

PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 6.00 p.m. on Wednesday, 13 July 2016, when the following Members were present:-

Robert Redfern (Mayor)	Jon Barry
Sam Armstrong	June Ashworth
Lucy Atkinson	Stuart Bateson
Alan Biddulph	Eileen Blamire
Dave Brookes	Tracy Brown
Abbott Bryning	Susie Charles
Darren Clifford	Claire Cozler
Rob Devey	Charlie Edwards
Andrew Gardiner	Nigel Goodrich
Mel Guilding	Janet Hall
Tim Hamilton-Cox	Colin Hartley
Caroline Jackson	Joan Jackson
Andrew Kay	Ronnie Kershaw
James Leyshon	Karen Leytham
Roger Mace	Matt Mann
Terrie Metcalfe	Rebecca Novell
Margaret Pattison	Sylvia Rogerson
Ron Sands	Elizabeth Scott
Roger Sherlock	David Smith
Malcolm Thomas	Andrew Warriner
David Whitaker	Anne Whitehead
Nicholas Wilkinson	Peter Williamson
Phillippa Williamson	Paul Woodruff

24 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carla Brayshaw, Brett Cooper, Sheila Denwood, Janice Hanson, Helen Helme, Geoff Knight, Jane Parkinson, Susan Sykes, John Wild and Peter Yates.

25 MINUTES

The minutes of the meetings held on 16th May and 15th June 2016 were signed by the Mayor as a correct record.

26 DECLARATIONS OF INTEREST

There were no declarations of interest made at this stage.

27 ANNOUNCEMENTS

The Mayor welcomed the Council's new Chief Executive, Susan Parsonage to her first Council meeting at Lancaster City Council.

28 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.

29 PETITION - DENNY BECK

Ms Janet Taylor formally presented a petition and addressed Council in accordance with the provisions of Council Procedure Rule 14. The wording of the petition was as follows:

"We the undersigned petition the council to recognise that building on the UE2/Denny Beck area will increase the danger to life and property through flooding as outlined in the NPPF: 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'

Justification: Advice on Sustainable Drainage Systems from specialists has uncovered that the use of UE2 may exacerbate the danger at Denny Beck by increasing flooding and not taking into account the UK Climate Change Commission who advise planners that extreme rainfall may be 30% worse in future."

The Mayor thanked Ms Taylor for speaking.

A report had been prepared by the Chief Officer (Regeneration & Planning) and the Chief Executive drew Members' attention to paragraph 2.4 of the report and the recommendation. The Chief Officer (Regeneration & Planning) responded to questions from Members about the report.

Councillor Blamire proposed, seconded by Councillor Peter Williamson:

"That the recommendation, as set out in the report, be approved."

Councillor Barry, seconded by Councillor Joan Jackson proposed an addendum:

"That Ms Taylor's address be considered as part of the evidence in the consultation on

housing sites.”

The wording was accepted as a friendly addendum by the proposer and seconder of the original proposition.

The Mayor called for a vote on the proposition, as amended, which was clearly carried.

Resolved:

- (1) That, although the petition contains sufficient signatures to trigger a Council debate in accordance with the Petition Scheme, in order to avoid prejudicing the preparation of a Local Plan for Lancaster District, Council defer full consideration of the issue until a draft Local Plan is debated in due course.
- (2) That Ms Taylor’s address be considered as part of the evidence in the consultation on housing sites.

30 PETITION - RYELANDS PARK

The Chief Executive advised that a petition with regard to Ryelands Park was due to be presented, which had more than the required number of signatures to trigger a Council debate. The debate had been scheduled for the next meeting of Council on the 28th September and in view of this, the petition organisers had agreed to postpone presenting the petition and making their address until the September Council meeting.

31 LEADER'S REPORT

The Leader presented her report updating Members on various issues since her last report to Council. She then responded to a number of questions from Councillors.

Resolved:

That the report be noted.

32 MOTIONS ON NOTICE - DIVERSE AND TOLERANT SOCIETY (MOTION 1)

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

“We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes of any description have no place in our country.

We at Lancaster City Council condemn racism, xenophobia and hate crimes unequivocally. We will not allow such behaviour to become acceptable. We will work with other bodies, Community Safety Partnership, Communities together, Lancashire county council, Town and Parish councils to challenge such behaviour and prevent such crimes.

Lancaster City council wishes to assure all of the district’s residents and visitors that they are valued members of our society.”

An Officer Briefing note had been provided with the agenda to assist Councillors.

Councillor Smith moved the motion, seconded by Councillor Leytham.

By way of a friendly amendment, which was accepted as such by the proposer and seconder of the motion, Councillor Caroline Jackson proposed, seconded by Councillor Scott, the following addendum:

“This Council resolves that:

- (1) That the statement above is displayed on the city council website, that it also directs residents to www.istreetwatch.co.uk for anonymous reporting of hate crime and that a press release is issued to publicise the motion.
- (2) That council recommend the Overview and Scrutiny Committee review the current local and city council measures taken to counter racism, xenophobia, and hate crime and report back to Full Council as soon as practicable.
- (3) That all councillors consider increasing their involvement with, and support for, those organisations which strengthen communities and increase tolerance and respect between peoples from different countries, cultures and faiths.”

Members started to debate the motion.

The Mayor became unwell during the debate and left the meeting. In the absence of the Deputy Mayor, there was a short adjournment until the Mayor was well enough to return. Debate resumed for a short time until the Mayor again felt unwell. At this point the Chief Executive asked Members to nominate a chair for the remainder of the meeting. Several Councillors nominated and seconded Councillor Jon Barry, who took the chair.

At the conclusion of a lengthy debate, Members voted unanimously in favour of the motion, as amended.

Resolved:

That;

- (1) We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes of any description have no place in our country. We at Lancaster City Council condemn racism, xenophobia and hate crimes unequivocally. We will not allow such behaviour to become acceptable. We will work with other bodies, Community Safety Partnership, Communities together, Lancashire county council, Town and Parish councils to challenge such behaviour and prevent such crimes. Lancaster City council wishes to assure all of the Districts residents and visitors that they are valued members of our society.
- (2) That the statement above is displayed on the city council website, that it also directs residents to www.istreetwatch.co.uk for anonymous reporting of hate crime and that a press release is issued to publicise the motion.
- (3) That council recommends the Overview and Scrutiny Committee review the current local and city council measures taken to counter racism, xenophobia, and hate crime and report back to Full Council as soon as practicable.
- (4) That all councillors consider increasing their involvement with, and support for, those organisations which strengthen communities and increase tolerance and respect between peoples from different countries, cultures and faiths.

33 MOTIONS ON NOTICE - DIVERSE AND TOLERANT SOCIETY (MOTION 2)

Councillor Caroline Jackson advised the meeting that she wished to withdraw this motion.

34 APPOINTMENTS TO OUTSIDE BODIES

Council considered a report submitted by the Chief Executive. Two vacancies had arisen on outside bodies. These were for the Lancashire County Council's Health Scrutiny Committee, to which only non-Cabinet members could be nominated, and the James Bond/Henry Welch Trust. Members were requested to approve a further recommendation with regard to the appointment to Heysham Mossgate Community Facilities Limited, the basis of the appointment being as a Ward Councillor for Heysham South.

The Chairman called for a proposition regarding the Lancashire County Council's Health Scrutiny Committee first. Councillor Hartley was nominated by Councillor Armstrong and seconded by Councillor Brown. Councillor Joan Jackson was nominated by Councillor Rogerson and seconded by Councillor Edwards. On being put to the vote 33 members voted for Councillor Hartley and 12 for Councillor Joan Jackson, whereupon Councillor Hartley was appointed.

Nominations were then taken for the vacancy on the James Bond/Henry Welch Trust. Councillor Warriner was proposed by Councillor Armstrong and seconded by Councillor Brown. Councillor Guilding was proposed by Councillor Phillippa Williamson and seconded by Councillor Edwards. On being put to the vote 26 members voted for Councillor Warriner and 21 for Councillor Guilding, whereupon Councillor Warriner was appointed.

The Chairman requested members to note that Councillor Hartley had stepped down from Heysham Mossgate Community Facilities Limited and that Councillor Biddulph would take up the appointment.

Resolved:

- (1) That Councillor Hartley be appointed to the Lancashire County Council's Health Scrutiny Committee.
- (2) That Councillor Warriner be appointed to the James Bond/Henry Welch Trust.
- (3) That Councillor Biddulph replace Councillor Hartley on the Heysham Mossgate Community Facilities Limited.

35 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12

The Chairman advised that 6 questions had been received by the Chief Executive in accordance with Council Procedure Rules as follows:

- (1) Councillor Whitaker to Councillor Blamire regarding derelict sites
- (2) Councillor Whitaker to Councillor Blamire regarding responsibility to develop sites
- (3) Councillor Mace to Councillor Blamire regarding implications following the EU referendum vote on Lancaster Canal Corridor North
- (4) Councillor Barry to Councillor Whitehead regarding Luneside East 15/16 year end accounts
- (5) Councillor Hamilton-Cox to Councillor Whitehead regarding contracts with companies which base assets or operations in offshore tax havens

- (6) Councillor Hamilton-Cox to Councillor Clifford regarding the conventional gas-fired CHP plant at Salt Ayre.

Details of the questions and answers together with any supplementary questions and responses are appended to the minutes.

36 MINUTES OF CABINET

Council considered the Cabinet minutes of the meetings held on 16th May and 15th June 2016. The Leader and Cabinet Members responded to questions. Councillor Hamilton-Cox requested a written answer with regard to minute 97, St Leonard's House call-in referral as the report was exempt and requested clarity of what had been carried through in the final agreement with Robertson Property.

Mayor

(The meeting finished at 8.20 p.m.)

**Any queries regarding these Minutes,
please contact Liz Bateson, Democratic Services - telephone (01524) 582047 or email
ebateson@lancaster.gov.uk**

Question from Councillor David Whitaker to Councillor Eileen Blamire

In light of the recent fire on the Frontierland site what action is being taken to address the ongoing issue and problems of derelict sites that are ongoing eyesores?

Councillor Blamire replied:

The Regeneration and Planning Service applies a limited resource to an on-going programme of tackling untidy sites and buildings which have a significant impact on amenity. Such sites are tackled on a priority basis and in recent years those priorities have included Morecambe seafront, and this particular site attracted an untidy site notice in relation to the wider open area. The buildings which were the subject of the fire only recently became unused and were scheduled to be demolished this summer in line with the developers stated intentions to the council. It is ultimately the responsibility of land owners to ensure that empty properties are kept secure, however the council can intervene to require tighter measures where particular vulnerabilities might lead to events like the one just seen. There were no particular indications brought to the council's attention that in this case break-ins were imminent.

Question from Councillor David Whitaker to Councillor Eileen Blamire

What action is being taken to make sure the developers have a duty to act speedily to develop the site given the fact that they have the rights to the site and have a responsibility to develop the site?

Councillor Blamire replied:

The council cannot take action to force the developer to begin to implement their permission. It's a matter for market demand to trigger implementation. What the council can do is serve further untidy land notices to have the damaged buildings demolished if Opus North do not respond appropriately to the need to tidy up the land.

Question from Councillor Roger Mace to Councillor Eileen Blamire

With regard to Council's decision last month supporting "in principle the new scheme proposals" in respect of Lancaster Canal Corridor North, what assurances have been requested or received following the outcome of the Referendum on 23 June from British Land and the University in respect of the continuing financial viability of the proposals and the likely amount of the "expected need for financial viability support" that the Council may have to provide?

Councillor Blamire replied:

Any potential implications arising from the EU referendum vote will be addressed as far as possible in due course, and as part of the arrangements Council approved for progressing the project.

Councillor Mace asked a supplementary question:

What steps have been taken to ascertain whether any difficulties have arisen since June?

Councillor Blamire replied that she had not been aware of any such difficulties.

Question from Councillor Jon Barry to Councillor Anne Whitehead

Please explain the statement in note 42 in the 15-16 year-end accounts referring to a recent Court of Appeal hearing regarding the Luneside East scheme. In particular, what has happened to the 7-figure legal claim against Thomas Newall Ltd. that was given as a contingent asset in the 14-15 accounts?

Councillor Whitehead replied:

There are no contingent assets to be reported as at 31 March 2016. The Luneside East contingent asset previously registered as at 31 March 2015 has been dealt with and accounted for as appropriate in the 2015/16 accounts. This was reported to Cabinet (and to Budget and Performance Panel) in the recent report on the 2015/16 outturn.

Councillor Barry asked a supplementary question:

A number of councillors have received emails from Thomas Newall. Can you ask officers to respond to councillors that receive these emails?

Councillor Whitehead agreed to make that request.

Question from Councillor Tim Hamilton-Cox to Councillor Anne Whitehead

Bearing in mind the motion passed by full council in October 2014, do you think that the council should enter into contracts with companies which base assets or operations in offshore tax havens?

Councillor Whitehead replied:

Ideally not, but there can be many varied factors to be taken into account in determining who the Council does business with. Tax avoidance is a very complex and emotive issue – and may be wholly legal. Current procurement law is also very complex, especially for high value procurements, but also the Council will enter into very many smaller contracts and the time spent in appraising prospective contractors should be proportionate.

It is still considered to be the case that any measures the Council takes to help tackle tax avoidance through contractor choice are unlikely to have any tangible impact on what is a global issue.

Councillor Hamilton-Cox asked a supplementary question:

From a global to local issue. Should we contract with British Land in view of them holding assets in offshore tax havens?

Councillor Whitehead replied that officers and the legal team would need to assess this.

Question from Councillor Tim Hamilton-Cox to Councillor Darren Clifford

Following on from the answers to questions posed at April full council, what were the financial metrics - capital cost and cost per kWh output of heat and power - against which a conventional gas-fired CHP plant has been selected for installation at Salt Ayre leisure centre in preference to a biomass-fired CHP unit?

Councillor Clifford replied:

Just for clarity, we only looked at either CHP or biomass, the option of a biomass-fired CHP was never explored (the reasons for this were being the cost of bringing the two technologies together is prohibitive and while they can be complementary, when run together they can cancel out some of their individual benefits to an extent).

A breakdown of the cost of the energy efficiency capital works proposed for 2016/17 was provided as a background paper to the Cabinet meeting on the 16 February. This showed that the estimated cost of a combined heat and power (CHP) unit at Salt Ayre Sports Centre would be £219K, and would generate an estimated net annual saving of £25K.

In accordance with the Energy Strategy reported to Cabinet on 17 February 2015, rather than just embark on a biomass boiler installation programme, a detailed assessment of individual buildings and how energy could be best managed within them was commissioned from Carillion Breathe, to inform the way forward. The results of that assessment proposed a gas CHP unit as opposed to a biomass unit at Salt Ayre because replacing the CHP unit provided an estimated payback period of 8.7 years as opposed to the biomass installation with an estimated payback period of 20.1 years.

For this reason, the option of a biomass installation at Salt Ayre was not pursued further.

In terms of cost per kWh, there are a number of mitigating factors that make it difficult to directly compare the biomass and CHP options at Salt Ayre. By way of example, until recently the cost of gas was comparable to that of biomass with the benefit of the Renewable Heat Incentive (RHI) tariffs but this gap is widening as the RHI is cut. Therefore, as the cost of biomass fuel increases the only benefit is becoming carbon reduction. Alternatively, the savings obtained through CHP are primarily delivered through the associated electricity savings. Also, it should be remembered that savings made here are being used to contribute towards a balanced programme of energy saving measures across the council's property portfolio.