

PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 2.12 p.m. on Wednesday, 16 November 2011, when the following Members were present:-

Paul Woodruff (Mayor)	Keith Sowden (Deputy Mayor)
Paul Aitchison	Tony Anderson
June Ashworth	Josh Bancroft
Jon Barry	Mark Bevan
Eileen Blamire	Abbott Bryning
Keith Budden	Shirley Burns
Susie Charles	Chris Coates
Roger Dennison	Sheila Denwood
Jonathan Dixon	Melanie Forrest
Paul Gardner	Kathleen Graham
Mike Greenall	Janet Hall
Tim Hamilton-Cox	Janice Hanson
John Harrison	Helen Helme
Billy Hill	Joan Jackson
Alycia James	Andrew Kay
Tracey Kennedy	David Kerr
Karen Leytham	Roger Mace
Geoff Marsland	Terrie Metcalfe
Ceri Mumford	Richard Newman-Thompson
Jane Parkinson	Ian Pattison
Margaret Pattison	Pam Pickles
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	

62 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dave Brookes, Val Histed, Tony Johnson, Geoff Knight and Vikki Price.

63 MINUTES

The Minutes of the meeting held on 14 September 2011 were signed by the Mayor as a correct record.

64 DECLARATIONS OF INTEREST

The following Members each declared a personal and prejudicial interest in item 13, Charges for Parish Council Elections (minute number 73 refers):

Councillors Anderson, Ashworth, Burns, Dennison, Hanson, Kerr, Marsland, Metcalfe, Whitaker and Margaret Pattison, as Members of Morecambe Town Council.

Councillors Jackson and Parkinson as Members of Caton-with-Littledale Parish Council.

Councillor Budden as a Member of Bolton-le-Sands Parish Council.

Councillor Gardner as a Member of Carnforth Town Council.

Councillor Helme as a Member of Ellel Parish Council.

Councillor Sowden as a Member of Overton Parish Council.

65 ANNOUNCEMENTS**(a) Former Councillor Stewart Taylor**

The meeting was informed of the sad death of former Councillor Stewart Taylor on 11 September 2011. Stewart represented Labour in the Heysham South Ward from 1973 to 1982.

(b) Honorary Alderman Harry Towers

Members were reminded of the recent death of Honorary Alderman Harry Towers on 5 October 2011. Harry was elected to represent Halton in May 1976 and continued to represent the people of that community until May 1995. Harry had the sad duty of taking over as Mayor in November 1990 following the death in Office of Eric Simpson, but a year later he was Mayor in his own right.

(c) Former Councillor Eric Blamire

Members were also reminded of the sad death of former Councillor Eric Blamire who passed away peacefully at Laurel Bank Nursing Home on 12 October 2011. Eric was elected to represent the Scotforth East ward in May 1995, joining his wife Eileen on the Council at that time.

The meeting stood for a minute's silence in their memory.

The Mayor informed Council that he intended to re-order the agenda slightly to take item 8, the Leader's Report, after item 10, the Report of the Independent Remuneration Panel.

66 QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11

The Mayor advised that one question had been received from a member of the public in accordance with Council Procedure Rule 10. He invited Mr. Peter Corke to put his question to the Council on behalf of the Lancaster Market Traders.

A copy of the question had been circulated at the commencement of the meeting.

Details of Mr. Corke's question and the response from Councillor Blamire together with a supplementary question and answer are attached at Appendix A to the minutes.

67 LANCASTER INDOOR MARKET

(Councillor Hill declared a personal interest in the following item at this point because he knew a stallholder personally.)

Council considered the report of Cabinet, deferred from the meeting on 14 September 2011, regarding options for the future of Lancaster Market.

Councillors asked a number of questions which the Head of Property Services and the Head of Financial Services responded to.

A motion, which had been circulated prior to the meeting by the Leaders of the Labour, Green, Conservative and Independent Groups, was proposed by Councillor Barry and seconded by Councillor Blamire:-

- "(1) That, in light of the options outlined in the report and the information contained in the financial appraisals appended to the report on Lancaster Indoor Market, Council cannot support in the long term the continuation of the indoor market operation.
- (2) That Members therefore request that officers negotiate both the terms of a surrender with the Landlord and, considering the timescales for that surrender, undertake negotiations with traders to seek early surrender of trader tenancy agreements offering assistance with relocation and/or suitable compensation as appropriate.
- (3) That a further report be brought to Members to consider the progress of the above negotiations and to establish a financial framework to allow subsequent implementation of the proposals.
- (4) That, should Council agree to this proposition, then the intention would be for traders to be relocated to new trading premises and/or compensated, with a view to this being completed by the end of 2012."

Following a lengthy debate, a vote was taken. The Mayor declared the proposition clearly carried.

Resolved:

- (1) That, in light of the options outlined in the report and the information contained in the financial appraisals appended to the report on Lancaster Indoor Market,

Council cannot support in the long term the continuation of the indoor market operation.

- (2) That Members therefore request that officers negotiate both the terms of a surrender with the Landlord and, considering the timescales for that surrender, undertake negotiations with traders to seek early surrender of trader tenancy agreements offering assistance with relocation and/or suitable compensation as appropriate.
- (3) That a further report be brought to members to consider the progress of the above negotiations and to establish a financial framework to allow subsequent implementation of the proposals.
- (4) That the intention be for traders to be relocated to new trading premises and/or compensated, with a view to this being completed by the end of 2012.

68 LANCASTER CITY COUNCIL - ELECTORAL REVIEW

Representatives from the Boundary Commission presented a briefing for Councillors on the electoral review of the City Council district, which was due to commence early in 2012. The review was in response to Council's request to the Boundary Commission for a partial review to redraw the boundary line in Ellel to correct an electoral imbalance, following a resolution at Council on 2 March 2011.

The Boundary Commission explained that it did not carry out partial reviews of a district, since any alteration to one ward boundary would have a knock-on effect on the electorate in the neighbouring ward or wards. It was therefore necessary to look at every district as a whole. In view of this, the review commencing in early 2012 would consider the whole district, not just Ellel ward.

The briefing covered the work of the Boundary Commission, the scope of the review, the statutory criteria to be considered during the review and various issues that could not be considered during the review. The Boundary Commission informed Councillors that the first stage in the review would be for Members to consider whether they wished to change the size of the Council and, if so, to provide a rationale to the Boundary Commission for the new size proposed.

There were a number of questions from Members following the presentation, which the Boundary Commission and the Head of Governance responded to.

The Mayor thanked the representatives from the Boundary Commission for their presentation.

Resolved:

That the briefing from the Boundary Commission be noted.

69 MEMBERS' ALLOWANCES SCHEME - REPORT OF THE INDEPENDENT REMUNERATION PANEL

Members considered the report and recommendations of the Independent Remuneration Panel (IRP). Ms Janice Wilson, a member of the Panel, presented the report. Mr Colin Everett, the Chairman of the IRP was also in attendance.

Ms Wilson informed Members that the Panel had been asked to consider two issues which

had arisen. These were the payment of travel expenses to Members travelling to meetings from outside the district, and the reimbursement of car parking fees incurred by Members. In addition, the Panel had taken the opportunity to review the mileage rates payable, as these had not been considered in any detail in the earlier review of allowances for 2011/12. The report set out the recommendations of the Panel in relation to these issues.

The Mayor suggested that the three issues be taken in turn and Councillors asked Ms Wilson a number of questions relating to the payment of travel expenses to Members travelling to meetings from outside the district.

Councillor Aitchison proposed, seconded by Councillor Dixon:

“That travel expenses be reimbursed from outside the Council’s administrative area to attend a full Council meeting in the event that a Member does not have an address in the district at the time of such a meeting.”

A long debate followed, with particular reference to Councillors who were also University students and went to live in their family homes outside the district during the University summer break.

At the end of the debate the Mayor called for a vote. More Members voted for the proposition than against and the Mayor declared it carried.

The Mayor then asked for questions on the second issue, reimbursement of car parking fees incurred by Members. Ms Wilson responded to several questions from Councillors.

It was then proposed by Councillor Williamson and seconded by Councillor Bryning:

“That the reimbursement of car parking fees remains as it is currently.”

By way of amendment, Councillor Barry proposed an addendum, seconded by Councillor Forrest:

“But that the IRP come up with a scheme that allows flexibility but does not allow Councillors to park when they are not on Council business.”

After a short debate, the Mayor called for a vote on Councillor Barry’s amendment. Few voted for and many against, whereupon the Mayor declared the amendment lost.

A vote was then taken on Councillor Williamson’s original proposition which was clearly carried.

The Mayor then asked for questions on the third issue considered by the IRP, mileage rates.

Ms Wilson and the Head of Governance responded to several questions from Councillors. Councillor Barry then moved:

“That recommendation 3, as set out in the report of the IRP, be approved”.

Councillor Newman-Thompson seconded this motion and there was no further debate. A vote was then taken, which was clearly carried.

Resolved:

- (1) That travel expenses be reimbursed from outside the Council's administrative area to attend a full Council meeting in the event that a Member does not have an address in the district at the time of such a meeting.
- (2) That the reimbursement of car parking fees remains as it is currently.
- (3) That mileage be reimbursed on the basis of the HMRC recommended rates, currently 45p per mile for motor cars, 24p per mile for motor cycles and 20p per mile for bicycles, and that mileage be paid in respect of journeys within the Council's administrative area, and that for journeys outside that area, the lower of the mileage allowance or the relevant standard class rail fare be paid.

The Mayor adjourned the meeting at 5.05pm. The meeting reconvened at 5.17pm.

70 LEADER'S REPORT

The Leader presented her report to update Council on various issues and events since her last report to Council at the September meeting. Councillor Blamire responded to questions from Councillors regarding her report.

Resolved:

That the report be noted.

71 REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2011

Council considered a report submitted by the Chief Executive regarding a review of polling districts and polling places. The review was in compliance with the Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006, which required every Council in England and Wales to have completed a review by 31 December 2011.

There were a number of questions from Councillors which the Head of Governance responded to.

Councillor Coates moved, seconded by Councillor Hill:

- “(1) That Council authorises the publication of the prescribed statutory information about the outcome of the review.
- (2) That delegated authority be given to the Chief Executive in consultation with the relevant ward Councillors, to make any necessary changes to polling places that may arise other than as part of a review.”

There was no debate and a vote was taken which the Mayor declared clearly carried.

Resolved:

- (1) That Council authorises the publication of the prescribed statutory information about the outcome of the review.
- (2) That delegated authority be given to the Chief Executive in consultation with the relevant ward Councillors, to make any necessary changes to polling places that may arise other than as part of a review.

72 THREE TIER FORUM

The Head of Governance submitted a report informing Council of the County Council's new "Three Tier Forum" initiative to assist locality working, and of the progress made to establish a Forum for Lancaster District. The report informed Members of the Leader's nominations for the ten District Council places on the Forum comprising eight Labour Group and two Green Group Members.

There were no questions from Members. Councillor Williamson proposed, seconded by Councillor Kerr:

"That Councillor Blamire defer membership of the Forum until the next meeting of Council."

Councillor Williamson explained that this would allow time for the Leader of the Council to consider offering place on the Forum to Councillors who were not members of the Labour or Green groups.

The Chief Executive reminded Members that the first meeting of the Forum was to be held on 23 November, prior to the next meeting of Council on 14 December 2011.

There was a short debate, following which the Mayor called for a vote on the proposition. With fewer Members voting for than against, the Mayor declared the proposition lost.

There were no further propositions and Council noted the information provided in the report.

Resolved:

That the report be noted.

73 CHARGES FOR PARISH COUNCIL BY-ELECTIONS

(It was noted that Councillors Anderson, Ashworth, Budden, Burns, Dennison, Gardner, Hanson, Helme, Jackson, Kerr, Marsland, Metcalfe, Parkinson, Sowden, Whitaker and Margaret Pattison had already declared a prejudicial interest in the following item. They left the Council Chamber prior to its consideration.)

Council considered a report submitted by the Head of Governance to enable Members to consider whether or not to re-charge the cost of a parish council by-election to the parish council.

The report referred to a previous resolution of Council on 3 February 2010 following consideration of the report of the Review of Services and Funding of Parish and Town Councils Task Group, "that for the foreseeable future, there will be no costs recharged to Parish Councils for any elections that are held at the same time as the City Council elections but the City Council may consider making a charge for the management of any parish by-elections."

It was noted that there had been no parish by-elections since that resolution but that a request had now been received from the required ten electors for a by-election to be held to fill a vacancy which had arisen in the Westgate ward of Morecambe Town Council.

Members raised a number of questions which the Head of Governance responded to.

Councillor Bevan moved the recommendation as set out in the report, seconded by Councillor Aitchison.

After a short debate, the Mayor put the proposition to the vote. With many voting for the proposition and few against, the Mayor declared the proposition clearly carried.

Resolved:

That the cost of the current by-election and all future parish and town council by-elections which are not combined with another election, be recharged to the relevant parish or town council and that the Head of Governance implement these arrangements with immediate effect.

(Councillors Anderson, Ashworth, Budden, Burns, Dennison, Gardner, Hanson, Helme, Jackson, Kerr, Marsland, Metcalfe, Parkinson, Sowden, Whitaker and Margaret Pattison returned to the meeting at this point.)

74 APPOINTMENT TO OUTSIDE BODY - LANCASTER UNIVERSITY COUNCIL

The Head of Governance submitted a report to enable Council to reconsider its appointment of a representative on the Lancaster University Council.

The report was in light of correspondence with the University which indicated that it would not be willing to accept the Council's current appointment, Councillor Aitchison, because he is a student at the University and not a 'lay' appointment.

The Head of Governance responded to several questions from Members.

Councillor Blamire informed Council that, since the report had been drafted, she had received further correspondence from Professor Bryan Gray, the Pro-Chancellor of Lancaster University. Professor Gray had said that the University valued its links with the City and the Council. Mr Gray also hoped that the matter could be resolved.

Councillor Blamire therefore proposed, seconded by Councillor Newman-Thompson:

"That the City Council notes the correspondence received from the Pro-Chancellor of the University to the Leader of the Council and confirms its nomination of Councillor Aitchison."

By way of amendment, Councillor Dennison proposed Option 1 as set out in the report:

"That Council withdraw the nomination of Councillor Aitchison and nominate a Member who is not a student or member of staff at the University, to represent the City Council on the University Council."

Councillor Kerr seconded the amendment.

There was a lengthy debate on the amendment prior to a vote being taken. With few voting for the amendment and many against, the Mayor declared the amendment clearly lost.

Councillor Mumford then proposed an amendment, seconded by Councillor Kerr:

"That Council confirms Councillor Aitchison's appointment but with an offer of a substitute for situations that might difficult."

Council voted on Councillor Mumford's amendment. With few voting for and many against, the Mayor declared the amendment clearly lost.

The Mayor then asked Council to vote on Councillor Blamire's original proposition. The vote was clearly carried.

Resolved:

That the City Council notes the correspondence received from the Pro-Chancellor of the University to the Leader of the Council and confirms its nomination of Councillor Aitchison.

75 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12.2 (Pages 1 - 2)

The Mayor advised that 5 questions had been received by the Chief Executive in accordance with the Council Procedure rules as follows:

- (1) Councillor Dennison to Councillor Barry regarding unpaid rents for the Lancaster Indoor Market.
- (2) Councillor Dennison to Councillor Barry regarding rent amounts for the Lancaster Indoor Market 'written off' as unrecoverable.
- (3) Councillor Kerr to Councillor Blamire regarding the close down of the bus information system.
- (4) Councillor Kerr to Councillor Blamire regarding County Council budget cuts.
- (5) Councillor Budden to Councillor Leytham regarding council properties allocated for people over the age of retirement.

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

76 MINUTES OF CABINET

Council considered the Cabinet minutes of the meetings held on 6 September and 4 October 2011. There was one question, which the Cabinet Member for Economic Development and Planning responded to.

Resolved:

That the minutes be noted.

Mayor

(The meeting finished at 7.00 p.m.)

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

APPENDIX A

QUESTION FROM MR. PETER CORKE TO COUNCILLOR BLAMIRE, LEADER OF THE COUNCIL.

In the event of the Council deciding to close Lancaster Indoor Market, can I have your assurance that the Market Traders will be assisted and supported in protecting their businesses and will be compensated fairly for loss of trade/disruption/relocation?

Councillor Blamire responded that she gave her personal assurance and was sure that the other group leaders proposing to put the motion would give their assurances too. She went on to say that, if Council voted in favour of the proposition, officers would be requested to undertake negotiations with traders to seek early surrender of trader tenancy agreements, offering assistance with relocation and/or suitable compensation, as appropriate.

By way of a supplementary question Mr. Corke asked whether the projected figure quoted for compensation/relocation/redundancy on Page 28 of the agenda for Option F was correct or if it had a zero missing. Councillor Blamire responded that the figures would be checked.

1. QUESTION FROM COUNCILLOR ROGER DENNISON TO COUNCILLOR JON BARRY

Could the Cabinet Member provide, commencing from the 5th April 2001 and finishing 5th April 2011, an annual amount of the unpaid rents for the Lancaster market remaining outstanding at the end of each financial year.

Councillor Barry read the figures from the table below which show the rent and service charge outstanding at 31 March in each of the identified years:

Year	Current tenant arrears	Former tenant arrears
2001	£12,242.00	£86,453.00
2002	£42,927.00	£59,866.00
2003	£51,613.00	£49,904.00
2004	£25,699.00	£30,529.00
2005	£26,919.00	£23,786.00
2006	£40,483.00	£34,002.00
2007	£50,718.00	£19,110.00
2008	£26,283.00	£26,283.00
2009	£65,909.00	£20,229.00
2010	£70,303.00	£7,909.00
2011	£7,093.00	£40,655.00

2. QUESTION FROM COUNCILLOR ROGER DENNISON TO COUNCILLOR JON BARRY

In addition, provide for those financial periods, the amounts of monies 'written off' as financially not recoverable from the tenants/companies involved.

Councillor Barry gave the overall figure of £10,109.00 and said he would provide Councillor Dennison with further written information showing the amounts of monies written off in each of the years identified. (*This is shown in the table below.*)

	Write off
2001	
2002	
2003	£1,530.00
2004	£2,830.00
2005	
2006	£882.00
2007	£418.00
2008	
2009	£3,080.00
2010	£1,369.00
2011	
Total	£10,109.00

3 QUESTION FROM COUNCILLOR DAVID KERR TO COUNCILLOR EILEEN BLAMIRE

At any of her meetings with the Leader of Lancashire County Council, was any mention made of the close down of the bus information system (scheduled for 1st December 2001) at Lancaster Bus Station and 4 other towns?

Councillor Blamire replied that no mention was made but the County Council had said, just like all public services, they were facing difficult decisions as a result of reducing public expenditure.

4 QUESTION FROM COUNCILLOR DAVID KERR TO COUNCILLOR EILEEN BLAMIRE

Have any of these meetings considered future budget cuts which could affect the Lancaster District?

Councillor Blamire replied no, and that perhaps Councillor Kerr might wish to talk to the appropriate County Councillor in his area about this issue.

5 QUESTION FROM COUNCILLOR KEITH BUDDEN TO COUNCILLOR KAREN LEYTHAM

I have seen on numerous occasions in the local paper that people have given their home address as Council properties in Bolton le Sands that are allocated to people over retirement age.

They clearly do not qualify on age grounds, can you explain?

Councillor Leytham explained that Lancaster City Council had a variety of housing, general needs housing, older people housing, sheltered housing and housing for the disabled and all council housing was let in accordance with the council's Housing Allocations Policy.

The bungalows in Bolton-le-Sands were let in accordance with the policy and the Council's current policy said that only applicant(s) aged over 60 would be eligible to bid for a bungalow. The only exceptions to this would be if an applicant or member of their household was a permanent wheelchair user or had been sanctioned a bungalow on medical grounds by the Council's District Medical Officer.

The policy set out who the council could let a bungalow to and was a local policy that the council had established, however it did not stop a tenant taking in lodgers or sub-letting.