

## PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 2.00 p.m. on Wednesday, 8<sup>th</sup> April 2009, when the following Members were present:-

Keith Budden (Mayor)

Evelyn Archer

Jon Barry

Susan Bray

Abbott Bryning

Susie Charles

John Day

Jean Dent

Keran Farrow

John Gilbert

Mike Greenall

Val Histed

David Kerr

Geoff Knight

Roger Mace

Ian McCulloch

Joyce Pritchard

Peter Robinson

Sylvia Rogerson

Roger Sherlock

Keith Sowden

Jude Towers

Tony Wade

Peter Williamson

June Ashworth (Deputy Mayor)

John Barnes

Eileen Blamire

Ken Brown

Shirley Burns

Chris Coates

Roger Dennison

Sheila Denwood

Sarah Fishwick

Charles Grattan

Janice Hanson

Tony Johnson

Janie Kirkman

Karen Leytham

Geoff Marsland

Roger Plumb

Robert Redfern

Bob Roe

Ron Sands

Rob Smith

Malcolm Thomas

Morgwn Trolinger

John Whitelegg

Paul Woodruff

**125 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Jim Blakely, Anne Chapman, Tina Clifford, Jane Fletcher, Rebekah Gerrard, Emily Heath, Helen Helme, Andrew Kay, Stuart Langhorn, Catriona Stamp, Joyce Taylor and Maia Whitelegg.

**126 MINUTES**

The minutes of the meeting held on 4<sup>th</sup> March 2009 were signed by the Mayor as a correct record.

**127 DECLARATIONS OF INTEREST**

Members advised of the following declarations of interest at this stage:

Councillor Evelyn Archer declared a personal and prejudicial interest in relation to the Winter Gardens as the Chairman of the Winter Gardens Trust should it be referred to during the Executive Annual report (Minute No. 132 refers).

**128 ANNOUNCEMENTS****(a) Major General Hamish Rollo**

The Mayor reported the sudden death of the Colonel of the Duke of Lancaster's Regiment, Major General Hamish Rollo, CBE on 26<sup>th</sup> March 2009 aged 53.

**Council stood for a minute's silence as a mark of respect.**

**(b) Bussieres, France**

The Mayor welcomed to the meeting Councillor Maryse Decolon from Bussieres, a town in France twinned with 'The Kelleys' in the Lancaster District who was part of a group currently visiting the area.

**129 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 the provisions of Council Procedure Rule 11 and invited Mr. Hamilton-Cox to ask his question of the relevant Cabinet Member. Details of the question, which related to the Council's investments in Icelandic Banks, together with the response and supplementary question, can be found at Appendix A to the Minutes.

At the conclusion of the question, it was noted that a further report on this matter was shortly to be submitted to the Audit Committee.

**130 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12.2**

The Mayor advised that 10 questions had been received by the Chief Executive in accordance with Council Procedure Rules as follows:

- (1) Councillor John Whitelegg to Councillor Bryning regarding approval of the LDF Core Strategy
- (2) Councillor John Whitelegg to Councillor Bryning regarding the Planning Inspectorate.

- (3) Councillor John Whitelegg to Councillor Bryning regarding opposition to the Northern Bypass
- (4) Councillor John Whitelegg to Councillor Bryning regarding passing information to the County Council
- (5) Councillor Hanson to Councillor Barry regarding Regent Road toilets
- (6) Councillor Robinson to Councillor Bryning regarding deposits with Icelandic Banks
- (7) Councillor Robinson to Councillor Barry regarding plastic orange bags
- (8) Councillor Robinson to Councillor Barry regarding grey wheelie bins
- (9) Councillor Robinson to Councillor Barry regarding savings from closing toilets
- (10) Councillor Bray to Councillor Thomas regarding Members expenses

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

### 131 LEADER'S REPORT

The Leader presented his report on the proceedings of Cabinet since the last meeting of Council and updated Council on various issues.

He answered a number of questions from Councillors.

***Resolved:***

That the report be noted.

### 132 MAYOR'S ANNUAL REPORT

In accordance with Article 5.02(g) of the Constitution, the Mayor presented his Annual Report for 2008/09. He responded to Members' questions.

***Resolved:***

That the report be received.

### 133 EXECUTIVE ANNUAL REPORT

***(Councillor Archer re-iterated her personal and prejudicial interest in relation to the Winter Gardens and advised that she would be unable to answer any questions relating to that matter as part of her report.***

***Councillor June Ashworth declared a personal and prejudicial interest as a Trustee of the Morecambe Bay Partnership in relation to the Morecambe Bay Regional Park referred to during questions on Councillor Archer's report below.***

***Councillor Sarah Fishwick declared a personal interest as a member of the Vision Board referred to in Councillor Archer's report below.)***

In accordance with Article 7.06(k), the Leader and each Member of Cabinet had produced a written business progress report for 2008/09.

The Leader presented his report on his portfolio, followed by Councillors Mace, Archer, Barry, Blamire, Burns, Charles, Gilbert and Kerr who also answered a number of questions.

It was noted that Councillor Fletcher had submitted apologies for the meeting and it was moved by Councillor Barry and seconded by Councillor Day:  
'That the annual report of Councillor Fletcher be deferred to the next scheduled meeting of Council.'

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

**Resolved:**

- (1) That the reports of Cabinet Members, Councillors Bryning, Mace, Archer, Barry, Blamire, Burns, Charles, Gilbert and Kerr be received.
- (2) That the report of Cabinet Member, Councillor Fletcher, be deferred to the next scheduled meeting of Council.

**134 STANDARDS COMMITTEE ANNUAL REPORT**

The independent Chairman, Mr. Stephen Lamley, presented the 2008/09 Annual Report of the Standards Committee and answered a number of questions.

It was moved by Councillor Fishwick and seconded by Councillor Dennison: 'That the independent and parish members of the Standards Committee be thanked for their time and effort contributing to the work of the Council's Standards Committee.'

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

**Resolved:**

- (1) That the report be received.
- (2) That the independent and parish members of the Standards Committee be thanked for their time and effort contributing to the work of the Council's Standards Committee.

**135 OVERVIEW AND SCRUTINY ANNUAL REPORT**

In accordance with Article 6.03(c) the Overview and Scrutiny Annual Report for 2008/09 had been published. It was noted however that the Chairman, Councillor Langhorn and the Vice-Chairman, Councillor Heath had submitted apologies for this meeting.

It was moved by Councillor Budden from the Chair and seconded by Councillor Kirkman:

'That, in the absence of the Chairman and Vice-Chairman, the Overview & Scrutiny Annual Report be deferred to the next scheduled meeting of Council.'

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

**Resolved:**

That, in the absence of the Chairman and Vice-Chairman, the Overview & Scrutiny Annual Report be deferred to the next scheduled meeting of Council.

**136 AUDIT COMMITTEE ANNUAL REPORT 2008/09**

In accordance with Section 8.13 of Part 3 of the Council's Constitution, the Chairman, Councillor Malcolm Thomas, presented the 2008/09 Annual Report of the Audit Committee and answered a number of questions.

***Resolved:***

That the report be received.

**137 CANAL CORRIDOR NORTH - PLANNING INQUIRY**

The following motion, notice of which had been received by the Chief Executive in accordance with Council Procedure Rule 15 was moved by Councillor John Whitelegg and seconded by Councillor Trolinger:

'That in the light of the decision by the developer "not to appear" at the forthcoming public inquiry into its proposals for the canal corridor [letter of 12<sup>th</sup> March 2009 from Montagu Evans to the Planning Inspectorate informing the Inspectorate "We write on behalf of our client, Centros, to confirm that Centros will not be appearing at the above Inquiry which will consider the above applications."]

Lancaster City Council resolves:

- (1) To co-operate with the inquiry in handing over documents, explaining relevant local planning policy and answering questions about local planning policy and its own documentation presented to planning committee in October 2008
- (2) To identify one or more appropriate senior officers of the planning department and make them available for the duration of the inquiry to be present at the inquiry and to be of assistance to the Inspector
- (3) To inform Centros that in the view of the Lancaster City Council the requirements of the Secretary of State in calling this inquiry are best served by Centros itself presenting evidence to that inquiry and answering questions from all parties on that evidence.
- (4) Not to commission, engage or consult with external legal advisers, barristers, consultants or any other external person, company or organisation and thus incur expenditure on the part of this Council.'

A briefing note setting out background information was provided by the Corporate Director (Regeneration) who answered a number of questions prior to the commencement of the debate.

There followed a lengthy debate, at the conclusion of which 8 Members voted for the motion, 30 against and 3 abstained, whereupon the Mayor declared the motion lost.

**138 INTERNATIONAL YOUTH GAMES**

The following motion, notice of which had been received by the Chief Executive in accordance with Council Procedure Rule 15 was moved by Councillor Mace and seconded by Councillor Charles:

'The decision to withdraw funding from the International Youth Games in 2009-10 was taken reluctantly by Cabinet last December, due to the severe constraints then affecting the City Council's budget. This decision was taken at an early stage in the 2009-10 budget process as Lancaster was to have been the host in 2009, and detailed plans needed to be finalised to send to our participating twin Cities.

There was no debate or discussion at the Budget Council meeting on 4 March on the decision to withdraw support from the International Youth Games in the years 2010-11 and 2011-12, and Council now affirms its long term commitment to the International Youth Games, and asks Cabinet in the forthcoming budget process to propose restoring funding for the years 2010-11 and 2011-12. '

It was reported that since the motion proposed the reversal of a decision taken within the last six months (Minute No. 119 refers), the Notice of Motion has been signed in accordance with Council Procedure rule 18.1 by Councillors Mace, Blamire, Bray, Brown, Bryning, Charles, Denwood, Fishwick, Gilbert, Hanson, Helme, Histed, Johnson, Redfern, Roe, Rogerson, Sands, Sherlock, Sowden, Thomas and Williamson.

A briefing note setting out background information was provided by the Head of Democratic Services who answered questions prior to the commencement of the debate.

It was then moved by Councillor Barnes by way of an amendment:

'That the City Council agree to host the next International Youth Games in 2010/11.'

Councillor Mace declined to accept this as a friendly amendment and there being no seconder it was then moved by Councillor Burns by way of an addendum:

'That the City Council look at hosting the International Youth Games prior to the next scheduled host year.'

This too was declined as a friendly amendment and was not seconded.

It was then moved by Councillor Robinson, by way of an amendment:

'That the Council confirm its commitment to the International Youth Games for a period of 10 years.'

On being advised that the Council was not able to commit funding for a period of 10 years, Councillor Robinson withdrew his amendment.

Following a further period of debate, on being put to the vote, 31 Members voted for the motion, 1 against and 8 abstained, whereupon the Mayor declared the motion carried.

***Resolved:***

That Council affirms its long term commitment to the International Youth Games, and asks Cabinet in the forthcoming budget process to propose restoring funding for the years 2010-11 and 2011-12.

**139 MINUTES OF CABINET**

Council considered the Cabinet minutes of the meetings held on 3<sup>rd</sup> and 17<sup>th</sup> March 2009. There were no questions.

***Resolved:***

That the report be noted.

---

Mayor

(The meeting finished at 6.40 p.m.)

**Any queries regarding these Minutes,  
please contact Gillian Noall, Head of Democratic Services  
telephone (01524) 582060 or email [gnoall@lancaster.gov.uk](mailto:gnoall@lancaster.gov.uk)**

## APPENDIX A

**QUESTION FROM MR. T. HAMILTON-COX**

I refer to the council's press release of 26th March 2009 headlined 'Audit Commission report on councils' investments in Icelandic banks'. The first paragraph of the release says that, 'An Audit Commission report into councils' investments in Icelandic banks has found that "Lancaster City Council, along with most authorities, acted within guidance and acted properly in managing its investments and was alert to the risks."' Does the cabinet member accept that the quotation within the inverted commas is drawn from the Audit Commission's report?

Councillor Bryning responded that he did not. However he confirmed that it was correct to say that the press release was originally issued with quotations around the comment from the Audit Commission, but as Mr Hamilton-Cox had previously been informed in a letter from the Chief Executive on 3<sup>rd</sup> April, the inverted commas had been an oversight and the press release on the Council's web page has now been amended to reflect this.

He continued: 'The Audit Commission report did criticise seven Councils for not acting properly and it was important to make clear that Lancaster City Council was not one of those seven.

'To help understand, it is worth referring to the BBC North West comment on this issue, which did not rely on the City Council's press release – they reported in relation to Councils 'properly managed' funds: "Several Lancashire Councils did act properly when they invested money in Icelandic banks, a watchdog has said. The Audit Commission reviewed local authority investments following the collapse of Iceland's banking system in October 2008. Lancashire, Chorley, South Ribble, Burnley and Lancaster councils had all invested in Icelandic banks but had done so before credit ratings dropped.'"

He further advised that the last date of an investment in Icelandic Banks had been 15th May 2007 and two investments had been placed on that day:

- £1m with Landsbanki Islands on 15th May 2007 to run for 2 years from 16/5/07 to 15/5/09
- £2m with Kaupthing, Singer, and Friedlander on 15<sup>th</sup> May 2007 for a year forward deal to run from 16/5/08 to 15/5/09

By way of a supplementary question, Mr Hamilton-Cox referred again to the Audit Commission report which stated elsewhere that of the 116 Councils who had lost money, Lancaster was in the top dozen if the loss was measured against the Council's reserves. Using this measurement Lancaster City Council had lost 120% of the level of its reserves. He pointed out the Council had not anticipated the difficulties in Icelandic Banks in 2007, even though concerns had been first raised in 2006. He referred to the Council as being on a 'roll of dishonour' and in the light of this information asked: 'Does the cabinet member think that the council's investment strategy was sound; that it was executed sensibly; and that presentations to members at the audit and budget and performance committees, and press releases to the public, have been true and fair?'



Councillor Bryning replied that he did. The Audit Commission itself had invested money even after 2008 when the warning signals had become apparent. Councils have to rely on credit rating agencies. He gave details of the dates on which investment in Icelandic Banks had been made, the last being on 15<sup>th</sup> May 2007. It was, he said, clear in his opinion that there had been no misunderstanding of advice and all subsequent investigations had clarified the position that this Council was not guilty of any malfeasance. All that was done by the Council's Finance department had been done properly and correctly. He also pointed out that the Council had reconsidered its Treasury Management Strategy since this had happened.

\* \* \* \* \*

## APPENDIX B

**1 QUESTION FROM COUNCILLOR JOHN WHITELEGG TO COUNCILLOR ABBOTT BRYNING**

By way of background to the following 3 questions, Councillor John Whitelegg advised that the LDF Strategy contained a statement in support of the Bypass road although the Council's policy is not to support it.

What was the date when the Secretary of State approved the final version of the Local Development Framework (LDF) Core Strategy?

Councillor Bryning responded that the Inspector appointed by the Secretary of State to examine the soundness of the Core Strategy submitted his report to the Council on 10<sup>th</sup> June 2008. There was no requirement (or indeed mechanism) for the Secretary of State to "approve" the Core Strategy. The Core Strategy was adopted by the Council on 23<sup>rd</sup> July 2008.

**2 QUESTION FROM COUNCILLOR JOHN WHITELEGG TO COUNCILLOR ABBOTT BRYNING**

On what date did Lancaster City Council inform the Planning inspectorate and LDF Core Strategy Inspector of the policy agreed on 20<sup>th</sup> June 2007?

Councillor Bryning replied: 'The Council resolution of 20<sup>th</sup> June 2007 post-dated the end of the "Deposit" period for the Core Strategy. Representations from the public and the Council's response to these, could not take account of the resolution.

'The Planning Policy Cabinet Liaison Group discussed progress on the Core Strategy at a meeting of 19<sup>th</sup> September 2007 and discussed the Council's change in position. The Group resolved not to take any action as it could be seen to be prejudging the outcome of the planning application inquiry into the M6 Link.

'When the Secretary of State's decision to approve the M6 link road was made public in February 2008, the Core Strategy Inspector was immediately notified and supplied with a copy of the decision letter. This makes specific and detailed reference to the City Council's position. The Inspector was, therefore, well aware of the City Council's position when considering this issue during the subsequent public examination in March 2008. Copies of these letters are available if you wish.'

By way of a supplementary question, Councillor Whitelegg asked if the Leader was aware that the Inspector's draft report had been sent on 22<sup>nd</sup> May 2008 and the Council had replied on 3<sup>rd</sup> June 2008 that a fact check had been undertaken and there were no fundamental errors in the report.

Councillor Bryning replied that it had not been his area of responsibility at that time and he was not aware of this. He said that he would however make himself aware and reply to Councillor Whitelegg in writing.

**3 QUESTION FROM COUNCILLOR JOHN WHITELEGG TO COUNCILLOR ABBOTT BRYNING**

Which government departments were informed of the Council's decision to oppose the northern bypass after the vote in full council on 20<sup>th</sup> June 2007?

Councillor Bryning replied: 'The Council resolution to confirm the need for an M6 link but to oppose the northern route was conveyed to The Government Office for the North West, The North West Development Agency and the North West Regional Assembly by letter on 27<sup>th</sup> June 2007.'

**4 QUESTION FROM COUNCILLOR JOHN WHITELEGG TO COUNCILLOR ABBOTT BRYNING**

When did Lancaster City Council inform Lancashire County Council of its policy decision on 20<sup>th</sup> June 2007?

Councillor Bryning replied: 'The Programme Officer for the M6 Link public inquiry was notified of the Council's resolution by letter on 27<sup>th</sup> June 2007. This information was then made available to all parties attending the inquiry including the County Council and the Planning Inspectorate.'

By way of a supplementary question Councillor Whitelegg asked if the Leader agreed with him in regretting that the County Council had informed the Department of Transport in December 2008 that this Council supported the bypass road.

Councillor Bryning replied that whilst he did not himself regret it he could not answer for the actions of the County Council.

**5 QUESTION FROM COUNCILLOR JANICE HANSON TO COUNCILLOR JON BARRY**

Can the Cabinet explain what is meant by mothballing Regent Road toilets?

Councillor Barry replied that he apologised for the use of the term 'mothballing' which he thought should join the list of 'banned' words. He explained that it meant that the toilets had been closed in such a way that they could remain permanently closed or could be re-opened later – that in effect the final decision is deferred.

By way of a supplementary question, Councillor Hanson pointed out that the toilets at Grosvenor had been 'mothballed' and were then bulldozed. So she was concerned that the same would happen with the Regent Road and Dome toilets and did Councillor Barry realise that they formed part of the sea wall which would need to be rebuilt if the toilets were demolished.

Councillor Barry replied that there was no money available in the current budget to bulldoze the toilets – any decision to do that could not be taken until after 2009/10.

**6 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR ABBOTT BRYNING**

What was the last date upon which money was deposited with an Icelandic Bank?

How much was this for? And for what length of time was that money deposited?

Councillor Bryning replied that the information requested in the question was clearly set out in the public report "Review of Investments In Icelandic Institutions" that was considered by both the Audit Committee on 17th November 2008, and then scrutinised by the Budget & Performance Panel on 25th November 2008.

He re-iterated the information supplied to Mr Hamilton Cox in the previous item on the agenda:

'The last date of an investment in Icelandic Banks was 15th May 2007 and two investments had been placed on that day:

- £1m with Landsbanki Islands on 15th May 2007 to run for 2 years from 16/5/07 to 15/5/09
- £2m with Kaupthing, Singer, and Friedlander on 15<sup>th</sup> May 2007 for a year forward deal to run from 16/5/08 to 15/5/09

By way of a supplementary question Councillor Robinson referred to the report of the Audit Commission which stated that anyone can break a deposit and asked if the Council was ignorant of this facility or whether they had been reluctant to use it?

Councillor Bryning replied that he understood that some deposits were contractual for a certain period of time but he undertook to investigate this and provide a written response.

### **7 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR JON BARRY**

How much is there in this year's budget (2008-09), for plastic orange bags? How much remains of that budget?

Councillor Barry replied that the estimate for spend on refuse sacks in 2008/09 had been £35,500, of which £4,179 remained.

### **8 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR JON BARRY**

Will bin men collect household waste from grey wheelie bins if the lids of the aforementioned bins are not completely closed?

Councillor Barry replied that lids are supposed to be closed but bin men should use their discretion. He understood that if they were nearly closed then they were emptied and they were only left unemptied if there were a lot of bags on top or there was a danger of breaking the lid.

By way a supplementary question Councillor Robinson asked if there had been many complaints about not emptying bins.

Councillor Barry replied that he did not know the numbers but stressed that generally a bin where the lid was nearly closed would be emptied unless the householder had done this a lot in the past.

### **9 QUESTION FROM COUNCILLOR PETER ROBINSON TO COUNCILLOR JON BARRY**

What are you going to do with the £12,000 saved from closing Regent Road and the Dome Toilets?

Councillor Barry replied that the original idea had been to close 12 toilets and open 20 new ones nearby, but this could not all now be done with only 2 being closed.

By way of a supplementary question Councillor Robinson suggested that you could not open many toilets for £12,000 so could the money be spent on orange bags?

Councillor Barry replied that it cost just £750 for a new toilet.

**10 QUESTION FROM COUNCILLOR SUSAN BRAY TO COUNCILLOR MALCOLM THOMAS**

Have any City Councillors claimed expenses in the current municipal year for travelling from outside the District in order to attend meetings inside the District?

Councillor Thomas replied: 'The answer to this question is 'Yes' and this is within the rules for Council expenses in the Council's Members Allowances Scheme which was last approved by full Council on 18th April 2007.'

By way of a supplementary question Councillor Bray asked if the rules were likely to be looked at so that travel expenses can only be paid from home or work within the District.

Councillor Thomas replied that it would be for full Council ultimately to decide on any changes but there was a mechanism by which the Independent Remuneration Panel could consider any proposals to change the Members Allowances Scheme and advised Councillor Bray to consult Democratic Services on this matter if she wished to make such a suggestion.

\* \* \* \*