

APPENDIX A

1 QUESTION FROM COUNCILLOR JOHN BARNES TO COUNCILLOR ABBOTT BRYNING (Resubmitted following absence from the previous meeting)

Re The Storey Institute building, Lancaster

One of the major repairs undertaken at the above building was the reconstruction of a retaining wall on the Castle side of the building adjacent to the Tourist Information Centre.

The costs involved were I understand around £50,000.

It has been suggested that the reason this work was required was ground movement from the public highway towards the Council owned building.

If this is the case, what steps have been taken to recover all, or a high proportion of these costs from the County Highway Authority?

Councillor Bryning replied that he had been concerned for some time about necessary repairs and the consequential costs. He advised that the actual costs had been £43,437 which was less than the estimate. He explained: 'As the question notes, the Storey Institute capital scheme has included repair of a failed retaining wall adjacent to the highway on Castle Hill. The retaining wall had begun to fail several years ago and has been supported by scaffolding using the Storey Institute as a buttress.

The main Storey capital scheme commenced in November 2007; an engineer's survey of the wall was completed in March 2008. This suggested that failure of the wall had arisen due to the increased volume and weight of traffic on the adjacent highway, and that responsibility for the failure of the wall could therefore lie with Lancashire County Council. An initial response from the City Council's Legal Service was obtained in September 2008 and suggests that the issue is not clear cut, in that the County Council could argue that the highway was built first and the wall later using inappropriate methods.

It has not been appropriate to pursue the matter further until a suitable method of repair had been agreed with the highways authority and the cost of repairs known. This work has been completed, at the end of the main Storey capital scheme. Further legal advice is being sought to determine how the matter should be taken forward.

By way of a supplementary question, Councillor Barnes asked what action was being taken to recover the money now that the work was completed.

Councillor Bryning replied that he had asked for the issue to be resolved between the two legal departments and that was where things stood at the moment. It was his view that a 50/50 solution agreed by the two Councils would be acceptable in order to prevent a long legal argument which could be costly.

2 QUESTION FROM COUNCILLOR BOB ROE TO COUNCILLOR JON BARRY

Given the fact that by closing the toilets in the rural areas the only alternatives in certain areas are the local public houses, was there any thought given that this could force unaccompanied children and young underage teenagers in to public houses which could be against the 2003 licensing act which has clause in it about the prevention of harm to children and children on licensed premises.

In the absence of Councillor Barry, Councillor Roe had agreed to accept a written response set out below:

'The aim of the Community Toilet Scheme is to increase public access to toilets in a range of alternatives including cafes, pubs, restaurants etc. The evidence from elsewhere is that this innovative approach has not harmed young people neither would accessing toilets in pubs be a contravention of the Licensing Act 2003.'

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