

PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 2.00 p.m. on Wednesday, 14 September 2011, when the following Members were present:-

Keith Sowden (Deputy Mayor)	Paul Aitchison
Tony Anderson	June Ashworth
Josh Bancroft	Jon Barry
Mark Bevan	Eileen Blamire
Dave Brookes	Abbott Bryning
Keith Budden	Shirley Burns
Susie Charles	Chris Coates
Roger Dennison	Sheila Denwood
Jonathan Dixon	Paul Gardner
Kathleen Graham	Mike Greenall
Janet Hall	Janice Hanson
John Harrison	Helen Helme
Billy Hill	Joan Jackson
Alycia James	Tony Johnson
Andrew Kay	Tracey Kennedy
David Kerr	Geoff Knight
Karen Leytham	Roger Mace
Geoff Marsland	Terrie Metcalfe
Richard Newman-Thompson	Jane Parkinson
Ian Pattison	Margaret Pattison
Robert Redfern	Sylvia Rogerson
Richard Rollins	Ron Sands
Elizabeth Scott	Roger Sherlock
David Smith	Emma Smith
Susan Sykes	Joyce Taylor
Malcolm Thomas	David Whitaker
Peter Williamson	

45 APOLOGIES FOR ABSENCE

Apologies for absence were received from the Mayor and Councillors Tim Hamilton-Cox, Melanie Forrest, Val Histed, Ceri Mumford, Pam Pickles and Vikki Price.

46 MINUTES

The Minutes of the meeting held on 20 July 2011 were signed by the Deputy Mayor as a correct record.

47 DECLARATIONS OF INTEREST

Members advised of the following interests at this stage:

Councillors Scott, Sowden, Sands and Graham all declared a personal interest in relation to item 7, Petition – Gibraltar Farm Caravan and Camp Site, Silverdale, as acquaintances of the presenter of the petition. (Minute No. 49 refers.)

48 QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11

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

49 PETITIONS AND ADDRESSES

Mrs Denise Dowbiggin formally presented a petition and addressed Council in accordance with the provisions of Council Procedure Rule 12. The petition read as follows:

"We, the undersigned, are concerned about the increasing expansion of the caravan and camp site at Gibraltar Farm, Silverdale. We recognise that a well-run site with an appropriate number of pitches (the current legal certificate is for about 60 caravans) benefits the economic life of Silverdale, helps the farm and attracts visitors. However, expansion beyond this will adversely affect an Area of Outstanding Natural Beauty and will, we fear, start to undermine the beauty and peace of the area – for residents and visitors alike. We call upon the Council:

- (1) to ensure that the caravan and camp site at Gibraltar Farm is properly monitored;
- (2) to prevent further expansion and over-use; and
- (3) to ensure that all legal requirements as regards numbers, noise and environmental protection are met."

The petition contained more than the 200 signatures required for a local matter to trigger a debate at full Council in accordance with the Petition Scheme in the Council's Constitution. A report had therefore been prepared to inform the debate. The Head of Regeneration and Policy responded to questions from Councillors about the report.

Councillor Hanson, as the appropriate Cabinet Member, responded on behalf of the Council and thanked Mrs Dowbiggin for attending. Councillor Hanson, seconded by

Councillor Kay, proposed the recommendations as set out in the report:

- “(1) That Council instructs the Heads of Regeneration and Policy and Health and Housing to conduct a detailed investigation into the allegations of unlawful activity at Gibraltar Farm contained in the petition documentation, and, in consultation with the Head of Governance, to consider the expediency case for enforcement or other regulatory action under the Planning Acts and other associated legislation, having regard to the impacts on the landscape and amenities of the Arnside/Silverdale Area of Outstanding Natural Beauty, the amenities of local residents, and any other material considerations.
- (2) That reports be prepared for Cabinet or the relevant Regulatory Committee, as appropriate, outlining the conclusions of those investigations to enable Members to consider recommendations on how to proceed.”

Councillor Graham put forward an amendment to the proposition in the form of an addendum, seconded by Councillor Mace, which was accepted as a friendly amendment by Councillor Hanson and her seconder:

- “(3) That presentation of a report to Cabinet or the relevant Regulatory Committee be implemented before the end of December 2011.
- (4) That Council Officers preparing the report be required to consult with the organisers of the petition during their preparation of the report
- (5) That a copy of the report be provided to the organisers of the petition in order for them to be able to supply written observations on the report when it is considered by Cabinet or the relevant Regulatory Committee.”

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

Resolved:

- (1) That the Heads of Regeneration and Policy and Health and Housing be instructed to conduct a detailed investigation into the allegations of unlawful activity at Gibraltar Farm contained in the petition documentation, and, in consultation with the Head of Governance, to consider the expediency case for enforcement or other regulatory action under the Planning Acts and other associated legislation, having regard to the impacts on the landscape and amenities of the Arnside/Silverdale Area of Outstanding Natural Beauty, the amenities of local residents, and any other material considerations.
- (2) That reports be prepared for Cabinet or the relevant Regulatory Committee, as appropriate, outlining the conclusions of those investigations to enable Members to consider recommendations on how to proceed.
- (3) That presentation of a report to Cabinet or the relevant Regulatory Committee be implemented before the end of December 2011.
- (4) That Council Officers preparing the report be required to consult with the organisers of the petition during their preparation of the report
- (5) That a copy of the report be provided to the organisers of the petition in order for them to be able to supply written observations on the report when it is considered by Cabinet or the relevant Regulatory Committee.

50 LEADER'S REPORT

The Leader presented her report on the proceedings of Cabinet held on 26 July 2011. She updated Council on various issues and answered a number of questions from Councillors.

In response to requests from Councillors, the Leader agreed to provide more detail in her future reports to Council, wherever possible.

Resolved:

That the report be noted.

51 OUTTURN 2010/11 AND OTHER FINANCIAL REFERRALS TO COUNCIL

Councillor Bryning, the portfolio holder for Finance, presented a report of Cabinet which recommended that a number of underspent budgets, amounting to £398,400 for General Fund and £30,000 for Housing Revenue Account (HRA), be carried forward into the current financial year.

Approval had been given by Cabinet for those requests under £10,000 at its meeting on 26 July 2011 but any above that amount required approval by full Council. The requests were detailed at Appendix A to the report which explained that all requests were either tied in with existing contractual or statutory commitments, or were requesting a change in use of the original budget underspend or for it to be applied to new schemes or anticipated commitments.

The report also set out the performance of the Council in respect of Treasury Management for 2010/11. It was noted that under the Code of Practice on Treasury Management in Local Authorities, it was a requirement that an information report on these matters be presented to Council as well as Cabinet.

Council was also asked to approve the Prudential Indicators relating to outturn.

A further issue was brought to Council's attention in the report. This was the partial collapse of a section of the lower steps below the Ashton Memorial, which had necessitated some urgent technical support to be commissioned. Council was informed of the risk that further significant expenditure would be needed in due course.

Councillor Bryning responded to a question from a Councillor before moving the recommendations in the report, seconded by Councillor Blamire:

- (1) That the requests for carry forward of underspent budgets, as set out in Appendix A of the report, be approved.
- (2) That the Annual Treasury Management report, as set out in Appendix B of the report, be noted and the supporting year end Prudential Indicators, as set out in Appendix C of the report, be approved.
- (3) That Council notes the position regarding works and costs in connection with the Ashton Memorial Steps.

By way of an amendment to (1), Councillor Sykes proposed, seconded by Councillor Mace:

- “(1) That the requests for carry forward of underspent budgets as set out at Appendix A of the report be approved with the exception of requests 11-14.”

Following a lengthy debate on the amendment, a vote was taken. With few voting for the amendment, many against and one abstention, the Deputy Mayor declared the amendment clearly lost.

The vote was then taken on the original motion. With many voting for and few against, the Deputy Mayor declared the proposition clearly carried:

Resolved:

- (1) That the requests for carry forward of underspent budgets, as set out in Appendix A of the report, be approved.
- (2) That the Annual Treasury Management report, as set out in Appendix B of the report, be noted and the supporting year end Prudential Indicators, as set out in Appendix C of the report, be approved.
- (3) That Council notes the position regarding works and costs in connection with the Ashton Memorial Steps.

52 LANCASTER MARKET

Council considered a report of Cabinet regarding the future of Lancaster Market.

At its meeting on 26 July, Cabinet considered a report on Lancaster Market and made several recommendations to Council. However, Cabinet acknowledged that a full financial appraisal had to be undertaken to inform Council's decision making.

A full financial appraisal had since been carried out. This was attached to the report being considered, at Appendix B. The appraisal had been prepared by Financial Services with input from Property and Legal. A legal briefing was also included with the report at Appendix C.

Councillor Barry, portfolio holder for Markets, introduced the report and responded to a number of questions from Councillors. Senior officers present also responded to Members' questions.

Councillor Barry then proposed, seconded by Councillor Coates:

- “(1) That all market traders be moved onto the ground floor and rents or service charges not be increased at this point.
- (2) That legal agreement be reached with traders on the move to the bottom floor and to costs that traders would pay for moving and fitting out.
- (3) That consideration be given to reducing the costs of the move.
- (4) That the move in (1) above be done with some urgency to protect existing businesses on the top floor and to protect the Council's future rental income.

- (5) That alternative tenants be sought for the upper floor.
- (6) That the recommendations in terms of improved marketing and management recommended to Council in the NCS report received in December 2010 be carried out.
- (7) That the Council's costs of running the market be examined and it be considered whether these can be reduced."

The Deputy Mayor informed Council that two amendments had been received and would be dealt with in turn. The first was from the Conservative Group and was proposed by Councillor Mace and seconded by Councillor Williamson:

- "(1) That Council accepts that moving traders within the Lancaster Market building and altering the interior of the building at the costs set out in the report with the aim of revitalising the market in its present location will not be a sound investment of taxpayer funds.
- (2) That Council seeks terms for a surrender of its lease of the Market building.
- (3) That Council seeks terms for assisting remaining market tenants to relocate to alternative trading locations and
- (4) That the result of these negotiations is reported back to Members."

A lengthy debate followed on the amendment. At the conclusion of the debate and of his summing up, Councillor Mace asked to withdraw his amendment. The Deputy Mayor informed Councillor Mace that it was too late for his amendment to be withdrawn.

A recorded vote was requested in accordance with Council Procedure Rule 19.4. The votes were recorded as follows:

For the amendment:

Councillors Tony Anderson, Keith Budden, Susie Charles, Kathleen Graham, Helen Helme, Billy Hill, Joan Jackson, Alycia James, Tony Johnson, Roger Mace, Jane Parkinson, Sylvia Rogerson, Richard Rollins, Emma Smith, Keith Sowden, Susan Sykes, Malcolm Thomas and Peter Williamson (18).

Against the amendment:

Councillors Paul Aitchison, June Ashworth, Joshua Bancroft, Jon Barry, Mark Bevan, Eileen Blamire, Dave Brookes, Abbott Bryning, Shirley Burns, Chris Coates, Sheila Denwood, Jonathan Dixon, Paul Gardner, Mike Greenall, Janet Hall, Janice Hanson, John Harrison, Andrew Kay, David Kerr, Tracey Kennedy, Geoff Knight, Karen Leytham, Terrie Metcalfe, Richard Newman-Thompson, Ian Pattison, Margaret Pattison, Robert Redfern, Ron Sands, Elizabeth Scott, Roger Sherlock, David Smith, Joyce Taylor and David Whitaker (33).

Abstentions:

Councillors Roger Dennison and Geoff Marsland (2).

With 18 voting for the amendment, 33 against and 2 abstentions, the Deputy Mayor declared the amendment lost.

At this point the Deputy Mayor reminded Council of the requirement in the Constitution for a short break after a period of two hours.

The meeting adjourned at 4.45pm for 10 minutes.

A further amendment was moved by Councillor Kerr and seconded by Councillor Marsland:

“That Council accepts option D as set out in Appendix B of the report. To

- Keep current market layout
- Charge a commercial rate for market stall charges, subject to court determination
- Charge a full recovery rate for service charges
- Incorporate into future updates of the Corporate Plan and Medium Term Financial Strategy
- Authorise officers to develop future options for consideration by Members in due course.”

A recorded vote was requested in accordance with Council Procedure Rule 19.4 and the votes were recorded as follows:

For the amendment:

Councillors Tony Anderson, June Ashworth, Keith Budden, Shirley Burns, Roger Dennison, Mike Greenall, David Kerr, Geoff Knight, Geoff Marsland and Joyce Taylor (10).

Against the amendment:

Councillors Paul Aitchison, Joshua Bancroft, Jon Barry, Mark Bevan, Eileen Blamire, Dave Brookes, Abbott Bryning, Susie Charles, Chris Coates, Sheila Denwood, Jonathan Dixon, Paul Gardner, Kathleen Graham, Janet Hall, Janice Hanson, John Harrison, Helen Helme, Billy Hill, Joan Jackson, Alycia James, Tony Johnson, Andrew Kay, Tracey Kennedy, Karen Leytham, Roger Mace, Terrie Metcalfe, Richard Newman-Thompson, Jane Parkinson, Ian Pattison, Margaret Pattison, Robert Redfern, Sylvia Rogerson, Richard Rollins, Ron Sands, Elizabeth Scott, Roger Sherlock, David Smith, Emma Smith, Susan Sykes, Malcolm Thomas, David Whitaker and Peter Williamson (42).

Abstention:

Councillor Keith Sowden (1).

With 10 Members voting for the proposition, 42 against and 1 abstention, the Deputy Mayor declared the amendment lost.

Councillor Blamire then proposed:

“That the matter be deferred until the next Council meeting in November 2011.”

Councillor Blamire’s amendment was seconded by Councillor Williamson and a vote was taken. The amendment was clearly carried.

The amendment then became the substantive motion and a further vote was taken. With many voting for and few against, the Deputy Mayor declared the motion clearly carried.

Resolved:

- (1) That the matter be deferred until the next Council meeting in November 2011.

53 COMMUNITY SAFETY PLAN

A report from the Community Safety Partnership/LDLSP Safety Thematic Group was considered, asking Council to endorse the Lancaster District Community Safety Plan 2011-2012. This was in line with the Council's statutory duties, under the Crime and Disorder Act 1998, to produce a district multi agency Community Safety Plan.

The plan usually spanned a three year period. However, it was anticipated that changes to the Community Safety Partnership over the next year might affect its priorities and chosen actions. The Plan therefore covered the year April 2011 to March 2012.

It was proposed by Councillor David Smith and seconded by Councillor Kay:

"That the Community Safety Plan 2011/12 be endorsed and included in the Council's Policy Framework."

A vote was then taken on the proposition which the Deputy Mayor declared clearly carried.

Resolved:

That the Community Safety Plan 2011/12 be endorsed and included in the Council's Policy Framework.

54 APPOINTMENTS TO OUTSIDE BODIES

Council considered a report to determine the basis for appointments to the Furness Line Community Railway Partnership, and to the Lancashire Tourism Forum.

Councillor Barry proposed, seconded by Councillor Williamson:

"That the basis for appointment to serve as the Council representative on the Furness Line Community Railway Partnership and the Lancashire Tourism Forum be by nomination at Council."

A vote was taken on the proposition, which the Deputy Mayor declared clearly carried.

The Deputy Mayor then sought nominations for the two appointments. Councillor Newman-Thompson nominated Councillor Sands for the Lancashire Tourism Forum and Councillor Gardner for the Furness Line Community Railway Partnership. Councillor Williamson nominated Councillor Johnson for the Furness Line Community Railway Partnership.

As the only nomination for the Lancashire Tourism Forum, the Deputy Mayor declared Councillor Sands appointed.

A vote was then taken on the other appointment and, with 27 Members voting for Councillor Gardner and 19 Members voting for Councillor Johnson, Councillor Gardner was appointed to the Furness Line Community Railway Partnership.

Resolved:

- (1) That the basis for appointment to serve as the Council representative on the

Furness Line Community Railway Partnership and the Lancashire Tourism Forum be by nomination at Council.

- (2) That Councillor Sands be appointed as Council representative on the Lancashire Tourism Forum.
- (3) That Councillor Gardner be appointed as the Council representative on the Furness Line Community Railway Partnership.

55 APPOINTMENTS TO OVERVIEW AND SCRUTINY

A report asking Council to approve a change of membership of the Overview and Scrutiny Committee was considered. The report also asked that Council consider removing the Constitutional requirement to have at least one Member of the Overview and Scrutiny Committee on the Budget and Performance Panel.

The Head of Governance responded to questions from Councillors.

It was moved by Councillor Williamson and seconded by Councillor Rogerson:

“That Council approves the Conservative group appointment of Councillor Parkinson to the Overview and Scrutiny Committee in place of Councillor James.”

A vote was then taken on the motion which was cleared carried.

Councillor Barry then proposed, seconded by Councillor Blamire:

“That the requirement that at least one Member of the Budget and Performance Panel must also be a Member of the Overview and Scrutiny Committee be removed from Part 3, Section 13 of the Council’s Constitution.”

After a short debate, a vote was taken on the proposition. With many voting for and few against, the Deputy Mayor declared the vote clearly carried.

Resolved:

- (1) That Council approves the Conservative group appointment of Councillor Parkinson to the Overview and Scrutiny Committee in place of Councillor James.
- (2) That the requirement that at least one Member of the Budget and Performance Panel must also be a Member of the Overview and Scrutiny Committee be removed from Part 3, Section 13 of the Council’s Constitution.

56 ALLOCATION OF SEATS TO POLITICAL GROUPS

A report had been submitted by the Head of Governance, to advise Council of the calculations relating to the allocation of seats in accordance with the Local Government and Housing Act 1989 and the Council’s agreed protocol following the resignation of a Member from a political group.

The report set out that the new calculations meant that the Conservative group must pass one of their seats on the Regulatory and Standing Committees of Council grouping to the non-aligned independent Member.

Councillor Rogerson therefore proposed:

“That the Conservative group pass Councillor Sykes’ place on the Licensing Act Committee to the non-aligned independent Member, Councillor Histed.”

Councillor Williamson seconded this proposal and the Deputy Mayor declared Councillor Histed appointed to the Licensing Act Committee in place of Councillor Sykes.

The report drew Council’s attention to an error in the report considered by Council on 23 May 2011, which had resulted in a seat on the Licensing Act Committee being apportioned to the Free Independent group rather than the Independent group. To correct this error, the Free Independent group were asked to relinquish one of their seats on the Licensing Act Committee to the Independent Group.

The Deputy Mayor therefore asked Council to note that he would give up his Free Independent group place on the Licensing Act Committee and he sought a nomination for the vacant place from the Independent Group.

Councillor Knight therefore proposed:

“That Councillor Ashworth be appointed to the Licensing Act Committee in place of Councillor Sowden.”

Councillor Kerr seconded the proposition which was put to the vote. The Deputy Mayor declared Councillor Ashworth appointed to the Licensing Act Committee.

Resolved:

- (1) That the calculations and allocation of seats set out in paragraph 2 of the report, in accordance with Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations, 1990, be noted.
- (2) That the Conservative group pass Councillor Syke’s place on the Licensing Act Committee to the non-aligned independent Member, Councillor Histed.
- (3) That Councillor Ashworth be appointed to the Licensing Act Committee in place of Councillor Sowden.

57 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12.2

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

- (1) Councillor Rollins to Councillor Blamire regarding railway electrification.
- (2) Councillor Coates to Councillor Hanson regarding the proposed removal of a mature tree in Market Square, Lancaster.

Councillor Coates had left the meeting by this time and Councillor Barry requested a written reply on his behalf from Councillor Hanson.

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

58 MINUTES OF CABINET

Council considered the Cabinet minutes of the meeting held on 26 July 2011. Cabinet Members responded to questions from Members.

Resolved:

That the minutes be noted.

Mayor

(The meeting finished at 5.55 p.m.)

**Any queries regarding these minutes,
please contact Debbie Chambers, Democratic Services - telephone (01524) 582057, or email
dchambers@lancaster.gov.uk**

Appendix A**1. QUESTION FROM COUNCILLOR ROLLINS TO COUNCILLOR BLAMIRE**

In view of the proposed programme of railway electrification in the North West what efforts have been made by the Council to have the short stretch of track between the West Coast Main Line and Morecambe included in the programme?

Councillor Blamire replied that the County Council was the Local Transport Authority for the area and would be expected to respond as the principal consultee on this issue.

The City Council had not, as yet, responded to the consultation but would remind the County Council that one of the impediments to improving connectivity between Lancaster and Morecambe, highlighted in the Faber Maunsell study commissioned by the County Council, was the poor frequency of the rail service between the two towns.

By way of a supplementary question, Councillor Rollins asked whether a working group could be established to look at this issue.

Councillor Blamire responded that she would discuss that possibility with the Head of Regeneration and Policy, although she could not guarantee that a working group would be established.

2. QUESTION FROM COUNCILLOR COATES TO COUNCILLOR HANSON

Can the Cabinet member explain the reason for the proposed removal of a mature tree in Market Square in Lancaster?

In the absence of Councillor Coates, Councillor Hanson supplied the following written answer:

The 2010-2011 Corporate Plan identifies Square Routes under the Economic Regeneration Priority. A first phase of improvements for Market Square is being readied for implementation this autumn. It is in work in the last few months to prepare detailed works specifications that an issue arose of how to implement the project design for Market Square prepared after much consultation and previously approved by Cabinet and adhere in full to the requirement set to retain all the trees. The issue being that it is not possible to provide sufficient clearance between the works site and one tree (tree D by the entrance to Marketgate) to enable service and other vehicles to still travel up Market Street.

The report to Cabinet presented a range of options to members and officers briefed very fully at the meeting. Options included for both retaining the tree D and removing it. The option to retain tree D had disadvantages that would compromise and restrict how Market Square could be used for different uses. It would mean that the re-design of the square was less accommodating and beneficial for the outdoor market than it should be, was restricting for the staging of events and less advantageous for general pedestrian circulation and enjoyment than sought. After due consideration, Cabinet authorised officers to implement the first phase works in Market Square and that Tree D be removed and a replacement planted following the completion of the works. Cabinet also decided that maintenance be continued to raise the crown of trees. It should be noted that Cabinet declined to remove one further tree (tree H) at

this stage regards which officers took the opportunity in the reporting to raise some issues.

Subject to the outcome of tender processes works should commence in October and complete and give benefits in time for the Christmas period. Given the general economic situation this period is especially critical this year.