

1 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR DAVID KERR

When will the new designs for Chatsworth Gardens be out for public consultation?

Councillor Kerr replied: 'Officers are due to receive a final consultants report on options in the first week of July. The report will need to be considered in the first instance by the key partners, the City Council via its Cabinet and the Homes and Communities Agency, to review the suggested feasible options and agree the way forward. A report will be made to Cabinet on the outturn of the study and officer discussions with Homes and Communities Agency. The findings of the consultant's report will be published subject to the need for commercial confidentiality.

'Given the limitations on public funds, level of market demand and general economic considerations there are likely to be only a small number of realistic options available. From consideration of the officer report Cabinet may consider it necessary to undertake further consultation at an appropriate level to inform any decisions on a preferred option and a way forward.'

By way of a supplementary question, Councillor Robinson asked if Councillor Kerr realised the importance of consulting local residents and the community or whether he thought it was acceptable to allow there to be control from 'central command' (i.e. Cabinet member/s and Senior Officers.)

Councillor Kerr replied that he had been to the West End himself many times and he had given assurances to Ward Councillors that as soon as we go to consultation Ward Councillors will be contacted to get their views and the views of their residents. He expressed his concern that the message did not appear to have been hammered home that he wanted all Members from that area involved and not someone from above taking control.

2 QUESTION FROM COUNCILLOR TONY JOHNSON TO COUNCILLOR STUART LANGHORN

The City Council owned property on Wellington Terrace, Morecambe, was sold in the spring of 2008, but the sale fell through. Why did the sale fail and what steps have been taken to remarket the site since.

Councillor Langhorn replied: 'The land at Wellington Terrace, Morecambe was offered for sale jointly with adjoining land in the ownership of a third party. The third party ownership had the greater value and agreement was reached that the marketing should be undertaken by the agents acting on behalf of the third party. This marketing exercise resulted in an acceptable offer being received for the property on the basis of a proposed residential development. However, prior to completion the offer was withdrawn by the developer because of the lack of funding made available for this type of development. The issue of development funding has affected many similar schemes on a national basis and there has only been limited improvement in funding arrangements in the period since 2008.

'The property is still in the hands of the agent for the adjoining owner for disposal and the council includes the property in its own advertising of properties available for

sale/to let both in the local press and on the council's website, the last advert being at the end of May 2010.'

By way of a supplementary question Councillor Johnson asked if Councillor Langhorn agreed that if this property had been sold by auction a deposit would have been paid and this would have been lost if the sale had not gone through.

Councillor Langhorn replied that he had only recently taken over responsibility for this portfolio area and did not feel able to comment. He would however discuss the matter with officers.

3 QUESTION FROM COUNCILLOR JOHN WHITELEGG TO COUNCILLOR ABBOTT BRYNING

What has the council asked Centros to do as a result of the rejection of all its planning applications by the Secretary of State?

Councillor Bryning replied: 'To date the Council has not made any requests of Centros other than to confirm whether or not they wish to continue to proceed with the development. Centros have indicated that they do.'

By way of a supplementary question, Councillor John Whitelegg asked whether, given that when Centros were asked to appear at the public inquiry they had refused to do so, Councillor Bryning had confidence that Centros would do as they had been asked or should the Council be looking for another developer.

Councillor Bryning replied that he would not be drawn into saying anything judgemental on this matter which may be misconstrued.

4 QUESTION FROM COUNCILLOR JOHN WHITELEGG TO COUNCILLOR ABBOTT BRYNING

What has Centros actually done to deal with the listing of the brewery and the rejection of the Stonewell bridge?

Councillor Bryning replied: 'Centros have agreed with the City Council and Mitchells that the very first step is to attempt to reach agreement over the heritage assets (buildings and spaces) which must be retained as part of any redevelopment solution for the site. Only if agreement can be reached can consideration be given to what the form of an alternative scheme might be.'

By way of a supplementary question, Councillor John Whitelegg asked if Councillor Bryning would agree that a simple step in the right direction in the light of the Council's policy would be simply to say don't demolish it and keep the brewery as part of the development and would he be prepared to ask them to do this.

Councillor Bryning replied that that was one way to proceed but there may be alternative suggestions which have not yet been considered.

5 QUESTION FROM COUNCILLOR TONY JOHNSON TO COUNCILLOR STUART LANGHORN

What was the overall budget for consultants in the 2009/2010 financial year, was this overspent or underspent?

Councillor Langhorn replied: 'The 2009/10 revenue budget for various consultancy services was £821K and against this the provisional outturn is £576K, although this could still change and also some requests for carry forwards may be made. In addition, professional services of £478K were incurred for capital schemes - much of this related to legal advice, as well as other consultancy services.

'A key point though is what it is used for. It is unreasonable to expect that the Council should have sufficient expertise available in house - it wouldn't be practical or cost effective to do so. A good example of this is VAT consultancy associated with the recovery of VAT on sporting and cultural claims. So far income of £563K has resulted from this exercise, of which 20% has been paid over to the consultants as part of the deal. Without their support, however, the Council would have received nothing. When looking at all the figures, you have to consider also the value that is brought into the District.'

By way of a supplementary question, Councillor Johnson asked if it would not be better to spent this money on keeping open facilities which the general public had indicated that they wanted, such as toilets, community pools, PCSOs.

Councillor Langhorn replied that looking at those examples, the Council was working in partnership with parishes to keep some toilets open and discussions with the County Council were clearly aimed at keeping the pools open; there was no question of using this money for that purpose. In fact the question made no sense as consultants were often used to being money back into the district or for delivering capital schemes which brought value to the district and on that basis he did not agree.

6 QUESTION FROM COUNCILLOR JANIE KIRKMAN TO COUNCILLOR TONY WADE

I've been increasingly concerned about the lack of taxis, designed for wheelchair users, available for use after 7pm. This really is affecting people's lives considerably. Could the Council do anything to ensure that there are more vehicles available for hire in the evenings and look to increase the number of Hackney cab licences for those specifically designed to accommodate wheelchairs.

Councillor Wade replied: 'The Council has for many years had a policy of restricting the number of hackney carriage licences issued. This is on the basis that the Council is satisfied that there is no significant unmet demand for the services of hackney carriages. A survey is commissioned every three years to assess unmet demand, and the next survey is due later this year.

'When additional licences have been issued as a result of previous surveys, a requirement has been imposed that the vehicle should be wheelchair accessible. As a result, of the 109 hackney carriages currently licensed, 15 are required to be wheelchair accessible. A further six are currently wheelchair accessible through the choice of the proprietor. It may be that the forthcoming survey will identify the need

for additional wheelchair accessible vehicles, and will result in additional licences being granted.

However, it is not possible for the Council to control the hours when a particular vehicle is available for hire, or to decide whether a hackney carriage is used for work on the ranks or for telephone bookings.

By way of a supplementary question, Councillor Kirkman asked if Councillor Wade realised that taxis were choosing not to accept wheelchair users as it was not profitable due to the time taken to load and unload and this was becoming a big problem.

Councillor Wade replied that he accepted this but re-iterated that legislation was in place to ensure new taxis had ramps but the Council could not control their use.

7 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR JOYCE TAYLOR

The LGA has identified a clear link between the sale of cheap alcohol and ASB. In the West End of Morecambe there are now 22 Off Licences selling alcohol cheaper than the supermarkets. It is not surprising therefore that drink related ASB is an increasing problem.

When will the Council recognise that there is an overabundance of Off Licences in the West End of Morecambe and introduce a saturation policy?

Councillor Taylor replied: 'The Council, as licensing authority, is not able to exercise any control over the price at which alcohol is sold in off-licences. As referred to in the question, it is open to a licensing authority to adopt a "saturation policy" where the number, type and density of premises selling alcohol for consumption on the premises are giving rise to serious problems of nuisance and disorder. This is known as the "cumulative impact".'

'In order to adopt such a policy there must be a clear evidential basis that crime and disorder or nuisance are happening, and are caused by the customers of identifiable licensed premises.'

'The effect of a saturation policy is to create a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, following representations from interested parties, unless the applicant can demonstrate that there will be no negative cumulative impact. However, even with a saturation policy in place, each application must be considered on its own merits, and it is not lawful to impose a "quota" of licensed premises.'

'A saturation policy will usually address the impact of a concentration of licensed premises selling alcohol for consumption on the premises. The Government Guidance given to licensing authorities states that "it would normally not be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises." Accordingly, even if firm evidence were available of the impact of the off-licences on crime and disorder in the area, a saturation policy would be unlikely to be appropriate.'

By way of a supplementary question Councillor Robinson asked if, given that the Strategic Partnership is working to reduce binge drinking, etc and the Police are the main evidence gathering body, Councillor Taylor would agree that the Community Safety Partnership should be looking at this issue.

Councillor Taylor replied that as an individual she did agree with Councillor Robinson's concerns about alcohol but what the Council could do about it was a different matter. She offered though to speak to Councillor Blamire as Chairman of the Community Safety Partnership.

8 QUESTION FROM COUNCILLOR SARAH FISHWICK TO COUNCILLOR DAVID KERR

What are the current expectations for the future of the Chatsworth Gardens project and what arrangements have been made or will be made for "Save Britain's Heritage" to be consulted on the proposals for the future of the site in accordance with the Council resolution of February 2010, as set out in Council Minute 87?

Councillor Kerr replied: 'Consultants have been appointed to undertake detailed analysis of the potential options currently identified (and suggest any other options not currently considered) for the refurbishment / level of intervention in the building fabric for the Chatsworth Gardens site. The objective is to define a preferred option which can be agreed by the council and Homes and Communities Agency (HCA) to be taken forward for the detailed work required for further major HCA funding. The consultant will provide all necessary services for the city council to prove to HCA it has undertaken a detailed option appraisal (to Green Book standards) which points to a preferred option and way forward which meets the original Chatsworth Gardens and 'Exemplar' project objectives defined by council Cabinet and the West End Masterplan; is both practically feasible and deliverable within the known funding/timing constraints; and is financially viable, taking into account both the HCA's and Government's value for money criteria.

'The outputs of the study will include an options analysis report, design guide / design and access statement, performance specification, costs, consultants approach to achieving the specified design and quality standards, sketch urban design proposals for the scheme, layout plans and typical elevation(s), accommodation schedule and market commentary.

'Officers are due to receive the final consultants report on options in the first week of July. The report will need to be considered in the first instance by the key partners (City Council via its Cabinet and HCA) to review the suggested feasible options and agree the way forward. A report will be made to Cabinet on the outturn of the study and the officer discussions with HCA. The findings of the consultant's report will be published subject to the need for commercial confidentiality.

'Given the limitations on public funds, level of market demand and general economic considerations there are likely to be only a small number of realistic options. From consideration of the officer report Cabinet may consider it necessary to undertake further consultation at an appropriate level to inform any decision on a preferred option or way forward.

'Officers have not entered a stage of consultation on any proposals and, therefore, have not consulted any third parties. Officers have not been instructed to treat Save

Britain's Heritage any differently from any other third party group/individual who show interest in the proposals.'

By way of a supplementary question, Councillor Fishwick pointed out that Councillor Kerr had outlined what was expected and yet the report had not gone out until the beginning of June and had to be back by 30 June and asked if a 3 week period was enough to get value for money from a £60k consultancy fee. She thought that this would be a very expensive consultation.

Councillor Kerr replied that he could not predict the outcome. Council had passed a resolution that they be consulted and he was confident that officers would do their best with the consultant and with the HCA. He could not say if something would be back on time but when it was ready it would come back to Cabinet and Council – things could not be rushed to meet deadlines and anything more was out of his control.

9 QUESTION FROM COUNCILLOR ROGER MACE TO COUNCILLOR JON BARRY

My understanding is that the service charge provisions in the Lease of Lancaster Market make allowance for the amount of service charge payable by the City Council to the Council's Landlord to be adjusted to allow for lettable areas of the market which remain unlet during the whole or part of the year. What are the amounts of the reductions claimed from the Council's Landlord under this clause in the Lease in respect of each of the past three years?

Councillor Barry replied that it was his understanding that the agreement referred to was between the landlord and the tenant, Allied being the landlord and the Council the tenant, with the market traders being sub-tenants of the Council. There being no unlet area therefore in this context, sadly the Council could not claim on this part of the lease.

By way of a supplementary question, Councillor Mace said that he knew the lease was confidential but he was aware of the service charge provisions which did not refer to the service charge paid by the sub-tenants but that payable to the landlord and he asked therefore if he could have a further reply involving quotes from the wording of the lease.

Councillor Barry replied that he had been provided with this by officers and was happy to share it as follows:

'The lease between the Council and its landlord, Allied (Lancaster) Ltd, has several clauses relating to the service charges payable by the council to its landlord. As part of the method of calculating the service charge, the document identifies that:

"the Landlord will not charge the Tenant any part of the Service Costs which shall be attributable from time to time to any lettable areas which remain unlet or which are occupied by the Landlord (save for the common parts of the Building and any staff accommodation) during the whole or proportionately for any part of the relevant Service Charge Year"

'In the context of the document as a whole, this clause refers to lettable areas of the Marketgate development, part of which is the council's market. In this context the whole of the market building is let by the council form Allied and therefore it is not

classed as "unlet" for the purposes of service charge calculation. There is therefore no effect on the charge payable to the council's landlord as a result of the council's inability to let all the individual units within the market and there have been no reductions claimed with regard to the service charge in the last three years.'

10 QUESTION FROM COUNCILLOR ROGER MACE TO COUNCILLOR JON BARRY

Virtual-Lancaster Blog reported on 8 June that 'No-one from the Council has addressed the concerns we raised in our report...' (reference:- <http://virtual-lancaster.blogspot.com/2010/05/bending-lancaster-city-council-to-its.html>)

. What is being done by the Council to respond to the report prepared by Virtual-Lancaster ?

Councillor Barry replied that he understood that officers were asked to respond and have now done so.

By way of a supplementary question Councillor Mace asked when this had been done.

Councillor Barry replied that it was recently. He added that he agreed it was appropriate for officers to respond rather than Members and it was up to those Councillors on Cabinet to respond if they wished to. Council had enough information at the time to see whether they thought the company was reliable and Councillors had chosen to vote in the way they did. The priority now was not to rake over the coals of the past but to increase the revenue for the Council and to increase the prosperity of the traders and the market.

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