

## PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 6.00 p.m. on Wednesday, 23 September 2015, when the following Members were present:-

Jon Barry (Mayor)	Caroline Jackson (Deputy Mayor)
Sam Armstrong	Lucy Atkinson
Stuart Bateson	Alan Biddulph
Eileen Blamire	Carla Brayshaw
Dave Brookes	Tracy Brown
Abbott Bryning	Susie Charles
Darren Clifford	Brett Cooper
Claire Cozler	Sheila Denwood
Rob Devey	Andrew Gardiner
Nigel Goodrich	Mel Guilding
Janet Hall	Tim Hamilton-Cox
Janice Hanson	Colin Hartley
Helen Helme	Brendan Hughes
Joan Jackson	Andrew Kay
Ronnie Kershaw	Geoff Knight
James Leyshon	Karen Leytham
Roger Mace	Matt Mann
Terrie Metcalfe	Abi Mills
Richard Newman-Thompson	Rebecca Novell
Margaret Pattison	Robert Redfern
Sylvia Rogerson	Ron Sands
Elizabeth Scott	Roger Sherlock
David Smith	Susan Sykes
Malcolm Thomas	Andrew Warriner
David Whitaker	Anne Whitehead
John Wild	Peter Williamson
Phillippa Williamson	Peter Yates

**44 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors June Ashworth, Charlie Edwards, Christopher Leadbetter, Jane Parkinson, Nick Wilkinson and Paul Woodruff.

**45 MINUTES**

The minutes of the meetings held on 15 July 2015 were signed by the Mayor as a correct record.

**46 DECLARATIONS OF INTEREST**

Members advised of the following interests at this stage:

Councillors Brayshaw and Whitaker declared a personal interest in relation to the item on Appointments to Outside Bodies in view of their council appointments to the North Lancashire Citizens Advice Bureau. (Minute No. 52 refers.)

Councillors Clifford, Newman-Thompson, Hanson and Charles all declared an interest in relation to the motion on Fracking, as members of Lancashire County Council, and would leave the meeting for that item. (Minute No. 56 refers.)

Councillor Rogerson declared a personal interest in relation to the item on Appointments to Outside Bodies in view of her council appointment to the North Lancashire Citizens Advice Bureau. (Minute No. 52 refers.)

Councillor Biddulph declared a personal interest in relation to the Canal Corridor motion in view of his involvement with the Grand Theatre. (Minute No. 57 refers.)

**47 ANNOUNCEMENTS**

The Mayor announced that, in view of the number of motions on the agenda, he intended to re-order the items to take 15 and 16 after item 8. He also intended to curtail the meeting after four hours, at 10pm. Re-ordering the agenda would ensure that all reports for decision would be dealt with before the end of the meeting. Any motions remaining would be deferred to the next meeting to be dealt with first.

Councillors were informed that the Mayor's sponsored bike ride of 81 miles from Barrow to Glasson had raised £5,000 for St John's hospice. The Mayor thanked everyone for their participation and support.

**48 QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11 (Pages 16 - 17)**

The Mayor advised that one question had been received from a member of the public, Mr Adam Hanlon, in accordance with Council Procedure Rule 11. He invited Mr Hanlon to put his question to Councillor Smith.

A copy of the question had been circulated at the commencement of the meeting.

Details of Mr Hanlon's question and the response from Councillor Smith, together with a supplementary question and answer, are appended to the minutes.

## 49 PETITIONS AND ADDRESSES

Mr Nick Ward formally presented a petition and addressed Council in accordance with the provisions of the Council's Petition Scheme and Council Procedure Rule 13. The wording of the petition was as follows:

*"We are residents of villages in the Halton and Kellet Wards of Lancaster District. Our villages are rural in character and have been sustained as communities separate from the urban centre of Lancaster - in some cases for over one thousand years.*

*Under the section headed "Improving the Rural Environment", in the Lancaster City Council Planning Handbook 2000, published by Burrows Communications Ltd., it says "In responding to pressures for new development the City Council will look to guard against inappropriate change and protect the character of villages". We are unaware of any change to this commitment by the City Council.*

*We expect the City Council to;*

- *safeguard the sense of identity of village communities*
- *protect and enhance the social, economic, and environmental sustainability required by current and future rural residents*
- *respect the visual amenity associated with the landscapes surrounding rural settlements*
- *conserve the quality and character of village landscapes and the setting of rural villages*
- *recognise that landscape containing green spaces is an irreplaceable community asset*
- *ensure that local rural opinion informs City Council decisions that have an impact on local village communities*
- *promote city coast and countryside - without sidelining the countryside*

*We observe recent symptoms of neglect of the rural voice locally, in that;*

- *the executive of this Council does not include elected representatives from rural wards in the District, and*
- *unlike the situation in 2005, there is no longer a Cabinet member with a portfolio for "Rural Affairs" and*
- *recent new brand identities for Lancaster and for Morecambe make no reference to the countryside of the District*
- *there is no adequate forum in which issues of major importance to rural communities, such as the preparation of the Local Plan, can be properly debated.*

*We (the undersigned) are concerned at the symptoms of neglect of the rural voice locally as set out above, and we call upon Lancaster City Council*

- *to resolve to work with the Parish and Town Councils in the District and fully recognise their contributions in preserving the distinctiveness and aspirations of our local communities and*
- *to set up a working group with Council Officers and representatives of rural parishes and of the City Council to enable rural views to inform the process of preparing component documents in the Local Plan"*

The Mayor explained that the petition did not contain the 1500 signatures required to trigger a Council debate and it would be usual at this point to refer the petition to Cabinet.

However, a motion related to the petition had been placed on the agenda (minute 51 refers). In view of this, the Mayor thanked Mr Ward for attending Council and invited him to stay and listen to the debate on the related motion.

## 50 LEADER'S REPORT

The Leader presented her report updating Members on various issues since her last report to Council. She offered to provide a written response to a question from Councillor Mace regarding the new agreement for the Museum.

### ***Resolved:***

That the report be noted.

## 51 AUDIT COMMITTEE TERMS OF REFERENCE

Council considered a report of the Monitoring Officer, seeking approval to revised terms of reference for the Audit Committee. The revisions were necessary to reflect changes in legislation and had been accepted and recommended to Council for adoption by the Audit Committee at its meeting on 17 June 2015.

Councillor Mann proposed, seconded by Councillor Whitaker:

“That the proposed revisions to the Audit Committee’s terms of reference, set out in Appendix A of the report, be approved.”

Councillor Peter Williamson, seconded by Councillor Gardiner, proposed an amendment in the form of an addendum:

“That the size of the Committee be increased from seven members to nine members.”

Debate followed on the amendment before a vote was taken. With 21 Members in favour, 29 against and two abstentions, the amendment was lost.

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

### ***Resolved:***

That the proposed revisions to the Audit Committee’s terms of reference, set out in Appendix A of the report, be approved.

## 52 APPOINTMENTS TO OUTSIDE BODIES

Council considered a report submitted by the Chief Officer (Governance). The report noted that two vacancies had arisen on outside bodies. These were the Council’s appointments to the Reserve Forces and Cadets Association for North West England and the Isle of Man and to the North Lancashire Citizens Advice Bureau (NLCAB). The basis of appointment to both vacancies had previously been by nomination and appointment at Council. The report also asked Council to consider a request from the trustees of the James Bond/Henry Welch Trust for nomination of a councillor to be appointed as a trustee.

The Mayor called for a proposition regarding the Reserve Forces and Cadets Association first.

Proposing that the basis of appointment remain by nomination and appointment at full

Council, Councillor Leyshon nominated Councillor Bryning, seconded by Councillor Clifford. Councillor Peter Williamson nominated Councillor Gardiner, seconded by Councillor Joan Jackson. There were 29 votes for Councillor Bryning and 14 votes for Councillor Gardiner, and the Mayor declared Councillor Bryning appointed.

Nominations were then taken for the vacancy on the NLCAB.

Councillor Leyshon nominated Councillor Biddulph, seconded by Councillor Clifford and Councillor Peter Williamson nominated Councillor Parkinson, seconded by Councillor Charles. There were 30 votes for Councillor Biddulph and 17 votes for Councillor Parkinson, and the Mayor declared Councillor Biddulph appointed.

Regarding the request from the James Bond/Henry Welch trustees, Councillor Leyshon proposed that the basis of appointment remain by nomination and appointment at full Council, and that Councillor Brown be nominated. The proposition was seconded by Councillor Clifford.

Councillor Peter Williamson nominated Councillor Guilding, seconded by Councillor Charles. Councillor Brown received 29 votes and Councillor Guilding received 14 votes. Councillor Brown was appointed. The Mayor noted that the appointment was subject to confirmation by the trustees at their October meeting.

**Resolved:**

- (1) That Councillor Bryning be appointed to the Reserve Forces and Cadets Association for North West England and the Isle of Man.
- (2) That Councillor Biddulph be appointed to the NLCAB.
- (3) That, subject to confirmation by the trustees at their October meeting, Councillor Brown be the Council's appointment as a trustee to the James Bond/Henry Welch Trust.

**53 NOTICE OF MOTION - RIGHT TO BUY**

Councillor Leytham had submitted the following motion having given the required notice to the Chief Executive in accordance with Council Procedure Rule 15:-

"There is a growing demand and insufficient provision of social and council housing for rent in the Lancaster District and the Right To Buy scheme in its current format presents difficulties to Lancaster City Council to provide new appropriate housing on a replacement basis when a dwelling is sold, so:

Lancaster City Council proposes the following:

- That our Government follows the leadership of the Scottish Government in reversing the Right To Buy scheme for council houses.
- That the proposal to extend the Right To Buy scheme to housing associations be abolished.
- That the proposal to manage welfare spending by controlling council house rents be abolished as this goes against the move in 2012 to relinquish central government

control and allow councils more freedom to manage their housing portfolios.

- That the Chief Executive of Lancaster City Council sends this resolution to the Secretary and Shadow Secretary of State for DCLG, the Housing and Shadow Housing Minister, the district's 2 MP's, housing associations that operate in our district, Lancashire County Council and all Lancashire councils."

Background information regarding the district's housing stock and the right to buy had been provided with the agenda to assist Councillors. The Chief Officer (Health and Housing) responded to Members' questions on the briefing note.

Councillor Leytham moved the motion, seconded by Councillor Hall. After a lengthy debate, a vote was taken and the motion was clearly carried.

***Resolved:-***

There is a growing demand and insufficient provision of social and council housing for rent in the Lancaster District and the Right To Buy scheme in its current format presents difficulties to Lancaster City Council to provide new appropriate housing on a replacement basis when a dwelling is sold, so:

Lancaster City Council proposes the following:

- That our Government follows the leadership of the Scottish Government in reversing the Right To Buy scheme for council houses.
- That the proposal to extend the Right To Buy scheme to housing associations be abolished.
- That the proposal to manage welfare spending by controlling council house rents be abolished as this goes against the move in 2012 to relinquish central government control and allow councils more freedom to manage their housing portfolios.
- That the Chief Executive of Lancaster City Council sends this resolution to the Secretary and Shadow Secretary of State for DCLG, the Housing and Shadow Housing Minister, the district's 2 MP's, housing associations that operate in our district, Lancashire County Council and all Lancashire councils.

**54 NOTICE OF MOTION - TO WELCOME, SUPPORT AND ACCOMMODATE OUR FAIR SHARE OF REFUGEES BOTH LOCALLY AND NATIONALLY**

The following motion, of which notice had been given to the Chief Executive in accordance with Council Procedure Rule 15, had been submitted by Councillor Novell:-

"This Council notes that:

Conflicts in the Middle East and Africa are driving men, women and children in their millions to seek safety in the West.

This summer has seen the largest displacement of people since the Second World War. In July, more than 100,000 individuals crossed into European Union countries - a record figure.

Thousands of people have died this year alone, trying to cross the Mediterranean sea; many of them were children.

Responding to the movement of so many desperate people is not straightforward. Yet it is clear that many of Europe's existing policies are inadequate.

A large number of refugees can become much less daunting to the public and less of a drain on resources if each and every county and borough council agrees to house refugee families. 10 families per authority would house approximately 10,000 families.

This Council believes:

- We have a duty to prevent the deaths of innocent people seeking refuge;
- That this crisis will be better managed if incoming refugees are accommodated around the whole country;
- That the UK must welcome its fair share of refugees to ease this crisis.

This Council resolves to:

- Call on the Government to work with Europe in order to establish and accept Britain's fair share of refugees fleeing war-torn countries.
- Call on the Government to allocate resources to Local Councils so that they may accommodate and integrate refugees in to the local community.
- Commit to ensuring that refugees are welcomed in this district and help facilitate this process in Lancaster, by working with local services to ensure housing, legal advice, trauma-recovery support and careers advice, amongst other things.
- Formally express interest in both the UN Gateway Programme and the Government's VPR to the Home Office by 1st November 2015."

An officer briefing note with relevant information to aid the debate had been included on the agenda and the Chief Officer (Health and Housing) responded to Members' questions.

An amendment to the motion was moved by Councillor Peter Williamson and seconded by Councillor Gardiner:-

"This council notes that the conflicts in the Middle East and Africa are driving men, women and children to seek safety elsewhere and supports the joint statement from Councillor Eileen Blamire, Leader of the Council, and Mark Cullinan, Chief Executive, made on 7 September 2015 following the announcement by the Prime Minister that the UK will accept 20,000 Syrian refugees between now and 2020:

*We understand that the government will provide financial support from the international aid budget. The council awaits further details on how this will be administered and the number of refugees the district may be asked to accommodate.*

*It is, of course, essential that the solution is sustainable and funding is made available in the long term to ensure that those resettled, along with our communities, have the support and resources they need until they are either granted asylum or safely returned to their own country."*

There was a lengthy debate before a vote was taken on the amendment which was clearly lost. At that point,

Councillor Blamire proposed an amendment, which was to add the wording of Councillor Peter Williamson's amendment to the original motion. Councillor Leyshon seconded the amendment which was accepted as a friendly amendment by Councillor Novell and her seconder.

Further debate followed and Councillor Mace proposed the removal of the first and fourth

bullet points from the last paragraph of Councillor Novell's motion, shown below:

- Call on the Government to work with Europe in order to establish and accept Britain's fair share of refugees fleeing war-torn countries.
- Formally express interest in both the UN Gateway Programme and the Government's VPR to the Home Office by 1st November 2015.

Councillor Phillippa Williamson seconded the amendment. After a short debate, a vote was taken on the amendment which was clearly lost.

Councillor Newman-Thompson proposed an amendment which was accepted as a friendly amendment by Councillor Novell and her seconder:

"That the words 'fair' and 'formally' be removed from the first and fourth bullet points in the last paragraph of Councillor Novell's motion."

A vote was then taken and the substantive motion, including friendly amendments, was clearly carried.

**Resolved:-**

This Council notes that:

Conflicts in the Middle East and Africa are driving men, women and children in their millions to seek safety in the West.

This summer has seen the largest displacement of people since the Second World War. In July, more than 100,000 individuals crossed into European Union countries - a record figure.

Thousands of people have died this year alone, trying to cross the Mediterranean sea; many of them were children.

Responding to the movement of so many desperate people is not straightforward. Yet it is clear that many of Europe's existing policies are inadequate.

A large number of refugees can become much less daunting to the public and less of a drain on resources if each and every county and borough council agrees to house refugee families. 10 families per authority would house approximately 10,000 families.

This Council believes:

- We have a duty to prevent the deaths of innocent people seeking refuge;
- That this crisis will be better managed if incoming refugees are accommodated around the whole country;
- That the UK must welcome its fair share of refugees to ease this crisis.

This Council resolves to:

- Call on the Government to work with Europe in order to establish and accept Britain's share of refugees fleeing war-torn countries.
- Call on the Government to allocate resources to Local Councils so that they may accommodate and integrate refugees in to the local community.
- Commit to ensuring that refugees are welcomed in this district and help facilitate this process in Lancaster, by working with local services to ensure housing, legal advice, trauma-recovery support and careers advice, amongst other things.
- Express interest in both the UN Gateway Programme and the Government's VPR



to the Home Office by 1st November 2015.

“This council notes that the conflicts in the Middle East and Africa are driving men, women and children to seek safety elsewhere and supports the joint statement from Councillor Eileen Blamire, Leader of the Council, and Mark Cullinan, Chief Executive, made on 7 September 2015 following the announcement by the Prime Minister that the UK will accept 20,000 Syrian refugees between now and 2020:

*We understand that the government will provide financial support from the international aid budget. The council awaits further details on how this will be administered and the number of refugees the district may be asked to accommodate.*

*It is, of course, essential that the solution is sustainable and funding is made available in the long term to ensure that those resettled, along with our communities, have the support and resources they need until they are either granted asylum or safely returned to their own country.”*

## **55 NOTICE OF MOTION - CONCERN THAT LANCASTER CITY COUNCIL DOES NOT HEAR THE RURAL VOICE**

The following motion of which notice had been given to the Chief Executive in accordance with Council Procedure Rule 15 was moved by Councillor Mace and seconded by Councillor Guilding. The motion is set out in full as it was shown on the agenda:-

“We are residents of villages in the Halton and Kellet Wards of Lancaster District. Our villages are rural in character and have been sustained as communities separate from the urban centre of Lancaster - in some cases for over one thousand years.

Under the section headed "Improving the Rural Environment", in the Lancaster City Council Planning Handbook 2000, published by Burrows Communications Ltd., it says "In responding to pressures for new development the City Council will look to guard against inappropriate change and protect the character of villages". We are unaware of any change to this commitment by the City Council.

We expect the City Council to:

- safeguard the sense of identity of village communities
- protect and enhance the social, economic, and environmental sustainability required by current and future rural residents
- respect the visual amenity associated with the landscapes surrounding rural settlements
- conserve the quality and character of village landscapes and the setting of rural villages
- recognise that landscape containing green spaces is an irreplaceable community asset
- ensure that local rural opinion informs City Council decisions that have an impact on local village communities
- promote city coast and countryside - without sidelining the countryside

We observe recent symptoms of neglect of the rural voice locally, in that:

- the executive of this Council does not include elected representatives from rural wards in the District, and
- unlike the situation in 2005, there is no longer a Cabinet member with a portfolio for

"Rural Affairs" and

- recent new brand identities for Lancaster and for Morecambe make no reference to the countryside of the District
- there is no adequate forum in which issues of major importance to rural communities, such as the preparation of the Local Plan, can be properly debated.

#### Petition

We (the undersigned) are concerned at the symptoms of neglect of the rural voice locally as set out on the attached sheet, and we call upon Lancaster City Council

- to resolve to work with the Parish and Town Councils in the District and fully recognise their contributions in preserving the distinctiveness and aspirations of our local communities and
- to set up a working group with Council Officers and representatives of rural parishes and of the City Council to enable rural views to inform the process of preparing component documents in the Local Plan

#### Motion

In view of the content of the petition (minute 49 refers), which has been submitted to the Council with some 360 signatures from residents in Kellet and Halton Wards, and the concerns at the symptoms of neglect of the rural voice as set out by the petitioners in the sheet accompanying the petition, this Council resolves

- to work with the Parish and Town Councils in the District and fully recognise their contributions in preserving the distinctiveness and aspirations of our local communities and;
- to set up a working group with Council Officers and representatives of rural parishes and of the City Council to enable rural views to inform the process of preparing component documents in the Local Plan."

An officer briefing note refuting the suggestion that the City Council did not consider the rural voice had been circulated with the agenda and the Chief Officer (Regeneration and Planning) responded to members' questions.

An amendment to the motion was moved by Councillor Hamilton-Cox, seconded by Councillor Brookes:

"That the words "rural parishes" be replaced with "Parish and Town Councils" in the final bullet point of the motion."

With the agreement of the meeting and his seconder, Councillor Mace accepted this as a friendly amendment and debate followed. During the debate, the Leader of the Council announced that she would be adding special responsibility for the rural areas to Councillor Hanson's portfolio.

At the conclusion of the debate a vote was taken and with 20 Councillor in favour of the motion and 31 against, the motion was lost.

## 56 NOTICE OF MOTION - FRACKING

***Councillor Charles, Clifford, Hanson and Newman-Thompson left the meeting at this point, having previously declared an interest as Lancashire County Councillors.***

Councillor Devey proposed the following motion having given the required notice to the Chief Executive in accordance with Council Procedure Rule 15:-

“Lancaster City Council notes the ongoing consultation which ends on September 29 and could result in licences being granted for oil and gas exploration which could involve fracking in the south of our district. We also note the recent report published by Preston City Council into the process and that council’s subsequent resolution. While we would always respond as a consultee to any individual planning application on a case by case basis on planning grounds and carefully weigh up its merits, we believe considerations when it comes to fracking go above and beyond pure planning grounds. Therefore, this council agrees to:

- a) Oppose fracking in the Lancaster district, or fracking outside our district which could affect residents within our district, and call upon the Government to re-consider its policy of encouraging fracking because:
  - This council considers the focus across the country ought to be on developing sustainable sources of clean renewable energy, especially including tidal energy given that we are an island, but also including off-shore windfarms, solar power and kinetic energy generated by the movements of people and vehicles.
  - This council considers that fracking has the potential to spoil our countryside and adversely affect wildlife and habitat.
  - This council has doubts as to the safety and impact of the process for reasons including the earthquakes caused by recent fracking investigation works in Lancashire, the release of significant quantities of methane gas and, as recently evidenced in a major study by the United States Environmental Protection Agency, impacts on the integrity of drinking water supplies.
- b) Urge the Government to scrap proposals to remove responsibility for determining fracking planning applications from local councils (in our area Lancashire County Council) if they are not determined within a 16-week period, and recognise that these are sensitive proposals which should be judged locally and which, if anything, need more time for consideration and public consultation, not less.

This motion should be sent in writing to the Department for Energy and Climate Change and the Oil and Gas Authority as part of the ongoing consultation, which ends on September 29, but also to the relevant secretaries of state at the Department for the Environment Food and Rural Affairs and the Department for Communities and Local Government.”

Councillor Cozler seconded the motion.

An officer briefing note accompanied the motion.

At the conclusion of a lengthy debate a vote was taken and the motion was clearly carried with 35 members voting for the motion, 6 against and 6 abstentions.

**Resolved:-**

Lancaster City Council notes the ongoing consultation which ends on September 29 and could result in licences being granted for oil and gas exploration which could involve fracking in the south of our district. We also note the recent report published by Preston

City Council into the process and that council's subsequent resolution. While we would always respond as a consultee to any individual planning application on a case by case basis on planning grounds and carefully weigh up its merits, we believe considerations when it comes to fracking go above and beyond pure planning grounds. Therefore, this council agrees to:

- a) Oppose fracking in the Lancaster district, or fracking outside our district which could affect residents within our district, and call upon the Government to re-consider its policy of encouraging fracking because:
  - This council considers the focus across the country ought to be on developing sustainable sources of clean renewable energy, especially including tidal energy given that we are an island, but also including off-shore windfarms, solar power and kinetic energy generated by the movements of people and vehicles.
  - This council considers that fracking has the potential to spoil our countryside and adversely affect wildlife and habitat.
  - This council has doubts as to the safety and impact of the process for reasons including the earthquakes caused by recent fracking investigation works in Lancashire, the release of significant quantities of methane gas and, as recently evidenced in a major study by the United States Environmental Protection Agency, impacts on the integrity of drinking water supplies.
- b) Urge the Government to scrap proposals to remove responsibility for determining fracking planning applications from local councils (in our area Lancashire County Council) if they are not determined within a 16-week period, and recognise that these are sensitive proposals which should be judged locally and which, if anything, need more time for consideration and public consultation, not less.

This motion should be sent in writing to the Department for Energy and Climate Change and the Oil and Gas Authority as part of the ongoing consultation, which ends on September 29, but also to the relevant secretaries of state at the Department for the Environment Food and Rural Affairs and the Department for Communities and Local Government.

***Councillor Charles, Clifford, Hanson and Newman-Thompson returned to the meeting at this point.***

## **57 NOTICE OF MOTION - CANAL CORRIDOR DEVELOPMENT**

The following motion of which notice had been given to the Chief Executive in accordance with Council Procedure Rule 15 was moved by Councillor Hamilton-Cox and seconded by Councillor Caroline Jackson:-

"This council notes the question from Cllr Williamson at July full council, and the response from Cllr Hanson, reproduced below:-

*'Question from Councillor Peter Williamson to Councillor Hanson: Has the exclusive development agreement with British Land concerning the Canal Corridor development now expired?*

*Councillor Hanson responded to say that the development agreement had not expired. However, because the developer had not submitted a planning application by the 21st*

*November 2014, either the Council or the developer was entitled to give written notice to terminate the agreement. No such notice had yet been given by either party.'*

Full council further notes that around half of councillors were not in office in July 2012 when full council approved the principle of a development agreement with British Land for the council's landholding in the Canal Corridor and gave delegated authority to the Chief Executive to complete the detail of the agreement.

Accordingly full council resolves that the Chief Executive be asked to prepare an options appraisal on the future use of the council's landholding in the Canal Corridor, including the option to withdraw from the development agreement in order to facilitate a housing-led regeneration of the Canal Corridor, and that the options appraisal be presented to October full council."

An officer briefing note with professional advice had been included with the agenda for Members' information and the Chief Officer (Regeneration and Planning) responded to questions from Councillors.

An amendment to the motion was moved by Councillor Brookes, seconded by Councillor Gardiner and accepted as a friendly amendment by the mover and seconder of the motion:

"That the words "housing led" in the final paragraph of the motion be replaced with the word "alternative."

During debate, it was noted that the most recent legal advice would be shared with Cabinet at its next meeting on 6 October 2015 and that group leaders would be invited to a briefing on the latest position.

At the conclusion of the debate a vote was taken and, with 19 Councillors voting for the motion, 30 against and one abstention, the motion was lost.

## **58 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12**

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

Councillor Scott asked Councillor Leytham:

*"Within the last 5 years, has the Council Housing Department identified and investigated any rented Council houses or flats that were sub-let?"*

Councillor Leytham replied 'no'.

Councillor Brown asked Councillor Hanson:

*"Can the Cabinet Member tell council whether Lancaster City Council have bid for Costal Revival Fund monies from the Department for Communities and Local Government?"*

Councillor Hanson replied 'yes'.

As a supplementary question, Councillor Brown asked:

*"What does the council intend to do with any funds for the improvement of Morecambe?"*

Councillor Hanson explained that the aim would be to use any funds to implement a regeneration project to upgrade the former Dome area to make it more flexible for public use, and to improve its appearance.

**59 MINUTES OF CABINET**

Council considered the Cabinet minutes of the meeting held on 4 August and 1 September 2015. The Leader responded to Members' questions.

***Resolved:***

That the minutes be noted.

**60 NOTICE OF MOTION - RIGHTS TO INFORMATION**

In view of the lateness of the hour at this point, this item of business was deferred to the October meeting of Council.

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Mayor

(The meeting finished at 10.00 p.m.)

**Any queries regarding these minutes,  
please contact Debbie Chambers, Democratic Services - telephone (01524) 582057 or email  
dchambers@lancaster.gov.uk**

**Question from Mr Hanlon to Councillor Smith:**

*What are the specific reasons for Lancaster City Council moving the access point to the Heysham mussel beds, from the controlled area on the Battery Car Park to the uncontrolled area on the slipway and beach at the end of Oakley Road?*

**Response from Councillor Smith:**

As has already been pointed out on numerous occasions since the seed mussel beds opened the fundamental point here is that fishermen have a common law right to fish in the bay. Clearly in order to make their living they need to cross public land, in this case the promenade. Legally the Council does not have any powers that override the right of fishers to access to the bay. Following the cockling tragedy it was recognised by all that a more controlled approach to fishing activities in the bay would be a significant step forward. As such we have arrived at the much improved situation today where there a voluntary agreements in place that have been negotiated between the Council, the North West inshore sea fisheries and commercial fishermen. These voluntary agreements set out where and how commercial fishermen can access public land to access the bay and what controls they will be expected to put in place once there.

There are in practice only 2 possible locations for access to the bay- the Battery and Oakley Road. The Battery has been used in the past but based on several years of previous experience officers have assessed that in terms of safely controlling the mix of commercial fishing activity and amenity activity Oakley Road represented a far better option. The slipway is wider, nearer the mussel beds, used less for amenity purposes, does not cross a busy car park and away from the busier tourist areas.

I realise that there has been some inconvenience caused to local residents as there was when the Battery was used. However, in terms of deciding on a location the overriding concern is ensuring that the operation is controlled in the safest and most effective way.

For the reasons already stated your assertion that the operation at Oakley Rd is uncontrolled has no basis.

The decision to use Oakley Road slipway was based on previous experience and the soundness of the decision has been subsequently evidenced by-

- 1) A recent report following a visit by an HSE inspector which said in relation to the City Council's responsibilities-

*My understanding is Lancaster City Council (LCC) are responsible for the promenade and the slipways but these are rights of way with common law access to the mussel beds. LCC have undertaken a form of risk assessment in assessing where to encourage access to mussel beds. This assessment is based on local knowledge of the relative risks of different access points, balancing the interaction of pedestrians and vehicles associated with mussel picking. This would appear to be an appropriate approach, I understand that in practice the legal basis of the 'Promenade Permits' used to control the access points is limited.*

*Based on my enquiries and on current information the HSE do not plan to take any further action regarding this matter.*

- 2) North West Inshore Fisheries and Conservation Authority who, regularly are on site to monitor the fishing activities, agree that fishing has taken place in a much more organised and safe way than when it was at the Battery
- 3) Rob Benson who manages the fishing operation who agree that the location is the best in terms of managing risks.

### **Supplementary question from Mr Hanlon to Councillor Smith**

*Has anyone consulted the people affected by this?*

### **ANSWER**

There have been consultations with residents. The decision as to where to access is an operational one delegated to officers. In this case the Chief Officer (Environment) decided that all things considered this would be best slipway to operate from. His view remains that it still is the best location to operate from.