

MINUTES OF COUNCIL

MEETING DATE **Wednesday, 24 July 2019**

MEMBERS PRESENT: Councillors Harry Hancock (Mayor), Jane Bell (Deputy Mayor), Will Adams, Jacky Alty, Renee Blow, Damian Bretherton, Aniela Bylinski Gelder, Matt Campbell, Carol Chisholm, Colin Coulton, Malcolm Donoghue, Bill Evans, 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, John Rainsbury, Colin Sharples, David Shaw, David Suthers, Michael Titherington, Caleb Tomlinson, Matthew Tomlinson, Matthew Trafford, Angela Turner, Karen Walton, Ian Watkinson, Sarah Whitaker, Carol Wooldridge and Barrie Yates

OFFICERS: Gary Hall (Interim Chief Executive), Jane Blundell (Interim Section 151 Officer), Darren Cranshaw (Assistant Director of Scrutiny & Democratic Services), Paul Hussey (Director of Customer and Digital), Jennifer Mullin (Director of Neighbourhoods and Development), Dave Whelan (Legal Services Manager/Interim Monitoring Officer) and Dianne Scambler (Democratic and Member Services Team Leader)

PUBLIC: 15

15 Apologies for absence

Apologies for absence were received from Councillors Colin Clark, James Flannery, Margaret Smith, Phil Smith, Steven Thurlbourn and Paul Wharton-Hardman.

16 Minutes of meeting Wednesday, 15 May 2019 of Council

RESOLVED (Unanimously):

That subject to the removal of Councillor David Suthers from the attendance list, the minutes of the Council meeting held on 15 May 2019, be confirmed as a correct record for signing by the Mayor.

17 Minutes of Cabinet and Committees:

The Leader reported that this would be the last occasion that the minutes of the Cabinet and Committees would be brought to Council for the purpose of noting.

17a Minutes of the Cabinet meeting held on 16 June 2019

Councillor Paul Foster, Leader of the Council moved to note the draft minutes of the Cabinet meeting, seconded by Councillor Mick Titherington.

In response to a query regarding Green Links, the Deputy Leader of the Council, Councillor Mick Titherington made assurances that ward councillors would in future be invited to any future Green Links events.

Council noted the draft minutes of the Cabinet meeting held on 16 June 2019.

17b Minutes of Governance Committee held on 30 May 2019

Councillor Ian Watkinson, Chair of the Governance Committee moved to note the draft minutes of the Governance Committee, seconded by Councillor Angela Turner.

Council noted the draft minutes of the Governance Committee meeting held on 30 May 2019.

18 Declarations of Interest

Gary Hall, Interim Chief Executive and Jane Blundell, Deputy Section 151 Officer declared a prejudicial interest in Item 8.

Dave Whelan also declared a personal interest in Item 8, on behalf of the Leadership Team and Democratic Services.

Councillor Michael Green declared a personal interest in Item 14, in his role as a Cabinet Member for Lancashire County Council.

Councillor Karen Walton declared a personal interest in Item 14, in her role as a member of Farington Parish Council.

19 Mayors Announcements

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

20 Returning Officers Report

The Mayor congratulated Councillor Stephen Thurlbourn who had been elected and Councillor Karen Walton who had been re-elected to the Council at the Farington West Election held on 20 June 2019.

21 Appointment of Committees 2019/20

Council considered a report of the Assistant Director of Scrutiny and Democratic Services that reported a number of changes to the appointment of Members to various Committees.

The Leader of the Council had agreed to increase the membership of the Scrutiny Committee by two places, resulting in an additional seat for both the Conservative and Labour Group.

There was also some changes to the appointments on Planning Committee.

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

RESOLVED (Unanimously):

That

1. Councillors Stephen Thurlbourn (Conservative Group) and Jacky Alty (Labour Group) be appointed to the Scrutiny Committee for 2019/20.
2. Councillors Mick Higgins and Jane Bell be removed from Planning Committee for 2019/20.
3. Councillors Will Adams and James Flannery be appointed to the Planning Committee for 2019/20.

22 Decision: Appointment of Interim Chief Executive/Head of Paid Service and Interim Section 151 Officer

Gary Hall and Jane Blundell left the meeting.

Council considered a report of the Interim Monitoring Officer that informed of an urgent decision that had been made on 23 May 2019 in relation to the appointment of the Interim Chief Executive, this decision had been reported to a meeting of Cabinet on 19 June 2019. The report also sought approval to continue the current arrangements. The Leader had liaised with his Cabinet and the Chair of Scrutiny Committee prior to appointing Gary Hall by use of the Standing Order 35 decision.

Given the continuing absence from the office of the permanent Chief Executive it was necessary to appoint someone moving forward to fulfil the role of the Council's Chief Executive/Head of Paid Service. Gary Hall is the Chief Executive of Chorley Borough Council and has a good knowledge of the workings of this Council. It was reported that he would divide his time between the two Councils.

Given that the Deputy Chief Executive (Resources and Shared Services Transformation) had left the Council, it was proposed that the Deputy Section 151 Officer, Jane Blundell, be appointed as the Section 151 Officer on an interim basis. Ultimately the role of the Section 151 Officer will be dealt with as part of the Shared Services arrangements with Chorley Borough Council.

In response to a question from Councillor Alan Ogilvie, it was explained that Chorley Borough Council had not needed to make a decision to allow their Chief Executive to fulfil the role at this council. The Leader of the Council, Councillor Paul Foster was speaking to the Leader at Chorley on a weekly basis and all their Members were comfortable with the arrangements.

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

RESOLVED (Unanimously):

That

1. Council noted the Urgent Decision that had been taken.

2. Council approves that Mr Gary Hall should continue to act as the Council's Interim Chief Executive/Head of Paid Service, whilst our permanent Chief Executive continues to be absent from her role.
3. Council approves that Mrs Jane Blundell be appointed as the Interim Section 151 Officer (Statutory Finance Officer) until the role is filled on a permanent basis.

Gary Hall and Jane Blundell returned to the meeting.

23 Creation of a Member Development Steering Group

Council considered a report of the Assistant Director of Scrutiny and Democratic Services that proposed the creation of a cross-party Member Development Steering Group to champion the development of Members and help the Council retain the North West Charter for Elected Member Development.

Following the delivery of a comprehensive Member Induction programme after May's elections, the next stage is to develop a Member Development programme for the remainder of the year and forward planning.

The Leader talked about the importance of an effective training and development for both Elected Members and staff. It had come to his attention lately that the Council had lost its Gold status when re-assessed in 2018 for the Investor's In People (IIP) award, with assessors stating that significant changes across the authority had had a negative impact of staff. The Leader acknowledged that this needed to be addressed.

It was proposed by Councillor Paul Foster, seconded by Councillor Mick Titherington to agree the creation of a Member Development Steering Group as per the composition, terms of reference and approach outlined in the report.

Whilst supporting the creation of the Member Development Steering Group, Councillor Mary Green asked the Leader to reconsider the number of seats being offered to the Conservative Group, given that they hold the majority (23) of seats on the Council.

An amendment to the motion was moved by Councillor Mary Green, seconded by Councillor Jacqui Mort, to create a cross-party Member Development Steering Group to be made up of two Labour Members, three Conservative Members and one Liberal Democratic Member, with nominations to be put forward by Group Leaders.

Councillor Caroline Moon supported the amendment and also asked the Leader if he would look at the possibility of substitute members for Committees. The Leader responded that he was happy to look into this request.

Upon being put to the vote the amendment to the motion was lost (Yes: 16, No: 26).

A vote on the substantive motion was then taken and was subsequently

RESOLVED (Yes: 42, No: 1) that the recommendation be approved.

24 Licensing Annual Report 2018/19

Council considered a report of the Head of Licensing that provided an update on the annual performance of the Licensing Service.

Councillor Ken Jones, the Chair of Licensing, commended the work of the Licensing Officers as the service continued to improve year on year. Work was underway to ensure that the monthly updates would be more user friendly for Members. Councillor Jones also gave thanks to Councillor David Suthers and Barbara Nathan who had chaired the Committee in 2018/19.

It was proposed by Councillor Ken Jones, seconded by Councillor Jane Bell, and was

RESOLVED (Unanimously):

The Annual Licensing Report 2018/19 be noted.

25 Reporting to Full Council the outcome of meetings of the Governance, Scrutiny and Standards Committees

Council considered a report of the Interim Monitoring Officer that suggested a minor amendment to the Constitution to revert to former practice with regard to the outcome of meetings of the Cabinet, Governance, Scrutiny and Standards Committee.

There was support for this amendment from all members of the Council.

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

RESOLVED (Unanimously):

That

1. Council agree that at future Council meetings, the Chairs of Cabinet, Governance, Scrutiny and Standards Committee's should provide brief reports summarising the outcomes of all meetings of their respective committees that have been held in the preceding time period. The minutes of those meetings will no longer be considered by full Council.
2. delegated authority be granted to the Interim Monitoring Officer in consultation with the Chair of Governance Committee to make all necessary changes to the Constitution to effect this change in practice.

26 Notice of Motion

The motion was moved by Councillor Ken Jones, seconded by Councillor Matthew Trafford. Councillor Jones delivered a presentation on the effect that climate change was having on the world.

The Motion stated:

"Climate Emergency

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

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

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

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

The Standing Working Group on the Climate Emergency shall:

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

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

The motion was debated across the Chamber, with Councillors, David Howarth, Keith Martin, Paul Foster, Mick Titherington, Matthew Tomlinson and Matthew Trafford speaking in favour. Although an ambitious target, Members felt that they owed it to the residents to look into this issue as a matter of urgency and held a strong belief that they could bring about change.

An amendment to the motion was proposed by Councillor Caroline Moon, and seconded by Councillor Michael Green. Along with some minor changes to wording and a reduction in the membership of the Standing Working Group, the amendment sought to extend the goal of rendering the borough carbon neutral to 2050 in line with central government targets.

Whilst being in support of the motion and the Council's ambition to take a lead, Councillor Alan Ogilvie spoke in support of the amendment, as he felt the 2030 target was too ambitious and over promised on what could realistically be achieved by this authority.

Upon being put to the vote, the amendment was LOST (Yes: 16, Abstention: 1, No: 26)

The vote on the substantive motion was then taken and was subsequently RESOLVED (Yes: 30, Abstention: 13, No: 0). The motion was CARRIED.

27 Questions to the Leader of the Council

Councillor Angela Turner submitted a written question to the Leader of the Council as follows:

In view of the increasing culture of Non-Disclosure Agreements throughout local government, could the Leader please advise Council:

- i) How many Non-Disclosure Agreements in respect of staff leaving the authority were entered into between May 2014 and May 2017, and
- ii) May 2017 to date?

What was the cost to the council over those periods of any legal fees paid on behalf of those leaving the authority?

Councillor Paul Foster responded as follows:

Prior to 2017, there were no Non-Disclosure Agreements. There were four in 2017, nine in 2018 and there has been four in 2019 to date. The legal costs for each is £350, totalling £5950.00. The Leader stated that he was disappointed that this had been the practice and that this would not be the policy going forwards.

In response to a question asked by Councillor Michael Green, the Leader gave assurances that the Council was in a stable condition following the departure of the two Deputy Chief Executives and appointment of the Interim arrangements for the Chief Executive and Section 151 Officer. The Leader of the Opposition, Councillor Margaret Smith was being kept fully informed of the situation.

In response to a question raised by Councillor Angela Turner concerning Freedom of Information (FOI) requests, the Leader, with the consent of Councillor Carol Wooldridge read out a confidential email that had been published on social media by Councillor Paul Wharton- Hardman, following a request made under the FOI Act, concerning Councillor's emails. The email originally sent by the Leader to members of the Labour Group was extremely sensitive and the Leader considered that it should not have been placed on social media.

The Leader made a plea for this type of behaviour to stop and asked the Conservative Group to investigate Councillor Wharton-Hardman's actions as a matter of urgency. Councillor Caroline Moon, Deputy Leader of the Conservative Group provided assurances that the issue would be dealt with as it had understandably caused a great deal of distress. Councillor Moon did however query what information had to be disclosed upon request.

Councillor David Shaw asked the Leader if he would give an assurance to carry out an investigation as to whether staff email accounts have been or are being routinely monitored and for what purposes, and whether the payroll has been or is being monitored to gather information on what subscriptions are being taken at source and who they are being paid to. The Leader responded that he would look into this matter and report back to Members.

28 Questions to Members of the Cabinet

Questions to the Deputy Leader and Cabinet Member (Health, Leisure and Wellbeing).

None.

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

Councillor Jacky Alty commented that whilst attending a meeting of Farington Parish Council it had been reported that £24,000 had been earmarked by South Ribble Council to part fund a road crossing in the parish and she asked Councillor Matthew Tomlinson to confirm if this was the case.

Councillors Michael Green and Karen Walton both declared an interest in this matter.

The Cabinet Member, Councillor Matthew Tomlinson, responded as follows:

The Statutory Finance Officer of the Council can find no record of this amount of money being allocated for such a purpose. The installation of road crossings are the responsibility of Lancashire County Council and as such, the district council has no power. It had come to his attention that Councillor Paul Wharton-Hardman had reported on social media, that the new administration of the Council had decided to reallocate this money for the purchasing of a new Mayoral car and the Cabinet Member provided assurances that this was not the case.

In response to a second question from Councillor Jacky Alty, the Cabinet Member explained that there was no, nor had there ever had been, measures in place to replace or refurbish a number of bus stops in the Farington wards. Councillor Caroline Moon, had however, authorised the relocation of a bus stop to the end of Mill Street, from a disused route last year, under her portfolio responsibilities.

Councillor Caroline Moon explained that discussions of this nature had taken place last year and asked the Cabinet Member, if he would consider using the Section 106 monies allocated for highways/road mitigation for such a purpose. The Cabinet Member responded to say that he would be shortly undertaking a review of all the Section 106 monies to ensure that they are spent effectively for the benefit of residents across the Borough.

Questions to the Cabinet Member (Planning, Regeneration and City Deal)

Councillor Caroline Moon asked the Cabinet Member to advise Council when the completion of the Local Plan would be concluded. The Cabinet Member, Councillor Bill Evans provided the following response:

The Central Lancashire Local Plan has to go through a number of statutory stages prior to it being adopted. Issues and Options are scheduled to be consulted upon in the Autumn of 2019 with the plan aiming for submission to the Secretary of State for Examination in Spring 2021 and adoption in Summer 2022.

In response to some Members' concerns the Cabinet Member provided assurances that there was no predetermination of any decision by any Labour Councillor who sat on Planning Committee.

Questions to the Cabinet Member (Environment)

Councillor Alan Ogilvie asked for further details in relation to the closure of the overflow car park at Worden Park and asked, if when repaired, it would be opened up again for use by students of Runshaw College. Students parking on the roads surrounding the college had long been an issue for local residents that ward councillors were keen to avoid in the future.

The Cabinet Member, Councillor Susan Jones gave the following response:

The closure of the overflow car park had been taken by use of a delegated decision as the groundwork repairs were urgent, due to considerable damage to the surface and the Council are unsure as to how long the repairs will take.

The Council have tried to work with Runshaw College but they have not responded and it is the intention that, once repaired, the car park will be kept purely as an overflow car park for visitors to the park. Students from Runshaw College will not be able to use this facility and enforced restrictions will be put in place.

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

Councillor Karen Walton asked the Cabinet Member why the residents of Farington East, Farington West and Lostock Hall had not been consulted upon before the decision was taken to change the demographics of the My Neighbourhood Areas. Councillor Walton had attended a recent meeting of the Older People's Forum where people had mentioned that they felt that they had lost their identity and were not happy with the change.

The Cabinet Member, Councillor Aniela Bylinski Gelder reported that she had also been present at the meeting and had received positive feedback about the changes. The cross-party Community Involvement Member Working Group would look at making improvements to all aspects of community engagement and she urged all Members to get involved.

In response to a question from Councillor Caroline Moon, the Cabinet Member explained how the consultation of the proposed amendments to the Council Tax Support Scheme would be undertaken and gave assurances that it would be a thorough process.

29 Questions to Chairs of Committees and My Neighbourhood Areas

Councillor Alan Ogilvie asked the Chair of Governance if the cancelling of the Governance Committee meeting at the end of July, meant that the Council's Accounts would not be signed off by the deadline.

The Chair of Governance Committee, Councillor Ian Watkinson confirmed that this was the case, as the External Auditors were not yet in a position to sign them off.

30 Questions to Member Champions and Representatives on Outside Bodies

None.

31 Exclusion of Press and Public

RESOLVED (Unanimously):

That the press and public be excluded from the meeting during the consideration of the following item(s) of business as it involved the discussion of information defined as exempt from publication under paragraphs 1 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972, 'Information relating to an Individual' and '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.

32 Update Report from the Chair of the Investigating and Disciplinary Committee

The Chair of the Investigating and Disciplinary Committee, Councillor David Howarth provided an update on recent decisions taken by the Committee.

33 Shared Services Update Report

Council considered a confidential report of the Interim Chief Executive that updated members on the work undertaken to progress an extension of shared services with Chorley. The report also provided an overview of the current position and next steps.

There was support across the Chamber with all Members fully supportive of the vision.

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

RESOLVED (Unanimously):

That:

1. the update be noted.
2. the confidential recommendation contained within the report be approved.

Chair

Date