

## PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 6.00 p.m. on Wednesday, 18 December 2019, when the following Members were present:-

David Whitaker (Mayor)	Alan Biddulph (Deputy Mayor)
Tony Anderson	Paul Anderton
Richard Austen-Baker	Stephie Barber
Mandy Bannon	Phillip Black
Victoria Boyd-Power	Dave Brookes
Abbott Bryning	Keith Budden
Roger Cleet	Darren Clifford
Tim Dant	Roger Dennison
Adrian Duggan	Merv Evans
Jason Firth	Kevin Frea
Andrew Gardiner	Jake Goodwin
Mike Greenall	Mel Guilding
Tim Hamilton-Cox	Janice Hanson
Colin Hartley	Tricia Heath
Caroline Jackson	Joan Jackson
Debbie Jenkins	Mandy King
Geoff Knight	Sarah Knight
Erica Lewis	Abi Mills
Jack O'Dwyer-Henry	Jean Parr
Faye Penny	Joyce Pritchard
Robert Redfern	John Reynolds
Oliver Robinson	Stewart Scothern
Alistair Sinclair	Paul Stubbins
Malcolm Thomas	Sandra Thornberry
Katie Whearty	David Whitworth
John Wild	Anne Whitehead
Jason Wood	Peter Yates
Joanna Young	

**89 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Lucie Carrington, Gina Dowding, June Greenwell and Michael Mumford.

**90 MINUTES**

The minutes of the meeting held on 13 November 2019 were signed by the Mayor as a correct record.

**91 DECLARATIONS OF INTEREST**

Members advised of the following interests at this stage:

Councillor Budden declared a prejudicial interest in relation to the Motion on Notice on Fireworks in view of him being a member on the Bolton-le-Sands Bonfire Display Committee. (Minute No. 96 refers.)

**92 ANNOUNCEMENTS**

The Mayor welcomed Councillor Andrew Gardiner, who was elected in the recent by-election for Overton Ward, back to the City Council.

The Mayor informed Councillors of the sad passing of former Councillor Geoff Wilson who died on Monday 18<sup>th</sup> November 2019.

Geoff was the Councillor for Victoria ward from May 1988 until 2003.

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

**93 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.

**94 PETITIONS AND ADDRESSES**

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

**95 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.

***Resolved:***

That the report be noted.

Councillor Wood proposed, seconded by Councillor Barber that the order of the agenda be revised with the exempt report (item 10) and item 11 considered at the end of the meeting for the convenience of the observers in the public gallery.

***Resolved unanimously:***

- (1) That the order of the agenda be revised with the exempt report (item 10) and item 11 considered at the end of the meeting for the convenience of the observers in the public gallery.

## 96 MOTION ON NOTICE - FIREWORKS

***Councillor Budden left the Council Chamber, having previously declared a prejudicial interest in the following motion.***

The required notice of the following motion had been given to the Chief Executive in accordance with Council Procedure Rule 15 by Councillors Hartley, Lewis, Parr, Reynolds and Wood:-

*" Fireworks can be frightening for domestic, farm and wild animals. Each year the firework 'season' can last for several weeks around Bonfire Night and again at Christmas/New Year time with the year interspersed with fireworks to mark birthdays/weddings and other events. Added together and there don't seem to be many months when fireworks are not heard!*

*"This Council resolves:*

- to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people*
- to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks*
- to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays*
- to encourage local suppliers of fireworks to stock 'quieter' fireworks for public display."*

A briefing note had been provided by officers.

Councillor Hartley proposed the motion with the following amendments:-

- to specify that the Chief Executive write to the Government (bullet point 3)*
- to request that the Chief Executive/Director for Communities and the Environment write to trading standards at County Council asking their inspectors to request that quieter fireworks be stocked when they undertake their inspections (bullet point 4.)*

Councillor Parr seconded the revised motion.

By way of a friendly amendment, which was accepted as a friendly amendment by the proposer and seconder, Councillor Austen-Baker requested that bullet point 2 be amended from *'actively promote'* to *'promote actively.'*

There was no debate and when put to the vote the motion as amended was clearly carried.

***Resolved:-***

- 1) To require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their

- animals and vulnerable people
- 2) To promote actively a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks
  - 3) That the Chief Executive write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays
  - 4) That the Chief Executive or Director for Communities and the Environment write to trading standards at Lancashire County Council asking their inspectors to encourage local suppliers of fireworks to stock 'quieter' fireworks for public display.

***Councillor Budden returned to the meeting at this point.***

## **97 APPOINTMENT OF MAYOR ELECT**

The Chief Executive reported that had spoken to Councillor Malcolm Thomas, being the most senior Member of the City Council and he had indicated that he would be happy to accept the office of Mayor if offered by the Council.

It was then moved by Councillor Barber and seconded by Councillor Redfern:

“That Councillor Thomas be invited to hold the office of Mayor of the City of Lancaster for the Municipal Year 2020/21.”

A vote was taken on the motion which was clearly carried. Councillor Thomas thanked Councillors for their support.

### ***Resolved:***

That Councillor Thomas be invited to hold the office of Mayor of the City of Lancaster for the Municipal Year 2020/21.

## **98 LOCALISED COUNCIL TAX SUPPORT SCHEME 2020/21**

Councillor Whitehead presented a report of the Financial Services Manager regarding the Localised Council Tax Support Scheme, seeking a decision on whether the existing scheme should be retained for application in 2020/21.

Councillor Whitehead responded to questions from Councillors. Councillor Gardiner asked whether the Council might be open to legal challenge from those paying full council tax. Councillor Whitehead said she would provide a written answer from officers to that question, before proposing:

“That Council retains its existing Localised Council Tax Support Scheme for 2020/21 (Option 1) subject to consequential minor amendments and that the S151 officer be authorised to finalise and publish the Council’s approved Scheme for 2020/21 and make all other necessary arrangements for its implementation in the next financial year.”

Councillor O’Dwyer-Henry seconded the proposal.

Debate on the proposal followed.

A recorded vote on the motion was called for in accordance with the Council Procedure Rule 19.4.

Votes for the motion were recorded as follows:

Councillors Anderton, Austen-Baker, Bannon, Biddulph, Black, Boyd-Power, Brookes, Bryning, Cleet, Dant, Duggan, Evans, Frea, Goodwin, Greenall, Guilding, Hamilton-Cox, Hanson, Hartley, Heath, Jackson Caroline, Jenkins, King, Knight Geoff, Knight Sarah, Lewis, Mills, O'Dwyer-Henry, Parr, Penny, Pritchard, Redfern, Reynolds, Robinson, Scothern, Sinclair, Stubbins, Thornberry, Whearty, Whitaker, Whitehead, Wood, Yates, Young (44)

Votes 'against'

Councillor Gardiner (1)

Abstentions

Councillors Anderson, Barber, Budden, Dennison, Firth, Jackson Joan, Thomas, Whitworth, Wild (9)

**Resolved:**

- (1) That Council retains its existing Localised Council Tax Support Scheme for 2020/21 (Option 1) subject to consequential minor amendments.
- (2) That the S151 officer be authorised to finalise and publish the Council's approved Scheme for 2020/21 and make all other necessary arrangements for its implementation in the next financial year."

**99 COMMITTEE SYSTEM WORKING GROUP**

Council considered a report of the Democratic Services Manager seeking to establish a new Committee System Working Group in line with the motion agreed at the last Council meeting.

The Mayor asked for proposals regarding the size of the Working Group. Councillor Barber queried the figures given in the report for political balance on a seven-member Group. There was no opportunity at the meeting for the Democratic Services Manager to check the spreadsheet calculations. Since there was no dispute over the political balance figures for a nine-member Group, Councillor Barber proposed:

"That the Working Group be a nine Member group."

Councillor Geoff Knight seconded that proposal.

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

Group Administrators then put forward nominations for appointment to the Working Group as follows:

MBIs	Councillors Heath & Evans
Labour	Councillors Robinson, Wood & Redfern
Conservatives	Councillors Barber & Scothern
Green	Councillors Dant & Hamilton-Cox

After further discussion Councillor Wood proposed, seconded by Councillor Dant that each group appoint a single named substitute to the working group. On being put to the vote this was carried and the following Councillors were appointed as substitutes:

MBI	Councillor Geoff Knight
Labour	Councillor Hanson

Conservative  
Dant

Councillor Joan Jackson  
Councillor Stubbins

Councillor Dant proposed, seconded by Councillor Black that Councillor Robinson be appointed as the Chair of the Working Group. There were no further nominations and the Mayor confirmed Councillor Robinson's appointment as Chair of the Committee System Working Group.

Members then voted on the proposed nominations for membership which were clearly carried.

***Resolved:***

- (1) That a nine Member Committee System Working Group be established.
- (2) That Councillors Heath, Evans, Robinson, Wood, Redfern, Barber, Scothern, Dant & Hamilton-Cox be appointed to the Committee System Working Group.
- (3) That Councillors Geoff Knight, Hanson, Joan Jackson & Stubbins be appointed as named substitutes to the Committee System Working Group.
- (4) That Councillor Robinson be appointed as Chair of the Committee System Working Group.

**100 DISABILITY CHAMPION**

Council considered the appointment of a Disability Champion, a role created by way of a motion at the last Council meeting.

The Mayor called for nominations. Councillor Guilding was nominated by Councillor Barber and seconded by Councillor Wild.

There were no further nominations and the Mayor announced Councillor Guilding appointed to the role of Disability Champion for the remainder of the 2019/20 municipal year.

***Resolved:***

That Councillor Guilding be appointed Disability Champion for the remainder of the 2019/20 municipal year.

**101 COMMITTEE TIMETABLE 2020/2021**

A draft timetable for Council meetings, including venues and start times, was considered by Council.

In view of several queries raised by Members it was suggested that the item be deferred to January Council and Members were invited to advise the Democratic Services Manager of any proposed dates that they were dissatisfied with.

Councillor Dant, seconded by Councillor Budden proposed:

"That consideration of the draft Committee timetable for 2020/2021 be deferred and that Councillors provide feedback on the draft timetable to the Democratic Services Manager in

order that a revised timetable taking into account any issues raised by Members could be presented at the Council meeting in January 2020.”

There was no debate and a vote was taken on the proposition, which was clearly carried.

***Resolved:***

- (1) That consideration of the draft Committee timetable for 2020/2021 be deferred and that Councillors provide feedback on the draft timetable to the Democratic Services Manager in order that a revised timetable taking into account any issues raised by Members could be presented at the Council meeting in January 2020.

**102 PARENTAL LEAVE POLICY FOR COUNCILLORS AND CARERS' ALLOWANCE SCHEME**

The Director of Corporate Services had submitted a report seeking approval for a Parental Leave Policy for Councillors and to amend the Carers' Allowances Scheme for Councillors (Appendix A of the Councillor Allowances Scheme in the Constitution). Councillor Lewis presented the report.

The Parental Leave Policy was a new policy and the proposed amendment to the Carer's Allowances Scheme was to raise the age of dependent children specified in the Scheme as 14 years, to 15 years.

Councillor Lewis, seconded by Councillor Black moved:

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

There were no questions or debate, and when put to the vote the motion was clearly carried.

***Resolved:***

- (1) That the Council adopt the proposed Parental Leave Policy for Councillors as set out in Appendix 1 of the report (and appended to the minutes).
- (2) That the Council amend the existing Carers' Allowance Scheme as set out in Appendix 2 of the report.

**103 APPOINTMENTS AND CHANGES TO COMMITTEE MEMBERSHIP**

There were no requests made to appoint to or change committee memberships.

**104 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12**

The Mayor advised that three questions had been received by the Chief Executive in accordance with Council Procedure Rules. These were questions from Councillor Dant to Councillor Sinclair regarding Fair Trade.

The questions and answers are given below:-

In 2004 Lancaster was awarded the status of a Fairtrade District by the Fairtrade Foundation, following a resolution of the City Council. What this meant was that Fairtrade certified tea and coffee was served at all official meetings by the City Council and that Fairtrade was promoted in museums, parks and other centres. In 2009 the City Council approved an updated Action Plan to maintain the City's Fairtrade status and the City has

continued to enjoy this status with our current Mayor, Councillor David Whitaker, receiving the most recent award in May 2019.

The Lancaster, Morecambe & District Fairtrade Group have asked that the Fairtrade Action Plan be reviewed in the light of the climate emergency. The Group are keen to work with the Council to present Fairtrade in the context of action on climate change, sustainability and the citizen's movement for Fairtrade.

The Council had, until very recently, a Fairtrade page on its website which said that: "Lancaster City Council supports Fairtrade by committing to the following:

- To promote awareness of Fairtrade
- To allocated Fairtrade District responsibilities to a member of staff
- To serve Fairtrade tea and coffee at our meetings
- To make it easy for district residents, tourists and businesses to locate local Fairtrade suppliers
- To attract and encourage Fairtrade press coverage
- To support Lancaster, Morecambe and District Fairtrade Group."

At the beginning of the previous administration Scrutiny group were assured that tea and coffee supplied was Fairtrade. However, I have so far been unable to identify whether Fairtrade tea and coffee is served at meetings, who the responsible member of staff is or how the Council is engaging with businesses and press coverage.

Will the Cabinet member for Communities and Social Justice tell the Council how it is currently realising these commitments?

*Councillor Sinclair responded by thanking Councillor Dant for his questions. Councillor Sinclair recognised the hard work that the Lancaster, Morecambe and District Fairtrade Group had undertaken over the years in the area and continued to do so. In his role as Cabinet Member, he was currently working on how to build on the vast amount of community wealth that exists in the area. The Council could gain much by engaging further with the Fairtrade Group and he intended to invite Fairtrade representatives to play an active role on the Community Wealth Building Advisory Group. Furthermore as a positive step forward, the Director for Communities and the Environment was meeting with representatives from the group in January to explore how we could work practically together.*

Will he tell us whether Fairtrade products are included in the procurement policy for its meetings and its cafes at Refuel, Salt Ayre, the Printroom at the Storey, the Platform and the café at Williamson Park?

*Councillor Sinclair replied that currently the Council does source its tea and coffee from an ethical supplier but not a Fairtrade 'marked' one although it does source some Fairtrade products in its different outlets.*

And will he undertake to review the Fairtrade Action Plan and support the Lancaster, Morecambe and District Fairtrade Group in its future activities promoting Fairtrade in Lancaster?

*Councillor Sinclair replied that he entirely supported the reviewing of the Fair Trade action plan and the supporting of the Lancaster, Morecambe and District Fairtrade Group in its*

*future activities promoting Fairtrade in Lancaster and that he looked forward to hearing from the Director on progress with this following his meeting in January.*

Councillor Dant confirmed that he did not wish to ask any supplementary questions and was pleased to hear that such links were being developed.

#### **105 MINUTES OF CABINET**

Council considered the Cabinet minutes of the meeting held on 5 November 2019 and Cabinet Members responded to Members' questions.

***Resolved:***

That the minutes be noted.

#### **106 EXCLUSION OF 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 Barber moved, seconded by Councillor Wood:

“That, in accordance with Section 100A(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 3 of Schedule 12A of that Act.”

A vote was taken and the motion was carried.

***Resolved:***

That, in accordance with Section 100A(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 3 of Schedule 12A of that Act.

***(Members of the press and public left the Council Chamber at this point.)***

#### **107 INVESTMENT PROPOSALS (Pages 11 - 12)**

Councillor Whitehead, the Portfolio Holder for Finance, presented a report which was exempt from publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972. The report sought Council's approval to revise its Capital Programme and associated Prudential Code indicators as a result of a Cabinet decision regarding an investment acquisition. The report also sought approvals to facilitate further potential investment acquisitions.

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

Councillor Whitehead, seconded by Councillor Hanson, proposed:

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

An amendment proposed by Councillor Barber seconded by Councillor Duggan and set out in a minute exempt from publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972, was lost before Councillors then voted on the substantive motion.

***Resolved:***

The resolution is set out in a minute exempt from publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972.

***The press and public were re-admitted at this stage.***

**108 TREASURY MANAGEMENT MID YEAR REVIEW**

Councillor Whitehead presented a report providing a mid-year review of Treasury Management 2019/20. The report was for noting.

Members asked questions, which Councillor Whitehead responded to.

Council noted the report.

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Mayor

(The meeting finished at 20.15)

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

## Appendix 1

**Parental Leave Policy for Councillors****Introduction**

This Policy sets out Councillors' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Councillors are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

**1. Leave Periods**

- 1.1 Councillors giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.
- 1.2 In addition, where the birth is premature, the Councillor is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.
- 1.4 Councillors shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).
- 1.5 A Councillor who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

- 1.6 Where both parents are City Councillors, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.
- 1.7 A Councillor who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.
- 1.8 Any Councillor who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the City Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.
- 1.9 Any Councillor intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.
- 1.10 Any Councillor taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

## **2. Basic Allowance**

- 2.1 All Councillors shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

## **3. Special Responsibility Allowances**

- 3.1 Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.
- 3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.
- 3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the Councillor taking leave is up for election (whichever is soonest). At such a

point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

- 3.4 Should a Councillor appointed to replace the Councillor on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.
- 3.5 Unless the Councillor taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

#### **4. Resigning from Office and Elections**

- 4.1 If a Councillor decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 4.2 If an election is held during the Councillor's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

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