

## PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 6.00 p.m. on Wednesday, 26 September 2018, when the following Members were present:-

Andrew Kay (Mayor)

June Ashworth

Alan Biddulph

Carla Brayshaw

Tracy Brown

Nathan Burns

Darren Clifford

Brett Cooper

Charlie Edwards

Andrew Gardiner

Mel Guilding

Janice Hanson

Brendan Hughes

Joan Jackson

Geoff Knight

Roger Mace

Rebecca Novell

Margaret Pattison

John Reynolds

Oliver Robinson

Ron Sands

Susan Sykes

Oscar Thynne

David Whitaker

Nicholas Wilkinson

Claire Cozler (Deputy Mayor)

Jon Barry

Eileen Blamire

Dave Brookes

Abbott Bryning

Susie Charles

Ian Clift

Rob Devey

Kevin Frea

Nigel Goodrich

Tim Hamilton-Cox

Colin Hartley

Caroline Jackson

Ronnie Kershaw

James Leyshon

Terrie Metcalfe

Jane Parkinson

Robert Redfern

Peter Rivet

Sylvia Rogerson

Elizabeth Scott

Malcolm Thomas

Andrew Warriner

Anne Whitehead

Peter Williamson

**45 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Stuart Bateson, Amara Betts-Patel, Sheila Denwood, Abi Mills, John Wild, Peter Yates and Phillippa Williamson.

**46 MINUTES**

The draft minutes of the meeting held on 18 July 2018 were considered for approval. At that meeting, Councillor Barry had asked a question on notice of Councillor Blamire, which was not shown in the draft public minutes. It had been recorded separately in a minute exempt from publication. Councillor Barry asked that the question and answer be made public. The Monitoring Officer agreed to his request.

Council agreed that, subject to the amendment requested by Councillor Barry being made, the draft minutes be approved and published.

**47 DECLARATIONS OF INTEREST**

Councillor Pattison reported that she was a member of the Development Control Committee of Lancashire County Council and would prefer to leave the room whilst the motion about fracking was discussed. (Minute 57 refers.)

**48 ANNOUNCEMENTS - HONORARY ALDERMAN JEAN RACE**

The Mayor reported the recent death of Honorary Alderman Jean Race, who had sadly passed away following a short period of illness.

Jean was elected in May 1983 as the ward councillor for Parks Ward and became an Honorary Alderman in 1999. Her funeral was held on 21 September 2018.

**Members stood in a minute's silence in her memory.**

**49 ANNOUNCEMENTS - HALLOWEEN BALL**

The Mayor announced that tickets were on sale for a Voodoo Halloween Ball which would be held at the Alhambra in Morecambe on Saturday 27<sup>th</sup> October at 7.30pm. The tickets were available from the Mayor's office, priced £12.50 each, to include hot food.

**50 ANNOUNCEMENT - COUNCILLOR BRETT COOPER**

The Mayor permitted Councillor Cooper, who had recently resigned from the Conservative Group, to make a personal statement about his resignation.

**51 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.

**52 PETITIONS AND ADDRESSES**

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

**53 LEADER'S REPORT**

The Leader presented her report updating Members on various issues since her last report to Council.

The Leader, other Cabinet Members and the Planning Manager then responded to a number of questions from Councillors about various issues in the report.

***Resolved:***

That the report be noted.

**54 COMMUNITY GOVERNANCE REVIEW OF THE DISTRICT: OUTCOME AND ORDER TO AMEND THE NAME OF THURNHAM PARISH COUNCIL**

The Chairman of Council Business Committee, Councillor Reynolds, introduced the Committee's report to Council to conclude the Community Governance Review.

Members asked a number of questions, which Councillor Reynolds and the Monitoring Officer responded to. Officers agreed to respond in writing to Councillor Caroline Jackson who raised a query about the amount of £10,000 mentioned in the financial implications in the report as a maximum cost for the amendment of Council Tax records.

Councillor Reynolds, seconded by Councillor Charles, proposed:

"That recommendations 1-3 as set out in the report, be approved."

Councillor Hartley, seconded by Councillor Metcalfe, proposed an amendment to recommendation 1:-

"That the creation of a Parish Council for Heysham is not supported pending further evidence, to be supplied to Council by interested parties, in the form of a petition from no less than 10% of residents."

There was a long debate on the amendment before the Mayor called for a vote.

The amendment was carried with 30 votes for, 14 against and 4 abstentions. The amendment, plus recommendations 2 and 3, then became the substantive motion.

After a short debate, a vote was taken on the substantive motion, which was clearly carried.

***Resolved:***

- (1) That the creation of a Parish Council for Heysham is not supported pending further evidence, to be supplied to Council by interested parties, in the form of a petition from no less than 10% of residents.
- (2) That no further action is taken with regard to the merging of Yealand Redmayne and Yealand Conyers Parish Councils as part of this district wide review.
- (3) To agree the Order, appended to the report, for the amendment of the name of Thurnham Parish Council to Thurnham with Glasson Parish Council.

**55 REVIEW OF THE COUNCIL'S CONSTITUTION: UPDATE**

Councillor Whitehead presented a report of the Constitutional Working Group to Council, as the Chairman of the Group.

The report was an update on the work of the Group and sought Council's agreement to the policy and approach set out in the appendices to the report.

Members asked a number of questions, which Councillor Whitehead responded to.

Councillor Whitehead, seconded by Councillor Hartley, proposed:

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

Councillor Brookes proposed an amendment, which was accepted by Councillors Whitehead and Hartley as a friendly amendment:-

"To add the words 'on the understanding that the examples are not binding' to recommendation 2."

Councillor Hamilton-Cox then proposed an addendum:

"That a briefing be held for Councillors between now and the November 14 Council meeting."

The addendum was accepted as a friendly addendum to the motion by Councillors Whitehead and Hartley.

A vote was then taken on the amended proposition, which was clearly carried.

***Resolved:***

- (1) That Council approves the approach to the review of the Constitution as set out by Bevan Brittan and the policy proposals recommended by the Council's sub-committee.
- (2) That Council approves Appendix 1 of the report as key policy principles, on the understanding that the examples are not binding.
- (3) That Council approves the approach set out in the report of Bevan Brittan set out in Appendix 3 of the report.
- (4) That a briefing be held for Councillors between now and the November 14 Council meeting.

**56 PAY POLICY**

Councillor Kershaw, Chairman of the Personnel Committee, presented the Committee's report to enable Council to consider a revised Pay Policy Statement for 2018/19 for approval. Changes had been made to take account of the new senior management structure.

Councillor Kershaw responded to a number of questions from Councillors before proposing the recommendation set out in the report. Councillor Pattison seconded his

proposal.

There was no debate and the proposal was clearly carried when put to the vote.

***Resolved:***

That the revised Pay Policy Statement for 2018/19 be approved, to take effect from 1 January 2019.

***The Mayor adjourned the meeting at 7.45pm, reconvening at 7.55pm.***

**57 MOTION ON NOTICE - FRACKING**

***(Having previously declared an interest in the following item in view of her position as a County Councillor on the Development Control Committee, Councillor Pattison left the Council Chamber at this point.)***

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

“Lancaster City Council notes that on 23 September 2015, this Council voted in favour of a motion that stated:

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 reconsider its policy of encouraging fracking. (Thereafter giving 3 clear and detailed environmental reasons for this opposition – see original motion);
- (b) Urge the Government to scrap proposals to remove responsibility for determining fracking planning applications from local councils. (See original motion for more detail).

Additionally, this Council further notes that:

In May this year Ministers outlined a proposal in a Written Ministerial Statement to redefine non-hydraulic fracturing shale gas exploration applications as permitted development and to redefine large scale shale gas production sites as Nationally Significant Infrastructure Projects, thus removing any local authority control and community involvement in decision-making.

That on 5 July 2018, a report by the cross-party Housing, Communities and Local Government Committee warned the Government against its proposals concluding that Mineral Planning Authorities, i.e. Lancashire County Council, were best placed to understand the local area and how fracking could best take place. And that the above report also said the Nationally Significant Infrastructure Projects regime was unlikely to speed up the application process for fracking.

Lancaster City Council believes:

- It continues to support and promote its September 2015 resolution opposing fracking;
- That moving decisions about fracking, which have huge implications for local communities, to a national level contradicts the principles of localism;

- That 'Permitted Development' was designed for developments with low environmental impacts and is therefore not an appropriate category for drilling with such wide-reaching implications for local communities and climate change;
- That bringing fracking applications under the Nationally Significant Infrastructure Projects regime will be harmful to local communities; and,
- That local authorities are best placed to continue to make decisions throughout the planning process for shale gas exploration drilling, appraisal and production.

Lancaster City Council resolves:

1. To respond to the forthcoming government consultation with these views.
2. To share this response with Lancashire MPs and relevant government ministers.
3. To reaffirm its policy commitment to "oppose fracking in the Lancaster district, or fracking outside our district which could affect residents within our district"
4. A suitable form of wording to amend the Local Plan Policies to the effect that: 'Any application for fracking should demonstrate a net zero impact on climate change.' Officers may want to refer to Kirklees Council's Local Plan which included wording to this effect and has been passed by the Planning Inspectorate.

An officer briefing note was provided with the agenda. It was noted that, in view of the Monitoring Officer's advice in the briefing note, Councillor Caroline Jackson and her seconder had amended resolution 4 of the motion from the text originally submitted, to the wording above.

Debate followed. The Mayor called for a vote on resolutions 1-3 of the motion, in response to requests to take resolution 4 separately.

Resolutions 1-3 of the motion were clearly carried when put to the vote. Resolution 4 was lost with 11 members voting 'for'; 31 Members voting 'against' and 2 abstentions.

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Mineral Planning Authorities, i.e. Lancashire County Council, were best placed to understand the local area and how fracking could best take place. And that the above report also said the Nationally Significant Infrastructure Projects regime was unlikely to speed up the application process for fracking.

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- That moving decisions about fracking, which have huge implications for local communities, to a national level contradicts the principles of localism;
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- That local authorities are best placed to continue to make decisions throughout the planning process for shale gas exploration drilling, appraisal and production.

Lancaster City Council resolves:

1. To respond to the forthcoming government consultation with these views.
2. To share this response with Lancashire MPs and relevant government ministers.
3. To reaffirm its policy commitment to "oppose fracking in the Lancaster district, or fracking outside our district which could affect residents within our district"

***(Councillor Pattison returned to the Council Chamber at this point.)***

## **58 MOTION ON NOTICE - LOCAL PLAN**

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

"This council notes that:

- 1) Among the four recommendations approved by full council on 20th December in connection with 'Advancing the Local Plan for Lancaster district', the second recommendation stated:  
  
'[Full council] Delegates to the Chief Officer (Regeneration and Planning) the authority to make minor changes to improve the clarity, consistency and appearance of the documents and policies maps, and, insert additional illustrative or factual material prior to formal publication and submission.'
- 2) The edition of the 'Strategic Policies and Land Allocations DPD' – Pre-Examination (August 2018) presented to Planning Policy cabinet liaison group (PPCLG) at its meeting on 11th September, contained a significant number of 'suggested modifications' which were described variously as both 'minor' and 'main'.
- 3) PPCLG 'is a non-decision making consultative forum' and therefore is not in a position to formally approve the suggested 'main' modifications on behalf of full council.

Accordingly, full council resolves to bring the edition of the 'Strategic Policies and Land

Allocations DPD', which is to be submitted to the public examination starting in January 2019, back to full council on 14th November. This will ensure that full council has an opportunity to debate the revised content, and to amend and approve the development plan document as necessary."

An officer briefing note accompanied the motion.

There were a number of questions, which Planning Officers responded to.

After some debate, a vote was taken on the motion, which was clearly lost, with only 6 Members voting in favour.

## **59 DESIGNATION OF SECTION 151 OFFICER**

The Chief Executive had submitted a report to enable Council to designate an officer to be the Council's Section 151 Officer with effect from 15 October 2018.

The Monitoring Officer responded to questions from a Councillor before Councillor Whitehead proposed the recommendations as set out in the report. Councillor Kershaw seconded the proposition.

There was a short debate before the Mayor called for a vote. The proposition was clearly carried.

### ***Resolved:***

- (1) That the newly appointed interim Head of Financial Services, Daniel Bates, be designated as the Council's Section 151 Officer with effect from 15 October 2018, for the purposes of section 151 of the Local Government Act 1972.
- (2) That the net cost of the interim appointment (£38K) be met from the Budget Support Reserve.

## **60 CONSTITUTION: AMENDMENT TO THE SCHEME OF DELEGATION (NON-EXECUTIVE FUNCTIONS)**

Council considered a report seeking approval to amend the Scheme of Delegation to Officers in the Council's Constitution, in line with a recent resolution of the Personnel Committee.

Councillor Kershaw, seconded by Councillor Pattison, moved that the recommendations, as set out in the report, be approved.

There was no debate. The motion, when put the vote, was clearly carried.

### ***Resolved:***

- (1) That Council approves the recent delegations from the Personnel Committee to Line Managers, set out below:

That the

- a) approval of non-contentious terminations of employment; and
- b) determination of commencing salary for permanent or temporary posts

be delegated to Line Managers.

- (2) That Council authorises the Monitoring Officer to include these non-executive delegations in the Scheme of Delegation to Officers, contained within the Council's Constitution.

## **61 APPOINTMENTS AND CHANGES TO COMMITTEE MEMBERSHIP**

The Mayor asked if any Groups wished to make changes to committee appointments.

Councillor Charles of the Conservative group proposed replacing Councillor Edwards with Councillor Peter Williamson on the Constitutional Working Group. Councillor Sykes seconded the proposal.

Councillor Clifford, of the Labour Group, proposed replacing Councillor Clift with Councillor Robinson on the Budget and Performance Panel. Councillor Pattison seconded the proposal.

There were no further changes. A vote was taken on the proposals, which were clearly carried.

### ***Resolved:***

- (1) That Councillor Edwards be replaced by Councillor Peter Williamson on the Constitutional Working Group; and
- (2) That Councillor Clift be replaced by Councillor Robinson on the Budget and Performance Panel.

## **62 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12 (Pages 11 - 13)**

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

- (1) Councillor Edwards to Councillor Blamire regarding Council spend on Consultants (question withdrawn).
- (2) Councillor Barry to Councillor Kershaw regarding severance payments to an officer.
- (3) Councillor Hamilton-Cox to Councillor Burns regarding the high-speed broadband network bid.
- (4) Councillor Hamilton-Cox to Councillor Hughes concerning estimated cost of installing an additional CCTV camera.
- (5) Councillor Mace to Councillor Whitehead regarding prioritising competing projects.
- (6) Councillor Mace to Councillor Hanson regarding the right of Cabinet to spend large sums of money.

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

## **63 MINUTES OF CABINET**

Council considered the Cabinet minutes of the meetings held on 7 August and 4

September 2018. There were no questions.

***Resolved:***

That the minutes be noted.

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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**

**Council – 26 September 2016**

1. **The question from Councillor Edwards to Councillor Blamire was withdrawn and will be re-submitted to the November Council meeting.**
2. **Question from Councillor Barry to Councillor Kershaw**

*Do you think it acceptable that the Personnel committee of 20th February 2018 was asked to make a decision about severance payments to an officer who had left on 9th February 2018?*

Councillor Kershaw replied:

I thank Cllr Barry for his question. As reported to Personnel Committee at the time, an error in the procedure followed by officers was identified following the commencement of discussions with the employee concerned. On the advice of the Monitoring Officer, the procedural error was remedied by the matter being considered by the Personnel Committee. Therefore, it was perfectly appropriate and indeed necessary for the Personnel Committee to have considered this issue and it was the Committee's decision to proceed with the agreement.

Councillor Barry asked, by way of supplementary question:

*That's a big error, isn't it? Offering someone a load of money contrary to advice of the Section 151 Officer and possibly the Monitoring Officer, a decision the Committee couldn't really have overturned because the officer had left the authority?*

Councillor Kershaw clarified that the officer had not left the authority at the point when the Committee met. He explained that this had been a genuine error and the Committee had passed a ruling to say that these payments must come to the Committee in future.

3. **Question from Councillor Hamilton-Cox to Councillor Burns**

*Can the Cabinet Member report on the progress and scope of the high-speed broadband network bid?*

Councillor Burns reported that the council had agreed to lead a local partnership bid to the Local Full Fibre Network to upgrade and strengthen fibre broadband capacity in Lancaster city centre. The Government had revised its guidance on inviting bids for the Local Full Fibre Network; there was now no deadline for submissions, and an 'iterative' approach had been adopted consisting of three stages:

- Informal expression of interest
- Dialogue to assess the project
- Invited to submit full proposal when the strategic approach is deemed satisfactory

The council's ICT team had undertaken initial work to identify and cost a fibre 'route'.

The stakeholder group would be meeting to review the implications of the Government's new iterative approach, and decide where local aspirations would fit best, within the themes identified by Government. The group would then collate the information requested by Government to begin engaging with the project.

Councillor Hamilton-Cox asked a supplementary question:

*When will the stakeholder meeting take place?*

Councillor Burns said that an exact date had not been set yet, but he would let Councillor Hamilton-Cox know as soon as a date had been agreed.

**4. Question from Councillor Hamilton-Cox to Councillor Hughes**

*What is the marginal cost of adding an additional public CCTV camera to the Vodafone platform?*

Councillor Hughes replied that the purchase cost of an extra camera would depend on various factors, including the specification of the camera required. The installation cost would be determined by the location and proximity to power supply. Councillor Hughes said he was aware of the background to Councillor Hamilton-Cox's question and would point out that, whilst CCTV was good for evidence-gathering, it was not much of a deterrent for anti-social behaviour. Consideration would always be given about whether it would be in the interests of the public purse to site a camera in any particular location.

Councillor Hamilton-Cox asked a supplementary question:

*What would a ball-park figure be?*

Councillor Hughes could not give an accurate estimate but as a guide, he said it would be thousands, not hundreds of pounds.

**5. Question from Councillor Mace to Councillor Whitehead**

*The public consultation on the City's Heritage Strategy has recently ended. The proposed Heritage Strategy for the district is a major programme that includes all the Heritage assets of the District in a co-ordinated effort - by City and County Councils, the Universities and the Duchy of Lancaster - to use these assets as a driver for the District's visitor economy. Implementation of this strategy is a project that has not yet been added explicitly to the draft list of 34 projects that was made available for the call-in heard by O&S on 28 August.*

*A problem identified at the call-in was that the City Council may not have the staffing and financial resources to carry forward multiple projects simultaneously, and the O&S Committee unanimously recommended "that Cabinet considers the list of projects and the way in which the projects are prioritised at its next meeting".*

*Please explain why cabinet decided on 4 September [minute 36] to postpone a decision on its priorities among these competing projects. It is clear that postponing this decision puts in jeopardy the success of the ongoing re-structuring, the purpose of which is said to be to ensure that staffing resources are available to enable the Council's ambitions to be achieved.*

Councillor Whitehead replied:

The list of projects will be considered on an advisory basis at the next informal Cabinet briefing meeting.

*Councillor Mace asked, by way of a supplementary question, whether the Cabinet member appreciated the difference between Critical Path Analysis to identify priorities and Cabinet's role of making decisions on what issues it wants officers to prioritise.*

Councillor Whitehead replied yes, Cabinet did understand this and she would check progress but that the list of 34 projects referred to in the question was not the total list of projects.

**6. Question from Councillor Mace to Councillor Hanson**

*At the same call-in to which I referred in my previous Question, the relative powers of cabinet and council in respect of the spending of taxpayer's money were discussed, and O&S unanimously referred "to the Constitutional Working Group the following issues :*

- (i) Clarification of what should be referred to Cabinet or Council regarding spending of the City Council's reserves.*
- (ii) Request the Constitutional Working Group to consider additional parameters that should be set on the amount Cabinet can spend from the City Council's Reserves."*

*The basic principle underlying the relationship between Council and Cabinet on budgetary matters is that the Council votes on the budget and within the constraints set by that budget, the Cabinet implements the policies determined by Council. Do you agree that Cabinet should not have the right to spend large sums without a public debate - when in full council the budget debate frequently centres on approving or denying the inclusion of relatively small sums of expenditure in the annual budget?*

Councillor Hanson replied:

I thank Councillor Mace for asking such an important question. This chamber has given Cabinet the task of seeing through the newly approved Council Plan. That plan is delivered through our strong leader and cabinet governance system.

It is necessary to allow us to deliver the Plan (as you have asked us to do), which means that we in Cabinet have the obligation to expend money on behalf of our citizens. Indeed, the responsibility on cabinet is significant but we do not shirk our task or devolve responsibility. We are accountable and we will deliver.

We answer ultimately to the public, and we welcome transparency and openness. This chamber, overview and scrutiny, audit and other committees all have the opportunity for debate and challenge to what we do.

So we welcome the debate.