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| <b>Minutes of</b>   | <b>Council</b>   |
| <b>Meeting date</b>                                       | <b>Wednesday, 25 January 2023</b>  |
| <b>Committee members present:</b>                         | Councillors David Howarth (Mayor), Chris Lomax (Deputy Mayor), Will Adams, Jacky Alty, Jane Bell, Damian Bretherton, Julie Buttery, Aniela Bylinski Gelder, Matt Campbell, Carol Chisholm, Mal Donoghue, James Flannery, Derek Forrest, Paul Foster, Mary Green, Michael Green, Harry Hancock, Jon Hesketh, Cliff Hughes, Clare Hunter, Lou Jackson, Jim Marsh, Keith Martin, Caroline Moon, Jacqui Mort, Peter Mullineaux, Alan Ogilvie, Colin Sharples, David Shaw, Margaret Smith, Phil Smith, Stephen Thurlbourn, Mick Titherington, Caleb Tomlinson, Matthew Tomlinson, Angela Turner, Kath Unsworth, Karen Walton, Ian Watkinson, Gareth Watson, Paul Wharton-Hardman and Barrie Yates |
| <b>Committee members attended virtually (non-voting):</b> | Councillors Colin Coulton, John Rainsbury and David Suthers  |
| <b>Officers present:</b>                                  | Chris Sinnott (Chief Executive), Chris Moister (Director of Governance), Asim Khan (Director of Customer and Digital), Dawn Highton (Head of Audit & Risk), Darren Cranshaw (Head of Democratic Services) and Ruth Rimmington (Democratic Services Team Leader)  |
| <b>Public:</b>  | 7  |

A video recording of the public session of this meeting is available to view on [YouTube here](#)

## **78 Holocaust Memorial Day**

The Mayor invited Kinga Grzeczynska to say a few words regarding Holocaust Memorial Day on Friday, 27 January.

## **79 Silence**

The Mayor invited Members to observe a minute's silence in memory of former councillor, Denis Lewis.

Councillors Matthew Tomlinson, Margaret Smith, Angela Turner and the Mayor, David Howarth paid tribute and sent their condolences to the family.

## 80 Apologies for absence

Apologies were received from Councillors Renee Blow, Michael Higgins, Susan Jones, Matthew Trafford and Carol Wooldridge.

## 81 Minutes of the last meeting

An amendment was proposed by the Leader of the Opposition, Councillor Karen Walton, and seconded by the Deputy Leader of the Opposition, Councillor Phil Smith, to the minutes of the meeting held on 12 December 2022 at paragraph five to add that "Members debated the proposals including the recommendations for the material considerations for development management purposes and concerns over the huge increase in the numbers of dwellings required to be built during the lifetime of the proposed local plan".

For: Councillors Damian Bretherton, Julie Buttery, Matt Campbell, Carol Chisholm, Mary Green, Michael Green, Jon Hesketh, Cliff Hughes, Jim Marsh, Caroline Moon, Jacqui Mort, Peter Mullineaux, Alan Ogilvie, Margaret Smith, Phil Smith, Stephen Thurlbourn, Karen Walton, Gareth Watson, Barrie Yates

Against: Councillors Will Adams, Jacky Alty, Jane Bell, Aniela Bylinski Gelder, Mal Donoghue, James Flannery, Derek Forrest, Paul Foster, Harry Hancock, David Howarth (Mayor), Clare Hunter, Lou Jackson, Chris Lomax, Keith Martin, David Shaw, Mick Titherington, Caleb Tomlinson, Matthew Tomlinson, Angela Turner, Kath Unsworth, Ian Watkinson, Paul Wharton-Hardman

Abstain: Councillor Colin Sharples

The Mayor declared that the amendment was lost by 19:22:1

Councillor Mary Green noted that that written responses to questions were not published. It was noted that written responses did not form part of the minutes, but the Leader agreed the responses can be made public moving forwards.

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 minutes of the Council meeting held on Wednesday, 23 November 2022 be approved as a correct record.

Resolved: (by majority 23:18:1) That the minutes of the Council meeting held on Monday, 12 December 2022 be approved as a correct record.

For: Councillor Will Adams, Jacky Alty, Jane Bell, Aniela Bylinski Gelder, Mal Donoghue, James Flannery, Derek Forrest, Paul Foster, Harry Hancock, David Howarth (Mayor), Clare Hunter, Lou Jackson, Chris Lomax, Keith Martin, David Shaw, Colin Sharples, Mick Titherington, Caleb Tomlinson, Matthew Tomlinson, Angela Turner, Kath Unsworth, Ian Watkinson, Paul Wharton-Hardman

Against: Councillor Damian Bretherton, Julie Buttery, Matt Campbell, Carol Chisholm, Mary Green, Michael Green, Jon Hesketh, Cliff Hughes, Jim Marsh, Caroline Moon, Jacqui Mort, Peter Mullineaux, Alan Ogilvie, Margaret Smith, Phil Smith, Stephen Thurlbourn, Karen Walton, Gareth Watson, Barrie Yates

Abstain: Councillor Caroline Moon

## **82 Declarations of Interest**

No declarations of interest were received.

## **83 Mayors Announcements**

The Mayor gave an update on his recent duties, including Christmas thank you meetings with council staff, the Leyland Band Christmas Spectacular and the Holocaust Memorial Day service at the Cenotaph in Chorley.

The Mayor reminded members of the spring banquet on 17 February.

## **84 Cabinet**

Members received a general report of the Cabinet meeting held on 18 January 2023.

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.

## **85 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.

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.

## **86 Scrutiny Committee**

Members received a general report of the Scrutiny Committee held on 24 November 2022 and 17 January 2023.

It was proposed by the Chair of the Scrutiny Committee, Councillor Angela Turner, seconded by Vice Chair of the Scrutiny Committee, Councillor Michael Green and subsequently

Resolved (unanimously) that the report be noted.

## **87 Governance Committee**

Members received a general report of the Governance Committee meeting held on 29 November 2022 and 10 January 2023.

Members noted the Constitution Task Group would be meeting in the next few weeks.

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

Resolved (unanimously) that the report be noted.

## **88 Committee appointments**

The Leader of the Liberal Democrat Group, Councillor Angela Turner, proposed a number of changes to Committee appointments for their Group.

It was proposed by the Leader of the Liberal Democrat group, Councillor Angela Turner, seconded by Councillor Harry Hancock and subsequently

Resolved (unanimously)

1. Standards Committee - Cllr David Howarth in place of Cllr Renee Blow
2. Licensing and Public Safety Committee (Vice-Chair) and Taxi Trade Forum - Cllr Harry Hancock in place of Cllr Renee Blow
3. Appeals Committee - Cllr David Howarth as substitute in place of Cllr Renee Blow

## **89 Calendar of Meetings 2023/24**

The Leader of the Council, Councillor Paul Foster, presented the report of the Director of Governance which sought approval for the calendar of meetings for the 2022-23 municipal year.

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 2023-2024 calendar of meetings be approved.

## **90 Nomination of Mayor-elect and Deputy Mayor-elect 2023/2024**

The Leader of the Council, Councillor Paul Foster, presented the report of the Director of Governance to agree the Mayor-elect and Deputy Mayor-elect for 2023/2024 (with a view to becoming Mayor 2024/2025).

Members, including the Leader of the Opposition, Councillor Karen Walton, the Leader of the Council, Councillor Paul Foster, and Councillor Michael Green spoke on the matter. The matter had also been discussed at Cabinet earlier in the month. The protocol used to select nominations for Mayor was referenced and it was noted that a Member may opt to decline the offer of Mayor.

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.

1. That Councillor Chris Lomax be appointed as Mayor-elect for 2023/2024;
2. That Councillor Carol Chisholm be appointed as Deputy Mayor-elect for 2023/2024.

## 91 Policy Review: Discretionary Housing Payments Policy

The Cabinet Member (Communities, Social Justice and Wealth Building), Councillor Aniela Bylinski Gelder, presented the report of the Director of Customer and Digital. The report presented the proposed revised and updated Discretionary Housing Payments (DHP) Policy, highlighted the reduction in central government funding and the potential for overspend as a result.

The Leader of the Opposition, Councillor Karen Walton, and Councillor Jane Bell spoke in support of the proposals.

It was proposed by the Cabinet Member (Communities, Social Justice and Wealth Building), Councillor Aniela Bylinski Gelder, seconded by the Leader of the Council, Councillor Paul Foster and subsequently Resolved (unanimously)

1. To approve the revised DHP Policy.
2. To note the reduction in Government funding.
3. The Executive Member to write to Secretary of State for Work and Pensions highlighting the council's concerns regarding the reduction in Government funding.
4. No additional funds be committed for DHP expenditure until the council's financial position is appraised.

## 92 Notice of Motion

The Leader of the Liberal Democrat Group, Councillor Angela Turner, presented a Notice of Motion "This Council notes that following amendments to the Elections Act made in Parliament in December, the Government intends to press ahead with the requirement of voters to produce photographic identification at polling stations in England and Wales before being issued with a ballot paper, to take effect from May 2023.

Council believes that these measures are totally unjustified given the extremely rare cases of voter fraud, and expresses its deep concern that the requirements will lead to voter suppression, disenfranchising marginalised sections of our community.

Council is further concerned that our staff will be placed in the invidious position of having to refuse to issue a ballot paper to those unable to produce acceptable identification, will have to decide as to whether the identification is valid, and will be placed in unacceptable conflict situations by having to refuse residents their right to vote.

As a result, Council shares the concerns raised by charity groups and other campaigning organisations about the adverse impact on older people, young people and those without the financial means to obtain the prescribed identification.

It further shares the concerns raised by the Electoral Commission, the Association of Electoral Administrators and the Local Government Association that there is insufficient time to implement voter identification and issue the new Voter Authority Certificates before May 2023.

A number of members spoke on the item, including Councillors Keith Martin, Mick Titherington, Matthew Tomlinson, Caleb Tomlinson, the Leader of the Opposition, Councillor Karen Walton, Gareth Watson, Jane Bell, the Leader of the Council, Councillor Paul Foster, Jacky Alty, Will Adams.

Three members of the public also exercised their right to speak.

It was proposed by the Leader of the Liberal Democrat group, Councillor Angela Turner, seconded by Councillor Harry Hancock and subsequently

Resolved (24:17:1) That the motion be supported.

To write to our local Members of Parliament to voice our concerns and opposition to this barrier to universal suffrage urging its repeal; and to the Minister for Levelling Up, Housing and Communities to urge that the measures be delayed to enable the changes to be adequately communicated, the necessary training of staff to take place and for the required financial support to be in place, ensuring that voting remains accessible to all.

For: Councillors Will Adams, Jacky Alty, Jane Bell, Aniela Bylinski Gelder, Mal Donoghue, James Flannery, Derek Forrest, Paul Foster, Harry Hancock, David Howarth (Mayor), Cliff Hughes, Clare Hunter, Lou Jackson, Chris Lomax, Keith Martin, Colin Sharples, David Shaw, Mick Titherington, Caleb Tomlinson, Matthew Tomlinson, Angela Turner, Kath Unsworth, Ian Watkinson, Paul Wharton-Hardman

Against: Councillors Damian Bretherton, Matt Campbell, Carol Chisholm, Mary Green, Michael Green, Jon Hesketh, Jim Marsh, Caroline Moon, Jacqui Mort, Peter Mullineaux, Alan Ogilvie, Margaret Smith, Phil Smith, Stephen Thurlbourn, Karen Walton, Gareth Watson, Barrie Yates

Abstain: Councillor Julie Buttery

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

A number of questions were submitted in advance by Councillor Damian Bretherton: At the last Council meeting the Leader refer to the Housing and Communities Minister, and the letter he sent to local authorities to do everything in their power to ensure the highest quality of housing standards.

Can equal praise be given to the Shadow Housing Secretary Lisa Nandy's support for a council house tenant's right to buy their home?

Does the Leader agree with Lisa Nandy's comments that Labour supports the principle of council and social tenants being able to buy their homes and considers it a sustainable policy if the homes are replaced like for like?

Does the Leader agree that it would be prudent for councils to build high standard homes at a cost at least equal to end value so if the need came to replace them, in the event the tenant exercised their right to buy, councils would not suffer a financial loss? He queried a comment made by Councillor Matthew Tomlinson at the last meeting regarding 'right to buy'.

Councillor Foster thanked Councillor Bretherton for the advance notice of the questions. He responded to clarify that Lisa Nandy did not support the 'right to buy' policy which had led to a lack of affordable rented social homes. The Labour Party was looking at a new policy with a 'right to buy' at market value on the proviso that every property was replaced on a 'like for like' basis. He also agreed that councils should build high standard homes.

Councillor Matthew Tomlinson raised a point of order for personal clarification – that he was against the current policy of 'right to buy' as the money was paid to the Treasury, rather than the council or Registered Social Landlord, but not against 'right to buy' generally.

The Leader of the Opposition, Councillor Karen Walton, noted the Governance Committee had considered the Commercial Services Directorate Procurement review which showed a pattern of non-compliance with governance procedures in previous internal audit reports. Now, a further Internal Audit report showed breaches of the governance framework, the Information Security Framework etc. The safeguards in place have failed resulting in reputational damage. What plans are in place to address this?

The overuse of waivers has been highlighted in the reports – when further investigation has been completed will the outcomes be reported to Governance Committee and Council?

Councillor Foster clarified that the administration was transparent, decisions are published and Internal Audit reports with 'limited assurance' are reported to Governance Committee. He requested that the full question be shared with him, in writing, to enable a full response, but did not accept the criticism of the Senior Management Team. There had been an issue with one or two individuals which had been identified and dealt with because of the policies and procedures in place.

Councillor Margaret Smith queried when Councillor Foster had been made aware of the issue as Vice-Chair of the Shared Services Joint Committee and if any of the contracts involved were still ongoing?

Councillor Foster advised he was made aware, as Leader of South Ribble Council. Chorley Council was a sovereign Council and it would not be appropriate to be briefed on issues relating to Chorley. The question related to the internal audit report would be addressed as part of the response to the questions circulated by email.

Councillor Wharton-Hardman asked if the Leader agreed the importance of Councillors maintaining their register of financial and other interests. The Leader agreed this was important. Councillor Wharton-Hardman queried the detail of a declaration which would be reviewed following the meeting by the member in question.

Councillor Michael Green noted the potential for evidence to be found as investigations continued and queried if the internal audit reports should have been formally brought to the attention of all members, perhaps as an agenda item this evening? When will members of the council be provided with any additional information relating to this issue?

Councillor Foster agreed it was important that all members be fully aware of all the information by the Statutory Officers and the Internal Auditors. He noted that 90% of the issues raised related to Chorley Council. He read out an extract from the report which stated decisions to appoint a consultation have been made transparently through Cabinet and Executive Member Decisions, however, there is evidence of minor process failure'. There were two procurement projects which required a legal waiver and only one was obtained.

The Mayor noted that a number of questions had been circulated by email that afternoon from the Conservative Group and requested that questions be shared following the timescales set out in the Constitution to enable the Cabinet member to response in full.

The Mayor read the questions in full for the benefit of members of the public.

1. As an ex magistrate and still on the reserve list, I have serious concerns that an employee/ consultant of this Council has been allowed to tender or obtain waivers for large contracts due to the proactive lack of management and safeguards. Can you, as Leader, explain why there has not been any contact made to the Police or the Crown Prosecution service as it is the Council's duty to report such issues?  
Councillor Julie Buttery
2. Could the Leader explain what security checks were undertaken by the IT department on the consultant before being allowed to access remotely, the most highly confidential information, including commercially sensitive data from direct competitors, breaking the Council's Code of Conduct?  
Councillor Matt Campbell
3. Could the Leader explain what actual data was made available to the officer/consultant in his roles at the Council and what checks have been put in place to ensure that consultants do not have an unfair advantage by way of access to highly confidential data?  
Councillor Mary Green
4. What steps have been taken to ensure that confidential data made available to the employee/consultant has not been transferred to another account. What data was deleted and as data cannot be fully deleted, has the account been checked for 'malware' to protect software data, and the security of the devices the employee/consultant used when the information was forwarded to personal accounts?  
Councillor Gareth Watson
5. Within the report there are several failings in the awards of contracts, including breaches of the 2015 Public Contracts Regulations. Could the Leader confirm to whom these breaches have been reported?  
Councillor Michael Green



6. Could the Leader explain why the Council still employ officers/consultants who have failed to comply with the Public Contracts Regulations 2015 and possibly gain from breaching the regulations. The public perception of the failure to ensure that adequate safeguards are in place is a serious risk to the reputation of this Council?  
Councillor Stephen Thurlbourn
7. What will be the impact to the reputation and financial risks for this council should unsuccessful bidders in the procurement process find out that an employee/consultant of this Council had unfair access to their commercially sensitive data. Does the Leader think it is a good idea for any employee to set up their own business still working on contracts whilst still working for the Council?  
Councillor Karen Walton
8. Serious questions need to be answered concerning the whole Governance of this Council. Can the Leader confirm that the External Auditors have been consulted for their opinion, are they going to take this issue of possibly a serious risk of fraud for this Council into consideration and will they be altering the Annual Governance Statement to reflect the reputation and financial risk caused by the clear breakdown of compliance within the Governance framework?  
Councillor Damian Bretherton

Councillor Foster stated that no evidence had been found of fraud or law breaking. Internal Audit reports with a 'limited assurance' rating were shared with the Governance Committee and all members had access to the reports considered by that Committee. The Governance Committee worked to ensure that the governance procedures for the council were robust.

Decisions to appoint a consultation had been made transparently through Cabinet and Executive Member Decisions, however, there was evidence of 'minor process failure'.

Councillor Foster responded to the questions in turn.

1. It would not be appropriate for the Council to contact the CPS – this would be for the Police.
2. The consultant worked for Chorley Council and so any security checks would have been undertaken by that authority.
3. The consultant did not have access to South Ribble ICT systems, as the data was transferred to the Chorley system.
4. In relation to the data being transferred to personal accounts that would be a question for the Leader of Chorley Council.
5. As regards the Public Contracts Regulations the vast majority of the issues raised related to Chorley Council.
6. There was evidence of 'minor process failures' at South Ribble.
7. The consultant was employed by Chorley Council as a consultant, not an employee of South Ribble Council.
8. There was evidence of 'minor process failure' at South Ribble.

Councillor Foster reiterated the need for all members be fully aware of all the information by the Statutory Officers and the Internal Auditors by means of an all member briefing with a focus on South Ribble, rather than Chorley.

In response to supplementary questions Councillor Foster noted there was evidence of 'minor process failures' at South Ribble. There was an ongoing process being undertaken by the Chief Executive and the issues had, and were being dealt with. It was not appropriate for members to get involved in staffing matters.

Councillor Foster noted he was made aware, by the former Chief Executive, in late summer the previous year, that there some issues were being investigated by Internal Audit. The report from Internal Audit was shared with him just before Christmas.

Councillor Julie Buttery raised a point of order for personal clarification – that she was not on the reserve list for magistrates as stated in the written question number one.

A member of the public raised a question regarding the number of residents who were not on the electoral roll. He queried the Leader's view on members letting or owning properties. He noted work referenced during the meeting had been undertaken by the Internal Auditor and queried if the External Auditor should be involved. Regarding Registers of Interests he noted the importance of these declarations, noting that these were not showing on the website for a number of members. (It was clarified that this should be raised with the Monitoring Officer as a complaint and was not an appropriate question to the Leader).

The Leader advised he was not aware of the number of residents who were not on the electoral roll, but he would make enquiries. He noted the number of properties owned by members was a matter for them. The Council had appointed External Auditors, but noted that the Internal Auditor reported directly to the Statutory Officers and could report directly to the Chair of the Governance Committee.

## **94 Questions to Cabinet Members**

### **Deputy Leader and Cabinet Member (Health and Wellbeing) - Councillor Mick Titherington**

There were no questions.

### **Cabinet Member (Communities, Social Justice and Wealth Building) – Councillor Aniela Bylinski Gelder**

The Leader of the Opposition, Councillor Karen Walton, noted she had not received a written response regarding her question asked at the last Council meeting regarding the young people speaking at Planning Committee. A response would be provided following the meeting.

A member of the public queried the functionality of the council's website, noting that some information was out of date. He noted the 'clean streets' app which assisted in reporting issues as an option and might reduce the number of calls to customer services.

Councillor Bylinski Gelder requested the detail of the question be shared with her to enable further investigation, highlighted the work to date on the new website and thanked the member of the public for his feedback.

**Cabinet Member (Finance, Property and Assets) – Councillor Matthew Tomlinson**

A question was submitted in advance by Councillor Damian Bretherton:

At the last council meeting I asked for an update on the financial implications for the McKenzie Arms development. A recent Homes England Compliance Audit on the McKenzie Arms development referred to a predevelopment valuation report. At Cabinet in November 2019 the scheme was presented at a cost of slightly more than £2 million with an estimated end value of £1.34 million. The valuer, under the Value For Money section of their report, indicated a “valuation gap” of £705,000.

Since then, costs have risen to over £3 million. Can the Cabinet member report on what the completion cost will be, or known to date, for the 15 homes and an estimate of the new “valuation gap” when completed?

Can the Cabinet Member confirm that Sanderson Weatherall (RICS Registered Valuer) will be invited back to revisit the site on completion to provide a report on the valuation of the completed project and update on the “valuation gap”?

Councillor Tomlinson apologised for any confusion and noted his recollection was that the question would be shared in writing for a response. He noted the complex history of the site, including restrictions on the resale of the site when the property was purchased.

The site would be valued as part of the accounts to state whether the development provided value for money for the existing use as social housing. As the project neared completion there was a projected underspend of around £180,000.

The budget was £3.1 million and the expected completion costs were £2.8 million.

Councillor Margaret Smith raised a point of order for personal clarification – that the council had partnered with a registered social landlord for the provision of homes within the borough.

A member of the public noted the freeze in council tax, noting money saving options and queried the plans to balance the budget.

Councillor Tomlinson noted shared services, use of ICT and efficiency gains as money saving options and advised that the budget was currently being finalised. The general reserves held by the council would be above that agreed sum of £4 million. He noted that staff deserved a pay rise.

**Cabinet Member Planning, Business Support and Regeneration) – Councillor James Flannery**

There were no questions.

Mayor

Date

