the property were required to be submitted by mid-day on 14 November 2018 meaning that a speedy response was required and therefore requiring an Urgent decision to be made. The Extended Leadership team and the Cabinet were consulted and supportive of the decision and a copy of the decision made was appended to the report.

RESOLVED:

That the report be noted.

Chair

Date