

APPENDIX A

1 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR ABBOTT BRYNING

How many "private meetings" have taken place between the Council and members of the Board of the Storey Institute, what was discussed, and are the minutes of such meetings available for public consumption?

Councillor Bryning replied: 'Storey Institute is a very complex project and Council officers have been in regular contact with members of Storey Board and their capital commissioning manager over the past year over various aspects of the scheme. Many of these officer level meetings have been informal and not minuted, except in two circumstances.

'Firstly, as part of the project's approved project management structure, Storey Board are represented on the Council's Project Executive Team, to reflect their interests as the "end users" of the building. The Project Executive Team comprises Council officers, the construction company (Conlon), and two SCIC Board representatives. In accordance with LAMP, these meetings are minuted and six meetings have taken place since the capital project commenced in October 2007. These meetings have focused on detailed issues associated with the capital construction project but have also had to consider the implications of any such decisions on the operational viability of the building following handover to Storey Board on completion.

'Secondly, there have also been two meetings in June and July 2008 between Council officers, Storey Board representatives, Arts Council England, and Lancashire County Council to discuss the issues contained in the 2nd September 2008 Cabinet report, relating to the position of the two arts organisations due to return to the building, and the viability of the emerging Storey Creative Industries Centre business plan.

'Minutes or notes of these types of meetings are not routinely published or made available to the public.

'In addition, as the Council's nominated representative on SCIC Board, I myself have been attending SCIC Board meetings, which have been held monthly since the project commenced. Relevant Council officers have also attended these meetings as advisors. These meetings are minuted by the Board, not the City Council, and it would be for the Board to determine if they should be disclosed.'

By way of a supplementary question, Councillor Robinson asked if Councillor Bryning felt that as there had been no discussion on this at the last Cabinet meeting these minutes should be published so that Overview & Scrutiny for example could see what was happening.

Councillor Bryning replied that he had not commented or voted at the Cabinet meeting and he felt that he should check the relevant protocols before giving an answer about such minutes being published.

2 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR ABBOTT BRYNING

For a project which started out as, 'costing the Council nothing,' the Storey Institute for Creative Industries is consuming ever more Capital and Revenue finance from the Council's mainstream budgets. Given that the Folley Gallery will no longer be part of the scheme and thus a substantial loss of projected rental income, is it not the case that a purely creative arts managed workspace is now no longer viable?

Councillor Bryning replied: 'As noted in the report to Cabinet on 2nd September, the capital construction project is progressing well and there has not been any anticipated increase in the

cost to the Council's capital programme since the project was approved.' He went on to say that he did not accept the comment that it had ever been said that this project would cost the Council nothing. 'The impact of Folly Gallery's decision not to return to the building was explained in the Cabinet report and is expected to be a short term issue only, since it releases additional space for letting to creative industries businesses and is expected to prove attractive to such tenants. The Cabinet report was supported by a detailed 5 year business plan and cash flow forecast which demonstrates that, with the additional short term revenue support agreed by Cabinet, the proposed Creative Industries Centre is still viable and capable of becoming self financing.'

By way of a supplementary question, Councillor Robinson pointed out that the report referred to two organisations who were unable to afford the increased rent and that this did not give a good impression that the project would survive on a commercial basis.

Councillor Bryning responded that this did not follow as the two organisations referred to would not be the only ones in the building. The Finance Sub-Committee would negotiate terms with each of them.

3 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR ABBOTT BRYNING

Considering that the arts organisations were supposed to fundraise additional capital to fit out the auditorium but failed lamentably, is this not an indication that the arts organisations on the Storey Institute Board are incapable of a financially sustainable venture?

Councillor Bryning replied: 'As noted in the Cabinet report, there has been a 35% national reduction in Lottery funding, which has hit Arts Council England (ACE) hard, and is one of the main reasons why it has been difficult for the two arts organisations (LitFest and Storey Gallery) to raise funds for fit-out of the auditorium and gallery. It does not reflect on the capability of the two organisations to sustain their mainstream activities. Indeed, the move back into Storey Institute should provide them with opportunities to develop new activities and income from, for instance, use of the new LitFest auditorium.'

By way of a supplementary question, Councillor Robinson stated that this was a high risk strategy and asked what would happen if the Board went bust – would the City Council take it over, and would there be any clawback of external funding.

Councillor Bryning responded that the Board was doing its best to make the project viable and such negative criticism was not helpful. The City Council would have to pick up the tab if the project failed – but then the alternative had been to sell the building for flats and in Lancaster flats can't be sold.

4 QUESTION FROM COUNCILLOR CHRIS COATES TO COUNCILLOR ABBOTT BRYNING

What is the current situation regarding the siting of a Titan prison in the District, has there been any response from Lambert Smith Hampton to the council's expression of interest and if so what was that response?

Councillor Bryning replied: 'Members will know that the Council has been approached on behalf of the Ministry of Justice Custodial Property (Her Majesty's Prison Service), seeking information as to whether there were any suitable sites available in the Lancaster District for the new Titan Prisons Initiative.

'Following the initial expression of interest letter, a request has now been made to discuss further the issues around the existing prison facilities in Lancaster and the Council's Economic Strategy. We have also been informally advised that it is unlikely that a Titan prison will be considered for Lancaster, as a paper exercise had revealed that there was insufficient suitable land available anywhere in the District.

'Clearly, it is very early days in any such discussion, and whatever action results from discussions it will need to fit with the Council's current planning framework and Members will be kept informed.'

5 QUESTION FROM COUNCILLOR JOHN BARNES TO COUNCILLOR ROGER MACE

I notice that at the recent Lancashire Locals meeting, the County Council proposed that monies raised in the Lancaster District from parking fees and fines are to be spent in the repairing of roads and footpaths throughout Lancashire.

This is not equitable. As a major tourism area, the income from parking fees is greater and the need for maintenance higher, ie higher usage should be reflected in higher maintenance to preserve the visitors positive experience.

Does the Cabinet Member agree that this is not a fair process?

Councillor Mace replied: 'The Lancashire Local considered a report that confirmed that monies raised by the County Council as highway authority from Lancaster's on-street pay and display parking needed to be treated differently in light of the County Council's Counsel opinion on the relevant legislation. Counsel's opinion was that surpluses generated from on-street pay and display parking should be used in the first instance to offset any deficits on the on-street parking enforcement accounts for the districts in Lancashire operating under the Parkwise arrangements. The City Council's Legal Service has seen Counsel's opinion and has confirmed that the interpretation of the relevant legislation is correct. The change in approach is therefore not open to challenge.

'These monies have previously been reinvested within the Lancaster District and the Local has agreed to recommend to the County's Cabinet Member for Sustainable Development that the commitments already made by the Local totalling £421,600 as outlined in Appendix A are honoured through the use of resources available to the County Environment Directorate. Furthermore, Cabinet has agreed that further discussions be commenced with the County Council with regard to the funding and provision of similar schemes in the future and the future allocation of on-street pay and display surpluses.

'I agree that the use of monies raised in the Lancaster District elsewhere in Lancashire is not a fair process. However, this is a legislative requirement not open to challenge and every effort is being made to ensure the current commitments are delivered by the County Council. The discussions about future arrangements are also intended to protect this reinvestment in the District.'

By way of a supplementary question, Councillor Barnes asked if this was fair considering only Lancaster and Preston had shown any profit.

Councillor Mace agreed that this information which had been made available on 4th August was correct. He had discussed the matter with Preston and he intended to also raise the matter with Hazel Harding in due course in order to reach a diplomatic solution.

6 QUESTION FROM COUNCILLOR CHRIS COATES TO COUNCILLOR ABBOTT BRYNING

Can the Cabinet Member tell me what the legal consequences for the Council would be in the event of the developer pulling out and developer default occurring in relation to the Canal Corridor contract/development agreement signed with Centros Miller and what the financial implications for the Council would be if this happened?

Councillor Bryning replied that as there was a current planning application in the system, which was yet to be determined, he felt that as a member of the Planning Committee it would be

inappropriate for him to comment on the issues raised.

By way of a supplementary question Councillor Coates asked when the Cabinet Member would feel that he could give an answer.

Councillor Mace then responded that he was without any such constraint as he was not a member of Planning Committee and stated that the Development Agreement covered situations where the developer defaults on the agreement. The effect on the Council would depend on when the event of default occurred, i.e. whether the scheme had commenced on site or not, but in summary would not leave the Council in a position where it would incur cost. Indeed, if the development was substantially complete, it could potentially leave the Council in a position of surplus. If a default position occurred in the near future, the Council would retain its existing position of property ownership for parking etc with its existing income stream.

7 QUESTION FROM COUNCILLOR CHRIS COATES TO COUNCILLOR ROGER MACE

What does the Cabinet Member think of the proposal in the report produced by Mayer Brown on behalf of developers Centros regarding parking provision on the canal corridor where they suggest that the council should consider closing further of its own car parks in the area (as well as the Edward Street car park) in order for the developer to meet the requirement on the increase of parking provision? And what would be the impact on the council in terms of lost car park revenue if such a proposal were to go ahead?

Councillor Mace replied: 'The proposals by Centros indicate that the existing car parks to be lost under the proposed scheme are largely long stay car parks and as I understand it, they are suggesting that such long stay provision could be accommodated on other existing short stay car parks. As the proposed car park within the Centros development is for short stay parking based on the principle of being an "interceptor car park", the transfer of short stay spaces to the northern end of the centre has some merit as it prevents traffic movement within the centre. Indeed the recent report on transport prepared on behalf of the Vision Board goes further in suggesting that a similar "interceptor car park" should also be developed at the southern end of the city to cater for visitors and shoppers from south of the city.'

'There is a need for detailed examination of long stay parking throughout Lancaster and officers have this review in their work plans for this year and this would make proposals for dealing with the long stay provision. The revenue situation would form a part of this review. However, it should be noted that the Council still retains the option of retaining a revenue amount that equates to the income from the car parks that could be lost if the development takes place. Alternatively this could be converted into a capital sum at the Council's discretion. Should the Council decide to close any other car parks as part of this review, then the financial effects of doing so would be reported to Members as part of the decision making process.'

8 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR STUART LANGHORN

Why is the Overview & Scrutiny Committee so ineffective when it comes to scrutinising the decisions of the Cabinet?

Councillor Langhorn replied that this was a subjective, if not rhetorical question, but in attempting to give an objective response he referred to the recent Comprehensive Assessment Report and quoted a number of references within this to the Council's effective overview and scrutiny function which was contributing to service improvement.

By way of a supplementary question Councillor Robinson emphasised that Overview & Scrutiny, the non-executive, should be separate from Cabinet. He referred to a recent email he had received from Councillor Langhorn relating to a potential call-in and asked if it was the case that Overview & Scrutiny at Lancaster was currently the pet poodle of Cabinet.

Councillor Langhorn refuted this and stated that Councillor Robinson was being selective in his quote from the email referred to. He reminded Councillor Robinson of the process for instigating a call-in. He also suggested that if Councillor Robinson continued to have concerns about the Storey Institute he could ask Overview & Scrutiny to include this issue in its future work programme.

9 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR JON BARRY

Since the last Council meeting, Energy Companies have increased tariffs to consumers by around 30-40%. At the same time, the LGA has discovered that dividends to shareholders of said Companies has increased by over £250,000. Does Councillor Barry acknowledge that a tariff on Energy Companies will be passed on to consumers, and will he apologise to the most vulnerable members of society for stating that, 'poorer people will be better off,' from such a tariff.

Councillor Barry responded that it was not true that he had said this. He had said that poorer people would be better off if they got their hot water and electricity supplied by the sun and if the capital costs were paid for or grant aided by Councils or the Government as part of a poverty reduction strategy. Similarly, poorer people would be better off if they had better installation - as the Government is intending to do.

10 QUESTION FROM COUNCILLOR KEITH SOWDEN TO COUNCILLOR ROGER MACE

I have had complaints about bus services which are subsidised by taxpayers:

a) When a pensioner has to travel from Heysham to Lancaster for a hospital appointment before 11am, she cannot use her bus-pass with the new timetable. If she pays a one-way fare, this comes to almost the same price as a non-subsidised fare.

b) When children stay after school to play sport, as we encourage them to do, they cannot use their bus-passes to get home on a bus one hour later than normal. What can be done to ensure that we get the services we are already paying for in subsidies from Stagecoach?

Councillor Mace replied: 'The question refers to bus services which are subsidised by taxpayers, and in particular such subsidised services that operate between Heysham and Lancaster. I understand that there are no subsidised services on that route, all such services being commercially operated by Stagecoach.

'However, Lancashire County Council manages a Joint Concessionary Travel Scheme that administers concessionary travel on behalf of all the Travel Concession Authorities (TCAs) with the county (i.e. all the districts and unitary authorities). Earlier this year the TCA Working Group considered the changes in light of the Concessionary Travel Act 2007 and the introduction of free nationwide bus travel from April 2008.

'Cabinet subsequently approved an Urgent Business decision report and noted the national amended concessionary travel scheme which allows free travel between 9.30am and 11pm for people aged 60 and over and people who are disabled. I understand that it has recently been agreed that journeys prior to 9.30am will be free for the disabled with effect from 5th October 2008. Journeys therefore that commence before 9.30am for those entitled to a concessionary fare other than the disabled are charged at the normal fare as part of these county wide arrangements.

'From discussions with Stagecoach I understand that it is possible to reach Lancaster from Heysham by 11am by starting the journey in Heysham after 9.30am and therefore benefitting from the concessionary scheme.

'The issue of children staying after school to play sport etc. is part of the County Council's School Transport arrangements. These are statutory arrangements and these bus services are only provided immediately after the termination of normal lessons. School Bus Passes therefore do not cover additional activities after school. Some commercial school bus passes are still issued where dedicated school services are either full or do not exist and these pupils and students can still take advantage of their pass when participating in after school activities. However, this whole issue is part of the County's Education Office's arrangements with the County Environment Directorate and is beyond the remit of the City Council's Concessionary Travel arrangements.'

By way of a supplementary question Councillor Sowden repeated that the cost of a one way fare to the hospital was only 20p less than a return and asked again if there was anything the Council could do about this.

Councillor Mace responded that he had answered this question – and re-iterated that he had been told that it was possible to get to Lancaster by 11am leaving Heysham after 9.30am.

11 QUESTION FROM COUNCILLOR KEITH SOWDEN TO COUNCILLOR EILEEN BLAMIRE

The closure of the L&M College car-boot sale is a decision which has annoyed most of the people of the area.

Why was the decision allowed to be taken on a single complaint, when every institution in the area, including those operated directly by the Council, faces barrages of complaints and no one closes those down? What steps are being taken, and when, to rectify this?

Councillor Blamire replied: 'After receiving a complaint about weekly car boot sales, an investigation was carried out by Enforcement officers, and clarity was sought as to whether planning permission was required.

'A car boot sale of such frequency does require planning permission but, because of good access to the site and a reasonable relationship with surrounding land uses the planners were sufficiently relaxed about the development to invite a regularising planning application from the college.

'The College have decided not to make an application and have made the unilateral decision to cease operating the car boot sale. No reason for that decision has been given.

'The decision for the car boot sale not to be held is that of the landowner (i.e. the college), and was not one made by the City Council or any of its officers.'

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