

**MINUTES OF COUNCIL**

**MEETING DATE** **Wednesday, 22 November 2017**

**MEMBERS PRESENT:** Councillors Michael Titherington (Mayor), John Rainsbury (Deputy Mayor), Jane Bell, Warren Bennett, David Bird, Renee Blow, Carol Chisholm, Colin Clark, Colin Coulton, Malcolm Donoghue, Bill Evans, Derek Forrest, Paul Foster, Mary Green, Michael Green, Claire Hamilton, Harry Hancock, Jon Hesketh, Cliff Hughes, Ken Jones, Susan Jones, James Marsh, Keith Martin, Elizabeth Mawson, Caroline Moon, Peter Mullineaux, Barbara Nathan, Mike Nathan, Mike Nelson, Rebecca Noblet, Alan Ogilvie, James Patten, Margaret Smith, Phil Smith, Susan Snape, David Suthers, Caleb Tomlinson, Matthew Tomlinson, Karen Walton, Graham Walton, David Watts, Paul Wharton, Jonathan Woodcock, David Wooldridge, Linda Woollard and Barrie Yates

**OFFICERS:** Heather McManus (Chief Executive), Dave Whelan (Legal Services Manager/Monitoring Officer), Denise Johnson (Director of Development, Enterprise and Communities), Caroline Elwood (Interim Corporate Governance Manager), Jane Blundell (Principal Management Accountant) and Dave Lee (Democratic Services Officer)

**OTHER OFFICERS:** 6

**PUBLIC:** 9

**47 Apologies for Absence**

Apologies for absence were received from Councillors Mick Higgins, David Howarth, Jacqui Mort and Ian Watkinson.

**48 Minutes of the Last Meeting**

RESOLVED:

That the minutes of the meeting held on 27 September 2017 be approved as a correct record.

**49 Declarations of Interest**

The Legal Services Manager, Director of Development, Enterprise and Communities and the Principal Management Accountant (and other senior managers present at the meeting that were directly affected) declared a prejudicial interest in Minute No. 67 relating to the Changes to the Council's Management Structure item and left the Council Chamber during the consideration of the item.

**50 Mayoral Announcements**

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

**51 Report of Cabinet and Committees**

**51a Draft Minutes of the meeting of the Standards Committee held on 21 September 2017**

The Council considered the draft minutes of the Standards Committee meeting held on 21 September 2017.

It was moved by Councillor Bill Evans, seconded by Councillor Colin Coulton and

RESOLVED:

That the draft minutes of the Standards Committee meeting held on 21 September 2017 be noted.

**51 Draft Minutes of the meeting of the Cabinet held on 25 October 2017**

**b**

The Council considered the draft minutes of the Cabinet meeting held on 25 October 2017.

It was moved by Councillor Peter Mullineaux, seconded by Councillor Colin Clark and

RESOLVED:

That the draft minutes of the Cabinet meeting held on 25 October 2017 be noted.

**51c Draft Minutes of the meeting of the Scrutiny Committee held on 6 November 2017**

The Council considered the draft minutes of the Scrutiny Committee meeting held on 6 November 2017.

It was moved by Councillor Matthew Tomlinson, seconded by Councillor Colin Coulton and

RESOLVED:

That the draft minutes of the Scrutiny Committee meeting held on 6 November 2017 be noted.

**52 Notice of Motions**

**52a No More S\*n**

It was moved by Councillor Malcolm Donoghue and seconded by Councillor Jane Bell that:

"On 15th April 1989, a disaster at Hillsborough Stadium in Sheffield led ultimately, to the deaths of 96 innocent fans who had left home that morning to watch a football match. Due to crowd control mis-management those fans, whose ages ranged from 10 to 67 years old, were unlawfully killed. Contrary to the facts, The S\*n published a front page story with the banner headline "The Truth" which contained blatant lies. Here are just a couple of the statements:

'Drunken Liverpool fans viciously attacked workers as they tried to rescue victims and police officers, firemen and ambulance crew were punched, kicked and urinated upon.'

A quote attributed to an unnamed policeman claimed that a dead girl had been abused and that the Liverpool fans were 'openly urinating on us and the bodies of the dead'.

Hillsborough families and Liverpool supporters who were affected by these events may live in our area.

South Ribble Borough Council wishes to express its disgust that these slurs on the victims of this disaster were published by a British national newspaper, and express its disappointment at the amount of time it took to get to the truth.

It is sobering to compare the behaviour of those who were in positions of responsibility and public trust, with the dignity and courage displayed by the families of the 96 and the survivors, who have continued since 1989 to fight for justice whilst coping with the loss of their loved ones.

This Council also regrets The S\*n's inability to apologise for many years.

For this reason, South Ribble Borough Council calls on all retailers and vendors of newspapers in South Ribble to consider very carefully if they should continue to sell The S\*n.

South Ribble Borough Council therefore resolves:

- 1) To encourage all employees to remove all copies of The S\*n found within Council buildings;
- 2) Refuse access to S\*n journalists to any Council premises (unless they are attending a formal public meeting of the Council);
- 3) Ensure South Ribble Borough Council does not advertise in The S\*n newspaper; and
- 4) Encourages all residents to support the "Total Eclipse of the S\*n" campaign in any reasonable way possible."

During the debate, the Council acknowledged that many people had been affected by the tragic events at Hillsborough and that the false headlines and comments which the newspaper had printed were deplorable. It was noted that the intention of the Motion was not to ban the newspaper but the view was expressed by some

Members that under the freedom of press censorship, there should be a right for people/society to make their own choices on the issues raised in the Motion.

Following debate, the Motion was put to the vote and the Mayor declared that it was **lost** by 27 votes to 18 with 0 abstentions.

## **52 Amendment of Council Procedure Rule**

**b**

It was moved by Councillor Ken Jones, seconded by Councillor Matthew Tomlinson and

RESOLVED:

That in accordance with Standing Order 24.2 in the Constitution, the following Motion stand adjourned without discussion to the next meeting of the Council to await a report from the Monitoring Officer or the Governance Committee:

“That Council reaffirms that motions for debate at Council meetings must be tabled at least 7 working days prior to the meeting in question, but notes there is currently no time restriction on the submitting of amendments to such motions. In practise this results in curtailed debate and to correct this, Council requests the Governance Committee and the Monitoring Officer to draw up a suitable amendment to Standing Orders and the Constitution with the effect of requiring 3 working days' notice of amendments to motions.”

## **53 Transformation Strategy 2017-18**

Further to Minute No. 22 of the Cabinet meeting held on 27 July 2017 and Minute 38 of the Council meeting held on 27 September 2017, the Council considered the report of the Interim Corporate Improvement Manager on proposals to establish a Transformation Fund of £500,000 to invest in transformation activities, which was one of the actions in the Council's Transformation Strategy.

It was moved by Councillor Colin Clark and seconded by Councillor Peter Mullineaux:

That the recommendations set out in the report be approved.

RESOLVED (For: 45, Against: 0, Abstention: 0):

That:

- (1) the Council approves the recommendation of the Cabinet on 27 July 2017 to the use of the Council's General Reserves to establish a Transformation Fund of £500,000; and
- (2) this fund be closely monitored through the usual reporting mechanism of the quarterly budget monitoring process and to include details of any return of investment from transformation projects.

## **54 Corporate Improvement Plan**

The Council considered the report of the Chief Executive on the progress made on the implementation of the Peer Review Improvement Plan which had been produced to address the recommendations arising from the Local Government Association Corporate Peer Challenge (CPC), which had taken place in March 2017 and was structured around the following three key themes:

- (i) Strong and effective political and managerial leadership;
- (ii) The development of a clear and concise vision for the future of the Borough and the Council; and
- (iii) Delivery of the Medium Term Financial Strategy, including business transformation, shared services and the review of leisure.

An update on progress in relation to the Scrutiny Review Action Plan was also set out in the report. That information had previously been provided to the Scrutiny Committee in August 2017 and at that meeting, the Committee had indicated that it was pleasing to see that the vast majority of its recommendations had been completed.

The Cabinet had agreed in June 2017 that the future focus for the Council would be on the Peer Review Improvement Plan although the Scrutiny Review of Licensing Action Plan would continue to be monitored.

The report indicated that the CPC Team would re-visit the Council on 31 January and 1 February 2018 to review progress. In the meantime, an Improvement Reference Group to ensure appropriate pace and external challenge of the improvement agenda had been established in May 2017 and had met monthly since then to oversee delivery of the Improvement Plan. The key messages from each meeting had been published on the Council's staff and member Intranet (Staff Connect and Councillor Connect).

It was moved by Councillor Peter Mullineaux, seconded by Councillor Colin Clark and

RESOLVED:

That the report be noted.

## **55 Annual Report 2016/17 on the work of both the General Licensing Committee and Licensing Act 2003 Committee**

The Council considered the annual report of the Director of Development, Enterprise and Communities on the work undertaken by the General Licensing Committee and the Licensing Act 2003 Committee during 2016/17.

It was moved by Councillor John Rainsbury, seconded by Councillor Mike Nelson and

RESOLVED:

That the report be noted.

**56 Adoption of Elements of Sections 165 and 167 of the Equalities Act 2010 relating to the use of taxi / private hire vehicles by wheelchair users, along with associated documentation**

Further to Minute No. 41 of the meeting of the General Licensing Committee held on 17 October 2017, the Council considered the report of the Director of Development, Enterprise and Communities on proposals for the adoption of elements of Sections 165 and 167 of the Equalities Act 2010 relating to the use of taxi / private hire vehicles by wheelchair users, along with associated documentation.

It was moved by Councillor John Rainsbury and seconded by Councillor Mike Nelson:

That the recommendations set out in the report be approved.

RESOLVED (For: 45, Against: 0, Abstention: 0):

That approval be given to the formal adoption of:

- a) Sections 165 and 167 of the Equalities Act 2010;
- b) the draft Medical Exemptions Policy, as set out in Appendix 2 to the report; and
- c) the associated documentation consisting of
  - i) the draft application form, as set out in Appendix 4 of the report;
  - ii) the draft letter confirming the granting of exemption, as set out in Appendix 5 of report; and
  - iii) the draft certificate / notice to be displayed by exempted drivers, as set out in Appendix 6 to the report.

**57 Draft Policy for Medical Exemption from Requirement to Carry Assistance Dogs**

Further to Minute No. 42 of the meeting of the General Licensing Committee held on 17 October 2017, the Council considered the report of the Director of Development, Enterprise and Communities on proposals to adopt the relevant sections of the Equalities Act 2010 relating to the transportation of visually-impaired passengers and assistance dogs, along with documentation relating to the enforcement of this legislation.

It was moved by Councillor John Rainsbury and seconded by Councillor Mike Nelson:

That the recommendations set out in the report be approved.

RESOLVED (For: 45, Against: 0, Abstention: 0):

That approval be given to the formal adoption of:

- a) Sections 165 and 167 of the Equalities Act 2010;
- b) the draft Medical Exemptions Policy, as set out in Appendix 2 to the report; and
- c) the associated documentation consisting of
  - i) the draft application form, as set out in Appendix 4 of the report;
  - ii) the draft letter confirming the granting of exemption, as set out in Appendix 5 of report); and
  - iii) the draft certificate / notice to be displayed by exempted drivers, as set out in Appendix 6 to the report.

## **58 Proposed Adoption of an Intended Use Policy for the Licensing of Hackney Carriages**

Further to Minute No. 44 of the meeting of the General Licensing Committee held on 17 October 2017, the Council considered the report of the Director of Development, Enterprise and Communities on proposals for the formal adoption of the draft Intended Use Policy for the licensing of hackney carriages, following a consultation exercise that had been undertaken throughout August 2017.

It was moved by Councillor John Rainsbury and seconded by Councillor Mike Nelson:

That the recommendations set out in the report be approved.

RESOLVED (For: 45, Against: 0, Abstention: 0):

That:

- 1) the draft Intended Use Policy for the licensing of hackney carriages, as set out in Appendix 1 to the report, be formally adopted; and
- 2) the consequent proposed amendment to section 6.14 of the current Licensing Policy, as set out in section 7.3 to the report be endorsed.

## **59 Proposed Revisions to Licensing Policy**

Further to Minute No. 45 of the meeting of the General Licensing Committee held on 17 October 2017, the Council considered the report of the Director of Development, Enterprise and Communities on proposed changes to the Licensing Policy following a consultation exercise.

It was moved by Councillor John Rainsbury and seconded by Councillor Mike Nelson:

That the recommendation set out in the report be approved.

RESOLVED (For: 42, Against: 0, Abstention: 0):

That the proposed changes to the current Licensing Policy, as set out in the report and summarised in sections 4.4 and 4.5 of the report be endorsed.

## 60 Safeguarding Training

Further to Minute No. 46 of the meeting of the General Licensing Committee held on 17 October 2017, the Council considered the report of the Director of Development, Enterprise and Communities on proposals for the Council to formally adopt a requirement for all new applicants for a driver's licence to complete appropriate online Safeguarding training prior to their application being granted; and for all licensed drivers to successfully re-take the above training prior to renewal of their licence and in accordance with certain criteria defined by the authority.

It was moved by Councillor John Rainsbury and seconded by Councillor Mike Nelson:

That the recommendations set out in the report be approved.

During the debate, Members of the Council thanked all those staff and senior management for their excellent contribution to the work involved to ensure that very robust licensing policies were in place. The Council commended them for their time and diligence spent on all of the excellent reports that had been presented at this meeting.

RESOLVED (For: 42, Against: 0, Abstention: 3):

That approval be given to the replacement of the current section 5.9 of the Licensing Policy with new wording, as set out in section 10 of the report, which will:

1. require all new applicants for a Hackney Carriage or Private Hire Driver's Licence to satisfactorily complete the online / e-learning training course on Child Sexual Exploitation (2017) run by the Lancashire Safeguarding Children's Board; and for all new applicants to provide proof of the successful completion of this online course as part of the application process;
2. require all drivers currently licensed with this authority to re-take and provide documentary evidence of successful completion of the above course prior to each subsequent renewal of their licence;
3. require all applicants (i.e. whether a new applicant or an existing licence holder seeking to renew their licence) to provide evidence of successful completion of the above course which is dated within a 3 month period prior to the date on which a new application or application for renewal is made;
4. require that, in all cases, the online test referred to above shall be taken under officer supervision at the Civic Centre and only upon production of proof of identity; and
5. require (subject to suspension for non-compliance) any licensed driver to complete a training course within a reasonable period of up to 3 months when obliged to undertake one by the Licensing Authority.

## 61 Changes to Membership and Chairmanship of Committees and Chairmanship of Central Neighbourhood Forum 2017/18

The Council considered the report of the Interim Corporate Governance Manager which indicated that Councillors Claire Hamilton and Paul Wharton had given notice that they have established a new political group entitled the South Ribble Independents Group with effect from 15 October 2017. This had changed the political balance on the Council and a re-calculation of the entitlement to formal

Committee places had been undertaken which resulted in the South Ribble Independents Group being entitled to three Committee places and the Conservative Group losing two Committee places and the Labour Group losing one place.

The report also indicated that Councillor David Bird had stepped down as a member of the Standards Committee and there was a need for the Conservative Group to appoint a new Member to that Committee and a new Chair and Vice Chair of the Committee.

Councillor Mullineaux (Leader of the Council) indicated that the proposals set out in the report with regard to the Chairmanship of the Central Neighbourhood Forum would be deferred for consideration at a future Council meeting.

It was moved by Councillor Peter Mullineaux and seconded by Councillor Colin Clark:

That with the exception of the Central Neighbourhood Forum, the proposed changes to the membership of Committees as set out in the report be approved.

RESOLVED (For: 44, Against: 0, Abstention: 0):

That the following changes to the membership of Committees be approved:

#### Appeals Committee

Councillor Paul Wharton (South Ribble Independents) to replace Councillor Barrie Yates (Conservative) as a Member of the Committee

#### Standards Committee

Councillor John Rainsbury (Conservative) to replace Councillor David Bird (Conservative) as a Member of the Committee

Councillor Linda Woollard (Conservative) to replace Councillor David Bird (Conservative) as the Chair of the Committee and Councillor Carol Chisholm to replace Councillor Linda Woollard as the Vice Chair of the Committee

Councillor Yates (Conservative) to replace Councillor Michael Higgins (Labour) as a Member of the Committee

#### General Licensing Committee

Councillor Claire Hamilton (South Ribble Independents) to take the place previously held by Councillor Paul Wharton

#### Licensing Act 2003 Committee

Councillor Claire Hamilton (South Ribble Independents) to take the place previously held by Councillor Paul Wharton

## 62 Questions to the Leader of the Council

(a) Written question submitted by Councillor Ken Jones:

“Having previously raised this matter informally with the Chief Executive in the past to no avail, I now have no alternative but to raise it formally.

This Council has an appointed representative on Lancashire Teaching Hospitals Governing Council, which runs Royal Preston and Chorley & South Ribble Hospitals. No representative of this Council has attended any meeting of the hospital Governing Council in this calendar year of 2017. At a meeting of the Governing Council held on 31st October 2017 this record of non-attendance was raised publicly, with the non-attendee being named.

Does the Leader agree with me that this negligent record shames this Council and disrespects our residents at a time of enormous pressure on our health services? What steps is he taking to ensure this disgraceful record of non-attendance is rectified?”

Councillor Peter Mullineaux (Leader of the Council) thanked Councillor Ken Jones for submitting a written question in advance of the meeting. He indicated that following the appointment of Councillor Jacqui Mort as the Council’s representative on the Lancashire Teaching Hospitals NHS Foundation Trust Governing Council, she had to undertake an extensive induction and training programme which took some time. Councillor Jacqui Mort had now successfully completed her induction and was eligible to become a member of the Governing Council in September 2017. Unfortunately Councillor Jacqui Mort was away on a longstanding and planned holiday and therefore was unable to attend her first meeting of the Governing Council.

The Leader of the Council apologised for the time it had taken which was out of the Council’s control however he was aware that the Hospital’s Trust had now arranged meeting dates for next year with Governing Council members and he assured the Council that Councillor Jacqui Mort would do her very best to attend the meetings as health and wellbeing was very important to this Council.

(b) Question submitted by Councillor Paul Wharton in respect of recent reports regarding the Council’s Statutory Section 151 Financial Officer.

The Leader of the Council responded that any issues regarding staff at this Council was confidential and it was inappropriate to discuss this at this meeting.

## 63 Questions to Members of the Cabinet

### ***Corporate Support & Assets***

No questions were asked.

### ***Finance***

No questions were asked.

### ***Neighbourhoods & Street Scene***

(a) Question submitted by Councillor Harry Hancock in respect of Public Space Protection Orders (PSPO) at Banktop Play area.

Councillor Graham Walton (Cabinet Member) responded that although this was not covered in the recent review of the PSPO, he was aware of the situation and it was envisaged that a full consultation would take place with residents.

(b) Question submitted by Councillor Paul Wharton in respect of the recent Scrutiny Committee meeting held on 6 November 2017.

The Cabinet Member assured the Council that he would read and proof-read his portfolio reports prior to publication.

### ***Public Health, Safety & Wellbeing***

(a) Question submitted by Councillor Ken Jones in respect of the date of the Order for the Air Quality Management Area in Leyland (Turpin Green Lane/ Golden Hill Lane).

Councillor Peter Mullineaux, the Leader of the Council (in the absence of the Cabinet Member) responded that he could not confirm the exact date, however he was aware this matter would be considered at the Cabinet meeting on 6 December 2017.

(b) Question put by a member of the public in respect of a report by the Health and Wellbeing Board on health and safety of patients, the North West Ambulance constraints and fast tracking of triage in transferring patients.

The Leader of the Council (in the absence of the Cabinet Member) responded that he/the Cabinet Member would not be able to provide a response to lengthy questions at the meeting. The Leader urged the member of the public to put any detailed questions in writing in future to allow the Council the opportunity to provide a comprehensive response to the questions raised.

### ***Regeneration & Leisure***

No questions were asked.

### ***Strategic Planning & Housing***

No questions were asked.

## **64 Questions to Chairmen of Committees and My Neighbourhood Areas**

Chair of Governance Committee

Question submitted by Councillor Michael Green to the Chair of the Governance Committee in respect of the Council's Constitution on the priority order of council business on the agenda for this meeting.

Councillor Alan Ogilvie (Chair of the Governance Committee) indicated that he had

noted this and the Governance Committee had been reviewing the Constitution and would continue to review this. This would almost be certainly be taken into account at the next working group of the Committee.

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

No questions were asked.

## **66 Exclusion of Press and Public**

A discussion ensued on whether the following item was exempt as the Council should be as open and transparent as possible. It was reported that this item was exempt as the information related to the financial or business affairs of any particular person (including the authority holding that information).

RESOLVED (For: 38, Against: 2, Abstention: 3):

That the press and public be excluded from the meeting during the consideration of the following item of business as it involved the discussion of information defined as exempt from publication under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, 'Information relating to the financial or business affairs of any particular person (including the authority holding that information) ' and in which the public interest in maintaining the exemption outweighed the public interest in disclosing it.

## **67 Changes to Council's Management Structure**

Further to Minute No. 46 of the Council meeting held on 22 September 2017, the Council considered a further report of the Chief Executive which provided details of the proposals for changes to be made to the Council's Management Structure, including the expansion of shared services with Chorley Borough Council.

As a consequence of the resolution of Council in September 2017, several further joint party working groups and learning sessions had taken place. Members had requested clarity around costs and risk, and in particular the proposals for shared statutory officers with Chorley. Information had subsequently been provided to Members to clarify risk and with regard to the Shared service agenda, and they had been made aware of the work carried out by the Local Government Association on similar proposals. As a result of the consultation, a new organisational leadership model had been developed for the Council to consider within the report.

The report set out in detail the financial implications of the new structure and projected savings as a result of jointly appointing a number of shared directors with Chorley Council. This included the sharing of both the Council's Section 151 Finance Officer and Monitoring Officer and formation of a Joint Member Panel which would recruit to joint posts at a senior level. The posts at tiers 3 and 4 would be appointed jointly by the Chief Executives at Chorley Council and this Council.

It was moved by Councillor Peter Mullineaux and seconded by Councillor Colin Clark:

That the recommendations set out in the report be approved.

During the debate, some Members of the Council indicated that although they still had some reservations about the proposals in the report, more clarity had been made on the general points of concern and they now felt reassured that the proposals should be moved forward to meet the current needs of this Council. The Leader of the Council was happy that an annual review be undertaken to ensure that the structure continued to be fit for purpose.

RESOLVED (For: 43, Against: 0, Abstention: 2):

That:

- 1) approval be given to the implementation of the proposed new management structure shown in paragraph 7.3 of the report and the amendment of the Council's Pay Policy 2017/18 to reflect the proposals in paragraph 8.2 of the report;
- 2) the ambition to create a culture of continual improvement, growth and opportunity providing an environment where staff feel supported and proud to work be endorsed;
- 3) the Council continue to work to develop a close working relationship with Chorley Borough Council with the ultimate aim and joint ambition to develop full shared services serving two independent and sovereign councils;
- 4) approval be given to the creation of the following Senior Shared Services Officer posts:
  - Deputy Chief Executive Officer (Resources and Transformation)
  - Director of Legal and Democratic Services
  - Assistant Director of Legal Services
  - Director of Finance and Assurance Services
  - Assistant Director of Finance and Assurance Services
  - Director of Policy, HR and Communications
- 5) the new post of Director of Finance and Assurance Services (Shared Services) be designated as the Council's Statutory Finance Officer, in accordance with Section 151 of the Local Government Act 1972;
- 6) the new post of the Director of Legal and Democratic Services (Shared Services) be designated as the Council's Statutory Monitoring officer, in accordance with Section 5 of the Local Government and Housing Act 1989;
- 7) Officers be requested to bring back a further paper to Council, which will set out detailed proposals for amended policies and procedures required to effectively implement the Shared Service programme and bring forward a revised Shared Service Agreement for further consideration;
- 8) approval be given to the appointments process for shared posts set out in the Shared Service Joint Committee Report (set out in Appendix 1 to the report). For Shared Chief Officers (Tier 2 and Statutory Officer posts) this would involve a Joint Member Panel been drawn equally from both Councils (Leader, Deputy Leader and Leader of the Opposition) and this process will run parallel to the points referred to in resolution 7 above.

- 9) the Chief Executive be granted delegated authority to implement the Council's approved Redundancy Policy in accordance with the guidelines within the policy; and
- 10) substitute members be permitted to attend the Shared Services Joint Committee (one named substitute Member to be appointed, for each political group, at each Council).

Chair

Date