

MINUTES OF COUNCIL

MEETING DATE **Wednesday, 27 September 2017**

MEMBERS PRESENT: Councillors Michael Titherington (Mayor), John Rainsbury (Deputy Mayor), Jane Bell, David Bird, Renee Blow, Carol Chisholm, Colin Clark, Colin Coulton, Malcolm Donoghue, Bill Evans, Derek Forrest, Paul Foster, Harry Hancock, Jon Hesketh, Mick Higgins, David Howarth, Cliff Hughes, Ken Jones, Susan Jones, James Marsh, Keith Martin, Elizabeth Mawson, Jacqui Mort, Peter Mullineaux, Mike Nelson, Rebecca Noblet, Alan Ogilvie, James Patten, Margaret Smith, Phil Smith, Susan Snape, David Suthers, Caleb Tomlinson, Karen Walton, Graham Walton, Ian Watkinson, David Watts, Paul Wharton, Jonathan Woodcock, David Wooldridge, Linda Woollard and Barrie Yates

OFFICERS: Heather McManus (Chief Executive), Dave Whelan (Legal Services Manager/Monitoring Officer), Denise Johnson (Director of Development, Enterprise and Communities), Susan Guinness (Head Of Shared Financial Services), Darren Cranshaw (Scrutiny & Performance Manager) and Caroline Elwood (Interim Corporate Governance Manager)

PUBLIC: 5

31 Kings Royal Hussars - presentation ceremony to celebrate 25 years since being granted Freedom of the Borough

The Mayor referred to the 25th anniversary of granting Freedom of the Borough to the 14th/20th King's Hussars who later amalgamated to become the King's Royal Hussars.

The Mayor welcomed Brigadier Simon Graham late Kings Royal Hussars who took part in the first Freedom parade in 1992, Major Luke Sherbrooke, WO2 (RQMS) Damien Baines and Major (Retd) Stephen Penkethman from The Kings Royal Hussars. The Vice Lord Lieutenant of Lancashire, Colonel Alan Jolley and his wife Mary were also welcomed.

On behalf of the Council, the Mayor presented a specially commissioned Freedom Key to the King's Royal Hussars to commemorate the 25th anniversary of their Freedom of South Ribble.

Brigadier Simon received the Freedom Key from the Mayor and presented a ceremonial sword on behalf of the regiment to the Council.

The Leader of the Council (Councillor Mullineaux), Leader of the Labour Group (Councillor Foster) and Leader of the Liberal Democrats (Councillor Howarth) paid tribute to the regiment and expressed the pride of South Ribble in granting the regiment the honour of Freedom of the Borough.

The Council's Armed Forces Champion (Councillor Ogilvie) congratulated the regiment and outlined the Council's commitment to supporting the armed forces and veterans.

The meeting then adjourned for refreshments before reconvening.

32 Apologies for absence

Apologies for absence were submitted on behalf of Councillors Warren Bennett, Mary Green, Michael Green, Caroline Moon, Barbara Nathan, Mike Nathan and Matthew Tomlinson.

33 Minutes of the last meeting

Resolved: that the minutes of the Council held on 19 July 2017 be approved as a correct record.

34 Declarations of Interest

The Legal Services Manager declared an interest and on behalf of those officers affected by item 16 – changes to the Council's management structure and would leave the meeting for that item.

35 Mayor's Announcements

The Mayor provided an update on events recently attended and forthcoming engagements.

36 Report of Cabinet and Committees

36a Cabinet - minutes of the meetings held on 27 July and 6 September 2017

The Leader presented the minutes of the Cabinet from 27 July 2017 and 6 September 2017.

Councillor Paul Foster requested a review of meeting minutes as he did not feel they contained enough detail about the discussions taking place. The Mayor indicated that this would be discussed further outside the meeting.

The report was noted.

36 b Scrutiny Committee - minutes of the meetings held on 25 July, 30 August and 6 September 2017

Councillor Colin Coulton (Vice-chair of Scrutiny Committee) presented the minutes of the Scrutiny Committee meetings held on 25 July, 30 August and 6 September 2017.

The report was noted.

36c Governance - minutes of the meeting held on 13 September 2017

Councillor Ogilvie presented the minutes of the Governance Committee from 13 September 2017.

The report was noted.

37 Review of Constitution

37a Contract Procedure Rules and Key Decisions

Councillor Ogilvie presented the outcome of the Governance Committee's review of the contract procedure rules within the Council's constitution, including the financial threshold of key decisions undertaken by the Cabinet.

Resolved: that the draft Contract Procedure Rules at Appendix A and increases to the proposed low value procurement threshold to £20,000 and the proposed increase to the current financial threshold of £100,000 for key decisions undertaken by the Cabinet be approved.

37 Council Terms of Reference and Members

b

Councillor Ogilvie presented the outcome of the Governance Committee's review of the Council terms of reference and members.

Resolved: that the proposed terms of reference for full Council, including the role of the Mayor and elected Members at Appendix A be approved.

37c General Licensing Committee and Licensing Act Committee

Councillor Ogilvie presented the outcome of the Governance Committee's review of the General Licensing Committee and Licensing Act Committee. The proposed changes of a rotating panel had been debated and approved at the Licensing Act Committee on 19 September 2017 by a majority.

Resolved: that the terms of reference for both the General Licensing Committee and the Licensing Act Committee be approved.

38 Transformation Strategy 2017-18

Councillor Clark presented a report seeking approval to establish a transformation fund of £500,000 to invest in transformation activities. The report was seconded.

Councillor Foster proposed an amendment to the recommendation that the item be deferred until the next meeting of Council. The proposal was seconded by Council Howarth.

On putting the amendment to the vote, 21 voted for and 21 voted against. The Mayor exercised his casting vote under rule 16. 2 of the Council Procedure Rules in favour of the amendment.

Resolved: that the item be deferred until the next meeting of Council.

39 Employment Skills Supplementary Planning Document

Councillor Hughes presented the Central Lancashire Employment Skills Supplementary Planning Document for adoption by the Council. The report was seconded.

Resolved: that –

1. the Council adopts the Central Lancashire Employment Skills Supplementary Planning Document attached at Appendix 1 of the agenda and;
2. delegated authority is given to the Planning Manager in consultation with the Cabinet Member for Strategic Planning and Housing to make any minor text, layout and formatting changes on the publication of the document.

40 Notice of Motion

Councillor Ken Jones proposed the following motion, seconded by Councillor Derek Forrest:

“Serious Air Pollution and heavy goods vehicle disturbance in Leyland

This Council congratulates the officers and leadership team for identifying a serious air quality problem in the Turpin Green and Golden Hill areas of Leyland. The boundaries of a new Air Quality Measurement Area are currently out for consultation (please see the Council’s website), but it is clear to ward councillors and residents that this is a long-standing problem that has become progressively worse over recent years

This Council believes the only effective solution to the problems of both illegal air quality and heavy goods vehicle disturbance is to divert heavy goods vehicles from portions of both these roads, which pre-date the industrial age and are totally unsuited to the volume of heavy traffic now using them.

One solution being considered is to create a connection between Centurion Way in Farington and Tomlinson Road in Leyland, and then use camera-enforced weight restrictions to divert heavy goods vehicles away from junction 28 of the M6 and towards junction 29.

Council commends this solution and urges officers to progress it as urgently as possible in conjunction with The Highways Authority and Lancashire County Council.”

Members discussed the seriousness of the issue and importance of taking action.

Councillor Jacqui Mort, proposed the following amendment to the motion, seconded by Councillor Hughes:

“Serious Air Pollution and heavy goods disturbances in Leyland

This Council congratulates the officers and leadership team for identifying an exceedance in the levels of Nitrogen Dioxide in Turpin Green and Golden Hill areas of Leyland. It is clear to ward councillors and residents that this is a

long standing problem that has become progressively worse over recent years.

We have as a council a statutory obligation to monitor air quality in the Borough and to write to the authorities concerned to inform them of any exceedance. A public consultation on the Air Quality Management Area has just concluded and once the proposals have been finalised it is anticipated that they will be formally declared at the Cabinet meeting in December.

Once this AQMA has been declared an action plan will be discussed and drawn up to identify measures to assist in reducing pollutant levels. This will require active involvement of Lancashire County Council as the highway authority as the air quality issues within the AQMA are directly linked to traffic.

We ask the Council as a matter of urgency and in conjunction with Lancashire County Council and the Highways Authority to work towards a satisfactory solution.”

The amendment was put to the vote, with 22 in favour and 20 against. The amendment to the motion was therefore carried.

Resolved: that the Council as a matter of urgency and in conjunction with Lancashire County Council and the Highways Authority work towards a satisfactory solution to serious air pollution and heavy goods disturbances in Leyland.

41 Questions to the Leader

(a) Written Question from Councillor Wharton

“Anti bullying Week 2017 is being held between the 13th and 17th November and is organised by Anti-Bullying alliance. The theme will promote difference and equality in schools and places of employment with the tag-line ‘All Different, All Equal’. Could the leader please advise of any plans for this week.”

The Leader responded that he currently did not have any plans for the week, but if there was a need, that he would.

(b) City Deal

Concerns with the City Deal financial modelling were raised and it was requested that a paper be brought forward to Council.

The Leader provided an update and would be happy to bring a report back at a future date.

(c) Combined Authority

The Leader was asked when he last attended a meeting of the Combined Authority.

The Leader responded that work was continuing with the Combined Authority with discussions taking place with the Government. The Leader was hopeful that more information would be provided on the criteria for a Combined Authority so that the Council could decide if it whether to pursue it or not.

(d) Conservative Group Suspensions

The Leader was asked who had been suspended from the Conservative Group and the potential impact on political proportionality.

The Leader responded that internal Conservative Group matters were a matter for his group. Political proportionality would be reviewed as and when necessary.

(e) Lancashire County Council Waste Cost Sharing

The Leader was asked whether he would be meeting with the Lancashire County Council Cabinet Member about waste cost sharing.

The Leader responded that the cost sharing was resolved some years ago.

42 Questions to Members of the Cabinet

(a) Finance

Written Question from Cllr Howarth

“Given the assurances that “all alternatives would be explored” before green waste charges were introduced to the borough; and that at the council meeting on 19th July, the Cabinet Member for Finance declined to give a verbal answer as to what alternatives had been considered as she had not had the question in writing; and that after ten weeks the written answer that the Cabinet Member for Finance stated would be provided has as yet not been forthcoming; having now been given the written question that she requires, will she now state whether any other alternatives were actually explored, and if so what was considered?”

The Cabinet Member provided assurances that all options had been considered and would provide a full written response to Councillor Howarth and all Councillors outside the meeting.

(b) Neighbourhoods and Streetscene

(i) Written Question from Cllr Martin

“During the council meeting of 16th November 2016, when asked what measures you were putting in place to prevent a third break in into Penwortham Holme you replied;

"in order to prevent further access to this site, a height barrier had been commissioned and would be installed in the near future"

Q1, What measures will you be putting in place to prevent a fourth break in to Penwortham Holme?

Q2, I believe there are two acts of Parliament that could have been used to help remove the trespassers with greater speed, Sec 30 of the Highways Act 1980 and Section 171E of the Town & Country Planning Act 1990, were these considered?

Q3, When you were dealing with the same travellers at the Lostock Hall Football pitch, as they left, why were measures not in place, given the past history and movements of the travellers, to prevent entry to Penwortham Holme?

Q4, How many times in the past 10 years have we seen travellers occupy South Ribble Borough Council land?"

The Cabinet Member responded that officers were currently evaluating options to prevent further illegal gypsy/traveller encampments at Penwortham Holme whilst still allowing public access. Officers had fully investigated any potential legislation in place and none would have assisted in this particular case.

With regards Lostock Hall football pitch, gypsy and travellers were moved on by the Police who then notified the Council.

The Council's records, going back 8 years shows that there has been 4 occasions that there has been gypsy/traveller encampments on the Council's land.

The Cabinet Member responded to questions about whether a dedicated gypsy and traveller site was needed in South Ribble. As part of the lengthy local plan process a need for South Ribble had not been identified as sites were allocated in both Preston and Chorley.

(ii) Written Question from Cllr Hancock

"Could the Cabinet Member for Neighbourhoods and Street scene inform council of the cost of the clean-up operation, reinstatement of the playing fields, and lost revenues from cancelled bookings on Penwortham Holme following the latest traveller encampment; and could he explain why adequate action was not taken to prevent what is now an annual occurrence at the same location, at the same time every year; and will he visit All Hallows playing fields at Howick Cross, who didn't suffer any damage or cancellation of weekend football fixtures, to see the simple but effective measures they took in blocking the entrance gates, with a view to adopting similar measures next year?"

The Cabinet Member referred to his previous answer to Councillor Martin and referred to the action taken in 2016 to try to secure the site with height barriers to deter gypsy and travellers. The clear up costs were currently being established. The Cabinet Member would happily look at the approach taken at All Hallows School.

(iii) Green Waste Charging

The Cabinet Member was asked whether there was any reduction of the charge for those on benefits and would he create an all party task group to consider issues such as this.

The Cabinet Member responded that there was no exception to the charge for those on benefits.

(iv) Car Parking

The Cabinet Member was asked for an update on last year's car parking consultation.

The Cabinet Member responded that the consultation was complete and discussions were taking place with Lancashire County Council.

43 Questions to Chairmen of Committees and My Neighbourhood Areas

None.

44 Questions to Member Champions and Representatives on Outside Bodies

None.

45 Exclusion of Press and Public

RESOLVED: That the press and public be excluded from the meeting during the consideration of the following item 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.

46 Changes to Council's Management Structure

Officers present at the meeting that were directly affected by the management restructure declared prejudicial interests in this item, and left the meeting during the consideration thereof.

The Chief Executive briefed members on the proposals for changes to the Council's Management structure, including the proposed expansion of Shared Services with Chorley Council, outlining the drivers for change and the outcome of the consultation process.

Members had the opportunity to ask questions of the Chief Executive before the Leader, Councillor Peter Mullineaux, formally moved the recommendations, seconded by Councillor Colin Clark, Portfolio holder for Corporate Support and Assets that Members agree to:

- 1) Implement the proposed new management structure shown in paragraph 7.3 of the report and amend the Councils Pay Policy 2017/18 to reflect the proposals in paragraph 8.2.
- 2) Endorse the ambition to create a culture of continual improvement, growth and opportunity providing an environment where staff feel supported and proud to work.
- 3) Work to develop a close working relationship with Chorley Council with the ultimate aim and joint ambition to develop full shared services serving two independent and sovereign councils.
- 4) Approve the creation of the following Senior Shared Services Officer posts:
 - ❖ Deputy Chief Executive Officer (Resources and Transformation)
 - ❖ Director of Legal and Democratic Services

- ❖ Assistant Director of Legal Services
 - ❖ Director of Finance and Assurance Services
 - ❖ Assistant Director of Finance and Assurance Services
 - ❖ Director of Policy, HR and Communications
- 5) Designate the new post of Director of Finance and Assurance Services (Shared Services) as the Council's Statutory Finance Officer, in accordance with s 151 of the Local Government Act 1972
 - 6) Designate the new post of the Director of Legal and Democratic Services (Shared Services) as the Council's Statutory Monitoring officer, in accordance with s5 of the Local Government and Housing Act 1989.
 - 7) Delegate authority to the Chief Executive, in consultation with the Leader and members of the Shared Service Joint Committee, to finalise and agree a new shared service agreement.
 - 8) Confirm the requirement to retain a Head of Paid Service and Chief Executive for South Ribble Council.
 - 9) Approve the appointments process for shared posts set out in Appendix 1 the Shared Service Joint Committee Report. For Shared Chief Officers (Tier 2 and Statutory Officer posts) to agree to a Joint Member Panel drawn equally from both Councils (Leader, Deputy Leader and Leader of the Opposition).
 - 10) Delegate to the Chief Executive the authority to implement the Council's approved Redundancy Policy in accordance with the guidelines within the policy.
 - 11) Permit substitute members to attend the Shared Services Joint Committee (one named substitute Member to be appointed, for each political group, at each Council)

In moving the recommendations Councillor Mullineaux welcomed the report and proposed structure, which he felt not only gave the authority the financial savings needed going forward, but would also bring much needed stability to the Council after a difficult period for the authority. He noted that in developing the proposals there had been extensive consultation with staff and members and that Unison were supportive of the proposals. In seconding the proposal, Councillor Clark endorsed the Leader's comments.

Councillor Paul Foster proposed an amendment to the recommendations, seconded by Councillor David Howarth that:

"The decision is deferred to the next meeting of the Council in November, with the immediate establishment of joint member working groups and learning sessions to consult on all the proposals in more detail, and in particular the issues raised this evening."

In moving the amendment Councillor Foster supported the need for a restructure but expressed concern regarding the extent of the consultation with members, particularly the lack of a joint working across the parties to gain consensus. Issues included the need to fully understand the extent of future joint working with Chorley

Council, the sharing of statutory chief officers, the proposed review of the Shared Service Agreement, the proposed joint appointment process for shared chief officer posts and the need for more financial information.

These concerns were endorsed by a number of other members who felt more time was needed to consider the proposals within the report and understand the full implications.

Members requested a recorded vote under rule 16.4 of the Council Procedure Rules.

The votes in favour of the amendment (21)

Councillors Ms Bell, Ms Blow, Donoghue, Evans, Forrest, Foster, Hancock, Higgins, Howarth, K Jones, Mrs S Jones, Martin, Miss Mawson, Patten, Titherington, C Tomlinson, Watkinson, Watts, Wharton, Woodcock, Wooldridge

The votes against the amendment (21)

Councillors Bird, Mrs Chisholm, Clark, Coulton, Hesketh, Hughes, Marsh, Mrs Mort, Mullineaux, Nelson, Mrs Noblet, Ogilvie, Rainsbury, Mrs M Smith, P Smith, Mrs Snape, Suthers, G Walton, Mrs K Walton, Mrs Woollard, Yates

The Mayor exercised his casting vote under rule 16. 2 of the Council Procedure Rules in favour of the amendment.

Resolved: that the decision is deferred to the next meeting of the Council in November, with the immediate establishment of joint member working groups and learning sessions to consult on all the proposals in more detail, and in particular the issues raised this evening.

Chair

Date