

<b>Minutes of</b>	<b>Council</b>
<b>Meeting date</b>	<b>Wednesday, 22 September 2021</b>
<b>Members present:</b>	Councillors Jane Bell (Mayor), David Howarth (Deputy Mayor), Jacky Alty, Renee Blow, Damian Bretherton, Julie Buttery, Aniola Bylinski Gelder, Matt Campbell, Colin Coulton, Malcolm Donoghue, Bill Evans, James Flannery, Derek Forrest, Paul Foster, Mary Green, Michael Green, Harry Hancock, Jon Hesketh, Cliff Hughes, Susan Jones, Chris Lomax, Jim Marsh, Keith Martin, 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, Kath Unsworth, Karen Walton, Ian Watkinson, Paul Wharton-Hardman, Carol Wooldridge and Barrie Yates
<b>Officers:</b>	Chris Sinnott (Deputy Chief Executive), Chris Moister (Director of Governance), Mark Lester (Director of Commercial), Jonathan Noad (Director of Planning and Development), Louise Mattinson (Director of Finance and Section 151 Officer) and Ruth Rimmington (Democratic Services Team Leader)
<b>Members present via Teams:</b>	Councillor Carol Chisholm and Councillor Gareth Watson
<b>Public:</b>	40

#### **39 Minute's silence**

The Mayor invited Members to observe a minute's silence in memory Councillor Christine Melia who had passed away following a short illness.

Councillors Paul Foster and Karen Walton paid tribute and sent their condolences to the families. Councillors David Howarth, Caleb Tomlinson and Chris Lomax also paid tribute.

#### **40 Apologies for absence**

Apologies were received from Councillors Will Adams and Caroline Moon. Councillors Carol Chisholm and Gareth Watson attended the meeting via Microsoft Teams and so were not able to participate in voting.

#### **41 Declarations of Interest**

No declarations of interest were received.

#### **42 Minutes of meeting Wednesday, 21 July 2021 of Council**

Resolved (Unanimously) That the minutes of the Council meeting held on 21 July 2021 be approved as a correct record.

#### **43 Mayors Announcements**

The Mayor promoted an event at Rococco Coffee Lounge in aid of her charities and gave an update on her recent duties, including the opening of several places and visiting others. The Mayor noted the contribution made by volunteers in the Borough and thanked them for their work.

#### **44 Caravan Site Licensing - Fit and Proper Test**

The Mayor explained that due to the number of members of the public who were in attendance for this item she had decided to take this item first.

The Chair of the Licensing and Public Safety Committee, Councillor James Flannery, presented the report of the Director of Planning and Development which sought approval to adopt The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

Several members spoke in support of the recommendations, including Councillors David Howarth and Phil Smith.

Two members of the public spoke in relation to an existing site, and expressed their concerns regarding

- development within the site
- maintenance issues
- communication issues

Councillor Flannery undertook to speak with the residents the following day and advised that he had already visited the site to investigate the issues raised. Information from the residents about the issues will be shared with all members for their information.

It was proposed by the Chair of the Licensing and Public Safety Committee, Councillor James Flannery, seconded by the Cabinet Member (Planning, Business Support and Regeneration) Councillor Bill Evans, and subsequently

Resolved (unanimously)

1. To note the content of the report.
2. To agree to adopt The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

#### **45 Cabinet**

Members received a general report of the Cabinet meeting held on 15 September.

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 that the report be noted.

#### **46 Urgent Decisions**

Members received a report setting out a number of urgent decisions taken in accordance with urgency procedures outlined in the Council's Constitution since the report to the last meeting of Council.

These urgent decisions include 'key' decisions taken by the Executive (i.e. Cabinet of Individual Executive Members) as defined in the Cabinet Forward Plan / Notice of Executive Decisions, decisions which include confidential or exempt information, and urgent decisions for which the Mayor agreed to waive scrutiny call-in. For clarification, these do not relate to urgent decisions arising from the COVID pandemic.

The report also includes urgent decisions taken by the Chief Executive in consultation with the Leader of the Council in accordance with Section 35 of Part 4A of the Council's Procedure Rules. This may include decisions relating to the COVID pandemic such as the need to urgently release funding allocated for this purpose.

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 that the report be noted.

#### **47 Governance Committee**

Members received a general report of the Governance Committee meeting held on 27 July.

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

Resolved that the report be noted.

#### **48 Scrutiny Committee**

Members received a general report of the Scrutiny Budget and Performance Panel meeting held on 13 September.

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

Resolved (unanimously) that the report be noted.

#### **49 Report of the Standards Committee Hearing**

The Chair of the Standards Committee, Councillor Carol Wooldridge, presented the report of the Monitoring Officer regarding the Standards Committee meeting held on 6 September 2021.

The Standards Committee had considered a complaint that Councillor Barrie Yates breached the Code of Conduct for Members. The Committee upheld the complaint and asked that the decision be referred to Full Council for information.

A number of members commented on the report, including Councillors Mick Titherington, Matthew Tomlinson, David Howarth and Paul Wharton-Hardman noting the need for members to

- be respectful of each other and officers
- conduct themselves in accordance with the Code of Conduct
- take advice given by officers

It was noted that Councillor Yates had been removed from the Planning Committee membership but had been included within the membership in May, pending the outcome of the Standards hearing

The Leader of the Opposition, Councillor Karen Walton, noted the decision of the Standards Committee and supported the cross party working group to review of the Code of Conduct for Members.

The Leader of the Council, Councillor Paul Foster, noted that the External Auditors and the Local Government Association have reported improvements at the Council and these improvements need to be embraced by all members. Inappropriate behaviour must be challenged.

Councillor Barrie Yates informed the meeting that he would be taking action against the council via the Ombudsman regarding this matter.

It was proposed by the Chair of the Standards Committee, Councillor Carol Wooldridge, seconded by the Vice-Chair of the Standards Committee Councillor Jacqui Mort, and subsequently

Resolved (unanimously)

1. To review and note the complaint and the decision of Standards Committee in relation to the conduct of Cllr Barrie Yates.
2. To support the recommendation that there be a review of the Code of Conduct for Members with an emphasis on
  - a. Simplifying the code and aligning with legislation the recommendations of the Office for Standards in Public Life; and specifically
  - b. Consideration of standardising the code of conduct across South Ribble BC and Chorley BC.
3. That the Monitoring Officer be tasked with establishing a cross party and stakeholder working group to undertake the review and for the working group to present recommendations to Council for consideration and if approved adoption in due course.

## **50 Extension to cafe pavement licences**

The Chair of the Licensing and Public Safety Committee, Councillor James Flannery, presented the report of the Director of Planning and Development which sought approval to extend the current Café pavement licensing scheme until 30 September 2022 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.

In response to a query it was noted that timescales required the report to be considered by Council directly, rather than consulting with the Licensing and Public Safety Committee first. All members attend Council and are able to participate in the debate and decision.

It was proposed by the Chair of the Licensing and Public Safety Committee, Councillor James Flannery, seconded by the Cabinet Member (Planning, Business Support and Regeneration) Councillor Bill Evans, and subsequently

Resolved (unanimously)

1. To note the changes to the Business and Planning Act 2020 introduced by The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.
2. To agree to extend the proposed duration of granting of pavement licences until 30 September 2022 as per The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.
3. To confirm the level of fee charged in respect of applications for pavement licences issued under the Business and Planning Act 2020.
4. To extend delegated authority to Officers as described at Paragraph 25 of the report.

#### **51 2021/22 Corporate Capital Programme and Balance Sheet Monitoring Report - position as at 31st July 2021**

The Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson, presented the report of the Director of Finance which sought approval to the revised capital programme which reflected all amendments to the programme that have been approved in the 4 months to 31 July 2021.

The report also noted the position in the Balance Sheet Monitoring section of the report in respect of cash, investment and loan balances, and debtors as at 31 July 2021.

In response to a query it was noted that the Worden Hall budget increase and green RAG status relate to the project being delivered on time. Challenges within the construction industry have impacted on the costs of this project. It was also noted that virements in budgets were common and the detail of virements were set out within the report.

It was proposed by the Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson, seconded by the Leader of the Council, Councillor Paul Foster, and subsequently

Resolved (unanimously)

1. To approve the revised capital programme as attached at Appendix A which reflects all amendments to the programme that have been approved in the 4 months to 31 July 2021, as detailed in paragraph 11 of the report.
2. To note the position in the Balance Sheet Monitoring section of the report in respect of cash, investment and loan balances, and debtors as at 31 July 2021.

## **52 Land Transfer at Vernon Carus**

The Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson, presented the report of the Director of Commercial which sought the approval for the finances around the proposal to support Cabinet's decision agreeing the transfer of land at the Vernon Carus Sports Club.

Councillor Tomlinson thanked Councillor Titherington for his input into this project, and noted that the recreational land which includes football and cricket pitches and a bowling green would be protected as assets for the community.

Members spoke in support of the decision, including Councillors Margaret and Phil Smith, Alan Ogilvie and Mick Titherington. A query was raised regarding when the money would be received by the Council and what the inspection arrangements will be. This would be clarified following the meeting.

It was proposed by the Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson, seconded by the Leader of the Council, Councillor Paul Foster, and subsequently

Resolved (unanimously)

That Council puts in place a revenue budget funded from the £500,000 receipt to cover ongoing reservoir running costs which should last 25 years (based on £20,000pa).

## **53 Changes to the Council's Constitution - Substitute Committee Members**

The Leader of the Council, Councillor Paul Foster, presented the report of the Director of Governance which proposed changes to the Council's constitution to extend the provision allowing substitute Members to be appointed to relevant committees and to agree substitute Members put forward by the respective political group leaders.

Councillor Foster explained the need to ensure democracy continues despite the challenges of Covid. The use of substitute members has worked well for the Shared Services Joint Committee and the decision has been brought to Council quickly to facilitate the decision-making process.

The Leader of the Opposition, Councillor Karen Walton, noted the need for substitute members to attend training where necessary and to receive all papers for the relevant Committees when published. It was noted this kind of change has previously been considered by the Constitution Task Group prior to a decision by Council. Substitute members will be given as much notice as possible of their need to attend.

The Leader of the Liberal Democrats Group, Councillor David Howarth, supported the proposal as it encourages wider participation.

Following a query the Director of Governance undertook to produce a guidance note for substitute members.

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)

1. The Council's constitution be changed to allow substitute Members to be appointed to relevant committees as outlined in the report.
2. The Council's Monitoring Officer be authorised to make the consequential changes to the Council's constitution.
3. The substitute Members put forward by Group Leaders below be agreed until the next annual meeting of the Council.

<b>Committee</b>	<b>Conservative</b>	<b>Labour</b>	<b>Liberal Democrat</b>
Planning Committee	1. Cllr D Bretherton 2. Cllr P Mullineaux	1. Cllr M Trafford 2. Cllr K Unsworth	1. Cllr D Shaw 2. Cllr D Howarth
Licensing & Public Safety	1. Cllr M Smith 2. Cllr G Watson	1. Cllr M Higgins 2. Cllr C Sharples	1. Cllr H Hanock 2. Cllr A Turner
Standards Committee	1. Cllr J Buttery 2. Cllr B Yates	1. Cllr J Flannery 2. Cllr J Bell	1. Cllr D Howarth 2. Cllr D Shaw
Scrutiny Committee	1. Cllr J Mort 2. Cllr J Rainsbury	1. Cllr C Lomax 2. Cllr C Wooldridge	1. Cllr H Hancock 2. Cllr A Turner
Scrutiny Budget & Performance Panel	1. Cllr Michael Green 2. Cllr S Thurlbourn	1. Cllr C Lomax 2. Cllr C Wooldridge	1. Cllr H Hancock 2. Cllr A Turner
Governance Committee	1. Cllr C Moon 2. Cllr K Walton	1. Cllr M Trafford 2. Cllr D Forrest	1. Cllr D Shaw 2. Cllr D Howarth
Shared Services Joint Committee	1. Cllr D Bretherton 2. Cllr P Smith	1. Cllr M Titherington 2. Cllr A Bylinski Gelder	1. Cllr D Howarth 2. Cllr A Turner
Appointment & Employment Panel	1. Cllr C Moon 2. Cllr Mary Green	1. Cllr S Jones 2. Cllr A Bylinski Gelder	1. Cllr D Shaw 2. Cllr H Hancock
Appeals Committee	1. Cllr M Campbell 2. Cllr C Coulton	1. Cllr W Adams 2. Cllr C Tomlinson	1. Cllr R Blow 2. Cllr D Howarth

#### **54 Public Sector Decarbonisation Scheme, Phase 3 grant bid**

The Cabinet Member (Health and Wellbeing), Councillor Mick Titherington, presented the report of the Director of Communities. The report contained proposals to enable the Council to apply for Public Sector Decarbonisation Scheme to allow decarbonisation works to be undertaken at the Civic Centre, Moss Side Depot,

South Ribble Tennis Centre, Leyland, Bamber Bridge and Penwortham Leisure Centres, as part of the Council's work to achieve carbon neutrality across its estate.

The report also set out recommendations relating to the creation of a budget funded by a grant awarded to the authority under the Low Carbon Skills Fund and the utilisation of existing capital budgets to provide a Council contribution under the Public Sector Decarbonisation Scheme.

It further requested approval for the submission of a grant application as part of the DEFRA Air Quality Grant Scheme, to fund additional work in schools and measures to combat air quality within designated Air Quality Management Areas.

Members discussed the challenging target of being carbon neutral by 2030 and noted the council can only control targets within its estate, rather than private houses, although it can influence in a positive way.

Members thanked the officers for their work on this, including Councillors Thurlbourn, Martin and Titherington.

It was proposed by Cabinet Member (Health and Wellbeing), Councillor Mick Titherington, seconded by the Leader of the Council, Councillor Paul Foster, and subsequently

Resolved (unanimously)

Public Sector Decarbonisation Scheme

1. To approve the submission of grant applications for the six identified buildings as part of the BEIS Public Sector Decarbonisation Scheme Phase 3 (PSDS3) grant offer.
2. To approve the capital contribution of up to £500,000 for the equivalent 'like for like' replacement of existing fossil fuel plant following successful award of the grant funding.
3. This will include the utilisation of some of the existing capital budgets for Civic Centre,

Corporate Buildings and Leisure Centre Refurbishment

4. To delegate final approval to proceed (including Council contribution) following the grant award offer, to the Cabinet member for Health and Wellbeing up to a total of £500,000 contribution.
5. To approve the creation of a budget equivalent to the value of any successful grant bid, following successful award of the Public Sector Decarbonisation Scheme grant funding to allow the works to commence. It is estimated this could be in the region of £4 to 5m.

Low Carbon Skills Fund

6. To approve the creation of a budget following the application to the Low Carbon Skills Fund (LCSF) and the award of £223,000 to produce additional decarbonisation plans for the remaining Council estate and further feasibility studies for the Civic Centre, Moss Side Depot, South Ribble Tennis Centre, Leyland, Bamber Bridge and Penwortham Leisure Centre's.
7. To approve the utilisation of the £223,000 Low Carbon Skills Funding following an appropriate procurement exercise to achieve the aims of the grant application.

#### DEFRA Air Quality Grant

8. To approve the submission of grant application as part of the DEFRA Air Quality Grant Scheme, to fund additional work in schools and measures to combat air quality within designated Air Quality Management Areas (AQMAs).
9. To approve the creation of a budget equivalent to the grant value following successful award of the DEFRA Air Quality Grant Scheme. There is no defined limit for this funding but indicative amounts are between £10,000 and £60,000.

### 55 Questions to the Leader of the Council

Councillor Damian Bretherton asked about the failure rate of the trees planted along the Penwortham bypass and John Horrocks Way. He queried how many trees had failed, if any lessons have been learned for future schemes and how many of the total number of trees are included within the total quoted by the Council?

The Leader explained that Lancashire County Council (LCC) planted the trees. Planning Condition 19 of the consent require a tree planting and maintenance scheme which runs for at least 10 years. LCC consider the failure rate at the last inspection in June was 10 to 20% which is within parameters and a further check is scheduled for end of the month. If issues are identified then replacement planting will be undertaken before year end. The tree planting scheme was significant.

Councillor Alan Ogilvie queried on an action from the meeting of the Cabinet held on 16 June. The Leader had undertaken to write to the residents regarding how Section 106 monies generated from the Buckshaw Village area have been allocated to general maintenance of play equipment instead of being spent within Buckshaw Village. The Leader advised this had been undertaken and noted that no officer resource were used in the production of the publication.

Councillor Caleb Tomlinson asked if the Leader would join him in thanking the local police for their apprehension of four individuals who had a machete in Bamber Bridge. The Leader agreed to write to the Police thanking them for their swift action.

Councillor Matthew Trafford asked if the Leader felt it was appropriate for members to challenge the integrity of officers. The Leader advised that members should challenge members, not officers. At this point Councillor Ogilvie clarified that his intention had not been to criticize officers.

### 56 Questions to Cabinet Members

#### Questions to the Cabinet Member (Health and Wellbeing)

Councillor Matthew Tomlinson invited Councillor Mick Titherington to join him in congratulating Leyland Warriors Wheelchair team in their participation in Grand Final versus Leeds Rhinos. Councillor Titherington echoed the congratulations and supported the proposal for the Mayor and himself to write to express support from the Council.

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

Councillor Michael Green supported the forthcoming 'Taste of Leyland' event, but queried the late change to the venue being a car park and the loss of income for the car park on that day. Councillor Evans explained that an alternative had been explored, but wasn't available. The losses for one day would be around £70. The

date on the Executive Member report was noted as being earlier and this discrepancy will be clarified following the meeting.

## **57 Exclusion of Press and Public**

The Leader of the Opposition, Councillor Karen Walton, queried the nature of the confidential information within next item. The Monitoring Officer advised that there was a need for the Council to demonstrate best value during the procurement process and that the report contained information which was commercially sensitive.

The Leader of the Council, Councillor Paul Foster proposed, Cabinet Member (Health and Wellbeing), Councillor Mick Titherington seconded, and subsequently

Resolved (unanimously)

That the press and public be excluded from the meeting for the following item of business on the grounds that it involves the disclosure of exempt information as defined by paragraph 3 of Part 1 of schedule 12A to the Local Government Act.

## **58 McKenzie Arms Development Update**

The Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson, presented the confidential report of the Director of Commercial which updated on the cost plan for the development of 15 affordable homes at the McKenzie Arms site.

The report also sought member approval to the Council entering into a funding agreement with the Homes and Communities Agency (carrying on business as Homes England) should the bid be successful and authority for the Council to enter into any other necessary legal documentation.

Members discussed the report, the requirements of the passivhaus accreditation and the issue of right to buy. The social value of providing this much needed affordable housing scheme was noted.

Councillors Blow and Wharton-Hardman had left the meeting at this point and so did not participate in the vote.

It was proposed by the Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson, seconded by the Leader of the Council, Councillor Paul Foster,

To approve the recommendations as set out in the report.

A recorded vote was taken as follows:-

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

AGAINST – Councillors Bretherton, Buttery, Campbell, Coulton, Mary Green, Michael Green, Hesketh, Hughes, Marsh, Mort, Mullineaux, Ogilvie, Rainsbury, Margaret Smith, Phil Smith, Suthers, Thurlbourn, Walton and Yates.

The Mayor declared the motion carried and it was therefore

Resolved (23:19:0)

To approve the recommendations as set out in the report.

Chair

Date