



# Minutes Council

<b>Date:</b>	Monday, 30 March 2015
<b>Venue:</b>	Lowther Pavilion, Lytham
<b>Members:</b>	Mayor (Councillor Kevin Eastham) Deputy Mayor (Councillor Karen Henshaw)  Councillors Brenda Ackers, Ben Aiken, Christine Akeroyd, Frank Andrews, Susan Ashton, Timothy Ashton, Keith Beckett ISO, Julie Brickles, Karen Buckley, David Chedd, Maxine Chew, Alan Clayton, Peter Collins, Fabian Craig-Wilson, Susan Cunningham, John Davies, Leonard Davies, David Donaldson, Charlie Duffy, David Eaves, Sue Fazackerley, Dr Trevor Fiddler, Tony Ford JP, Nigel Goodrich, Peter Hardy, Paul Hayhurst, Howard Henshaw, Paul Hodgson, Ken Hopwood, Angela Jacques, Cheryl Little, Kiran Mulholland, Barbara Nash, Edward Nash, Linda Nulty, Elizabeth Oades, Albert Pounder, Dawn Prestwich, Richard Redcliffe, Louis Rigby, Elaine Silverwood, John Singleton JP, Heather Speak, Thomas Threlfall, Vivienne Willder
<b>Officers:</b>	Allan Oldfield, Paul Walker, Ian Curtis, David Oxley, Lewis Middleton, Ross McKelvie, Murray Don, Sharon Wadsworth.
<b>Other attendees:</b>	Reverend Alan Clark and 12 members of the public

## Prayers

Prayers were offered by Reverend Alan Clark, the Mayor's Chaplain, which included a moments silence as a mark of respect for Bernard Judge (a long standing employee of the Council) who sadly died on 3 March.

### 1. Declarations of interest

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and any personal or prejudicial interests should be declared as required by the Council's Code of Conduct for Members.

Councillors Fiddler, Rigby and Threlfall declared a personal and prejudicial interest in agenda item 13, the nature of the interest being that they were members of Freckleton Parish Council. They withdrew from the meeting during the consideration and voting on this item.

### 2. Confirmation of minutes

Councillor Oades proposed an amendment to the minutes of the last Council meeting, seconded by Councillor Hayhurst, as outlined below to reflect the questions raised at the last meeting.

*"A question was asked about whether the Trust could be varied and that a solicitors advice be obtained and reported to the next meeting."*

Following a brief debate and a vote by show of hands the amendment to amend the minutes was lost.

Councillor Fazackerley seconded the proposal by the Mayor and RESOLVED: To approve the minutes of the Council meeting, held on 3 March 2015, as a correct record for signature by the Mayor.

Councillors Fiddler, Rigby and Threlfall did not take part in any debate or voting on the above matter.

### 3. Mayor's Announcements

The Mayor spoke about the well turned out Mayoral Ball that was held at the Grand Hotel on Friday 27<sup>th</sup> March. An impressive £2,500 was raised on the night for the Mayoral charities, YMCA and RNLI.

He expressed his thanks to David Oxley, the Mayors attendant, and Jo Collins, the Mayors secretary, for all their help and assistance with the event and during his Mayoral year.

The Mayor was pleased to see sand yachting back in St Annes for a trial run event and looked forward to more in the future.

As the Mayor reflected on his enjoyable year in the chair he expressed his thanks to the professional and polite way business had been conducted and how much he had appreciated being the mayoral representative.

The Mayor closed his announcements by conveying his best wishes to members that were standing in the upcoming election and to those that were retiring.

### 4. Chief Executive's Communications

The Chief Executive commended the time, effort and dedication the members had devoted and was looking forward to working with returning and new councillors after the election.

### 5. Questions from Members of the Council

The following question had been submitted by Councillor Oades;

*"Does the Leader agree with me that councillors should take an active role in setting the budget and that scrutiny should also be used as an important tool in the budget process?"*

Councillor Fazackerley, Leader of the Council, responded that she was confident that the current level of engagement would continue going forward with the new governance system and the practical arrangements with regards to the scrutiny process would be the responsibility of the new council. Governance arrangements, as proposed by the cross party working group, ensure that the scrutiny function is embedded in the programme committees.

Budget proposals would remain open for comment from the members of the public and the business communities and the new programme committees would be provided with the opportunity to articulate their opinion of budget priorities, with an opening budget being presented to each committee in November each year. If the new arrangements are deemed by members not to provide the necessary degree of scrutiny and challenge then revised constitution changes may be necessary to correct that position.

In exercising her right to ask a supplementary question, Councillor Oades referred to the proposed capital grant to Freckleton Parish Council and to rumours and misinformation, which she said was circulating in Freckleton. Responding, Councillor Fazackerley expressed disappointment at the content of Councillor Oades' question.

The following question had been submitted by Councillor Eaves;

*"Could the portfolio holder give members an update on the progress of the coastal defence project?"*

Councillor Threlfall, Portfolio Holder for Environment and Partnerships, responded that work on the strategy fund replacement Fairhaven and Church Scar has taken many years. The Strategic Appraisal Report which locally began to make a business case for the replacement of a particular section of the coastal defence was submitted to the large projects review group in London in October 2013. The group subsequently approved the report in January 2014. The next stage was the preparation and agreement of a Project Appraisal Report which was fully funded from a grant from DEFA. This report looked at specific details of the project. Currently two consultation events have taken place in Fairhaven and costings are underway. Once the report is complete it would be submitted for sign off by the review group in London in August 2015. The council would expect to hear the results shortly after that date. The government had recently announced that it had brought forward funding for Fairhaven and Church Scar and as a result of lobbying by the council to secure the funding as soon as possible we now show £16.1 million funding for over three years. The Fylde Peninsula Coastal Programme Board, made up of senior officers and portfolio holders from the three Fylde Coast authorities has helped to lever in and release millions of pounds in investment. A small project team acts on behalf of the board. Cllr Threlfall thanked the officers for their work in this project.

#### 6. Questions from Members of the Public

There were two questions from members of the public that were read out by the Chief Executive, Allan Oldfield.

Question 1 - Miss Bess Sharp, Lytham;

*"I would like to ask why the council cannot provide me with smaller bins as I can't get any as you are out of stock and won't order any more as you have to buy in bulk of 300"*

Councillor Pounder, Portfolio Holder for Customer and Operational Services, responded that Fylde Council carried a replacement stock of 240L (green and grey) and 180L (blue and brown) wheeled bins. These were the preferred standard option after extensive consultation when the wheeled bins were introduced. The smaller bins for the green and grey waste are not supplied as the individual unit price is high and there is not sufficient demand to place a bulk order. The bins are issued to the property and remain at the address if the resident moves out. Therefore the standard sized bins are issued to all households. It is not a requirement to leave the bin out for every scheduled collection. If the bin is not full many customer choose to wait until the next collection.

Question 2 - Mike Wright, Warton;

*"Planning Officers regularly grant major planning applications subject to a high number of conditions. Developers are regularly in breach of these conditions - examples being the long running battle by residents in Wrea Green to ensure compliance and a more recent example in Warton where FBC advised the developer that they were in breach and that they should stop work - but to no avail. Residents are repeatedly being told that FBC do not have sufficient resources to adequately police compliance. This clearly leaves the door wide open for developers to abuse the system. FBC have a statutory and legal obligation to ensure compliance and, whilst it is accepted that national planning guidance ties the hands of planning & enforcement officers to some degree, the same guidance states that 'Effective enforcement is important as a means of maintaining public confidence in the planning system'.*

*Residents and local communities increasingly feel let down by FBC's lack of meaningful enforcement and lack of clear evidence of that enforcement. In order to re-build confidence with local communities, what reassurances can the Chief Exec and Head of Planning give that adequate resources are being allocated in the coming financial year to ensure that compliance is given the same priority and resources as new planning applications? And what reassurances can they give that the enforcement process will be much more transparent than it is now?"*

Before Councillor Fiddler, Portfolio Holder for Planning and Development, responded to the question he clarified that although the question asked for reassurances from the Chief Executive and the Head of Planning the Constitution did not allow officers to provide responses to questions at Full Council and that any response would be from the Portfolio Holder.

He went on to state that the National Planning Policy Framework sets out clear guidance to local planning authorities that they should facilitate rather than hinder sustainable development. The Framework sets out that “Local planning authorities should consider whether or otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” In line with this guidance, Fylde Borough Council attaches conditions to the vast majority of planning permissions it grants.

The responsibility for complying with planning conditions rests with the developer. There is a formal process in place that requires the submission of details and their discharge by the local planning authority.

Any work carried out in breach of a condition attached to a planning permission is unauthorised. As with any other breach of planning control, the local planning authority needs to establish what form of enforcement action is appropriate having regard to national guidance and the implications of that breach.

In line with the guidance contained within the National Planning Practice Guidance (NPPG), this would start by seeking to ensure compliance through negotiation and discussion with the developer. The aim is to ensure compliance with planning legislation rather than seeking to punish a developer for non-compliance. If a developer continues work contrary to the advice of the local planning authority, then they do so at their own risk. The NPPG sets out that local planning authorities should avoid taking formal enforcement action where there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;

Fylde Borough Council considers that there are adequate resources in place to ensure compliance with planning legislation but, in common with many local planning authorities, works in partnership with the local community to ensure potential breaches are brought to the attention of the Council. There is no evidence of anyone being repeatedly told that there was insufficient resources to police planning conditions.

Planning enforcement is a discretionary function of the Council and so there is no statutory or legal obligation for the Council to commence enforcement action.

The development sites that have been referred to in the question have been visited by the Council’s tree specialist, planning enforcement and planning officers. A great deal of resource had been used to investigate alleged breaches of planning control in a manner that is appropriate and proportionate. Many of the alleged breaches that have been investigated at key sites have been unfounded and others are subject to planning investigation and subsequent possible action.

The Council’s Planning Enforcement Charter sets out how it will investigate reports of unauthorised development and the levels of service that both the complainant and the person who the complaint has been made about can expect.

Councillor Fiddler gave his assurance that the enforcement service would continue to work within the defined parameters.

### 7. Notice of Motion - Crematorium

Following notice given under rule 11 of the Council Procedure Rules, the following Motion was proposed by Councillor Keith Beckett and seconded by Councillor Oades.

*“The Notice of Motion is that the Council look in to Crematorium re-Extension to the Chapel and Car Parking as for it to be put in to the next capital program”.*

Councillor Beckett stated that the current facilities at the crematorium were no longer fit for purpose and that he wanted the Council to look at increasing the size and capacity of the chapel and car parking facilities.

Following a discussion an amendment was moved by Councillor Little and seconded by Councillor Fazackerley as following;

“That this issue is looked at and considered during the next municipal year in preparation for submission to the next capital programme.”

Following a vote by a show of hands the amendment was CARRIED.

The substantive motion, amended as set out, was then CARRIED by a show of hands.

### 8. Governance Arrangements

Councillor Buckley presented the new constitution for formal adoption by the Council. She explained that a new constitution was necessary to formalise the move from the Leader and Cabinet system of governance to a committee system.

Councillor Fazackerley seconded the proposal, and following a show of hands it was RESOLVED to adopt the amended constitution as the council’s new constitution with effect from the 2015 annual meeting of the council.

### 9. Community Infrastructure Levy (CIL); The Preparation of a Draft Charging Schedule and a Regulation 123 (Infrastructure) List

Councillor Dr Fiddler updated the Council of the Community Infrastructure Levy (CIL), the preparation of a Charging Schedule and the drafting of a Regulation 123 (Infrastructure) List for Fylde. He explained that the new charge can be levied on owners or developers carrying out built development so that they contribute to the costs of providing the infrastructure needed to support development of the area and would become the primary mechanism for securing infrastructure contributions following its adoption. Section 106 (S106) would still apply, particularly in relation to larger schemes, to mitigate the impacts of specific developments. It was confirmed that the CIL would only fully come into force when the Local Plan for Fylde is implemented.

Councillor Pounder seconded the proposal and, following a brief discussion and show of hands, it was RESOLVED to:

1. Approve the preparation and progression of a Community Infrastructure Levy (CIL) through the prescribed consultation stages to adoption.
2. Approve the preparation of a Charging Schedule, which would set out the charging rates. The proposed charging rates would be subject to an independent examination by an examiner from the Planning Inspectorate.
3. Approve the drafting of a Regulation 123 list of all of the infrastructure types and projects that it was intended would be or may be, wholly or partly funded by CIL.
4. Prepare and present to members a further report once the above recommendations are achieved to approve the final proposals.

10. Request for Funded Budget Increase – Funded by Use of Retained Section 106 (Planning Agreement) – Sums

Councillor Buckley presented the report regarding the request from Great Places Housing Group for financial support with the delivery of an affordable housing scheme in St Anne's. The Section 106 sum held by the Council had been specifically provided in connection with a housing development in Lytham and the scheme had full planning permission and would provide much needed additional affordable housing in St Anne's.

The proposal was seconded by Councillor Fiddler and following a show of hands it was RESOLVED to approve the fully-funded revenue budget increase in the sum of £300,000 in 2015/16 to meet the payment to Great Places Housing Association to assist the provision of affordable housing at the former Kwik Save site in St Annes. The monies would be met from the Section 106 Planning Agreement sum retained by the Council in an equivalent sum (arising from the Hastings point development) which was held specifically for this purpose.

11. Review of Scrutiny

Councillor Fazackerley gave a brief history of the life of the scrutiny committees and in announcing the formal end of the Overview and Scrutiny Committees congratulated the members of the committees for all their time and work with officers and residents over the years. Councillor Fazackerley expressed her own thanks to the chairmen of the committees, Councillors Craig-Wilson and Mulholland.

Councillor Buckley seconded the proposal, and following a show of hands it was RESOLVED to:

1. Receive the report of the Council's Scrutiny Committees on their work and to thank those members who had served on those committees for their input.
2. Note that the work of current Steering Groups and Task & Finish Groups would be addressed by the appropriate programme committee under the new governance arrangements.

12. Noting of Urgent Decisions Taken 2014/2015

Councillor Fazackerley gave formal notification that there had been no urgent decisions made by Cabinet during the last 12 months.

Councillor Buckley seconded the proposal and it was RESOLVED to note the report.

13. Budget 2015/16 Capital Scheme – Contribution to Freckleton Memorial Garden Community Project

Councillors Fiddler, Rigby and Threlfall left the room, having declared a personal and prejudicial interest at the beginning of the meeting.

Councillor Fazackerley presented a proposal for a contribution to the Friends of Freckleton Memorial Park for a scheme to create a fully inclusive play area and surrounding gardens within Freckleton Memorial Park. In doing so Councillor Fazackerley provided members with the background and events leading to the request, clarification on different types of possible funding and the current stage that the Friends group were at in the community parks improvement programme.

Councillor Fazackerley moved the following recommendations, seconded by Councillor Mulholland;

1. To approve a capital contribution of £50,000 to the Friends of Freckleton Memorial Park Community Group subject to;
  - a) The project being managed and money spent through Fylde Councils Parks Development processes,

- b) Confirmation when funding in place for the whole project before going out to tender and reporting to committee,
- c) That a time limit of two years is placed on securing the total project funding and that if the project funding has not been secured within the time limit the contribution is rescinded and returned to the capital investment reserve,
- d) Fylde Council to receive full publicity for its contribution in any publicity or communication release including on site notice boards.

Councillor Oades moved the following amendment, seconded by Councillor Hayhurst;

1. At this stage in the community parks programme, £20,000 of the capital budget is immediately given to the Friends of Freckleton Memorial Garden to immediately aid match funding.
2. That the existing £30,000 budget be held in the capital budget until such time as the Friends group has exhausted all its external fundraising efforts. If, at that time, the £30,000 is still needed by the group to complete the scheme, the funds should be released to them.
3. That the Friends group be urged to apply to the Rawstorne Trust and the Freckleton Charitable Trust for donations towards the project.
4. That £20,000 is put into future years' capital budgets in order that Town and Parish Councils, in conjunction with Parks groups, can in future access funding to access external funding schemes to improve parks throughout the Borough.

Following a full debate and a recorded vote, having been requested by five or more members under council procedure rule 14.5(i), the amendment was LOST.

**Votes for the amendment (19):** Councillors K Henshaw, Beckett, Brickles, Chedd, Chew, Clayton, Collins, J Davies, Duffy, Ford, Hardy, Hayhurst, H Henshaw, Hodgson, Hopwood, Nulty, Oades, Silverwood and Speak.

**Votes against the amendment (24):** Councillors Ackers, Aitken, Akeroyd, Andrews, S Ashton, T Ashton, Buckley, Craig-Wilson, Cunningham, L Davies, Donaldson, Eaves, Fazackerley, Goodrich, Jacques, Little, Mulholland, B Nash, E Nash, Pounder, Prestwich, Redcliffe, Singleton and Willder.

**Abstentions (1):** Councillor Eastham

A brief debate followed, during which Councillor Mulholland moved under council procedure rule 12.11(c) that the question be now put. The Mayor considered that the motion had been sufficiently discussed, and put procedural motion to the vote. The procedural motion was carried by a show of hands.

The substantive motion, as originally proposed by Councillor Fazackerley was voted on and by a show of hands was CARRIED.

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