



## Meeting Agenda

### **Policy & Service Review Scrutiny Committee (Call-In) Town Hall, Lytham St. Annes 15 February 2007, 6.30pm**

The scheduled Policy and Service Review Scrutiny Committee meeting for the same evening will commence after a short break following the conclusion of this call-in meeting.

Due to Health & Safety reasons, the Reception Room will only hold 40 persons additional to the members of the committee, and once all the seats are taken, the room is at capacity.

# **POLICY & SERVICE REVIEW SCRUTINY COMMITTEE MEMBERSHIP**

CHAIRMAN

Raymond Norsworthy

VICE-CHAIRMAN

Martin Taylor

## **Councillors**

Stephen Carpenter

Elizabeth Oades

Maxine Chew

Dawn Prestwich

Elizabeth Clarkson

Fabian Wilson

John Longstaff

Contact: Lyndsey Lacey, St. Annes (01253) 658504  
Email: [lyndseyl@fylde.gov.uk](mailto:lyndseyl@fylde.gov.uk)



## **CORPORATE OBJECTIVES**

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

## **CORE VALUES**

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



## AGENDA

ITEM	PAGE
<b>1. DECLARATIONS OF INTEREST:</b> <i>In accordance with the Council's Code of Conduct, members are reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.</i>	<b>4</b>
<b>2. SUBSTITUTE MEMBERS:</b> <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	<b>4</b>
<b>3. CALL-IN REQUEST – JOINT USE OF PROMRNADE PATH</b>	<b>5 – 15</b>

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DEMOCRATIC AND MEMBER SERVICES	SCRUTINY COMMITTEE	FEBRUARY 2007	3

## CALL-IN REQUEST – JOINT USE OF PROMENADE PATH

### Public Item

This item is for consideration in the public part of the meeting.

### Summary

Ten members of the council have invoked the recovery and call-in procedure to question an individual cabinet member decision made on 25 January 2007 relating to use of Promenade Path. *Members of the committee must therefore consider whether the decision is in the interests of the inhabitants of the borough.* If they believe that it is not, they may refer it to the cabinet member who made the decision or to the full council for further consideration.

### Recommendations

Members are invited to discuss whether the information provided illustrates that the decisions taken by Cabinet member on joint use of promenade path on 25 January was not made in the interests of the inhabitants of the borough.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Streetscene: Councillor Tim Ashton

### Report

1. If ten councillors feel that a decision taken by or on behalf of the Cabinet is not in accordance with the interests of the inhabitants of the Borough, they can ask for it to be 'recovered'. A recovered decision cannot be implemented until the Policy and Service Review Scrutiny Committee has decided whether to call it in or not. Ten councillors have made such a request relating to the joint use of promenade path decision made by Councillor Ashton on 26 January 2007, therefore at this stage the decision in relation to this issue is termed as being recovered (i.e. cannot be implemented).

2. The “recovery” request from the Councillors, the decision notice and related report are attached as appendices.
3. The Policy and Service Review Scrutiny Committee has three options.
4. The first is to call-in the decision by asking the decision-maker to reconsider it. The second is to call-in the decision by asking the full council to look at it. Full council could then decide to ask the decision-taker to re-consider the decision if it feels it appropriate. The committee could take either of these two options if it felt that the decision being questioned is not in the interests of the inhabitants of the Borough and ought to be reconsidered. The third option is for the Committee to take no further action.
5. It is suggested that the meeting is conducted in the following order:
  - Councillor Thompson is invited to outline why he and his fellow councillors feel that the decision of Councillor Ashton taken on 25 January was not made in the interests of the inhabitants of the borough
  - A representative of the Cabinet to respond (usually the Portfolio Holder and in this case Councillor Ashton)
  - Policy and Service Review Scrutiny Committee members to question both members and officers to aid them in their judgement
  - Conclusion reached on whether to call-in the decision or otherwise
  - If it is decided not to call in the decision the Committee is requested to state its reasoning in reaching this decision
  - If it decided to call-in the decision the Committee should decide where the matter should be referred and set out its concerns, which the decision-maker or council should have regard to.
6. Under the council’s code of conduct, a member must regard himself as having a personal and prejudicial interest in the consideration by a scrutiny committee of a decision made by a council body of which he is a member. However, as this decision in question was taken by Councillor Ashton as portfolio holder, rather than the cabinet collectively, members of the cabinet other than Councillor Ashton do not have a personal or prejudicial interest in the consideration of the call-in request and so may attend the meeting. Councillor Ashton may attend and take part only for the purpose of answering questions and giving evidence.
7. The code of conduct also provides that a member who has requested a decision be called in has a personal and prejudicial interest in the consideration by a scrutiny committee of that item, again unless invited to attend for the purpose of giving evidence or answering questions. The members who signed the call-in request will not therefore be entitled to attend the meeting unless specifically invited by the scrutiny committee. Councillor Thompson may attend and take part only for the purpose of giving evidence and answering questions.

IMPLICATIONS	
Finance	None arising directly from this report
Legal	None arising directly from this report
Community Safety	None arising directly from this report
Human Rights and Equalities	None arising directly from this report
Sustainability	None arising directly from this report
Health & Safety and Risk Management	None arising directly from this report

Report Author	Tel	Date	Doc ID
Tracy Scholes	(01253) 658521	February 2 nd 2007	

List of Background Papers		
Name of document	Date	Where available for inspection
Documents as listed below		Council office or website address

#### Attached documents

1. Call in request
2. Relevant Cabinet minute
3. Extract of related Agenda item



## FYLDE BOROUGH COUNCIL

Recd 12:28 pm  
1st Feb 2017  
TWB

### 'CALL-IN' REQUEST

I wish to register a request for the following decision to be called in for reconsideration prior to implementation. My objection to the decision and alternative decision/proposal are set out below.

Decision Title: JOINT USE OF PROMENADE PATH

Decision number \_\_\_\_\_

Date of decision:

25 1 2007

Nine other Fylde Borough Councillors who are named below and have signed this request support me in my call-in request

PRINT NAME	SIGNATURE
GEORGE CALDWELL	<i>George Caldwell</i>
RICHARD FULFORD-BROWN	<i>R. Fulford-Brown</i>
CONIN WATSON	<i>Conin Watson</i>
BARBARA PAYETT	<i>Barbara Payett</i>
HOWARD HENSHAW	<i>Howard Henshaw</i>
HEATHER SPEAK	<i>H. A. Speak</i>
MAXINE CHEW	<i>M. Chew</i>
RON WILSON	<i>Ron Wilson</i>
HILDA M WILSON	<i>Hilda M Wilson</i>

#### The Objection and Alternative Decision/Proposal

**Remember:** The objection needs to state how you believe the decision wasn't taken in accordance with the interests of the residents of Fylde Borough

Please continue on a separate sheet if necessary (500 words maximum)

#### The Objection is:

*There has been no consultation with members of the public, many are frequent users of the path*



**The alternative decision/proposal is: (Optional)**

<i>Separation of walkers &amp; cycles.</i>
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**Lead Councillor Personal Details**

Name (Please print)	W THOMPSON
Address	1 THE SERPENTINE LYTHAM FY8 5NW
Daytime contact number	01253 736644
Email	cllr.bthompson@fylde.gov.uk
Signature	<i>W Thompson</i>

**Call-in Checklist**

**Please ensure you can tick every box of the 'Have You' list below before handing in the request**

Have You?	Please Tick
Read the guidance notes on the call-in procedure?	
Clearly stated the decision title the call-in refers to?	
Stated the date the decision was made on?	
Attained the signatures from nine other Councillors to support the call-in?	
Stated in the objection box how this decision is not in the interests of the residents of the borough.	
Read where to send this request?	

**Completed requests should be sent to the Democratic Services and Member Support Executive Manager, Town Hall, Lytham St. Annes, Lancashire FY8 1LW and received by no later than 6 working days from the date when the minutes were published**



**STREETSCENE PORTFOLIO HOLDER  
PORTFOLIO HOLDER - COUNCILLOR TIM ASHTON  
INDIVIDUAL CABINET MEMBER DECISION**

DATE: 25 JANUARY 2007

**NOTICE OF PROPOSED DECISION**

**1. CYCLING ON LYTHAM PROMENADE**

To consider the report by the Technical Services Manager of Streetscene (Reference 2007/004 attached).

DECISION – That the recommendations contained in the report by the Streetscene Technical Services Manager (Reference 2007/004) be approved.

*(That the Streetscene Portfolio Holder approves the Cycling on Lytham Promenade)*

SIGNED     -     ..... Portfolio Holder

                 -     ..... (Reporting Officer)

                 -     ..... (Admin Officer)

These details are published for information only.

# REPORT

REPORT OF	MEETING	DATE	ITEM NO
ANDREW SHORE TECHNICAL SERVICES MANAGER - STREETSCENE	STREETSCENE PORTFOLIO HOLDER	25 JANUARY 2007	2007-004

## CYCLING ON LYTHAM PROMENADE

### Summary

This report seeks approval to allow and promote the shared use of Lytham Promenade for both pedestrians and cyclists.

### Recommendation

1. That the portfolio holder considers and approves making formal arrangements to allow a shared use of Lytham Promenade for both cyclists and pedestrians, with a pedestrian priority, incorporating appropriate signage along the route.
2. That matters of detail be delegated to the Streetscene Executive Manager.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Streetscene - Councillor Tim Ashton

## **REPORT**

1.0 Members will be aware that there is presently a long standing Council resolution restricting cycling along Lytham Promenade between Grannies Bay and the Land Registry. There are currently a total of 13 'No Cycling' surface markings along the route.

2.0 There has, however, been no bylaw enacted by the Council to ban cycling on the Promenade. The restriction is therefore only advisory and as a consequence remains unenforceable and confusing to users of the Promenade.

3.0 The route is consistently used by cyclists despite the restriction, as it remains a safe, at grade, off highway route along a scenic promenade. This obviously creates conflict between the cyclist and pedestrian as the pedestrian believes, quite rightly at present, that the route is for their exclusive use. Furthermore the Council is presented with a restriction that is in effect unenforceable - a situation that is clearly unacceptable to both the Council and all users of the route.

4.0 The former Tourism and Leisure Committee has examined the possibility of revoking the 'No Cycling' restriction on numerous occasions. Most recently the Leisure and Recreation Policy Committee on 28<sup>th</sup> July 2004 considered this matter and resolved as follows -

### **CYCLING ON LYTHAM PROMENADE AND 'BUDGIE BIKES'**

*Members considered the detailed report of the Streetscene Unit Business Manager on the implications and benefits of allowing the shared use of Lytham Promenade for both pedestrians and cyclists and the introduction of the Budgie Bike scheme which was an innovative system of cycle hire, which allowed users to collect or deposit a cycle at a wide range of retailers for a modest charge.*

*Resolved:-*

*That no action be taken on the introduction of a shared use of Lytham Promenade and that no action be taken on the introduction of the 'Budgie Bike ' scheme.*

5.0 The Council needs to make its position on this matter absolutely clear. The Council is committed through its contribution to the Lancashire Local Transport Plan to promote cycling and alternative transport modes to the car – this presents an ideal opportunity to demonstrate such commitment.

6.0 Preferred Option – Officers of Fylde Borough Council, Lancashire County Council and Sustrans are in favour of a 'shared use' path (a route over which there is no segregation between cyclists and pedestrians) along Lytham Promenade, but with pedestrian priority. Members may be assured that considerable research by the Transport Research Laboratory (for the DfT) has concluded that there is no reason to exclude cycle traffic from pedestrianised routes, suggesting that the presence of cyclists does not have a detrimental affect on pedestrians. The Transport Research Laboratory determined that accidents between pedestrians and cyclists are very rarely generated. A shared use path would therefore enable cyclists to travel off-highway from the Land Registry to Grannies Bay safely and with minimal cost implications.

7.0 At the January 2000 meeting of the Leisure and Recreation Policy Committee the possibility of creating a segregated cycle path was examined and was estimated to have an associated cost of approximately £150,000. Research into segregated cycle paths since that time, however, has questioned their effectiveness in terms of both pedestrians and cyclists observing any demarcation. This has then questioned the merit of attempting to segregate these users from each other.

8.0 It is anticipated that shared use signage along the route would cost in the region of £2500 which could be met from existing budget resources.

9.0 If cycling were to be permitted along the Promenade area, the length of off-carriageway cycle path within the Borough would be increased from 8500m to 11630m representing a significant increase in the provision of cycling infrastructure in the Borough.

IMPLICATIONS	
Finance	No direct financial implications
Legal	The Council has a responsibility to promote community safety. Steering cyclists away from the busy A584 onto a cyclepath would be consistent with this responsibility.
Community Safety	The Community Safety Partnership is charged with reducing the number of road traffic collisions involving death or serious injury by 5% for adults and 10% for children. This provision will help achieve these targets. It will also provide an acceptable and healthy diversionary activity.
Human Rights and Equalities	None arising directly from the report
Sustainability	The proposal will encourage the use of sustainable transport alternatives in this part of the Borough
Health & Safety and Risk Management	Allowing the shared use of the footpath at Lytham will remove possible dangers to cyclists using a busy main road, especially at morning and evening rush hour periods. If the footpath is used and proper signage erected then there should be a reduction in possible accidents on the pavement as both pedestrians and cyclists will be aware of each others use of the path.

Report Author	Tel	Date	Doc ID
Andrew Shore andrews@fylde.gov.uk	(01253) 658640	20.12.06	

## List of Background Papers

Name of document	Date	Location
LANCASHIRE LOCAL TRANSPORT PLAN	2001	COUNCIL OFFICES STREETSCENE
MAKING LANCASHIRE CYCLE FRIENDLY	MAY 2003	COUNCIL OFFICES STREETSCENE
NUMEROUS LETTERS & E-MAILS FROM MEMBERS OF THE PUBLIC	VARIOUS	COUNCIL OFFICES STREETSCENE
CYCLING IN PEDESTRIAN AREAS TAL 9/93	1993	COUNCIL OFFICES STREETSCENE
ADJACENT AND SHARED USE FACILITIES FOR PEDESTRIANS AND CYCLISTS LTN 2/04	2004	COUNCIL OFFICES STREETSCENE
POLICY, PLANNING AND DESIGN FOR WALKING AND CYCLING LTN 1/04	2004	COUNCIL OFFICES STREETSCENE
ATTITUDES TO SHARED USE FACILITIES	2004	COUNCIL OFFICES STREETSCENE



## **INDIVIDUAL CABINET MEMBER DECISION – 25 January 2007**

### **CYCLING ON LYTHAM PROMENADE**

Having considered the representations submitted by Mr Yeadon and Councillor Mrs Oades objecting to the proposals on cycling on Lytham promenade, the Cabinet portfolio for Streetscene has approved the recommendations contained in the report on the Cycling on Lytham promenade enclosed with my notification dated 19 January. The draft decision Cycling on Lytham promenade will therefore become operative as recommended.

In accordance with the call-in procedure the decision will come into force, and may then be implemented, on the expiry of six working days after the publication of the decision, (the date of this notification).

2 February 2007

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