

## PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 6.00 p.m. on Wednesday, 13 March 2019, when the following Members were present:-

Andrew Kay (Mayor)

Jon Barry

Amara Betts-Patel

Eileen Blamire

Dave Brookes

Abbott Bryning

Susie Charles

Ian Clift

Sheila Denwood

Charlie Edwards

Nigel Goodrich

Janet Hall

Janice Hanson

Caroline Jackson

Ronnie Kershaw

Roger Mace

Abi Mills

Jean Parr

Robert Redfern

Peter Rivet

Sylvia Rogerson

Susan Sykes

David Whitaker

John Wild

Peter Williamson

Peter Yates

Claire Cozler (Deputy Mayor)

Stuart Bateson

Alan Biddulph

Carla Brayshaw

Tracy Brown

Nathan Burns

Darren Clifford

Brett Cooper

Rob Devey

Kevin Frea

Mel Guilding

Tim Hamilton-Cox

Colin Hartley

Joan Jackson

James Leyshon

Terrie Metcalfe

Jane Parkinson

Margaret Pattison

John Reynolds

Oliver Robinson

Ron Sands

Malcolm Thomas

Anne Whitehead

Nicholas Wilkinson

Phillippa Williamson

**143 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors June Ashworth, Andrew Gardiner, Helen Helme, Brendan Hughes, Geoff Knight, Rebecca Novell, Elizabeth Scott, Oscar Thynne and Andrew Warriner.

**144 DECLARATIONS OF INTEREST**

There were no declarations of interest made at this stage.

**145 ANNOUNCEMENTS**

The Mayor reminded Councillors that he would be holding a charity quiz night on Friday 29<sup>th</sup> March at Lancaster Town Hall commencing at 7.00pm. Tickets were on sale from the Mayor's Office.

Regarding the order of agenda items, the Mayor explained that he would take items up to and including item 7, the Leader's report, then the Local Plan item. After dealing with the Local Plan item, he intended to adjourn the meeting to allow all Councillors to attend a briefing about the Constitution Review in the Committee rooms upstairs, before returning to the Chamber to re-convene to deal with the Constitution item.

**146 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.

**147 PETITIONS AND ADDRESSES**

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

**148 LEADER'S REPORT**

The Leader presented her report updating Members on various issues since her last report to Council. She then responded to a number of questions from Councillors and promised a written response to Councillor Brookes regarding the accuracy of the figures of £8 billion and £1.8 million at the top of page 2, which appeared to give the project an extremely lengthy payback period.

***Resolved:***

That the report be noted.

**149 LOCAL PLAN FOR LANCASTER DISTRICT 2011 – 2031: THE ADOPTION OF THE ARNSIDE & SILVERDALE AREA OF OUTSTANDING NATURAL BEAUTY DEVELOPMENT PLAN DOCUMENT**

Council considered a report of the Director for Economic Growth and Regeneration seeking adoption of the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD) as part of the Local Plan for Lancaster District 2011-2031.

Councillor Goodrich and Councillor Hanson both expressed their thanks to Officers for all the work they done to bring the plan together.

Councillor Hanson, seconded by Councillor Blamire proposed:

- (1) That the Council adopts the Arnside & Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD), appended to the report, as part the Local Plan for Lancaster District 2011–2031; and
- (2) That the necessary measures are undertaken to publicise its adoption in accordance with national legislation.

There was no debate. The Mayor called for a vote and the proposition was carried unanimously.

***Resolved unanimously:***

- (1) That the Council adopts the Arnside & Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document (DPD), appended to the report, as part the Local Plan for Lancaster District 2011–2031; and
- (2) That the necessary measures are undertaken to publicise its adoption in accordance with national legislation.

***(Council adjourned at 6.30pm for an informal briefing session in advance of the next item, the Constitution Framework 2019. Council re-convened at 7.45pm.)***

## **150 CONSTITUTION FRAMEWORK 2019**

The Chairman of the Constitution Working Group, Councillor Whitehead, introduced the Working Group's report providing a draft Constitution for approval in principle. The intention was to present a final draft to Council for approval on 10 April 2019.

Councillor Whitehead and the Monitoring Officer responded to a number of questions from Councillors.

Councillor Whitehead, seconded by Councillor Mace, proposed:

"That:

- (1) The draft constitution be approved in principle.
- (2) The draft constitution be converted to the full web based digital format.
- (3) The Constitution Working Group finalise any extant issues to include minor adjustments and potential changes not yet approved by the Working Group.
- (4) The Monitoring Officer be delegated authority to correct and amend any minor typographical, editing or text errors."

There was debate on the proposals before Councillor Burns proposed an amendment to the draft constitution, seconded by Councillor Denwood:

"Part 1, paragraph 4.2 - Replace "The Council has decided that it will re-elect the Leader of the Council every two years, rather than every four years. This is subject to a Leader

resigning or being disqualified from office as a Councillor or a vote of Full Council to remove the incumbent, which may happen before the end of the two year term." with "The Council has decided that it will re-elect the Leader of the Council every four years. This is subject to a Leader resigning or being disqualified from office as a Councillor or a vote of Full Council to remove the incumbent, which may happen before the end of the four year term."

Part 2 Section 2, paragraph 1.2.2 - Replace "two years" with "four years"

Part 2 Section 4, paragraph 7.1 - Replace "two year" with "four year" and 7.2.4 replace "two years after the term begins, when the position of Leader is elected by simple majority for the next two years" with "four years after the term begins, when the position of Leader is elected by simple majority for the next four years"

The requisite number of Councillors called for a recorded vote on the amendment under Council Procedure Rule 19.4.

The votes were recorded as follows:

For the amendment:

Councillors Blamire, Brown, Bryning, Burns, Clifford, Clift, Cozler, Denwood, Devey, Hanson, Kershaw, Leyshon, Metcalfe, Pattison, Redfern, Rivet, Sands, Whitaker and Whitehead. (19)

Against the amendment:

Councillors Barry, Biddulph, Brayshaw, Brookes, Edwards, Frea, Goodrich, Guilding, Hall, Hamilton-Cox, Hartley, Caroline Jackson, Joan Jackson, Kay, Mace, Mills, Parkinson, Parr, Reynolds, Robinson, Rogerson, Sykes, Thomas, Wild, Peter Williamson, Philippa Williamson and Yates. (27)

Abstentions:

Councillors Betts-Patel and Cooper. (2)

Councillor Barry then proposed an amendment to the draft constitution regarding 'friendly amendments' to reflect current practice:

"That only the proposer and seconder of a motion need to agree about whether the amendment is deemed a friendly amendment."

Councillor Whitehead accepted this as a friendly amendment.

Councillor Caroline Jackson then proposed an amendment to Questions on Motions, Page 83 of the draft constitution, paragraph 15.5, which was accepted by Councillor Whitehead as a friendly amendment:

"That the words "provided at least 3 days' notice in writing or by electronic mail from a known and recognised source, of the question has been given to the Chief Executive, and has not been rejected under the grounds stated in rule 12.4" be replaced with "provided the question is clearly related to the Motion on notice and not potentially defamatory, vexatious or offensive."

Councillor Caroline Jackson also asked for another amendment to be considered, which was again accepted as a friendly amendment by Councillor Whitehead:

“That on Page 124, paragraph 10.7 the words ‘that is open to the public’ be removed.”

At this point, Councillor Mace signified that, as Councillor Whitehead’s seconder, he was also content to accept all three amendments to the original motion.

It was noted that members of the Working Group would need to look at paragraph 10.7 on page 124 at their next meeting, as the intention behind the original wording and the purpose of that particular procedure rule was unclear.

The Mayor called for a vote on the proposition, complete with friendly amendments, which was clearly carried:

**Resolved:**

“That:

- (1) The draft constitution be approved in principle, subject to the following changes:
  - a) Regarding friendly amendments; “That only the proposer and seconder of a motion need to agree about whether the amendment is deemed a friendly amendment.
  - b) Page 83 of the draft constitution, paragraph 15.5; That the words “provided at least 3 days’ notice in writing or by electronic mail from a known and recognised source, of the question has been given to the Chief Executive, and has not been rejected under the grounds stated in rule 12.4” be replaced with “provided the question is clearly related to the Motion on notice and not potentially defamatory, vexatious or offensive.
  - c) Page 124, paragraph 10.7 removal of the words ‘that is open to the public’.
- (2) The draft constitution be converted to the full web based digital format.
- (3) The Constitution Working Group finalise any extant issues to include minor adjustments and potential changes not yet approved by the Working Group.
- (4) The Monitoring Officer be delegated authority to correct and amend any minor typographical, editing or text errors.”

**151 APPOINTMENTS AND CHANGES TO COMMITTEE MEMBERSHIP**

There were no appointments or changes to committee memberships.

**152 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12 (Pages 7 - 10)**

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

- (1) Councillor Kershaw to Councillor Clifford regarding assistance for The Dukes.
- (2) Councillor Kershaw to Councillor Clifford regarding the benefits The Dukes brings to the district.
- (3) Councillor Parr to Councillor Warriner regarding home adaptations.
- (4) Councillor Parr to Councillor Clifford regarding electrification of the Council’s vehicle fleet.
- (5) Councillor Hamilton-Cox to Councillor Whitehead regarding commercial property expenditure in 2019/20.
- (6) Councillor Hamilton-Cox to Councillor Whitehead regarding climate change

considerations and the electricity supply contract.

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

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Mayor

(The meeting finished at 8.55 p.m.)

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

**Questions from Councillor Kershaw to Councillor Clifford**

Councillor Kershaw asked two questions:

- (1) *“Please can you outline some of the ways that we might help the Dukes at this difficult time?”*
- (2) *“What are the benefits to Lancaster and district residents that our investment and support brings?”*

Councillor Clifford said that he would respond to both questions together.

The Council was already assisting The Dukes in a number of different ways. These included:

- Providing further professional support to ensure the Dukes had access to a range of professional skills during the transitional period.
- Potentially re-profiling the council’s grant to help manage peaks and troughs of expenditure. The Arts Council was also involved in this.
- Investigating ways of joint working with the Council and with other partners to cut costs but also to achieve a greater impact. This could include a joined up approach to ticketing and box office, marketing, purchasing and other things.
- Capital investment on a business case basis to help the Dukes to build income generation opportunities. This might include development of their cinema offer, or bar or catering.

The benefits of The Dukes could not be seen in isolation. It was part of the Arts Culture and Heritage offer and there was an overarching policy which the Council had for this wider role. This was embedded in cultural policy and would be consulted on. It was not just The Dukes but also the Musicians’ Co-op, Ludus, More Music, Grand Theatre, Winter Gardens; arts all across the board.

**Question from Councillor Parr to Councillor Warriner**

Councillor Parr had submitted the following question:

*“Will the Cabinet Member for Housing please advise the council of the progress made in home adaptations?”*

The Mayor noted that Councillor Warriner was not present at the meeting to make his response. A written answer would be provided.

**Question from Councillor Parr to Councillor Clifford**

Councillor Parr asked:

*“Will the Cabinet member for Climate Change advise the council of the progress towards electrification of the council's vehicle fleet?”*

Councillor Clifford said that, in accordance with the motion moved by Councillor Frea, and recently agreed at Council, he was currently working to develop a plan to provide for the Council to become Carbon neutral by 2030. Part of this plan would be to look at how the Council's vehicle fleet was powered.

The Council already had two electric pool cars. On 12 March, the Council had taken delivery of three electric vans to replace three diesel vans.

Councillor Clifford explained that, over the next four years there would be approximately 70 vans due for replacement. In the first instance a decision would be taken based on business need as to whether - by working differently - the Council could either reduce the amount of vans needed or, at least, replace a large van for a small van. Councillor Clifford reminded Councillors of the digital agenda; Council currently had a courier service with a van which delivered paper agendas to 60 councillors.

Based on business case, as many vehicles as possible would be replaced with electric vehicles.

There were also a number of sweepers that were due to be replaced over the next few years. The Council was already looking at what electric alternatives might be available, so they could be trialled in real life situations.

With regard to large vehicles like refuse collection vehicles work was going on with the University to look at whether shifting to a hydrogen power would be a practical alternative. The University representative would be coming to the Climate Change Cabinet Liaison Group to talk about that issue.

#### **Question from Councillor Hamilton-Cox to Councillor Whitehead**

Councillor Hamilton-Cox asked;

*"What is the cap on commercial property investment expenditure in 2019/20?"*

Councillor Whitehead responded:

There is no cap on commercial property investment expenditure in 2019/20.

However, the following points are made in order to clarify the position with respect to potential commercial property investments:

- The Property Investment Strategy which was approved by Council on 27 February 2019 includes a detailed process for the consideration of all potential commercial property investments in terms of financial yield, risk management and outcomes. The Strategy included a comprehensive governance process which requires all potential decisions to be made following a joint meeting of Cabinet and Scrutiny.



- The Treasury Management Strategy which was also approved by Council on 27 February sets out a limit for external borrowing which the Council is not expected to exceed, known as the operational boundary, which for 2019/20 was set at £85.8m. If the Council made any additional capital commitments outside of the agreed capital programme that necessitated borrowing above this operational boundary, it would require a Council decision to increase this limit before committing to any such capital expenditure. In so doing, the Council would have to be satisfied that any such increase is affordable, prudent and sustainable.
- Any property investment decision will include an analysis of the financial considerations. It is expected that investments will only proceed where it has been shown that they are capable of making a surplus after covering both a provision for the repayment of debt (known as MRP) and the interest on that debt.

By way of a supplementary question, Councillor Hamilton-Cox asked:

*“Could you clarify the authorisation limits, if any, on individual projects?”*

Councillor Whitehead referred to the Capital Strategy Group and the procedure in the governance framework to assess projects, which would then go to Cabinet to approve.

#### **Question from Councillor Hamilton-Cox to Councillor Whitehead**

Councillor Hamilton-Cox asked:

*“How far did climate change policy considerations inform the final electricity supply contract procurement decision - as per the notice circulated on 4th March?”*

Councillor Whitehead responded:

Responses to previous questions have covered the electricity supply procurement decision. As I outlined at the Council meeting on 27 February 2019, we are considering the green tariff offered by the winning bidder, which was nPower. We have now received an estimate, via the Yorkshire Purchasing Organisation, for the additional cost of transferring to a green tariff and, based on existing levels of electricity consumption, we estimate that switching to green energy will cost no more than £2,000. Subject to final confirmation of the rates, we will therefore switch all Council electricity to a green tariff.

In addition to this, we are working on a Climate Change Action Plan, which amongst other key actions includes bringing forward the Salt Ayre Landfill Site Solar Farm proposal to the first meeting of the Capital Strategy Group so that the Council moves closer to generating its own renewable energy.

Councillor Hamilton-Cox thanked Councillor Whitehead for her reply.