

PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 2.00 p.m. on Wednesday, 4th February 2009, when the following Members were present:-

Keith Budden (Mayor)	June Ashworth (Deputy Mayor)
Evelyn Archer	John Barnes
Jon Barry	Jim Blakely
Eileen Blamire	Susan Bray
Abbott Bryning	Shirley Burns
Anne Chapman	Susie Charles
Tina Clifford	Chris Coates
John Day	Roger Dennison
Jean Dent	Sheila Denwood
Keran Farrow	Sarah Fishwick
Jane Fletcher	Rebekah Gerrard
John Gilbert	Charles Grattan
Janice Hanson	Emily Heath
Helen Helme	Val Histed
Tony Johnson	Andrew Kay
David Kerr	Janie Kirkman
Geoff Knight	Stuart Langhorn
Karen Leytham	Roger Mace
Geoff Marsland	Ian McCulloch
Joyce Pritchard	Robert Redfern
Peter Robinson	Sylvia Rogerson
Ron Sands	Roger Sherlock
Rob Smith	Keith Sowden
Catriona Stamp	Joyce Taylor
Malcolm Thomas	Morgwn Trolinger
Tony Wade	Maia Whitelegg
John Whitelegg	Peter Williamson
Paul Woodruff	

90 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ken Brown, Mike Greenall, Roger Plumb, Bob Roe and Jude Towers.

In receiving apologies, the Mayor welcomed Councillor Johnson to the meeting who had recently been absent due to ill health.

91 MINUTES

The minutes of the meeting held on 17th December 2008 were signed by the Mayor as a correct record.

92 DECLARATIONS OF INTEREST

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

Councillors Sarah Fishwick, Stuart Langhorn and Robert Redfern declared prejudicial interests in respect of the item relating to Pay and Grading Structure due to each having a relative employed by the Council. (Minute No. 106 refers).

Councillors Eileen Blamire, Shirley Burns, Tony Johnson and Joyce Pritchard declared personal interests in respect of Williamson Park as Members of the Board referred to in the Cabinet Minutes of 20th January 2009.

Councillors Susie Charles, Roger Dennison, Sarah Fishwick, Janice Hanson, Tony Johnson, David Kerr and Roger Sherlock declared personal interests in the item relating to the Lancashire Local Joint Committee Constitution as members of the Committee. (Minute No. 109 refers.)

93 HONORARY ALDERMAN ARTHUR BRIGGS

The Mayor reminded Members of the sad death of former Councillor and Honorary Alderman Arthur Briggs who had died on 19th January 2009 aged 101. He had served as a Conservative Ward Councillor for Bolton le Sands from 1973 to 2004 and had been elected Mayor of the City of Lancaster in 1987/88.

Council stood for a minute's silence in his memory.

94 MORECAMBE BAY COCKLING TRAGEDY

The Mayor also referred to the fact that it would shortly be the fifth anniversary of the cockling tragedy when many had died in Morecambe Bay on the night of 5th and 6th February 2004. Council agreed to mark the anniversary on behalf of the citizens of the District and stood for a further minute's silence in memory of those who died.

Council stood for a minute's silence in their memory.

95 MEMBER DEVELOPMENT CHARTER AWARD

Members were reminded that the Council had recently been awarded the North West Charter for Member Development and were advised that the trophy and that for the Municipal Journal Prize for the best entry in 2008 would be on display at the end of the meeting.

96 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.

97 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12.2

The Mayor advised that 11 questions had been received by the Chief Executive in accordance with Council Procedure Rules as follows:

- (1) Councillor Robison to Councillor Fletcher regarding the use of swimming pools
- (2) Councillor Chapman to Councillor Kerr regarding empty council houses
- (3) Councillor Robinson to Councillor Archer regarding new build on Chatsworth Gardens
- (4) Councillor Robinson to Councillor Archer regarding a conversion scheme on Chatsworth Gardens
- (5) Councillor Robinson to Councillor Archer regarding funding for Chatsworth Gardens
- (6) Councillor Robinson to Councillor Mace regarding Area Based Grant
- (7) Councillor Robinson to Councillor Kerr regarding social rented housing the West End
- (8) Councillor Robinson to Councillor Kerr regarding the principle of 'rent to buy'
- (9) Councillor Barnes to Councillor Bryning regarding the Storey Institute
- (10) Councillor Coates to Councillor Kerr regarding council housing tenancies

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

98 LEADER'S REPORT

The Mayor invited the Leader to present his report on the proceedings of Cabinet since the last meeting of Council.

In introducing his report, the Leader resigned as Leader of Council and Cabinet.

In response to this announcement, it was moved by Councillor Langhorn and seconded by Councillor Archer that Council adjourn to enable Members to consider how the position could be resolved.

The vote being clearly carried the Mayor announced a 15 minute adjournment.

Council adjourned at 2.30pm and reconvened at 2.55pm

99 ITEM OF URGENT BUSINESS - ELECTION OF LEADER

The Mayor announced that he had agreed to the consideration of an item of urgent business at this point in the meeting in order to elect a Leader of Council and Cabinet following the resignation of Councillor Mace.

The meeting was reminded of the provisions of Article 7 and the procedure to be followed for the election of Leader.

Councillor Abbott Bryning was nominated by Councillor Sands and seconded by Councillor Grattan.

Councillor Evelyn Archer was nominated by Councillor Kerr and seconded by Councillor Burns.

Councillor Jon Barry was nominated by Councillor McCulloch and seconded by Councillor John Whitelegg.

On being put to the vote, 25 Members voted for Councillor Bryning, 11 Members voted for Councillor Archer and 13 Members voted for Councillor Barry.

A second vote was then taken when 25 Members voted for Councillor Bryning and 24 voted for Councillor Barry.

The Mayor then declared Councillor Bryning elected as Leader of the Council and Cabinet.

Resolved:

That Councillor Abbott Bryning be elected Leader of the Council and Cabinet for the remainder of the 2008/09 Municipal Year.

100 ITEM OF URGENT BUSINESS - ELECTION OF CABINET

The Conservative Group Administrator confirmed that following the resignation of Councillor Mace as Leader, the Conservative Group nominations for the PR Cabinet were Councillors Charles and Mace.

There were no other amendments to the membership of Cabinet as a result of the change of Leader.

101 BUDGET AND POLICY FRAMEWORK 2009/10

The Mayor advised that the report and recommendations on the Budget and Policy Framework would be considered in sections and invited the Leader to present the report and answer questions on each section in turn.

102 CORPORATE PLAN AND POLICY FRAMEWORK

Councillor Bryning, as Leader, presented the Cabinet report and answered a number of questions on that part of the report relating to the Corporate Plan and Policy Framework documents. He then moved the recommendations as set out in the report.

Councillor Thomas seconded the proposition and on being put to the vote, 30 Members voted for the proposition and 2 against, whereupon the Mayor declared the proposition clearly carried.

Resolved:

- (1) That the current version of the Corporate Plan, attached at Appendix B to the report, be approved.
- (2) That the remaining outstanding sections of the Plan be completed accordingly and referred to the Council's Business Committee for further consideration prior to Council formally signing off the Plan.

103 GENERAL FUND REVENUE BUDGET

The Leader then presented that part of the Cabinet report which related to the General Fund Revenue Budget and answered a number of questions particularly in relation to the ability of Cabinet to achieve budget proposals which would limit the Council tax increase in 2009/10 to 4%.

He advised that he could not at this stage ask Council to approve the Cabinet budget proposals but would ask that Council support Cabinet by noting the proposals to date and approving a 4% increase.

The recommendations set out in the report, including noting the budget proposals were moved by Councillor Bryning and seconded by Councillor Sherlock.

A vote was taken separately on each recommendation. On each vote, many Members voted for the proposition, whereupon the Mayor declared each proposition clearly carried.

Resolved:

- (1) That the General Fund revenue budget proposals to date, as set out in section 3 of the report be noted.
- (2) That the 2008/09 Revised Budget of £23.782M be approved, with the net overspending of £571K being met from Revenue Balances.
- (3) That the minimum level of General Fund Balances be retained at £1M from 01 April 2009.
- (4) That a City Council Tax increase of 4% be approved for 2009/10.

104 GENERAL FUND CAPITAL PROGRAMME

Council then considered that part of the Cabinet report relating to the General Fund Capital Programme which updated Members on the current position and advised that further work was required to achieve a balanced programme.

It was moved by Councillor Bryning and seconded by Councillor Sherlock:

'That the current General Fund Capital Programme position as set out in section 4 of the report be noted.'

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

Resolved:

That the current General Fund Capital Programme position as set out in section 4 of the report be noted.

105 HOUSING REVENUE ACCOUNT

The Leader then presented that part of the Cabinet's report relating to the Housing Revenue Account and Capital Programme and answered a number of questions.

The recommendations set out in the report were moved by Councillor Bryning and seconded by Councillor Sherlock.

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

Resolved:

- (1) That the Housing Revenue Account (HRA) Revised Budget for 2008/09 be approved, as set out at Appendix B to the minutes.
- (2) That the minimum level of HRA Balances be retained at £350K from 1st April 2009, and that the Statement on Reserves and Balances (as set out at Appendix H to the report) be noted.
- (3) That the HRA Budget for 2009/10 be approved, also as set out in Appendix B to the minutes.
- (4) That the Council Housing Capital Programme be approved, as set out at Appendix C to the minutes.

106 APPROVAL OF PAY AND GRADING STRUCTURE

(Councillors Sarah Fishwick, Stuart Langhorn and Robert Redfern declared prejudicial interests in respect of the following item due to each having a relative employed by the Council.)

Council consider the recommendations of Cabinet regarding its preferred new pay and grading structure. It was further reported that Personnel Committee had also considered the proposal and had confirmed its support for the structure 9.5.4.5 being recommended by Cabinet.

The Chief Executive clarified a number of issues raised by Members.

The recommendation set out in the report was then moved by Councillor Bryning and seconded by Councillor Kerr.

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

Resolved:

That structure 9.5.4.5 be approved as the new pay and grading structure.

107 CITY COUNCIL MEETINGS TIMETABLE AND MEETING TIMES - 2009/10

Councillor Smith as Chairman presented a report of the Council Business Committee on a proposed timetable of meetings for 2009/10 as well as recommendations relating to changes to future meeting times.

He outlined some of the reasoning behind the recommendations agreed by the Committee. He also highlighted a number of other issues contained within the report, in particular the proposal to cancel the special Council meeting for 2009 only as a cost saving measure.

It was also noted that contained within the report was a suggestion put forward since the meeting of Council Business Committee that the Overview & Scrutiny Committee and Budget and Performance Panel should be merged.

It was agreed to take each element of the recommendations separately and Councillor Smith moved recommendation (1) as set out in the report, subject to amendments to the dates of Planning Committee in line with the supplementary report circulated at the start of the meeting.

The recommendation was seconded by Councillor Leytham.

It was then moved by Councillor Dennison and seconded by Councillor Ashworth by way of an amendment:

'That in relation to the start times set out in Recommendation (1), the current start time of Planning and Highways Regulatory Committee remain unaltered at 10.30am in view of the quasi legal nature of Planning Committee and its involvement of outside professionals and significant numbers of staff. Altering start times could result in significant deterioration in this Committee's level of service to the public.'

There followed a lengthy debate following which on being put to the vote the Mayor declared the amendment clearly carried.

It was then moved by Councillor Wade and seconded by Councillor Taylor by way of further amendment:

'That the start time of the Licensing Act Committee remain at 2pm'

There followed a further debate at the conclusion of which 22 Members voted for the amendment, 26 against and one abstained, whereupon the Mayor declared the amendment lost.

A vote was then taken on the substantive motion as amended which the Mayor declared clearly carried.

Recommendation (2) as set out in the report was then moved by Councillor Smith and seconded by Councillor Trolinger.

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

In relation to recommendation (3) in the report it was moved by Councillor Langhorn and seconded by Councillor Archer:

'That no action be taken in respect of the proposed merger of Overview & Scrutiny Committee and Budget and Performance Panel.'

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

Resolved:

- (1) That the Council's timetable of meetings for 2009/10 be approved as set out in Appendix D and as follows:

Meeting	Start Time	Venue
Annual Council (Ceremonial)	12 noon	LTH
Annual Council (Business)	6.00 pm	MTH
Council	2.00 pm	MTH
Council Business Committee	5.00 pm	MTH
Audit Committee	6.00 pm	MTH
Budget and Performance Panel	6.00 pm	LTH
Cabinet	10.00 am	LTH/MTH alternating
Licensing Regulatory Committee	1.00 pm	LTH
Licensing Act Committee	4.30 pm	LTH
Overview and Scrutiny Committee	6.00 pm	MTH
Personnel Committee	4.30 pm	LTH
Planning and Highways Regulatory Committee	10.30 am	LTH (The meeting will return to MTH once works to enhance the Council Chamber have been undertaken)
Standards Committee	10.00 am	LTH

- (2) That the first meeting of all Task Groups should take place at 6.00 pm unless there are special circumstances.
- (3) That no action be taken in respect of the proposed merger of Overview & Scrutiny Committee and Budget and Performance Panel.

108 ESTABLISHMENT OF MORECAMBE TOWN COUNCIL - THE LANCASTER CITY COUNCIL (REORGANISATION OF COMMUNITY GOVERNANCE) ORDER 2009

Further to Minute No. 87, Members considered a report of the Chief Executive containing a draft Reorganisation Order which would enable the establishment of the Parish of Morecambe from 1st April 2009, with elections to a Parish Council in June 2009.

The report contained details of the recommendations of the Morecambe Town Council Working Group, in particular the proposed level of precept to enable the elected Council to function in 2009/10.

The recommendations set out in the report were moved by Councillor Archer and seconded by Councillor Hanson.

It was then moved by Councillor Trolinger by way of an amendment that recommendation 3(a) be amended to refer to one training event.

Councillor Archer, as proposer indicated that she was not prepared to accept this as a friendly amendment and with the agreement of the meeting, Councillor Trolinger withdrew her amendment.

A vote was then taken on the proposition, whereupon the Mayor declared the proposition clearly carried.

Resolved:

- (1) That the draft Order be approved as set out at Appendix E, including a precept for 2009/10 of £220,500
- (2) That a Shadow Morecambe Parish Council be established with effect from 1st April 2009 comprising the City Council Ward Councillors for Bare, Torrisholme, Heysham North, Westgate, Harbour and Poulton Wards.
- (3) That having considered the recommendations of the Working Group in relation to other issues to assist with the establishment of a Morecambe Town Council:
 - (a) The Head of Democratic Services arrange two 'Prospective Councillor' training events at Morecambe Town Hall during April 2009 for members of the public wishing to stand for election to the Town Council.
 - (b) The existing Working Group be extended until the Shadow Parish Council is inaugurated on 1st April 2009 to enable further consideration to be given to any matters which may arise.
 - (c) The Chief Executive be requested to report back to the next meeting of Council on the implications for the City Council to enable decisions to be taken on the remaining requests of the Working Group as set out in paragraph 2.6.2 of the report.

109 LANCASHIRE LOCAL LANCASTER DISTRICT JOINT COMMITTEE - AMENDMENT TO CONSTITUTION

(Councillors Susie Charles, Roger Dennison, Sarah Fishwick, Janice Hanson, Tony Johnson, David Kerr and Roger Sherlock declared personal interests in the following item relating to the Lancashire Local Joint Committee Constitution as members of the Committee.)

The Chief Executive submitted a report which set out details of a revised Constitution for the Lancashire Locals – Lancaster District Joint Committee proposed by Lancashire County Council who were keen to expand the remit of Lancashire Locals and develop the model further in the light of experience since 2006, allowing each Joint Committee across the County to focus on different elements of County Council services according to local priorities at any given time.

The recommendations set out in the report were moved by Councillor Blamire and seconded by Councillor Thomas.

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

Resolved:

- (1) That the City Council accept the proposed amendments agreed by Lancashire County Council to the Constitution of the Lancashire Local – Lancaster District Joint Committee and formally adopt the Constitution as set out at Appendix A to the report.

- (2) That the Monitoring Officer be authorised to make any necessary amendments to the City Council's Constitution to include the revised Joint Committee Constitution and any future amendments to the delegation arrangements approved by either the City Council or County Council.

110 MINUTES OF CABINET

Council considered the Cabinet minutes of the meetings held on 9th December 2008 and 23rd January 2009. The Leader and Cabinet Members responded to a number of questions.

Resolved:

That the minutes be noted.

Mayor

(The meeting finished at 6.05 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 PETER ROBINSON TO COUNCILLOR JANE FLETCHER (Deferred from December meeting)

Do you think that closing the community pools will increase participation at Salt Ayre?

Councillor Fletcher replied that she recognised the value of community pools, but as no decision had as yet been taken on the future of community pools in the District, this was not the time to speculate.

2 QUESTION FROM COUNCILLOR ANNE CHAPMAN TO COUNCILLOR DAVID KERR

How many council houses are empty? How many have been empty for more than a month?

Councillor Kerr replied: 'At any one time Council Housing have between 40 and 50 void Council dwellings which is about 1.3% of the stock. At the time of asking this question there are 49 void properties and 28 of those have been vacant for more than a month.'

Re-letting of voids is a key performance indicator for Council Housing and they have a target of 32 days which is monitored at the Quarterly Performance Review Team meetings. At the last Quarter 2 meeting it was noted that performance was down to about 45 days and the main reason for this was the increasingly poor condition that dwellings were being left in. I have agreed a performance improvement action plan with Council Housing Officers and its effectiveness will be reviewed at the Quarter 3 Performance Review meeting. I can tell you that the update at the end of Q3 is that this figure has come down to 43 – I can also provide you with details of the number of properties this represents in writing.'

By way of a supplementary question, Councillor Chapman asked for confirmation that this meant there were no long term vacant properties and that all were filled within 2 months.

Councillor Kerr confirmed that the target was to reduce the target to 43 days and he would not want to see any longer than that except for the occasional cases where there is a legal problem with a tenancy.

3 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR EVELYN ARCHER

Is the Council fully committed to a new build scheme on the Chatsworth Gardens site?'

Councillor Archer replied that she would answer this question and the next two also relating to Chatsworth Gardens at the same time.

'Following a Cabinet resolution in November, officers were asked to progress negotiations with the Homes and Communities Agency and bring a further report to Cabinet. Cabinet will consider this report at the February meeting. I cannot therefore answer this or the next 2 questions until Cabinet has had that report.'

By way of a supplementary question Councillor Robinson advised that he had some knowledge of the meeting referred to and it was his view that until the Council showed their commitment to the scheme the funders (HCA) would not negotiate with the developers to bridge any funding gap. He therefore asked Councillor Archer if she thought that the Council should get a move on.

Councillor Archer replied that it didn't matter how often Councillor Robinson asked the question, she shared his concerns over the Exemplar project but she was not able to answer any questions until the report was before Cabinet.

4 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR EVELYN ARCHER

Is the Council satisfied that funding for a conversion scheme on the Chatsworth Gardens site is no longer economically viable?

See (3) above.

5 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR EVELYN ARCHER

Is the Council satisfied that the funding for the Chatsworth Gardens site can not be used elsewhere in the West End?

See (3) above.

6 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR ROGER MACE

Area Based Grant, as the name suggests, was designed for specifically for areas with high levels of deprivation. Why is the Council appropriating this area specific funding into the General Fund?

Councillor Mace thanked Councillor Robinson for his question, which as always was interesting. He replied: 'Area Based Grant has been allocated to Councils to spend on their priorities. It is not ringfenced to any particular activity or area of the district. For the next financial year, you will see in today's budget report that Cabinet is recommending to Council that the ABG be used to help bridge the general fund revenue budget deficit to enable Council to limit the annual increase in Council Tax to no more than 4%. In the light of the current budget position, Cabinet believe that this is the best use of these monies from which all local taxpayers will benefit.'

By way of a supplementary question, Councillor Robinson asked if the potential impact on crime figures in the West End and the resultant cost to tax payers that way had been considered.

Councillor Mace confirmed that it had.

7 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR ROGER MACE

It is assumed that closing the office on Albert Road will, after redundancy payments, result in revenue saving of £158k. However, managing the Chatsworth Gardens site from Lancaster Town Hall has not been fully costed (insurance, litter picking,

vandalism, break ins etc). In the light of this revelation, what is the likely revenue saving over the next two/ three years?

Councillor Mace replied: 'The 'Chatsworth Gardens' Exemplar project currently has input from a variety of council resources ranging from expert legal and financial work, to project and property management. Since June 2008, the management of the Chatsworth Gardens project has been undertaken by Council officers based across the council, in Lancaster Town Hall, Morecambe Town Hall, and at CCDS at White Lund.

'The costs of managing the exemplar scheme from the 1st April 2009 onwards are currently the subject of ongoing discussions with the Homes and Communities Agency.

'The current funding for the running of the Albert Road offices is from a variety of sources, all of which come to an end on the 31st March 2009. The need for Offices at Albert Road after the 31st March 2009 will be dependent on the council's overall accommodation requirements to deliver its corporate priorities. A report will be presented to February's Cabinet to consider the financial matters that you refer to and the future options for the building.

By way of a supplementary question, Councillor Robinson asked if the Chatsworth Gardens site was a Corporate Priority.

Councillor Mace replied that it would be necessary to wait for the report to Cabinet in February in order to answer that.

8 QUESTION FROM COUNCILLOR PETER ROBINSON COUNCILLOR DAVID KERR

Does the Council recognise that social rented housing in the West End would be a direct contradiction to the strategic aims and objectives of West End regeneration?'

Councillor Kerr replied that he would respond to this question and the following together.

'The Council is able to make a distinction between the desirable aim of encouraging social rented provision in the district and the regeneration objectives in the West End of Morecambe. Whilst there remains a danger of creating an imbalanced housing market in the West End by over provision of rented housing, then the regeneration objective of discouraging social rent in this area should take precedence. And this is reflected in the objectives of the West End Masterplan. The Council will, however, have to generally take account of the fact that the current radical changes in the housing market will mean that some stereotypes about the profile of those accessing social housing may need to change, if that is supported by evidence.

'The Council, if it is to play a leading role in enabling access to housing, would expect to embrace new forms of tenure, including rent to buy where appropriate. Whether this means of access to new housing should be used in the West end would be a matter for careful consideration. If it were to be accessed by persons traditionally able to access owner occupation than in reality there should be no hesitation. If it were also open to access by social rented tenants, then that would be another matter.

'Current documents on the provision of affordable housing are now becoming out-dated in the light of the major changes occurring to the housing market. How new

forms will be delivered in the light of the Government's recent responses to the issue will have to be the subject of revised planning guidance.

By way of a supplementary question Councillor Robinson asked if this meant that in future there may be social rented housing in the West End.

Councillor Kerr replied that the West End Masterplan had identified the need for homes amongst its priorities and homes need to be provided for the homeless who originated from the area to enable them to stay there.

9 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR DAVID KERR

Does the Council support the principle of 'Rent to Buy', and will the Council apply this principle in the West End should pressure be brought for social rented housing in the West End?

See (9) above.

10 QUESTION FROM COUNCILLOR JOHN BARNES TO COUNCILLOR ABBOTT BRYNING

Withdrawn in the absence of Councillor Barnes.

11 QUESTION FROM COUNCILLOR CHRIS COATES TO COUNCILLOR DAVID KERR

How is it that a council tenant receiving full housing benefit and in effect paying no rent whilst he was alive can be charged full rent for a number of weeks after he has died?

Councillor Kerr expressed his condolences to the family concerned but replied that unfortunately in law a tenancy does not automatically end on the death of a tenant. Housing Benefit regulations only provide for Housing Benefit to be paid while a tenant lives in the property. Entitlement to benefit ends as soon as a tenant leaves the property. This condition also applies if a tenant dies, as entitlement ends on date of death. He was sorry but there was no way of changing the legislation.

By way of a supplementary question, Councillor Coates pointed out the Council did have discretion not to charge rent and asked the Cabinet Member if he would consider using discretionary powers not to charge rent in such circumstances.

Councillor Kerr replied that this was a difficult question to answer off the cuff – this would mean that people paying full rent would be asked to subsidise non payers, but he agreed to ask officers to look at the implications.

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APPENDIX B

Housing Revenue Account Budget
Approved by Council 04 February 2009

		2008/09 Budget £	2008/09 Revised £	2009/10 Budget £	2010/11 Forecast £	2011/12 Forecast £
Income	Dwelling Rents	-11,078,300	-11,075,100	-11,663,800	-12,175,800	-12,740,800
	Non-Dwelling Rents	-185,300	-185,300	-189,000	-192,700	-196,400
	Charges for Services and Facilities	-1,614,100	-1,671,700	-1,711,700	-1,740,000	-1,767,000
	Contributions towards Expenditure	-7,700	-7,700	-7,700	-7,700	-7,700
	Other Sums Directed by the Secretary of State as Income	-165,200	-165,200	-165,200	-165,200	-165,200
	Total Income	-13,050,600	-13,105,000	-13,737,400	-14,281,400	-14,877,100
Expenditure	Repairs and Maintenance	3,443,300	3,834,600	3,631,100	3,713,900	3,767,400
	Supervision and Management	3,052,800	3,374,600	3,573,300	3,633,500	3,697,900
	Rents, Rates, Taxes and Other Charges	118,700	111,800	112,100	117,600	123,100
	Negative Housing Revenue Account Subsidy Payable	1,341,300	1,343,600	1,184,600	1,480,900	1,790,700
	Increase in Provision for Bad or Doubtful Debts	97,000	93,100	126,800	126,500	126,500
	Depreciation and Impairments of Fixed Assets (to MRR)	2,278,000	2,310,300	2,334,200	2,401,600	2,458,300
	Debt management Costs	12,000	1,100	1,100	1,100	1,100
	Total Expenditure	10,343,100	11,069,100	10,963,200	11,475,100	11,965,000
	Net Cost of Services	-2,707,500	-2,035,900	-2,774,200	-2,806,300	-2,912,100
	Interest Payable and Similar Charges	846,300	846,300	846,300	846,300	846,300
	Premiums and Discounts on Debt Rescheduling	159,200	158,600	158,600	158,600	159,000
	Interest and Investment Income	-257,100	-256,200	-104,700	-107,200	-108,700
	Pension Interest Costs and Expected Return on Assets	68,000	68,000	68,000	68,000	68,000
	Net Operating Expenditure	-1,891,100	-1,219,200	-1,806,000	-1,840,600	-1,947,500
	HRA contribution to / from (-) Pensions Reserves (re Notional Charges)	-68,000	-68,000	-68,000	-68,000	-68,000
	Other Transfers to / from (-) Major Repairs Reserve (MRR)	-500	215,200	-29,900	-30,500	-31,100
	Transfers to / from (-) Earmarked Reserves	180,000	-169,700	233,000	332,000	319,000
	Capital Expenditure funded by the Housing Revenue Account	1,779,600	1,608,500	1,670,900	1,607,100	1,727,600
	TOTAL: Surplus (-) or Deficit for the Year	0	366,800	0	0	0
	BALANCE BROUGHT FORWARD	350,000	716,768	350,000	350,000	350,000
	Appropriation from Balances (Unallocated Reserves)		-366,700			
	BALANCE CARRIED FORWARD	350,000	350,068	350,000	350,000	350,000

Council Housing Capital Programme
Approved by Council 04 February 2009

	2008/09 Original £'000	2008/09 Revised £'000	2009/10 £'000	2010/11 £'000	2011/12 £'000	2012/13 £'000	2013/14 £'000	TOTAL (Five Years) £'000
EXPENDITURE:								
Adaptations	250	250	250	250	250	250	250	1,250
Conversions	-	-	-	-	-	-	-	-
Energy Efficiency/Boiler Replacement	400	478	400	400	400	400	400	2,000
Kitchen/Bathroom Refurbishment	700	705	576	1,458	740	874	925	4,573
External Refurbishments	795	915	1,090	-	674	668	770	3,202
Ryelands Regeneration	5	1	-	-	-	-	-	-
Re-rendering/External Refurbishment	-	-	-	668	848	-	-	1,516
Extractor Fans	-	-	-	-	-	-	-	-
Housing Office Improvements	5	3	-	-	-	-	-	-
Environmental Improvements	350	430	360	360	360	360	360	1,800
Window Replacement	36	36	-	205	-	-	-	205
Re-roofing	113	116	771	-	-	411	515	1,697
Renewal of Heaters	309	251	-	-	-	-	-	-
Rewiring	317	281	-	205	205	514	257	1,181
Non-Sheltered Scheme Equipment	-	60	-	-	-	-	-	-
IT Replacement	-	60	-	-	-	-	-	-
Central Control Equipment	-	-	100	-	-	-	-	100
TOTAL - COUNCIL HOUSING CAPITAL EXPENDITURE	3,280	3,586	3,547	3,546	3,477	3,477	3,477	17,524
FINANCING:								
Supported Borrowing	-	-	-	-	-	-	-	-
Unsupported Borrowing	-	-	-	-	-	-	-	-
Capital Receipts	438	52	84	164	250	339	348	1,185
Direct Revenue Financing - Charge on HRA	1,727	1,451	1,571	1,607	1,728	1,350	1,500	7,756
Direct Revenue Financing - Funded from Reserves	53	158	100	-	-	-	-	100
Major Repairs Allowance	1,062	1,925	1,792	1,775	1,499	1,788	1,629	8,483
TOTAL - HRA-DERIVED FINANCING	3,280	3,586	3,547	3,546	3,477	3,477	3,477	17,524
SHORTFALL/(SURPLUS)	0	0	0	0	0	0	0	0

APPENDIX E

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT
2007The Lancaster City Council (Reorganisation of Community Governance)
Order 2009

Made on the day of February 2009

Coming into force in accordance with article 1(2)

Lancaster City Council ("the Council") received a petition under Section 11 of the Local Government and Rating Act 1997, and the Secretary of State agreed with the Council in accordance with paragraph 10 of the Local Government and Public Involvement in Health Act 2007 (Commencement No. 3, Transitional and Saving Provisions and Commencement No. 2 (Amendment) Order 2008 that the petition should be treated as if it constituted recommendations made in a community governance review for the constitution of a new parish under Section 87 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act");

The Council has decided to give effect to those recommendations and, in so doing has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The Council in accordance with Section 100 of the 2007 Act, has had regard to guidance issued under that section:

The Council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act and of all other powers enabling it in that behalf.

Citation and commencement

1.—(1) This Order may be cited as the Lancaster City Council (Reorganisation of Community Governance) Order 2009.

(2) Subject to paragraphs (3) and (4) below, this Order comes into force on the 1st April 2009.

(3) Article 8 and Schedule 1 shall come into force on the ordinary day of election of councillors in 2009.

(4) For the purposes of:

(a) this article,

(b) article 5, and

(c) article 10 and all proceedings preliminary or relating to the election of parish councillors for the parish of Morecambe to be held on the ordinary day of election of councillors in 2009,

this Order shall come into force on the day after that on which it is made.

Interpretation

2. In this Order—

“City” means the City of Lancaster;

“map” means the map marked “Map referred to in the Lancaster City Council (Reorganisation of Community Governance) Order 2009” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“new parish” means the parish constituted by article 4;

“ordinary day of election of councillors” has the meaning given by section 37 and 37A of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of Order

3. This Order has effect subject to any agreement under section 99 of the 2007 Act (agreements about incidental matters) relevant to any provision of this Order.

Constitution of a new parish

4.—(1) A new parish, comprising the area outlined with a blue line on the map, shall be constituted within the City.

(2) The name of the new parish shall be Morecambe.

Calculation of budget requirement

5. For the purposes of Regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 there is specified in relation to the parish of Morecambe the sum of £220,500.

Parish council for the parish of Morecambe

6. – (1) There shall be a parish council for the parish of Morecambe.

(2) The name of that council shall be “The Parish Council of Morecambe”

Elections for the parish of Morecambe

7—(1) Elections of all parish councillors for the parish of Morecambe shall be held on the ordinary day of election of councillors in 2009, 2011, and every four years thereafter.

(2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2009 for the parish of Morecambe shall be two years.

(3) The term of office of every parish councillor elected on the ordinary day of election in 2011 and thereafter shall be four years.

Wards of the parish of Morecambe and numbers of parish councillors

8.—(1) The parish of Morecambe shall be divided into six wards which shall be named as set out in column (1) of Schedule 1.

(2) Each ward shall comprise the area of the city ward specified in respect of the ward in column (2) of Schedule 1 and designated on the map by reference to the name of the ward and demarcated by orange lines.

(3) The number of councillors to be elected for each ward shall be the number specified in column (3) of that Schedule 1.

Annual meeting of parish council

9.- The annual meeting of the new parish council in 2009 shall be convened by the Head of Democratic Services of the Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

Electoral register

10.-The registration officer for the City shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

Transfer of property, rights and liabilities

11.-The land, property, rights and liabilities described in Schedule 2 shall transfer from the Council to the new parish council on the date specified in column (2) of that Schedule.

Transitional provision

12.-Until the councillors elected to the council of the new parish of Morecambe at the elections to be held on the ordinary day of election of councillors in 2009 come into office, the new parish shall be represented by those persons who immediately before 1st April 2009 are the elected councillors for the city wards of Bare, Harbour, Heysham North, Poulton, Torrisholme and Westgate.

Order date

13.-1st April 2009 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

Sealed with the seal of the Council on the day of February 2009.

Corporate Director

SCHEDULE 1

article 8

WARDS OF THE PARISH OF MORECAMBE

NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
<i>Name of Parish Ward</i>	<i>Area of Ward</i>	<i>Number of Parish Councillors</i>
Bare	The whole of the city ward of Bare as shown on the map	3
Harbour	The whole of the city ward of Harbour as shown on the map	5
Heysham North	The whole of the city ward of Heysham North as shown on the map	3
Poulton	The whole of the city ward of Poulton as shown on the map	5
Torrisholme	That part of the city ward of Torrisholme shown on the map	5
Westgate	That part of the city ward of Westgate shown on the map	5

SCHEDULE 2

article 9

LAND AND PROPERTY TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Land and property to be transferred</i>	<i>Date</i>
Devonshire Road Allotments	1 st April 2009

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Lancaster City Council for the new parish of Morecambe, within the city of Lancaster City Council.

The parish of Morecambe will be created with effect from 1 April 2009. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2009.

Article 7 provides for parish elections in the parish of Morecambe in 2009, and 2011 and then to continue according to the established system of parish elections every four years.

Article 8 specifies the numbers of parish councillors for the new parish of Morecambe.

Article 8, Schedule 1 and the map establish the names and areas of the wards of the new parish of Morecambe and the numbers of councillors for each ward.

Article 10 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the new wards of the parish of Morecambe. It is available, at all reasonable times, at the offices of Lancaster City Council.