

## PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 6.00 p.m. on Wednesday, 17 July 2019, when the following Members were present:-

David Whitaker (Mayor)

Tony Anderson

Richard Austen-Baker

Stephie Barber

Victoria Boyd-Power

Abbott Bryning

Roger Cleet

Tim Dant

Adrian Duggan

Kevin Frea

Mike Greenall

Mel Guilding

Janice Hanson

Tricia Heath

Joan Jackson

Sarah Knight

Cary Matthews

Michael Mumford

Jean Parr

Joyce Pritchard

John Reynolds

Stewart Scothern

Michael Smith

Malcolm Thomas

Katie Whearty

David Whitworth

Joanna Young

Alan Biddulph (Deputy Mayor)

Paul Anderton

Mandy Bannon

Phillip Black

Dave Brookes

Keith Budden

Lucie Carrington

Roger Dennison

Jason Firth

Jake Goodwin

June Greenwell

Tim Hamilton-Cox

Colin Hartley

Caroline Jackson

Geoff Knight

Erica Lewis

Abi Mills

Jack O'Dwyer-Henry

Faye Penny

Robert Redfern

Oliver Robinson

Alistair Sinclair

Paul Stubbins

Sandra Thornberry

Anne Whitehead

Jason Wood

**39 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gina Dowding, Merv Evans, Debbie Jenkins, Mandy King, John Wild and Peter Yates.

**40 MINUTES**

The minutes of the meeting held on 26 June 2019 were signed by the Mayor as a correct record.

**41 DECLARATIONS OF INTEREST**

Several Councillors advised of a personal interest in the motion on notice regarding Freeman's Wood (minute 48 refers) for the following reasons:

Councillor Wood, as a member of the *Save Freeman's Wood* Facebook group.

Councillor Penny as a member of the *Save Freeman's Wood* Facebook group and a fundraiser.

Councillor Bannon as a Friend of Freeman's Wood.

Councillor Sinclair as a member of the *Save Freeman's Wood* Facebook group.

Councillor Budden declared a prejudicial interest in relation to the report on Catering Concessions and said that he would leave the Chamber for that item. (Minute 49 refers.)

Councillor Dennison enquired about declaring an interest in the Wray with Botton Neighbourhood Plan, since he was a member of Morecambe Town Council, which was also going through the process of developing a Neighbourhood Plan. This was not an interest and did not need to be declared.

**42 ANNOUNCEMENTS**

There were no announcements.

**43 QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11**

The Mayor informed Council that Honorary Alderman Roger Mace had registered to ask a question as a member of the public.

The question was to the Cabinet Member for Arts, Culture, Leisure and Tourism, about the Grand Theatre and was worded as follows:

*Back in April, I asked Councillor Blamire: "Has the Leader received confirmation from Mike Hardy, the Chairman of the Trustees of the Grand Theatre that he is now able to proceed without delay to apply for funding?"*

*Council minute 171 shows that Councillor Blamire replied: "Not directly, however the Council can say that it is fully supportive of the Grand Theatre proposals to extend its foyer and improve its facilities. The Council has written to Mike Hardy at the Grand Theatre to confirm its intention to facilitate proposed works and enter into a lease agreement to extend the existing car park."*

*The Canal Quarter Project is expected to go ahead with a mix of housing and retail and entertainment spaces, of which both the Grand Theatre and the Musicians Co-op form part and the two organisations need to co-exist.*

*Constructing the iconic new Foyer- for which the Trustees of the Grand Theatre have to raise funding - and the renovation of the Musicians Co-op, for which the Council has to raise funding - need to proceed in harmony.*

*There is a pressing need to confirm that the plans for the Grand can go ahead, since delay is very costly to them and it has already been delayed six months since receiving planning permission. As matters stand, there appears to be an unresolved conflict with the Musicians Co-op, arising from the City's belated - but justifiable - show of support for the aspirations of the Co-op, for the renovation of the Co-op building.*

*I now ask "What has the Council done since April, and what remains to be done, in order to ensure that any conflict of interest between the Theatre and the Musician's Co-op on the use of the Council's land and buildings in the Canal Quarter is resolved - and fund raising for the Theatre's new Foyer can be started?"*

Councillor Parr responded to say that the Council had been working closely with Mike Hardy at the Grand Theatre with a view to supporting and assisting him with the proposals to build a new entrance foyer and associated facilities. The Council had instructed a valuation of the proposed extended demise, to include the lean-to at 1, Lodge Street. A structural survey was to be undertaken to ascertain the feasibility of demolishing the lean-to and to have a specification of works prepared to undertake the same.

The Grand would be offered a 125 year lease of the existing car park and land to the rear of 1, Lodge Street, at either a premium or by way of an annual rent with the usual 5 year rent reviews. This would provide the funders with the necessary security required in order to make any future grant award.

A letter of comfort had been sent to the Grand by the Council confirming the Council's position in relation to the granting of a lease, the terms of which had still to be agreed.

The Council was working with the Musicians Co-op to develop their aspirations to remain in the building and develop a business plan. The Council was not aware of any conflict between the Musicians Co-op and the Grand Theatre. The lean-to extension had long ago fallen out of use, was substantially dilapidated and could contain hazardous materials.

The Council had also included the Grand Theatre as a key fundable project as part of its bid to Historic England for a High Street Heritage Action Zone in Lancaster and was working to develop an expression of interest for funding via the Heritage Lottery Fund.

The Council was committed to working alongside the Grand Theatre to assist and support its bid for funding where appropriate. The Council was similarly minded to offer the same level of support to the Musicians Co-op in developing its proposals for 1, Lodge Street.

In response to a supplementary question, Councillor Parr agreed to inform Honorary Alderman Mace of the likely timescale for this to be resolved, and assured him that she would circulate this to all Councillors, too.

#### **44 PETITIONS AND ADDRESSES**

There were no petitions or addresses.

**45 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 agreed to forward slides from a presentation by CLES (the Centre for Local Economic Studies) to all Members. Councillor Dennison also requested more information on the status of APSE (Association of Public Service Excellence) and CLES, which the Leader of the Council agreed to supply.

***Resolved:***

That the report be noted.

**46 MUSICIANS' CO-OPERATIVE**

Council considered a report presented by the Cabinet Member for Arts, Culture, Leisure and Tourism. The report was simply for noting and provided an update on progress towards fulfilling the Council resolution, made on 14 November 2018, in respect of 1, Lodge Street, Lancaster and the Musicians' Co-operative.

Councillor Parr responded to a number of questions from Councillors and agreed to provide written answers to the following questions:

To Councillor Heath, a response about whether there could be steps taken to consider transferring 1, Lodge Street as a community asset to the Musicians' Co-op.

To Councillor Mumford, information about whether there were inconsistencies between the plans for 1, Lodge Street and the Grand Theatre.

However, since more questions followed, including an enquiry about whether 1, Lodge Street was a health and safety hazard and who was responsible should an incident occur, Councillor Parr offered to hold an update briefing session for all Members in the near future, to provide information on all the issues raised. Members accepted this offer and the report was noted.

***Resolved:***

That the report be noted.

**47 LOCAL PLAN**

The Leader of the Council had submitted a report and letter for Council to note. The letter was from the Planning & Housing Policy Manager reconfirming in writing, to the Planning Inspector, the council's position in accordance with advice given by Counsel for Lancaster City Council on Tuesday 23 May 2019.

***Resolved:***

That the report and letter be noted.

**48 MOTION ON NOTICE - FREEMAN'S WOOD**

Councillor Bannon had submitted the following motion, giving the required notice to the Chief Executive in accordance with Council Procedure Rule 15:-

*"Land at Willow Lane, Lancaster (Policy DOS5), Local Green Spaces (Policy SC2).*

*With regard to the Inspector's judgement that available evidence indicates that the area identified as SC2.1 of Policy SC2 and referred to in Policy DOS5 does not fulfil the criteria set out in paragraphs 76 and 77 of the National Planning Policy Framework (2012) for designation as a local green space and accordingly, this site (SC2.1) should be deleted and the policies amended as necessary: The Council accepts the direction of the Inspector and will, through the process of proposed modifications, consult on the removal of the NPPF Local Green Space designation at Freemans Wood, Lancaster, accompanied by the consequent revision to the Local Plan Policies Maps to delete the area identified by Policy SC2.1."*

*However, Council disagrees with this response. Instead, Council resolves to seek advice from an experienced planning counsel on ways that evidence provided by the planning consultants Satnam on Local Green Space designation for Freeman's Wood can be challenged. Council wishes to defend Freeman's Wood and will seek best advice on how to do this.*

*The advice sought from counsel will be agreed in conjunction with the cabinet member for Planning and Marsh Ward councillors. Full Council will be informed of the response and will decide on how to proceed accordingly."*

Following submission of the motion, Councillor Bannon informed Democratic Services that she wished to alter the motion to:

*"This Council notes that the letter from council officers to the planning inspector, which has gone online from 3/7/2019, says:*

*"Land at Willow Lane, Lancaster (Policy DOS5), Local Green Spaces (Policy SC2).*

*With regard to the Inspector's judgement that available evidence indicates that the area identified as SC2.1 of Policy SC2 and referred to in Policy DOS5 does not fulfil the criteria set out in paragraphs 76 and 77 of the National Planning Policy Framework (2012) for designation as a local green space and accordingly, this site (SC2.1) should be deleted and the policies amended as necessary: The Council accepts the direction of the Inspector and will, through the process of proposed modifications, consult on the removal of the NPPF Local Green Space designation at Freemans Wood, Lancaster, accompanied by the consequent revision to the Local Plan Policies Maps to delete the area identified by Policy SC2.1."*

*Full Council maintains that Freeman's Wood is a precious and much-used, wildlife-rich, green space in the Marsh area of Lancaster.*

*Accordingly, should the Inspector still see fit to remove the NPPF Local Green Space designation in his final report, Full Council resolves to utilise other options within its power to protect this valued open green space from development.*

*Action by the Council should include but not be restricted to:*

- Maintaining protection via the Local Plan process for Freeman's Wood under its current designation - Policy SC3: Open Space, Recreation and Leisure; and,*
- Ensuring that Tree Preservation Orders affecting the site are adhered to in the*

*interests of protecting the site's amenity value and the valuable tree cover that they provide in this part of the city;*

*Council also notes that there are other, non-planning matters that it could choose to support in terms of protecting Freeman's Wood, such as the City Council ensuring that it will not seek to use its own landholdings to facilitate access to the site for any proposed development.*

*Council also notes that a Town Green Application Public Inquiry is due to be heard by Lancashire County Council in their role as Commons Registration Authority (27 August 2019 at Lancaster Town Hall, and continuing on the subsequent 3 days if necessary). Whilst acknowledging that this is a separate matter, and that Council cannot pre-determine the outcome of the Public Inquiry, Council wishes to place on record its broad, strong support for maintaining Freeman's Wood as undeveloped open space."*

An officer briefing note, based on the wording of the original motion, had been circulated with the agenda.

Councillor Bannon introduced the altered motion, providing historical background to the Freeman's Wood site.

The Monitoring Officer reminded Council that, in accordance with Council Procedure Rule 17.7 Council must take a vote to determine whether the motion could be altered or not. The Mayor asked Councillors to vote on acceptance of the alteration to the wording of the motion. The request to alter the motion was accepted by Council.

Councillor Hamilton-Cox seconded the altered motion proposed by Councillor Bannon.

Councillor Bannon and Councillor Brookes responded to questions about the motion and, after some debate, a vote was taken and the motion was clearly carried.

**Resolved:-**

This Council notes that the letter from council officers to the planning inspector, which has gone online from 3/7/2019, says:

"Land at Willow Lane, Lancaster (Policy DOS5), Local Green Spaces (Policy SC2).

With regard to the Inspector's judgement that available evidence indicates that the area identified as SC2.1 of Policy SC2 and referred to in Policy DOS5 does not fulfil the criteria set out in paragraphs 76 and 77 of the National Planning Policy Framework (2012) for designation as a local green space and accordingly, this site (SC2.1) should be deleted and the policies amended as necessary: The Council accepts the direction of the Inspector and will, through the process of proposed modifications, consult on the removal of the NPPF Local Green Space designation at Freemans Wood, Lancaster, accompanied by the consequent revision to the Local Plan Policies Maps to delete the area identified by Policy SC2.1."

Full Council maintains that Freeman's Wood is a precious and much-used, wildlife-rich, green space in the Marsh area of Lancaster.

Accordingly, should the Inspector still see fit to remove the NPPF Local Green Space designation in his final report, Full Council resolves to utilise other options within its power to protect this valued open green space from development.

Action by the Council should include but not be restricted to:

- Maintaining protection via the Local Plan process for Freeman's Wood under its current designation - Policy SC3: Open Space, Recreation and Leisure; and,
- Ensuring that Tree Preservation Orders affecting the site are adhered to in the interests of protecting the site's amenity value and the valuable tree cover that they provide in this part of the city;

Council also notes that there are other, non-planning matters that it could choose to support in terms of protecting Freeman's Wood, such as the City Council ensuring that it will not seek to use its own landholdings to facilitate access to the site for any proposed development.

Council also notes that a Town Green Application Public Inquiry is due to be heard by Lancashire County Council in their role as Commons Registration Authority (27 August 2019 at Lancaster Town Hall, and continuing on the subsequent 3 days if necessary). Whilst acknowledging that this is a separate matter, and that Council cannot pre-determine the outcome of the Public Inquiry, Council wishes to place on record its broad, strong support for maintaining Freeman's Wood as undeveloped open space.

#### 49 CATERING CONCESSIONS

*(Having previously declared a prejudicial interest in the following item, Councillor Budden left the Chamber at this point.)*

The matter of Catering Concessions in Morecambe, which had originally been brought as a motion on notice to the Council meeting on 26 June 2019, was brought back to Council for consideration.

Councillor Brookes presented the report updating Council on the further soundings taken by Cabinet following the June meeting and setting out outcomes that were considered important from concessions on Council owned land. These were:

- Maximising income to contribute to the Council's budget.
- Delivering in such a way as to contribute to meeting the climate emergency.
- Moving towards a position where all staff operating from Council land were paid at the real living wage – irrespective of age.
- Providing high levels of customer service, positively contributing to the wider visitor offering and community wellbeing.
- Ensuring that there was an appropriate balance between concessions on Council land and shop based businesses.

Councillor Brookes responded to questions from Members before proposing the recommendations set out in the report, seconded by Councillor Heath.

After a short debate, the Mayor called for a vote. Councillor Hartley raised a point of order at that point, that the proposer had not been offered the opportunity to sum up. In view of this, a vote was taken again after that opportunity had been offered to Councillor Brookes. The proposition was then carried unanimously.

***Resolved unanimously:***

- (1) Regarding Ice Cream Concessions on Morecambe Promenade, that:
  - a) For the remainder of this season tenders will be invited for the five pitches currently allocated on the promenade
  - b) A review of the ice cream vending operation on Morecambe promenade takes place ahead of the 2020 season, and is brought back as part of the 2020 budget process.
- (2) Regarding Cafés, that discussions will take place over the summer with the two tenants whose lease ends on 31<sup>st</sup> October 2019. The purpose of these discussions would be to explore if they would be interested in delivering their operation in a way that met the defined outcomes (see paragraph 2.3), from which a model of operation could then be brought forward to Cabinet.
- (3) That further work take place to develop principles around the commercial use and operating models of the Council's property.

***(Councillor Budden returned to the Chamber.)***

**50 WRAY-WITH-BOTTON NEIGHBOURHOOD PLAN - ADOPTION (MAKING) OF THE NEIGHBOURHOOD PLAN**

Councillor Reynolds presented a report of the Director for Economic Growth and Regeneration to formally 'make' the Wray-with-Botton Neighbourhood Plan with immediate effect, with the consequence that it would become part of the statutory Development Plan for the area.

There were no questions. Councillor Reynolds proposed the recommendation, as set out in the report, seconded by Councillor Pritchard.

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

***Resolved unanimously:***

- (1) That the Council, under section 38A(4) of the Planning and Compulsory Purchase Act 2004, formally make the Wray-with-Botton Neighbourhood Plan with immediate effect, with the consequence that it becomes part of the statutory Development Plan for the area.

**51 ALLOCATION OF SEATS TO POLITICAL GROUPS**

A report was considered advising Council of the calculations relating to the allocation of seats following the resignation of Councillor Clifford from the Labour group, in accordance with the Local Government and Housing Act 1989. Councillor Clifford was now an independent member with no political affiliation.

Regarding the new calculation, Councillor Whitehead seconded by Councillor Wood proposed:

"That the change in political composition be noted and the new calculation be approved."

The proposition was clearly carried when put to the vote.



With the calculation approved, the Labour Group was then required to give up one place on a committee to the Morecambe Bay Independent (MBI) Group.

Regarding the adjustments, the Labour Group administrator informed Council that his Group wished to give up Councillor Penny's seat on the Appeals Committee to the MBI Group. The MBI's appointed a named substitute, Councillor Greenall, to that seat and nominated Councillor Dennison to be the named substitute.

The adjustments were seconded by Councillor Heath and a vote was taken to approve the changes to the Appeals Committee membership.

**Resolved:**

- (1) That the change in political composition be noted and the new calculation be approved.
- (2) That Councillor Penny of the Labour Group, be replaced on the Appeals Committee by Councillor Greenall of the MBI Group to effect the necessary adjustment.
- (3) That Councillor Dennison be appointed a named substitute for the MBI group for the Appeals Committee.

## **52 APPOINTMENT OF INDEPENDENT PERSONS**

The Monitoring Officer had submitted a report recommending that he commence recruitment for further Independent Person(s) for the Standards Committee.

Councillor O'Dwyer-Henry proposed the recommendations, as set out in the report. Councillor Black seconded the proposal.

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

**Resolved:**

- (1) That Council authorises the Monitoring Officer to commence, in accordance with s28 of the Localism Act 2011, the recruitment process in respect of the appointment of further Independent Person(s) for the Council's Standards Committee.
- (2) That a letter of thanks be sent to Gerald Callen in recognition of his services as Independent Person.

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

No changes were proposed.

## **54 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12**

The Mayor advised that one question had been received by the Chief Executive in accordance with Council Procedure Rules. The question was from Councillor Barber to Councillor Hamilton-Cox, as follows:

*Members of the local community have recently been expressing their concerns regarding the numbers of shoppers using the Wednesday and Saturday Markets in*

*Lancaster and the number of stalls seemed to have declined*

*Does the Council have any figures on the number of stall holders and shoppers to substantiate this?*

Councillor Hamilton-Cox thanked Councillor Barber for her perceptive question. He explained that the number of stalls on the Charter Market could vary quite a bit from week to week, depending on weather, trader holidays, bank holidays, etc. The average number of stalls on the market for the months of June in 2019, 2018 and 2017 was:-

	Wed	Sat
2019	20	28
2018	28	33
2017	28	37
2016	28	39

Figures on shoppers was hard to calculate, however the Business Improvement District in Lancaster did have cameras in place to help estimate footfall. The UK national average figures for town centres was showing a 2.5% reduction, whilst the reduction in Lancaster was lower, at 1.9%. In addition, car parking revenue had increased in the city centre. So this might be interpreted as an indication that the city centre was still busy but fewer shoppers were walking around the area of the Charter Market.

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Mayor

(The meeting finished at 7.15 p.m.)

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