



FYLDE BOROUGH COUNCIL



## Meeting Agenda

**Policy & Service Review  
Scrutiny Committee  
Town Hall, Lytham St. Annes  
13 December 2007, 7:00pm**

**The main doors to the Town Hall will be open to the public at  
6:40pm**

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

CHAIRMAN

Fabian Wilson

VICE-CHAIRMAN

John Prestwich

## **Councillors**

Karen Buckley

Cheryl Little

Thomas Threlfall

William Thompson

Tony Ford

Peter Collins

Elizabeth Oades

Contact: Tracy Scholes, St. Annes (01253) 658521  
Email: [tracys@fylde.gov.uk](mailto:tracys@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'.



## A G E N D A

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>	4
<b>2. CONFIRMATION OF MINUTES:</b> <i>To confirm as a correct record the Minutes of the Policy &amp; Service Review Forum held on 25 October 2007 attached at the end of the agenda.</i>	4
<b>3. SUBSTITUTE MEMBERS:</b> <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
<b>4. CALL-IN REQUEST – GROWTH POINT BID</b>	7-28
<b>5. VISITOR ECONOMY STRATEGY</b>	29-40
<b>6. APPLICATION FEES IN RESECT OF COMPLAINTS UNDER PART 8 OF THE ANTI-SOCIAL BEHAVIOUR ACT 2003 (HIGH HEDGES)</b>	41-52
<b>7. NOTICE OF MOTION – CHRISTMAS TREES</b>	53-54

**Personal interests**

**8.—**(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
  - (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (i) any employment or business carried on by you;
  - (ii) any person or body who employs or has appointed you;
  - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (vii) any land in your authority's area in which you have a beneficial interest;
  - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

**Disclosure of personal interests**

- 9.—**(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

#### **Prejudicial interest generally**

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of your authority in respect of—
    - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
    - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
    - (iv) an allowance, payment or indemnity given to members;
    - (v) any ceremonial honour given to members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

#### **Prejudicial interests arising in relation to overview and scrutiny committees**

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

#### **Effect of prejudicial interests on participation**

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
  - (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DEMOCRATIC AND MEMBER SERVICES	SCRUTINY COMMITTEE	13 DECEMBER 2007	4

## CALL-IN REQUEST – GROWTH POINT BID

### Public Item

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

### Summary

1. Ten members of the council have invoked the recovery and call-in procedure to question a cabinet decision made on 14 November 2007 to support the Growth Point Bid in principle. Fylde BC support was requested by the three Central Lancashire Authorities (Preston, Chorley and South Ribble) together with Blackpool Council and Lancashire County Council, who are bidding for status as a New Growth Point. *Members of the committee must therefore consider whether the decision is in the interests of the inhabitants of the borough and ought to be reconsidered.* If they believe that it is not, they may refer it to the cabinet or to the full council for further consideration.

### Recommendations

Members are invited to discuss whether the information provided illustrates that the decision taken by the Cabinet to support the Growth Point Bid in principle on 14 November 2007 was not made in the interests of the inhabitants of the borough.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development and Regeneration: Councillor Roger Small

### 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 decision made by Cabinet on 14 November 2007 to support the Growth Point Bid in principle, therefore at this stage the decision in relation to this issue is termed as being recovered; that is, that it cannot be implemented.

2. The recovery request from the Councillors, the related report and minutes 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 Cabinet 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 Cabinet to reconsider 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, in which case the decision can be implemented.
5. It is suggested that the meeting is conducted in the following order:
  - Councillor Oades is invited to outline why she and her fellow councillors feel that the decision of the Cabinet taken on 14 November 2007 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 Small)
  - Policy and Service Review Scrutiny Committee members to question both members and officers, and any other witnesses which they may call 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 Cabinet or council should have regard to. An alternative recommendation can form part of the Committee's deliberations.
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. As the decision in question was taken by the Cabinet collectively, no member of the Cabinet may take part in the meeting, except at the discretion of the Chairman who may request Councillor Small to attend the meeting and take part only for the purpose of answering questions and giving evidence.



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
Annie Womack	(01253) 658423	3 <sup>rd</sup> December 2007	Call-In Report - Growth Point Bid

List of Background Papers		
Name of document	Date	Where available for inspection
Central Lancashire, Blackpool Growth Point Bid	October 2007	Members Room (hard copy), and as an attachment to Cabinet Agenda 14/11/2007

#### Attached documents

1. Call in request
2. Relevant Cabinet Agenda item
3. Relevant Cabinet Minute
4. Guidance for the Recovery and Call-In Procedure

1/11/07  
Almora



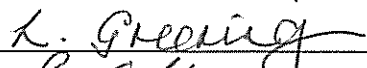
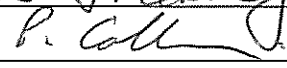
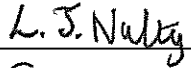
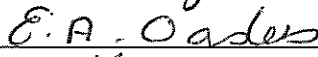
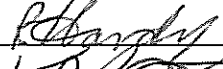
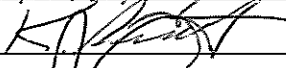
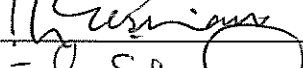


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## Lead Councillor Personal Details

Name (Please print)	ELIZABETH OADGS
Address	54 RIBBY ROAD, KIRKHAM
Daytime contact number	01772 671343
Email	
Signature	E.A. Oadgs



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

PRINT NAME	SIGNATURE
HOWARD HENSHAW	
DAVID CHEDD	
LYNDAY GREENING	
PETER COLLINS	
LINDA NULTY	
ELIZABETH OADGS	
PETER HARDY	
KEITH BECKETT	
KEVIN EASTHAM	

ELAINE SILVERWOOD

### Call-in Checklist

JOHN DAVIES

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?	✓
Obtained 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.	

Completed requests should be sent to:

Democratic Services and Member Support Executive Manager,  
Town Hall, Lytham St. Annes, Lancashire FY8 1LW

To be received by no later than 6 working days from the date when the minutes were published

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC PLANNING AND DEVELOPMENT	CABINET	14 <sup>TH</sup> NOVEMBER 2007	

## Central Lancashire & Blackpool Growth Point Bid

### Public/Exempt item

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

### Summary

'Growth Areas and Growth Points' have previously been established in London, the South East, East, South West, East Midlands and West Midlands to provide some 300,000 additional homes and related infrastructure.

The Housing Green Paper : Homes for the future: more affordable, more sustainable (July 2007) announced the government's intention to expand the 'New Growth Points' programme to a further 10 -15 new growth points, many of which are to be located in the North where the challenge is to balance housing growth alongside regeneration.

The three Central Lancashire authorities (Preston, Chorley and South Ribble) together with Blackpool Council and Lancashire County Council have commissioned GVA Grimley to submit a bid for status as a New Growth Point. At the end of October this Council was consulted and asked to support the bid.

The purpose of this report is to outline the main features of the draft bid, and indicate the main advantages and disadvantages that might accrue to Fylde BC.

### Recommendation

That the Cabinet supports the Growth Point Bid in principle and ensures that the interests of the Borough Council are protected through future officer and Member involvement in the development of the Bid, if successful.

## **Executive Portfolio**

The item falls within the following Cabinet Portfolios:

Development and Regeneration	-	Councillor Roger Small
Community and Social Wellbeing	-	Councillor Patricia Fieldhouse

## **Report**

This report has been prepared at short notice and thus contains just a brief resume of the current position.

## **Background**

The Housing Green Paper sets out proposals to support growth in housing numbers through a wide range of policies including speedier delivery, planning reviews and a Housing and Planning delivery grant for local authorities, improved mechanisms to release public sector land, greater recycling of land and buildings and a range of measures on related infrastructure. These include a £300m continuation of the Community Infrastructure Fund, as well as continuation and doubling of Growth Point funds. Also important to growth are measures on design, greener housing, more affordable homes, skills and local delivery.

A key element in achieving the higher growth in housing numbers anticipated in the Green Paper will be a further round of additional growth points. These will need to offer significant, strategic growth which is additional to previous plans. Worsening affordability is now a national issue and the New Growth Points programme will be expanding to cover all the English regions for the first time. The government's ambition is to deliver an additional 50,000 homes. Much of the growth in the North will be in areas where the challenge is to balance growth alongside regeneration.

The government has invited interested authorities to submit bids to enter into a Partnership for Growth: a long-term relationship with Government and its agencies to realise the potential for sustainable growth and meet additional housing needs, with funding support and also where necessary conditions, primarily relating to environmental and transport issues.

The bidding and selection process for additional new growth points and eco-towns will be based on a 3-stage process, as follows:

- (i) **By end October 2007:** Expressions of interest in terms of strategic potential, based on the relevant criteria will be welcome from local authorities and other parties (either singly or in partnership).
- (ii) **November/December 2007:** Proposals which are judged to have potential to meet the relevant criteria for new growth points will go forward for a strategic and high level cross-government review involving DEFRA, DfT, Highways Agency, Environment Agency and Natural England and the Government Office.
- (iii) **Early 2008:** Government will announce schemes accepted for support, subject to consultation, testing and independent examination through the planning system, including use of the new town powers where appropriate (as set out in the Eco-towns prospectus). Conditions may include further detailed assessment of particular aspects such as environmental impact. Funding could be available from April 2008.

The government considers it important for bids to relate well to the regional and sub-regional context and involve partners such as English Partnerships, the Housing Corporation and the Government Office as well as the Regional Development Agency and the Regional Assembly. It also wants to continue to encourage local authorities to pursue growth strategically in partnerships across boundaries and look ahead to Sub-National Review (SNR) implementation.

#### Details of the Draft Bid Document

The three Central Lancashire authorities (Preston, Chorley and South Ribble) together with Blackpool Council and Lancashire County Council have prepared a bid for status as a New Growth Point.

The main submission of the bid is that an accelerated housing growth programme can be accommodated in the area, that this will have benefits in terms of balancing and regenerating the existing housing markets, the provision of increased numbers of affordable housing and the provision of significant government investment to facilitate sustainable economic growth. It is believed that accelerated housing growth will itself stimulate further economic growth and regeneration. It is submitted that the programme will deliver approximately 20,000 homes across the area before 2016. This represents housing growth of at least 2,200 per year, almost 500 homes per year across the sub-region in excess of the level contained in the draft Regional Spatial Strategy.

A copy of the Bid is attached at Appendix A.

The vision is to provide accelerated housing development in a way which improves connectivity between the principal settlements and economic hubs and places a priority on investment in public transport. It is suggested that accelerated housing growth will unlock a multiplier of private investment sources which can then be reinvested and recycled back in to shared priorities.

Housing growth will be focussed on the existing centres (Preston, Blackpool, Chorley and Leyland) and through sustainable urban extensions.

In this latter context, 'Economic Investment Hubs' are proposed in Central Blackpool, Blackpool Airport (Fylde Borough) and the M55 Hub (Fylde Borough).

'Housing and Regeneration Growth Areas' are proposed around:

- The Whyndyke Farm area;
- Whitehills Park; and
- Marton Moss.

At the present "Expressions of Interest" phase the bid identifies five key projects that underpin the economic vision for Central Lancashire and Blackpool. These are:

- Early phase commercial-led schemes accommodating new knowledge intensive businesses at the former Royal Ordnance (Buckshaw), Cuerdon and East Preston;
- The expansion of Blackpool Airport and economic led scheme at Whitehills Park;
- A new commercial quarter in Preston centre;

- Blackpool Resort Renaissance (including Classic Resort in Lytham St Annes; and
- Regeneration of Blackpool's Inner neighbourhoods.

The bid places emphasis on existing platforms of joint working including, Local Area Agreements, work on the new Multi- Area Agreements and joint working on time aligned Core Strategies.

The 'Delivery Framework' envisages development of large value generating sites early within programme which will realise the value in publicly owned sites and applying a "roof tax" (in keeping with proposals in the Planning Reform Bill) to development on non-publicly owned sites. It is estimated that £81M could be generated from a "roof tax" and hundreds of millions in positive residual land values.

Headline outcomes of the programme across the sub-region would include:

- Ensuring that the authorities collectively deliver annual housing requirements above those stimulated in draft RSS;
- An increase of 20% in delivery of housing numbers over draft RSS figures between 2007 and 2016;
- The provision of 3,600 affordable dwellings;
- Delivery of 8,500 high quality family homes on sustainable urban extensions;
- Delivery of 6,000 smaller properties and 2,000 apartments;
- Securing new infrastructure to unlock additional sites;
- Delivery of new employment sites through recycled housing site values;
- Assistance in the delivery of housing led regeneration in the Inner Neighbourhoods of Blackpool; and
- Stimulating investor confidence.

#### General observations and Implications for Fylde

The submission has been driven by the five local authorities identified earlier.

If the bid is successful and a programme of investment in housing and regeneration is put in place, then Fylde would benefit indirectly as the Blackpool and Central Lancashire economies develop. There are significant doubts whether investment would be made in sites away from the immediate Blackpool boundary i.e. Blackpool airport and the M55 Hub. A tariff based roof tax is proposed for all housing development - it may be that such a tariff could contribute to essential infrastructure, such as the upgraded M55 / Heyhouses Link road.

The programme is likely to include the development of greenfield sites at Whyndyle Farm and around Whitehills Park for further development.

If the bid is successful new working arrangements are likely to be required possibly in terms of production of a Joint Core Strategy with Blackpool and Wyre. However, the

evidence base work being undertaken currently would not be lost. It is understood that Wyre BC has been consulted on a similar basis to Fylde and is supporting the bid.

Proposals contained in the draft Growth Bid document are currently outwith the statutory development plan process and the proposals have not been the subject of any public consultation. It is understood from GONW that the results of the Growth Point bid will **not** be factored in to the current emerging Regional Spatial Strategy. If the bid is successful, it may be the case that, when the emerging RSS is published in the Spring of 2008, an immediate review of RSS would be announced by government with the intention that this would encapsulate the 'Growth Point' status of the central Lancashire and Blackpool area.

<b>Implications</b>	
Finance	No direct implications.
Legal	Legal issues including how the growth point issue will relate to the statutory development plan and to the determining of planning applications in the short term if the bid is successful.
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	If the bid is successful, proposals would have to be subject to Sustainability Appraisal as part of any future Regional spatial Strategy.
Health & Safety and Risk Management	No direct implications

<b>REPORT AUTHOR</b>	<b>TEL</b>	<b>DATE</b>	<b>DOC ID</b>
Tony Donnelly / Mark Sims	(01253) 658610	October 2007	

<b>LIST OF BACKGROUND PAPERS</b>		
<b>NAME OF DOCUMENT</b>	<b>DATE</b>	<b>WHERE AVAILABLE FOR INSPECTION</b>
Draft Bid Document		Local Plans Section Town Hall St Annes

#### **Attached documents**

1. Central Lancashire & Blackpool Growth Point Bid, GVA Grimley (October 2007)



## Cabinet



Date	Wednesday 14 November 2007
Venue	Town Hall, St Annes
Committee members	John Coombes (Leader of the Council) Tim Ashton, Susan Fazackerley, Patricia Fieldhouse, Albert Pounder, Simon Renwick, Paul Rigby, Roger Small
Other Councillors	Maxine Chew, John Davies, Kathleen Harper, Howard Henshaw, Angela Jacques, Linda Nulty, Barbara Pagett, William Thompson, Fabian C Wilson
Officers	Phillip Woodward, Dave Joy, Pearl Kitchen, Paul Norris, Allan Oldfield, Clare Platt, Paul Walker, Andy Cain, Peter Welsh.

### 1. Declarations of interest

Members were 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.

Councillor Rigby declared a personal interest in respect of item 4 relating to the financial monitoring report - grants.

Councillors Ashton and Fazackerley declared a personal and prejudicial interest in respect of item 10 relating to the outdoor leisure proposals for Blackpool Road North.

Councillor Coombes declared a personal interest in respect of item 10 relating to the outdoor leisure proposals for Blackpool Road North.

### 2. Confirmation of minutes

RESOLVED: To approve the minutes of the Cabinet meeting held on 12 September 2007 as a correct record for signature by the chairman.

### 3. Special Urgency Business - Central Lancashire & Blackpool Growth Point Bid

The Chairman reported that the following item had been received after the publication of the Agenda and it was agreed that the report should be considered by the Cabinet as a matter of urgency, in accordance with Section 100 of the Local Government 1972 (as amended) by reason of the need to seek an early decision thereon.

Councillor Roger Small, Portfolio Holder for Development and Regeneration presented the report and informed members that 'Growth Areas and Growth Points' had previously been established in London, the South East, East, South West, East Midlands and West Midlands to provide some 300,000 additional homes and related infrastructure.

The Housing Green Paper : Homes for the future: more affordable, more sustainable (July 2007) announced the government's intention to expand the 'New Growth Points' programme to a further 10 -15 new growth points, many of which were to be located in the North where the challenge was to balance housing growth alongside regeneration.

The three Central Lancashire authorities (Preston, Chorley and South Ribble) together with Blackpool Council and Lancashire County Council had commissioned GVA Grimley to submit a bid for status as a New Growth Point. At the end of October this Council was consulted and asked to support the bid.

The report outlined the main features of the draft bid, and indicated the main advantages and disadvantages that might accrue to Fylde.

In reaching the decision set out below, the Cabinet considered the details set out in the report before it at the meeting and RESOLVED to support the Growth Point Bid in principle and ensures that the interests of the Borough Council are protected through future officer and Member involvement in the development of the Bid, if successful.

#### 4. Financial Monitoring Report 2007-2008

Pearl Kitchin, (Finance Officer) presented an update report on the expenditure against the Councils capital and revenue budgets for the first half of the 2007/08 financial year. The report highlighted some slippage within the capital programme and a projected overspend on the revenue budget.

In reaching the decision set out below, the Cabinet considered the details set out in the report before it at the meeting and RESOLVED-

1. That members note the capital expenditure of £929,800 which represents 28% of the revised budget.
2. That members note the current projected overspend of £147,000 on the revenue budget which represents 1.4% of the annual budget

*(Prior to considering the above item the Cabinet considered a question submitted by Councillor Kathleen Harper which asked in if there was still a budget in place for a youth shelter at Mornington Road, Lytham and also whether there was a budget for providing playground equipment at the same location?*

*Councillor Rigby responded and stated that finances were available for youth shelters; however, the budget was not tied to particular sites. Finances to discharge a planning condition are likely to become available and there was a strong possibility that this could be used for play equipment at Mornington Road).*

#### 5. Medium Term Financial Strategy 2008/2012

Pearl Kitchin, (Finance Officer) presented the report which provided an update on the Medium Term Financial Strategy and highlighted the financial pressures which the authority faced in providing quality services within the finances likely to be available over the next three years. The Councils current budget and level of Council Tax was supported by a contribution from balances, and government grant, the future level of which was uncertain. To ensure that the finances of the Authority continued to be stable it was vital that the Council ensured the effective implementation of the programme outlined in the recent 'Moving to Excellence' report to Cabinet.

In the short term it might be necessary to take more immediate action depending on government grant settlements and planning for this eventuality should continue apace.

In reaching the decision set out below, the Cabinet considered the details set out in the report before it at the meeting and RESOLVED to approve the Medium Term Financial Strategy, noting the financial position as outlined in the report and the way forward to ensure a sustainable financial future.

#### 6. Concessionary Bus Travel Scheme - 2008 Onwards

Phillip Woodward, (Chief Executive), presented the report that introduced and sought comments in response to a Department for Transport consultation paper on options for the proposed distribution of special grant funding to local authorities for 2008 national bus travel concession scheme.

In the current financial year the original estimate for concessionary fares was approved as £798k. The current monitoring for the year to date indicated that a spend in the region of £890k was anticipated. This represented an overspend in the current year in the order of £92k.

The financial impact of the proposed national scheme commencing 1/04/08 was, at this stage impossible to quantify for three reasons. Firstly the cost of the new scheme would be allocated to Councils based on the starting point of journeys, i.e. the Council pays for every journey commencing within its Borough. (Under the current scheme the Council pays only for travel undertaken by Fylde residents.) Secondly the amount of central government support which the Council would receive had not been decided. Finally the Council would need to consider if it was prepared to pay for any further local discretion it may wish to apply to the scheme.

The National Concessionary Travel scheme would be of great benefit to those aged sixty and over and the disabled. Concessionary Bus Travel would improve access to the Borough by public transport for the most vulnerable of citizens and would therefore impact positively on equality and diversity objectives.

Conversely, the scheme's potential financial implications represented a major risk to the Council's budget position. A position which, due to the statutory nature of the scheme, the Council had little control over.

In reaching the decision set out below, the Cabinet considered the details set out in the report before it at the meeting and RESOLVED

1. That the report be noted for information and consideration in the budget preparations for 2008/09
2. That funding option 3 detailed in appendix A of the report be the councils preferred option and that the consultation proforma attached at Appendix B of the report be submitted to the Department for Transport

#### 7. Performance Exception Report

Councillor Susan Fazackerley, Cabinet Portfolio for Corporate Performance and Development presented the report which provided details of any exceptions against the key performance indicators identified by the Cabinet for the period up to September 30<sup>th</sup> 2007.

Exceptions included where performance was significantly below the target set for the current financial year as well as where performance was above target. The report also outlined what was being done to address the poor performance and who was responsible for the actions.

In reaching the decision set out below, the Cabinet considered the details set out in the report before it and at the meeting and RESOLVED -

1. To support the actions being taken to address performance issues and that the respective Portfolio Holders monitor progress against the key at their Portfolio briefing meeting
2. That the Cabinet recognises the importance of continually monitoring key performance measures as part of the corporate performance management framework

#### 8. Feedback Report - "Moving to Excellence"

Philip Woodward, (Chief Executive) presented a report that provided feedback from staff and members on the Moving to Excellence Report which was considered by Cabinet in September.

After the meeting in September every member of staff, every elected Member and union representatives were invited to comment on the content and recommendations of the Moving to Excellence Report. The Report had also been featured on several occasions in the staff magazine, Grapevine.

Only a limited amount of direct feedback had been received. The majority of this indicated general support for the proposed direction of travel and management philosophy outlined in the Moving to Excellence report.

The absence of significant adverse comment from staff and members was indicative of a good degree of agreement across the organisation with the content and recommendations of the Moving to Excellence Report.

The content of the Report together with the Audit Commission and DCLG reference documents detailed in it could be taken forwards by the Management Team in the next round of service planning workshops with staff in December.

The Council could confidently move forwards towards CPA re-categorisation on the basis that the approaches detailed in the Moving to Excellence Report are a sound basis from which to deliver continuous service improvement.

In reaching the decision set out below, the Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to approve the implementation of the proposals and recommendations contained in the Moving to Excellence report considered by the Cabinet in September

#### 9. Open Space Management in Kirkham

Dave Joy (Deputy Chief Executive) presented an update report on matters relating to the possible management by Kirkham Town Council of public open space in Kirkham. In particular it dealt with the process and principles of disposing of land to the Town Council.

At its meeting of 12<sup>th</sup> September 2007 the Cabinet instructed officers to continue a dialogue with Kirkham Town Council, to carry out a condition survey of the public open space in Kirkham and to report on the respective pros and cons of either transferring the leasehold or transferring the freehold of the land in question to Kirkham Town Council.

In reaching the decision set out below, the Cabinet considered the details set out in the report before it and at the meeting and RESOLVED

1. That the principle of transfer of the freehold of the land in question to Kirkham Town Council be agreed.
2. That officers commence preliminary work on putting the appropriate arrangements in place for the transfer of the freehold to take place.
3. That a report be brought to the next meeting of the Cabinet on the full financial implications of the proposed transfer including the funding of the improvements identified in the condition survey
4. That officers also report to the next meeting on the feasibility and implications of this arrangement being implemented by 1 April 2008.

#### 10. Outdoor Leisure Development Proposals - Blackpool Road North

Paul Walker (Strategic Planning & Development Executive Manager) presented the report which contained proposals for the creation of a new outdoor leisure facility at Blackpool Road North as replacement for the existing nearby playing pitches.

A local developer and the operators of Blackpool Airport had approached officers with a proposal to develop the site of the existing playing fields in return for land and facilities nearby. Cabinet resolved 'to develop a dialogue with the developer/airport/ Lytham Town Trust to establish the basis of a scheme to consider whether it was or was not in the interests of the council to proceed'.

The proposal was to exchange the current Blackpool Road Playing fields for a larger area of land on the edge of the airport at the end of Leach Lane. The developer would provide new improved replacement facilities (or funding to secure its provision) and in return would develop housing on the existing playing field site.

The financial implications of this proposal had yet to be determined. A key factor would be the difference in value of the playing fields and the value of the land proposed to be transferred to the Council. Any other costs falling to the Council arising from this development and their funding, had yet to be determined. A full financial assessment would be detailed in the next report.

Although the overall proposal contained other aspects which would need thorough consideration if they were to be progressed, it was suggested that the outdoor leisure proposals be subjected to public consultation in order to gauge the level of support for the proposal.

Subject to Cabinet agreement to the proposed scheme being progressed for wider consultation, officers would report back on the outcome of this exercise. The report would also contain details of the further stages necessary should members wish to take the proposal further.

It was noted that the proposed development would have a significant impact on the residents within the Kilnhouse and St Leonard's wards and that clarification was needed on a host of issues associated with this proposed development.

In reaching the decision set out below, the Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to authorise officers to commence wider consultation on the proposals.

## 11. Licensing Act 2003 Revised Licensing Policy 2008 - 2011

Councillor Patricia Fieldhouse, Cabinet Portfolio for Community and Social Wellbeing presented the report on the revised licensing policy 2008 -2011.

The Licensing Act 2003 required the licensing authority (Fylde Borough Council) to prepare a statement of licensing policy every three years.

The Authority's first statement of licensing policy was approved by Council on 1 December 2004, coming into effect on the 7 January 2005.

A revised version of the statutory guidance, issued by the Secretary of State, following consultation with a wide range of stakeholders including local authorities, the police, and industry and interest groups was published in June 2006 with a further substantial revision formally introduced in June 2007. The revised licensing policy therefore reflected the recent changes to guidance.

Officers had worked together with Wyre Borough Council to produce what was effectively one common draft licensing policy which set out how both Councils would undertake their duties towards licensing alcohol, entertainment and late-night refreshments.

The draft Licensing Policy 2008 - 2011 had been the subject of wide consultation, including Licensing Committee and Overview and Scrutiny Committee processes.

In reaching the decision set out below, the Cabinet considered the details set out in the report before it and at the meeting and RESOLVED to recommend approval of the revised draft Licensing Policy 2008 - 2011 to Council.

## 12. Mayoralty

Councillor Susan Fazackerley, Cabinet Portfolio for Corporate Performance and Development presented the report and informed the Cabinet that the Policy and Service Review Scrutiny committee had recently considered and recommended a range of new protocols for adoption as part of the Council's Policy on the Operation of the Mayoralty.

This was in response to there being no written policy on what the sequence of events should be in examples such as where the Mayor steps down during the year from being a councillor; did not get elected in an election year (as was the case in 2007) or in the unfortunate circumstances if an incumbent Mayor was to become seriously ill or pass away during his/her year of office. In addition, there were no guidelines to stipulate if an elected member should be eligible to be Mayor for a second term of office if they had held the position previously.

In reaching the decision set out below, the Cabinet considered the details set out in the report before it and at the meeting and RESOLVED

1. That the cabinet approve the recommendations of the Policy and service Review scrutiny committee held on 25 October regarding the Mayoralty, namely-

- (a) That the selection of the Mayor be based on a method of order of seniority
- (b) If in an election year the Mayor-elect is not re-elected the position of mayor be offered to the next member on the seniority list. If declined the list is followed until an acceptance is received
- (c) If a member becomes eligible for office on the seniority list but declines the position then it be ascertained if they wish to decline the position

permanently - and if so, place their name at the bottom of the list with this intent stated; but if they still wish to be considered for the position then their name be moved to the top of the list for the following year.

- (d) That a councillor should only be eligible for the office of Mayor once only and after that their name should be removed from the seniority list.
- (e) That if a number of councillors become eligible for the office of Mayor during the same year that they decide between themselves the order in which they will take up office or in the circumstances that agreement cannot be reached, the current Mayor will conduct a draw to determine the order of office.
- (f) If a member, having previously stated that they don't want to be considered for Mayor and subsequently changes their mind that they be included on the seniority list at a point to be agreed by the Chief Executive in consultation with the Leader.
- (g) If a member has broken service on the council then the member should join the list at the most recent term elected, but be elevated to a higher ranking than others elected in the same term.

2. That the cabinet approves the Policy on the Operation of the mayoralty subject to the decisions detailed at (1) being incorporated into the document.

### 13. Future Management of Swimming Pools – Outcome of Market Testing

Paul Norris, (Community and Cultural Services Executive Manager) presented the detailed report that examined the results of the recent tender process for the future management of the council's two swimming pools at St Annes and Kirkham which provided a range of options for delivery of a swimming service in the urban and rural areas.

In reaching the decision set out below, the Cabinet considered the details set out in the report before it and at the meeting and RESOLVED-

- 1. The management of the swimming pools in St Annes and Kirkham is retained in-house for the time being.
- 2. That Cabinet instructs officers to investigate further the potential for improved swimming facilities through a joint service partnership with both Wyre Borough Council and the YMCA and that a report be brought back to Cabinet.
- 3. That a risk assessment of the 15 year maintenance plan is undertaken.

### 14. Review of Enforcement Capacity and Resources

Councillor Fabian C Wilson presented the report. The review arose as a result of the Audit Commission Environment Service Inspection report which was published in July 2006, which identified that the council was not making the best use of all its enforcement and discretionary powers.

A Task & Finish Group was selected with representatives from each of the scrutiny committees to undertake this cross-cutting and extensive review. The report

summarised the investigations and benchmarking undertaken by the group, and explored ways of addressing the issues highlighted.

In reaching the decision set out below, the Cabinet considered the details set out in the report before it and at the meeting and RESOLVED-

1. To consider where administrative capacity could be made immediately available from within existing resources to assist with administration for those officers with enforcement responsibilities.
2. To consider the collaborative working benefits of different specialist enforcement officers sharing a common office space and common administrative support.
3. To consider employing at least one extra enforcement officer for Development Control / Conservation, with the emphasis for that officer to have skills and experience in enforcement. (Subject to future budget deliberations).
4. That senior managers explore what possibilities there are for maximising income to their enforcement activities, as outlined in the body of the report.
5. That senior managers take account of the recommended changes to processes and additional monitoring as outlined in the body of the report.
6. That Executive Managers should review how the enforcement functions and working processes of Building Control, Development Control and Streetscene are managed.
7. To commend the suggestion from the Chief Executive of the Police Authority to promote collaborative engagement to improve services.
8. That the Performance Improvement Scrutiny Committee reviews the progress made on enforcement in 12 months time.



## **Guidance for the Recovery and Call-In Procedure**

### **What decisions can be called in?**

The Recovery and Call-In procedure relates only to Cabinet decisions as provided for in the Local Government Act 2000. Decisions taken by the Regulatory Committees, which normally relate to statutory and individual case matters, cannot be called-in under this procedure. Neither can decisions of the full council or decisions taken by officers on matters outside the authority of the Cabinet.

### **What are the procedures for?**

The procedure is intended to give non-Cabinet members an opportunity to require decisions taken by or on behalf of the Cabinet to be reconsidered.

### **How do the procedures work?**

If ten councillors who are not members of the Cabinet feel that a decision taken by or on behalf of the Cabinet is not in the interests of the residents of the borough, they can ask for it to be “recovered”. A recovered decision cannot be implemented until the relevant scrutiny committee (which at Fylde is currently the Policy and Service Review Scrutiny Committee) has decided whether to call it in.

If the scrutiny committee decides to “call-in” the decision, it can ask the Cabinet or the person who made the decision on its behalf to reconsider it. Alternatively, it can ask the full council to look at the decision and the full council can ask the Cabinet or other decision-maker to reconsider it. The decision cannot be implemented until after it has been reconsidered. If the scrutiny committee decides not to call-in the decision, the decision can then be implemented with immediate effect.

The lead Councillor who asks for a decision to be recovered will be invited to address the scrutiny committee to explain their concerns about the decision. Simply disagreeing with a decision is not enough. If the member requesting recovery cannot make a case that the decision was not in the interests of the residents of Fylde Borough then there is not a valid reason for call-in and the scrutiny committee will turn down the request.

At the chairman’s discretion, it is also common to invite the Portfolio Holder, or the Cabinet member who made the decision, to attend the meeting and answer questions. He or she will be asked to leave the meeting once the committee have completed their questioning and will not be party to discussions leading to a vote on the topic.

If a member of the scrutiny committee reviewing the recovery request is also a signatory to it, then he or she will still have the right to sit on that committee and vote on the topic under review.

### **What are the time limits?**

On the day that a decision record is published, anyone wishing to recover a decision will have **six working days** to complete the Call-In form, collect supporting signatures, and deliver it to the Democratic Services and Member Support Manager.

In order to simplify the process of gathering signatures, it has been agreed that if preferred they can be submitted electronically - that is, any councillor who wishes to support a recovery request can express that intention by e-mail and the Overview and Scrutiny Team will gather and verify them. The team is happy to accept a mixture of hard copy and electronic signatures as well.

A meeting of a Scrutiny Committee will be arranged within ten working days of receipt of the Call-In form and signatures.

### **Will the Call-In procedure always apply?**

The call-in procedure can be used as set out above apart from when the decision being taken is **urgent**. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the council's or the public interest. The notice of the decision will state if the decision is considered by the chief executive to be urgent.

### **Other FAQs about the call-in procedure at committee**

#### **Can members of the public speak and ask questions ?**

The ruling of the Chairman concerning the conduct of the meeting is final. This includes whether he or she will invite a member or members of the public to speak, or allow them to ask questions. The Chairman will advise the committee and then will make his / her intentions clear to the public at the start of the meeting.

#### **Can other (non-committee) councillors speak and ask questions?**

This is at the discretion of the Chairman and the ruling of the Chairman will be final.

#### **Can members of the Cabinet speak and ask questions?**

Only if they have not been involved with the decision making (that is if the decision was made by an individual Cabinet Member rather than the Cabinet as a whole), and at the discretion of the Chairman. However, it is likely that the Chairman will invite the Portfolio Holder or the individual decision-

maker to attend the committee meeting so that they can be questioned on the decision by the committee members.

**Can members of the committee abstain when asked to vote?**

Yes, they can. There is nothing in the Council's constitution to compel a member to vote. This applies equally to the Chairman and Vice Chairman.

**Must absentee members nominate substitutes?**

Obviously it is to be preferred if there is a full complement of members to discuss these important topics and members are always encouraged to nominate a substitute. However, the committee meeting can still go ahead as long as it is quorate according to the Constitution.

**Is it simply a majority vote which will carry a motion to call-in (or not)?**

Yes. For these circumstances, the Constitution provides that the matter can be decided by a simple show of hands, unless a ballot or recorded vote is demanded under rule 17.4 or 17.5. In the case of a ballot the chairman will announce the numerical result of the ballot when he has gathered in the ballots.

**What if the voting is tied?**

If there are equal numbers of votes for and against, the Chairman will have the casting vote. This rule applies even where the Chairman has initially abstained. If the Chairman has abstained and then declines to use his casting vote, then the motion is NOT carried and the decision under dispute will be implemented with immediate effect.

**Can an individual member of the committee ask to have his name recorded as voting against, or abstaining from, the motion?**

Yes, in exactly the same way as any other committee - by a verbal request at the time of the show of hands.

**When the committee decides to call-in a decision and refer it back to the Cabinet, does that mean that the decision cannot be implemented?**

That's right, but only until it has been reconsidered by the Cabinet or by the individual decision-maker. After reconsidering and taking into account the committee's recommendations, the Cabinet or individual may decide that the original decision was correct. At that time the decision can be confirmed and implemented. Alternatively the recommendations of the committee can be taken fully or partly into account and the decision amended before being implemented. Any decision called-in and reconsidered before implementation cannot be subject to a further call-in, regardless of whether it is amended.

**What if the decision is called-in and referred to full Council instead?**

If the Council does not object to the decision then it can be implemented with immediate effect. However, if the Council does object it will refer the decision back to the decision-maker with its views. The decision-maker must then choose whether to amend the decision or not before implementing it.

Please note that the answers to these FAQs do not cover every eventuality. You may wish to consult the Formal Rules - **Standing Orders of the Council** outline committee procedure rules, and **Rule 7** in appendix 5 to the **Fylde Borough Council Constitution** sets out the formal rules for recovery and call-in.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
STRATEGIC PLANNING AND DEVELOPMENT	POLICY AND SERVICE REVIEW SCRUTINY COMMITTEE	13 <sup>TH</sup> DECEMBER 2007	5

## VISITOR ECONOMY STRATEGY

### Public/Exempt item

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

### Summary

The report concerns the preparation of a new Visitor Economy strategy for Fylde and presents the findings of the pre-strategy diagnostic for members' comments prior to the drafting of the final strategy.

### Recommendation:-

That Committee:

1. considers the pre-strategy diagnostic report and makes recommendations to officers in preparation of the draft Visitor Economy strategy and
2. advises Cabinet what priority it feels tourism and the visitor economy should have within the council's medium term corporate planning priorities.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Culture & Tourism (Councillor Simon Renwick)

## Report

1. The council's previous Tourism Strategy expired at the end of 2006. It contained 9 main action plans:
  - Action plan 1: Marketing and Information
  - Action plan 2: Retail/Countryside Development;
  - Action plan 3: Provision of Events/Attractions, special events such as Open Golf Championship
  - Action plan 4: Cleanliness Water/Beach quality. Environment
  - Action plan 5: Accommodation Quality, choice, business travel and conferences
  - Action plan 6: Transport, Communication and Parking
  - Action plan 7: Research and Market Segmentation
  - Action plan 8: Customer Care and Training
  - Action plan 9: Partnership and Structure Public, Private and Voluntary Sector Roles
2. As with any strategy progress has been dependent upon resources. In 2005 the budget for tourism marketing was halved following pressure on budgets corporately. Other points to report:
  - Although the retail sector in St Annes has improved with the regeneration underway, the situation in Kirkham is more fragile and needs further assistance.
  - The R & A has recently announced the return of The Open in 2012 at Royal Lytham which has also been the host to the Ladies Open in 2003, 2006 and is planned again in 2009.
  - The Seaside award and two Green Flag Park awards
  - More work needs to be done to improve the tourism infrastructure which is an important issue moving forward.
  - Accommodation accreditation is now a requirement to be promoted in the council's accommodation guide.
3. The emphasis when the last strategy was prepared was based around the following individual strategies sitting under a proposed over arching Tourism and Leisure strategy:
  - Sport and recreation
  - Tourism
  - Parks and open spaces
  - Arts
4. In late 2002 following a corporate re-structure the tourism service was placed in the newly formed Economic Wellbeing and Regeneration business unit (EWR). This was in recognition of the economic connections and rationale for tourism. It's notable that most authorities and agencies now tend to use the phrase 'the visitor economy'. In 2005 as part of the establishment of the council's new front end One Stop Shop the tourism information part of the service became part of Fylde Direct although still operates from the Visitor and Tourism Information office in St Annes Square. In 2006 the former EWR business unit which included the strategic, marketing and events roles of tourism became part of the newly formed Strategic Planning and Development unit.

5. Based on the latest economic data <sup>1</sup>for 2005 tourism in Fylde is worth an estimated £171M per year to the local economy. Which accounts for a significant part of the total economy of the borough. It sustains 3,700 <sup>2</sup>(full time equivalent) jobs. In 2005 3.2 M tourists spent 4.3 M tourist days in Fylde.
6. Members will be aware that the council has commissioned work on an Economic Development Strategy (EDS) which follows on from the Employment Land Study carried out during 2005. The EDS will be presented to members in the next couple of months and identifies a number of strategic drivers which if embraced have the potential to deliver growth and positive economic change for Fylde. The six strands are:
  - Strand 1: Strong and vibrant town centres
  - Strand 2: Room to grow the business portfolio
  - Strand 3: High value tourism
  - Strand 4: Knowledge intensive industry
  - Strand 5: Connected for business
  - Strand 6: Skills for business

In order to deliver the specific elements of Strand 3 and maximise the benefits to the borough, the council will need to develop and adopt more detailed aims, objectives within a Visitor Economy Strategy (replacing the former Tourism Strategy). This change of language emphasising the economic reasoning for tourism. Attached is a model showing the strategic hierarchy where these strategies will fit in the corporate framework. The Visitor Economy strategy will form a major part of the Economic Development Strategy.

7. Although the emerging Economic Development strategy has been prepared by consultants, work on the Visitor Economy strategy is being prepared in-house using a new corporate template developed as part of recent capacity building work with the Improvement and Development Agency (IDeA) and Greengage Consultants. This takes a simple five step approach:
  - Agree a common language
  - Purpose – agree what the strategy is for
  - Current reality – analyse how things are now
  - Future possibility / preferred future – declare the outcomes you want to see
  - Drivers of change – identify where you need to place attention to achieve the outcomes.
8. Attached is the template completed for the Visitor Economy Strategy. It details and analyses those issues in which intervention may maximise the local tourism economy. It acts as a pre-strategy diagnostic and proposes a Tourism Vision Statement “to realise the potential of Fylde’s visitor economy and deliver a unique Tourism destination of exceptional quality with national/international significance”

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<sup>1</sup> STEAM Scarborough Tourism Economic Activity Model: an industry recognised model for calculating the value of tourism at a borough level.

<sup>2</sup> Lancashire County Council Economic Intelligence

9. It is proposed that the strategy is framed around the following key issues:

- Quality
- Events
- Marketing
- Visitor Welcome
- Strategic Alliance

10. A key part of the strategy for Lytham St Annes is the Classic Resort initiative which embraces the principles of a 'Classic Resort' as set out in the North West Development Agency (NWDA) report 'A New Vision for Northwest Coastal Resorts'. It sets out the idea of a 'hallmark', an accolade that could be awarded to a resort which offers an overall total quality approach both perceptually and in reality. The Classic Resort 'hallmark' will result in some form of 'award', much in the same way that the award of a 'Blue Flag' relates to beach quality or a 'Green Flag' is indicative of public parks or gardens achievement of a set of qualitative standards. It therefore follows that the particular standards that will apply must be credible both in the eyes of the 'industry' and the visitor.

It is the concept of Classic Resort that officers are pushing to get developed and are working to develop this further with the NWDA as a 'Visitor Economy Pilot'. In support of this St Annes was recently included as an Example of Best Practice within the Government's second response to the Coastal Towns Inquiry.

11. The constituent elements of the Classic Resort are based on six 'brand values', as defined in 'A New Vision for North West Coastal Resorts', these are;

- Heritage
- Pristine Built and Natural Environment
- Quality Shopping
- Quality Accommodation
- Quality Food and Beverage
- Culture

A major bid for funding the Classic Resort initiative has been submitted to the Lancashire Economic Partnership (LEP) as part of the NWDA's Strategic Investment Plan (SIP). The LEP collates economic activity and act as a conduit for dialogue between the NWDA and partners. The LEP act on behalf of the NWDA in the distribution of regional public sector funding for economic regeneration projects in the Lancashire region.

12. The Ribble Coast and Wetlands Regional Park will be another important area for engagement and development in the next few years. The NWDA and North West Regional Assembly (NWRA) are both on the record recently as highlighting the economic importance of these areas and this would be of great benefit to Fylde. Your officers are actively engaged in this important initiative and will report as more details emerge.

13. One of the Council's Corporate Objectives is to stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment. Tourism is not an add-on council service nor confined solely to the role of the Tourism Officer. It runs through most things the authority does. Whether it be the provision of good parks and recreational facilities, the beach, the estuary, events



and activities, clean streets, car parks, public health regulation, general information, good built environment, quality public realm, etc. All of these aspects and more help to define the tourism offer of the borough. Then there is the private sector services and investment such as entertainment, restaurants, bars, accommodation, the retail offer, etc. Many of these services chose to invest in the borough based on public support for the visitor economy.

14. The attached diagnostic arrives at two key fundamental questions:

- Do members wish to give tourism a higher profile?
- Will the council's future expenditure for tourism services be based on;
  - a. existing levels of funding?
  - b. less funding? or
  - c. more funding?

Once this is known the strategy and action plan can be prepared.

15. Members are requested to comment upon the pre-strategy diagnostic attached to the report in order to guide the preparation of the draft Visitor Economy Strategy and to define what priority tourism and the visitor economy has within the council's medium term corporate planning priorities.

IMPLICATIONS	
Finance	No direct implications
Legal	No direct implications
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	No direct implications
Health & Safety and Risk Management	No direct implications

Report Author	Tel	Date	Doc ID
Paul Walker	(01253) 658431	November 2007	

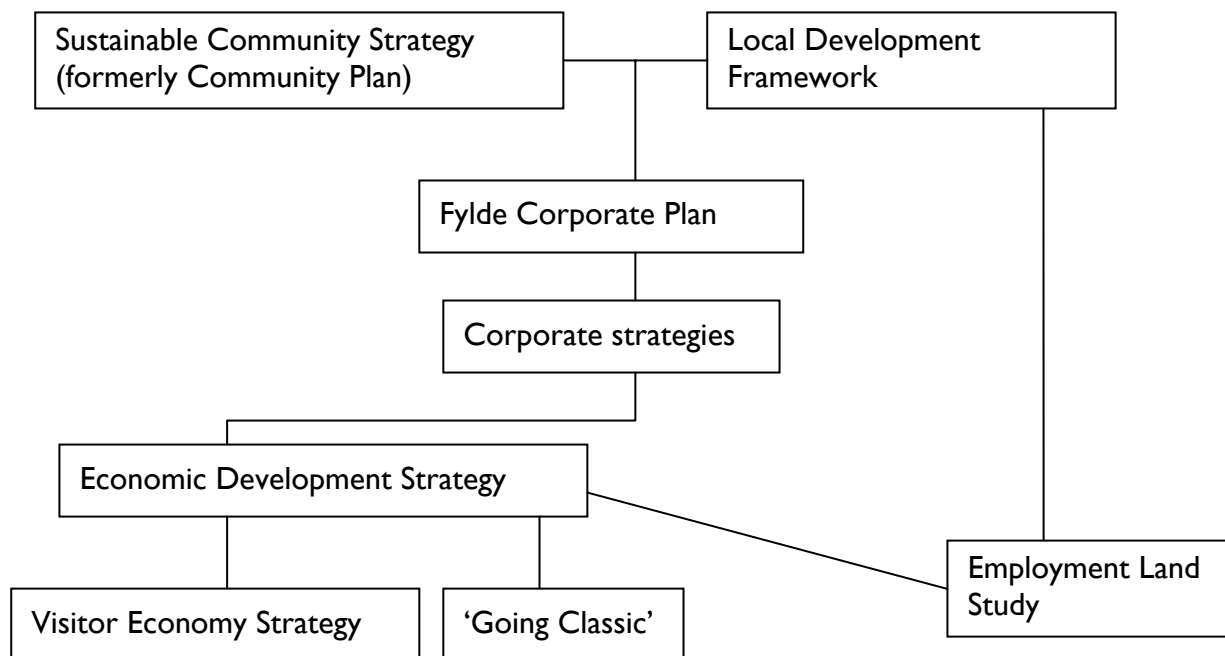
List of Background Papers		
Name of document	Date	Where available for inspection
Fylde Tourism Strategy	2001-2006	Viv Wood, Town Hall

#### Attached documents

Appendix 1: Fylde Borough Council Strategic hierarchy

Appendix 2: Visitor economy – pre-strategy diagnostic

**Fylde Borough Council - Strategy Hierachy**



## APPENDIX 2

### Fylde Borough Council Visitor Economy Strategy

<b>Strategic planning – pre strategy diagnostic</b>	
<b>The current reality</b>	
Summary of analysis of SWOT and PESTI	
<b>SWOT</b>	
<b>Strengths</b>	<b>Proposed actions</b>
4 Championship Golf Courses	Work in partnership with the courses to develop and take advantage of England's Golf Coast Initiative
External perception and image	Continue and where possible increase the quality of marketing
Natural Environment 'Coast and Country'	Work in partnership with local groups on relevant initiatives e.g. RSPB, Ribble estuary working group, Dunes Management Plan, Safer Sands
Quality Hotels/Accommodation	Encourage membership of the gradings scheme, support for Fylde Tourism awards
Accessibility (Motorway/Blackpool)	Work in partnership with LCC
Airport	Work in partnership with the Airport, e.g., marketing
Leisure offer (e.g. Ribby Hall)	Preparation of other service strategies
Food and drink (e.g. Café Quarter)	Promote and enhance the food and drink offer, e.g. feast for ten, trading fairly (local/Fairtrade), farmers market, and continental market.
Heritage offer (e.g. Lytham Hall, Gardens, architecture)	Conservation area appraisals, increase access to local heritage.
Independent retail offer	Assist in the promotion of the diversity of retail offer where appropriate.
Partnership structures	Consider establishing a Fylde Tourism Forum

<b>Weaknesses</b>	<b>To address/reduce</b>
Mixed climate	Encourage more indoor attractions Potential for some active sports events, e.g. kite surfing
Condition of tourism infrastructure, e.g. Fairhaven/Promenade	Seek tourism related planning obligations from developers based on properly evidenced need Continue to bid for appropriate grants from regional/sub-regional sources
Press reporting	Chief Executive to meet local press regularly and feed in tourism initiatives
Resident resistance to change	See above
Dog fouling	More resources to tackle fouling (bins/wardens)
Lack of suitable events	Increase events budget (including grants) Work up proposals for additional events Work in partnership with major golf marketing companies
Lack of suitable indoor attractions e.g. play	Work with planning to look at the development potential

<b>Weaknesses</b>	<b>To address/reduce</b>
No dedicated tourism website	Create new Fylde tourism website
Signage/way marking	Include in Classic resort plan
Corporate support for tourism	Consultation on the emerging tourism strategy
Public toilets	Refurbishment of public toilets underway
Resources (Funds/staff)	Submit growth bids supported by emerging strategy

<b>Opportunities</b>	<b>Take advantage of</b>
Classic Resort	Complete bidding process and lobby for support locally and regionally
British Open at Royal LSA	Lobby support for the R&A's proposal to host the British Open at Royal LSA
Blackpool Airport	Joint marketing, include the Airport on tourism forum
Light rail connection	Work with Blackpool and Wyre councils
Fairhaven Lake	Prepare restoration development plan for Fairhaven lake
Lowther Gardens	Develop the Trust
St Annes Promenade and Gardens	Work with operators of The Island and other Promenade stakeholders to secure the sustainable regeneration of the area
Town Centre regeneration	Continue with planned regeneration of the Town Centre/Ashton Gardens and Promenade
Les Dawson statue appeal	Use the location of the statue to help tourism regeneration
Sea defence regeneration	Consider the tourism regeneration opportunities which could come from sea defence investment
Major events	Encourage establishment of new events
Beach activities/extreme sports	Digest 'Safer Sands' report and prepare action plan
Street trading/concessions markets	Review and re-tender concessions, encourage and promote increased trading and markets
Countryside potential	Prepare a strategy for Countryside recreation
Kirkham	More support and development for Kirkham as the borough's market town.
Local Development Framework and Sustainable Communities Strategy	A fresh strategic approach with the potential to more holistic to the needs of the borough.

<b>Threats</b>	<b>Minimise</b>
Tourism is a discretionary service	Prepare strategy founded on evidence of need, communicate benefits through STEAM
Planning regulations	Work with planning, include tourism officer on consultation list for relevant applications
Future Government policy (e.g. bed tax, aviation taxes)	Lobby for more positive outcomes for tourism
Breach of sea defences	Fund sea defence strategy
Loss of amenity beach to spartina grass	Investigate possible solutions to retain the amenity beach as part of the Ribble Coast and Wetlands Regional Park action plan.

<b>PESTI</b>		
<b>POLITICAL/LEGISLATIVE</b> (e.g. local & national policy, legislation, green/white papers, manifestos, best value etc)		
Crucial & Urgent	Crucial	Watching Brief
Regional Development Agency	National influences – Government White Paper	Bed tax
<b>ECONOMIC</b> (e.g. govt & other types of funding, interest rates, general strength of the economy, benefit changes etc)		
Crucial & Urgent	Crucial	Watching Brief
Council Budget	Exchange Rates	Interest Rates
Regional/Partnership Funding	Migrant Workforce	Greater Disposable Income
	Cheap Flights	Ribble barrage
<b>SOCIAL/ ENVIRONMENTAL</b> (e.g. customer profiles & expectations, demographic changes, societal changes, supply of skilled workers/ environmental pressures, values, expectations and practices etc)		
Crucial & Urgent	Crucial	Watching Brief
Public Realm	Spartina/Estuary	Climate Change
Low Crime/Nuisance	Migrant Workers	Leisure time
	Evolving Target Market	
	Blackpool Influence	
<b>TECHNOLOGICAL</b> (e.g. Information Technology, Communications, Building Technology,)		
Crucial & Urgent	Crucial	Watching brief
	IT Internet	Digital TV
	Online Booking	24 hour information
<b>INTERNATIONAL</b> (e.g. asylum seekers, exchange rates, competitors)		
Crucial & Urgent	Crucial	Watching brief
	Terrorism	Migrant workers
		Cheap overseas holidays

## Strategic and action planning framework

<b>Title of the strategy</b>
Visitor economy strategy
<b>Purpose of the strategy</b> <i>expressed as an outcome</i>
<p>Visitor economy framework</p> <pre>graph TD; A([Develop and implement the Classic Resort initiative to create a regional Gem.]) --- C([To realise the potential of Fylde's visitor economy and deliver a unique Tourism destination of exceptional quality with national/international significance]); B([Develop the distinctiveness and diversity of the rural tourism offer]) --- C; D([Being active members of relevant tourism related initiatives e.g. Ribble Estuary Regional Park, North West Golf Coast Programme]) --- C; E([Encourage and promote events of regional, national and international importance to raise awareness of the Fylde]) --- C; C --- F[Underpinning these objectives will be the:]; F --- G[promotion of Fylde borough as a place to visit and stay.]; F --- H[need for ongoing strategic alliance with a range of partners including other Fylde Coast authorities to ensure all opportunities for investment and promotion are taken full advantage of.]</pre>
<p>This strategy supports achievement of the council's corporate objective to promote employment to create a strong and diverse local economy and improved employment prospects.</p> <p>Duration 2008 to 2012</p>

## Strategy part I Future possibility

Summarise the vision and outcomes in the left-hand columns before clarifying indicators, means of verification and assumptions.

Narrative summary	Outcomes expressed as measurable indicators	Means of verification
<b>Vision</b> To realise the potential of Fylde's visitor economy and deliver a Tourism destination of unique and exceptional quality and national/international significance	Classic Resort achieved – Nationally Recognised	Grants achieved Classic Resort status conferred National recognition
	Percentage of Online Booking	Statistics from website reports
	Increase in quality accommodation available in the borough	Only Inspected/Graded Accommodation promoted by the council. Percentage of graded beds in the borough.
	12 Month Resort –Jan/Feb	STEAM figures showing out of season turnover in relation to peak season turnover
	Good Countryside Tourism Destination	Annual increase in the number of countryside tourism destinations
	Percentage of Tourism workers trained to minimum standards by 2012	Tourist board statistics
	Seaside Award	Award achieved and maintained
	Tourism awards	More awards achieved
	Notable Events held	Securing an event (not golf) of national recognition and significance by 2012 Host BRADA <sup>3</sup> conference
	Tourism Grants provided	Increase of grants available by 2012
	Realise potential of prime tourism sites	Restoration management plans in place and commenced for Fairhaven Lake and Promenade Gardens
	Lytham St Annes known as prime shopping destination	Active Chamber of Trade Business Improvement District in place New major national stores relocating to St Annes
<b>Important assumptions and choices</b> <ul style="list-style-type: none"> <li>Assumes that the council can redirect some existing funding to give additional resources to achieving the strategy.</li> <li>Assumes the will to push for higher quality provision from tourism providers and council services.</li> </ul>		

<sup>3</sup> BRADA British Resorts and Destinations Association.

## Strategy part 2 – Drivers of change – where we will focus our attention and resources

Summarise each ‘driver of change’ in the left hand column before clarifying indicators and means of verification.

Drivers of change	Output indicators	Means of verification/positive action
Additional resources to fund increased economic tourism activity and infrastructure investment	Realignment of council resources	Greater proportion of spend on tourism initiatives and marketing, year on year to 2012. Assess all council activity and actions against tourism impact; measure for positive and negative impacts.
	Obtaining additional private sector funding (e.g. development potential, planning gain, etc)	Strategic master planning to identify and encourage tourism development potential. Additional developer funding for existing tourism related public infrastructure, e.g. Fairhaven Lake, Lytham Green, etc.
	Obtaining additional public sector support and funding (e.g. agency grants)	Additional grant support for major tourism projects e.g. The Promenade
<p>Important assumptions and choices;</p> <p>That there is the will to see more support for tourism (perhaps even at the expense of a reduction in funding for other council services).</p> <p>That all council services appreciate the role they play in supporting and encouraging tourism and the visitor economy.</p>		



# REPORT



REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING (DEVELOPMENT CONTROL)	POLICY & SERVICE REVIEW SCRUTINY COMMITTEE	13 <sup>TH</sup> DECEMBER 2007	6

## APPLICATION FEES IN RESECT OF COMPLAINTS UNDER PART 8 OF THE ANTI-SOCIAL BEHAVIOUR ACT 2003 (HIGH HEDGES)

### Public Item

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

### Summary

It is recommended that, due to the time consuming processes involved in assessing high hedge applications and the potential ongoing costs of continuing to monitor all remedial notices that are served, the basic application fee remain unchanged. However, in order to recognise the limited means of those persons in receipt of means tested benefits and in line with a number of other Council's in the North West of England, a reduced fee be charged for any applicant in receipt of housing benefit, council tax benefit or income support.

### Recommendation

1. That the basic application fee in regard to high hedge applications remain unchanged at £450.00.
2. That a fee of £250.00 be introduced for applicants/householders who can demonstrate that they are receiving housing benefit, Council tax benefit or income support.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Development and Regeneration: Cllr Roger Small

## **Report**

**Part 8 of the Anti-social Behaviour Act 2003 introduced an element of control over high hedges and handed responsibility for the administration of high hedge complaints to local authorities.**

**The Act allows local authorities to charge an application fee before investigating any complaint. Unlike planning application fees, which are set nationally, it is the responsibility of each individual Council to set its own application fee in regard to high hedge complaints. A report that was considered in July 2005 is appended to this report, which sets out the basic operation of the system and the manner in which the current fee of £450.00 was initially set.**

**In line with the recommendation at the time, the fee is due for review. Due to the limited number of applications that were received during the first year of operation, it was not possible to carry out a meaningful review of the fee structure. After nearly two and a half years of operating the system, the Council has only received three valid complaints, but this limited number of complaints has allowed your Officers to develop a better understanding of the time and effort taken in assessing a high hedge complaint.**

**Of the three complaints received to date, two have resulted in the service of a remedial notice and the third hedge has been reduced in height prior to a formal notice being issued.**

**The lodging of a formal application under Part 8 of the Regulations must be the last resort with all other measures (short of formal litigation) having been exhausted prior to the application being submitted. Unlike a number of other local authorities, Fylde Borough Council does not require the parties to enter into formal arbitration before accepting a high hedge application. By not requiring formal arbitration to be entered into, an applicant is likely to save in the region of £400.00.**

**Once an application is submitted, the Council must validate and register the application, acknowledge the application, advise the owner of the hedge that an application has been made, visit the complainant and the hedge owner (usually by two officers), assess whether the complaint is within the scope of the regulations and assess whether the hedge should be lowered in height through the service of a remedial notice.**

**If a remedial notice is served, the work must be monitored to ensure it is carried out and that the terms of the remedial notice continue to be observed, which may involve yearly inspections for the life of the hedge. Where notices are served both the hedge owner and the complainant, if they consider the remedial works are not sufficient, have the right of appeal which must be defended by the Council. Non compliance with a remedial notice may result in prosecution via the Magistrates Court.**

**Given the amount of time taken in assessing applications, the right of both parties to appeal and the potential to have to monitor all remedial notices for many years, it is considered that the fee of £450.00 reasonably reflects the time and resources required to prepare and enforce a remedial notice.**

**An assessment of application fees in Greater Manchester and Lancashire shows that fees vary, with a number of authorities levying a fee of £500.00. An analysis of**

the number of applications received by each authority shows that there is no correlation between the fee charged and the number of complaints received.

However, it has been noted that a number of local authorities have introduced lower application fees for persons in receipt of means tested benefits. In order to ensure that all sections of the community have recourse to the provisions of this part of the Anti-Social Behaviour Act, your Officers recommend that a lower fee of £250.00 be charged for any person who can demonstrate to the local authority that they are in receipt of housing benefit, Council tax benefit or income support.

IMPLICATIONS	
Finance	Reduction of application fees to an extent that does not cover the costs of the operation of the service will result in a need to fund the service from existing budgets
Legal	None
Community Safety	None
Human Rights and Equalities	The fee proposals will allow resolution of disputes at a lower cost than civil proceedings required prior to the introduction of this legislation or bringing a private action without recourse to Part 8. The introduction of a lower fee for persons in receipt of means tested benefits will allow wider access to the provisions of this part of the Act.
Sustainability	None
Health & Safety and Risk Management	None

Report Author	Tel	Date	Doc ID
Mark Evans	(01253) 658460	November 2007	

### **Attached documents**

Report to Executive Committee – 20 July 2005

Report to Policy and Service review community forum – 7 July 2005

# REPORT



report of	Meeting	Date	Item No
BUILT ENVIRONMENT MANAGER	EXECUTIVE COMMITTEE	20 JULY 2005	

## INTRODUCTION AND OPERATION OF HIGH HEDGES LEGISLATION UNDER PART 8 OF THE ANTI-SOCIAL BEHAVIOUR ACT 2003

### Public/Exempt item

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

### Summary

On 1<sup>st</sup> June 2005, legislation was introduced to allow councils to deal with complaints regarding high hedges. The legislation allows local authorities to charge for this service, but stops short of prescribing an appropriate fee. The Policy & Service Review Community Forum considered the matter on 7 July 2005.

This report seeks to establish a fee of £450, in common with neighbouring authorities, which would be reviewed after 12 months of operation of the system and authority to determine any high hedge applications under the approved scheme of delegation.

### Recommendation/s

1. that the standard fee for handling a high hedges complaint be set at £450 for the current financial year;
2. that there be no concessionary fees for persons on low incomes
3. that the fee levels be reviewed after 12 months of operation when more information is available on the actual costs incurred and the demands made on the service, including a review of concessionary fee arrangements
4. To recommend to the Full Council that applications be determined by the Manager of the Built Environment Unit under delegated powers.

### Executive brief

The item falls within the following executive brief:  
Environment: Cllr Alfred Jealous

## **Report**

A report was presented to the policy and service review community forum to consider recently introduced legislation which allows councils to deal with complaints regarding high hedges, provided the complainant has exhausted all other avenues (short of civil proceedings) to resolve their dispute. The legislation allows local authorities to charge for this service, but stops short of prescribing an appropriate fee.

The report sought to establish a fee of £450, in common with neighbouring authorities, which would be reviewed after 12 months of operation of the system.

The report also sought authority to determine any high hedge applications under the approved scheme of delegation.

Following the presentation of the report, members sought clarification on various aspects of the new legislation and examined a number of scenarios the legislation may trigger.

Members were concerned that there were no concessions for persons on low incomes but agreed that this could be re-visited at a later date when application fees are reviewed after 12 months of operation.

After full consideration the forum resolved-

1. That the standard fee for handling a high hedges complaint be set at £450 for the current financial year;
2. That there be no concessionary fees for persons on low incomes
3. That the fee levels be reviewed after 12 months of operation when more information is available on the actual costs incurred and the demands made on the service.
4. To recommend to the full council that applications be determined by the manager of the built environment unit under delegated powers.

<b>IMPLICATIONS</b>	
Finance	Failure to set a fee at an appropriate level will add a financial burden to existing budgets. In setting the fee Members must be aware of the complexities of the system, that as both parties have a right of appeal and that there will be a commitment to ongoing monitoring if a remedial notice is served.
Legal	Implementation of these provisions satisfies the obligations placed on the Council by part 8 of the ASB Act 2004
Community Safety	Implementation of these provisions will provide additional powers for the Council to deal with issues regarded as anti-social behaviour.
Human Rights and Equalities	The fee proposed will allow resolution of disputes at a lower cost than civil proceedings required prior to the introduction of this legislation. The introduction of concessionary fees would be reviewed after 12 months of operation of the system.
Sustainability	None

Health & Safety and Risk Management	None
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Report Author	Tel	Date	Doc ID
Mark Evans Development Control Manager	(01253) 658460	June 2005	DC8/8

List of Background Papers		
Name of document	Date	Where available for inspection
Anti-social Behaviour Act 2003 Part 8	1 June 2005	St Annes Town Hall, St Annes, FY8 1LW
Further information is available at the ODPM Website.		<a href="http://www.odpm.gov.uk/stellent/groups/odpm_urbanpolicy/documents/divisionhomepage/037452.hcsp">www.odpm.gov.uk/stellent/groups/odpm_urbanpolicy/documents/divisionhomepage/037452.hcsp</a>

# REPORT



report of	Meeting	Date	Item No
BUILT ENVIRONMENT MANAGER	POLICY AND SERVICE REVIEW COMMUNITY FORUM	7 JULY 2005	6

## INTRODUCTION AND OPERATION OF HIGH HEDGES LEGISLATION UNDER PART 8 OF THE ANTI-SOCIAL BEHAVIOUR ACT 2003

### Public/Exempt item

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

### Summary

On 1<sup>st</sup> June 2005, legislation was introduced to allow councils to deal with complaints regarding high hedges, provided the complainant has exhausted all other avenues (short of civil proceedings) to resolve their dispute. The legislation allows local authorities to charge for this service, but stops short of prescribing an appropriate fee.

This report seeks to establish a fee of £450, in common with neighbouring authorities, which would be reviewed after 12 months of operation of the system.

The report also seeks authority to determine any high hedge applications under the approved scheme of delegation.

### Recommendation/s

1. that the standard fee for handling a high hedges complaint be set at £450 for the current financial year;
2. that there be no concessionary fees for persons on low incomes
3. that the fee levels be reviewed after 12 months of operation when more information is available on the actual costs incurred and the demands made on the service.
4. To recommend to the Full Council that applications be determined by the Manager of the Built Environment Unit under delegated powers.

### Executive brief

The item falls within the following executive brief:

Environment: Cllr Alfred Jealous

## **Report**

### **1. Introduction**

- 1.1 Part 8 of the Anti-social Behaviour Act 2003, which gives councils the power to deal with complaints about high hedges, came into operation on 1 June 2005.
- 1.2 From that date, people will be able to take their complaint to their local Council, provided they have tried and exhausted all other avenues for resolving their hedge dispute.
- 1.3 The role of the Council is not to mediate or negotiate between the complainant and the hedge owner, but to adjudicate on whether the hedge is adversely affecting the complainant's reasonable enjoyment of their property. In doing so, the authority must take account of all relevant factors and strike a balance between the competing interests of the complainant and the hedge owner, as well as the interests of the wider community.
- 1.4 If they consider the circumstances justify it, the Council will issue a formal notice to the hedge owner which would set out what they must do to the hedge to remedy the problem and when by.
- 1.5 Failure to carry out the works required is an offence which, on prosecution, could lead to a fine of up to £1,000. The Council also has the power to carry out the required works in default of the hedge owner and recover their costs.
- 1.6 The Government has decided not to exercise its power to set the maximum fee that councils can charge for dealing with high hedge complaints, leaving the Council to decide the appropriate fee structure. The complainant must pay these fees.

### **2. Proposals**

- 2.1 Members will be aware that the High Hedges legislation was introduced after several high profile and long-running disputes between neighbours were reported by the national media. It was clear that options available to complainants to resolve their problems involved complex, expensive and lengthy procedures through the civil courts.
- 2.2 As this is newly introduced legislation, it is difficult at this stage to estimate accurately how much it will cost to provide the high hedges service. The number of potential complaints is unknown at this stage, but could be very extensive, particularly at first. The Council will be dealing with situations where there is already a history of dispute about a hedge. Experience indicates that dealing with such complaints will be difficult and will potentially demand large amounts of staff time.
- 2.3 The service will involve all of the following stages:
  - responding to requests for information from the public by telephone, letter and in person;
  - checking the validity of formal complaints;
  - notifying interested parties of complaints;



- considering the details of complaints;
- arranging and carrying out site visits at complainants' and neighbours' properties;
- determining complaints;
- serving notices;
- advising interested parties of decisions;
- responding to appeals **from either party** to a disputed hedge;
- checking on site whether remedial notices have been complied with;
- taking administrative and legal steps to secure compliance with remedial notices;
- processing prosecutions;
- responding to further complaints that remedial notices which require regular pruning of hedges have not been complied with.

2.4 The nature of the process will require the Council to continue to respond to requests for information and informal complaints about a particular hedge long after the initial formal complaint has been dealt with. No additional fee can be charged for these requests.

2.5 Provision of this service will require staff with a range of skills including:

- administrative staff;
- technical and professional planning staff;
- enforcement officers;
- legal executives and lawyers

It may be necessary to seek expert advice from external sources in order to deal with certain applications.

2.6 It will not simply be a case of making a decision on a complaint. The process will be much more demanding and require careful consideration and management in order to be effective and efficient.

### **3. Estimated Costs**

3.1 Government estimates of the net costs of processing a formal high hedge complaint range from a minimum of £420 to a maximum of £515. However, these figures are speculative at this point in time and do not include the added costs of dealing with informal enquiries that do not lead to formal complaints.

3.2 In setting the fee levels, Members will wish to consider:

- what proportion of the costs of providing the service should be paid by complainants via the fee;
- what proportion should be paid by Council Tax payers;

- whether there should be concessionary fees for those complainants on low incomes.

#### **4 Proposed Fee Level**

- 4.1 The appropriate fee level has been discussed at the Lancashire Development Control Officer's Group. Many authorities have yet to formally decide on what the fee should be, but £500 is the expected level which will be generally adopted. Wyre & Blackpool Borough Council's are expected to set a fee of £450. Whilst these figures may seem expensive for householders, Members should be aware that the current alternative of pursuing a hedge dispute through the civil courts is likely to be much more expensive.
- 4.2 It is therefore proposed that £450 is set as the standard fee for handling a high hedges complaint, in order to ensure that a standard fee is set across the Fylde Peninsula. It is proposed that, after 12 months of operation of the procedure, the fee should be reviewed and that the review should include an assessment of what proportion of actual costs are covered by the fee.

#### **5 Concessionary Fees**

- 5.1 The Council's commitment to equality and diversity requires that when new services or policies are introduced, consideration should be given to how they will impact on particular groups of people. In this case, the main issue is likely to be how access to the service may be restricted by the adopted fee level. This will impact particularly on those people on low incomes.
- 5.2 In order to assist those people to use the service, Members may wish to consider a reduction in the fee for those who receive: housing benefits and/or Council Tax benefit.
- 5.3 Offering concessionary fees on this basis will be an effective and efficient way of assisting those on low incomes without requiring further means testing. However, any concessions will mean that a greater proportion of overall costs for running the service will be paid by all Council Tax payers.
- 5.4 Given the likely costs to the local authority of operating the high hedges legislation and the high costs of seeking resolution of a high hedge dispute through civil proceedings, Members are recommended that no discount be offered to people on low incomes at this time. As mentioned above, there will be an opportunity to review the introduction of concessionary fees once the service has been in operation for 12 months.

#### **6 Operational Matters and Delegation**

- 6.1 Although this legislation was introduced under the Anti-social Behaviour Act 2003, it is intended that complaints regarding High Hedges be dealt with by the Built Environment Unit, as any subsequent appeals will be dealt with by the Planning Inspectorate. Applications will be considered against set criteria in order to assess the impact of the hedge on neighbouring occupiers. As the key issue to be determined will be similar to the determination of householder planning applications, it is considered appropriate for any applications to be determined under the approved scheme of delegation.

## 7 Conclusions and Recommendations

7.1 The introduction of controls over high hedges will not be funded by Central Government. Handling of complaints is likely to be a complex and expensive process, which will have to be financed by those making complaints. It is for Members for decide an appropriate fee. Accordingly members are recommended:

- i. that the standard fee for handling a high hedges complaint be set at £450 for the current financial year;
- ii. that there be no concessionary fees for persons on low incomes
- iii. that the fee levels be reviewed after 12 months of operation when more information is available on the actual costs incurred and the demands made on the service.
- iv. To recommend to the Full Council that applications be determined by the Manager of the Built Environment Unit under delegated powers.

IMPLICATIONS	
Finance	Failure to set a fee at an appropriate level will add a financial burden to existing budgets. In setting the fee Members must be aware of the complexities of the system, that as both parties have a right of appeal and that there will be a commitment to ongoing monitoring if a remedial notice is served.
Legal	Implementation of these provisions satisfies the obligations placed on the Council by part 8 of the ASB Act 2004
Community Safety	Implementation of these provisions will provide additional powers for the Council to deal with issues regarded as anti-social behavior.
Human Rights and Equalities	The fee proposed will allow resolution of disputes at a lower cost than civil proceedings required prior to the introduction of this legislation. The introduction of concessionary fees would be reviewed after 12 months of operation of the system.
Sustainability	None
Health & Safety and Risk Management	None

Report Author	Tel	Date	Doc ID
Mark Evans Development Control Manager	(01253) 658460	June 2005	DC8/8

List of Background Papers		
Name of document	Date	Where available for inspection

Anti-social Behaviour Act 2003 Part 8	1 June 2005	St Annes Town Hall, St Annes, FY8 1LW
Further information is available at the ODPM Website.		<a href="http://www.odpm.gov.uk/stellent/groups/odpm_urbanpolicy/documents/divisionhomepage/037452.hcsp">www.odpm.gov.uk/stellent/groups/odpm_urbanpolicy/documents/divisionhomepage/037452.hcsp</a>

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DEMOCRATIC SERVICES & MEMBER SUPPORT	POLICY & SERVICE REVIEW SCRUTINY COMMITTEE	13 <sup>TH</sup> DECEMBER 2007	7

## NOTICE OF MOTION – CHRISTMAS TREES

### Public item

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

### Summary

Full Council on 26<sup>th</sup> November considered a Notice of Motion to consider the apparent inequalities in funding the Christmas illuminations in all parts of the borough.

After the motion had been proposed by Councillor Silverwood and seconded by Councillor Chew the mayor indicated that he would allow the motion to stand referred to the Policy and Service Review Scrutiny Committee for consideration.

### Recommendation

Committee is asked to consider the Notice of Motion and how it wishes to deal with it.

### Report

### The Motion

The notice of motion referred reads:

"Could the Council consider the apparent inequalities in funding the Christmas illuminations in all parts of the borough?"

Implications	
Finance	No direct implications
Legal	No direct implications
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability	No direct implications
Health & Safety and Risk Management	No direct implications

Report Author	Tel	Date	Doc ID
Hazel Wood	(01253) 658516	5 <sup>th</sup> December 2007	

List of Background Papers		
Name of document	Date	Where available for inspection

## Policy and Service Review Scrutiny Committee



Date	Thursday 25 October 2007
Venue	Town Hall, Lytham St Annes
Committee members	Fabian Wilson (Chairman) John Prestwich (Vice Chairman) Karen Buckley, Peter Collins, Tony Ford, Cheryl Little, Elizabeth Oades, Bill Thompson.
Other Councillors	Christine Akeroyd, John Coombes, Sue Fazackerley, Pat Fieldhouse.
Officers	Stuart Handley, Paul Norris, Peter Welsh, Annie Womack
Others	Members of the public

### 1. Declarations of interest

Members were 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.

Councillors Christine Akeroyd, Karen Buckley, Peter Collins, John Coombes, Sue Fazackerley, Pat Fieldhouse, Tony Ford, Cheryl Little, Elizabeth Oades, John Prestwich, Bill Thompson, and Fabian Wilson all declared a personal interest in Item 4, Mayoralty.

Councillor Peter Collins declared a personal interest in Item 5, Revised Licensing Policy.

### 2. Confirmation of minutes

RESOLVED: To approve the minutes of the Policy and Service Review Scrutiny Committee meeting held on 23 August 2007 as a correct record for signature by the chairman.

### 3. Substitute members

There were no substitute members.

### 4. Mayoralty

Members were advised that the current arrangements for selecting the Mayor were that the Council moves and second a Mayor Elect prior to the forthcoming Municipal Year and this appointment was confirmed officially each year at the Annual Meeting of the Council. Prior to the Annual Meeting, the Mayor Elect proposed to the Council their personal

recommendation for the position of Deputy Mayor upon which the Council was requested to confirm its acceptance. The position of Deputy Mayor was also confirmed at the Annual Meeting of the Council.

Apart from those circumstances which were covered by the Local Government Act 1972 (e.g. death of a Mayor in office), the arrangements which the council had for other eventualities were a convention only and it was open to the Council to elect any councillor to be Mayor.

The use of selection based on longevity had served the Council well but there were other scenarios which could potentially arise which would need adoption as part of the Council's Policy on the operation of the Mayoralty.

Peter Welsh (Principal Democratic Services Officer) presented a report which outlined some options for the committee to debate.

Following the debate the committee RESOLVED

- (a) To RECOMMEND that the selection of the Mayor should be based on a method of order of seniority
- (b) If in an election year the Mayor-elect is not re-elected - to RECOMMEND that the position of Mayor be offered to the next member on the seniority list. If declined the list is followed until an acceptance is received.
- (c) If a member becomes eligible for office on the seniority list but declines the position – to RECOMMEND that it is ascertained if they wish to decline the position permanently - and if they do to place their name at the bottom of the seniority list with this intent stated; but if they still wish to be offered the position then their name will be moved to the top of the list for the following year.
- (d) If a councillor can become Mayor for a second time – to RECOMMEND that once a member has held the office of Mayor that their name should be removed from the seniority list and cease to be considered for the position of Mayor in the future.
- (e) If a number of members become eligible to be Mayor in the same year – to RECOMMEND that those councillors should decide amongst themselves the order in which the position should be held; but if they cannot agree then in the year preceding their year of office, the current Mayor will conduct a draw to determine the order of office.
- (f) If a member, having previously stated that they don't want to be considered for Mayor, subsequently has a change of circumstances and decide that they want to be included in the seniority list – to RECOMMEND that they be inserted into the list at a point agreed by the Leader / Chief Executive.
- (g) If a member has broken service – to RECOMMEND that the member joins the list at the most recent term of office they were elected, but elevated to a

higher ranking than those elected at the same time.



## 5. Licensing Act 2003 – Revised Licensing Policy 2008 – 2011

The licensing act 2003 required the licensing authority (for the purpose of this report, the Fylde borough council) to prepare for a three year period a statement of licensing policy for their area. The authority's first statement of licensing policy was approved by this council and came into effect on the 7<sup>th</sup> January 2005 and the council was now required to prepare one for a further three year period. This policy had to be in force with effect from 7 January 2008 to 6 January 2011.

A statement of licensing policy provided a local framework for decision making when considering applications for licence or variation to licence, as the licensing committee and its licensing panels were required to have due regard to this when forming a decision.

The committee was therefore asked to consider and approve the revised draft policy, which had been developed from the current draft guidance issued under section 182 of the licensing act 2003 by the secretary of state for culture, media and sport, and amended where appropriate following the wide-ranging consultation process.

Mr Stuart Handley, (Commercial & Licensing Manager), presenting the report, pointed out that the policy had also been made more user-friendly in terms of layout and language.

Councillor Oades commented that in her view, consultation with "near-neighbours" when there is an application for a licence was not comprehensive enough and was often limited to a poster in a window. She asked if it was possible for licensing to deal with this problem. Mr Handley explained that the licensing department could not be seen to be soliciting opposition from the public, but that they did advise the Town and Parish Councils when there was an application for a new or changed licence. Councillor Oades requested that the Council's legal department should look into the restrictions placed on the Council in these circumstances, and advise whether there may be opportunities to improve public consultation.

There were also questions from the committee about the current reactive nature of the enforcement work, but Mr Handley assured the committee that there was sufficient capacity to respond to reactive work such as complaints, and that the police, in the course of their activities, assist the licensing department with monitoring of licensed premises.

Mr Handley clarified that the Licensing Authority's remit was to cover breaches of licensing conditions, whilst the police manage crime and disorder issues and environmental protection team manage public nuisance. In addition, they are both able to request a review of a license whereas the Licensing Authority are not.

The committee RESOLVED:

- 1 to RECOMMEND the approval of the draft licensing policy
- 2 to ask that it be noted that the Council's Head of Legal Services should investigate limitations to the consultation process for licensing applications

## 6. Future Management of Swimming Pools

Mr Paul Norris, (Executive Manager Community and Cultural Services), presented a report which examined the results of the recent tender process for the future management of the council's two swimming pools at St Annes and Kirkham and provided a range of options for delivery of a swimming service in the urban and rural areas.

Members of the Policy and Service Review Scrutiny Committee were asked to examine the available options based on the information contained in this report and make their recommendations for future delivery of urban and rural swimming service to Cabinet.

The report gave an account of the tender process, and the outcomes. Unfortunately, whilst there were eight expressions of interest, only two companies submitted tenders. On the basis of costs, one was effectively ruled out, leaving the Fylde Coast YMCA as the only alternative to in-house management, although the savings were not significant and there was no intention on their part to invest in providing dryside facilities.

Mr Norris went on to outline how the service was currently run, and the potential advantages and disadvantages, and limitations, to out-sourcing.

After a full debate of the matter the committee RESOLVED:

1. To recommend that the management of the swimming pools in St Annes and Kirkham be retained in-house.
2. To recommend that the Cabinet look in detail at the proposals for dryside development and consider the associated costs as part of the budget process, and subject to Corporate priorities.
3. To recommend that a risk assessment of the 15 year maintenance plan is undertaken.

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