

PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 6.00 p.m. on Wednesday, 28 September 2016, when the following Members were present:-

Robert Redfern (Mayor)	Carla Brayshaw (Deputy Mayor)
Jon Barry	Sam Armstrong
June Ashworth	Lucy Atkinson
Alan Biddulph	Eileen Blamire
Dave Brookes	Tracy Brown
Abbott Bryning	Susie Charles
Darren Clifford	Claire Cozler
Sheila Denwood	Rob Devey
Charlie Edwards	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	Terrie Metcalfe
Abi Mills	Jane Parkinson
Margaret Pattison	John Reynolds
Sylvia Rogerson	Ron Sands
Elizabeth Scott	Roger Sherlock
Susan Sykes	Malcolm Thomas
Oscar Thynne	Andrew Warriner
David Whitaker	Anne Whitehead
John Wild	Nicholas Wilkinson
Peter Williamson	Phillippa Williamson
Peter Yates	

37 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Stuart Bateson, Brett Cooper, Caroline Jackson, Matt Mann and Rebecca Novell.

38 MINUTES

The minutes of the meeting held on 13 July 2016 were signed by the Mayor as a correct record.

39 DECLARATIONS OF INTEREST

Members advised of the following interests at this stage:

Councillor Darren Clifford declared a prejudicial interest in Item 10 – the Motion on Notice regarding Firbank Children’s Centre in view of him being a Member of the controlling Labour group at Lancashire County Council.

Councillor Janice Hanson declared a prejudicial interest in Item 10 – the Motion on Notice regarding Firbank Children’s Centre in view of her being a Member of the controlling Labour group at Lancashire County Council.

Councillor Susie Charles declared a non-prejudicial interest in Item 10 – the Motion on Notice regarding Firbank Children’s Centre in view of her being a Member of Lancashire County Council.

Councillor Tracey Brown declared a prejudicial interest in Item 10 – the Motion on Notice regarding Firbank Childrens’ Centre in view of her being a governor on the Federation of Children’s Centres.

Councillor Andrew Kay declared a non-prejudicial interest in Item 10 – the Motion on Notice regarding Firbank Children’s Centre in view of him being an employee of Lancashire County Council.

40 ANNOUNCEMENTS

The Mayor advised that he would be holding a cheese and wine evening on 7th October and a Christmas Charity Bash on 2nd December the proceeds of which would be going to the Mayor's Charity. Tickets were available from the Mayor’s Office.

41 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.

42 PETITION - RYELANDS PARK

Ms Kamilla Elliott formally presented a petition and addressed Council in accordance with the provisions of Council Procedure Rule 11. The wording of the petition was as follows:-

“We petition the council to implement the following policies for Ryelands Park:

The park is for the people: Commercial entertainment events disrupt normal use of the park: limit the days on which they are held to 5 in a 30-day period and 20 per year.

Keep our park green: Stop for-profit vandalism of Ryelands Park: ban vendors using heavy equipment and HGVs that damage park vegetation. (*Note: We do not seek to ban circuses and fairs, only to ensure that they are an appropriate size and weight for the park.*)

Keep our park peaceful: Make park vendors keep the laws you require citizens and local businesses to keep. Where sound from events can be heard throughout the park or beyond park borders, put sound limiters on PA systems that conform to government decibel levels for residential areas. Enforce the law; staff events with officers authorized to enforce it.

Keep our park safe and nuisance free: Provide staff to ensure safe parking, monitor decibel levels, and enforce end times for all events attracting 250+ attendees. Circuses, fairs, and other vendors do not provide staff to monitor these issues, and have no reason to keep the terms of their contracts without enforcement if they can profit by breaking them. Ban vendors who break their contracts or local laws from future use of the park.

Make our park equal: Give the same care to Ryelands Park and its neighbourhood that you give to award-winning parks in wealthier neighbourhoods. End class discrimination in our parks.”

The Mayor thanked Ms Elliott for speaking. As the petition contained in excess of 200 signatures and related to no more than two wards a report had been prepared by the Chief Officer (Environment) to allow debate by full Council. The Chief Officer (Environment) responded to questions from Members.

Councillor Hughes responded on behalf of the Council as the relevant Cabinet Member and thanked Ms Elliott for attending Council. He then proposed:

“That the petition be noted.”

Councillor Hanson seconded the proposition.

After a short debate it was proposed by Councillor Barry, seconded by Councillor Brookes and accepted as a friendly amendment by the proposer and seconder of the original proposition:

“That the petition be noted and that the Council repairs any remaining damage to the park and considers the points made in the petition, providing a response to the petitioners, which is copied to all councillors.”

Members debated the motion as amended before taking a vote, which was clearly carried.

Resolved:

- (1) That the petition be noted and that the Council repairs any remaining damage to the park and considers the points made in the petition, providing a response to the petitioners, which is copied to all councillors.

43 LEADER'S REPORT

In presenting her report, the Leader advised the meeting that she wished to clarify an inaccuracy in the wording with regard to the Museums agreement. She made the following announcement:

"My report says that we attended a County Working Group and gave notice to the County Council of our withdrawal from the Museums Management Agreement from next year. The report should have said that we discussed a potential reduction in the notice period at that meeting. Cabinet has not taken any decision to give notice, the Cabinet decision taken in June was to request that the two year notice period be reduced to one year. A deed of variation to that effect is being agreed and progress with that will be reported in due course. I apologise for any confusion caused by the error."

Councillor Mace, who had given notice of a question on this issue, thanked the Leader for the clarification and advised the meeting that in view of this explanation he would withdraw his question. (Minute 50 refers).

The Leader responded to a question from a Member.

Resolved:

- (1) That the report be noted.

44 MOTION ON NOTICE - DECISION BY LANCASHIRE COUNTY COUNCIL TO CLOSE FIRBANK CHILDREN'S CENTRE ON THE RIDGE ESTATE IN LANCASTER

Having previously declared a prejudicial interest in the following motion on notice, Councillors Brown, Clifford and Hanson left the meeting.

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

"This council notes:

That the level of deprivation on education and health measures in the lower super output area (LSOA) covering part of the Ridge and Newton places the LSOA in the bottom 10% in England;

the latest (2012) OFSTED report on Firbank which said of the staff: 'Their extremely caring, respectful attitudes and dedication to improving the lives of the most disadvantaged families is a seam of gold influencing all of this centre's work, inspiring loyalty, confidence and cooperation among professional partnerships and parents. Consequently, provision and outcomes are good.'

And further that the OFSTED report underlined the symbiotic relationship between centre, nursery and school: 'The onsite nursery, the centre and the adjacent school sensibly share the assessment and support systems for children. This eases the children's movement between settings, which is particularly important for children who are receiving additional

support...The centre is becoming a real hub of the local community';

That closure is likely to impact on the viability of the nursery currently co-located in the building and which offers the only nursery provision in the area;

That closure is contrary to the statutory role of Lancashire county council 'to secure sufficient children's centres which are accessible to all families with young children, and targeted evidence-based interventions for those families in greatest need of support';

that the proposed alternative provision at Lune Park (in Ryelands Park) is not accessible to much of Bulk ward in the 30-minute pram-pushing time set as the accessibility criterion in the County property strategy, and that it is a pedestrian-adversive route;

That closure contradicts the leader of Lancashire county council's comment (May 2016) on the property strategy which has occasioned closure: that, "We are not cutting services but reducing the number of expensive buildings..."

This council acknowledges the unprecedented squeeze on council budgets caused by government funding cuts but calls on Lancashire county council to prioritise services to families in greatest social need in order to prevent future, more intensive and expensive intervention by children's social care services.

Accordingly, this council mandates the chief executive to write to Lancashire county council calling on it to reverse its decision to close Firbank children's centre at its next cabinet meeting on 6th October for the reasons set out above."

An officer briefing note had been provided with the agenda to assist Councillors.

Councillor Hamilton-Cox moved the motion, seconded by Councillor Kay.

By way of an amendment, which was accepted as a friendly amendment by the proposer and seconder of the motion, Councillor Charles proposed that a request to keep Galgate Children's Centre open be included in the motion.

Members debated the amended motion.

At the conclusion of a lengthy debate, a vote was taken on the amended motion. 24 Councillors voted in favour of the motion and 26 against, therefore the motion was lost.

Councillors Brown, Clifford and Hanson returned to the meeting at this point.

45 ALLOCATION OF SEATS TO POLITICAL GROUPS

Council considered a report of the Chief Executive which advised Council of the calculations relating to the allocation of seats in accordance with the Local Government and Housing Act 1989 and the Council's agreed protocol, following the recent resignation of a Councillor.

Members questioned why the report had been put before Council when a by-election was due very shortly and asked whether the Council Business Committee could consider amending the constitution to enable any future adjustments to the allocation of seats which become necessary because of a vacancy to be determined after the by-election had been held. The Monitoring Officer agreed to draft a report to the next meeting of the Council

Business Committee.

It was reported that, as a result of the re-calculation, some adjustments were necessary to the Overview and Scrutiny grouping. The Green party were required to pass a seat on the Budget and Performance Panel to the Conservative group. The Labour group would have four members on the Overview and Scrutiny Committee instead of five and five Members on the Budget and Performance Panel instead of four. The Conservative group would have three members on each of the Overview and Scrutiny Committee and Budget and Performance Panel.

Councillor Barry proposed, seconded by Councillor Charles:

“That the recommendations, as set out in the report, be approved.”

Resolved:

- (1) That in accordance with Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations, 1990, the City Council approves the calculations and allocation of seats set out in Appendices B and C of the report.
- (2) That the adjustments required to the Overview and Scrutiny Grouping of committees, detailed in paragraph 3 and Appendix C of the report, be approved with Councillor Hamilton-Cox passing up a seat on the Budget and Performance Panel, Councillor Reynolds passing up a seat on the Overview and Scrutiny Committee and taking a seat on the Budget and Performance Panel, and Councillor Mace taking a seat on the Overview and Scrutiny Committee.

46 REVIEW OF PARLIAMENTARY CONSTITUENCIES

The Chief Executive submitted a report in order that Council might consider the method of responding to the Boundary Commission for England’s Review of Parliamentary Constituencies.

Councillor Metcalfe proposed, seconded by Councillor Armstrong:

“That Option B, (to make a written response as a Council on the administrative issues that arise delivering elections on the proposed boundaries) be approved.

Councillor Metcalfe and her seconder clarified their intention that the written response be agreed by Council Business Committee.

By way of an amendment, Councillor Peter Williamson proposed, seconded by Councillor Edwards:

“That Option A, (not to make a response at all as a Council but leave it to political groups and individual Councillors to respond as they wish and for the Returning Officer to respond on the practicalities of the proposals for administering elections) be approved.”

After a short debate Members voted on the amendment. 17 Members voted for the amendment whereupon the Mayor declared the amendment to be lost.

Members then voted on the original proposition. 35 Members voted in favour of the original proposition, whereupon the Mayor declared the original proposition to be carried. It was noted that political groups and individual Councillors could make their own

responses as they wished.

Resolved:

- (1) That Option B, (to make a written response as a Council on the administrative issues that arise delivering elections on the proposed boundaries) be approved.
- (2) That Council Business Committee be the body authorised to agree the response.

47 CABINET APPOINTMENT

The Leader reported that Councillor Brendan Hughes' had been appointed to Cabinet, with special responsibility for Community Safety and Clean and Green following the resignation of David Smith.

The report was submitted in accordance with Rule 1.2 of the Cabinet Procedure Rules.

Resolved:

- (1) That the report be noted.

48 AMENDMENT OF THE EXECUTIVE SCHEME OF DELEGATION TO OFFICERS – FOOD SAFETY AND HYGIENE REGULATIONS 2008 AND ENVIRONMENTAL PROTECTION ACT 1990

The Monitoring Officer presented a report which gave notice of two amendments made by the Leader to the Scheme of Delegation to Officers.

There was no debate and a vote was taken which was clearly carried.

Resolved:

- (1) That the report be noted.

49 CHANGES TO COMMITTEE MEMBERSHIPS

The Monitoring Officer requested group administrators to confirm any changes to Committee Membership. Councillor Armstrong advised that Councillor Blamire would be replacing Councillor Smith on the Personnel Committee and the Joint Consultative Committee. Councillor Bryning would be replacing Councillor Leyshon on the Planning & Highways Regulatory Committee and Councillor Leyshon would remain as a substitute on that Committee. Councillor Thynne would be replacing Councillor Hughes on the Standards Committee.

Members voted on the proposed changes which were clearly carried.

The Monitoring Officer advised that Councillor Hughes had been the Chairman of the Standards Committee and therefore the meeting was required to elect a new Chairman to that Committee.

The Mayor requested nominations for the Chairman of the Standards Committee.

Councillor Thynne was nominated by Councillor Armstrong and seconded by Councillor Brown. Councillor Mace was nominated by Councillor Phillippa Williamson and seconded by Councillor Peter Williamson.

On being put to the vote 26 Members voted for Councillor Thynne and 19 Members voted for Councillor Mace, whereupon the Chairman declared Councillor Thynne Chairman of the Standards Committee.

The meeting adjourned for 5 minutes at this point.

Resolved:

- (1) That Councillor Blamire be appointed to Personnel Committee and JCC.
- (2) That Councillor Bryning be appointed to the Planning and Highways Regulatory Committee replacing Councillor Leyshon, who will remain as a substitute.
- (3) That Councillor Thynne be appointed to the Standards Committee replacing Councillor Hughes.
- (4) That Councillor Thynne be appointed Chairman of the Standards Committee.

50 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12 (Pages 10 - 14)

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

- (1) Councillor Barry to Councillor Leyshon regarding IT /Bring your own device
- (2) Councillor Brookes to Councillor Leytham regarding air pollution levels
- (3) Councillor Brookes to Councillor Leytham regarding future air pollution compliance levels
- (4) Councillor Hamilton-Cox to Councillor Leyshon regarding City Council office space
- (5) Councillor Hamilton-Cox to Councillor Hanson regarding Moor Hospital s106 monies
- (6) Councillor Mace to Councillor Blamire regarding Cabinet Minutes – this question was withdrawn (Minute 43 refers).

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

51 MINUTES OF CABINET

Council considered the Cabinet minutes of the meeting held on 13 July 2016. The Leader responded to Members' questions.

Resolved:

That the minutes be noted.

Mayor

(The meeting finished at 9.00 p.m.)

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

Council – 28th September 2016

AGENDA ITEM 16 – QUESTIONS FROM MEMBERS OF COUNCIL

1. Question from Councillor Jon Barry to Councillor James Leyshon

In July 2015, a motion was passed at Council which said:

"To improve the IT (email and intranet etc..) service offered to Councillors and reduce costs this council is to investigate a form of BYOD (Bring Your Own Device) with a platform independent remote access solution for this communication ..." Fifteen months later, where is the City Council in implementing a BYOD solution?

ANSWER

- Following the motion of July 2015 the ICT Manager investigated BYOD and reported into Budget and Performance Panel on 23rd February 2016 (Minute item 41) with options for BYOD.
- It was resolved that the Panel supported a BYOD policy that allows councillors to use their own smart phones and/or tablets and or PCs/laptops for council business, using Microsoft Office365.
- Although no date was given for this to proceed the ICT Manager has been working to implement this within 2016/17 and is working towards a go-live date of 12th December 2016. Slightly delayed due to salt ayre, green waste charging systems and staffing issues.
- However, hugely exciting development in how councillors are able to perform their roles, and now we have a date that I'm very much looking forward to!

2. Question from Councillor Dave Brookes to Councillor Karen Leytham

Do air pollution levels in Lancaster city centre comply with legislation?

ANSWER

The UK maintains health-related air quality objectives for protection of human health from air pollution such as road traffic exhaust emissions. One of these objectives concerns the air pollutant nitrogen dioxide (NO₂). Annual concentrations of NO₂ primarily coming from vehicle exhaust emissions have exceeded the legal objective (which is the maximum acceptable concentration under UK national policy) at some roadside residential locations along our major traffic gyratories in Lancaster city centre. This is documented in the council's annual air quality progress/status reports submitted to DEFRA and available on our website.

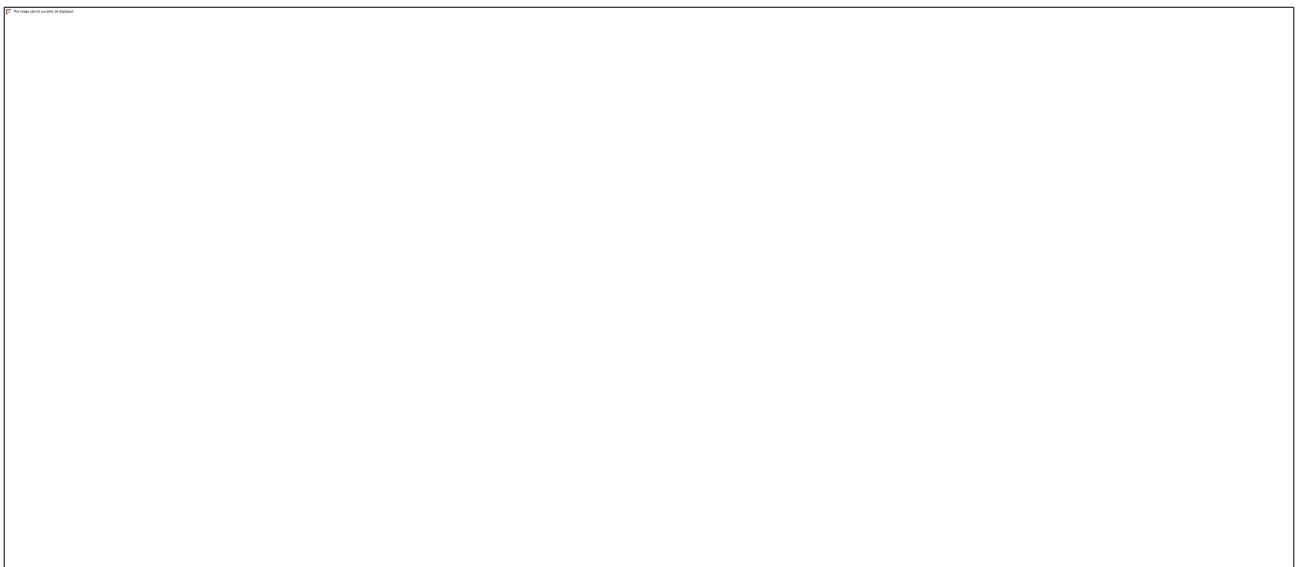
Supplementary: Have they improved or got worse over the past 5 years?

Response: - The city council routinely measures air pollution levels in Lancaster city centre. They tend to vary from year to year according to weather patterns, however

we do monitor trends in measured concentrations. Over the past five years, urban background concentrations of NO₂ (away from a major roads) have shown some improvement (see graph below – dotted line shows trend).



At the city centre roadside locations where we measure air pollution at a number of sites there has been no similar obvious improvement. Other urban locations in the country are in a similar position (see graph below which shows NO₂ pollution levels at the six highest roadside monitoring sites in Lancaster city centre).



The growth in the use of solid fuel burning appliances is having some impact on the levels of particulate pollution (PM₁₀/PM_{2.5}), however monitoring indicates that current objective standards are unlikely to be breached in the Lancaster district (city centre or other locations). The stated strategic aim for both NO₂ and particulate pollutants is to minimise pollution levels even where they meet objective standards.

3. Question from Councillor Dave Brookes to Councillor Karen Leytham

What are City Council officers doing (including in collaboration with County) to ensure that air pollution levels comply with legislation in the near future?

ANSWER

The actions taken and progress are documented in the Air Quality Strategy for Lancaster.

Officers are also working with the county on the Transport Masterplan for Lancaster (in process of being finalised and will lead to the adoption of a new Air Quality Action Plan for Lancaster)

Successful in obtaining the Cleaner Bus Fund grant award (£288,180 to reduce emissions from buses, particularly those passing most frequently through the city centre – due 2017)

Developed new Planning Advisory Note on charging facilities for electric vehicle.

4. Question from Councillor Tim Hamilton-Cox to Councillor James Leyshon

To ask the portfolio-holder for an update, with timescales for action, on the rationalisation of the city council's office space in order to effect revenue budget savings?

ANSWER

- The rationalisation of office space will be considered as part of a wider strategic review of assets that the council will undertake. This strategic review of assets will include taking a more commercial approach to managing property assets
- Looking at the potential return that a capital asset can provide and includes establishing the parameters to guide decisions on assets. We are going to use the process of reviewing all of our property portfolio to introduce new processes for the disposal of assets.
- Regarding timescales, it is planned for this work to take place in 16/17 & 2017 to inform budget decisions impacting in 2018 and beyond.
- This piece of work will take place alongside the formulation of ideas from across the council on income generation, savings and efficiencies more generally. Tied into the look to commercialise what we do. Also, situation with the disposal of assets at County Hall is changing rapidly, and so we are having to be very aware of developments that may affect the decisions we are making at a City level.
- I am keen that councillors will be involved in this process through pre scrutiny and I will ensure that officer's work with the different political groups to hear ideas that members have in regards to savings.

Supplementary: To what extent is Palatine Hall being used?

Councillor Leyshon replied:

It is partially occupied with the Housing Team who vacated Cable Street.

5. Question from Councillor Tim Hamilton-Cox to Councillor Janice Hanson

What actions has the city council taken to ensure that the Moor Hospital s.106 monies are spent on the purposes set out in the s.106 agreement dated March 2012 before the 5-year limit set out in the agreement expires next March?

ANSWER

This is a case where the City Council holds section 106 contributions associated with the approved development yet is reliant on Lancashire County Council to use those moneys to mitigate the impact of the development. A range of mitigations to encourage sustainable and safe means of travel to and from the development have been agreed with the County Council and designed physical works are in a phased process of being implemented. The City Councils Planning officers are applying regular pressure on the County Council to complete and invoice for all these measures before the deadline for the expenditure of the allocated funds runs out. Progress on implementation has unfortunately been exacerbated by changes in personnel and restructuring issues within the County Council. However physical works are now taking place associated with them and officers remain diligent in pursuing invoicing. Of the £500,000 secured in section 106 payments actual payments so far amount to £15,000 for design work. Approximately £350,000 of physical works to highway related improvements are taking place awaiting invoicing. The remainder of unspent monies are to be pooled with contributions from other development sites to pay for improved bus services.

Supplementary: When will the improved bus service be running?

Councillor Hanson replied:

I can't answer that. I will have to send a written answer.

6. Question from Councillor Roger Mace to Councillor Eileen Blamire

Paragraph 3 of the approved resolution in Minute 5 of the Cabinet meeting on 28 June 2016 says:

That a more detailed review of longer term management options is undertaken but that, in the meantime, the City Council requests that the two year notice period, as detailed in the existing Museums Service Partnership Agreement, is reduced to one year;

The Leader's report for the Council meeting on 28 September includes the following sentence:

On the 29 June, Councillor Darren Clifford and I met a County Working Group on Museums at which we gave notice of our withdrawal from the management agreement with County from next year and the County accepted the request.

The latter statement is inconsistent with the decisions of Cabinet on 28 June, and inconsistent with proceedings at the Museums Advisory Forum meeting on 19 July.

In the light of these inconsistencies, what is the true position of the Museums Service Partnership Agreement?

ANSWER

Following the clarification received from Councillor Blamire during consideration of the Leader's Report, Councillor Mace withdrew this question. (Minute 44 refers).