

## PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 2.00 p.m. on Wednesday, 16 September 2009, when the following Members were present:-

Roger Sherlock (Mayor)	Robert Redfern (Deputy Mayor)
Evelyn Archer	June Ashworth
John Barnes	Jon Barry
Eileen Blamire	Susan Bray
Ken Brown	Abbott Bryning
Keith Budden	Shirley Burns
Anne Chapman	Susie Charles
Tina Clifford	Chris Coates
John Day	Roger Dennison
Jean Dent	Sheila Denwood
Jane Fletcher	Melanie Forrest
Rebekah Gerrard	John Gilbert
Charles Grattan	Mike Greenall
Emily Heath	Helen Helme
Val Histed	Tony Johnson
Andrew Kay	David Kerr
Janie Kirkman	Geoff Knight
Stuart Langhorn	Karen Leytham
Roger Mace	Geoff Marsland
Ian McCulloch	Joyce Pritchard
Bob Roe	Sylvia Rogerson
Ron Sands	Rob Smith
Keith Sowden	Joyce Taylor
Malcolm Thomas	Jude Towers
Morgwn Trolinger	John Whitelegg
Peter Williamson	Paul Woodruff

**39 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Jim Blakely, Keran Farrow, Sarah Fishwick, Janice Hanson, Roger Plumb, Peter Robinson, Tony Wade and Maia Whitelegg.

**40 MINUTES**

The minutes of the meeting held on 22 July 2009 were signed by the Mayor as a correct record.

**41 DECLARATIONS OF INTEREST**

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

Councillors Evelyn Archer, June Ashworth, John Barnes, Shirley Burns, John Day, Roger Dennison, David Kerr, Geoff Knight and Geoff Marsland declared personal interests as Morecambe Town Councillors in that part of the Leader's report relating to arrangements for an artificial ice rink at the Dome (Minute No. 43 refers).

**42 QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11**

The Mayor advised that no questions had been received from members of the public in accordance with the provisions of Council Procedure Rule 11.

**43 LEADER'S REPORT**

*(Councillors Evelyn Archer, June Ashworth, John Barnes, Shirley Burns, John Day, Roger Dennison, David Kerr, Geoff Knight and Geoff Marsland declared personal interests as Morecambe Town Councillors in that part of the Leader's report relating to arrangements for an artificial ice rink at the Dome.)*

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.

**44 REVENUE OUTTURN 2008/09 - CARRY FORWARD OF BUDGETS**

Council considered a report of Cabinet from its meeting on 28 July 2009 which recommended that a number of underspent budgets amounting to £137,400 for General Fund and £45,000 for Housing Revenue Account and detailed at Appendix A to the report be carried forward into the current financial year.

Approval had been given by Cabinet to those requests under £10,000 but any above that amount required approval by full Council. The report explained that all requests were linked to achieving specific objectives or service targets and would have adverse implications for service delivery if not approved. The effect on revenue balances at the end of the current year was also set out.

The recommendation set out in the report was moved by Councillor Langhorn and seconded by Councillor Thomas.

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

**Resolved:**

That the requests for carry forward of underspent budgets be approved as set out below:

Service	Budget	Amount Carried Forward £
<b>General Fund</b>		
City Council (Direct) Services	Three Stream Waste Collection	38,000
Corporate Strategy	Statutory Place Survey	17,300
Cultural Services	Heysham Mossgate	10,000
Financial Services	Software: 'Icon' Managed Service	37,100
Revenue Services	Local Housing Allowance Funding: 'Proprint' Package and Software	35,000
Total		<b>137,400</b>
<b>Housing Revenue Account</b>		
Council Housing	Electrical Inspections	25,000
Council Housing	Electricity – Ophoto Electric Cells	20,000
Total		<b>45,000</b>

**45 ANNUAL TREASURY MANAGEMENT REPORT 2008/09**

Council considered a report which set out the performance of the Council in respect of Treasury Management for 2008/09 and sought Council's approval for various Prudential Indicators following on from last year's outturn position.

It was noted that under the Code of Practice on Treasury Management in Local Authorities, it is a requirement that an information report on these matters be presented to Council as well as Cabinet; furthermore the Prudential Indicators must be approved ultimately by Council.

The recommendation set out in the report was moved by Councillor Langhorn and seconded by Councillor Thomas.

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

**Resolved:**

That the report be noted and that the Prudential Indicators as set out at Appendix B to the report be approved.

**46 LANCASTER DISTRICT LOCAL STRATEGIC PARTNERSHIP - COMMUNITY ENGAGEMENT FRAMEWORK**

The Corporate Director (Finance & Performance) referred to a supplementary report which had been circulated since the publication of the agenda which explained that, whilst the Council Business Committee had originally recommended that Council adopt the

Community Engagement Framework (CEF) subject to the outcome of the consultation exercise not requiring significant changes, it had become apparent that responses to the consultation exercise completed on 7 September had resulted in the need for the Lancaster District Local Strategic Partnership Project Group to give further consideration to the proposed framework and it was anticipated that the CEF would be redrafted with changes in both presentation and format.

As a consequence, Council was now advised not to formally adopt the CEF at this stage, but to await the outcome of the redraft exercise, which it was expected would be achieved in time for a report to the next meeting of Council in November.

The recommendation set out in the supplementary report was moved by Councillor Trolinger and seconded by Councillor Dennison.

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

***Resolved:***

That Council note the content of the draft Lancaster District Local Strategic Partnership Community Engagement Framework at this stage and await the amended Framework as result of comments received as part of the consultation exercise before considering the formal adoption of the Framework.

**47 WAR MEMORIALS**

The following motion of which notice had been given to the Chief Executive in accordance with Council Procedure Rule 15 was moved by Councillor Sheila Denwood and seconded by Councillor Abbott Bryning:

'That the City Council express its concern that the two carved Gillow Memorials naming the war dead of two world wars and others who fought who were members of the Co-operative Society in the Lancaster District are not currently on display and may be in danger of neglect; and

That arrangements be made with the owners who have indicated a willingness to donate them to the City Council for suitable public display in order that they are properly honoured and preserved with the dignity they deserve.'

A briefing note setting out background information and the implications for the City Council was provided by the Corporate Director (Regeneration).

During the debate it was moved by Councillor Barry by way of a friendly amendment to the motion, that the words 'to be located in the Ashton Hall, the cost of £100 to be met from existing budgets' be added to the motion.

The proposer declined to accept this as a friendly amendment and there being no seconder the amendment fell.

At the conclusion of the debate, a vote was taken and the Mayor declared the motion clearly carried.

***Resolved:***

- (1) That the City Council express its concern that the two carved Gillow Memorials naming the war dead of two world wars and others who fought who were members

of the Co-operative Society in the Lancaster District are not currently on display and may be in danger of neglect; and

- (2) That arrangements be made with the owners who have indicated a willingness to donate them to the City Council for suitable public display in order that they are properly honoured and preserved with the dignity they deserve.

#### **48 APPOINTMENTS TO OUTSIDE BODIES - VISION BOARD WORKING GROUPS**

Council considered a report of the Corporate Director (Regeneration) seeking to appoint relevant members to Lancaster and Morecambe Vision Board Working Groups.

The Head of Democratic Services outlined the process whereby Council was being requested to consider adding these to the list of appointments to outside bodies and if so, to agree the basis on which the appointments should be made. Should it be agreed that Cabinet Members would be the most appropriate representatives, then Cabinet would be asked to decide the relevant portfolio holder in each instance.

The recommendation set out in the report was moved by Councillor Langhorn and seconded by Councillor Archer.

It was then moved by Councillor Marsland and seconded by Councillor Sowden by way of amendment:

'That the Council decline the invitation to appoint representatives on the Vision Board Steering Groups.'

At the conclusion of a short debate 2 Members voted for the amendment and many against, whereupon the Mayor declared the amendment lost.

A vote was then taken on the substantive motion which the Mayor declared clearly carried.

***Resolved:***

- (1) That additional representation to the three steering groups of the Vision Board be added to the Council's list of appointments to outside bodies.
- (2) That Cabinet be requested to agree appropriate Portfolio Holder representation on the three steering groups of:
  - Place, Culture and Identity
  - Business and Knowledge Innovation
  - Connectivity

#### **49 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12.2 (Pages 1 - 2)**

The Mayor advised that 3 questions had been received by the Chief Executive in accordance with Council Procedure Rules as follows:

- (1) Councillor Barnes to Councillor Barry regarding commercial vehicle sales on the Promenade
- (2) Councillor Barnes to Councillor Kerr regarding lack of maintenance and public safety in the enclosed access way between the Promenade and the Market Car Park
- (3) Councillor Budden to Councillor Thomas regarding the use of money as a result of S106 agreements.

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

**50 MINUTES OF CABINET**

Council considered the Cabinet minutes of the meetings held on 28 July and 1 September 2009. There were no questions.

***Resolved:***

That the minutes be noted.

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Mayor

(The meeting finished at 3.10 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

**1 QUESTION FROM COUNCILLOR JOHN BARNES TO COUNCILLOR JON BARRY**

There has been a persistent problem of commercial vehicle sales being undertaken on Morecambe Promenade. The Police, Trading Standards and other agencies have been involved. However, rather than this matter being resolved it appears to be getting worse in that caravans and commercial vehicles are now also being sold in this way, together with advertising activities taking place.

In a recent walk down the Promenade it was noticed that 17 vehicles up for sale had identical contact details. In fact some vehicles were marked up with a main dealer's details clearly indicating a commercial activity.

What multi-agency action is being taken to resolve this matter which has resulted in many complaints to local Councillors over recent years?

Councillor Barry responded firstly that he was disappointed to hear a comparatively new councillor like Councillor Barnes using 'Council-speak' such as 'multi agency action', however he acknowledged that this had been a continuing problem whilst he had been on the Council. The difficulty had been to find appropriate legislation available to the Council to control such activities, but he was pleased to report that recent research has found two Councils who have used street trading legislation to control car sale activities and this approach is now being considered.

Some multi-agency action had been taken in partnership with Trading Standards earlier this year to issue warnings about the risks of buying cars from highway displays. This was effective at the time but the numbers of vehicles being offered for sale is again on the increase and it was hoped that by using other legislation which had now been proved successful elsewhere the problem could be solved here.

**2 QUESTION FROM COUNCILLOR JOHN BARNES TO COUNCILLOR DAVID KERR**

The enclosed access way between Morecambe Promenade and the rear market car park which passes between the B & M store and the Hitchens store has been subject to public complaints over a number of years. This is due to the treacherous nature of the flooring (when wet) and the lack of maintenance and deterioration of the netting to prevent access of pigeons, resulting in the deposition of bird waste over its entire length.

What steps can and will be taken to minimise this public safety hazard?

Councillor Kerr replied: 'Over a period of about the last two years the Council has received a number of complaints about the poor condition of this covered alley. Approaches have been made to the owners, who we believe to be JET Ltd, 21-23 High Street East of Wallsend, Tyne and Wear. Their position was that this is private land and not a public right of way which effectively means that the City Council is unable to take action under any health and safety legislation.

'Members may be aware that Planning Services are part way through a project to improve the appearance of a number of properties along Marine Road Central through the use of statutory planning legislation and the condition of this covered alley is being considered as part of that project work. Many building owners are voluntarily co-operating in the project, but formal legal action may be necessary against owners who are unwilling to co-operate.

'It should also be noted that a planning application has just been received for the renovation of this arcade which will include the creation of additional shop units, if approved. While the principle of redevelopment is welcomed, early consideration would suggest that there are a

number of issues which will need to be resolved before final approval could be recommended. We will be working with the applicants to try and improve the scheme to such a standard that we are happy with. However, even if approved this would not guarantee that the works will be undertaken and if no action is forthcoming it may still be necessary to consider action under other powers to secure improvements to this important section of the promenade frontage.'

By way of a supplementary question Councillor Barnes asked if, as many people had suggested, it would be possible to impose an untidy land order.

Councillor Kerr referred to his original answer which set out what the Council could do as a Local Authority. He advised that there had been just 6 complaints in 4 years about rats and pigeons which it was up to officers in Environmental Health to deal with.

**3 QUESTION FROM COUNCILLOR KEITH BUDDEN TO COUNCILLOR MALCOLM THOMAS**

How much money has come into the district in the last five years as a result of 106 Agreements, planning gains, or developer contributions and how has the money been spent?

Councillor Thomas replied: 'As of June 2009, the Council held £984,864.64 in Section 106 monies.

'From this fund £262,812.45 is allocated to Grounds maintenance of parks and open spaces, and £187,190.19 goes to allocated capital schemes such as traffic calming and improving the public realm.

'The remaining £534,682 is yet to be allocated and the majority of those sums will go to highway and transportation improvements and the provision of affordable housing.'

By way of a supplementary question, Councillor Budden asked if the Council as Local Authority had any input into how this money was allocated.

Councillor Thomas agreed to provide a written response in which he advised that prior to monies from Section 106 agreements being required to cover a wider range of public service activities, contributions were normally restricted to highway improvements, public transport subsidies, and the maintenance of open space; the first two being County Council activities and the latter City Council functions. In that era decisions about how to allocate the funds needed less discretion as the schemes the funds were allocated were usually clear and determinable at the time the planning permission was granted. The operational spending decision was delegated to the Head of Planning under those circumstances.

However with the scope of Section 106 contributions broadening monies can now be collected and held in anticipation of spending them in relation to broader public infrastructure or service provision which doesn't always have to be exactly specified at the time of granting permission. This means that officers need to work up appropriate proposals to invest that money in using the Council's adopted policies for open space, affordable housing, cycling, walking and a variety of other initiatives, which can be related to development schemes directly in the event of challenge. The collection of wider funding is still in its infancy and the credit crunch has had an impact on the growth of this form of income. To have a direct input into how funds not directly specified to a particular investment should be spent, it would be entirely appropriate for elected Members to take part in the decision making process rather than leaving the matter to officer delegation and officers would welcome this.

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