

**MINUTES OF COUNCIL**

**MEETING DATE** **Wednesday, 27 November 2019**

**MEMBERS PRESENT:** 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, 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, David Shaw, Margaret Smith, Phil Smith, David Suthers, Stephen Thurlbourn, Michael Titherington, Caleb Tomlinson, Matthew Tomlinson, Matthew Trafford, Angela Turner, Karen Walton, Ian Watkinson, Gareth Watson, P Wharton-Hardman, Carol Wooldridge and Barrie Yates

**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) and Dave Whelan (Legal Services Manager/Interim Monitoring Officer)

**PUBLIC:** 22

**54 Purdah**

The Interim Monitoring Officer read out some guidance relating to decision making in the Purdah period.

Whilst Members were not happy about the situation, they accepted the officer's advice.

**55 Apologies for absence**

Apologies were received from Councillor Cliff Hughes and Mal Donoghue.

**56 Declarations of Interest**

Item 12 - The Leader of the Council, Councillor Paul Foster declared that all members of the Labour Group were affiliated to at least one Trade Union.

**57 Minutes of the last meeting**

RESOLVED (Unanimously):

That the minutes of the Council meeting held on 25 September 2019 be held as a correct record for signing by the Chair.

## **58 Returning Officers Report**

The Mayor welcomed Councillor Gareth Watson to the Council following his election to the Coupe Green and Gregson Lane ward on 24 October 2019.

The Leader of the Council, Councillor Paul Foster and Opposition Leader, Councillor Margaret Smith also welcomed Councillor Watson.

## **59 Mayoral Announcements**

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

## **60 Calendar of Meetings 2020/21**

Members considered the Calendar of Meetings for 2020/21 which had been prepared earlier than in previous years to ensure that Councillors received as much notice as possible of key dates.

It was proposed by the Leader of the Council, Councillor Paul Foster, seconded by the Deputy Leader, Councillor Mick Titherington and subsequently

RESOLVED (Unanimously):

That the Calendar of Meetings for 2020/21 be approved.

## **61 Cabinet**

Members considered a general report of the meetings of Cabinet held on 16 October and 13 November 2019.

Councillor David Howarth reminded the Leader of the Council that it had been agreed that the tree planting maps would be circulated to all Members and also asked if details of the Memorandum of Understanding Local Plan consultation drop-in sessions could also be provided as soon as possible.

It was proposed by the Leader of the Council, Councillor Paul Foster, seconded by the Deputy Leader, Councillor Mick Titherington and subsequently

RESOLVED that the report be noted.

## **62 Governance Committee**

Members considered a general report of the meeting of Governance Committee held on 27 November 2019.

The Leader of the Opposition pointed out that under the Audit Progress and Sector Update, it should read the local governance audit and not government.

It was proposed by the Chair of Governance Committee, Councillor Ian Watkinson, seconded by Councillor James Flannery and subsequently

RESOLVED that the report be noted.

### **63 Scrutiny Committee**

Members considered a general report of the meeting of the Scrutiny and Budget Performance Panel meeting on 11 November and meeting of the Scrutiny Committee held on 14 November 2019.

It was proposed by the Chair of Scrutiny Committee, Councillor David Howarth, seconded by Councillor Michael Green and subsequently

RESOLVED that the report be noted.

### **64 Member Development Update**

Council considered a report of the Assistant Director of Scrutiny and Democratic Services that provided Members with an update on the work being undertaken by the Member Development Steering Group.

The report provided details of all training that had been provided to date and what work was being undertaken to ensure that the Council was undertaking to achieve the reinstatement of its North West Employers Member Development Charter.

The Leader of the Council urged all Councillors to familiarise themselves with the 21<sup>st</sup> Century Councillor documentation and thanked all the members involved in the cross party group.

It was proposed by the Chair of the Member Development Steering Group, Councillor Paul Foster, seconded by Councillor Carol Wooldridge and subsequently

RESOLVED that the report be noted.

### **65 Trade Union Voluntary Recognition**

Council considered a report of the Interim Chief Executive that sought Members support of the proposed Voluntary Recognition Agreement between the Council and Unison.

The Council has for many years had a working relationship with Unison, but the arrangement has never been formally adopted and recognised. The Leader of the Council stated that what was being asked for was no different to the arrangements put

in place at other local authorities and he urged all Members of the Council to give their support.

The Leader of the Opposition commented that it was the Conservative Groups opinion that because of Purdah, the item should not have been presented on the agenda and that Members of her Group would not debate the proposal or take part in any vote.

Councillor David Howarth spoke in favour of the proposals.

It was proposed by the Leader of the Council, Councillor Paul Foster, seconded by Councillor Susan Jones, and subsequently

RESOLVED (For: 21, Abstained: 1) to support the Voluntary Recognition Agreement between the Council and the Unison.

## **66 Review of Polling Districts and Polling Places**

The Council considered a report of the Assistant Director of Scrutiny and Democratic Services that updated members on a recent review of polling districts and polling places that had been undertaken in line with statutory guidance.

The review sought to ensure that all electors have reasonable facilities for voting in elections and that every polling place is accessible to electors who are disabled.

Any new polling districts and polling places will come into effect for all future elections from the Police and Crime Commissioner elections in May 2020.

Following extensive consultation with all Members, the proposals recommended changes to polling places/polling district with Broadfield, Broad Oak, Buckshaw and Worden and Howick and Priory Wards. Detailed reasons for all the proposals were appended to the report.

As part of the review, officers have taken the opportunity to amend the polling district codes.

The Leader of the Council, Councillor Paul Foster gave his personal thanks to Elections Officer, James Wallwork for his hard work on the review.

Councillor Alan Ogilvie commented that whilst he was unhappy that both of the polling places recommended for Buckshaw and Worden were outside the ward, he accepted that they were the best of the available options and was pleased that they would be monitored. Councillor Ogilvie asked for measures to be put in place to inform residents of the changes and whilst the Interim Chief Executive stated that it would not be possible to distribute a ward wide flyer, notices would be displayed at the old polling places on election day.

It was proposed by Councillor Paul Foster, seconded by Councillor Jane Bell and subsequently

RESOLVED (Unanimously):

1. That the polling districts and polling places as indicated in Appendix 1 be approved.
2. That the Chief Executive be authorised to determine any unforeseen changes to polling places which become necessary for future elections.

## **67 Appointment to Committee's and Outside Bodies**

Council considered a report of the Assistant Director of Scrutiny and Democratic Services that sought approval of appointments to the Licensing and Public Safety Committee and Leyland Festival Committee.

Following the resignation of Sarah Whittaker as a Councillor for South Ribble Borough Council, there was a vacancy for a conservative group member. As Councillor Gareth Watson was a Conservative Councillor, the Leader of the Opposition would like to formally appoint him to this role.

The Council were recently contacted by the Chair of Leyland Festival Committee to request that Councillor Mick Titherington, in his role of Cabinet Member for Health, Wellbeing and Leisure be formally appointed to the Committee. This role will provide a vital link in updating Council members on progress and monitoring of the event.

It was proposed by Councillor Paul Foster, seconded by Councillor Margaret Smith and subsequently

RESOLVED (Unanimously):

1. That the appointment of Councillor Gareth Watson to the Licensing and Public Safety Committee be approved.
2. That the appointment of Councillor Mick Titherington to the Leyland Festival Committee be approved.

## **68 Council Tax Empty Properties and Second Homes Report**

Council considered a report of the Director of Customer and Digital that sought approval to remove the Council Tax Second Home discount and increase the Council Tax Long Term Empty Premium charge with effect from 1 April 2020.

The report also sought approval for a new Council Tax Local Empty Discounts and Exemptions Policy appended to the report.

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

RESOLVED (Unanimously):

1. That Council approves the proposed policy changes for the removal of the current 10% discount applied for Council Tax Second Homes.
2. That Council approves the proposed policy changes to increase the Council Tax Long Term Empty Premium charge from 1 April 2020 as shown below:

Effective Date	Empty Period	Existing Premium	Proposed Premium
1 April 2020	2-5 years	50%	100%

	5+ years	50%	200%
1 April 2021	2-5 years	50%	100%
	5-10 years	50%	200%
	10+ years	50%	300%

3. That Council approves a new Council Tax Local Empty Discounts and Exemptions Policy to reflect the above changes.

## **69 Amended Terms of Reference for the Climate Emergency Task Group**

Council considered a report of the Assistant Director of Scrutiny and Democratic Services that sought approval to amend the Terms of Reference in relation to the Membership criteria of the Climate Emergency Task Group.

The report sought to amend the appointment of the Chair of the Group to be the Lead Member for Air Quality which was currently Councillor Ken Jones. The Cabinet Member for the Environment would still attend the meetings and would provide regular updates to both Cabinet and Council.

A Vice Chair would also be chosen from within the membership of the Group. On this occasion the Group had nominated Councillor Stephen Thurlbourn to take the Vice Chair.

It was proposed by Councillor Ken Jones, seconded by Councillor Thurlbourn and subsequently

RESOLVED (Unanimously):

That the amended Terms of Reference in terms of Membership criteria be approved.

## **70 Central Lancashire Memorandum of Understanding on Housing Provision and Distribution**

Council considered a report of the Director of Planning and Property that provided members with an update on housing numbers in relation to the Central Lancashire Local Plan and sought approval to agree a Memorandum of Understanding (MOU) on the approach to be taken across Central Lancashire.

Supplementary information that included the consultation responses that had been received was also provided for Members.

The Cabinet Member for Planning, Regeneration and City Deal, Councillor Bill Evans explained that Housing numbers are a keystone of the Planning system and will be one of the key issues for the new Central Lancashire Local Plan. The current housing requirement for Central Lancashire dates back to the Regional Spatial Strategy of 2008 with evidence for that dating back to 2003. The recent Government Standard Method has provided a new approach that has been developed further by new evidence. Given that the new Local Plan will not be adopted for at least two years, it is imperative that a Memorandum of Understanding between the three Central Lancashire authorities is agreed to cover the interim period.

The Leader of the Opposition commented that it was the Conservative Groups opinion that because of Purdah, the item should not have been presented on the

agenda and that Members of her Group would not debate the proposal or take part in any vote.

It was proposed by Councillor Bill Evans, seconded by Councillor Paul Foster and subsequently

RESOLVED (For: 25)

1. That the decision whether to approve the revised MOU be delegated to the Director of Planning and Property in consultation with the Cabinet Member for Planning, Regeneration and City Deal following completion and consideration of a detailed responses report.
2. That if approved, the Council will formally adopt the MOU upon formal approval by all three Central Lancashire Councils.

## **71 Leyland Town Deal**

Council considered a report of the Director of Planning and Property that update members on the recent issuing of a prospectus by Central Government (MHCLG) regarding the Towns' Fund and Leyland being named as one of 100 towns nationally to be part of this programme. The report also sought authority for officers to progress work on the Leyland Town Deal and to establish a Leyland Town Board.

The Cabinet Member for Planning, Regeneration and City Deal explained that the Town's Fund prospectus highlights that the Town Deal is about the town as a whole and not just the Town Centre.

MHCLG has referred to an Office of National Statistics (ONS) dataset that defines towns by population density and had provided Leyland with a Town Boundary map that is a good starting point but missed out key bits of Leyland's geography such as Worden Park, Test Track, Croston Road, Farington and the Cuerden Strategic site.

Officers had therefore proposed a slightly amended boundary that was appended to the report.

The prospectus also requires that a Town Board be established, with a prescribed membership and a private sector chair that will develop and agree an evidenced based Town Investment Plan, a clear programme of interventions and to co-ordinate resources and influence stakeholders.

Councillor Michael Green welcomed the proposals but asked if the area of Midge Hall at the side of the railway could be included within the plan. Members agreed to this proposal.

Councillor Karen Walton also asked if the whole of Farington could be included as opposed to a part and Members sought clarification as whether the Upper Tier Council representation meant district or county level.

Councillor David Howarth urged officers not to forget about the Penwortham Bypass work that was still to take place.

The Leader of the Council, Councillor Paul Foster commented that whilst he was sceptical that this would actually happen, the Council could not just keep extending the boundary.

The Cabinet Member for Finance, Property and Assets, Councillor Matthew Tomlinson commented that it was a tight turnaround and that the quality of representatives on the Board was important has that would affect the quality of the bids.

It was proposed by Councillor Bill Evans, seconded by Councillor Matthew Tomlinson and subsequently

RESOLVED (Unanimously):

1. That the report be noted.
2. That with the inclusion of the area of Midge Hall next to the railway line, the proposed boundary for the Leyland Town Deal be approved.
3. That delegated authority be granted to the Director of Planning and Property in consultation with the Cabinet Member for Planning, Regeneration and City Deal to create a Leyland Town Board.
4. That delegated authority be granted to the Director of Planning and Property in consultation with the Cabinet Member for Planning, Regeneration and City Deal and Leyland Board (once established) to progress work on developing the Leyland Town Deal and Investment Plan using the £162,019 allotted capacity funding given to the Authority by MHCLG. Work to include:
  - Organising and conduction consultation events
  - Commissioning consultants and technical studies
  - Preparing a draft Town Investment Plan
5. That the submission Town Investment Plan be reported back to Council in Summer 2020

## 72 Questions to the Leader of the Council

A member of the public, Mr Mick Lennon asked the following question:

During the first full council meeting held under the present Labour control council, the leader Cllr Foster was asked a question from a member of the public about the three suspended senior officers including the CEO, Cllr Foster stated that he would give more information ASAP, he also stated that under his leadership the council would be an open and fully transparent council.

Please could Cllr Foster explain why it has been over 5 months since the suspension of the CEO (I presume on full pay?) but in the council constitution (Section 41 Officer Employment Procedure Rules – Section 6 Disciplinary action para b) is states the following:-

The Head of Paid Service/Chief Financial Officer and the Monitoring Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension shall be on full pay and last no more than two months.

We are more than five months on with no information or updates given by the Council Leader Cllr Foster, please can I and the residents of SRBC have an update?

The Leader of the Council, Councillor Paul Foster gave the following response:

We cannot comment on any individual's employment situation.

Speaking generally about the point you make about the Constitution, when dealing with any issues with any protected officers we would always follow the up to date rules and regulations. They are set nationally. As a general comment the complexity of the procedures involved would invariably mean that any proceedings involving a protected officer would last in excess of two months. However we would always strive to ensure that the protected officer would not be suspended for longer than necessary. I have asked the Chair of Governance Committee and the Monitoring Officer to consider updating this part of the Constitution.

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

Deputy Leader and Cabinet Member (Health, Wellbeing and Leisure)

No questions were received.

Cabinet Member (Community Engagement, Social Justice and Wealth Building)

No questions were received.

Cabinet Member (Finance, Property and Assets)

A member of the public, Mr Edward Clayton, asked the following question:

Sometime ago Morris Homes funded the Council to provide paths, linking their development of Wateringpool Lane, to paths on the Junction Nature Reserve, as part of a Section 106 agreement. Could the Cabinet Member give some indication as to when the work will begin, and how long it is expected to take?

The Cabinet Member gave the following response:

It is worth clarifying the funding received from the Wateringpool Lane development was for highways works and not for footpath improvements. As part of the Section 106 Agreement for the Morris Homes site there was an amount of £77,000 identified for Highways works which related to improvements along Browndedge Road/Lostock Lane junction together with new bus stops. This amount was received as requested on 20 April 2016. This funding has been allocated to Lancashire County Council but so far they have not claimed the amount for any works.

That said the footpath works, Mr Clayton is referring to, are part of the Council's green links capital programme where a project to implement them is currently being developed.

Cabinet Member (Environment)

Councillor Ange Turner asks the Cabinet Member if the Council could put measures in place to prevent the misuse of fireworks near wildlife.

The Cabinet Member gave the following response:

It is almost impossible to enforce and monitor the misuse of fireworks but I agree that everyone needs to take more responsibility and I will liaise with officers on the promotion of a Council wide campaign on this issue.

Councillor David Howarth asked the Cabinet Member if she had seen a recent email that had been sent to all Members by Friends of the Earth relating to doubling tree coverage in the area by 2045.

The Cabinet Member responded to say that she had seen the email and had responded to inform Friends of the Earth about the 110,000 trees a global legacy project that the Council were currently undertaking. She urged all Members to do the same.

Cabinet Member (Planning, Regeneration and City Deal)

A member of the public Mr Edward Clayton, asked the following question:

Should a developer fail to comply with a legally binding Unilateral Undertaking, what remedies are available to the Local Authority?

This question related to the Wateringpool Lane development.

The Cabinet Member gave the following response:

In general terms rather than naming individual cases the Council would always seek to resolve the issue through negotiation with the developer in the first instance. If the negotiations prove unsuccessful then the Council would have recourse to the Courts to enforce compliance with any legal agreement. It is also worth highlighting that the developer may seek to vary a legal agreement where justified but ultimately this would be a decision of Planning Committee as to whether the variation is justified or not.

In terms of the position regarding the Morris Homes site at Wateringpool Lane, Officers have been working with this developer for some time to ensure that all requirements relating to the layout of the footpaths is completed. We understand that a delay has been experienced by the developer due to the need for a surface water fallout connection which needs to be installed and is currently awaiting an order. From liaison with the developer they are suggesting that this would be after Christmas due to issues with the recent wet weather. Officers are not happy with this delay and are currently assessing whether the delay is justified or not.

#### **74 Questions to Chairs of Committees and My Neighbourhood Areas**

Questions to Chairs of Committees.

None.

Questions to Chairs of My Neighbourhood Areas

None.

#### **75 Questions to Member Champions and Representatives on Outside Bodies**

Questions to Member Champions.

None.

Questions to Representatives on Outside Bodies.

None.

## **76 Long Service Award**

Councillor Mick Higgins received his Commemorative Badge for 12 years' service to the Council from the Mayor.

Councillor Mick Higgins dedicated this honour to the people of Bamber Bridge.

## **77 Exclusion of Press and Public**

RESOLVED (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 defined as exempt from publication under paragraph 3 of Part 1, of Schedule 12A of the Local Government Act 1072, 'Information relating to the financial or business affairs of any particular person (including the authority holding that information)' and in which public interest in maintaining the exemption outweighed the public interest in disclosing it.

## **78 Garden Waste Charging Policy**

Council considered a report of the Director of Neighbourhoods and Development that sought approval on the proposed reduction in charge for the provision of the garden waste collection service.

The Leader explained that this reduction had been a joint decision by the administration and the Liberal Democrat Group and that further initiatives were being explored to reduce this charge further.

RESOLVED (Unanimously):

1. That Council approves the reduction in charge for the provision of the garden waste collection service, from £30 per annum to £25 per annum from April 2020. This is a 17% reduction in the Garden Waste collection charge,
2. That Council approves a review of the Garden Waste Charging Policy be undertaken, that will look at further reductions or removal of charges for those on pension credit or low incomes, reporting back to Cabinet in March 2020.

Chair

Date

