

PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 6.00 p.m. on Wednesday, 14 November 2018, when the following Members were present:-

Andrew Kay (Mayor)

June Ashworth

Amara Betts-Patel

Eileen Blamire

Dave Brookes

Abbott Bryning

Darren Clifford

Brett Cooper

Rob Devey

Kevin Frea

Janet Hall

Janice Hanson

Helen Helme

Caroline Jackson

Ronnie Kershaw

James Leyshon

Terrie Metcalfe

Rebecca Novell

Jean Parr

Robert Redfern

Peter Rivet

Sylvia Rogerson

Elizabeth Scott

Malcolm Thomas

Andrew Warriner

Anne Whitehead

Nicholas Wilkinson

Phillippa Williamson

Claire Cozler (Deputy Mayor)

Jon Barry

Alan Biddulph

Carla Brayshaw

Tracy Brown

Nathan Burns

Ian Clift

Sheila Denwood

Charlie Edwards

Nigel Goodrich

Tim Hamilton-Cox

Colin Hartley

Brendan Hughes

Joan Jackson

Geoff Knight

Roger Mace

Abi Mills

Jane Parkinson

Margaret Pattison

John Reynolds

Oliver Robinson

Ron Sands

Susan Sykes

Oscar Thynne

David Whitaker

John Wild

Peter Williamson

Peter Yates

67 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Stuart Bateson, Susie Charles, Andrew Gardiner and Mel Guilding.

68 MINUTES

The minutes of the meeting held on 26 September 2018 were approved as a correct record.

69 DECLARATIONS OF INTEREST

Members advised of the following interests:

Councillor Scott declared a personal interest in relation to the Motion on Notice in view of her son having used the facilities at the Musician's Co-operative in the past.

Councillor Kay also declared a personal interest in relation to the same item as his son used the facilities for rehearsals.

70 ANNOUNCEMENT - MRS EVELYN ARCHER

The Mayor reminded Councillors of the sad death of former Councillor Evelyn Archer, on 4 November 2018.

Evelyn served on the Council from 1991-1995 and again from 2003-2011, representing the Poulton ward. She was a member of the City Council's Cabinet and undertook the portfolio for property services and regeneration. Above all, Evelyn was a staunch supporter of her home town of Morecambe and was perhaps most well-known for her tenacity and courage in helping to save and preserve the Winter Gardens.

71 ANNOUNCEMENT - HONORARY ALDERMAN JOHN HASTINGS BALL

The Mayor reported that Honorary Alderman John Hastings Ball had sadly passed away in October 2018. John became an Alderman when he retired from the Council in 1991.

**Members stood in a minute's silence in memory of
former Councillor Evelyn Archer and Honorary Alderman John Hastings Ball.**

72 ANNOUNCEMENT - MEMBER SURVEY

The Mayor asked Members if they could please take a few moments to complete the Member Training and Satisfaction Survey, which would close on 30th November. A link to the survey had been emailed out to all Members and could be accessed through the Members' pages on the intranet. Paper copies were also available from Democratic Services on request. On behalf of Democratic Services, the Mayor thanked all Members who had already responded.

The Mayor explained that, because there were a number of public speakers in attendance to address Council about the Musicians' Co-operative, he intended to take item 12, the motion on notice about the Co-op, immediately after the speakers.

73 QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11

The Mayor reported that no questions had been received from the public.

74 PETITIONS AND ADDRESSES - MUSICIANS' CO-OPERATIVE

The Mayor reported that, since he wished to take part in the debate, he would pass the Chair for the following item to Councillor Cozler, the Deputy Mayor.

The Mayor vacated the Chair at this point, removed his chains and took up a seat in the Chamber. The meeting continued with the Deputy Mayor in the Chair.)

The Deputy Mayor informed Councillors that a petition had already been submitted in support of the Musicians' Co-operative and nine members of the public had registered to speak in accordance with the provisions of Council Procedure Rule 13. She invited each of the speakers to come to the front of the chamber and address council:

Mr Chris Barlow, Mr David Blackwell, Ms Sally Bloomer, Mr Ian Dicken, Ms Holly Blackwell, Mr Jonnie Meadowcroft, Mr Benjamin Ruth, Ms Kat Taylor and Mr Anthony Robinson all addressed Council in support of the Musicians' Co-op.

The Leader of the Council thanked all the speakers and responded to the views they had put forward.

The Deputy Mayor thanked the speakers and informed them that there would be debate about the issue during the next item (minute 75 refers).

75 MOTION ON NOTICE - MUSICIANS' CO-OPERATIVE

Officers responded to numerous questions on the briefing note which had been drafted to accompany the motion on notice. Councillor Hamilton-Cox requested a copy of the 2012 survey on the Co-op building.

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

"This Council recognises the incredible value that the Musicians' Co-op has brought to the culture and economy of Lancaster for more than 30 years.

This Council resolves that:

- 1) The eviction notice issued to the Musicians' Co-op on Friday 12th October is immediately rescinded.
- 2) An urgent meeting between the Musicians' Co-op and the Council, including interested Councillors, is arranged to review the situation, and explore possible future arrangements that support the long-term future of the Co-op.
- 3) An action plan is formulated to address the building condition report issues and how best the funds to pay for them could be raised, with the Council accepting responsibility for the most significant urgent structural repairs needed to make the building safe. This acknowledges the Council's position as landlord and the many years of uncertainty that the redevelopment proposals have cast over the future of this building and the wider area.
- 4) If the Musicians' Co-op has to move out in the short-term for repairs to be carried

out, then the Council will work with the Musicians' Co-op to find suitable alternative premises close to Lancaster city centre.”

Councillor Peter Williamson seconded the motion.

With the time at 8pm at this point, the Deputy Mayor called for a comfort break, in accordance with Council Procedure Rule 10.1.

(The meeting adjourned at 8pm and reconvened at 8.15pm)

An amendment to the motion from Councillor Clifford had been circulated before the meeting.

Councillor Clifford asked to move the first paragraph of the amendment he had put forward, in place of paragraph 1) of the original motion:

- “1) That the eviction notice issued to the Musicians' Co-op on Friday 12 October will be rescinded, provided that safety critical repairs have been carried out and the validity of the Musicians' Co-op public liability insurance has been confirmed in writing. The continued occupation of the building by the co-operative may continue under the tenancy at will until the City Council policy is approved.”

Councillor Blamire seconded the amendment, which was voted upon without debate. The amendment was lost.

A further amendment, from Councillor Devey, had been received and circulated in advance of the meeting. Councillor Devey, seconded by Councillor Brayshaw, proposed his amendment:

- 1) “That the eviction notice issued to the Musicians' Co-op on Friday 12th October is rescinded as soon as:

The Musicians' Co-op insurance company confirm that they have seen the council surveyors report and evidence is provided in writing from their insurers showing their public liability insurance is still valid on the basis of this report – or if the insurance is no longer valid at this stage, as soon as confirmation has been received by the Council that the cover has resumed, either with this insurer or another; and

the urgent 1a and 1b repairs specified in the council surveyors report have been addressed, at least on a temporary basis, which means they no longer currently fall under 1a and 1b classification. Evidence that this has already been achieved for almost all of these issues is available in the report of a structural engineer who surveyed the premises for the Co-op on Tuesday 13 November. This report should be submitted to the Council. The council notes that the Musicians' Co-op has addressed all but two of the outstanding 1a and 1b issues identified in this report produced by its structural engineer and has pledged to address these remaining issues by the end of this week.

- 2) An action plan is formulated to address the outstanding building condition report issues, with priority given to making permanent the 1a and 1b repairs mentioned in 1, and then the 1c issues – these 1c issues should be addressed within the 12 month period specified in the council surveyors report, so by 3rd July 2019. In the meantime the Co-op should be able to continue operating from the building, and it

should remain accessible to the public. The action plan should cover how best the funds to pay for these repairs could be raised, with the council accepting responsibility for the most significant urgent structural repairs. This acknowledges the council's position as landlord, the 'legal uncertainty' over responsibility for repairs highlighted in the officer briefing note and the many years of uncertainty that the redevelopment proposals have cast over the future of this building and the wider area.

- 3) Should there be any requirement for the Co-op to move out of operational parts of the premises to allow safety critical repairs to be carried out, these repairs should be carried out as quickly as possible. This should be avoided if at all possible. In the event this is necessary the council will work with the Co-op to find suitable alternative premises close to Lancaster city centre should the Co-op wish to re-located on a temporary basis and only while these repairs are ongoing. The Co-op will be able to resume operations from the Lodge Street building as soon as these repairs have been completed.
- 4) The Council will offer the Co-op a long-term lease on the building. This would increase rental income to the Council, ensuring a long-term return on the Council's investment in the structure of the building, but would still be below market rate and affordable to the Co-op in recognition of the importance of the Co-op's facilities, music and the arts to our district's economy.

Introducing his amendment, Councillor Devey said that he understood that, having seen the report that the Co-op had done the day before the meeting (13th November), all the urgent 1a and 1b issues identified in the Council's Structural Engineer's report had been addressed with the exception of two of those issues, at least on a temporary basis, and that would make them good for the next twelve months.

Councillor Frea and his seconder accepted Councillor Devey's amendment as a friendly amendment, making it the substantive motion.

Councillor Goodrich suggested that the wording be changed in paragraph 4) to read "The Council will offer the Co-op a suitable lease on the building or a suitable alternative." This was not accepted as a friendly amendment by Councillor Frea and, with no seconder, the suggestion was not taken forward.

During debate on the motion, Councillor Caroline Jackson asked if the words "by 3rd July 2019" could be added to the end of the first sentence in paragraph 4). This was accepted as a friendly amendment.

Speaking in debate, Councillor Hamilton-Cox informed Council that the report of the Co-op's electrical contractor showed that all the issues raised in the condition survey had been addressed, giving the building a 'clean bill of health' for the electrics. An asbestos survey had been carried out; there was asbestos in the building but the recommendation was to monitor that annually. A structural survey by Thomas Consulting showed that they were not of the opinion that acrow props propping up the roof trusses was a long term solution. There was, however, insurance cover for public liability now which had been granted in the knowledge of the condition survey. He paid tribute to the directors of the Co-op, for the efforts they had put in for 33 years of safe operation, without any reportable accidents.

A vote was taken on the motion, complete with friendly amendments. The motion was carried unanimously.

Resolved unanimously:-

- 1) That the eviction notice issued to the Musicians' Co-op on Friday 12th October is rescinded as soon as:

the Musicians' Co-op insurance company confirm that they have seen the council surveyors report and evidence is provided in writing from their insurers showing their public liability insurance is still valid on the basis of this report – or if the insurance is no longer valid at this stage, as soon as confirmation has been received by the Council that the cover has resumed, either with this insurer or another; and

the urgent 1a and 1b repairs specified in the council surveyors report have been addressed, at least on a temporary basis, which means they no longer currently fall under 1a and 1b classification. Evidence that this has already been achieved for almost all of these issues is available in the report of a structural engineer who surveyed the premises for the Co-op on Tuesday 13 November. This report should be submitted to the Council. The council notes that the Musicians' Co-op has addressed all but two of the outstanding 1a and 1b issues identified in this report produced by its structural engineer and has pledged to address these remaining issues by the end of this week.

- 2) An action plan is formulated to address the outstanding building condition report issues, with priority given to making permanent the 1a and 1b repairs mentioned in 1, and then the 1c issues – these 1c issues should be addressed within the 12 month period specified in the council surveyors report, so by 3rd July 2019. In the meantime the Co-op should be able to continue operating from the building, and it should remain accessible to the public. The action plan should cover how best the funds to pay for these repairs could be raised, with the Council accepting responsibility for the most significant urgent structural repairs. This acknowledges the Council's position as landlord, the 'legal uncertainty' over responsibility for repairs highlighted in the officer briefing note and the many years of uncertainty that the redevelopment proposals have cast over the future of this building and the wider area.
- 3) Should there be any requirement for the Co-op to move out of operational parts of the premises to allow safety critical repairs to be carried out, these repairs should be carried out as quickly as possible. This should be avoided if at all possible. In the event this is necessary the Council will work with the Co-op to find suitable alternative premises close to Lancaster city centre should the Co-op wish to re-located on a temporary basis and only while these repairs are ongoing. The Co-op will be able to resume operations from the Lodge Street building as soon as these repairs have been completed.
- 4) The Council will offer the Co-op a long-term lease on the building by 3 July 2019. This would increase rental income to the Council, ensuring a long-term return on the Council's investment in the structure of the building, but would still be below market rate and affordable to the Co-op in recognition of the importance of the Co-op's facilities, music and the arts to our district's economy.

(The Deputy Mayor vacated the Chair at this point to allow the Mayor to take back the Chair for the remainder of the meeting.)

76 LEADER'S REPORT

Councillor Parr asked if the remaining items could be deferred to the December meeting of Council. The Mayor considered which items could be deferred and it was agreed to take the Leader's report and the report on political balance and defer the other agenda items until December.

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.

77 ALLOCATION OF SEATS TO POLITICAL GROUPS

The Chief Executive presented a report which set out the calculation in accordance with the provisions of Section 15 of the Local Government and Housing Act 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations 1990, which had been carried out following a recent change in the number of members of the Conservative group.

The Democratic Services Manager informed Councillors that there was an error in the calculation for the overview and scrutiny grouping. The Labour group should have 10 places overall in that group, and the Green group should have 2 (not 9 and 3 respectively, as shown in the report).

The Labour group advised that they would need to discuss which member they would like to put forward for their extra seat on the Overview and Scrutiny Committee and would nominate them at the next available meeting.

Councillor Phillippa Williamson proposed recommendation (1) of the report, to accept the calculations and allocation of seats set out in the appendices to the report and asked that the Constitutional Working Group be requested to review the methodology of the political balance calculation.

Councillor Whitehead seconded the recommendation.

A vote was taken and the Mayor declared the proposition clearly carried.

To effect the adjustments required by the calculation, Conservative group members advised that they would give up one place on the Audit Committee and one place on the Licensing Act Committee. Councillor Cooper requested the seat on the Audit Committee, leaving a seat on the Licensing Act committee for Councillor Thynne. (Councillor Thynne having left the meeting earlier in the evening.)

Council voted to accept the adjustments above.

Resolved:-

- (1) That the calculations and allocation of seats set out in the appendices to the report be approved.
- (2) That the Constitutional Working Group be requested to review the methodology of

the political balance calculation.

(3) That:

- Councillor Robinson replaces Councillor Thynne on the Audit Committee.
- Councillor Thynne takes a seat from the Conservative Group on the Licensing Act Committee
- Councillor Cooper takes a seat from the Conservative Group on the Audit Committee.

78 CANAL QUARTER PROGRESS UPDATE

The Mayor proposed to defer this item to the December Council meeting.

Councillor Goodrich asked if he could address a question about this issue to officers to enable them to bring the answer to the December meeting, and the Mayor agreed to this.

Councillor Goodrich questioned why the Overview and Scrutiny Committee had been told that there was no officer resource or budget to scope a task group with the remit to identify 'lessons learned so far' regarding the Canal Corridor/Quarter.

At this point, in view of the lateness of the hour, the Mayor informed Councillors that this item, plus the motion on notice about reducing climate change emissions from new-build homes (item 11) and Members' questions to portfolio holders (item 15) would be deferred to the December Council meeting.

Mayor

(The meeting finished at 9.45 p.m.)

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