

**MINUTES OF COUNCIL**

**MEETING DATE** **Wednesday, 26 September 2018**

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

**OFFICERS:** Dave Whelan (Legal Services Manager/Interim Monitoring Officer), Gary Hall (Section 151 Officer) and Dianne Scambler (Governance and Member Services Team Leader)

**OTHER MEMBERS:** None.

**PUBLIC:** 26

**39 Condolences to the Mayor**

The Leader on behalf of the Council, passed on her condolences to the Mayor on the sad news that his mother had recently passed away.

**40 Apologies for absence**

Apologies were received from Councillors Warren Bennett, Jim Marsh, Elizabeth Mawson, Jonathan Woodcock and Barrie Yates.

**41 Minutes silence for Councillor David Wooldridge**

The Group Leaders spoke compassionately about their friend and fellow Colleague Councillor David Wooldridge who had recently passed away.

The tributes were followed by the observation of a two minutes silence.

**42 Minutes of the last meeting**

RESOLVED: (Unanimously)

That the minutes of the Council meeting held on 25 July 2018 be approved as a correct record.

### **43 Declarations of Interest**

Gary Hall, Temporary Deputy Section 151 Officer declared a personal interest in Item 8 of the agenda. Gary indicated that he would leave the meeting.

### **44 Mayors Announcements**

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

### **45 Report of Cabinet and Committees**

Members raised their concern that reports of Cabinet, Governance and Scrutiny Committee were no longer presented to Council for consideration and queried the publication of the minutes of those meetings in their place.

As a decision had been taken by the Chief Executive to only allow approved minutes to be submitted to the Council agenda, a considerable time would pass before they could be submitted, meaning that the information contained within would be out of date. There was a cross party view by Members for this practice to be reviewed in favour of bringing back reports.

The Leader of the Opposition, Councillor Paul Foster also queried why an urgent decision made by Cabinet, that was signed off the day before the Council meeting by the Cabinet Member (Finance) and temporary Deputy Section 151 Officer on Business Rates Retention pooling arrangements had not been brought to the meeting, as it was his understanding that the decision had been one for full Council.

The Interim Monitoring Officer explained that the decision had been made by Cabinet as the deadline for the response to Government was 25 September, the day before this Council meeting. In the interests of Members recent concerns about the lateness of reports being submitted to meetings, the decision had been taken to bring the update report to the next Council meeting on 4 December.

### **45a Minutes of the Governance Committee**

The Council considered the approved minutes of the Governance Committee meeting held on 26 July 2018.

It was moved by Councillor Alan Ogilvie, seconded by Councillor Jim Patten and

RESOLVED: (Unanimously)

That the approved minutes of the Governance Committee held on 26 July 2018 be noted.

### **46 Vehicle Age Policy**

The Council considered a report by the Interim Monitoring Officer that outlined the proposed changes to the vehicle age policy relating to hackney carriage and private hire vehicles licensed by South Ribble Borough Council.

The Chair of Licensing explained that a working group of the General Licensing Committee had recommended for the current differentiated age policy to be abandoned and replaced by a standardised age policy that would see the age limits for saloon vehicles to be brought in line with the higher age limits of those of wheelchair accessible vehicles of six to 12 years.

Air pollution concerns subsequently raised by Environmental Health had led to a difference of opinion between Members of the Committee on how to progress this issue and although the recommendations in the report supported the view of the working group, Councillor Suthers commented that he no longer supported the original decision of the Committee.

A member of the public asked if further consideration could be given to the age limit at the lower end of the policy, referencing the rules around the purchasing a new car.

It was moved by Councillor David Suthers, seconded by Councillor Paul Wharton and

RESOLVED: (No 26, Yes 18)

1. That the Council support for the recommendation made by the General Licensing Committee to extend the vehicle age policy for private hire and hackney carriage vehicles to 6 years (on first registration) and 12 years (maximum age on renewal) be refused.
2. That the agreement to investigate a consultation exercise as soon as practicable on an alternative age policy at the lower end of 4 years and 8 years be refused.

**47 Corporate Peer Challenge Action Plan and response to Statutory Recommendation (Under Section 24 of the Local Audit and Accountability Act 2014)**

The Council considered a report of the Chief Executive that provided an update on progress made against the recommendations from the LGA Peer review from 2017 and revisit in March 2018. The report also addressed the recommendations recently made by the Council's External Auditors, Grant Thornton PLC, that was concluded with the Annual Audit of the Statement of Accounts for 2017/18.

The External Auditors had issued a statutory recommendation for the Council to set out how it progressed with its implementation of the LGA findings and Council were asked to note the actions contained within the report and Action Plan.

It was moved by Councillor Mary Green, seconded by Councillor Caroline Moon and

RESOLVED: (Yes 43, Abstained 1)

That:

1. The recommendation made by the External Auditor be accepted.
2. That the completed actions implemented following the recommendations made following the LGA Corporate Peer Review be noted; and
3. A formal response be provided to the External Auditors advising that all actions recommended within the original Peer Review, and Peer Review

revisit have been actioned, are either complete, or are currently in implementation.

Councillor Paul Foster commented that this was a significant moment for the Council and argued that the Leader was struggling to defend the progress made since the Peer Review of the organisation had taken place, stating that in his opinion the current situation of the Council was not good.

Councillor Paul Foster stated that in 2007, the Authority had been rated fourth best in the country. Since 2015 the Council had witnessed three Chief Executives, four Council Leaders and 7, soon to be 8, Chief Finance Officers, with the Council just having received an unprecedented qualified value for money conclusion for the third year running. Above all, staff morale was at an all-time low, with no confidence in senior management, there were reports of over 65 staff having left the authority over a 14 month period, high sickness levels and an avalanche of complaints to union officials with growing momentum over the past few months. The Leader of the Opposition, strongly supported by his Group, asked the administration to look into the situation as a matter of urgency.

Dion Baugh, Regional Officer (Unison) stated that she fully supported the comments made by Councillor Foster around staff morale and requested an urgent meeting with the Leader to discuss the issues.

The Leader agreed to the meeting but reported that it had been her understanding that relations with staff was improving and that she had been informed of an officer group that had been set-up to deal specifically with staff concerns. The Council was currently in the process of undertaking a considerable transformation programme and there had been many changes in working practices that would need time to embed and for staff to adjust to.

She went on to thank staff for the work that they did for the Council and appreciated that they were doing their best in difficult circumstances. Gateway had just achieved an award and a recent customer satisfaction survey had revealed that 84% of customers had reported high customer satisfaction. Admittedly, calls had been taking longer to get through due to the increase in demand for certain services, but the implementation of a new Digital Strategy would commence shortly that would help to alleviate some of the problems.

Mark Hodges – Branch Secretary (Unison) spoke in support of staff at the Authority. Explaining that many of the staff were unhappy with current conditions at the Council and were leaving in droves. People didn't want to leave, they just felt that they had no choice, ultimately they wanted something to be done to improve the situation.

Alison Hardman - Communications Officer (Unison) told the Council that many Managers had left, taking with them a wealth of experience and knowledge that had left massive gaps for junior members of staff to fill. As a consequence many officers were taking on additional roles and responsibility and were feeling overwhelmed and overworked.

RESOLVED:

That the Leader would meet with UNISON officials to progress staff concerns.

#### **48 Appointment of the Deputy Chief Executives and Shared Services Recruitment**

Gary Hall, temporary Deputy Section 151 Officer left the meeting.

The Council considered a report of the Chief Executive that updated on the recent appointments of the Deputy Chief Executive (Regeneration and Growth) and Deputy Chief Executive (Resources and Shared Services Transformation) Section 151 Officer)). The report also updated on the steps being taken to recruit to the Shared Services posts with Chorley Council and sought approval of temporary Section 151 Officer arrangements until the substantive post holder takes up post.

It was moved by Councillor Mary Green, seconded by Councillor Caroline Moon and

RESOLVED: (Unanimously)

1. That the appointment of Gregg Stott to the Deputy Chief Executive (Regeneration and Growth) from 5 November 2018 be noted.
2. That the appointment of Tim Povall to the Deputy Chief Executive (Resources and Shared Services Transformation) from 3 December 2018 be noted.
3. Approval granted for Gary Hall, Chief Executive of Chorley Council to provide Section 151 Officer support on a temporary part-time basis until the substantive post holder takes up post, with approval to appoint Jane Blundell as his Deputy Section 151 Officer.
4. That the progress being made on the appointments to the Shared Services posts be noted.

#### **49 Changes to Committee memberships and roles and responsibilities of the Cabinet 2018/19**

The Council considered a report of the Assistant Director of Scrutiny and Democratic Services outlining changes to the Cabinet and Member Champion roles and responsibilities following the resignation of Councillor Michael Green as Cabinet Member (Corporate Support and Community Engagement). The report also updated on a number of changes to Council appointments for 2018/19. An amendment to the report was also presented verbally by the Leader.

It was proposed by Councillor Mary Green, seconded by Councillor Caroline Moon and

RESOLVED: (Yes 25, Abstention 16, No 0)

That:

1. Councillor Michael Green be appointed to Governance Committee
2. Councillor Mary Green be appointed to the Central Lancashire Strategic Planning Joint Advisory Committee
3. Councillor Caroline Moon and Rebecca Noblet be appointed as reserves on the Central Lancashire Strategic Planning Joint Advisory Committee.
4. Councillor Caroline Moon be appointed on the Lancashire Police and Crime Panel.
5. Councillor Mike Nathan be appointed as a Reserve on the Lancashire Police and Crime Panel.
6. Changes to the roles and responsibilities of the Cabinet be noted.

7. Changes to the Member Champion roles be noted.

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

Councillors Paul Foster, Mick Titherington and David Howarth asked the Leader if she condoned the actions of her son, Councillor Michael Green for sharing a tweet comparing a Labour Momentum fringe meeting with a Nazis gathering.

A heated debate ensued with passions running high for several Members of the Council and calls for both the Leader and Councillor Michael Green to resign were made.

The Mayor called for order in the Chamber and Councillor Mary Green stated that the matter would be investigated.

A member of the public asked if the Council would support the campaign for the provision of a new Super Hospital to be built for the South Ribble area amidst reports of the possible closure of the A&E Department on the Chorley site.

Councillor Matthew Tomlinson reported, that at a recent Health Scrutiny Committee meeting at Lancashire County Council, Conservative Councillors had voted against keeping the Accident and Emergency service at Chorley as an option for consultation on the 'Our Care Our Health' proposals. This had included some South Ribble Conservative Councillors and asked if the Leader agreed with this action. The Leader responded that she felt unable to comment at this stage.

## **51 Questions to Members of the Cabinet**

(a) Questions to the Deputy Leader and Cabinet Member (Environment and Community Safety)

Councillor David Howarth requested information on the life expectancy of a recycling bin and whether there was a rolling programme in place for the replacement of stock across the Borough. The Cabinet Member agreed to investigate and report back.

Councillor Keith Martin asked when the Council would be collecting in all the brown bins that residents no longer required as they were not paying for their garden waste to be collected. The Cabinet Member explained that this had been a conscious decision to allow a period of adjustment for the uptake of the new service.

(b) Questions to the Cabinet Member (Strategic Planning, Housing and Economic Growth)

Councillor Colin Clark had submitted the following written question:

On 22 March 2018 a planning application was submitted to the Council for the erection of 2 no. agricultural stores (steel shipping containers) to accommodate the storage of equipment and to house sheep/feed and the formation of silo for grass. The site was wholly in the Green Belt. Initially it was intended that the application be dealt with under the delegated authority to Planning Officers procedures and to grant planning permission in this case. However, the Ward Councillors requested that the application be referred to the Planning Committee for consideration because, in their opinion, it did not satisfy the requirements of the Green Belt Policy G1.

The Committee report contained an Officer recommendation that approval be granted subject to certain conditions but the Committee decided to defer the matter and requested further information be provided.

Subsequently, the application was referred again to the Planning Committee on 18 July 2018, but this time, the Officer recommendation was to refuse the application, as the additional information obtained, which should have been available in the first instance, demonstrated that the application did not meet the requirements of the Green Belt Policy G1. Accordingly the Planning Committee refused the application.

Does the Cabinet Member for Strategic Planning, Housing and Economic Growth agree:

1. That the procedures on delegated authority to Officers needs to be reviewed in relation to planning applications?
2. That all future planning applications for development within the Green Belt should be referred to the Planning Committee to ensure that the Green Belt Policy G1 is safeguarded at all times.

The Cabinet Member provided the following response:

The constitution in relation to delegated powers to officers has recently been reviewed in 2017 and some minor amendments were made at that time. The levels of delegation appear to be working well and provide an appropriate balance between officer and Committee decisions.

In the review in 2017 we were asked to consider this by the then Planning Committee chair. This was not progressed further due to a number of factors. Those factors remain today.

Around two thirds of South Ribble is designated as Green Belt therefore each year a significant number of planning applications and determinations occur within the designated Green Belt. In the past year there have been 121 such applications. If those applications were referred to Planning Committee this would average at around 10 to 12 additional agenda items every planning committee.

Such an approach would be impractical and cause significant resource issues and significantly lengthen committee meetings some of which already stretch to their fully allotted time.

Knock on implications would be on the performance of the Planning team. Across the country planning teams are asked to determine applications within 8 or 13 weeks depending on the scale of the application. One way of ensuring such targets are met is to have the majority of decisions placed with officers as delegated. If an authority does not meet the targets specified by Government they can be put in special measures and the decision making on planning applications would be removed from them. It is therefore important that the high performance the team currently has is maintained. There may well be other associated knock on effects such as increased numbers of appeals.

It is important to highlight that Councillors are able to request a planning application to be brought to Planning Committee where there is just reason by asking the Director of Planning and Property to do so. Generally such requests are agreed to unless delaying a decision for a planning committee would have a serious consequence.

Councillor Keith Martin asked if the Council's response to the Ministry of Housing, Communities and Local Government consultation on permitted development for shale gas could be circulated to all Members. The Cabinet Member agreed to this request.

A member of the public sought assurances that South Ribble had the necessary infrastructure in place (such as the demand for school places) to support the increased housing development planned across the Borough. The Cabinet Member shared his concerns, however, he was confident that the Authority's portion of allocated school places was not currently at risk.

Councillor Matthew Tomlinson commented that although it was a difficult every effort was made at County Hall to allocate school places to meet the school preferences of parents.

(c) Questions to the Cabinet Member (Public Health, Leisure and Wellbeing)

Councillor Keith Martin asked what the environmental impact of the council's buildings and vehicles was in relation to air quality emissions and questioned whether the Council should set an example. The Cabinet Member agreed to investigate and report back.

Councillor Matthew Tomlinson asked if the Council charged the Blood Transfusion Service for use of the Banqueting Suite. The Cabinet Member said that she was not aware of any charges but would clarify the position and report back.

(d) Questions to the Cabinet Member (Finance)

Councillor Colin Clark had submitted the following question:

On 30 March 2016 a report was presented to the Council by the then Cabinet Member (Finance and Resources), Councillor Warren Bennett, with a recommendation to approve the acquisition of industrial units at the Momentum Business Centre in Bamber Bridge. In the report it stated that the anticipated rental income to the Council would be £47,000 per annum, representing a gross yield of 8.1%, and a net return of 6.5%, and that the expected repayment period was forecasted as 13 years and 4 months.

1. What has been the gross and net returns on this investment in 2016/17, 2017/18, and the current year to date?
2. Will the expected repayment period be achieved? If not, what is the anticipated repayment period?

The Cabinet Member provided the following response:

Year	Gross Return	Net Return
2016/17	0.5%	-0.7%
2017/18	3.0%	1.6%
2018/19	7.4%	6.1%
March 16 Council Report	8.1%	6.5%

Forecast repayment period is in line with expected repayment period. (13.43 compared with 13.28 in report) This is based on actual capital cost divided by the net of the gross rental (full occupancy) less investment interest income forgone.

The notional investment income forgone of £4426 is based on the capital cost of £587k x the average rate interest on the Council's investments of 0.75%.

With regards to the purchase price, the Cabinet report of 30 March reported that whilst considered to be at the top end of the market, Cushman Wakefield fully supported the acquisition at this level taking into account the levels achieved on the remainder of the site and the demand for the final units and their opinion of value being in line with the agreed purchase price.

Councillor Paul Foster asked about the fit out costs at the Momentum Business Centre that had been undertaken for prospective tenant that did not enter into a formal contract and asked if these had been taken into consideration upon calculation of the income figure. The Cabinet Member agreed to look into this further and report back.

Councillor Paul Foster also asked for a review of the Appointments process to be undertaken in relation to compliance with the Financial procedure rules, Council's pay policy and authorisation of expenditure. This was in light of the following payments that had been authorised at officer level:

- £106,127 for the Interim CE for a 3 month period
- £328,756 (including a pension contribution of £217,155) for the Director of Neighbourhoods, Environmental Health and Assets
- £114,587 (including pension contribution of £17,074) for Interim HR and OD Consultant for a period of 10 months.

The Cabinet Member agreed to work with the Section 151 Officer and report back.

## **52 Questions to Chairs of Committees and My Neighbourhood Areas**

None.

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

Questions to Representative(s) of Outside Bodies.

Councillor Keith Martin asked if the representative of the Springfield Fuels Ltd – Site Stakeholders Group, Councillor Karen Walton could provide an update on the meetings.

Councillor Walton provided that she would be attending her first meeting of the group on 4 October 2018 and would report back.

Chair

Date

