

Minutes of Council

Meeting date Wednesday, 21 July 2021

Members present: Councillors Jane Bell (Mayor), David Howarth (Deputy Mayor), Jacky Alty, Renee Blow, Damian Bretherton, Aniela Bylinski Gelder, Matt Campbell (attended virtually), Carol Chisholm, Colin Coulton, Malcolm Donoghue, Bill Evans, James Flannery, Derek Forrest, Paul Foster, Mary Green, Michael Green, Harry Hancock, Mick Higgins, Cliff Hughes, Chris Lomax, Jim Marsh, Keith Martin, Jacqui Mort, Peter Mullineaux, John Rainsbury, Colin Sharples, David Shaw, Margaret Smith, Phil Smith, Michael Titherington, Caleb Tomlinson, Matthew Tomlinson, Angela Turner, Kath Unsworth, Karen Walton, Ian Watkinson (attended virtually), Gareth Watson, Paul Wharton-Hardman, Carol Wooldridge and Barrie Yates

Officers: Gary Hall (Chief Executive), Chris Moister (Director of Governance), Mark Lester (Director of Commercial), Jennifer Mullin (Shared Director of Communities), Jonathan Noad (Director of Planning and Development), Louise Mattinson (Director of Finance and Section 151 Officer), Darren Cranshaw (Shared Services Lead - Democratic, Scrutiny & Electoral Services), Andrew Daniels (Shared Service Lead - Communications and Visitor Economy) and Clare Gornall (Democratic and Member Services Officer)

Public: 0

16 Apologies for absence

Apologies were received from Councillors Will Adams, Julie Buttery, Jon Hesketh, Susan Jones, Christine Melia, Caroline Moon, Alan Ogilvie, David Suthers, Stephen Thurlbourn, and Matthew Trafford.

17 Declarations of Interest

No declarations of interest were received.

18 Minutes of meeting Wednesday, 19 May 2021 of Council

The minutes of Council held on 19 May 2021 were presented for approval.

Arising from this item, Councillor Howarth referred to the minutes of Council held on 28 April 2021, indicating he wished to make a statement in respect of that meeting. He stated that he made some comments with regard to Penwortham Town Council and although he stood by the concerns he raised at the time, his comments may

have been interpreted as an accusation of criminal or fraudulent activity, for which he apologized.

Resolved (unanimously) that the minutes of Council held on 19 May 2021 be approved and signed as a correct record.

19 Mayors Announcements

The Mayor referred to number of flag flying ceremonies she had attended recently, including Armed Forces Day, the Windrush flag, and the NHS, Frontline Services and Carers flag.

The Mayor announced that she would be hosting a garden party on Friday, 23 July in the Peace Garden at the Civic Centre and that as usual there would be a raffle. She referred to the envelope and a raffle ticket in front of each councillor and encouraged members to donate. She also outlined other activities at the garden party, including that she will be meeting some of the children that wrote stories for her to read out on Facebook and giving them their own copy of the book that had been printed; that St Catherine's Hospice will be there as well with a yellow day stall and asked councillors to please support them; and that if anyone had any unwanted gifts and would like to donate them for the raffle, she would really appreciate it. All proceeds will go towards the Mayor's charities: St Catherine's Hospice, SLEAP and Clare House Women's Refuge.

20 Changes to Committee Membership

The Leader of the Council and Cabinet Member (Strategy and Reform), Councillor Paul Foster, presented a report of the Director of Governance and Monitoring Officer to seek the Council's approval for changes to committee appointments.

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

Resolved (unanimously)

1. That the number of seats on the Licensing and Public Safety Committee be increased by one and that Councillor Paul Wharton-Hardman be appointed to the Committee for the remainder of the municipal year;
2. The size and membership of the Local Plan Member Working Group be amended as outlined in the report.

21 Request to establish an Independent Remuneration Panel

The Leader of the Council and Cabinet Member (Strategy and Reform), Councillor Paul Foster, presented a report of the Director of Governance and Monitoring Officer requesting that Council formally appoint the Independent Remuneration Panel and in addition that Council ask the Panel review the current Members Allowances Scheme and make recommendations on any changes to the Scheme for Council approval.

Members noted the aspirations to appoint a female Panel member, but that there had not been any female volunteers on this occasion.

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

Resolved (unanimously)

1. To formally appoint Peter Hyett, David Holmes, Jeremy Hartley and Charles Hadcock as members of the Independent Remuneration Panel.
2. That the Panel be requested to review the current Members Allowances Scheme and make recommendations on any changes to the Scheme for Council approval.

22 Cabinet

The Leader of the Council and Cabinet Member (Strategy and Reform), Councillor Paul Foster, presented the report of the Cabinet outlining meetings of 16 June 2021 and 14 July 2021.

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

Resolved (unanimously) that the report be noted.

23 Revenue and Capital Budget Monitoring 20-21 Outturn

The Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson, presented a report of the Director of Finance explaining the Council's overall financial position at the end of the financial year 2020-21.

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

Resolved (unanimously)

1. To note that Cabinet noted, reviewed and commented on the contents of the report.
2. To approve the re-profiled budgets and use of S.106 funding for the capital programme, which reflects forecasted underspend against the existing budgets, as detailed in Appendix C – Capital Programme and in Appendix D – S.106 Summary of Usage of Receipts.

24 Holiday and Food (HAF) Programme Grant 2021

The Cabinet Member (Communities, Social Justice and Wealth Building), Councillor Aniela Bylinski Gelder, presented a report of the Director of Communities requesting to increase the revenue budget as a result of new external funding for the Holiday and Food Programme, in line with financial regulations.

The report explained that South Ribble's allocation of Holiday and Food (HAF) Grant for 2021 is £225,471.08, that funding came from the Department for Education, and

was administered by Lancashire County Council. This funding was ringfenced to delivery of a programme of school holiday activities in August and December 2021.

Members supported this proposal and noted the ongoing •Scrutiny Review Task Group regarding Health Inequalities.

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

Resolved (unanimously)

1. To approve an increase to the Council's revenue budget of £225,471.08 to deliver the 2021 HAF Programme;
2. Agree that the above funding will be spent in accordance with Department for Education directives; targeting provision of enriching activities and healthy food to children who are in receipt of free school meals.

25 Climate Emergency Strategy Review

The Deputy Leader and Cabinet Member (Health and Wellbeing), Councillor Mick Titherington, presented a report of the Director of Communities providing members an update on the work undertaken on this hugely important issue and seeking their approval to a revised Climate Emergency Strategy and updated Carbon footprint for the Council operations and the borough.

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

Resolved (unanimously)

1. To note the work undertaken by the cross-party Climate Emergency Task Group;
2. To note the current carbon footprint of both the Council and the borough;
3. To approve and adopt the revised Climate Emergency Strategy.

26 Climate Emergency Action Plan

The Deputy Leader and Cabinet Member (Health and Wellbeing), Councillor Mick Titherington, presented a report of the Director of Communities providing members, for consideration and adoption, a draft Climate Emergency Action Plan, setting out the initial actions that the Council will undertake towards achieving the corporate goal of net-carbon neutral by 2030.

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

Resolved (unanimously)

1. That the draft Climate Emergency Action Plan is considered by members.
2. To formally adopt the draft Climate Emergency Action.

27 Approval of Decarbonisation Plans for Civic Centre, Moss Side and Leisure Centres

The Deputy Leader and Cabinet Member (Health and Wellbeing), Councillor Mick Titherington, presented a report of the Director of Communities seeking to advise members, through the commissioned Decarbonisation Plans, on the level of, and potential cost of, work required to the main Council owned buildings in order to achieve the Council's goal of net carbon neutral by 2030.

The report also sought in relation specifically to the Civic Centre decarbonisation plan, approval for the document so that it may be submitted to Salix Finance on behalf of the Department for Business, Energy and Industrial Strategy (BEIS) as a condition on the recent grant funding of £145,004 awarded to make energy efficiency improvements to the Civic Centre.

Finally, the report requested approval in relation to the other five Decarbonisation Plans, so that they can be utilised in future grant bids through the Public Sector Decarbonisation Scheme or equivalent when they become available.

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

Resolved (unanimously)

1. To note and consider the decarbonisation plans;
2. To approve the decarbonisation plans, allowing their submission as part of current and future grant applications for funding to assist in the carbon neutral goal;
3. To consider future sources of funding and programming of works identified to achieve the net-carbon zero by 2030 target.

(The Mayor adjourned the meeting while attempts were made to resolve technical difficulties)

28 Remediation of Contaminated land at Bent Lane

The Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson, presented a report of the Director of Communities to put in place a budget and agree a way forward for the remediation of land at Strawberry Valley Park, Bent Lane, Leyland to allow works to refurbish the playground and improve the park's landscape to be progressed.

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

Resolved (unanimously)

1. To recognise the decision taken by Cabinet in June 2021 to develop a new Play area on Strawberry Valley Park (Bent Lane) and to carry out the

necessary re-mediation of Contaminated land on the site so that the Play area can be built.

2. To approve a budget uplift of £139,000 on an original budget of £61k providing a total budget of £200,000 in line with the estimated cost of carrying out the decontamination work.
3. To note that the Cabinet Member (Finance, Property and Assets) in liaison with the Director of Customer and Digital will approve the award the contract for the remediation of Strawberry Valley Park following the completion of the procurement process in line with the standing orders of the Council up to a value of £200k.

(Councillor Rainsbury left the meeting at this point).

29 Worden Hall

The Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson, presented a report of the Director of Commercial providing members with a progress update on Worden Hall covering the following:-

- a) Design Development
- b) Main Contractor Procurement
- c) Financials – Budget review
- d) Delivery Programme
- e) Next Steps

Councillor Tomlinson made reference to the addendum to the report containing restricted information (agenda item 22) circulated to members following completion of the tender evaluation. He apologised as the Council found itself in a position where it was now being asked to approve an increase in the overall budget (Option 2), however he proposed that the Council agree to this in order to deliver a project in the spirit of what it wanted to achieve.

(The Mayor adjourned the meeting at this point for a five minute a comfort break).

Council debated the recommendation to approve an increase in the overall budget, with a number of members expressing the view that option 1 – Value Engineer the refurbishment scheme to bring the proposed works back in line with the budget should be explored in more detail in order to prevent potentially escalating costs.

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

1. To note the progress on project and the delivery programme.
2. To note the tendered costs as contained in the addendum to the report.
3. To approve the following option to cover any cost increase on project:
Option 2 – Increase the overall project budget in line with the tender return, as detailed at Recommendations 2 and 3 of the addendum to the report (agenda item 22);
4. To note the decision for contract award of the main contractor will be made via Executive Member Decision in order to allow the project to progress in line with the delivery programme.

A recorded vote was taken as follows:

FOR – Councillors Alty, Blow, Bell, Bylinski Gelder, Donoghue, Evans, Flannery, Forrest, Foster, Hancock, Howarth, Higgins, Lomax, Martin, Sharples, Shaw, Titherington, Caleb Tomlinson, Matthew Tomlinson, Turner, Unsworth, Wharton-Hardman and Wooldridge;

AGAINST – Councillors Bretherton, Chisholm, Coulton, Mary Green, Michael Green, Hughes, Marsh, Mort, Mullineaux, Margaret Smith, Phil Smith, Walton, Watson, and Yates.

The Mayor declared the motion carried and it was therefore

Resolved

1. To note the progress on project and the delivery programme.
2. To note the tendered costs as contained in the addendum to the report.
3. To approve the following option to cover any cost increase on project:
Option 2 – Increase the overall project budget in line with the tender return, as detailed at Recommendations 2 and 3 of the addendum to the report (agenda item 22);
4. To note the decision for contract award of the main contractor will be made via Executive Member Decision in order to allow the project to progress in line with the delivery programme.

30 Urgent Executive Decisions

The Leader of the Council and Cabinet Member (Strategy and Reform), Councillor Paul Foster, presented a report of the Director of Governance and Monitoring Officer informing Council of a number of urgent decisions taken by the Executive in accordance with urgency procedures outlined in the Council's Constitution since the last meeting of Council.

These included 'key' decisions (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.

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

Resolved (unanimously)

1. That Scrutiny Committee is asked to note the report and to review the process to agree the urgent decision and to waive the scrutiny call-in on 29 June 2021, as outlined in the report.
2. That Council notes the report.
3. The Leader committed to writing to MHCLG about allowing remote meetings to be allowed in the future.

31 Governance Committee

The Vice Chair of the Governance Committee, Councillor Colin Sharples, presented the report of the Governance Committee outlining business at the meeting held on 25 May 2021.

It was proposed by Councillor Colin Sharples, Vice Chair of the Governance Committee seconded by Councillor Angela Turner, and

Resolved (unanimously) that the report be noted.

32 Scrutiny Committee

The Chair of the Scrutiny Committee, Councillor David Howarth, presented the report of the Scrutiny Committee summarising the business considered at the meetings of the Scrutiny Budget and Performance Panel held on 14 June 2021 and the Scrutiny Committee held on 13 July 2021.

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

Resolved (unanimously) that the report be noted.

33 Celebration of the Queen's Platinum Jubilee

The Leader of the Council and Cabinet Member (Strategy and Reform), Councillor Paul Foster, presented a report of the Deputy Chief Executive outlining plans for the Queen's Jubilee weekend 2022 and ask members to agree an expenditure budget provision of up to £208,000, funded by ticket sales, existing reserves and new resources.

Appendix 1 to the report containing restricted information (agenda item 23) requested a waiver of the contract procedure rules for the event partner.

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

Resolved (unanimously)

1. To note the proposals for the Queen's Jubilee weekend.
2. To agree to create a new budget provision of up to £208,000, funded by ticket sales, existing reserves and new resources to make the necessary bookings in advance.
3. To agree the waiver of contract procedure rules for the event partner as set out in Appendix 1 in part two of the meeting (agenda item 23).

Prior to moving to consideration of this item, Councillors Mary Green and Yates expressed concerns about participating in discussions and voting on the item given that they were members of the Planning Committee and requested advice from the Director of Governance and Monitoring Officer on their position as regards possible predetermination at a future meeting of Planning Committee.

The Director of Governance and Monitoring Officer advised that the report being considered today and a report submitted for consideration at a future meeting of the Planning Committee were entirely separate matters and that participating in the discussion and voting on the recommendations today would not preclude current or future members of the Planning Committee from participating in discussions and voting on the Scheme at Planning Committee. However, he stressed if a member was not comfortable participating in the item they may elect to leave the meeting and this was entirely a matter for the individual member.

Having regard to the advice given, Councillor Yates elected to remain in the meeting and Councillor Mary Green left the meeting, taking no further part in discussions on the item.

34 South Ribble Extra Care Scheme – West Paddock

The Cabinet Member (Finance, Property and Assets), Councillor Matthew Tomlinson presented a report of the Director of Commercial presenting three options for the proposed extra care scheme at West Paddock supported by financial models and to seek approval of a preferred delivery option to enable the scheme design to be developed and a more detailed project budget prepared.

Some members suggested that it may be possible for Lancashire County Council (LCC) to deliver this project rather than South Ribble Borough Council and expressed concerns that the project carried a lot of financial risk.

Other members were of the view that LCC may facilitate some of the extra care but not the building of the facility.

(The Mayor left the meeting at this point and the Deputy Mayor took the Chair).

35 Exclusion of Press and Public

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

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.

36 South Ribble Extra Care Scheme – West Paddock (appendix to item 18)

Following a question from a member the Chief Executive gave further information as to the financial implications of the proposals.

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

1. To approve the progression of design option 3 outlined in this report.

2. To note that £200k of the allocated £10 million budget will be drawn upon to deliver the next stage of the design (RIBA Stage 2 and 3) and contractor procurement process.
3. To note the current estimated project cost to deliver the 72 unit scheme is £14.260 million.
4. To acknowledge that the further design works set out in paragraph 4 are required to verify the projected project cost of £14,260 million, and that further updates on the costs will be brought back when the next stage of design work has been progressed.
5. That the Chief Executive write to Lancashire County Council requesting the following information:
 - a) If they are able to deliver the project in South Ribble and
 - b) If not, how much are they willing to contribute towards the project to deliver the extra care.

A recorded vote was taken as follows:-

FOR – Councillors Alty, Blow, Bylinski Gelder, Donoghue, Evans, Flannery, Forrest, Foster, Hancock, Howarth, Higgins, Lomax, Martin, Sharples, Shaw, Titherington, Caleb Tomlinson, Matthew Tomlinson, Turner, Unsworth, Wharton-Hardman and Wooldridge;

ABSTAIN – Councillors Bretherton, Chisholm, Coulton, Michael Green, Hughes, Marsh, Mort, Mullineaux, Margaret Smith, Phil Smith, Walton, Watson, and Yates.

The Deputy Mayor declared the motion carried and it was therefore

Resolved

1. To approve the progression of design option 3 outlined in this report.
2. To note that £200k of the allocated £10 million budget will be drawn upon to deliver the next stage of the design (RIBA Stage 2 and 3) and contractor procurement process.
3. To note the current estimated project cost to deliver the 72 unit scheme is £14.260 million.
4. To acknowledge that the further design works set out in paragraph 4 are required to verify the projected project cost of £14,260 million, and that further updates on the costs will be brought back when the next stage of design work has been progressed.
5. That the Chief Executive write to Lancashire County Council requesting the following information:
 - a) If they are able to deliver the project in South Ribble and
 - b) If not, how much are they willing to contribute towards the project to deliver the extra care.

Re-admittance of the Press and Public

Resolved

That the press and public be re-admitted to the meeting.

37 Questions to the Leader of the Council

Councillor Walton asked a question concerning the avoidance of Council meetings in school summer holidays.

Councillor Wharton-Hardman asked a question concerning the charging of Farington Parish Council for emptying waste bins.

In response the Leader of the Council agreed to the following:

1. That, as far as possible, the Council will endeavour to keep meetings outside the school summer holidays.
2. That the Council cease charging Farington Parish Council as regards the waste bin collection with immediate effect.

Councillor Howarth asked a question in relation to the Penwortham – Preston highway and the ongoing issues arising from the works on the A59.

The Leader of the Council responded that the Council had not been consulted and was currently in correspondence with Lancashire County Council in relation to the ongoing works.

Councillor Howarth also referred to the several stakeholders who had raised objections to proposals concerning the Cop Lane / Priory Lane junction.

The Leader stated that he was happy to publicly support the stakeholder objections.

38 Questions to Cabinet Members

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

A question was asked by Councillor Michael Green in relation to a recent community consultation on Moss Side Playground which was only planned to run for 2 weeks.

The Cabinet Member (Finance, Property and Assets) agreed to arrange for the extension of the local community consultation on Moss Side Playground beyond 2 weeks to account for the school summer holiday period.

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

Councillor Angela Turner asked a question about recent developments concerning the Town Deal funding bid.

Councillor Michael Green asked a question highlighting the need for a review of Planning Policy to be brought forward as the next review was not due for two years. He suggested that an updated Supplementary Planning Document was required. The Chief Executive informed members that a draft Supplementary Planning Document was currently being developed.

The Cabinet Member (Planning, Business Support and Regeneration) in his responses agreed to the following:-

1. That an update be provided to Councillor Turner regarding the Town Deal.
2. That the Local Plan Working Group discuss the issues relating to the need to review of Planning Policy and Local Plan and the need for a draft Supplementary Planning Document, which is currently being developed.

Finally, the Cabinet Member (Planning, Business Support and Regeneration) referred to the written question from a member of the public and response attached to agenda.

The question was as follows:-

“I had reason to contact the enforcement office on the 05/04/21 regarding Langlay Homes working outside the permitted hours of the planning application (condition 10 - the reason is to safeguard the amenities of neighbouring properties in accordance with policy 17 of central Lancs core strategy). They had been working on Good Friday, Easter Sunday & Easter Monday, this made sitting in my garden unbearable during to the noise of JCB etc. No reply was received from SRBC till the 12/04/21 after another weekend of disturbance.

The initial reply was that the case officer would investigate the breach of conditions. But further breaches occurred. I asked a number of questions to the enforcement office, none were answered.

Why do we have this conditions if the builder continues to break and the council seem unable to enforce.

The whole responses from the enforcement office was very poor, not once did they return my phone calls, not once they answer one of my questions. I

If the council is a service industry they should be more customer focussed.”

The response was as follows:-

“This question relates to the issue of a housebuilder working outside of their approved hours of construction on a building site off Langdale Road. As soon as they became aware of this planning enforcement/ case officer had detailed contact with the developers. It is of course the case that Enforcement have a very significant case load covering a multitude of developments across the Borough.

This issue came at the time when Government Legislation had been introduced in the light of Covid situation to allow developers to write to Local Authority's seeking agreement to extended working hours. This is to allow the building industry to carry on as efficiently as possible during the Covid crisis .The developers set out alternative working hours following our contact, these were acceptable and therefore regularised the situation.

There are a series emails over a period of days between the resident asking the question and our Enforcement Officer in respect of this matter. We are sorry that it is felt that questions weren't answered as these emails attempted to do this. The emails were also followed up with a more detailed response to a Stage One complaint letter from the resident.

The developers have confirmed they will be pro-active in keeping us informed of any change in working hours in the future.”

Date

Chair