

## COUNCIL

WEDNESDAY, 24TH JULY, 2019, 6.00 PM

SHIELD ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND, PR25  
1DH

### AGENDA

- |   |                 |
|---|-----------------|
| <b>1 Apologies for absence</b>  |                 |
| <b>2 Minutes of meeting Wednesday, 15 May 2019 of Council</b>   | (Pages 7 - 20)  |
| <b>3 Minutes of Cabinet and Committees:</b>   |                 |
| <b>3a Minutes of the Cabinet meeting held on 16 June 2019</b>   | (Pages 21 - 38) |
| <b>3b Minutes of Governance Committee held on 30 May 2019</b>   | (Pages 39 - 42) |
| <b>4 Declarations of Interest</b>   |                 |
| <p>Members are requested to notify Democratic Services, by 4.00pm on the day of the meeting, of any items on the agenda in which they have an interest and the nature of the interest. They should do so by email to <a href="mailto:democraticservices@southribble.gov.uk">democraticservices@southribble.gov.uk</a>.</p> <p>Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of the item.</p> <p>Where the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice a Member's judgment of the public interest (as explained in the Code of Conduct) then they may stay in the meeting to make representations, answer questions or give evidence relating to the item but then must withdraw from the meeting for the remainder of that item. Where such an interest is in an item to be discussed in exempt session, members are reminded that they must withdraw from the meeting for the whole of that item.</p> |                 |
| <b>5 Mayors Announcements</b>   |                 |
| <b>6 Returning Officers Report</b>  | (Pages 43 - 44) |
| <p>Report of the Returning Officer attached.</p>  |                 |
| <b>7 Appointment of Committees 2019/20</b>  | (Pages 45 - 48) |

	Report of the Assistant Director of Scrutiny and Democratic Services attached.	
<b>8</b>	<b>Decision: Appointment of Interim Chief Executive/Head of Paid Service and Interim Section 151 Officer</b>	(Pages 49 - 52)
	Report of the Interim Monitoring Officer attached.	
<b>9</b>	<b>Creation of a Member Development Steering Group</b>	(Pages 53 - 56)
	Report of the Assistant Director of Scrutiny and Democratic Services attached.	
<b>10</b>	<b>Licensing Annual Report 2018/19</b>	(Pages 57 - 84)
	Report of the Head of Licensing attached.	
<b>11</b>	<b>Reporting to Full Council the outcome of meetings of the Governance, Scrutiny and Standards Committees</b>	
	Report of the Interim Monitoring Officer to follow.	
<b>12</b>	<b>Notice of Motion</b>	

Notice of the following motion has been submitted in accordance with standing order number 10(2). The motion is proposed by Councillor Ken Jones and seconded by Councillor Matthew Trafford.

“This Council declares that the effect of climate change within the borough poses an immediate danger to the health and well-being of our residents and therefore proclaims a Climate Emergency with immediate effect.

To combat this threat, the borough sets a goal of rendering the borough carbon neutral by the year 2030. For avoidance of doubt, this goal means the borough shall produce no net carbon emissions by this date, taking into account of actions that have the effect of removing carbon from the environment.

In order to implement this decision, the borough shall create a Standing Working Group on the Climate Emergency. The Group shall be made up of the following:

- Cabinet Member responsible for the Environment (in the Chair);
- Chairs of each Neighbourhood Forum;
- Representatives of each political group represented on the council (2 Labour Members (including Air Quality Lead), 1 Liberal Democrat Member. 2 Conservative Members);
- Air Quality Lead;
- Such other Members, including co-opted members, as the working group shall consider appropriate.

The Standing Working Group on the Climate Emergency shall:

- Incorporate the Council's existing Air Quality Action Plan into its wider plans;
- Devise and propose further measures in pursuit of its goals;
- Monitor progress towards its goals;
- Report back to full Council at least four times per year on its progress in achieving its goals.

The standing Working Group on Climate Emergency shall be resourced through the Council's annual budgets going forward.”

### **13 Questions to the Leader of the Council**

### **14 Questions to Members of the Cabinet**

**15 Questions to Chairs of Committees and My Neighbourhood Areas**

**16 Questions to Member Champions and Representatives on Outside Bodies**

**17 Exclusion of Press and Public**

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 and Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

By virtue of Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Condition:

Information is not exempt if it is required to be registered under-

The Companies Act 1985

The Friendly Societies Act 1974

The Friendly Societies Act 1992

The Industrial and Provident Societies Acts 1965 to 1978

The Building Societies Act 1986 (recorded in the public file of any building society, within the meaning of the Act)

The Charities Act 1993

Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992(a).

Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992.

**18 Shared Services Update Report**

(Pages 85 - 90)

Report of the Interim Chief Executive attached.

Gary Hall  
INTERIM CHIEF EXECUTIVE

Electronic agendas sent to Members of the Council Councillors Harry Hancock (Mayor), Jane Bell (Deputy Mayor), John Rainsbury, Carol Chisholm, Will Adams, Jacky Alty, Renee Blow, Damian Bretherton, Aniela Bylinski Gelder, Matt Campbell, Colin Clark, Colin Coulton, Malcolm Donoghue, Bill Evans, James Flannery, Derek Forrest, Paul Foster, Mary Green, Michael Green, Jon Hesketh, Mick Higgins, David Howarth, Cliff Hughes, Ken Jones, Susan Jones, Chris Lomax, Jim Marsh, Keith Martin, Christine Melia, Caroline Moon, Jacqui Mort, Peter Mullineaux, Alan Ogilvie, Colin Sharples, D C Shaw, Margaret Smith, Phil Smith, David Suthers, Michael Titherington, Caleb Tomlinson, Matthew Tomlinson, Matthew Trafford, Angela Turner, Karen Walton, Ian Watkinson, P Wharton-Hardman, Sarah Whitaker, Carol Wooldridge and Barrie Yates

The minutes of this meeting will be available on the internet at [www.southribble.gov.uk](http://www.southribble.gov.uk)

#### Forthcoming Meetings

6.00 pm Wednesday, 25 September 2019 - Shield Room, Civic Centre, West Paddock, Leyland, PR25 1DH

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## **MINUTES OF COUNCIL**

**MEETING DATE**                      **Wednesday, 15 May 2019**

**MEMBERS PRESENT:**      Councillors John Rainsbury (Mayor), Carol Chisholm (Deputy Mayor), W Adams, Alty, Jane Bell, Renee Blow, D Bretherton, A Bylinski Gelder, M Campbell, Colin Clark, Malcolm Donoghue, Bill Evans, J Flannery, Derek Forrest, Paul Foster, Mary Green, Michael Green, Harry Hancock, Jon Hesketh, Mick Higgins, David Howarth, Cliff Hughes, Ken Jones, Susan Jones, C Lomax, Jim Marsh, Keith Martin, C Melia, Caroline Moon, Jacqui Mort, Alan Ogilvie, C Sharples, D C Shaw, Margaret Smith, Phil Smith, David Suthers, Michael Titherington, Caleb Tomlinson, Matthew Tomlinson, M Trafford, A Turner, Karen Walton, Ian Watkinson, P Wharton-Hardman, S Whitaker, C Wooldridge and Barrie Yates

**OFFICERS:**                      Heather McManus (Chief Executive), Tim Povall (Deputy Chief Executive of Resources and Transformation (Section 151 Officer)), Gregg Stott (Deputy Chief Executive of Regeneration and Growth), Dave Whelan (Legal Services Manager/Interim Monitoring Officer), Paul Hussey (Director of Customer and Digital), Darren Cranshaw (Assistant Director of Scrutiny & Democratic Services) and Dianne Scambler (Governance and Member Services Team Leader)

**PUBLIC:**                                      65

### **1      Minutes Silence**

Council observed a minutes silence for Councillor Graham Walton who had recently passed away. Councillor Walton had served as a Councillor for South Ribble for 12 years and was appointed Mayor in 2014/15. Group Leaders, Councillors Margaret Smith, Paul Foster and David Howarth spoke compassionately about their friend and colleague, commenting that Councillor Walton's passing was a great loss to his constituents, his wife Karen, and to South Ribble Council.

### **2      Apologies for absence**

Apologies were received from Councillors Colin Coulton, Councillor Peter Mullineaux and David Suthers

### **3      Minutes of meeting Wednesday, 27 February 2019 of Council**

RESOLVED: (Unanimously)

That subject to the following amendment to minutes no: 115

Councillor Caroline Moon gave the following response regarding the life expectancy of the bins.

While some bins have lasted up to twenty years, the warranty given by the suppliers is 11 years. In respect of the unit cost of a bin to the council, it was slightly over the £30 being charged.

The minutes of the Council meeting held on 27 February 2019 be approved.

#### **4 Declarations of Interest**

No declarations of interest were made.

#### **5 Returning Officer Report**

The Mayor congratulated all those Councillors who had been elected or re-elected on 2 May 2019 and in particular welcomed the 14 new councillors.

The Returning Officer's report indicated the election results as follows:

Ward	Councillor
Bamber Bridge East	Mick Higgins Christine Melia
Bamber Bridge West	Paul Foster Caleb Tomlinson
Broadfield	Mick Titherington Matthew Tomlinson
Broad Oak	Harry Hancock Ange Turner
Buckshaw and Worden	Caroline Moon Alan Ogilvie
Charnock	Ian Watkinson Carol Wooldridge
Coupe Green and Gregson Lane	Jim Marsh Sarah Whitaker
Earnshaw Bridge	Bill Evans Colin Sharples
Farington East	Jacky Alty Paul Wharton-Hardman
Hoole	John Rainsbury David Suthers
Howick and Priory	Renee Blow David Howarth David Shaw
Leyland Central	Aniela Bylinski Gelder Derek Forrest
Longton and Hutton West	Colin Clark Colin Coulton Jon Hesketh
Lostock Hall	Cliff Hughes Jacqui Mort



	Matthew Trafford
Middleforth	Will Adams James Flannery Keith Martin
Moss Side	Mary Green Michael Green
New Longton and Hutton West	Margaret Smith Phil Smith
Salmesbury and Walton	Peter Mulineaux Barrie Yates
Seven Stars	Jane Bell Mal Donoghue
St Ambrose	Ken Jones Susan Jones
Walton-le-Dale East	Carl Chisholm Chris Lomax
Walton-le-Dale West	Damian Bretherton Matthew Campbell

The Farington West poll had been countermanded following the passing of Councillor Graham Walton, with an Election to be held on 20 June 2019. Councillor Karen Walton still continues to be a councillor for the Farington West ward of the Borough.

RESOLVED (Unanimously): That the report be noted.

## **6 Proposals for the Election of the Mayor for 2019/20**

It was moved by Councillor David Howarth, seconded by Ange Turner and

RESOLVED (Yes 25, Abstain 17):

That Councillor Harold Hancock be elected as Mayor of South Ribble for the 2019/20 municipal year. Councillor Hancock introduced his Mayoress, Mrs Marion Hancock.

## **7 Proposals for the Election of the Deputy Mayor for 2019/20**

It was moved by Councillor Paul Foster, seconded by Councillor Derek Forrest and

RESOLVED (Yes 26, Abstain 15, No 1):

That Councillor Jane Bell be elected as Deputy Mayor of South Ribble for the 2019/20 municipal year.

There was a brief adjournment to allow the Retiring Mayor and Mayoress and Retiring Deputy Mayor; the newly elected Mayor and Mayoress; and the newly elected Deputy Mayor to exchange robes and badges of office.

**Councillor Harold Hancock in the Chair.**

On resuming the meeting, Councillor Harold Hancock signed the declaration of acceptance of office of Mayor and thanked Councillors for his appointment.

Councillor Jane Bell signed the declaration of acceptance of office of Deputy Mayor, and thanked Councillors for her appointment.

## **8 Tributes to the retiring Mayor and Presentation of Commemorative Badges**

The Mayor referred to the Retiring Mayor, Councillor John Rainsburys year of office, along with his Mayoress, Mrs Shirley Rainsbury, and how they had served as first class ambassadors for South Ribble.

Political group Leaders and other councillors also paid tribute to the Retiring Mayor and Mayoress for a very successful year and the positive work undertaken in the support of his charities.

Councillor John Rainsbury responded, thanking Councillors for their kind words and support over the year. Along with his Mayoress, they had attended many historic and memorable events and had been amazed and overwhelmed by the many volunteers that give their time to various events and organisations across the borough.

He thanked his Mayoress, the Civic Attendant and the Mayor's Secretary for all their support and assistance. Councillor Rainsbury also thanked his Deputy Mayor, Councillor Carol Chisholm who along with her son, had supported him and the Mayoress over the year.

## **9 Election of the Leader of the Council (for a four year term)**

It was moved by Councillor Mick Titherington, seconded by Councillor Matthew Trafford and

RESOLVED (Yes 27, Abstain 1, No 16):

That Councillor Paul Foster be appointed as Leader of the Council for a four year term until May 2023.

Councillor Paul Foster thanked the Council for appointing him as Leader of the Council, gave thanks to the Leader of the Liberal Democrats, Councillor David Howarth for his group's support and said that he was looking forward to working together over the coming years to make good on all their promises.

## **10 Appointment of the Deputy Leader and Members of Cabinet**

The Council considered a report that was circulated at the meeting on behalf of the new Leader that set out the following details of the membership of the Cabinet along with their portfolio responsibilities for 2019/20.

Cabinet Portfolio:	Cabinet Member:
<b>Leader of the Council</b> <ul style="list-style-type: none"> <li>Police and Crime Panel</li> <li>Community Safety Partnership</li> </ul>	

<ul style="list-style-type: none"> <li>• Communications and Public Relations</li> <li>• Corporate Policy, Strategy and Performance</li> <li>• Corporate Governance, Mayoralty and Democratic Arrangements</li> </ul>	Councillor Paul Foster
<b>Deputy Leader, Health Wellbeing and Leisure</b> <ul style="list-style-type: none"> <li>• Homelessness</li> <li>• Housing Development Delivery</li> <li>• Leisure and Cultural Services</li> <li>• Revenue and Benefits</li> <li>• Public Health</li> <li>• Health and Wellbeing Partnership</li> <li>• Lancashire Teaching Hospital Trust</li> </ul>	Councillor Mick Titherinton
<b>Finance, Property and Assets</b> <ul style="list-style-type: none"> <li>• Shared Services</li> <li>• Risk Management, Control and Assurances</li> <li>• ICT</li> <li>• Asset Management and Property Services</li> <li>• Strategic Financial Planning and Development</li> <li>• Strategic Procurement</li> <li>• Revenue and Budget Monitoring and Review</li> <li>• Management and Development of Parks and Open Spaces</li> </ul>	Councillor Matthew Tomlinson
<b>Environment</b> <ul style="list-style-type: none"> <li>• Waste Collection/Recycling Promotion and Development</li> <li>• Environmental Health</li> <li>• Air Quality</li> <li>• Car Parking</li> <li>• Licensing</li> <li>• Planning Enforcement</li> </ul>	Councillor Susan Jones
<b>Planning, Regeneration and City Deal</b> <ul style="list-style-type: none"> <li>• National, Regional and Sub Regional Borough Promotion</li> <li>• City Deal</li> <li>• Planning Policies and Strategies</li> <li>• Development Framework Proposals and Plans</li> <li>• Transportation</li> <li>• Strategic Housing and Planning</li> <li>• Economic Regeneration, Planning and Implementation</li> </ul>	Councillor Bill Evans
<b>Community Engagement, Social Justice and Wealth Building</b> <ul style="list-style-type: none"> <li>• Strategic Partnerships</li> <li>• Strategic Personnel and Organisational Development</li> </ul>	Councillor Aniela Bylinski Gelder

(including Member Induction and Development) <ul style="list-style-type: none"> <li>• Equality, Diversity and Community Cohesion, Monitoring and Performance</li> <li>• Gateway and Customer Services</li> <li>• Community Engagement</li> <li>• Children and Young People's Partnership</li> </ul>	
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The report also provided details of the appointment of the following Member Champions:

Member Champion:	Member:
Armed Forces	Derek Forrest
Older People	Jane Bell
Youth	Matthew Trafford
Air Quality	Ken Jones
Social Justice and Equality	Jacky Alty
Safeguarding	Jane Bell

The Leader of the Council, Councillor Paul Foster thanked Councillor Alan Ogilvie for all his work as Member Champion for the Armed Forces over the past four years.

RESOLVED (Unanimously): That the report be noted.

## 11 Appointment of Committee's for 2019/20

The Council considered a schedule of nominations for the appointment of committees, working groups and panels in accordance with the political balance of the Council, together with nominations to Chair and Vice Chair positions.

The Leader was proposing a reduction in the number of seats allocated to some Committees. It was his view that some of the Committees were too big in size and as a council, going forwards there is a need to support a greater quality of decision making.

It was also the Leader's intention to review the current role of My Neighbourhoods and the reduction in committee places would afford Members more time to get involved with the new neighbourhood arrangements.

The two current Licensing Committees will also be merged into one, to be rename the Licensing and Public Safety Committee, with the memberships for all Sub-Committee Panels still continuing to be drawn from the main Committee.

The Leader of the Opposition, Councillor Margaret Smith commented that she felt quite strongly that the numbers should not have been reduced, stating that it was important for new councillors to be given the opportunity to experience all aspects of committee decision making.

It was moved by Councillor Paul Foster, seconded by Councillor Mick Titherington and

RESOLVED (Yes 27, Abstain 1, No 17)

That:

1. The allocation of committee places in accordance with the Political Balance Rules as set out in the report be approved.
2. The Members, Chairs and Vice Chairs for the committees set out in the appendix to the report be appointed for the period of twelve months until the First Business Meeting of the Council in May 2020.

<b>Committee</b>	<b>Conservative Group</b>	<b>Labour Group</b>	<b>Liberal Democrats Group</b>
<b>Planning Committee</b> (13 Members)  (6:6:1)	Mary Green Jon Hesketh Cliff Hughes Caroline Moon Phil Smith Barrie Yates	<b>Caleb Tomlinson (Chair)</b> <b>Mal Donoghue (Vice Chair)</b> Jane Bell Mick Higgins Keith Martin Christine Melia	David Shaw
<b>Scrutiny Committee</b> (11 Members)  (5:5:1)	<b>Michael Green (Vice Chair)</b> Matthew Campbell Colin Coulton Jim Marsh Karen Walton	Will Adams Mal Donoghue Chris Lomax Colin Sharples Matthew Trafford	<b>David Howarth (Chair)</b>
<b>Licensing and Public Safety Committee</b> (11 Members)  (5:5:1)	Jacqui Mort Peter Mullineaux Alan Ogilvie John Rainsbury Sarah Whitaker	<b>Ken Jones (Chair)</b> Jacky Alty Jane Bell Derek Forrest Mick Higgins	<b>Renee Blow (Vice Chair)</b>
<b>Standards Committee</b> (7 Members)  (3:3:1)	<b>Karen Walton (Vice Chair)</b> Carol Chisholm David Suthers	<b>Carol Wooldridge (Chair)</b> Derek Forrest Ken Jones	Renee Blow
<b>Governance Committee</b> (7 Members)  (3:3:1)	Damian Bretherton Colin Clark Margaret Smith	<b>Ian Watkinson (Chair)</b> <b>James Flannery (Vice Chair)</b> Christine Melia	Angela Turner
<b>Appeal Committee</b> (3 Members)  (1:1:1)	Paul Wharton-Hardman	James Flannery	Angela Turner
<b>Appointment and Employment Panel</b> (5 Members)  (2:2:1)	Margaret Smith Caroline Moon  Phil Smith (Substitute)	Paul Foster (Chair) Mick Titherington  Susan Jones (Substitute)	David Howarth  David Shaw (Substitute)
<b>Shared Services Joint Committee</b> (5 Members)	Colin Clark Margaret Smith	Paul Foster ( <b>Vice Chair</b> ) Matthew Tomlinson	David Shaw

(2:2:1)	Caroline Moon (Substitute)	Mick Titherinton (Substitute)	David Howarth (Substitute)
<b>Shared Services Joint Committee – Appointments Panel</b> (3 Members)  (1:1:1)	Colin Clark  Phil Smith (Substitute)	Paul Foster  Mick Titherington (Substitute)	David Shaw  David Howarth (Substitute)
<b>Central Lancashire Strategic Planning Joint Advisory Committee</b> (3 SRBC Members)  (0:3:0)		Bill Evans Caleb Tomlinson Mal Donoghue  Paul Foster Mick Titherington (Substitute)	
<b>Local Plan Working Group</b> (7 Members)  (3:3:1)	Cliff Hughes Peter Mullineaux Phil Smith	<b>Bill Evans (Chair)</b> <b>Caleb Tomlinson (Vice Chair)</b> Ian Watkinson	David Shaw

3. The Interim Monitoring Officer be authorised to amend the Constitution to take into account the consequential changes as a result of this report being approved.

## 12 Appointment of My Neighbourhood Areas Chairs and Vice Chairs for 2019/20

Council considered a report of the Interim Monitoring Officer that allocated the Chairs and Vice Chairs of the council's My Neighbourhood Areas and proposed changes to the boundaries of the respective Neighbourhood areas.

The proposed new arrangements are as follows:

### **Western Parishes**

Hoole, Longton and Hutton West and Hutton East

### **Penwortham**

Broad Oak, Charnock, Howick and Priory and Middleforth

### **Bamber Bridge, Lostock Hall and Walton-le-Dale**

Bamber Bridge East, Bamber Bridge West, Lostock Hall, Walton-le-Dale East and Walton-le-Dale West

### **Leyland**

Broadfield, Bucksahw and Worden, Earnshaw Bridge, Leyland Central, Moss Side, Seven Stars, St Ambrose, Farington East and Farington West

### **Eastern Parishes**

Coupe Green and Gregson Lane, Salmesbury and Walton

As a consequence of these new arrangements, minor changes would be required to the council's Constitution. It was also proposed that a more fundamental review of the way the My Neighbourhoods forums operate would need to be carried out and that a further detailed report would be brought back to Council for consideration.

The Leader of the Opposition, Councillor Margaret Smith thought that any reorganisation of My Neighbourhoods should first go through the Governance Committee for consideration. She stated that this had been done in previous years for any changes to the Constitution. She also stated that the recent Peer Review of the Council had recommended this way of working as good practice.

Members commented that a review of My Neighbourhoods was welcomed as they are not working in their current format, but some Members considered that these changes were being rushed and asked if the current arrangements could stay as they were pending a more formal review.

Councillors representing the Farington East and West wards of the borough also made a plea not to be included in the Leyland area for fear of their residents not actively engaging in the future as they do not recognise themselves as being part of Leyland.

Some members also commented that they felt that the membership of the Neighbourhood Areas were now unbalanced with the lowest being only four members, as opposed to the highest having 18 members.

The Leader responded by saying that the size of the membership was representative of the areas they served and that it was always the intention to hold a wider review of the neighbourhood arrangements that will be reported to a future meeting of Council.

It was proposed by Councillor Paul Foster, seconded by Councillor Mick Titherington and

RESOLVED (Yes 27, No 18):

That

1. The boundaries and names of the following My Neighbourhood areas:
  - Western Parishes
  - Penwortham
  - Bamber Bridge, Lostock Hall and Walton-le-Dale
  - Leyland; and
  - Eastern Parishes be approved.
2. The following appointments for the 12 month period until the First Business Meeting of the Council in May 2020 be approved:

Neighbourhood Area:	Chair:	Vice Chair:
Leyland	Councillor Jane Bell	Councillor Colin Sharples
Penwortham	Councillor Keith Martin	Councillor David Shaw
Western Parishes	Councillor Colin Coulton	Councillor John Rainsbury
Eastern Parishes	Councillor Peter Mullineaux	Councillor Sarah Whitaker
Bamber Bridge,	Councillor Chris Lomax	Councillor Matthew Trafford

Lostock Hall and Walton-le-Dale		
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3. The Interim Monitoring Officer, in consultation with the Chair of Governance Committee, be granted delegated authority to make any changes to the Constitution that are necessary as a consequence of the report.

### 13 Appointment to outside bodies for 2019/20

The Council considered a report of the Assistant Director of Scrutiny and Democratic Services relating to the appointment of representatives on Outside Bodies for the 2019/20 municipal year.

Councillor Caroline Moon requested that the representation for Balshaw's Church of England High School Educational Foundation be allocated to the ward councillors for Buckshaw and Worden. The Leader of the Council responded to say that the Councillor that had been appointed for this year was an ex school teacher and felt that this was a more appropriate appointment.

It was moved by Councillor Paul Foster, seconded by Councillor Mick Titherington and

RESOLVED (Yes 27, Abstain 18):

That the representation on Outside Bodies as set out below be approved:

Outside Body:	No of Reps:	Representative:	Lead Officer:
Armed Forces Member Champion	1	Councillor Derek Forrest	AD Scrutiny and Dem Services
Balshaw's Church of England High School Educational Foundation	1	Councillor Colin Sharples	AD Scrutiny and Dem Services
Central Lancashire Health and Wellbeing Partnership	1	Cabinet Member (Health, Wellbeing and Leisure)  (Councillor Mick Titherington)	AD Projects and Development
Chorley, South Ribble and West Lancashire Children's Partnership Board	1	Cabinet Member (Community Engagement, Social Justice and Wealth Building)  (Councillor Aniela Bylinski Gelder)	Partnerships Manager
Council for the protection of Rural England – Lancashire Branch	1	Councillor Keith Martin	Director of Planning and Property
Higher Walton Community Centre Management Committee	1	Councillor Chris Lomax	Ad Property and Housing
Lancashire County Council Health Scrutiny	1	Chair of Scrutiny Committee	Director of Neighbourhoods



Committee		(Councillor David Howarth)	and Development
Lancashire Police and Crime Panel	1	Chair of Licensing and Public Safety (Councillor Ken Jones)	Director of Neighbourhoods and Development
Lancashire Teaching Hospitals NHS Foundation Trust – Council of Governors	1	Cabinet Member (Environment) (Councillor Susan Jones)	Director of Neighbourhoods and Development
Lancashire Waste Partnership	1	Cabinet Member (Environment) (Councillor Susan Jones) (Substitute: Councillor David Howarth)	AD Neighbourhoods
Lancashire West Citizen's Advice Bureaux – Board of Trustees	1	Councillor James Flannery (Substitute: Councillor Will Adams)	Partnerships Manager
Local Authority Elected Member Older People's Champions – North West of England Network	1	Member Champion (Older People) (Councillor Jane Bell)	Deputy Chief Executive (Resources and Transformation)
Local Government Association – District Councils Network	2	Leader of the Council (Councillor Paul Foster) and Chief Executive	Chief Executive
Local Government Association – General Assembly	1	Leader of the Council (Councillor Paul Foster)	Chief Executive
North West Local Authorities' Employers' Organisation	1	Leader of the Council (Councillor Paul Foster) (Substitute: Deputy Leader of the Council) (Councillor Mick Titherington)	Chief Executive
Preston and South Ribble Fairtrade Steering Group	1	Councillor Keith Martin	Deputy Chief Executive (Resources and Transformation)
Preston, South Ribble and Lancashire City Deal Executive and Stewardship Board	1	Leader of the Council (Councillor Paul Foster) and Chief Executive	Chief Executive
Safer Chorley and South Ribble Community Safety Partnership – Responsible Authorities Group	1	Leader of the Council (Councillor Paul Foster)	Director of Neighbourhoods and Development
South Ribble Community Leisure Trust Board	1	Cabinet Member (Health, Wellbeing and Leisure) (Councillor Mick	AD Projects and Development

		Titherington)	
South Ribble Partnerships	1	Leader of the Council (Councillor Paul Foster)	Chief Eexecutive
Spingfields Fuels Limited Site Stakeholder Group	2	Councillor Keith Martin Councillor David Shaw	Ad Neighbourhoods
Trustees of Alice Rowlinsons Charity	4	Councillor Jane Bell Councillor Jacky Alty Councillor Mal Donoghue And Mrs Carole Titherington	AD Scrutiny and Democratic Services
Wellbeing, Prevention and Early Help Service – South Ribble District Advisory Board	1	Cabinet Member (Health, Wellbeing and Leisure) (Councillor Mick Titherington)	AD Projects and Development

#### 14 Council Meetings 2019/20

The Leader of the Council announced that it was necessary to bring the next meeting of full Council forward by one week as there would be a decision required of Members by 24 July 2019.

In response to Member's questions it was clarified that the Planning Committee scheduled to take place on 24 July would now take place on 17 July to necessitate this change.

It was moved by Councillor Paul Foster, seconded by Councillor Bill Evans and

RESOLVED (Yes 27, No 18)

That it be noted that the Council Meetings scheduled to be held during 2019/20 are as follows:

- Wednesday 24 July 2019
- Wednesday 25 September 2019
- Wednesday 27 November 2019
- Wednesday 29 January 2020
- Wednesday 26 February 2020
- Wednesday 15 April 2020
- Wednesday 13 May 2020

The Mayor thanked everyone for their attendance and invited his guests and all Councillors to join himself and the Mayoress for a small Civic Reception in the Paddock Room.

Chair

Date



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## MINUTES OF CABINET

**MEETING DATE** Wednesday, 19 June 2019

**MEMBERS PRESENT:** Councillors Paul Foster (Chair), Michael Titherington (Vice-Chair), Aniela Bylinski Gelder, Bill Evans, Susan Jones and Matthew Tomlinson

**OFFICERS:** Gary Hall (Interim Chief Executive), Paul Hussey (Director of Customer and Digital), Jennifer Mullin (Director of Neighbourhoods and Development), Jonathan Noad (Director of Planning and Property), Neil Anderson (Assistant Director of Projects and Development), Peter McHugh (Assistant Director of Property and Housing), Andrew Richardson (Assistant Director of Neighbourhoods), Dave Whelan (Legal Services Manager/Interim Monitoring Officer) and Dianne Scambler (Democratic and Member Services Team Leader)

**OTHER MEMBERS AND OFFICERS:** Councillor Jacky Alty (Member Champion (Social Justice and Equality)), Councillor Damian Bretherton, Councillor Colin Clark, Councillor Derek Forrest (Member Champion (Armed Forces)), Councillor David Howarth (Leader of the Liberal Democrats Group), Councillor Clifford Hughes MBE, Councillor Keith Martin, Councillor Peter Mullineaux, Councillor Alan Ogilvie, Councillor Margaret Smith (Leader of the Opposition and Leader of the Conservative Group), Councillor Phil Smith, Councillor Caleb Tomlinson, Councillor Matthew Trafford (Member Champion (Youth)) and Councillor Karen Walton

**PUBLIC:** 10

### 1 Apologies for Absence

There were no apologies for absence.

### 2 Minutes of meeting Wednesday, 20 March 2019 of Cabinet

The Chair, explained that although the membership of the Committee has changed and that there were no Councillors present from the previous meeting, the minutes had been published for quite some time and no queries had been raised with Democratic Services.

The former Chair, Councillor Margaret Smith, who was sat in the audience, indicated that she was happy with the minutes.

#### **Decision made (Unanimously):**

That the minutes of the Cabinet meeting held on 20 March be approved as a correct record for signing by the Leader of the Council.

### **3 Declarations of Interest**

The Cabinet all confirmed that they had completed new Register of Interests forms to update on any changes following the change of administration after the Local Elections 2019.

### **4 Cabinet Forward Plan**

The Leader of the Council explained that in future the Forward Plan would be a rolling 12 month plan to promote better transparency around decision making.

#### **Decision made (Unanimously):**

That the Cabinet Forward Plan for the four month period, 1 June to 30 September be noted.

### **5 Section 35 Urgent Decision - Appointment of Interim Chief Executive**

The Council's Monitoring Officer updated Members of an urgent decision that had been made to appoint an Interim Chief Executive to cover the absence of the permanent Chief Executive who is on special leave.

Members were advised that there could be no questions at this stage.

#### **Decision made (Unanimously):**

1. That the report be noted.

#### **Reason(s) for the decision:**

Due to the absence from office of the permanent Chief Executive it was necessary to take urgent action to appoint someone, on an urgent basis, to fulfil this role.

#### **Alternative Options Considered and Rejected:**

A Council must have a Head of Paid Service. There is no option in this regard. Once it was known that our Permanent Chief Executive would not be around, then the Council had to appoint an Interim Head of Paid Service.

### **6 Community Protection Notices as an Anti-Social Behaviour Enforcement Tool**

The Leader of the Council presented the report of the Director of Neighbourhoods and Development that updated on the use of Community Protection Notices (CPN's) as an environmental tool and sought delegated authority to be granted to the Director of Neighbourhoods and Development for their use.

In response to Member's questions it was explained that the Community Protection Notices could be used in a variety of ways that included use for statutory nuisance that did not exist under the Environmental Protection Act 1990, where behaviour is

persistent and having a negative effect on a locality. Along with anti-social behaviour issues, this could be overgrown gardens.

Use of the Community Protection Notices would be monitored as to their effectiveness over the next twelve months.

It was proposed by Councillor Paul Foster, seconded by Councillor Mick Titherington and

**Decision made (Unanimously):**

1. Cabinet approved delegated authority to the Director of Neighbourhoods and Development, to use powers available under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, in the form of Community Protection Notices to enforce against anti-social behaviour that is having a detrimental effect on the quality of life for those in a locality, and is unreasonable and is of a persistent or continuing nature.
2. Cabinet note the information contained within the report.

**Reason(s) for the decision:**

If approved, the recommendation will provide an additional tool for officers to enforce against a wider range of anti-social behaviours, perhaps where a statutory nuisance does not exist under the Environmental Protection Act 1990, yet where behaviour is having a negative effect on a locality. This may particularly apply to the problem of untidy domestic gardens and other examples of anti-social behaviour.

**Alternative Options Considered and Rejected:**

To not make use of the Community Protection Notices. This option is discounted, as the Community Protection Notice is a powerful tool. It is available to local authorities to tackle behaviours that cause distress and impacts on a locality that may be more difficult to tackle using other legislation. Not adopting the use of Community Protection Notices reduces the possibilities open to the Council for dealing with matters that have long term effects on the residents and where other full powers may not be as suitable or effective.

**7 Corporate Performance Report: Quarter 4 (31 March 2019)**

The Leader of the Council, Councillor Paul Foster, presented a report of the Chief Executive that provided an update for Quarter 4 against the programmes, projects and key performance indicators contained within the Council's Corporate plan for 2018/19.

Overall performance against the Corporate Plan for 2018/19 was rated as good and the Council continues to provide good quality services. A small proportion of projects were rated as off track, (either amber or red), however there were recognised reasons provided and in most cases where as a result of external conditions.

Members of the Council asked the Cabinet to look into other ways of monitoring performance, and improved ways of its presentation to make it more user friendly, querying the effectiveness of the traffic light system.

What constituted an affordable home was also debated and the Leader explained that in future the type of need would also be taken into account alongside affordability.

The Leader of the Opposition, Councillor Margaret Smith, commented that overall it was a good report and was pleased to see improvement in a lots of areas across the Council, in particular, an increased use of sports facilities that would support the Council's Health and Wellbeing agenda. A view that was shared by the Leader.

It was proposed by Councillor Paul Foster, seconded by Councillor Mick Titherington and

**Decision made (Unanimously):**

1. Cabinet note that the performance summary outlined within the report reflects progress made under the previous administration and their agreed Corporate Plan deliverables for 2018/19.
2. Cabinet also note the report for information and advise that the current Corporate Plan will be reviewed in the coming months.

**Reason(s) for the decision:**

Quarterly performance reports are considered by the Council's Leadership Team, Scrutiny Committee and Cabinet to ensure that the Council is delivering against the Corporate Plan of the Council.

**Alternative Options Considered and Rejected:**

None.

## **8 Annual 2018/19 Corporate Plan Performance Report**

The Leader of the Council, Councillor Paul Foster, presented a report of the Chief Executive that provided a summary of the Council's performance throughout 2018/19, against the agreed programmes, projects and measures within the Corporate Plan.

The Leader explained that the new Cabinet would be looking to refresh the Corporate Plan in line with their vision and ambitions for the Council and that existing performance measures would also be reviewed in line with the new Plan.

The report highlighted a number of successes that included a Digital Strategy Review, the implementation of the Living Wage Reform and development of a homelessness project to implement the new Homeless Reduction Act 2017.

However, although reported as an achievement to note, the delivery of 491 new homes in 2018/19 with 97 of these being affordable, the authority was still underperforming by 10% against what was considered a low target by the new Cabinet and the Leader reported that efforts would be made to improve on this.

In response to a member of the public about benchmarking against our neighbouring authorities, the Director of Planning and Property explained that South Ribble works



with Chorley and Preston Council to develop a joint strategic planning strategy for Central Lancashire.

Although there were three projects that were currently off-track, it was noted that the Council played more of an influencing and supportive role and did not have the authority to deliver these projects without decisions by key partners. These included, securing funding for the Ribble Crossing, the progressing of the Cuerden Strategic site and Shared Services arrangements with Chorley Council. Members from across the Council recognised the importance of keeping pressure on partners in their deliverability and inclusion in the Corporate Plan. Although the Leader reported that following a recent meeting with Chorley, Shared Services was now progressing at pace.

The Deputy Leader, Councillor Mick Titherington, praised the Councils Benefits Team for maintaining their high level of performance in processing new Housing Benefits claims, two days below the national average, despite the impact that Universal Credit had placed on their volume of work and complexity of new claims.

It was proposed by Councillor Paul Foster, seconded by Councillor Mick Titherington and

**Decision made (Unanimously):**

1. Cabinet note that the performance summary outlined within the report reflects progress made under the previous administration and their agreed Corporate Plan deliverables for 2018/19.
2. Cabinet also note the report for information and advise that the current Corporate Plan will be reviewed in the coming months.

**Reason(s) for the decision:**

Although the Corporate Plan was approved at Council on 28 February 2018, there has been a recent change of administration and the new Cabinet wishes to review the Plan in line with their aims and objectives.

**Alternative Options Considered and Rejected:**

None.

## **9 Replacement of Civic Car**

The Leader of the Council, Councillor Paul Foster, presented a report of the Assistant Director of Neighbourhoods that sought approval to purchase a replacement civic car with a greener alternative vehicle.

Members welcomed this approach as it was seen to be setting a good example to residents with hybrids/electrical cars recognised as being better for the environment. Given that technology was rapidly progressing in this area, there was a view that it may be more beneficial in leasing a vehicle as opposed to buying one so that the Council could take advantage of the latest improvements and innovations over the coming years, and officers were requested to look at all options.

In response to a question from Councillor Colin Clark, the Leader confirmed that they would not be looking to outsource any part of the service.

It was proposed by Councillor Paul Foster, seconded by Councillor Matthew Tomlinson and

**Decision made (Unanimously):**

1. Cabinet approved an increase in the current Capital Budget provision from £30,000 to £37,000 and granted delegated authority to the Statutory Finance Officer to review all financial options.

**Reason(s) for decision:**

The Council currently utilises a Rover 75 as the civic car which was first registered in 2005 and is now in excess of 14 years old and as time as gone on its servicing and repairs has become more difficult.

The Council recently introduced a new Air Quality Plan to address the increasing concerns relating to air quality across the Borough and actions within the Plan require the replacement of the Civic Car with an electric or low emission vehicle.

**Alternative Option Considered and Rejected:**

To keep the existing Civic Car would be in contravention of the Council's Air Quality Plan.

## **10 Green Links Capital Programme 2019/20**

The Deputy Leader and Cabinet Member (Health, Wellbeing and Leisure), Councillor Mick Titherington, presented a report of the Assistant Director of Projects and Development that proposed a set of capital projects to be delivered or started during 2019/20.

The capital projects put forward related to themes and programmes identified and adopted as part of the Council's Corporate Plan 2018/2023, notably under the umbrella of Health and Wellbeing and improving the Environment and all related to the findings and feedback gained through an extensive borough wide consultation and covered a number of areas that included:

- Green Links Schemes
- Environmental projects
- Parks projects including parks buildings
- Play Area projects
- Leisure projects

The report set out the scope of each project, the timescale on which it would be delivered and how it would be funded. A list of all projects was appended to the report.

The Leader commented that projects had slipped in the past and asked the Interim Chief Executive to review the Council's capacity to deliver as this was extremely important in managing expectations.

Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson stated that it was the Cabinet's ambition to plant one tree for every resident in the

Borough, that would result in the planting of over 110,000 trees. This was an ambitious programme and the Council would be working with the Ribble River Trust to achieve this.

In connection to this project, a concern was raised about the Tarn Wood project in Penwortham. This was an area that gets heavily flooded and trees needed to be removed as opposed to being planted. The Leader explained that additional trees would be planted in more suitable areas to offset any trees that needed removing.

It was proposed by Councillor Mick Titherington, seconded by Councillor Paul Foster, and

**Decision made (Unanimously):**

1. Cabinet approved the proposed list of capital projects to be delivered during the financial year 2019/20 as set out in Appendix A of the report and as identified in the approved Capital programme.
2. Cabinet granted delegated authority to the Director of Neighbourhoods and Development in consultation with the relevant portfolio holder to spend the agreed budget on the approved Capital projects identified in this report.

**Reason(s) for decision:**

Council approved the current Corporate Plan for 2018/2023 in February 2019. The Plan identifies a series of key programmes under a number of headings including Health and Wellbeing. In addition the new Cabinet are keen to take forward projects that not only promote Health and Wellbeing but also improves the environment across the Borough.

The report will also requested financial delegated powers for officers in partnership with relevant portfolio holders to spend money highlighted in the Capital Programme so that an ambitious programme of projects can be delivered in line with the timetable identified.

**Alternative Options Considered and Rejected:**

The report defines the priorities for spending on capital projects in 2019/20. An alternative option of do nothing could be adopted but this would go against the ambitions of the new Administration of the Council or priorities as set out in the Corporate Plan.

**11 Consultation feedback regarding open public space at Balcarres Green and Bent Lane/ update on the Mckenzie Arms site.**

The Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson, presented a report of the Assistant Director of Property and Housing that updated on the outcome of the planning for real exercise undertaken with residents from Bent Lane and Balcarres Green. The report also provided an update on the One Public Estate funding application to support the release of public sector land for housing development.

At the Cabinet meeting on 20 March 2019, it was recommended that a clear work programme be developed with residents of Bent Lane and Balcarres Green.

Approval was also given for a full options appraisal to be undertaken on the former McKenzie Arms for the delivery of an affordable/mixed use development to be undertaken on the site alongside a full business plan and investment opportunities.

Councillor Tomlinson reported that it had been part of the Labour Group's Election manifesto to stop development of housing on this land and that he was now delighted to be able to keep this promise and requested officers to look at ways of protecting this land against any future housing development proposals.

The Cabinet Member (Environment), Councillor Susan Jones expressed thanks on behalf of the residents of Bent Lane and Balcarres Green for the reversal of the original decision and welcomed their continued involvement on how plans should be progressed at the two sites. The Leader of the Council also commented that £50k had been allocated for enhancements at each site.

As there was a requirement for the One Public Estate funding to be committed by the end of January 2020, the Cabinet considered it prudent to carry out a full options appraisal of the McKenzie Arms site and bring back investment options that could be consulted upon by residents.

It was proposed by Councillor Matthew Tomlinson, seconded by Councillor Paul Foster, and

#### **Decision made (Unanimously):**

1. Cabinet noted the resident feedback from the Bent Lane and Balcarres Green consultation exercise and resolved not to develop the land at either location for housing development and that officers continue to work with residents to co-design local priorities for both sites based upon the feedback from the planning for real exercises.
2. Cabinet approved officers to proceed with a full options appraisal for the delivery of affordable/mixed use development at the McKenzie Arms site to develop a full business case and investment options for consideration by Cabinet at a future meeting.
3. Cabinet tasked officers to look at the most effective way to protect land at Bent Lane and Balcarres Green from future housing development.

#### **Reason(s) for the decision:**

An extensive programme of consultation has been undertaken with residents involving formal consultation events, planning for real exercises and the opportunity for residents to feedback their views through letter, phone and email.

Feedback in relation to the use of land at Balcarres Green and Bent Lane would appear to suggest investment in leisure or community use is far more acceptable/appropriate rather than developing houses on the sites.

There has been a high level of engagement and involvement from residents at the planning for real events and the green links consultation events and recommendations would appear to reflect residents views.

The Council has a small number of sites that have been approved for One Public Estate Funding to release the land for housing development. It is important that the

funding is committed by the end of January 2020 or the Council will lose the funding. A decision is therefore required regarding whether or not the Council wishes to proceed with the McKenzie Arms site.

### **Alternative Options Considered and Rejected:**

The Council could choose to develop the land at Balcarres Green and Bent Lane for housing but this would be contrary to the expressed wishes of residents as stated in the planning for real exercise.

The Council could choose not to proceed with a full options appraisal and business case for the McKenzie Arms site however the consultation feedback suggests there is little opposition to using the site for development (only one objection was received as part of the consultation exercise). Feedback from the My Neighbourhood Chair and Vice Chair for Bamber Bridge has indicated that they would like to see something done with the site.

The site could potentially provide an access route into the Wesley Mill development. However, the developers have chosen an alternative access road into the scheme and given this, the requirement to purchase the school playing field land to give access from Station Road and the potential triggering of an overage agreement it is not considered that this option would provide for the optimum use of the site.

## **12 South Ribble Council Budget Outturn Report 2018/19**

The Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson presented a report of the Deputy Section 151 Officer that informed of the 2018/19 Budget Outturn position in relation to both Revenue and Capital expenditure.

It was noted that the Capital Programme was diminished against previous years and although there was an acceptance that some monies have not been able to be spent, there was a commitment from the Cabinet Member that in future, if money was allocated, this needed to be recognised and achieved.

It was proposed by Councillor Matthew Tomlinson, seconded by Councillor Paul Foster, and

### **Decision made (Unanimously):**

1. Cabinet notes the report and appendices;
2. Cabinet notes the final outturn position of £0.093m underspend against a revised revenue budget of £14,135m and the key variances;
3. Cabinet notes the final outturn position on the capital budget of £0.476m underspend against an annual budget of £2.898m;
4. Cabinet notes the financing of the capital programme for 2018/19 and approves the carry forward of the £0.486m of capital re-phasing into 2018/19 as outlined in this report;
5. Cabinet notes the end of year position on reserves as a result of the outturn position and note the contributions to and withdrawals from these reserves as detailed within the report.

### **Reason(s) for the decision:**

The council's end of year accounts have been finalised and are showing a further net budget saving of £0.093. The final outturn position means that no contribution from reserves is required and this surplus will be transferred to the council's general reserve.

**Alternative Options Considered and Rejected:**

None.

**13 Enhanced Telephony and Switchboard Services**

The Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson, presented a report of the Director of Customer and Digital detailing the benefits of upgrading to Enhanced Telephony and Switchboard Services that would facilitate an improved customer service experience. The report also sought Cabinet approval to enter into a five year agreement with an existing supplier for its provision and updated on a desire to co-design digital and customer services with our residents and elected Members.

In response to a question from a member of the public, it was explained that the enhanced system will allow for social media blending and call back capabilities, along with the, potential to reduce call waiting times and abandoned call rates, improving resident satisfaction.

It was proposed by Councillor Matthew Tomlinson, seconded by Councillor Paul Foster, and

**Decision made (Unanimously):**

1. Cabinet approves the proposal to enter into a 5 year agreement at a total contract value of £113,583 for the provision of improved and enhanced telephony and switchboard services.
2. Cabinet notes the enhanced features/functionality of an upgraded system, including social media blending, request a call back and call recording.

**Reason(s) for the decision:**

The Council's current switchboard telephony system is outdated and reliant upon technology which is due to be unsupported. In order for the Council to maintain a fully supported system by the vendor and ensure risk is managed effectively, the current system requires upgrading and merging with the existing contact centre system.

The current application and the system is running on Microsoft Server 2008 which will be unsupported by Microsoft in January 2020. This means that patches will no longer be released. This will invalidate the Council's Public Service Network (PSN) accreditation and therefore the Council would be unable to receive important data from, for example, the Police, DWP and Electoral Registrations.

This decision will also allow the Council to take advantage of enhancements in functionality which are not otherwise available. The new system will also be placed in the Council's virtual server farm and as part of the Council's Disaster Recovery

and Business Continuity Plan would make it easier to restore services and allow customers to continue to contact the Council.

In order to deliver the Council's ambitious Corporate Plan for 2018/2023, it is imperative that digital systems are updated and enhanced to improve processes for residents interacting with our services.

#### **Alternative Option Considered and Rejected:**

Currently the Council relies on a manually operated switchboard system and the risks associated with not upgrading are deemed high.

A second option considered and rejected was to maintain the two existing telephony systems and carry out only the required upgrades which would enable us to continue operating in a supported environment. The enhanced functionality offered by the OpenScape solution and ability to reallocate a full time member of staff to the customer contact centre means that this option was rejected.

## **14 Worden Hall Update**

The Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson presented a report of the Assistant Director for Property and Housing that updated on progress with securing a partner to work with the Council to develop plans to bring the Main Hall (Derby Wing) in Worden Park back to use.

The new Cabinet expressed their concerns at the speed in which the decision to enter into a contract with Leyland Masonic Properties Ltd was being taken, especially in light of the fact that at that time, the previous administration had yet to receive the consultant's report, authorised to be undertaken at a significant cost to the Council. The results of which, would inform the Council's Investment Strategy ahead of any investment opportunity.

Now that the Council were in receipt of the completed consultant's report, the Cabinet thought it prudent to take a step back for further consideration of all the options and to allow greater consultation with residents.

Despite some Members in the audience raising concerns that it was a risk to delay, particularly if no alternative viable option came forward, the Leader reiterated the importance of taking the time to ensure that any decision taken would be the right one for the community and informed that the Investment Strategy would be updated to include a Social Value requirement, adding that it was just as important to get the process right as it was the result.

There was also a strong view that the building needed to be retained a Community Asset and that any organisation that invested, needed to provide an offer that reflects the values of the Council, its residents and is accessible to all.

It was proposed by Councillor Matthew Tomlinson, seconded by Councillor Mick Titherington, and

#### **Decision made (Unanimously):**

1. Cabinet decided to review the procurement strategy for investment into the Main Hall in Worden Park and that officers report back their recommendations to Cabinet in September 2019.

**Reason(s) for the decision:**

The previous administration had only received one credible bid following the advertisement of a disposal opportunity. Furthermore, as the finalised feasibility study report from Purcell and Amon had now been received that would inform the Investment Strategy for Worden Hall, it was considered prudent to take a step back at this stage to consider all the options available.

**Alternative Option Considered and Rejected:**

The Council could choose not to develop the Main Hall (Derby Wing). This is not recommended as the Hall has the potential, with investment, to become an attractive asset which is highly valued by the community.

## **15 Shared Financial Service Staffing Review and Update and Proposals**

The Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson, presented a report of the Interim Chief Executive that briefed members on a review of, and amendments to, the existing shared services for finance and assurance between Chorley Borough Council and South Ribble Borough Council.

Following meetings between senior officers from both authorities to discuss the issues facing the service, there was a short-term requirement to recruit to a post that will become vacant due to an imminent requirement, as well as creating a new post to support the closure of accounts at both councils.

The report also proposed the creation of a graduate trainee post within procurement to provide the required additional capacity as well as ensuring there is sufficient succession planning within the service.

The long-term ambition is to deliver efficiencies and improve performance, provide resources for growth and support the wider corporate objectives set by both authorities. Other actions within the report had already been factored into the Shared Financial and Assurance Services Service Plan 2019/20 that was appended to the report.

It was proposed by Councillor Matthew Tomlinson, seconded by Councillor Paul Foster, and

**Decision made (Unanimously):**

1. Cabinet approves the creation of two new posts in Shared Financial Services so that the service can meet its statutory closure of accounts requirements in 2019/20 and provide additional capacity and succession planning for procurement services.
2. Cabinet notes the Shared Financial and Assurance Services Service Plan 2019/20 in Appendix 1 of the report that was approved at the Joint Committee on 3 June 2019.



3. Cabinet notes that a more detailed review is to be brought back to the Shared Services Joint Committee to report on progress and make further recommendations for approval at both Councils.

**Reason(s) for the decision:**

The Shared Financial Services team has a responsibility to create the draft and final statement of accounts for both Chorley Borough Council and South Ribble Borough Council. A request for retirement has been made, meaning that for 2019/20 there will be no permanent staffing in place to provide the expertise to deliver both Councils statement of accounts. This role is specialised and it is therefore imperative that the service looks to replace this post as soon as possible.

In addition, to provide the necessary staffing resources to close both sets of accounts it is proposed to create a new Senior Financial Accountant role.

The procurement service continues to work at full capacity and has been especially stretched in recent months due to a number of large-scale projects requiring procurement support. The report proposed creating a graduate trainee post within procurement to provide the required additional capacity as well as ensuring there is sufficient succession planning within the service.

**Alternative Options Considered and Rejected:**

Do nothing – the Council would be at great risk of not meeting its statutory obligations, external agency could be brought in to cover vacant positions, however this would be expensive and would not provide a permanent solution for the service.

## **16 OLEV Round 2 ULEV Taxis Infrastructure Grant Award**

The Cabinet Member (Environment), Councillor Susan Jones, presented a report of the Director of Neighbourhoods and Development that informed of a successful grant offer and the installation of taxi electric vehicle recharging points within the borough, through the nominated lead authority, Lancaster City Council.

The installation of these recharging points was an action in the Air Quality Action Plan and was just the start of a campaign aimed at reducing vehicle emissions across the borough.

Councillor Susan Jones, acknowledged the work that had been done by the previous administration on this topic, in particular the previous Cabinet Member.

It was proposed by Councillor Susan Jones, seconded by Councillor Paul Foster, and

**Decision made (Unanimously):**

1. Cabinet approves the acceptance of the grant through Lancaster City Council who will act a nominated lead authority.
2. Cabinet agree to procure and install four rapid charging units in the Borough via Lancaster City Council, to include in principle any contractual and procurement arrangements with the identified provider.

3. Cabinet approves to potentially use council assets as suitable locations for the installation of the four rapid charging units, subject to suitable and agreed contractual arrangements as required.

Reason(s) for the decision:

Poor Air quality has been identified as a significant public health issue across the country with over 50,000 premature deaths occurring each year, this includes 4.0% of all premature deaths within the borough of South Ribble, with five declared areas of poor air quality identified within the borough.

As such, Health and Wellbeing and significantly the improvement of air quality across the borough has been identified as a major priority within the Council's Corporate Plan.

A new Air Quality Action Plan (AQAP) was adopted in December 2018 which sets out a number of actions that will help to improve air quality and subsequently the health and wellbeing of the borough's population.

These actions include:

- Improve the electric vehicle infrastructure across the borough
- Work with taxi firms to encourage the uptake of low emission vehicles (electric)
- To work with both bus and taxi companies to apply for any grant bids available.
- Implement an 'Electrify Campaign' – encouraging businesses to only use electric taxis.

Thus the project will help towards the completion of these identified actions, further more these have been recognised as milestones within the identified corporate air quality project.

### **Alternative Options Considered and Rejected:**

This project is one of many, individual, separate and non-exclusive projects being considered at the time for the introduction of an electric vehicle charging infrastructure. The grant has been awarded for the provision of a charging infrastructure for taxis and as such compliance with the schemes condition is essential.

## **17 Vehicle Maintenance Transformation**

The Cabinet Member (Environment), Councillor Susan Jones, presented a report of the Assistant Director of Neighbourhoods that informed of an urgent decision that had been taken in April 2019 to enter into a contract agreement with FCC Environmental to maintain and service the vehicles utilised to fulfil their Waste Collection Contract with Chorley Borough Council.

It was explained that the additional usage of the facilities at the Depot will allow for a more efficient and effective use of facilities generating additional income for the Council going forward. In May 2019 the Vehicle Maintenance Workshop was accredited to undertake MOT testing for vehicles owned by the Council alongside

private individuals, this along with the servicing contracted detailed above allows the facility to operate on a more commercial basis.

It was proposed by Councillor Susan Jones, seconded by Councillor Paul Foster, and

**Decision made (Unanimously):**

1. Cabinet notes the decision to enter into a maintenance contract with FCC Environmental to service and maintain the vehicle utilised to fulfil the Waste Collection Contract with Chorley Borough Council.

**Reason(s) for the decision:**

In February 2019 FCC Environmental approached the Council to enquire if we would service and maintain the vehicle used to fulfil the Chorley contract on their behalf.

**Alternative Options Considered and Rejected:**

The option to maintain the current arrangements was considered, however it was felt that this would result in a missed opportunity to optimise use of the facilities and generate additional income for the Council.

**18 Strategic Review of My Neighbourhood arrangements and creation of Cross-party Member Working Group**

The Cabinet Member (Community Engagement, Social Justice and Wealth Building), Councillor Aniela Bylinski Gelder presented a report of the Assistant Director of Scrutiny and Democratic Services that outlined the Cabinet's desire to strengthen and enhance community involvement in the way the Council is run as part of creating a new Community Engagement, Social Justice and Wealth Building Cabinet portfolio.

The report also informed that a strategic review of community involvement would be undertaken that would include the My Neighbourhood arrangements, by a cross-party Member working group that would report back to Cabinet in January 2020.

The review would look at best practice from other authorities, such as Preston and Wigan, consult with all key partners, residents, members and parish councils to develop a plan with clear objectives.

The review was a key priority for the new administration and the Leader urged everyone to get involved.

Although the review was welcomed by many Councillors across the Council there was some concerns voiced about the recent changes to the boundaries of the My Neighbourhoods, with some Members in the audience, sharing a view that it would have been better to have waited until the review was complete.

The membership of the cross-party working group would be made up of nominations from the Group Leaders based on two Members from the Labour Group, two Members from the Conservative Group and one Member from the Liberal Democrat Group with appropriate officer support.

The Member Working Group would be chaired by the Cabinet Member (Community Engagement, Social Justice and Wealth Building).

It was proposed by Councillor Aniela Bylinski Gelder, seconded by Councillor Paul Foster, and

**Decision made (Unanimously):**

1. Cabinet approves the undertaking of a strategic review of community involvement, including the My Neighbourhoods Forums.
2. Cabinet approves the establishment of a cross party working group to undertake the strategic review that will present its findings to Cabinet in January 2020.

**Reason(s) for the decision:**

To help ensure that the Council achieves its vision of being a council that is recognised as being innovative, forward thinking and financially self-sufficient, whilst putting people at the heart of everything we do it is important that our community is involved in the way the Council is run.

**Alternative Options Considered and Rejected:**

An alternative option that has been considered is not to carry out a review. However, this has been rejected as it would not achieve the desire of the Cabinet or enhance our community involvement activities.

## **19 Exclusion of Press and Public**

The Leader of the Council commented that it was the intention of the new administration to be as transparent and open with their decision making as was possible, and that it was their aim to have no confidential reports on future agendas.

**Decision made: (Unanimously):**

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.

## **20 Insurance Policies Renewal (Extension of Existing Long Term Agreements)**

The Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson presented a confidential report of the temporary Head of Shared Assurance Services that informed of the extension of the Council's Long Term Agreements with its existing insurers for a further two years.

It was proposed by Councillor Matthew Tomlinson, seconded by Councillor Paul Foster, and

**Decision made (Unanimously):**

1. Cabinet approves the recommendations in the report.

**Reason(s) for the decision:**

It is essential that the Council has a comprehensive portfolio of insurance covers in place to manage risks that it faces from delivery of its operational activities and services to the local community. It is also imperative that effective insurance cover is maintained continuously and that revised arrangements are in place with effect from 1 January 2020.

The terms on offer represent sound value for money as they provide a reduction in the cost of the overall insurance premiums for the next two years, while maintaining existing levels of cover and the effective working relationships developed between the Council, the Broker and Insurers. In addition it will ensure continuity of the existing service and provide an opportunity to assess the performance and suitability of the other market options in a more considered way.

This is the course of action recommended by AON following their assessment of the current state of the general insurance market and consideration of the options for Insurance renewal.

In view of the resource implications and time constraints involved in undertaking a full tender procurement exercise at the present time, and following consideration of the alternative mechanisms available, it is considered to be the most appropriate course of action.

**Alternative Options Considered and Rejected:**

The undertaking of a full OJEU procurement exercise by means of an in house open tender would be demanding to complete within the timescale required.

Use of the Crown Commercial Insurance Services II Framework Agreement (RM 3731) – The existing Framework and arrangements have been subject to significant change and recent changes untested in the market.

The use of the Local Government Association Insurance Mutual has only recently been established and is untested in the market.

Chair

Date

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## **MINUTES OF GOVERNANCE COMMITTEE**

**MEETING DATE** Thursday, 30 May 2019

**MEMBERS PRESENT:** Councillors Ian Watkinson (Chair), C Melia, A Turner, Colin Clark and Margaret Smith

**OFFICERS:** Jane Blundell (Deputy Section 151 Officer), Tony Furber (Principal Financial Accountant (Interim)), Janice Bamber (Interim Head of Shared Assurance Services), Dave Whelan (Legal Services Manager/Interim Monitoring Officer), Simon Hardman (Grant Thornton PLC) and Coral Astbury (Trainee Governance and Member Services Officer)

**OTHER MEMBERS AND OFFICERS:** Dianne Scambler (Governance and Member Services Team Leader), Darren Cranshaw (Assistant Director of Scrutiny & Democratic Services), Councillor Paul Foster (Leader of the Council and Leader of the Labour Group), Councillor Alan Ogilvie and Councillor Phil Smith, Dianne Scambler (Governance and Member Services Team Leader), Darren Cranshaw (Assistant Director of Scrutiny & Democratic Services)

**PUBLIC:** 1

### **1 Apologies for absence**

Apologies were received from Councillor's Damian Bretherton and James Flannery.

### **2 Declarations of Interest**

No declarations were made.

### **3 Minutes of Last Meeting**

Referring to Minute number 48 Members asked for confirmation from the External Auditors that information had been circulated to the previous Committee regarding Local Authorities trading in the Affordable Housing Sector.

RESOLVED: (Unanimously)

That the minutes of the Governance Committee meeting held on Thursday 14 March 2019 to be agreed as a correct signing for by Chair.

### **4 Draft Annual Governance Statement**

The Committee received a report of the Interim Monitoring Officer presenting the Council's Draft Annual Governance Statement, providing assurance on the

standards of corporate governance spanning all the Council's priorities and covering all activities.

Member's attention was drawn to the Annual Governance Statement 2019/20 (Appendix C) and they were asked to note the progress made against the Annual Governance Statement 2018 (Appendix B).

The Interim Monitoring Officer explained to Members that the draft annual statement was backward looking and that suggested amendments could be made before the end of July at which point the statement would come back as a final version.

Members queried why some actions on the Annual Governance Statement 2018 were no longer included on the Annual Governance Statement 2019. The Interim Monitoring Officer assured that work had been done on these actions and that the wording would be altered to reflect this.

Referring to Appendix C of the Annual Governance Statement Action Plan 2019, Members emphasised the importance of including a defined timescale for the completion of proposed actions along with a responsible officer. It was explained by the Interim Monitoring Officer that it was normal practice to complete all actions by year end but the comments of the Committee would be taken into consideration for when the Final Annual Governance Statement comes back before Committee in July 2019.

The Leader of the Council suggested a number of areas within the Draft Annual Governance Statement 2019 such as the Constitution, Financial Procedure Rules and the Scheme of Delegation as something that the Governance Committee may wish to focus on over the coming months. This was acknowledged and the Interim Monitoring Officer responded by assuring that steps would be taken to look at items on the Draft Annual Governance Statement 2019.

Resolved: (Unanimously)

That the report be noted.

## **5 Audit Plan 2019/20**

The Committee considered a report of the Interim Head of Shared Assurance Services that sought the Committee's approval of the Internal Audit Plan for the period 1 April 2019 to 31 March 2020.

The Interim Head of Shared Assurance explained that the plan would normally come before Committee in March but due to the elections in May it was decided to defer the plan until May when a new Committee would be appointed.

The plan had been constructed following an assessment of audit need. Utilising a risk based approach which considers a number of factors such as financial risk, time lapsed since last audit and items in the Corporate Plan.

Members sought clarification from the Interim Head of Shared Assurance Services that work had now been done under ICT as this was classed as critical. In response, it was explained that ICT was classed as critical due to the size of the risk area. An independent audit had already been undertaken on ICT by Merseyside Independent



Audit. A meeting was due to take place between the Interim Head of Shared Assurance and the Director of Customer and Digital to discuss the areas identified in the report.

RESOLVED: (Unanimously)

That the Audit Plan 2019/20 is approved.

## **6 Internal Audit Annual Report 2018/19**

The Interim Head of Shared Assurance Services presented a report which provided a summary of the work undertaken by the Internal Audit Service from April 2018 to March 2019.

The Interim Head of Shared Assurance Services advised that 78% of the Internal Audit Plan was complete for the year 2018/19, with the overall assurance rating's ranging from adequate to full. Only two areas had been assigned a Limited rating. Property Repairs and Maintenance and Commercial Properties.

Members noted that with regards to commercial properties there seemed to be some concerns in relation to the accuracy of the Council's asset register and asked for further information.

The Interim Head of Shared Assurance Services explained that there had been some duplication of the assets on different registers and that further work was needed to align some assets to the Land Registry records.

With this in mind Councillor Ogilvie, who was in the audience, asked the External Auditors if this was an area that would be given further scrutiny in the forthcoming audit. External audit responded to say that although this was an area that would be looked at in more detail it was usual to find some discrepancies and that he wasn't unduly concerned.

The Leader of the Council raised his concern at the Internal Audit Plan for 2018/19 only being 78% complete, when in previous years it had been fully completed. He asked the Interim Head of Shared Assurance Services if this was due to a lack of resource. The Interim Head of Shared Assurance Services responded by agreeing with the Leader that they were under resourced and that there was no resilience in the team. There had been a number of staffing issues over the year and owing to the fact that she was an Interim appointment she was unsure if she could access the budget required to increase capacity in the team. The Interim Monitoring Officer confirmed that if resource was needed a suitable budget would be located for this and clarity would be given to the Interim Head of Shared Assurance Services on the process.

The Leader of the Council commented on the level of detail in the Internal Audit Plan 2018/19. It was confirmed by the Interim Head of Shared Assurance Services that she had followed the previous year's layout believing this to be satisfactory for the Committee, but this would be addressed in the future.

In response to the Chair, the Interim Head of Shared Assurance Services also agreed to bring an update on the issues raised to the next Committee meeting in July.

RESOLVED: (Unanimously)

That the report be noted.

## **7 Statement of Accounts for the Financial Year 2018/19**

The Committee received a report from the Deputy Section 151 Officer presenting the Statement of Accounts for the Financial Year 2018/19. The report advised Members of the statutory requirements for signature, audit, inspection and publication of the accounts and of their role in the process leading up to the formal submission of the accounts for approval by the 31 July 2019.

Members were advised that although the Statement of Accounts was currently in draft form, it was considered good practice to bring to Committee for comments to prepare for the final accounts in July. It was highlighted to Members that the overall financial position of the Council was good.

Members commented on the use of the traffic light system, with “off-track” actions being highlighted as both red and amber. The Deputy Section 151 Officer responded that the comments would be taken on board for when the final statement of accounts is presented.

Members from the Committee were very pleased with the Statement of Accounts and praised the Deputy Section 151 Officer and the Principal Financial Accountant (Interim) for their presentation of the report. It was requested by Members that the explanation that had been provided be included in an Executive Summary on the report, so that the statement could be more clearly understood by all members and residents.

In response to a member of the public it was explained why figures relating to the salaries of the Senior Management Team could be misleading if included in the Expenditure and Funding Analysis.

RESOLVED: (Unanimously)

That the report be noted.

Chair

Date

REPORT TO	ON
Council	24 July 2019



TITLE	REPORT OF
Returning Officers Report	Returning Officer/Interim Chief Executive

Is this report confidential?	No
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## PURPOSE OF THE REPORT

1. To report to full Council those people that were duly elected as Councillors for the ward stated at the Borough Election held on 20 June 2019

## RECOMMENDATIONS

2. That the people elected as councillors for the ward stated at the Borough Election on 20 June 2019 be noted.

## CORPORATE PRIORITIES

3. The report relates to the following corporate priorities: *(tick all those applicable)*:

Excellence and Financial Sustainability	X
Health and Wellbeing	
Place	X

Projects relating to People in the Corporate Plan:

People	
--------	--

## PERSONS ELECTED

4..

WARD	COUNCILLOR
Farington West	Stephen Thurlbourn Karen Walton

## **FINANCIAL IMPLICATIONS**

5. There are no financial implications arising from the proposals in this report.

## **LEGAL IMPLICATIONS**

6. There are no legal implications arising from the proposals in this report.

## **AIR QUALITY IMPLICATIONS**

7. There are no Air Quality implications arising from the proposals in this report.

## **COMMENTS OF THE STATUTORY FINANCE OFFICER**

8. There are no comments of the Statutory Finance Officer.

## **COMMENTS OF THE MONITORING OFFICER**

9. This report constitutes best practice.

## **OTHER IMPLICATIONS:**

▶ <b>HR &amp; Organisational Development</b>	There are no implications.
▶ <b>ICT / Technology</b>	There are no implications.
▶ <b>Property &amp; Asset Management</b>	There are no implications.
▶ <b>Risk</b>	There are no implications.
▶ <b>Equality &amp; Diversity</b>	There are no implications.

## **BACKGROUND DOCUMENTS**

The remainder of the Elected Councillors for the other Council Wards were informed upon at the Council meeting on 15 May 2019.

## **APPENDICES**

None.

Gary Hall  
Interim Chief Executive

Report Author:	Telephone:	Date:
Dianne Scambler	01772 625309	9 July 2019

REPORT TO	ON
Council	24 July 2019



TITLE	REPORT OF
Appointment of Committees 2019/20	Assistant Director of Scrutiny and Democratic Services

Is this report confidential?	No
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## PURPOSE OF THE REPORT

1. To allocate places on various committees of the Council in accordance with Section 15 of the Local Government and Housing Act 1989 and to make appointments to those committees in accordance with Section 16 of the Act, following the Borough Election on 20 June 2019.

## RECOMMENDATIONS

2. That the allocation of committee places in accordance with the Political Balance Rules as set out in the report be approved;
3. That the member for the Scrutiny Committee set out in the report be appointed for the period of twelve months until the First Business Meeting of the Council in May 2020.

## CORPORATE PRIORITIES

4. The report relates to the following corporate priorities: *(tick all those applicable)*:

Excellence and Financial Sustainability	X
Health and Wellbeing	
Place	X

Projects relating to People in the Corporate Plan:

People	
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## POLITICAL COMPOSITION OF THE COUNCIL

5. Following the Local Election for the Farington West ward of the Borough on 20 June 2019, the political composition of the Council is:

	Number of Members
Conservative	23
Labour	22
Liberal Democrats	5
Total:	50

## ALLOCATION OF SEATS

6. The term “ordinary committees” has a special statutory meaning. They only include committees that have delegated powers to discharge the Council’s statutory functions.
7. At the last Council meeting on 15 May, the new Leader of the Council proposed a reduction in the number of seats allocated to some committees. Following the election of Councillor Thurlbourn to the vacant seat for Farington West on 20 June 2019, the political composition of the Council was amended, with the Conservative Group holding the largest number of seats overall. As all the seats had been allocated at the last Council meeting, there was no place on any of the committee’s for Councillor Thurlbourn to be appointed to.
8. Bearing this in mind, the Leader has agreed on this one occasion, to increase the seats on the Scrutiny Committee by 2, making a total of 13 seats now available on the Committee, with a political make-up of (6:6:1). The two extra seats will be taken by one conservative and one Labour member, as follows:

Committee:	Conservative Group:	Labour Group:
Scrutiny	Councillor Stephen Thurlbourn	Councillor Jacky Alty

## CHANGES TO APPOINTMENTS ON OTHER COMMITTEE’S

9. A number of other changes to the appointments on Committee’s have changed as follows:

Committee:	Member appointed:	Member removed:
Planning Committee	Councillor Will Adams	Councillor Mick Higgins
	Councillor James Flannery	Councillor Jane Bell

## FINANCIAL IMPLICATIONS

10. There are no financial implications arising from the proposals in this report.

## LEGAL IMPLICATIONS

11. The proposals set out in the report will ensure that appointments are made to the various Committees in accordance with the Local Government and Housing Act 1989 and the Local Government (Committee's and Political Groups) Regulations 1990. The method of calculation of the places on each committee has previously been approved by external advice from counsel.

## AIR QUALITY IMPLICATIONS

12. There are no Air Quality implications arising from the proposals in this report.

## COMMENTS OF THE STATUTORY FINANCE OFFICER

13. There are no comments of the Statutory Finance Officer.

## COMMENTS OF THE MONITORING OFFICER

14. The principal legislation that governs political proportionality is set out in the Local Government and Housing Act 1989 and accompanying regulations. On a practical level it assists if wherever possible we could have an uneven number of councillors on each committee.

## OTHER IMPLICATIONS:

▶ <b>HR &amp; Organisational Development</b>	There are no implications.
▶ <b>ICT / Technology</b>	There are no implications.
▶ <b>Property &amp; Asset Management</b>	There are no implications.
▶ <b>Risk</b>	The proposals set out in this report will ensure appointments are made to various Committee's in accordance with the Local Governance and Housing Act 1989. Failure to meet the legislative requirements would leave the Council's decisions open to challenge.
▶ <b>Equality &amp; Diversity</b>	There are no implications.

## BACKGROUND DOCUMENTS

There are no background papers to this report.

## APPENDICES

None.

Darren Cranshaw

Assistant Director of Scrutiny and Democratic Services.

Report Author:	Telephone:	Date:
Dianne Scambler	01772 625309	9 July 2019



REPORT TO	ON
COUNCIL	24 July 2019



TITLE	REPORT OF
Decision: Appointment of Interim Chief Executive/Head of Paid Service and Interim Section 151 Officer	Interim Monitoring Officer

Is this report confidential?	No
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## PURPOSE OF THE REPORT

1. The purpose of the report is to inform Council of an urgent decision that was made in relation to the appointment of the interim Chief Executive. This decision was also reported to the meeting of Cabinet on the 19<sup>th</sup> of June 2019. Authority is also now being sought to extend this interim appointment and appoint an Interim Section 151 Officer.

## PORTFOLIO RECOMMENDATIONS

2. Council are asked to note the taking of the Urgent Decision.
3. Council are asked to approve that Mr Gary Hall should continue to act as the Council's Interim Chief Executive/Head of Paid Service whilst our permanent Chief Executive continues to be absent from the office.
4. Council are asked to approve that Mrs Jane Blundell, who is currently the Council's Deputy S151 Officer, is appointed as Interim S151 Officer (Statutory Finance Officer) until this role is filled on a permanent basis.

## REASONS FOR THE DECISION

5. Due to the absence from the office of the permanent Chief Executive (on special leave) it was necessary to take urgent action to appoint someone – on an interim basis – to fulfil this role. It is necessary for this appointment to continue in the circumstances of the continuing absence from the office of our Chief Executive.
6. The Deputy Chief Executive (Resources and Shared Services Transformation) was the Council's S151 Officer and he left the employment of the Council on the 30<sup>th</sup> June 2019. He had been on a period of special leave before then. The Deputy Section 151 Officer has been fulfilling the role of the Section 151 officer for the period that the Deputy Chief Executive (Resources and Shared Services Transformation) has not been in the office. It is desirable to formalise that decision – hence the reason for the third recommendation to this report.

## CORPORATE PRIORITIES

7. The report relates to the following corporate priorities:

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

Projects relating to People in the Corporate Plan:

People	
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## PROPOSALS (e.g. RATIONALE, DETAIL, FINANCIAL, PROCUREMENT)

### Chief Executive/Head of Paid Service

8. On the 23<sup>rd</sup> of May 2019 our permanent Chief Executive commenced a period of special leave. It was therefore imperative to appoint someone to fulfil the statutory role of Head of Paid Service in her absence.
9. Accordingly (on the 23<sup>rd</sup> of May) an urgent decision was made – further to Standing Order 35 of the Council's procedure rules – to appoint Mr Gary Hall to fulfil this role on an interim basis. The last day for the period of this initial appointment is the 24<sup>th</sup> of July.
10. The Standing Order 35 decision was made by the Interim Monitoring Officer in consultation with the Leader of the Council.
11. The Standing Order 35 decision was also signed by Cllr David Howarth in his capacity as Chair of Scrutiny. Cllr Howarth signed this decision to confirm that he accepted that there were genuine exceptional circumstances which necessitated the use of our urgency procedures.
12. Given the continuing absence from the office of our Permanent Chief Executive it is necessary to appoint someone moving forward to fulfil the role of the Council's Chief Executive/Head of Paid Service. The proposal is that Gary Hall's appointment should continue whilst our permanent Chief Executive remains absent from the office. Gary Hall is Chief Executive of Chorley Borough Council. He has a good knowledge of the workings of this council. He will divide his time between the two councils.

### Section 151 Officer

13. Since the Deputy Chief Executive (Resources and Shared Services Transformation) commenced a period of special leave in May, the statutory finance role has been covered by the Deputy S151 Officer on a short-term basis. Now the Deputy Chief Executive (Resources and Shared Services Transformation) has left the Council, it is proposed that the Deputy S151 Officer, Jane Blundell, is appointed as S151 Officer on an interim basis. Elsewhere on the agenda Members will see a report on Shared

Services. Ultimately the role of the Section 151 Officer will be dealt with as part of the Shared Services arrangements with Chorley Borough Council.

## **CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION**

14. The urgency of the situation required prompt action – hence the need for a Standing Order 35 decision. The Leader liaised with his Cabinet colleagues and the Chair of Scrutiny prior to appointing Gary Hall. Chorley Borough Council were also spoken to. The proposal is that this appointment should continue. Likewise there is a need for the Section 151 Officer position to be resolved (pending a permanent solution to this issue).

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

15. A council must have a Head of Paid Service. There is no option in this regard. Once it was known that our Permanent Chief Executive would not be around then we had to appoint an Interim Head of Paid Service.
16. By extension to the preceding paragraph, moving forward we must have someone who continues to fulfil this role - hence why Council's approval is sought to extend the appointment.
17. Likewise it is a legal requirement to have a s151 Officer. It is one of the main statutory officers of the council along with the Monitoring Officer and Head of Paid Service. The council cannot effectively conduct its business unless it has officers appointed to these roles.

## **FINANCIAL IMPLICATIONS**

18. Please see the Statutory Finance Officer comments below.

## **LEGAL IMPLICATIONS**

19. Please see the Monitoring Officer comments below.

## **AIR QUALITY IMPLICATIONS**

20. There are no Air Quality implications.

## **HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT IMPLICATIONS**

21. Mr Gary Hall has been appointed Chief Executive on an interim basis. The proposal is that he will continue to be appointed on this basis. It is also proposed that Jane Blundell should act as the Council's Section 151 officer on an interim basis.

## **ICT/TECHNOLOGY IMPLICATIONS**

22. No implications here.

## **PROPERTY AND ASSET MANAGEMENT IMPLICATIONS**

23. No implications here.

## **RISK MANAGEMENT**

24. A failure to have a Head of Paid Service could result in legal challenge to the council. Likewise there is a need to formalise the arrangements for the Section 151 Officer.

## **EQUALITY AND DIVERSITY IMPACT**

25. All relevant Equality implications need to be identified.

## **RELEVANT DIRECTORS RECOMMENDATIONS**

26. Cabinet are asked to note this report.

## **COMMENTS OF THE STATUTORY FINANCE OFFICER**

27. With regard to the Head of Paid Service, Chorley Council will recharge South Ribble Borough Council 50% of the actual salary costs for the duration of the appointment. The monthly cost for appointment is £5900. For the Interim S151 Officer appointment, an appropriate honorarium based on the additional duties and responsibilities of the role will be agreed with the Head of Paid Service.

28. These costs can be contained within existing budgets through vacancy management. Any subsequent reports on this matter will include an update on any financial implications.

## **COMMENTS OF THE MONITORING OFFICER**

29. The Head of Paid Service is one of the three statutory officers of the council. We must have someone fulfilling this role to be legally compliant. Hence in the absence of our permanent Chief Executive it was paramount that we appointed someone on an interim basis. Such arrangements need to continue. Whilst we have been legally compliant with the Deputy Section 151 Officer fulfilling the Section 151 Officer role, nevertheless as such arrangements may go on for some months yet it is desirable to formally appoint the Deputy Section 151 Officer to the Section 151 Officer role on an interim basis.

**There are no background papers to this report**

**There are no appendices to this report**

LT Member's Name: David Whelan  
Job Title: Interim Monitoring Officer

Report Author:	Telephone:	Date:
David Whelan	01772 625247	16 <sup>th</sup> of July 2019

REPORT TO	ON
COUNCIL	24 July 2019



TITLE	REPORT OF
Creation of Member Development Steering Group	Assistant Director of Scrutiny & Democratic Services

Is this report confidential?	No
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## PURPOSE OF THE REPORT

1. This report proposes the creation of a cross-party Member Development Steering Group to champion the development of Members and help the Council retain the North West Charter for Elected Member Development.

## RECOMMENDATIONS

2. That Council agrees the creation of a Member Development Steering Group with the composition, terms of reference and approach as outlined in the report.

## CORPORATE PRIORITIES

3. The report relates to the following corporate priorities:

Excellence and Financial Sustainability	✓
Health and Wellbeing	✓
Place	✓

Projects relating to People in the Corporate Plan:

People	✓
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## **BACKGROUND TO THE REPORT**

4. The Council's Corporate Plan includes a project to bring forward a comprehensive Member Development programme, aligning with the first level of the North West Employers' Organisation Member Development Charter.
5. Following the delivery of the comprehensive Member induction programme after May's elections which received positive feedback from Members, the next stage is to develop a Member Development programme for the remainder of the year and forward planning over the next four years. For any Member Development programme to be successful it is important that it is Member led, inclusive and is tailored to the needs of the Council and individual Members.
6. The Council has held the North West Charter for Elected Member Development for many years and as we start a new council term appropriate to review our approach against this standard and engage with the supporting organisation, North West Employers' Association.
7. This report recommends the creation of a cross-party Member Development Steering Group to work with all Members to develop a comprehensive Member Development programme and work to retain the North West Charter for Elected Member Development.

## **PROPOSALS (e.g. RATIONALE, DETAIL, FINANCIAL, PROCUREMENT)**

8. It is proposed that a cross-party Member Development Steering Group be created with the following terms of reference:
  - ▶ To champion and raise the profile of Member development in helping the Council to achieve its vision, values and priorities.
  - ▶ To identify appropriate training and development opportunities for all Members and to promote and support development in the groups.
  - ▶ To develop an inclusive Member Development Strategy and programme, including monitoring its implementation.
  - ▶ To identify what needs to be done to retain the North West Charter for Elected Member Development.
  - ▶ To consider and recommend learning opportunities for Members.
  - ▶ To evaluate learning programmes and identify the benefits for Members.
  - ▶ To discuss and champion training and development at group meetings.
  - ▶ To report back to Full Council.

9. The cross-party Member Steering Group will be made up of 2 Labour Members, 2 Conservative Members, 1 Liberal Democrat Member, with nominations put forward by Group Leaders.
10. Additionally the Chair of the Member Development Steering Group will be the Leader of the Council as member development falls within his portfolio.
11. The Member Development Steering Group will report back to each Full Council meeting.

## **CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION**

12. The Group Leaders have been consulted on this proposal.

## **FINANCIAL IMPLICATIONS**

13. None as a result of this report. The Council already has in place a budget for Member development.

## **LEGAL IMPLICATIONS**

14. None as a result of this report.

## **AIR QUALITY IMPLICATIONS**

15. None as a result of this report.

## **COMMENTS OF THE STATUTORY FINANCE OFFICER**

16. The Statutory Finance Officer has no further comments.

## **COMMENTS OF THE MONITORING OFFICER**

17. There are no issues or concerns arising from this report from a Monitoring Officer perspective. The importance of ensuring that our members have appropriate training and development opportunities is self-evident.

## **OTHER IMPLICATIONS:**

▶ <b>HR &amp; Organisational Development</b>	Included within the report.
▶ <b>ICT / Technology</b>	None as a result of this report.

▶ <b>Property &amp; Asset Management</b>	None as a result of this report.
▶ <b>Risk</b>	There are risks to the delivery of the Council's corporate priorities and plan if Members are not provided with the necessary training and development opportunities. Developing a Member Development Strategy will help to mitigate these risks.
▶ <b>Equality &amp; Diversity</b>	None as a result of this report.

## BACKGROUND DOCUMENTS

North West Employers' Organisation – North West Charter for Elected Member Development Guidance Notes (weblink: <https://nwemployers.org.uk/wp-content/uploads/2016/10/North-West-Charter-Guidance-Notes.pdf><https://nwemployers.org.uk/wp-content/uploads/2016/10/North-West-Charter-Guidance-Notes.pdf>)

## APPENDICES

There are no appendices.

Darren Cranshaw  
Assistant Director of Scrutiny & Democratic Services

Report Author:	Telephone:	Date:
Darren Cranshaw	01772 625512	06/07/2019



REPORT TO	ON
Council	24 July 2019



TITLE	REPORT OF
Licensing Annual Report	Head of Licensing

Is this report confidential?	No
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## PURPOSE OF THE REPORT

1. To provide an update on the annual performance of the Licensing Service

## RECOMMENDATIONS

2. To note the contents of the report and the action taken

## CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	X
Health and Wellbeing	X
Place	X

## BACKGROUND TO THE REPORT

3. It is considered good practice for all Licensing Authorities to produce an annual report setting out their achievements during the preceding 12 months. Such a document will serve the following purposes:
  - i. it will act as a record of achievement, enabling members to take stock of their progress, reevaluate the work undertaken in the past 12 months; and
  - ii. given the importance of reassuring the public that persons, premises or vehicles are appropriately regulated, it will allow a Licensing Authority to promote its work as widely as members consider beneficial.
4. The Licensing & Public Safety Committee has produced an annual report for the last 2 years which has previously been presented to full Council.

## ANNUAL REPORT 2018/19

5. The draft Annual Report 2018/19 is attached to this report as Appendix A. The draft report seeks to identify and document the good work which the Licensing & Public Safety Committee has once again undertaken during the last 12 months. It covers the traditional areas of:
- Hackney Carriage / Private Hire / licensed operators;
  - Licensing Act 2003 (liquor);
  - Gambling; and
  - Scrap Metal.
6. However, this year's report also makes reference to a relatively-untouched area of work especially around Licensed Premises and Gambling

## PROPOSALS

7. Note the contents of the report and recommend a final version put before full Council

## FINANCIAL IMPLICATIONS

8. There are no direct financial implications.

## LEGAL IMPLICATIONS

9. There are no direct legal implications.

## COMMENTS OF THE STATUTORY FINANCE OFFICER

10. The report is for information and has no financial implications. The budget outturn report to Cabinet in June will include information in relation to income received in relation to the licensing services in the financial year 2018/19.

## COMMENTS OF THE MONITORING OFFICER

11. Please see the comments at Para 8.1

## OTHER IMPLICATIONS:

▶ <b>HR &amp; Organisational Development</b>	<i>None identified</i>
▶ <b>ICT / Technology</b>	<i>None identified</i>
▶ <b>Property &amp; Asset Management</b>	<i>None identified</i>
▶ <b>Risk</b>	<i>None identified</i>
▶ <b>Equality &amp; Diversity</b>	<i>None identified</i>

## **BACKGROUND DOCUMENTS**

Audit Report  
Yearly Forward Plan 2018/2019

## **APPENDICES**

Appendix 1 - Annual Report

Report Author:	Telephone:	Date:
Mark Marshall, Head of Licensing	01772 625401	31 May 2019

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# Licensing & Public Safety / Licensing Act 2003 Committee

## Annual Report 2018/19



**South Ribble Borough Council**

## Chair's Introduction

The borough wide elections of May 2019 resulted in a change of administration in South Ribble and I have been privileged to be appointed the new Chairman of Licensing. My first duty is to thank my predecessors Councillors David Suthers and Barbara Nathan for their outstanding service in the role over 2018 and 2019.



In this Report you will see that South Ribble continues to develop and refine Licensing to ensure residents remain safe and secure when accessing regulated services. As the accompanying Review of Licensed Vehicle Policy shows, we keep vehicle policy under continuous review and some of the issues we will be addressing in the coming year include equalising vehicle age limits in order to reduce as far as reasonably possible air quality issues.

We are also looking at CCTV installations in licensed vehicles to better protect both drivers and members of the public, although as this is likely to be a joint initiative with other authorities, this may take somewhat longer than we would hope.

Licensing services should be revenue-neutral, that is the cost of providing the services should be broadly covered by fees generated from the services. As a relatively small authority our costs currently fail to meet this benchmark. Over the next few years we intend to gradually rectify this so that ideally, we reach revenue neutrality in around four years' time. These changes will be accompanied by full consultation with the trade and our public.

In concluding I would like to thank our officers for their diligence in protecting our residents and ask you please to note the very low levels of crime associated with licensed activity in our borough. This is a fine testament to South Ribble as an excellent place to live.

Cllr. Ken Jones

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## THE LICENSING FUNCTION IN SOUTH RIBBLE BOROUGH COUNCIL – WHAT IS ITS ROLE?

The Licensing Service is responsible for the granting, issuing and maintaining the standards of various types of licences required by statute. Areas include taxis and private hire vehicles and drivers, Personal and Premises licences, Gambling permits and licences and smaller miscellaneous areas such as scrap metal, mobile homes and street collections.

The service reports to 2 separate committees' who provide governance and oversight to the areas of regulation that fall under the Licensing services responsibility.

- 1) **Licensing & Public Safety Committee** – this covers the licensing of Hackney Carriage and Private Hire vehicles and drivers, as well as Private Hire Operators; and
- 2) **Licensing Act 2003 Committee** – this covers decisions regarding the licensing of alcohol, late night refreshment etc. under the Licensing Act 2003 and Gambling.

The Annual report of 2017/2018 indicated that both policy and enforcement would broaden into activities relating to the Licensing Act 2003 and Gambling Premises etc. This report will demonstrate that the aspiration of widening the remit of the Licensing service has commenced.







### 1 Taxi licensing - background

There are two separate licensed trades falling within the popular umbrella of “taxis”. Hackney Carriage Vehicles (HCVs) and Private Hire Vehicles (PHVs). The main difference between the two is that HCVs may ply for hire from taxi ranks and can be hired or hailed in the street, whereas PHVs must be pre-booked, pre booking can come in various forms such as telephoning the Operator, calling in at the Operators base or Office and the advancement in technology has seen mobile phone Apps becoming a more popular choice for companies and customers.

### 2 Why do we have a licensing regime for Hackney Carriage and Private Hire vehicles and drivers?

The main purpose of a local authority licensing regime is to ensure public safety. This can come in many forms. For instance:

- Vehicles which are used by the travelling public must be safe to use on the road. This is ensured by regular 6 monthly testing at approved Centre; and
- Drivers must be of good character and able to pass the statutory “fit and proper” test. This assesses the previous history of all drivers /applicants with a view to looking at their overall character. An enhanced criminal records check must be completed on initial application and thereafter every 12 months an update service check is completed by Officers.

A national register of drivers who have been refused a licence or had it revoked has recently become available for authorities to access, at this current time at least 50% of Authorities still have not subscribed. Whilst subscription to this list is not mandatory it is highly recommended that all authorities subscribe this will be incorporated into our checks in 2019.

In addition to a criminal records check (DBS), the Council also requires further reassurance before a licence will be given;

- A comprehensive “local knowledge” examination assurance of a driver/applicant which also provides command of the English;
- A level 2 NVQ certificate in Road Passenger Vehicle and Driving or equivalent, course designed by Officers of South Ribble Council and a
- Group II medical certificate completed by the applicants own GP.

### 3 A numerical summary of local enforcement activity undertaken in the following areas:

#### Number of taxis inspected:

Period	Number of Inspections	Defect Notices	Prohibition Notices
Q1	23		2
Q2	24		4
Q3	21		1
Q4	25		2



### 4 Comparative data on the total number of Hackney Carriage and Private Hire drivers and vehicles licensed in South Ribble:

Licence Type	March 2017	March 2018	March 2019
Hackney Carriage Drivers	127	130	134
Hackney Carriage Vehicles	115	111	107
Private Hire Drivers	148	152	156
Private Hire Vehicles	123	123	122

## 5 Comparative data on the number of new licences granted during the last 12 months:

Licence Type	2015/16	2016/17	2017/18	2018/19
Hackney Carriage Drivers	8	8	15	23
Hackney Carriage Vehicles	1	4	9	5
Private Hire Drivers	13	11	17	22
Private Hire Vehicles	1	12	18	11
Private Hire Operators	2	2	0	4

This year we have again seen an increase in new Private Hire and Hackney Carriage drivers. Since the introduction of our “Intended use Policy” we have successfully worked with Licensed Operators to encourage “out of town drivers” to apply to our Authority.

However one significant change in the last 12 months has been a small increase in Operators who hold licences with neighboring Authorities as well as us. The result of this means they can use vehicles licensed with another Authority to conduct bookings received in the South Ribble area. This is perfectly legal but can mean drivers and vehicles carrying South Ribble residents where there are different standards in place with regards to vehicle age and condition.

The Government is pressing for minimum standards to apply across the country but they have not embarked on the issue of type, style or age of vehicles, this will likely remain a matter for Local Council Areas to decide through their own policies. The emerging issue of Air Quality may see older and more polluting vehicles forced off the road and these challenges can be met by improved cooperation between neighboring Authorities.

Number of licences granted for operators:

Operators are subject to a similar licensing regime as drivers, having also to satisfy a fit and proper test. Licences are now granted on a 5 year cycle.

Total number of operators in the Borough on 31 March 2019 = **19**

## 6 Summary of Investigations

There are several instances when officers or members involved in Licensing are called upon to make a formal decision as part of the legal process. These include:

- When a new applicant wishes to be licensed as a hackney Carriage or Private Hire driver, or as a Private Hire operator;
- When a previously unlicensed vehicle is to be considered for a Hackney Carriage or Private Hire vehicle licence;
- When an existing licence (for a vehicle or driver is due to be renewed at the end of its statutory life; or
- When a complaint or other intelligence is received which may impact on the continuing ability of a licensed driver to pass the statutory “fit and proper” test.

In many cases, such decisions can be taken by officers as a matter of routine under constitutional delegation. However, in contentious cases or where a decision of particular significance is to be made, the Licensing & Public Safety committee is required to receive evidence on such matters which is presented at a formal quasi-judicial hearing, when elected members are expected to use their judgement in determining the outcome. Any such decisions are open to appeal, which will initially be heard in the Magistrates Court.

### Summary of Action at Hearings

A total of eight hearings were convened in 2018/2019 which is a decrease of two in 2017/2018

- Four hearings were to consider the grant of new licences, three were granted and one was refused which is still subject to appeal.
- Two hearings were in relation to vehicle amendments such as extending the life and one which related to a saloon style vehicle being granted a new Hackney Carriage Licence, one was granted and one was refused.
- The final two hearings were in relation to disciplinary matters, one driver was warned regarding his future conduct and the other had his licence revoked with immediate effect as he was deemed a risk to the public.

### Action taken by Officers using delegated powers

One driver had his licence suspended until he successfully passed a driving test, this action was taken due to a large amount of penalty points accrued in 12 months (in line with policy requirement 5.1 of the convictions policy).

Two drivers had their licences revoked with immediate effect using Standing Order 35, in both cases there was evidence that the drivers presented an immediate risk to public safety.

### Consideration of Legal Proceedings

Two matters of plying for hire have been investigated, one driver was offered a formal caution and appeared before the committee where he was formally warned and the other driver is still to be dealt with by the Magistrates Court for plying for hire offence and no insurance.

An implementation or forward plan was considered by the Licensing & Public Safety committee in June 2018, some actions were carried forward from the 2017/18 plan but new additions were included.

A copy of the plan is attached to this report as Appendix 1. Members received regular updates on progress throughout the year. The items on the plan that related to taxis were as follows;

### **D2 - Implement a policy for testing modified vehicles;**

The biggest challenge with this item was identifying the vehicles that required a test, wheelchair adapted vehicles could have been purchased from approved convertors and issued documentation by the convertor when purchased, whereas others could have been converted locally by unapproved convertors. It was the unapproved conversions that the policy was seeking to capture for testing.

We have had to engage regularly with Lancashire County Council who were appointed to conduct the testing and also an Operator who owns and manages the majority of the adapted vehicles.

Most, if not all his vehicles are allotted Lancashire County Council Contracts to transport special needs children and before the award of a contract the vehicle adaptation is inspected by LCC for suitability and issued with a safety certificate.

We are now at a point where all vehicle's that have been adapted have now been identified and inspections have commenced.

### **D3 - Annual review of the Hackney Carriage and Private Hire Vehicle Licensing Policy and associated appendices;**

A report has been commissioned by an external expert to look at all aspects of policy, known as an unmet demand survey. Many of the developments required centre around vehicle policy, ranks and emissions. A revision of some policy wording will take place in the early summer of 2019 but no drastic amendments are envisaged. The vehicle policy will be looked at in October where they may be more ambitious aims and the unmet demand survey will be an important piece of evidence to support any policy changes that are considered.

### **D4 - Reviewing the current Testing Regime**

All garages have signed a fresh commitment to abide by the terms and conditions set by the Council. There was an issue of garages failing to notify us when the vehicle they tested failed the first test but subsequently passed the re test. The average first time failure rate was around 40% but the crucial thing from a Council perspective is being aware of this fact. We have changed the Road Worthiness Certificate which now includes a section where the garage must notify us where the vehicle failed the test first time and identify the reasons for the failure. Quality testing has been done to establish if the garages are complying. One garage was poor at notifying us of the failures and as a result, a formal meeting has taken place where they have been advised of the consequences. Since the meeting no further issues have been identified.

**B5 - Implement an operator accreditation scheme**

Informal expressions of interest were initially positive but when we invited formal applications in December 2018 there was no take up at all. The initial thinking behind this scheme was to ensure all staff working for a taxi operator had been DBS checked and received some sort of awareness training in relation to safeguarding. To make the scheme mandatory conditions would need to be attached to the operator's licence, but as Licences are only renewed every 5 years this would take some time. Also to be noted, any condition attached to a licence could be appealed to the Magistrates Court. To that end an evidence base that the condition was reasonable and proportionate would need to be obtained on a case by case basis.

**T1 - Review the Licensing processes in order to streamline and avoid duplication**

Streamlining and creating electronic records for drivers, vehicles and operators is now fully underway, this has reduced filing and scanning considerably and moves the service in to a space of becoming fully digitised. System and processes were subject to a full audit over a number of months with the final report being issued in October 2018.

The overall findings of the report were very positive with some minor recommendations relating to developing a refund policy, a copy of the internal audit is attached as Appendix 2.

**T6 - Assessment of fees and charges**

Fees and charges have been assessed in the early part of 2019 and some modest increase have been applied and are now effective. The number of licence holders is relatively low in South Ribble which will always have a bearing on income and it is fair to say that we are not at a point of cost neutrality. Other ways of reducing expenditure and increasing revenue via other means are being explored as the hike in fees needed to achieve cost neutrality may have a damaging effect on the Industries we regulate if it was to be done in one fell sweep. The budget income and expenditure is monitored closely and will be under continuous review with the main aim to reduce the gap between income and expenditure. Many Authorities nationally have been taken to task for excessive charges and forced to pay large sums of money back to drivers, not charging enough for the cost of running a service is something that can also be open to criticism, the argument being that the tax payer is partially funding the costs of private transport which should be self-funding. With a combination of cost saving initiatives and gradual increases in fees and charges cost neutrality is achievable but over the longer term of 6-9 years rather than 1-3 years.



## 8 Policy Issues

A number of Policy consideration have been before the committee over the year they include;

- **Age Policy of vehicles** was discussed in July 2018, the question under consideration was to create parity between saloon vehicles and wheelchair accessible / MPVs.
- Saloons could be no older than 4 years when first licensed and must be taken off when they reach 8 years old.
- WAV (wheelchair accessible) vehicles could be no older than 6 when first licensed and must be taken off when they reach 12.
- The consultation responses were virtually all in favour of extending the shelf life of saloon vehicles therefor creating parity.
- Air pollution concerns were raised by Environmental Health were there was anecdotal evidence presented that older vehicles were generally more polluting.

As such the policy remains unchanged.

The recent unmet demand survey has drilled into significant detail with regards to the age of the fleet and the air pollution issue and revisiting this area of policy is planned for October 2019 where more detailed facts will be available for decision makers.

**CCTV in Taxis** was discussed in September 2018, the question under consideration where to make CCTV a mandatory requirement for taxi and private hire vehicles. Interesting facts came out of this report namely that South Ribble taxis drivers rarely reported incidents of crime, 1.7% of our 287 drivers have had occasion to report a crime, this is remarkably low.

Complaint information was also looked at which again is very low in terms of numbers.

Whilst the installation of CCTV is seen as positive to everyone to both prevent and detect crime, a reasonable evidence base would be required to make it a mandatory requirement. The current policy gives drivers a choice to install it but if they do choose to install it, it must be to the Councils specification.

The committee determined to leave the current policy unchanged.

**Professional Qualifications** was discussed in November 2018, the current policy requirements are;

- Before a new applicant is granted a Hackney Carriage or a Private Hire driver's licence, they must be able to provide original evidence that they have passed the BTEC Level 2 Certificate in Taxi and Private Hire Driver or an appropriate and equivalent Level 2 qualification. Alternatively, a new applicant must have attended and successfully completed any appropriate in-house course to be devised and presented by officers of South Ribble Borough Council, and paid any fee approved by members for administration of this course. Any driver whose licence with the authority has been granted since July 2016 on the basis of them having completed the now-discontinued course provided by the Driver Standards Agency will be given a period of 6 months to register for a suitable training course and 12 months to complete the qualification.

The 2019/2020 report declared an aspiration for Officers to devise and deliver an in house training course. This is now in pace with 4 dates per year scheduled to deliver the training. This can only be done on a demand basis and so far take up has been low. Due to external expenses associated with running the training it is only cost effective to run the course when we have a minimum of 6 candidates. For this reason no courses have been conducted to date but we remain in a position to offer the training should the need arise.

## 9 Looking ahead

2018/2019 will see policy revision relating to drivers and vehicles which will come in early summer and autumn. Specific issues that will be looked at include;

- a) Reducing the environmental impact of issuing vehicle licences, the current position is that each vehicle is licensed with 4 sets of plastic plates (for Hackney carriages) and 2 sets (for Private Hire Vehicles) per year as they are licensed for 6 month periods. This can be reduced by 50% if we licence vehicles for 1 year therefore reducing the demand for plastic which is costly to produce, purchase and dispose of. The plan will be to keep the testing frequency the same, once every 6 months so processes and communication between the Authority and the approved testing Centre's will need some fine tuning.
- b) Reviewing the age policy and the grant of new hackney carriage plates, this area of policy again will have cleaner air and environmental issues at its core. We have undertaken research and studies to show that our wheel chair accessible vehicle numbers more than meet the local need. To go on issuing plates to wheelchair accessible vehicles only, especially when these are seen as the most polluting seems at odds with the local and national agenda on Air Quality. Careful consideration of the impact on special needs transport will require detailed examination with a dual priority of safeguarding the most vulnerable taxi users and future proofing the vehicle fleet for tougher environmental standards that are already upon us.
- c) Reviewing the Private Hire signage to be clearer and more explicit. The travelling public should have clear notification of the type and scope of any taxi or private hire vehicle they choose to hire. Private Hire vehicle must be pre booked through a licensed operator, without this mandatory requirement being fulfilled insurances implications could arise. The layout, design and positioning of signage is also an important factor for the travelling public making a clearer distinction in the type of vehicle they are hailing or hiring. The current private hire signage does very little to achieve these aims.
- d) Improving the proactive capability of enforcement. The department is now resourced well which enables us to meet the balance of the administrative organisation, policy and process and enforcement capability. The last 12 months has seen numerous changes in the approach to compliance and supervision which has included covert enforcement plying for hire operations. Local intelligence suggests there is an emerging issue with "out of town vehicles" plying for hire in South Ribble. We have tacit agreement with a neighbouring Authority that they will work in partnership with us to use the legal and committee process to deter such activities.





## B. LICENSING ACT 2003

### 1 Background

The Licensing Act 2003 (LA03) transferred the liquor licensing functions from the Magistrate's Court to the Local Authority and consolidated these activities with entertainment licensing legislation, the provision of late night refreshment, cinemas and theatres.

The number of new licenses issued by us in the year 2018/2019 is as follows;

Granted	16/17	17/18	18/19	Current Total
Personal Licenses	89	75	82	1306
Premises Licenses	9	9	10	413
Club Premises	0	1	0	12
Temporary Events Notice	110	111	136	N/A
Variations			14	N/A

### 2 Hearings

There have been 8 formal hearings in 2018/19, 2 new applications, 1 variation, 4 Reviews and 1 hearing relating to a Personal licence holder.

Hearing Type	Date	Premises	Result	Appeal
New	19 July 2018	Weavers Arms	Refused	Yes
	23 January 2019	Indigo	Granted	No
Variation	28 August 2019	Lime Bar	Granted	No
Review	20 August 2018	Nazz	Conditions Added	No
	27 November 2018	Moss Lane Stores	Revocation	Yes
Review	27 November 2018	Sangham	Suspension	No
	12 February 2019	Harleys	Suspension	No
Personal		Confidential	Warning	No

## New Applications

**Weaver Arms, 2-4 Spinners Square** On the 19 July 2018 the Committee considered an application for a new Micro Style Pub on Station Road in Bamber Bridge. The premises was formally a fishing tackle shop and had been vacant for some years. The applicants had ambitious plans to develop the site utilising the majority of the external space for tables and chairs and outside drinking.

There were numerous residents who objected to the licence on the grounds of Public Nuisance and they were joined by the Environmental Health Department who also shared their concerns regarding noise transmission between the premises and adjoining residential property and the external drinking space.



The application was refused but the applicants appealed to the magistrates and substantially revised their application addressing the concerns raised at the hearing. The licence was subsequently granted on appeal later in the year.

To date the site is still awaiting development as there are still some Planning matters outstanding.

## Reviews

### Moss Lane Convenience Store



In September 2018 Officers joined forces with the Immigration Enforcement team conducting visits on Licensed Premises, an illegal worker was detected by Officers which generated formal action against the Licence holder. One week later the premises failed an underage test purchase which elevated concerns. The licence was subsequently reviewed by the Licensing Authority and revoked.

An appeal was lodged and the business has recently changed hands so a decision has been made to reinstate the licence as we can no longer demonstrate harm to the Licensing Objectives now the problematic operators have moved on.

This review contained information relating to Public Safety, Prevention of Crime and Disorder and the Protection of Children from Harm.

This case was a combined effort by two Responsible Authorities demonstrating the reinstatement of partnership working is always the most effective way of working.

### 3 Local Enforcement Activity undertaken:

The overall spirit of working under the Licensing Act 2003 is to form strong and effective partnerships, not just with other agencies but with Licence Holders. Giving early notice of concerns to Licence Holders should be a routine step unless justification to depart from this approach can be made.

Building better partnership relationships with the Police, Fire and Rescue Service and Immigration has been high on the agenda and numerous joint working has occurred.

In August 2018 we conducted visits with the Immigration team and Lancashire Fire and Rescue service.

9 visits occurred on a Friday evening which resulted in;

2 x licensing reviews

1 x civil penalty for employing an illegal worker

1 x immediate prohibition by LFRS on a flat above a takeaway premises



In October 2018 we worked with the Police and conducted alcohol test purchasing on Off Licenced Premises, a total of 11 premises were tested. Only 1 premises failed, the young volunteer used for these tests was only 14 years old and certain aggravating factors materialised against the premises that failed which resulted in a review of the licence and a prosecution.



## 4 Building Partnerships

In November 2018 we set about re-establishing a local Pubwatch Scheme, Pubwatch Schemes should be operated by the Industry but it was necessary to gather expressions of interest and formalise the conception which included partnership buy in.

Assistance from National Pubwatch was in place from the beginning;



In December 2018 a Chair and Vice Chair were elected, the group has now met on three occasions with guest speakers from Community Safety and the Gambling Commission, membership is still growing.

Elected as Chair of the South Ribble Pubwatch was Paul Cookson, 58, an ex-serviceman who has more than 30 years of experience in the pub industry.

**Mr Cookson runs The Queens Pub in Leyland, said:**

“I am delighted to take on the role of Chair. The South Ribble Pubwatch is a great scheme which has the backing of both the council and the police. I encourage all pubs, bars and other licensed venues such as sports clubs to get involved and join the Pubwatch as soon as they can. I will be going round the borough over the next two or three weeks, encouraging license holders and landlords to sign up.”

Elected as Vice-Chair of the South Ribble Pubwatch was Jim Andrew, 60, from Leyland, who has been a member of the National Pubwatch for more than 10 years.

**Mr Andrew is the new manager of The Railway Pub in Leyland, which recently went through a massive refurbishment – including improved CCTV. He said:**

“I’m a great believer in Pubwatch. I’ve been a member for many years. I want to try and use and promote the use of technology in order to prevent crime and keep tabs on barred individuals. A great example is something called ‘Schemelink’ which allows landlords to share and view the names and photos of banned pub-goers so that they know who they should and should not admit. One of the key notions behind Pubwatch is the slogan: “Out of one; out of all”. We want the pubs in South Ribble to be safe places to come and enjoy yourself without the blight of bad behaviour or illegal activity.”



## 5 Accredited Licensing Training



In June 2018 we were accredited by the BIIAB (British Institute of Innkeepers). The BIIAB are very well established as an award winning end point assessment organisation for work based learning providers.

The Council can now provide the Level 2 qualification which is needed to become a Personal Licence Holder. Being accredited now enables us to operate in a commercial environment selling training courses to the public and also gives a platform to advocate

best practice to potential licence holders who will become the future managers and owners of licensed premises in South Ribble.

Below is an image from the course that ran in December 2018, courses are run every month, so far the delegate numbers have been quite low but we hope as notoriety grows then popularity of the course will increase. We are using the Councils social media platform and the Pubwatch network to spread the message.



## 6 Implementation Plan

### **S1 - Re-establish a working relation with; Police, LFRS, and Home Office Immigration**

Numerous operations and joint working highlighted in this section demonstrates that we are well underway in re-establishing operational working practices between agencies, the mutual flow of information has assisted no end in day to day activities.

### **B2 - Develop a Licensing Tracking sheet to be sent to all Responsible Authorities and Elected Members weekly.**

In July 2018 the tracking sheet was first sent out, and records all new applications, transfers, temporary event notices, variations and reviews. This record helps us to keep a precise record of all applications that have been received and processed.

### **T2 - Obtain BII (British Institute of Innkeepers ) Status and begin to deliver Personal Licence Course with a view to increasing income generation**

Accreditation achieved on the 26 June 2018, since then 7 courses have been undertaken, 27 delegates have successfully achieved the Level 2 qualification with South Ribble Borough Council.

### **T5 - Register to the Dot Gov web site so that electronic applications for LA 2003 matters can be accepted.**

Due to the complexities and costs of integrating the Dot Gov system with South Ribble payment system we have had to create our own electronic forms which are soon to be available on the web site.





## C. GAMBLING ACT 2005

### 1 Background

During 2018/2019 the Council continued to fulfil its statutory functions under the Gambling Act 2005 ( GA05). This legislation replaced most of the existing law relating to gambling in Great Britain and (much like the Licensing Act 2003) aimed to put in place an improved, more comprehensive structure of gambling regulation. Once implemented, the Act transferred the licensing of gambling regulation. Once implemented, the Act transferred of gambling premises from the local Magistrates Court to the Council.



The Licensing Team now issues licenses for the following:

- bingo halls;
- betting shops;
- adult gaming centres; and
- family entertainment centres

The numbers of premises which have continued to be licensed by this Authority under the Gambling Act are set out below.

Type	2017/2018	2018/2019
Betting Premises	12	12
Bingo Premises	0	0
Adult Gaming Centres	1	1
Family Entertainment Centres	0	0
Casinos	0	0

Other types of Permits/Licenses which form part of the Gambling Act are;

Type	2017/2018	2018/2019	Total
Small Society Lotteries	88	68	68
Gaming Machine Permits	12	14	14
Notification of intent (2 or less machines)	70	75	75

All yearly maintenance fees as set out in the Gambling Act 2005 which have been set by the Local Authority for the year ending 2018/2019 have been received by the Authority.

## 2 Policy Review

In January 2019 the revised Gambling Policy took effect, this policy will again need reviewing in 3 years. As the gambling profile in South Ribble is modest, so the consultation received very few comments. Public Health submitted some considerations which were all incorporated into the policy.

Matters such as Gambling harm were addressed within the policy which is seen as an emerging Public Health emergency.

## 3 Pro Active Compliance and Enforcement

In September 2018 we conducted a joint test purchase exercise with the Gambling Commission. The aim of the exercise was to test compliance levels within licensed premises. The underage volunteers were instructed to play the over 18 machines in pubs or Adult Gaming Centres

There were 6 gambling tests conducted and all premises failed to step in and challenge the volunteers for identification, in effect all premises allowed children to gamble. We have to accept that the volunteers were at the older end, being 16 and 17 but the results replicate the nationally high failure rate for exercises of this type.

All premises were formally warned and will be retested in 2019.

In January 2019 an Adult Gaming Centre was jointly visited by the Authority and the Gambling Commission. In December 2018 the Operator's licence was revoked by the Gambling Commission, a premises licence is only valid if used in conjunction with a valid Operator's Licence. The Commission are the Primary Regulators of the Gambling Industry but rely on Local Authorities to licence the premises. In this case the arcade had continued to operate his premises whilst no Operators Licence was in place. The owner was formally cautioned and applied to transfer the premises licence into a company name that held a valid operator's licence. The formal action was taken by South Ribble Borough Council, the Gambling Commission praised the Authority for the swift resolution that was achieved in this case.

## 4 Implementation Plan

### T7- Review of the Gambling Policy

Consultation and review of the policy undertaken. Revised policy was implemented in January 2019.



## **D. SCRAP METAL DEALERS**

In October 2013 the Scrap Metal Dealers Act 2013 came into force in the District. Under this new legislation the Council is responsible for issuing mobile scrap metal collector licences and scrap metal site licences. The total number of current licences are;

Licence Type	Amount
Site Licence	2
Mobile Licence	3



## **E. MOBILE HOMES**

### **1. Background**

In February 2018 the Licensing Committee received a report on whether to adopt the following documents;

- a) The 2008 Model Standards- these are a government sponsored blue print for the setting out of residential sites, and
- b) A draft Fees Policy (which would allow the local authority to charge for a variety of functions relating to residential mobile homes, which it had not been able to do to date.
- c) The policy was adopted on the 21 March 2018 and the Council is now able to levy cost neutral fees to cover much of its enforcement activities.

### **3. Looking ahead**

The fees policy had a review date of 12 months so will need revision again in 2019, each site has been visited at least twice in the last year, and we have 3 sites;

1. Carwood Park - 80 sites
2. Penwortham Residential Park - 78 sites
3. Croft Park - 38 sites.

All sites are in good order with very little cause for concern, Penwortham has recently changed hands to a large national operator, and there is currently a small amount of development taking place where we envisage the site numbers to increase by an additional 7.



## **E. CONCLUSION**

2018/2019 has principally been a year of adopting working practices to fit in with previously implemented policies, broadening the scope of the enforcement work and working hard to establish a reputation of competence and efficiency.

The team have developed their skills in investigations and inspections, undertaking numerous PACE interviews, preparing court files and conducting multi-agency visits. The emphasis on inspections now goes beyond looking at licensing conditions and instead focuses on “bigger picture issues”.

Looking at matters such as fires safety, electrical safety, staff welfare, including rights to work in the UK are now bedded in as routine, referrals to partner agencies and the focus on the multi-agency approach has paid dividend's resulting in an increased profile with partners, an increase in formal action including licensing reviews and establishing new relationships with the Industries we regulate.

Further improvements are planned for Taxi Licensing in 2019 focusing on the Cleaner Air Agenda and reducing the use of Plastic by 50%.

Officers and members have worked closely over the past year to raise the profile of the Licensing service at South Ribble and show its work in a valuable light. All concerned hope that you will find this annual report a helpful and informative guide to the important work being carried out on your behalf.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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