

**Minutes of Council**

**Meeting date Wednesday, 27 January 2021**

**Members present:** Councillors Jane Bell (Mayor), David Howarth (Deputy Mayor), Will Adams, Jacky Alty, Renee Blow, Damian Bretherton, Aniela Bylinski Gelder, Matt Campbell, Carol Chisholm, Colin Clark, Colin Coulton, Malcolm Donoghue, Bill Evans, James Flannery, Derek Forrest, Paul Foster, Mary Green, Michael Green, Harry Hancock, Jon Hesketh, Mick Higgins, Cliff Hughes, Susan Jones, Chris Lomax, Jim Marsh, Keith Martin, Christine Melia, Caroline Moon, Jacqui Mort, Peter Mullineaux, Alan Ogilvie, John Rainsbury, 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, Paul Wharton-Hardman, Carol Wooldridge and Barrie Yates

**Officers:** Gary Hall (Chief Executive), Chris Moister (Director of Governance) and Charlotte Lynch (Democratic and Member Services Officer)

**66 Apologies for absence**

None.

**67 Declarations of Interest**

Councillor Barrie Yates declared a personal interest in item 11 – Changes to Committee Membership.

**68 Minutes of meeting Wednesday, 25 November 2020 of Council**

Members were informed that the minutes would be amended to reflect that Councillor Cliff Hughes experienced technical issues during the meeting which resulted in him being unable to participate in voting.

Councillor Paul Wharton-Hardman also requested that the minutes be amended to include his apologies, which he had provided prior to the meeting.

RESOLVED: (Unanimously)

That the minutes of the Council meeting held on Wednesday, 25 November 2020 be approved as a correct record subject to the above amendments.

**69 Mayors Announcements**

The Mayor gave an update on recent engagements she had undertaken between December and January.

Many engagements had been held virtually due to the COVID-19 pandemic, including the Christmas Banquet and 'Story Time with the Mayor'.

The Mayor acknowledged that being virtual had allowed her to reach a wider demographic, with her posts reaching up to 31,000 people on Facebook.

As the meeting coincided with Holocaust Memorial Day, the Mayor led members and officers in a moment of stillness.

The Mayor then announced that the Deputy Mayor, Councillor David Howarth, would be taking the chair for the remainder of the meeting so that the advice of officers in the Civic Centre could be fully utilised whilst she attended the meeting remotely.

## **70 Cabinet**

Members received a general report of the Cabinet meetings held on Wednesday, 16 December 2020 and Wednesday, 20 January 2021.

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

RESOLVED: (Unanimously)

That the report be noted.

## **71 Governance Committee**

Members received a general report of the Governance Committee meetings held on Tuesday, 17 November 2020, Tuesday, 22 December 2020 and Tuesday, 19 January 2021.

It was proposed by Chair of the Governance Committee, Councillor Ian Watkinson, seconded by the Vice-Chair, Councillor Colin Sharples, and subsequently

RESOLVED: (Unanimously)

That the report be noted.

## **72 Scrutiny Committee**

Members received a general report of the Scrutiny Committee meeting held on Tuesday, 12 January 2021.

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

RESOLVED: (Unanimously)

That the report be noted.

### **73 Urgent Decisions Taken Due to COVID-19 Pandemic**

Members received a report of the Shared Services Lead – Democratic, Scrutiny and Electoral Services which informed of decisions taken using urgency powers as a result of the COVID-19 pandemic.

Decisions relating primarily to the pandemic, including additional devices for schools and support for businesses ineligible for grants, were taken using the urgent decision procedure in accordance with section 35 of the Council's constitution, which permits decisions to be made by the Chief Executive in consultation with the Leader or relevant Cabinet Member.

The Chair of the Scrutiny Committee was also consulted within the process and members were notified of decisions taken through a weekly update email.

The Leader of the Conservative Group expressed support on behalf of her group for the additional devices scheme.

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 report be noted.

### **74 External Audit Finding Report - Written Recommendations**

Council received a report of the Director of Governance which informed members of the written recommendations made by External Audit in their Audit Findings Report and proposed actions and improvements to address the issues raised.

The Leader of the Council explained that the Labour administration and officers had taken great strides to improve the corporate governance of the Council and that, as a result, the Council was now operating within all of its financial controls; that service performance had improved; and that a permanent Section 151 Officer had been appointed.

A commitment to a culture of compliance and transparency was provided and the need to learn from past experiences acknowledged.

The Leader of the Opposition and the Conservative Group, Councillor Margaret Smith, felt it worthwhile to note that both the Annual Governance Statements for 2018/19 and 2019/20 had received Section 24 Notices but acknowledged the difficulties experienced during these years.

Support for any actions necessary to improve the issues raised was expressed by Councillor Mrs Smith.

In response to a query from Councillor Stephen Thurlbourn regarding the proposed performance scrutiny action, it was agreed that the Scrutiny Committee would be able to undertake in-depth reviews of the Council's departments to monitor performance. The Chair of the Scrutiny Committee advised that this would need to be formally submitted to the Scrutiny Committee's work programme.

Councillor Alan Ogilvie requested an update on actions relating to the review of accounting policies and the authorisation of invoices and purchase orders, which were subject to the ability of third-party supports systems supporting these modifications.

In response, the Monitoring Officer advised that discussions were ongoing with software providers to ensure the prompt delivery of these actions and that the introduction of compensatory controls was being considered. It was anticipated that these actions would be delivered in line with the Council's Digital Strategy. An update to the Governance Committee was expected in March 2021.

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

RESOLVED: (Unanimously)

That

1. Council confirms that they have fully considered the audit findings reports for the years 2018/19 and 2019/20 presented by external audit and that the Section 24 written recommendations made therein are acknowledged;
2. the actions taken to address the section 24 written recommendations detailed within the report are noted;
3. the proposed actions at paragraphs 18, 24 and 31 in the report are approved for implementation; and
4. Council affirms their commitment to continuous improvement.

## **75 Review of Cabinet Portfolios**

Council received a report of the Director of Governance which presented the outcome of the review of Cabinet portfolios by the Leader of the Council and proposals to amend the Member Allowance Scheme accordingly.

The Leader, Councillor Paul Foster, paid tribute to Councillor Sue Jones who was stepping down from her role as Cabinet Member for Environment.

Other members echoed these sentiments and expressed their gratitude to Councillor Jones for all her work, particularly around projects on Worden Park and with the Friends of Walton Park.

The report also introduced Lead Members for Youth and Mental Health Awareness; Social Equality and Justice; and Climate Change, who would support Cabinet Members in their work. Councillors Matthew Trafford, Jacky Alty and Keith Martin were nominated to these roles, respectively, with Councillor Harry Hancock nominated as Member Champion for Volunteering and Friends Groups.

Terms of Reference for Lead Members would be presented to Cabinet in the coming months.

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

RESOLVED: (Unanimously)

That

1. the Cabinet portfolio, Lead Member and Member Champion responsibilities put forward by the Leader of the Council be noted; and
2. the Council's Member Allowance Scheme be amended to allow for a special responsibility allowance of £1,500 to be paid to Lead Members, subject to approval by the Independent Member Remuneration Panel currently being convened.

## **76 Changes to Committee Membership**

Council received a report of the Director of Governance which outlined minor changes to the membership of various committees until the Annual Meeting in May 2021.

It was proposed by the Leader of the Council, Councillor Paul Foster, seconded by Deputy Leader Councillor Mick Titherington, that Councillor Chris Lomax replace Councillor Mick Higgins on the Planning Committee, that Councillor Sue Jones replace Councillor Chris Lomax on the Scrutiny Committee and that the vacant Labour Group seat on the Standards Committee be filled by Councillor Sue Jones.

An amendment to the motion was moved by Councillor Caleb Tomlinson, seconded by Councillor Ange Turner, to remove Councillor Barrie Yates from the Planning Committee following allegations of unacceptable conduct and harassment of other committee members.

Councillor Paul Wharton-Hardman proposed an additional amendment to the substantive motion, seconded by the Leader Councillor Paul Foster, to remove himself from the Appeals Committee following his resignation from the Conservative Group.

There was substantial debate between members regarding the removal of Councillor Barrie Yates from the Planning Committee.

Many members condemned the alleged behavior but the Leader of the Conservative Group, Councillor Mrs Margaret Smith, felt that approving Councillor Yates' expulsion from the committee would be premature and should be subject to the outcome of the ongoing Standards Committee investigation.

Votes were taken on each proposal individually and were recorded as follows:

RESOLVED: (Unanimously)

That

1. Councillor Chris Lomax replace Councillor Mick Higgins on the Planning Committee;

2. Councillor Sue Jones replace Councillor Chris Lomax on the Scrutiny Committee;
3. Councillor Sue Jones be appointed to the vacant seat on the Standards Committee; and
4. Councillor Paul Wharton-Hardman be removed from the Appeals Committee, with a replacement from the Conservative Group nominated at the next Council meeting.

On the amendment to remove Councillor Barrie Yates from the Planning Committee the vote was recorded as follows:

**FOR:** Councillors Adams, Alty, Bell, Blow, Bylinski Gelder, Donoghue, Evans, Flannery, Forrest, Foster, Hancock, Higgins, Howarth, Jones, Lomax, Martin, Melia, Sharples, Shaw, Suthers, Titherington, Caleb Tomlinson, Matthew Tomlinson, Trafford, Turner, Watkinson, Wharton-Hardman and Wooldridge;

**AGAINST:** Councillors Bretherton, Campbell, Chisholm, Clark, Coulton, Mary Green, Michael Green, Hesketh, Hughes, Marsh, Moon, Mort, Mullineaux, Ogilvie, Rainsbury, Margaret Smith, Phil Smith, Thurlbourn, Walton, Watson and Yates.

The Deputy Mayor declared that **the amendment was carried** (For: 28 Against: 21).

## **77 2021-22 Calendar of Meetings**

Council considered a report of the Shared Services Lead – Democratic, Scrutiny and Electoral Services that presented the Calendar of Meetings for the 2021-22 municipal year.

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 2021-22 Calendar of Meetings be approved.

## **78 Tint Policy Report**

Council received a report of the Shared Services Lead – Legal which sought approval for the adoption of an amendment to the Licensing Policy, relating to allowed levels of light transparency in hackney carriage and private hire vehicle windows.

It was proposed by the Chair of the Licensing and Public Safety Committee, Councillor James Flannery, seconded by Councillor John Rainsbury, and subsequently

RESOLVED: (Unanimously)

That

1. the report be noted; and
2. an amendment to the tinted windows policy to reduce the currently permitted tint levels allowed in vehicles to 50% from 70% be formally adopted by Council.

## **79 Modified Vehicles Policy**

Council received a report of the Shared Services Lead – Legal which sought approval for the adoption of an amendment to the Licensing Policy to require vehicles that have been altered since first manufacture to be tested when first licenced and not upon each renewal as currently stated in the policy.

It was proposed by the Chair of the Licensing and Public Safety Committee, Councillor James Flannery, seconded by Councillor John Rainsbury, and subsequently

RESOLVED: (Unanimously)

That

1. the report be noted; and
2. the proposal to require vehicles that have been altered since first manufacture to be tested only when first licenced be formally adopted by Council.

## **80 National Register of Hackney and Private Hire Licences**

Council received a report of the Shared Services Lead – Legal which sought approval for the adoption of an amendment to the Taxi Licensing Policy to include National Register of Taxi Licence Refusals and Revocations (NR3) checks as a mandatory requirement.

It was proposed by the Chair of the Licensing and Public Safety Committee, Councillor James Flannery, seconded by Councillor John Rainsbury, and subsequently

RESOLVED: (Unanimously)

That

1. the report be noted; and
2. the Taxi Licensing Policy be amended to include National Register of Taxi Licence Refusals and Revocations (NR3) checks as a mandatory requirement.

## **81 Notice of Motion**

A motion was moved by Councillor Matthew Tomlinson, seconded by Councillor Jacky Alty.

The motion stated:

“This Council extends its sympathies and condolences to all our residents and families who have lost loved ones in the Covid 19 pandemic. Council commends everyone in our Borough, including our own staff, who have stepped forward during the last twelve months to provide help, assistance and support to all our community in such difficult times.

In doing so, this Council supports South Ribble resident Rachael Lidgett’s campaign to mark [March 23rd](#) as a day of national remembrance of those who have lost their lives to Covid 19. This Council further commits to provide publicity to the ongoing petition via its normal communication outlets.”

The link to the petition is available at:

[https://petition.parliament.uk/petitions/568631?fbclid=IwAR18muSZgEO\\_li0752O1K K20OvdcuGlnJVEIeiYUnhiH0uf2kcjgD7bXMCw](https://petition.parliament.uk/petitions/568631?fbclid=IwAR18muSZgEO_li0752O1K K20OvdcuGlnJVEIeiYUnhiH0uf2kcjgD7bXMCw)”

Support for the motion was widely expressed and Ms Lidgett’s efforts in her campaign were praised.

Members offered their sincere condolences to the families of those who have passed away due to COVID-19 and commended the NHS and other key workers for all their hard work during this unprecedented time.

A vote was recorded as follows:

**FOR:** Councillors Adams, Alty, Bell, Blow, Bretherton, Bylinski Gelder, Campbell, Chisholm, Clark, Coulton, Donoghue, Evans, Flannery, Forrest, Foster, Mary Green, Michael Green, Hancock, Hesketh, Higgins, Howarth, Hughes, Jones, Lomax, Marsh, Martin, Melia, Moon, Mort, Mullineaux, Ogilvie, Rainsbury, Sharples, Shaw, Margaret Smith, Phil Smith, Suthers, Thurlbourn, Titherington, Caleb Tomlinson, Matthew Tomlinson, Trafford, Walton, Watkinson, Watson, Wharton-Hardman, Wooldridge and Yates;

**ABSTAIN:** Councillor Turner

The Deputy Mayor declared that **the substantive motion was carried** and it was therefore

RESOLVED: (For: 48 Abstain: 1)

That

1. South Ribble Borough Council supports Ms. Lidgett’s campaign to mark 23 March as a day of national remembrance to those who have lost their lives to COVID-19; and
2. the Council commits to providing publicity to the petition through its communication outlets.

## 82 Questions to the Leader of the Council



Councillor Ange Turner asked the Leader if he would consult with South Ribble's representative on Lancashire County Council's Health Scrutiny Committee to ascertain whether effective scrutiny was being undertaken and if it was common practice for a member of an authority's administration to hold the roles of Chair and Vice Chair of a Scrutiny Committee, as is practiced at Lancashire County Council.

In response, the Leader acknowledged that this was a highly unusual practice. He also committed to holding discussions with South Ribble's representative on the LCC Health Scrutiny Committee, the Leader of the County Council and the Chair and Vice Chair of the Health Scrutiny Committee to strongly oppose the decision to redistribute 33% of Lancashire's COVID-19 vaccines to areas in the South of England.

In response to a query from Councillor Paul Wharton-Hardman regarding whether the Leader would consider amending the Council's Volunteering Policy to allow members of staff to 5 days for volunteer work per year, as opposed to the three days already permitted, it was acknowledged that many staff members were currently involved in volunteering projects and that he would discuss the possibility further with the Chief Executive.

A member of the public, Mr Derbyshire, submitted a written question as follows:

"For obvious reasons it is common and good practice to award the chair of Scrutiny to a member of the opposition. You seem to have gone against that good practice and awarded that position to your subs bench leader Councillor Howarth. It may be OK for the Lib Dem councillors and their leader to sell their souls for "mess of Green Bins" etc. but this is not good for the ratepayers who expect the opposition to be scrutinizer of your business.

My Question is as follows:-

Will you replace the head of scrutiny with a true member of the opposition?"

Councillor Foster responded by explaining that the current Chair of the Scrutiny Committee was the Leader of the Liberal Democrat Group and, therefore, a member of the opposition. It was for this reason that he declined to consider appointing a new Chair.

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

### Questions to the Cabinet Member (Finance, Property and Assets)

Councillor Harry Hancock asked the Cabinet Member how the multi-use games area at Penwortham Priory Academy, which had been paid for through contributions from Penwortham Town Council and Section 106 monies, would become the property of the school.

In response, the Cabinet Member acknowledged a complicated backstory and suggested that the Scrutiny Committee would be best placed to undertake a review into this project.

Councillor Alan Ogilvie queried why Purcell Consultants had not been retained to work on the Worden Hall project, following the recent appointment of GCS Quantity

Surveyors. The Cabinet Member explained in response that there had been some concerns with the cost of retaining Purcell and that GCS had experience with similar-value contracts.

Councillor Ogilvie requested three examples of such contracts held by GCS, which the Cabinet Member committed to providing outside of the meeting.

A question was submitted by a member of the public, Mr Derbyshire, as follows:

“Councillor Tomlinson,

This statement was read out not by Margaret Thatcher but Sir Keir Starmer commenting on the governments awarding of contracts and I quote.

*“This is not the Prime Minister’s money, its taxpayers’ money. The PM may well not know the value of the pound in his pocket, but the people who send us here do, and they expect us to spend it wisely,”*

Councillor Tomlinson when I send my rates money to SRBC I expect it, as Sir Keir Starmer stated, to be spent wisely, and the process of that spend to be fully visible to the ratepayer.

I consider the awarding contracts “behind closed doors” to be an affront to the ratepayer.

It may be considered magnanimous of you to award contracts to local businesses but I consider that does not satisfy the economic necessities of good transparent business practice.

Another issue that may arise is the problem of perceived corruption. I am not accusing you of corruption but this method of awarding building contracts leaves you open to accusations that you may be.

My Questions are as follows:-

1. Will you cancel the awarded contract and put out the scheme to tender?
2. If you won’t cancel the project will you publish to the ratepayers its cost?”

In response, the Cabinet Member confirmed that the fees associated with appointing GCS were appropriate but that the actual amount could not be disclosed at the current time.

#### Questions to the Cabinet Member (Communities, Social Justice and Wealth Building)

A member of the public, Mr Derbyshire, submitted a question to the Cabinet Member as follows:

“Councillor Gelder

I live in Penwortham and I am a little confused where I address my council issues.

Do I contact Penwortham Hub, Penwortham Town Council, South Ribble Council, Lancashire CC or my MP? (At least I lost my MEP).

I am a true believer in devolved democracy but even I believe this level of representation is going too far.

My Questions are as follows:-

1. Do you agree with me that this multiple level of democracy is taking thing too far?
2. If not will you provided a detailed list of which committee etc. I contact if I wish to solve a problem I consider is a council issue. i.e. who cuts the grass etc.”

In her response, the Cabinet Member confirmed her position that it would be difficult to have too much democracy. Clarification was provided on which authorities were responsible for what.

The Cabinet Member further advised Mr Derbyshire and all South Ribble residents to contact the South Ribble Gateway with any questions in relation to services provided by all local government authorities in South Ribble. It was also reiterated that the Department for Work and Pensions, Citizens Advice Bureau and the Gateway all operate from the Civic Centre to support residents through the ‘One Front Door approach’.

#### Questions to the Cabinet Member (Planning, Regeneration and Business Support)

Councillor Alan Ogilvie asked, on behalf of a resident, if the Cabinet Member would respond to an email query sent by the resident regarding the full costs of the public inquiry into the Wainhomes application at Chain House Lane, Whitestake.

The Cabinet Member responded to Councillor Ogilvie by clarifying that he had not received any correspondence from the resident since late last year. The query had been forwarded onto officers, who the Cabinet Member understood had provided the resident with the information they required, but he would ask officers to resend this information.

#### **84 Questions to Chairs of Committees and My Neighbourhood Hubs**

This item was withdrawn from the agenda and was initially published in error.

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

This item was withdrawn from the agenda and was initially published in error.

#### **86 Exclusion of the 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 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.

#### **87 Future management of Leisure Centres**

*Councillors Mick Higgins and Jim Marsh left the meeting prior to this item and did not take part in the vote.*

Council considered a confidential report of the Director of Communities which presented members with several options for the future management of leisure centres in South Ribble.

Although acknowledged as an important decision, contrasting opinions on the proposals were expressed by many members. The Leader of the Opposition, Councillor Margaret Smith proposed an amended motion, seconded by Councillor Damian Bretherton, which would deviate from the recommendations and allow a further period of 12 months to fully assess the proposals.

A vote was taken on the amendment and was recorded as follows:

**FOR:** Councillors Bretherton, Campbell, Chisholm, Clark, Coulton, Mary Green, Michael Green, Hesketh, Hughes, Moon, Mort, Mullineaux, Ogilvie, Rainsbury, Margaret Smith, Phil Smith, Suthers, Thurlbourn, Walton, Watson, Wharton-Hardman, and Yates;

**AGAINST:** Councillors Adams, Alty, Bell, Bylinski Gelder, Donoghue, Evans, Flannery, Forrest, Foster, Hancock, Howarth, Jones, Lomax, Martin, Melia, Sharples, Shaw, Titherington, Caleb Tomlinson, Matthew Tomlinson, Trafford, Turner, Watkinson, and Wooldridge.

The Deputy Mayor declared that the amended motion was **lost** (For: 22 Against: 24).

A vote on the substantive motion, proposed by the Leader Councillor Paul Foster and seconded by Deputy Leader Councillor Mick Titherington, was then taken and recorded as follows:

**FOR:** Councillors Adams, Alty, Bell, Bylinski Gelder, Donoghue, Evans, Flannery, Forrest, Foster, Hancock, Howarth, Jones, Lomax, Martin, Melia, Sharples, Shaw, Titherington, Caleb Tomlinson, Matthew Tomlinson, Trafford, Turner, Watkinson, and Wooldridge;

**AGAINST:** Councillors Bretherton, Campbell, Chisholm, Clark, Coulton, Mary Green, Michael Green, Hesketh, Hughes, Moon, Mort, Mullineaux, Ogilvie, Rainsbury, Margaret Smith, Phil Smith, Suthers, Thurlbourn, Walton, Watson, Wharton-Hardman, and Yates.

The Deputy Mayor declared that the substantive motion was **carried** and it was subsequently

RESOLVED: (For: 24 Against: 22)

That the confidential recommendations contained within the report be approved.

Chair

Date