

PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 2.00 p.m. on Wednesday, 14 April 2010, when the following Members were present:-

Roger Sherlock (Mayor)	Robert Redfern (Deputy Mayor)
Jon Barry	Eileen Blamire
Susan Bray	Ken Brown
Abbott Bryning	Keith Budden
Shirley Burns	Anne Chapman
Susie Charles	Tina Clifford
Chris Coates	John Day
Roger Dennison	Sheila Denwood
Sarah Fishwick	Jane Fletcher
Melanie Forrest	Rebekah Gerrard
John Gilbert	Charles Grattan
Mike Greenall	Janice Hanson
Emily Heath	Helen Helme
Val Histed	Tony Johnson
Andrew Kay	David Kerr
Janie Kirkman	Geoff Knight
Stuart Langhorn	Roger Mace
Geoff Marsland	Ian McCulloch
Roger Plumb	Joyce Pritchard
Peter Robinson	Bob Roe
Sylvia Rogerson	Ron Sands
Elizabeth Scott	Keith Sowden
Malcolm Thomas	Jude Towers
Morgwn Trolinger	Maia Whitelegg
Peter Williamson	Paul Woodruff

114 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Evelyn Archer, June Ashworth, John Barnes, Jean Dent, Keran Farrow, Karen Leytham, Tony Wade and John Whitelegg.

115 MINUTES

The minutes of the meetings held on 3 and 31 March 2010 were signed by the Mayor as a correct record.

116 COUNCILLOR ELIZABETH SCOTT

The Mayor welcomed Councillor Elizabeth Scott to her first meeting following her election to represent the John O'Gaunt Ward on 1 April 2010.

117 DECLARATIONS OF INTEREST

Members advised of the following declarations of interest at this stage:

Councillor Peter Robinson declared a personal interest due to his involvement with the Helping Hands organisation referred to in the Executive Annual Report (Minute No. 123 refers).

Councillors Anne Chapman and Jane Fletcher declared personal interests as Directors of LESS, an organisation involved in microgeneration. (Minute No. 129 refers).

It was also agreed to record a personal interest on behalf of all those present in relation to Members Allowances. (Minute No. 121 refers.)

118 ANNOUNCEMENTS

The Mayor referred to the recent plane crash in Smolensk in which the President of Poland and everyone else on board had died. He reported that he had sent a message of condolence to the District's twin town of Lublin in Poland and asked the meeting to join him in a minute's silence in memory of President Kaczynski and as an expression of sympathy to the families of those who died in the disaster, to the nation of Poland and to the Polish communities in this district at this time of national tragedy for them.

The meeting stood for a minute's silence.

119 QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11

The Mayor advised that no questions had been received from members of the public in accordance with the provisions of Council Procedure Rule 11.

120 LEADER'S REPORT

The Leader presented his report on the proceedings of Cabinet since the last meeting of Council and updated Members on various issues, including those set out in a supplementary report published the previous day on information which had become available since the publication of the agenda.

He answered a number of questions from Councillors.

Resolved:

That the report be noted.

121 MEMBERS' ALLOWANCES SCHEME

(All Councillors present declared a personal interest in the following item relation to Members allowances.)

The Mayor then advised that he intended to take the report of the Independent Remuneration Panel as the next item and invited the Chairman, Professor Alan Mercer to present the report. Council was advised that the Panel had this year considered a small number of issues which had been identified since the last full review. All Councillors had been given an opportunity to express their views on the Scheme and the Chairman thanked those who had responded. In considering the issues raised the Panel had been mindful of the role of Members Allowances in retaining councillors and felt that it was important that councillors were adequately rewarded. They were however also conscious of the Council's financial position and current economic circumstances and the need to keep costs at least within the level currently budgeted for.

It had therefore been felt that should any increases be merited, compensatory savings should also be identified so that Council would have a clear choice in considering the Panel's recommendations and the report set out the Panel's latest recommendations for Council's consideration with the rationale in support of each.

Having outlined a summary of the report and further explained the financial implications, Professor Mercer answered a number of questions.

It was then moved by Councillor Blamire and seconded by Councillor Kerr:

'We thank the Panel for their report, but feel that this is not a fair assessment of the responsibility of all councillors and that it does not consider the implications of their proposals.

We feel that the complexity of these proposals needs detailed consideration by a small working group made up of representatives from all Groups in order to arrive at a common view.

We therefore resolve:

- (1) That an informal working group of 6 councillors, one from each Group be established to consider the Panel's report in detail prior to further consideration of the Panels' recommendations at the Council meeting in June.
- (2) That any decisions of Council in relation to Members Allowances at the June meeting be backdated to 1 May 2010.'

It was then moved by Councillor Woodruff and seconded by Councillor Sowden, by way of an addendum to the proposition:

- (3) That, in any event, the payment of any political allowances be removed from the Scheme with immediate effect.'

At the conclusion of the debate a vote was taken on the amendment when 9 Members voted for the amendment and many against, whereupon the Mayor declared the

amendment lost.

There then followed a further debate on the proposition at the conclusion of which a vote was taken and the Mayor declared the proposition clearly carried.

Resolved:

That Council thanks the Panel for their report, but feels that this is not a fair assessment of the responsibility of all councillors and that it does not consider the implications of their proposals.

That Council feels that the complexity of these proposals needs detailed consideration by a small working group made up of representatives from all Groups in order to arrive at a common view.

Council therefore resolves:

- (1) That an informal working group of 6 councillors, one from each Group be established to consider the Panel's report in detail prior to further consideration of the Panels' recommendations at the Council meeting in June.
- (2) That any decisions of Council in relation to Members Allowances at the June meeting be backdated to 1 May 2010.

122 MAYOR'S ANNUAL REPORT

In accordance with Article 5.02(g) of the Constitution, the Mayor presented his Annual Report for 2009/10. There were no questions.

Resolved:

That the report be received.

123 EXECUTIVE ANNUAL REPORT

(Councillor Peter Robinson declared a personal interest in the following item due to his involvement with the Helping Hands organisation referred to in the report.)

In accordance with Article 7.06(k), the Leader and each Member of Cabinet, including the two former Cabinet Members who had resigned in March, had produced a written business progress report for 2009/10.

The Leader presented his annual report and answered a number of questions.

The Mayor then advised that Councillor Archer was not in attendance to present her report and it was moved by Councillor Bray and seconded by Councillor Kirkman that consideration of Councillor Archer's report be deferred to the next meeting of Council.

On being put to the vote the Mayor declared the proposition clearly carried.

At this point the Mayor reminded Council of the recent amendment to the Constitution which required there to be a short break after a period of two hours.

The meeting adjourned at 4pm for 10 minutes.

On reconvening the Mayor advised that Councillor Ashworth was not at the meeting to present her report and it was moved by Councillor Day and seconded by Councillor Bray that consideration of Councillor Ashworth's report be deferred to the next meeting of Council.

On being put to the vote the Mayor declared the proposition clearly carried.

Councillors Barry, Blamire, Bryning, Fletcher, Kerr, Mace and Thomas then presented their reports and answered a number of questions.

Resolved:

- (1) That the reports of Cabinet Members Councillors Langhorn, Barry, Blamire, Bryning, Fletcher and Kerr and former Cabinet Members Councillors Mace and Thomas be received.
- (2) That the annual reports of Cabinet Members Councillors Archer and Ashworth be deferred to the next meeting of Council.

124 OVERVIEW AND SCRUTINY ANNUAL REPORT

In accordance with Article 6.03(c) the Overview and Scrutiny Annual Report for 2009/10 had been published and was presented to Council by the Chairman, Councillor Gilbert.

Councillor Gilbert also responded to a number of questions.

Resolved:

That the Overview & Scrutiny Annual Report be received.

125 AUDIT COMMITTEE ANNUAL REPORT

In accordance with Section 8.13 of Part 3 of the Council's Constitution, the Chairman, Councillor Janice Hanson, presented the 2009/10 Annual Report of the Audit Committee and answered a number of questions.

Resolved:

That the report be received.

126 STANDARDS COMMITTEE ANNUAL REPORT

The Mayor advised that the 2009/10 Annual Report of the Standards Committee had been included in the agenda, but the independent Chairman, Mr. Stephen Lamley was not able to attend.

It was moved by Councillor Budden and seconded by Councillor Day:

'That consideration of the Annual Report of the Standards Committee be deferred to the meeting of Council on 17 May to enable the independent Chairman, Mr. Stephen Lamley to attend.'

On being put to the vote, the Mayor declared the proposition clearly carried.

Resolved:

That consideration of the Annual Report of the Standards Committee be deferred to the meeting of Council on 17 May to enable the independent Chairman, Mr. Stephen Lamley to attend.

127 ALLOCATION OF SEATS TO POLITICAL GROUPS**128 ELECTION OF CABINET MEMBERS**

The Mayor reported that following the resignation of Councillors Malcolm Thomas and Roger Mace from the Cabinet, an item had been included on the agenda for Council to elect two new Cabinet Members in accordance with Article 7 of the Constitution. Members were reminded that there was a PR Cabinet in place for 2009/10, and the vacancies could only be filled by nominations from the Conservative Group.

The Conservative Group Administrator announced that the Conservatives did not intend to put forward any nominations to Cabinet at this stage in the Municipal Year.

The Mayor confirmed that the two seats on Cabinet would therefore remain vacant.

129 MICROGENERATION MANIFESTO 2010

(Councillors Anne Chapman and Jane Fletcher declared personal interests in the following item of business as Directors of LESS, an organisation involved in microgeneration.)

Council considered a report of the Corporate Director (Regeneration) concerning a request by the Micropower Council that Lancaster City Council endorse the "Microgeneration Manifesto". The report explained that this was a four point programme for policy makers aimed at supporting the microgeneration industry and delivering tangible carbon savings and which set out the benefits of microgeneration and how such policies could not only help to reduce household carbon dioxide output but conserve energy, lower consumer bills and create jobs.

Members were advised that the manifesto was consistent with the Council's Climate Change Strategy and the Local Development Framework was broadly supportive of micro-renewables. There were no additional resource implications for the Council in endorsing the Manifesto since it was directed at central government and the resources required for delivery would need to come from central government.

The recommendation to endorse the Manifesto was moved by Councillor Langhorn and seconded by Councillor Barry.

On being put to the vote the Mayor declared the proposition clearly carried.

Resolved:

That Council endorse the Micropower Council's Microgeneration Manifesto.

130 AWARD OF HONORARY FREEDOM OF THE CITY OF LANCASTER TO MR JAMES DOWNHAM

The Chief Executive submitted a report setting out a proposal to make Mr James Downham an Honorary Freeman. The report set out details of Mr Downham's contribution to society in particular through the Lancaster Boy's Club and members were asked to consider this in the light of the definition that a person being considered for the status of Honorary Freeman should be a person of distinction who has, in the opinion of the Council, rendered eminent services to the City.

Details were also provided of the formal requirements to make such a decision at a Special Meeting of Council.

The Head of Democratic Services answered a number of questions on the plans to put in place an appropriate ceremony and the available budget to achieve this.

The recommendations set out in the report were moved by Councillor Langhorn and seconded by Councillor Kirkman.

On being put to the vote the Mayor declared the proposition clearly carried.

Resolved:

- (1) That in pursuance of Section 249 of the Local Government Act 1972, this Council confers the Freedom of the City of Lancaster on Mr James Downham at a Special Meeting of the City Council.
- (2) That the Head of Democratic Services be authorised to make the necessary arrangements for the meeting and an awards ceremony in consultation with the Right Worshipful the Mayor of Lancaster.

131 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12.2 (Pages 1 - 5)

The Mayor advised that 10 questions had been received by the Chief Executive in accordance with Council Procedure Rules as follows:

- (1) Councillor Woodruff to Councillor Langhorn regarding the cost of grass cutting in Halton.
- (2) Councillor Charles to Councillor Langhorn regarding the Lancashire Association of Local Councils
- (3) Councillor Johnson to Councillor Kerr regarding the Chatsworth Gardens project
- (4) Councillor Johnson to Councillor Kerr regarding the Chatsworth Gardens project
- (5) Councillor Bray to Councillor Kerr regarding the Chatsworth Gardens project
- (6) Councillor Sowden to Councillor Langhorn regarding the Council's Managing Resources score
- (7) Councillor Woodruff to Councillor Barry regarding the closure of public conveniences
- (8) Councillor Woodruff to Councillor Blamire regarding Denny Beck Bridge
- (9) Councillor McCulloch to Councillor Archer regarding Bailrigg Science Park
- (10) Councillor Budden to Councillor Barry regarding broken chairs

A number of those who had intended to ask questions had left the meeting by this time and it was agreed that written answers would be made available on this occasion.

Details of the questions and answers together with any supplementary questions and responses are included at Appendix A to the minutes.

132 MINUTES OF CABINET

Council considered the Cabinet minutes of the meetings held on 8 December, 2009, 19 January and 16 February 2010 which had been deferred from previous meetings and that held on 16 and reconvened on 23 March 2010. There were no questions.

Resolved:

That the report be noted.

Mayor

(The meeting finished at 5.50 p.m.)

**Any queries regarding these Minutes,
please contact Gillian Noall, Head of Democratic Services
telephone (01524) 582060 or email gnoall@lancaster.gov.uk**

APPENDIX A

1 QUESTION FROM COUNCILLOR PAUL WOODRUFF TO COUNCILLOR STUART LANGHORN

Residents of Halton with Aughton, through their Parish Council, will have to pay Lancaster City Council £7,118-00, for Ground Maintenance (Grass Cutting) of Communal Areas, for 2010/2011.

Does Councillor Langhorn agree with me that this is Double Taxation, for Un-Enhanced Services, and as such should be re-funded, as an unacceptable and unreasonable charge?

In the absence of Councillor Woodruff, Councillor Langhorn has supplied the following written response:

'The land referred to is Halton Parish Council's own land and therefore their asset. Consequently, they are responsible for its maintenance. The Parish Council go out to tender every year and some years the City Council win the tender and some years we don't. On those occasions when we don't, the parish council pays another contractor to do the work.

For 2010/11, the City Council have won the tender demonstrating how efficient and cost effective our City Contract Direct Services are.

The City Council does maintain other grassed areas on land that it owns in Halton at no cost to the Parish Council.

Is this double taxation? No

Should the cost of the contract to Halton Parish council won in open tender be refunded? No.

Does the council provide a good, efficient, value for money grass cutting service in Halton? Yes'

2 QUESTION FROM COUNCILLOR SUSIE CHARLES TO COUNCILLOR STUART LANGHORN

Is the function of the Lancaster District Committee of the Lancashire Association of Local councils similar to that for Cabinet Liaison Groups?

Councillor Langhorn replied that Cabinet Liaison Groups are Council bodies and are consultative with no decision-making powers. The precise terms of reference of each group are agreed by Cabinet.

The Lancaster District Committee of the Lancashire Association of Local Councils on the other hand is an independent organisation representing the interests of Parish & Town Councils in the district. It is an external body and not the same as a Cabinet Liaison Group.

By way of a supplementary question Councillor Charles asked whether it was not appropriate to allow the LALC free use of rooms in the town halls as was allowed for Cabinet Liaison Groups.

Councillor Langhorn replied that they were not the same or even similar – LALC is an external body and Cabinet had recently reviewed the charging policy and agreed that all

external bodies should be charged. He suggested that since LALC received subscriptions from member parish councils they could hold their meetings in different parts of the district rather than always at the Town Halls.

3 QUESTION FROM COUNCILLOR TONY JOHNSON TO COUNCILLOR DAVID KERR

How much of the £60k allocated to the Chatsworth Gardens project following recent decisions has been spent up to the end of February?

4 QUESTION FROM COUNCILLOR TONY JOHNSON TO COUNCILLOR DAVID KERR

How much of the £60k allocated to the Chatsworth Gardens project has been spent in the time between the last Council meeting and this?

In the absence of Councillor Johnson, Councillor Kerr has supplied the following written response in respect of questions 3 and 4:

'None of the £60k allocated to the Chatsworth Gardens project has been spent to date.'

5 QUESTION FROM COUNCILLOR SUSAN BRAY TO COUNCILLOR DAVID KERR

What are the monies allocated to the Chatsworth Gardens project being used for?

Councillor Kerr replied: 'Officers are using the money to employ consultants to undertake detailed analysis of the potential options currently identified (and suggest any other options not currently considered as well) for the refurbishment / level of intervention in Chatsworth Gardens. The objective is to define a preferred option which can be agreed by the council and with HCA to be taken forward for the detailed work required for major HCA funding approval. The consultant will provide all necessary services for the city council to prove to HCA it has undertaken a detailed option appraisal (to Green Book standards) which points to a preferred option and way forward which:

- Meets the original Chatsworth Gardens and 'Exemplar' project objectives defined by council Cabinet and the West End Masterplan;
- Is both practicable, feasible and deliverable within the known funding/timing constraints; and,
- Is financially viable, taking into account both the HCA's and Government's value for money criteria.

Officers have written a brief and tender material and issued it to a HCA approved panel of consultants. Appointment will be made in May.

The outputs of the feasibility study will include:

- Options analysis report;
- Design Guide / Design and Access Statement;
- Performance Specification;
- Costs
- Consultants approach to achieving the specified design and quality standards
- Sketch urban design proposals for the scheme;
- Layout plans and typical elevation(s);
- Accommodation schedule; and,
- Market commentary.

Councillor Bray asked by way of a supplementary question how much the consultants were going to cost and was it not possible to do this in-house.

Councillor Kerr replied that he could not say at the present time. When he had the information it would be presented to Council.

6 QUESTION FROM COUNCILLOR KEITH SOWDEN TO COUNCILLOR STUART LANGHORN

Oneplace direct government shows Lancaster City as joint bottom of all the Lancashire Councils, and in 'Managing Resources' does not meet minimum requirements and performs poorly.

How did we get into this state, and what steps are being taken to get out of it?

Councillor Langhorn replied that Councillor Sowden will know as vice chairman of the Audit Committee that this was reported to that Committee. The committee heard that the main reason for this was the capacity issues that had been experienced within Human Resources and the council's decision to put its energies into completing the Fair Pay exercise and progressing the restructuring of its senior management.

He was confident that the work done by Cabinet on linking the budget to priorities would result in an improvement in the score. The pressures from finalising the commitments of Fair Pay will also be reduced.

7 QUESTION FROM COUNCILLOR PAUL WOODRUFF TO COUNCILLOR JON BARRY

Does the member believe it reasonable and democratic that the decision to close a large proportion of public conveniences within the district was made by 3 Councillors or 5% of the membership.

In the absence of Councillor Woodruff, Councillor Barry supplied the following written answer:

There were actually 5 members who took part in the decision; 3 voted for and 2 against. It was unfortunate that the numbers were so low. As I recall, this was because many members were on parish councils and decided that they had a prejudicial interest. Having said that, the decision could have been raised at budget council where the decision would then have been made by the Full Council. However, nobody raised it. Most of the toilets are to be run by the parish councils with us paying half of the original revenue costs. Only four are to be closed and one of these (the one on the canal) is not owned by the council and so we don't know why we ran it in the first place. Clearly, it is unfortunate that we have reduced the number of our public toilets. However, they are a ticking bomb in terms of capital and the amount of money that would have been needed to bring them up to standard in the coming years. The idea is that we will have less toilets directly run by us but that we will be better able to afford to keep them in good condition.

8 QUESTION FROM COUNCILLOR PAUL WOODRUFF TO COUNCILLOR EILEEN BLAMIRE

Why has the Council, 10 years on from the opening of the Millennium path decided, in these difficult financial times to allocate £139,000 to refurbish Denny Beck Bridge.

In the absence of Councillor Woodruff, Councillor Blamire supplied the following written answer:

'An allocation of £139,000 to repair Denny Beck Bridge has been included in the 2010/11 capital programme because when the Millennium Park cycle path was created in 2000, it was always intended that it would be to a standard which would be adopted and maintained by the County Council. However, before the 4.2 km length from Denny Beck Bridge to Sainsbury's could be adopted, the County Council required repair work to the bridge. The cost of these repairs has been included in the forward capital programme for many years, but regularly deferred.

When Cabinet considered the capital programme for 2010/11, Members were advised that unless investment was made in the bridge, then the City Council would remain liable for the repair and maintenance of a substantial length of cycleway and over the next five years, this was likely to exceed the capital cost of repairs to Denny Beck Bridge. On this basis, Cabinet accept this was an invest to save capital expenditure so that future costs would fall to the County Council once that length of cycleway was adopted.'

9 QUESTION FROM COUNCILLOR IAN MCCULLOCH TO COUNCILLOR EVELYN ARCHER

In purchasing the land for the Bailrigg Science Park, the council paid £2.299m on 18th Nov. 2009 according to the Land Registry. The amount budgeted for this purchase was £2.167m. Did the council get £2.167m from the NWDA, and if so, where did the extra £132,000 come from?

In the absence of Councillor Archer, Councillor McCulloch agreed to accept the following written answer:

'The Land Registry details only record the freehold purchase price finally paid for the land. The Land Registry details do not record the full picture with regards to the land deal and therefore, the budget book and purchase price cannot be compared.

A variety of costs are associated with the purchase of the land; purchase price, lease premium, stamp duty land taxes etc. But members should note that all costs associated with the acquisition were fully met by NWDA.'

10 QUESTION FROM COUNCILLOR KEITH BUDDEN TO COUNCILLOR JON BARRY

Is it the intention of this council to repair the broken chairs piling up in Committee Room A at Lancaster Town Hall?

Councillor Barry replied that the reason the damaged chairs have been brought together in one room is to ease the job of the Council appointed chair examiner to assess the repairs needed. Budgets are available to repair them in the coming year.

By way of a supplementary question, Councillor Budden pointed out that these were all Gillows chairs and they had been there for over 12 months and he asked for assurance that the Chair Monitor would not sit on this and deal with it as a matter of urgency.

Councillor Barry assured him that it would be his first job as Property portfolio holder to see that this was done.

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