

## PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 6.00 p.m. on Wednesday, 9 November 2016, when the following Members were present:-

Robert Redfern (Mayor)

Jon Barry

June Ashworth

Stuart Bateson

Eileen Blamire

Tracy Brown

Susie Charles

Ian Clift

Claire Cozler

Charlie Edwards

Janet Hall

Janice Hanson

Brendan Hughes

Joan Jackson

Ronnie Kershaw

Karen Leytham

Terrie Metcalfe

Rebecca Novell

Margaret Pattison

Sylvia Rogerson

Elizabeth Scott

Susan Sykes

Oscar Thynne

David Whitaker

Peter Williamson

Paul Woodruff

Carla Brayshaw (Deputy Mayor)

Sam Armstrong

Lucy Atkinson

Alan Biddulph

Dave Brookes

Abbott Bryning

Darren Clifford

Brett Cooper

Rob Devey

Nigel Goodrich

Tim Hamilton-Cox

Colin Hartley

Caroline Jackson

Andrew Kay

James Leyshon

Roger Mace

Abi Mills

Jane Parkinson

John Reynolds

Ron Sands

Roger Sherlock

Malcolm Thomas

Andrew Warriner

Nicholas Wilkinson

Phillippa Williamson

Peter Yates

**52 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Sheila Denwood, Andrew Gardiner, Mel Guilding, Helen Helme, Geoff Knight, Anne Whitehead and John Wild.

**53 MINUTES**

The minutes of the meeting held on 28 September 2016 were signed by the Mayor as a correct record.

**54 DECLARATIONS OF INTEREST**

Members declared the following interests at this stage:

Councillor Susie Charles declared a non-pecuniary interest in Item 10 – the Draft Arnsdale & Silverdale AONB Development Plan Document having been appointed to the Forest of Bowland Area of Outstanding Natural Beauty Joint Advisory Committee by Lancashire County Council.

**55 ANNOUNCEMENTS**

The Mayor welcomed Councillor Ian Clift to his first Council meeting since being elected to represent Westgate Ward in the by-election held on 13<sup>th</sup> October 2016.

The Mayor had given permission to Councillor Peter Williamson to speak. He spoke about the new M6 Link Road which had recently opened to traffic.

**56 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.

**57 PETITIONS AND ADDRESSES**

The Mayor informed Members that no petitions or requests to address Council had been received from members of the public.

**58 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 Members and confirmed that an update on progress with regard to Combined Authorities would be brought to Council in the near future.

***Resolved:***

(1) That the report be noted.

**59 COMMUNITY GOVERNANCE REVIEW: CREATION OF AN ALDCLIFFE WITH STODDAY PARISH COUNCIL (Pages 7 - 8)**

The Council Business Committee submitted a report to allow Council to consider agreeing an Order for the creation of a Parish Council for Aldcliffe with Stodday.

Councillor Charles proposed, seconded by Councillor Peter Williamson:

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

There was no debate and on being put to the vote the proposition was clearly carried.

**Resolved:**

- (1) That the Order for the creation of Aldcliffe-with-Stodday Parish Council, as appended to the minutes, be approved.

**60 DRAFT ARNSIDE & SILVERDALE AREA OF OUTSTANDING NATURAL BEAUTY (AONB) DEVELOPMENT PLAN DOCUMENT**

The Chief Officer (Regeneration & Planning) submitted a report which sought a resolution from Council to undertake public consultation on the Draft Arnside & Silverdale AONB Development Plan Document (DPD). This would enable progress to be made towards adopting a dedicated planning approach for the AONB that has the landscape designation at its heart.

Members asked a number of questions. The Chief Officer (Regeneration & Planning) responded to the questions and confirmed that he would provide a written response to Councillor Brookes regarding affordable housing within the AONB areas.

Councillor Hanson proposed, seconded by Councillor Goodrich:

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

There was no debate and on being put to the vote the proposition was clearly carried.

**Resolved:**

That the Council:

- (1) Resolves to undertake public consultation on the Draft Arnside & Silverdale AONB Development Plan Document (DPD).
- (2) Publishes background evidence and supporting material, including the responses to the Issues & Options consultation, the consultants’ reports on the Sustainability Appraisal and Habitats Regulations Assessment for the Issues & Options version of the Plan, and the specialist landscape, biodiversity and viability assessments on the sites included in the Draft Plan.
- (3) Delegates to the Chief Officer (Regeneration and Planning) the authority to make minor changes to the text of the Draft Plan as appropriate, prior to the period of public consultation (10 November 2016 to 5 January 2017).

**61 AMENDMENT OF THE EXECUTIVE SCHEME OF DELEGATION TO OFFICERS - REQUESTS TO LIGHT UP THE ASHTON MEMORIAL**

The Monitoring Officer submitted a report which gave notice of an addition to the Scheme of Delegation to Officers made by the Leader with regard to requests to ‘Light Up’ the Ashton Hall. The Monitoring Officer responded to questions from Members.

**Resolved:**

- (1) That the report be noted.

**62 ELECTION OF CHAIRMAN**

The Chief Executive advised that in view of the resignation of Councillor Matt Mann Council was required to elect a new Chairman to the Audit Committee.

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

Councillor Bryning was nominated by Councillor Armstrong and seconded by Councillor Brown and Councillor Wilkinson was proposed by Councillor Hamilton-Cox and seconded by Councillor Brookes.

On being put to the vote 30 Members voted for Councillor Bryning and 17 Members for Councillor Wilkinson, whereupon the Mayor declared Councillor Bryning Chairman of the Audit Committee.

***Resolved:***

That Councillor Bryning be appointed Chairman of the Audit Committee.

**63 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12 (Pages 9 - 12)**

The Mayor advised that 7 Questions had been received by the Chief Executive in accordance with Council Procedure Rules as follows:

- (1) Councillor Scott to Councillor Clifford regarding the Armed Forces Covenant
- (2) Councillor Scott to Councillor Clifford regarding UK Armed Forces Day
- (3) Councillor Mace to Councillor Hughes regarding fly tipping
- (4) Councillor Mace to Councillor Hanson regarding St Leonards House
- (5) Councillor Caroline Jackson to Councillor Hughes regarding CCTV
- (6) Councillor Hamilton-Cox to Councillor Hughes regarding lighting on the canal towpath
- (7) Councillor Hamilton-Cox to Councillor Leyshon regarding desk spaces and capacity

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

**64 MINUTES OF CABINET**

Council considered the Cabinet minutes of the meeting held on 4<sup>th</sup> October 2016. The Leader and Cabinet Members responded to Members' questions. Councillor Clifford advised Councillors Caroline Jackson and Wilkinson that he would email them with the date of the Museum Cabinet Liaison group meeting. Councillor Hughes advised the meeting that he would provide a written answer to Councillor Caroline Jackson with regard to litter enforcement proposals and a written answer to Councillor Hamilton-Cox regarding the County Council's public realm budget and the impact of the reintroduction of weed control services. Councillor Clifford confirmed that an update on Community Pools would be brought to December's Council meeting.

***Resolved:***

- (1) That the minutes be noted.

**65 EXCLUSION OF THE PRESS AND PUBLIC**

The Mayor reminded Council that it had been recommended to exclude the press and

public from the meeting for the following item on the grounds that it could involve the possible disclosure of exempt information.

Councillor Warriner moved, seconded by Councillor Joan Jackson:

“That, in accordance with Section 100 A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information as defined in Paragraph 7 of Schedule 12A of that Act.”

A vote was taken and the motion was clearly carried.

***Resolved:***

- (1) That, in accordance with Section 100 A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information as defined in Paragraph 7 of Schedule 12A of that Act.

***(The public gallery was cleared at this point)***

**66 DISCHARGE OF ANOTHER LOCAL AUTHORITY'S FUNCTIONS**

Council considered an exempt report of the Chief Officer (Housing) regarding the delegation of functions from another authority in respect of investigating an offence affecting the district of Lancaster but originating outside of the district. The report was exempt by virtue of Paragraph 7 of Schedule 12A of the Local Government Act 1972.

The Cabinet Member with Special Responsibility for Health & Housing responded to questions.

Councillor Leytham proposed, seconded by Councillor Cooper:

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

There was no debate and on being put to the vote, the recommendation was clearly carried.

***Resolved:***

- (1) That Council authorises the Cabinet Member with responsibility for Health and Housing Services to enter into an arrangement with the local authority specified in the exempt report to allow Environmental Health Officers (EHO's) at Lancaster City Council (LCC) to investigate a company based in the district referred to in the exempt report, in relation to offences specified in the exempt report (and any associated offences).

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Mayor

(The meeting finished at 7.55 p.m.)

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

**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**

**The Lancaster City Council (Reorganisation of Community Governance) Order 2017**

**Made this (date) day (month) of 2017**

**Coming into force in accordance with article 1(2)**

Lancaster City Council (“the council”), in accordance with section 83 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) has undertaken a community governance review and made recommendations dated 9 November 2016.

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The Council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act.

**Citation and Commencement**

1. (1) This Order may be cited as the Lancaster City Council (Reorganisation of Community Governance) Order 2017.
- (2) This Order shall come into force on 1<sup>st</sup> April 2017.
- (3) Article 8 shall come into force on the ordinary day of election of councillors in 2017.
- (4) For the purposes of
  - (a) this article;
  - (b) article 5; and
  - (c) article 10 and all proceedings preliminary or relating to the election of parish councillors for the parish of Aldcliffe-with-Stodday to be held on the ordinary day of election for councillors in 2017;this order shall come into force on the day after which it is made.

**Interpretation**

2. In this order –
  - “City” means the City of Lancaster;
  - “map” means the map marked “Map referred to in the Lancaster City Council (Reorganisation of Community Governance) Order 2017” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;
  - “new parish” means the parish constituted by article 4;
  - “ordinary day of election of councillors” has the meaning given by section 37 and 37A of the Representation of the People Act 1983; and
  - “registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

**Effect of this order**

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

**Constitution of a new Parish**

4. (1) A new parish, comprising the area outlined with a blue line on the map, shall be constituted within the City outlined with a blue line on the map.
- (2) The name of the new parish shall be Aldcliffe-with-Stodday.

**Parish Precept**

5. (1) The parish precept for 2017 shall be £25 per Band D equivalent property in within the boundary of the new parish.
- (2) The parish precept for 2018 onwards shall be determined by the new parish, once constituted.

**Parish Council for the Parish of Aldcliffe-with-Stodday**

6. (1) There shall be a parish council for the parish of Aldcliffe-with-Stodday.

(2) The name of that council shall be "The Parish Council of Aldcliffe-with-Stodday".

**Elections for the parish of Aldcliffe-with-Stodday**

7. (1) Elections of all parish councillors for the parish of Aldcliffe-with-Stodday shall be held on the ordinary day of election of councillors in 2017, 2019 and every four years thereafter.

(2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2017 for the parish of Aldcliffe-with-Stodday shall be two years.

(3) The term of office of every parish councillor elected on the ordinary day of election in 2019 and thereafter shall be four years.

**Number of parish councillors**

8. The number of councillors to be elected to the new parish shall be 5.

**Annual meeting of the parish council**

9. The annual meeting of the new parish council in 2017 shall be convened by the Chief Executive of the Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

**Electoral Register**

10. The registration office for the City shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

**Transitional provision**

11. Until the councillors elected to the council of the new parish of Aldcliffe-with-Stodday at the elections to be held on the ordinary day of election of councillors in 2017 come into force, the new parish shall be represented by those persons who immediately before 1<sup>st</sup> April 2017 are the elected councillors for the city wards of Marsh and Scotforth West.

**Order date**

12. 1<sup>st</sup> April 2017 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

IN WITNESS whereof the Common Seal of )

Lancaster City Council was hereunto affixed )

in the presence of :- )

.....  
Chief Officer

Council – 9<sup>th</sup> November 2016

**AGENDA ITEM 13 – QUESTIONS FROM MEMBERS OF COUNCIL**

**1. Question from Councillor Elizabeth Scott to Councillor Darren Clifford**

*In what ways since the commitment was confirmed by Council in March 2015 has the City Council honoured the Armed Forces Community Covenant to which the Council originally committed itself in 2013?*

**Councillor Clifford replied:**

Regarding the Covenant, some of the things the Council does or has done since it was put in place in January 2014 are:

- Gives priority banding on the housing register to access social housing for ex-servicemen and women for up to five years from leaving the services
- Fully disregarding war widow pensions for benefit purposes
- Co-ordinating the WW 1 Memorial Group
- On February 27, 2015 the ship's company of HMS Lancaster held a static parade outside Lancaster Town Hall at which formal re-dedication of the Freedom of the City Scroll took place and the company were inspected by The Mayor of Lancaster, Councillor Susie Charles.
- Organising and funding the Remembrance Day service in the Gardens of Remembrance at Lancaster Town Hall every November and sending representation to the services in Morecambe and Carnforth.

**2. Question from Councillor Elizabeth Scott to Councillor Darren Clifford**

*In the light of the motion approved by Council on the 13/04/2011 and reaffirmed in March last year – that Lancaster City Council resolves to give “its fullest possible support” to events held to mark the UK Armed forces Day – please identify the support the Council is providing for Armed Forces Day 2017 **and by way of a supplementary question is the City Council taking ownership of Armed Forces Day celebrations.***

**Councillor Clifford replied:**

“It is not the place of the City Council to take ownership as it is a national event to celebrate the services.

The role of the Veterans' Champion was established to support and champion the plight of services leavers within our District. Councillor Scott was appointed to and has remained in that role since it was first created and acts as a valued liaison between ex-servicemen and women and the Council to make the most of the facilities and support that has been offered within existing budgets.

Other things the Council does in relation to Armed Forces Day are:

- Works with the Armed Forces Steering Group, via the Veteran's Champion, providing administrative support and a room with Lancaster Town Hall or the Storey for up to four meetings per year (on a cost neutral basis, provided the building is already in use).
- Working other partners (Lancashire Constabulary and Fire and Rescue, etc) to provide advice to the event organisers via Event Safety Advisory Group (ESAG)
- We provide advice and information on marketing, providing press and PR support for Armed Forces Day events in both Lancaster and Morecambe. The latter includes design work, distribution and digital marketing.
- Report 'charities' we are sceptical of to the Charity Commissions. We as a Council take responsibility to ex-forces seriously and pay tribute to them. We will use the full power of the law against those who scam our citizens."

### 3. Question from Councillor Roger Mace to Councillor Brendan Hughes

*Under a headline "Dump charges have increased fly-tipping, councils admit", The Times reported on 20 October that "In May, councils gained the power to issue fixed penalty notices of £150 to £400 for fly tipping, but many councils have not issued any."*

*What use has been made of this power in order to deter fly tipping in this District?*

**Cllr Hughes replied:**

In order to offer a fixed penalty notice we still have to have exactly the same level of evidence as a prosecution. We are considering as a Council the most appropriate ways to deter fly tipping including CCTV. We have 3 prosecutions for fly tipping pending (2 significant fly tipping incidents from domestic sources and 1 from a commercial source).

**Supplementary:** *Can you provide a written answer to say how the Council proposes to discourage any fly tipping that might coincide with the introduction of green waste charges?*

**Cllr Hughes confirmed that he would provide a written answer.**

### 4. Question from Councillor Roger Mace to Councillor James Leyshon

*What progress has been made concerning the implementation of Cabinet's decision of 29 March 2016 about the future of St. Leonards House? The original decision was confirmed (following a call-in) at the Cabinet meeting on 26 April 2016, as is recorded in cabinet minute 97.*

**Councillor Leyshon replied:**

An update on progress has just been reported to the November meetings of Cabinet and Budget and Performance Panel. Clearly some aspects remain commercially sensitive but I can share the following information publicly.

Firstly the Council entered into the exclusivity agreement, to facilitate the developer undertaking additional surveys as part of their due diligence. This was to ensure that structurally, the building could be converted into student accommodation and that sufficient warranty could be provided on the existing structure following the construction works. Whilst the additional survey results revealed some further structural issues, the additional information has given the developer some comfort that their scheme remains financially viable.

Given that outcome, the Council has now entered the next stage of the process, in that the conditional purchase contract was exchanged with Robertsons in August. Under this, in essence the transfer of the building is conditional primarily upon planning and listed building consent being gained, allowing for the associated Judicial Review Period to expire.

Subject to the transfer of the building being completed, the contract then requires construction work to be undertaken.

**5. Question from Councillor Caroline Jackson to Councillor Brendan Hughes**

*Following on from the O&S Late Night Economy Task Group which highlighted the importance of CCTV. Could we know what discussions have taken place or are intending to take place regarding the maintenance and replacement of the current system?*

**Councillor Hughes replied:**

I look forward to seeing the report from the Late Night Economy Task Group.

A working group consisting of the City Council, Chamber of Commerce, Lancaster BID, Morecambe BID and Lancashire Constabulary has been set up to develop a fully costed business case and plan for a 'repurposed' CCTV system that would be technologically up to date, cheaper to run, more flexible, generate income and be able to help tackle other problems like fly tipping. We've been asked by Blackpool Council, Fylde and Wyre to see if there is a way to work together to reduce costs. Important to note that the Council wont be funding it totally.

**Supplementary:** Are we giving some funding then?

**Councillor Hughes replied:**

If CCTV is brought back in a different form it would be silly to expect everyone else to fund it. It will be fed into the budget.

**6. Question from Councillor Tim Hamilton-Cox to Councillor Brendan Hughes**

*Is the portfolio-holder for community safety willing to engage the CSP in addressing the lack of lighting along the canal towpath between Shaw St. bridge and the paths to Mardale Rd. and Riverview Close?*

**Councillor Hughes replied:**

I will request officers to ask the Police for information on the number and nature of incident reports the police have had in this location. If it is established that there is a safety problem then it may be appropriate for this to be referred through to the partners of the CSP to look at what the most appropriate solution would be and then make recommendations to the relevant landowners including offering to work with them on how something like this could be implemented.

Unfortunately the CSP does not directly have any funds available that would cover the costs of a lighting scheme and nor does it have the remit for delivery and maintenance of lighting schemes.

### **7. Question from Councillor Tim Hamilton-Cox to Councillor James Leyshon**

*Can the portfolio-holder for corporate property share with me the current number of desk spaces in Morecambe town hall and the current and achievable desk space capacity in Palatine Hall, Lancaster town hall and Citylab?*

#### **Councillor Leyshon replied:**

As a general indication, MTH can support around 120 desk spaces and Palatine Hall can support around 160. This isn't the whole picture though, as clearly MTH has space for other facilities such as meeting rooms and the Council Chamber. The need for them, and all other ancillary spaces, also needs to be taken into account. There's also the need to undertake major works in the basement of Lancaster Town Hall, meaning that many staff will need a temporary home for a few months and these sort of shorter-term issues also need to be considered when assessing the Council's accommodation needs over any period.

Regarding Citylab, the property is treated as a commercial property primarily for external lettings and in view of that, and of the capacity of Palatine Hall, Citylab's desk space capacity isn't considered really relevant.

Overall, what's important is that the use of all council buildings is reviewed strategically, and arrangements are in hand for scrutiny involvement in that process, well ahead of any actual decision-making.

**Supplementary:** Context is Annex 9 (General Fund Budget future savings options). Rationalisation of office space has been discussed for a number of years and services to people should be ahead of property. Isn't there a need to take action urgently in rationalising office space?

**Councillor Leyshon** said he would look at Annex 9 – He praised the staff in Property Services and said they would be looking into capacity, to ensure there are resources available to take the matter forward.