



# MINUTES

## Council

<b>Date:</b>	Monday, 25 March 2019
<b>Venue:</b>	Town Hall, St Annes
<b>Members Present:</b>	<p>Mayor (Councillor Peter Collins) Deputy Mayor (Councillor Jan Barker)</p> <p>Councillors Ben Aitken, Frank Andrews, Peter Anthony, Tim Ashton, Keith Beckett ISO, Brenda Blackshaw, Julie Brickles, Karen Buckley, Maxine Chew, Alan Clayton, Delma Collins, Chris Dixon, David Donaldson, Susan Fazackerley MBE, Tony Ford JP, Shirley Green, Neil Harvey, Paul Hayhurst, Karen Henshaw JP, Angela Jacques, John Kirkham, Cheryl Little, Roger Lloyd, Kiran Mulholland, Edward Nash, Sally Nash, Graeme Neale, Jayne Nixon, Linda Nulty, Liz Oades, Sandra Pitman, Richard Redcliffe, Louis Rigby, Vince Settle, Elaine Silverwood, Roger Small, Ray Thomas, Thomas Threlfall, Viv Willder.</p>
<b>Other Members Present</b>	Councillor Mark Bamforth via video link
<b>Officers Present:</b>	Allan Oldfield, Tracy Manning, Ian Curtis, Simon Stott, Kassie Navarasi, Sharon Wadsworth, Katharine McDonnell, Howie Dawson.
<b>Other Attendees:</b>	Ten members of the public were present.

### Prayers

Prayers were offered by Father Aiden Edwards.

A minute's silence was held in memory of Councillor Christine Akeroyd, who had sadly passed away on 13 March 2019.

#### 1. Declarations of Interest

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

Councillor Karen Buckley declared a personal interest in regards to matters relating to libraries as her husband was the portfolio holder at the County Council with responsibility for libraries.

Councillor Chris Dixon declared a personal interest in matters relating to Lytham Library as he was a Friend of Lytham Library.

Councillor John Kirkham declared a disclosable pecuniary interest in agenda item 9, M55 Link Road. He left the room for the duration of the item.

#### 2. Confirmation of Minutes

RESOLVED: To approve the minutes of the meeting held on 5 March 2019 as a correct record for signature by the Mayor.

3. Mayor's Announcements

The Mayor referred to the recent Mayor's Charity Ball, which had taken place on 15<sup>th</sup> March at Ribby Hall. He thanked everyone who attended and provided prizes for the raffle and silent auction. He advised that around £6,000 had been raised on the night.

4. Chief Executive's Communications

Mr Allan Oldfield, Chief Executive, stated that as the meeting was the last before the end of the Council's four year term of office, he thanked the councillors for all their hard work and dedication, and wished those not standing again all the best, and best wishes to those standing as candidates again.

5. Questions from Members of the Council

Councillor Tim Ashton read out his question that had been submitted before the requisite deadline as outlined in the Council's Constitution.

*"Does Councillor Oades receive a Special Responsibility Allowance and if so how much is it?"*

Councillor Karen Buckley, Chairman of Finance and Democracy Committee, responded by confirming that Councillor Oades did receive a Special Responsibility Allowance in her role as Leader of the Independent Group. Councillor Oades received a payment of £32 per group member, and therefore received £416, for 13 members paid annually.

Councillor Ashton asked a supplementary question. He stated that it was regrettable that Councillor Oades had misled the Council at a previous meeting when she had stated she did not receive an allowance as Leader of the Opposition.

The Mayor corrected Councillor Ashton and clarified that Councillor Oades did not say she was leader of the opposition, she stated she was leader of the independent group.

The Mayor invited Councillor Elaine Silverwood to ask the question that had been submitted before the requisite deadline as outlined in the Council's Constitution.

*"Is it the case that an eminent charity-law barrister has provided her professional opinion that Lytham Institute is not owned by the Council but is held - like Lowther Gardens - on Charitable Trusts?"*

*Is it also the case that the Charity Commission - on seeing the barrister's legal opinion - has written to the Council advising us of our responsibilities as trustee of the Lytham Institute?"*

*And if these are the case, will the Council now register Lytham Institute with the Charity Commission, or will we wait for the Attorney General - he of the infamous codpiece - to prosecute the Council for its failure to do so?"*

Councillor Fazackerley responded, *"This council has previously been advised that Counsel does not support the opinion that Lytham Institute was held on trust. I can confirm that an unsolicited Counsel's Opinion was recently received from a third party and the Charity Commission made an enquiry about the council response to this. The council has sought a further Counsel's Opinion in the light of that correspondence. We will carefully consider the further advice of Counsel when it is received and take any further action in the light of that advice. Officers have not yet had the revised legal opinion and even if we had, its contents would not be something that we would reveal out of court."*

Councillor Silverwood asked a supplementary question, *"Will Councillor Ashton, who prepared and coordinated the Institute's business case bid to the County Council to secure the future of the library, who is a member of the Board of Directors and Trustee of Lytham Town Trust, who submitted and won the bid to house the library in the Trust's Lytham Assembly Rooms, a move that was in direct competition with the Lytham Institute bid coordinated by Councillor Ashton, and who is also an elected member of the ruling conservative group on both Fylde Borough Council and Lancashire County Council and who is therefore uniquely placed to influence these matters, will Councillor Ashton now commit to using his good offices to re-establish the public library in Lytham Institute? To help secure the Institute's future as an important*

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*public facility and to generate reliable and regular income from the County Council to help ensure the Institute's future financial viability."*

Councillor Fazackerley, *"I would contend that the prepared question to my answer does not directly relate to my answer to her question."*

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

Mr Turner was invited to read out his question that had been submitted before the requisite deadline as outlined in the Council's Constitution.

*"Recent legal opinion says that Fylde Borough is holding Lytham Institute on trust and they should register it with the Charity Commission. Is the Council now going to do everything in its power to ensure that the Library is reopened in its rightful home there?"*

Councillor Fazackerley responded by stating that *"the council has previously been advised by counsel that it does not support the belief that Lytham Institute was held on trust. We will carefully consider further advice from our own counsel when it is received and take any appropriate action in the light of that advice. Any proposal to reopen a library in the Institute would be a matter for Lancashire County Council."*

Mr Turner asked the following supplementary question, *"If the Council allow the library to move to the Assembly Rooms by changing the Town Trust's lease on the Assembly Rooms, are they not failing in their duty as Trustees of depriving the Institute of its main source of income?"*

Councillor Fazackerley responded stating that, *"it is my understanding that the Town Trust are only too happy to house the Lytham Library, it's not a question of us asking them to do so, it was one of the sites identified as possible homes for the library by the County Council and the Town Trust, as I understand it, are absolutely behind it."*

#### Decision Items

#### 7. Notice of Motion – Gratitude for Service

Following notice given under rule 11 of the Council Procedure Rules, the following Motion was proposed by Councillor Sue Fazackerley.

*"As this is the last Council meeting before the election, I would like to place on record our gratitude for the service, commitment and dedication of members who are not seeking re-election. I would particularly like to mention those whose many years on Fylde Council will be recognised by the title of Honorary Alderman – Cllr Louis Rigby, Cllr Tim Ashton and Cllr Keith Beckett. They will be missed by those who they have faithfully represented and by their colleagues in the Chamber."*

Councillor Fazackerley added that she was glad to see Councillor Beckett back in the Council Chamber, which was met with supportive assent from those present.

The motion was seconded by Councillor Karen Buckley. Councillor Oades commented on the dedication of Councillors Beckett and Rigby to the people of Kirkham and Freckleton respectively and added her hope that any other long standing member not returned to office, would be honoured too.

The motion was CARRIED following a show of hands.

#### 8. Notice of Motion – Lytham Institute

Following notice given under rule 11 of the Council Procedure Rules, the following Motion was proposed by Councillor Tim Ashton.

*"Following legal advice obtained by the Lytham St Annes Civic Society regarding the charitable status of the Lytham Institute stating that Counsel's opinion is that the building is still subject to the charitable trusts created by the 1917 deed of assignment.*

*The Council are to work with partners including local groups, businesses and other interested parties to ensure that community use is retained within the building."*

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The motion was seconded by Councillor Ray Thomas.

Councillor Ashton spoke in support of his motion, noting that community buildings were important in combating social isolation. He advised there was support within the community to run the Institute in conjunction with business partners.

Councillor Lloyd advised that he could support Councillor Ashton's motion to a point but felt it was ambiguous, may not secure the future of the Institute, and raised many questions, he therefore moved the following amendment, *"that the council instructs the Chief Executive to place a report on the next meeting of the Tourism and Leisure Committee to inform the committee of proposals and progress regarding the library service in Lytham and allow the community the opportunity to debate whether its policies in relation to the arts, culture and heritage are sufficiently clear about the library service in Lytham, and to consider any management issues arising in relation to the Institute and the Assembly Rooms."*

Councillor Oades seconded Councillor Lloyd's amendment and spoke in support of it.

Following a debate, a vote was taken and the amendment was LOST.

Councillor Fazackerley proposed an amendment, that *"legal advice obtained by the Lytham St Annes Civic Society regarding the charitable status of the Lytham Institute stating that Counsel's opinion is that the building is still subject to the charitable trusts created by the 1917 deed of assignment, the Council awaits the receipt of its own advice from Counsel. Once the County Council's User rights are withdrawn, the Council will consult with all interested parties regarding the building's future. This will mean considering all possible options, including community use, for the use of the Institute which will include community engagement and consideration of the proposals that had been presented to the County Council as part of a detailed, costed options proposal."*

The amendment was seconded by Councillor Roger Small.

Following a debate, and before the vote was taken, a request for a recorded vote was received, and following a recorded vote, the motion was CARRIED.

For (27) – Councillors Aitken, Andrews, Anthony, Ashton, Buckley, Collins D, Dixon, Donaldson, Fazackerley, Ford, Green, Harvey, Jacques, Kirkham, Little, Mulholland, Nash E, Nash S, Neale, Nixon, Pitman, Redcliffe, Settle, Small, Thomas, Threlfall, Willder.

Against (5) – Councillors Beckett, Chew, Clayton, Hayhurst, Henshaw.

Abstain (9) – Councillors Blackshaw, Brickles, Lloyd, Nulty, Oades, Rigby, Silverwood, Barker, Collins P

(Councillor Brickles left the meeting following the recorded vote)

Councillor Oades moved a further amendment that to the wording of Councillor Fazackerley's motion the addition of the words *"that the matter comes back to the council at the earliest opportunity"*

Councillor Nulty seconded the amendment.

A vote was taken and the amendment was carried.

A vote was then taken on the following substantive motion,

*"legal advice obtained by the Lytham St Annes Civic Society regarding the charitable status of the Lytham Institute stating that Counsel's opinion is that the building is still subject to the charitable trusts created by the 1917 deed of assignment, the Council awaits the receipt of its own advice from Counsel. Once the County Council's User rights are withdraw, the Council will consult with all interested parties regarding the building's future. This will mean considering all possible options, including community use, for the use of*

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*the Institute which will include community engagement and consideration of the proposals that had been presented to the County Council as part of a detailed, costed options proposal, and that the matter comes back to the council at the earliest opportunity.”*

The motion was CARRIED.

(Councillor Green and Councillor Mulholland left the meeting)

#### 9. M55 Link Road

Councillor Karen Buckley presented the recommendation of the Finance and Democracy committee regarding a drawdown of £1m, of a previously agreed financial contribution towards the funding of the M55 link road scheme. She advised that the pre-commencement works were underway, and the drawdown of the pledged £1m at this stage was both timely and important.

Councillor Buckley provided members with a brief precis of the project to date and the proposed total costs, of £26.2m or £27.2m, depending on the design used. She advised that the total costs would be refined as the project moved forward. She made special mention of thanking Paul Walker, Director of Development Services, and County Councillor Keith Iddon for their assistance with the project thus far.

Councillor Richard Redcliffe seconded the proposal.

Following a short debate, expressing support for the project, it was RESOLVED to approve a fully funded addition to the capital programme in 2019/20 of £1,000,000 fully funded from the M55 Link Road Reserve that was created in 2016/17 and to authorise the payment of £1,000,000 to Lancashire County Council towards the construction of the accelerated M55 link road based on Heads of Terms as detailed in the report.

(Councillor Kirkham, having previously declared a pecuniary interest, left the room for the duration of the item).

#### 10. Community Housing Fund

Councillor Ben Aitken presented the recommendation of the Environment, Health and Housing Committee for a fully funded budget increase to ensure the continued delivery of the Community Housing Fund project for a further two years.

Councillor Viv Willder seconded the proposal.

It was RESOLVED to approve a fully-funded revenue budget increase in the sum of £75,000 to provide sufficient resource for the continued delivery of the Community Housing Fund project as detailed in the agenda report. The funding was required in the financial years 2018/19 to 2020/21 (4,500 in 2018/19, 54,000 in 2019/20 and 16,500 in 2020/21) to be met in full from the Community Housing Fund grant that the Council received in December 2016.

#### 11. Fairhaven Heritage Lottery Project

Councillor Cheryl Little introduced the recommendations of the Tourism and Leisure committee for a fully funded budget increase and associated expenditure for the Fairhaven Heritage Lottery project.

Councillor Vince Settle seconded the proposal.

It was RESOLVED:

1. To approve a fully funded increase in the total scheme value within the Capital Programme of £2,317,497 (£33,342 in 2018/19, £1,401,500 in 2019/20, £713,943 in 2020/21 and £168,712 in 2021/22) in respect of Fairhaven Lake and Gardens Restoration Project, to be met in full as detailed in the report;
2. To note that the approval of the fully funded increase above, would now enable the authorisation of expenditure in respect of Professional fees in the sum of £170,653 and activity costs in the sum of £276,125 as agreed by the Tourism and Leisure Committee on 14 March; and

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3. To note that further draw down reports would be presented to the Tourism and Leisure Committee as the project progressed.

#### 12. Fairhaven Adventure Golf – Capital Bid 2019/20

Councillor Cheryl Little introduced the recommendation of the Tourism and Leisure Committee to progress the proposed commercial adventure golf investment alongside the Fairhaven Lake Heritage project. She advised that the recommendation from the Tourism and Leisure Committee was not as clear as it could have been, and therefore, for clarity, she proposed the alternative recommendation to Council;

*“To approve an addition to the Capital Programme in 2019/20 (to be funded from the Capital investment Reserve) in the sum of £505,000 in respect of the Fairhaven Adventure Golf project as detailed within the report.”*

Councillor Vince Settle seconded the proposal.

Following a short debate focusing on a suggested lack of parity of funding between rural and urban areas of the borough and requests for this to be considered in future budget rounds, it was RESOLVED to approve an addition to the Capital Programme in 2019/20 (to be funded from the Capital investment Reserve) in the sum of £505,000 in respect of the Fairhaven Adventure Golf project as detailed within the report.

#### 13. Proposals for the Control of Barbecues and other Outdoor Cooking on Council Owned Land.

Councillor Cheryl Little presented the recommendations of the Tourism and Leisure Committee regarding the proposed enforcement provision to control the use of barbecues and other outdoor cooking on council owned land.

Councillor Vince Settle seconded the proposal.

Following a short debate, regarding the need or otherwise for the intended Public Space Protection Order dealing with barbecues, it was RESOLVED to approve an additional unfunded annual revenue budget increase of £38,000 from 2019/20 onwards to cover the cost of enforcement in regards to the Public Space Protection Order in regards controls for the use of barbecues and other outdoor cooking on council owned land.

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