

1 QUESTION FROM COUNCILLOR JOHN BARNES TO COUNCILLOR JON BARRY

There has been a persistent problem of commercial vehicle sales being undertaken on Morecambe Promenade. The Police, Trading Standards and other agencies have been involved. However, rather than this matter being resolved it appears to be getting worse in that caravans and commercial vehicles are now also being sold in this way, together with advertising activities taking place.

In a recent walk down the Promenade it was noticed that 17 vehicles up for sale had identical contact details. In fact some vehicles were marked up with a main dealer's details clearly indicating a commercial activity.

What multi-agency action is being taken to resolve this matter which has resulted in many complaints to local Councillors over recent years?

Councillor Barry responded firstly that he was disappointed to hear a comparatively new councillor like Councillor Barnes using 'Council-speak' such as 'multi agency action', however he acknowledged that this had been a continuing problem whilst he had been on the Council. The difficulty had been to find appropriate legislation available to the Council to control such activities, but he was pleased to report that recent research has found two Councils who have used street trading legislation to control car sale activities and this approach is now being considered.

Some multi-agency action had been taken in partnership with Trading Standards earlier this year to issue warnings about the risks of buying cars from highway displays. This was effective at the time but the numbers of vehicles being offered for sale is again on the increase and it was hoped that by using other legislation which had now been proved successful elsewhere the problem could be solved here.

2 QUESTION FROM COUNCILLOR JOHN BARNES TO COUNCILLOR DAVID KERR

The enclosed access way between Morecambe Promenade and the rear market car park which passes between the B & M store and the Hitchens store has been subject to public complaints over a number of years. This is due to the treacherous nature of the flooring (when wet) and the lack of maintenance and deterioration of the netting to prevent access of pigeons, resulting in the deposition of bird waste over its entire length.

What steps can and will be taken to minimise this public safety hazard?

Councillor Kerr replied: 'Over a period of about the last two years the Council has received a number of complaints about the poor condition of this covered alley. Approaches have been made to the owners, who we believe to be JET Ltd, 21-23 High Street East of Wallsend, Tyne and Wear. Their position was that this is private land and not a public right of way which effectively means that the City Council is unable to take action under any health and safety legislation.

'Members may be aware that Planning Services are part way through a project to improve the appearance of a number of properties along Marine Road Central through the use of statutory planning legislation and the condition of this covered alley is being considered as part of that project work. Many building owners are voluntarily co-operating in the project, but formal legal action may be necessary against owners who are unwilling to co-operate.

'It should also be noted that a planning application has just been received for the renovation of this arcade which will include the creation of additional shop units, if approved. While the principle of redevelopment is welcomed, early consideration would suggest that there are a

number of issues which will need to be resolved before final approval could be recommended. We will be working with the applicants to try and improve the scheme to such a standard that we are happy with. However, even if approved this would not guarantee that the works will be undertaken and if no action is forthcoming it may still be necessary to consider action under other powers to secure improvements to this important section of the promenade frontage.'

By way of a supplementary question Councillor Barnes asked if, as many people had suggested, it would be possible to impose an untidy land order.

Councillor Kerr referred to his original answer which set out what the Council could do as a Local Authority. He advised that there had been just 6 complaints in 4 years about rats and pigeons which it was up to officers in Environmental Health to deal with.

3 QUESTION FROM COUNCILLOR KEITH BUDDEN TO COUNCILLOR MALCOLM THOMAS

How much money has come into the district in the last five years as a result of 106 Agreements, planning gains, or developer contributions and how has the money been spent?

Councillor Thomas replied: 'As of June 2009, the Council held £984,864.64 in Section 106 monies.

'From this fund £262,812.45 is allocated to Grounds maintenance of parks and open spaces, and £187,190.19 goes to allocated capital schemes such as traffic calming and improving the public realm.

'The remaining £534,682 is yet to be allocated and the majority of those sums will go to highway and transportation improvements and the provision of affordable housing.'

By way of a supplementary question, Councillor Budden asked if the Council as Local Authority had any input into how this money was allocated.

Councillor Thomas agreed to provide a written response in which he advised that prior to monies from Section 106 agreements being required to cover a wider range of public service activities, contributions were normally restricted to highway improvements, public transport subsidies, and the maintenance of open space; the first two being County Council activities and the latter City Council functions. In that era decisions about how to allocate the funds needed less discretion as the schemes the funds were allocated were usually clear and determinable at the time the planning permission was granted. The operational spending decision was delegated to the Head of Planning under those circumstances.

However with the scope of Section 106 contributions broadening monies can now be collected and held in anticipation of spending them in relation to broader public infrastructure or service provision which doesn't always have to be exactly specified at the time of granting permission. This means that officers need to work up appropriate proposals to invest that money in using the Council's adopted policies for open space, affordable housing, cycling, walking and a variety of other initiatives, which can be related to development schemes directly in the event of challenge. The collection of wider funding is still in its infancy and the credit crunch has had an impact on the growth of this form of income. To have a direct input into how funds not directly specified to a particular investment should be spent, it would be entirely appropriate for elected Members to take part in the decision making process rather than leaving the matter to officer delegation and officers would welcome this.

* * * * *