



Meeting Agenda

**Special Council,
United Reformed Church, St Georges Road,
St Annes
Monday 18 July 2011, 7:00pm**



COUNCIL MEETING

UNITED REFORMED CHURCH, ST ANNES
on
MONDAY 18 JULY 2011 at 7:00pm

The Mayor – Councillor H. Henshaw, A.D.K (Malaysia)
Deputy Mayor – Councillor R. K. Eastham

Councillors

- B.M. Ackers
- B. Aitken
- C. E. Akeroyd
- F.R. Andrews
- T. Armit
- T. Ashton
- S. Ashton
- K. Beckett
- J. Brickles
- K. Buckley
- D.M. Chedd
- M. Chew
- A. Clayton
- P. Collins
- S. Cox
- F.Craig-Wilson
- S. Cunningham
- J.R Davies
- L. Davies
- D. Donaldson
- C.Duffy
- D. Eaves JP
- S.M Fazackerley
- Dr T.J Fiddler
- T. Ford JP

Councillors

- G. Goodman
- N. Goodrich
- P. Hardy
- K. Harper
- P.J Hayhurst
- K. Henshaw JP
- P. Hodgson
- K. Hopwood
- A. Jacques
- C. Little
- J.K Mulholland
- E.J Nash
- L.J Nulty
- E.A. Oades
- A.G. Pounder
- D.S Prestwich
- R. Redcliffe
- L. Rigby
- E.M Silverwood
- J.R Singleton JP
- H.A Speak
- T. Threlfall
- V. Willder
- P. Wood

Philip Woodward – Chief Executive

Contact: Annie Womack (01253) 658423 Email: anniew@fylde.gov.uk



Our Vision

Fylde Borough Council will work with partners to provide and maintain a welcoming, inclusive place with flourishing communities.

Our Corporate Objectives

- To Promote the Enhancement of the Natural & Built Environment
 - To Promote Cohesive Communities
 - To Promote a Thriving Economy
- To meet the Expectations of our Customers

The Principles we will adopt in delivering our objectives are:

- To ensure our services provide value for money
- To work in partnership and develop joint working

PROCEDURAL ITEMS	
1. DECLARATIONS OF INTEREST - If a member requires advice on declarations of interest he/she is advised to contact the legal services executive manager in advance of the meeting. (For the assistance of members an extract from the Council's Code of Conduct is attached).	7
ITEMS FOR DECISION	
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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.

1. DECLARATIONS OF INTEREST

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.

2. NOTICE OF MOTION

REPORT



REPORT OF	MEETING	DATE	ITEM NO
GOVERNANCE AND PARTNERSHIPS	SPECIAL COUNCIL	18 JULY 2011	2

NOTICE OF MOTION

Public item

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

Summary

The council is requested to consider the Notice of motion received on 8th July 2011.

Recommendation

To consider the Notice of Motion.

Report

The Motion

1. A Notice of Motion has been received and a special meeting of the Council has been requested by the Mayor to consider this Motion.
2. Because the issue referred to in the Motion has been the subject of a decision at a Council meeting in the last six months it has been supported by the requisite eight Members from two political groups.
3. The Motion, proposed by Councillor Silverwood, is as follows:
We feel that the disposal of Melton Grove should be debated by the full council to ensure that the right decision is made in the interests of the residents of the Borough.
4. The Motion has been supported by the following councillors:-
Councillors Chew, J Davies, Duffy, Hayhurst, H Henshaw, Hopwood, Nulty and Oades.

Standing Orders

3. An extract from the Council Procedure Rules on Notices of Motion include the following (summarised) provisions:

11.1.3 At the Council Meeting

11.1.3.1 A motion under this rule must be formally moved and seconded at the council meeting. It will then stand referred without discussion to the cabinet or the relevant

Continued....

committee(s) of the Council for consideration unless, while moving the motion, its proposer asks the council to consider it immediately.

11.1.3.2 If the proposer asks the council to consider the motion immediately, the council must, without discussion, vote on whether or not to do so.

11.1.3.3 If the council votes to consider the motion immediately, it will be dealt with at the council meeting under the normal rules for debate and voting. If the council votes not to consider the motion immediately, it will stand referred as set out below.

Referred motions

11.1.3.4 It is up to the Cabinet or committee concerned to programme discussion of any motion referred to it.

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	There are no direct legal implications arising from this report.
Community Safety	None arising directly from the report.
Human Rights and Equalities	There are no direct human rights and equalities implications arising from this report.
Sustainability and Environmental	There are no direct sustainability implications arising from this report.
Health & Safety and Risk Management	There are no direct health & safety and/or risk management implications arising from this report.

Report Author	Tel	Date	Doc ID
Governance Team	(01253) 658423	July 2011	

List of Background Papers		
Name of document	Date	Where available for inspection
Notice of motion	July 2011	Town Hall or www.fylde.gov.uk

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