



## Meeting Agenda

**Policy Development Committee,  
Town Hall, Lytham St. Annes  
Thursday 4<sup>th</sup> February 2010, 6:15pm**

**The main doors to the Town Hall will be open to the public at 6:00pm**  
The maximum capacity for this meeting room is 60 persons –  
once this limit is reached no other person can be admitted.

# **POLICY DEVELOPMENT COMMITTEE MEMBERSHIP**

CHAIRMAN	Fabian Craig-Wilson
VICE-CHAIRMAN	Kiran Mulholland

## **Councillors**

Brenda Ackers	Ben Aitken
George Caldwell	Michael Cornah
Patricia Fieldhouse	Richard Fulford-Brown
Craig Halewood	Angela Jacques
John Davies	Howard Henshaw
David Chedd	Elizabeth Oades
Elaine Silverwood	Heather Speak

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## **Our Vision**

*To establish Fylde Borough Council as a high performing local authority*

## **Our Corporate Objectives**

To improve the economic, social and environmental well-being of our communities through:

- The promotion and enhancement of the natural built environment
- Increasing the availability and access to good quality housing for all
- Maintaining healthy and safe communities to reduce the fear of crime
- Supporting and sustaining a strong and diverse Fylde coast economy to further enhance employment prospects

## **We will achieve this by:**

Focusing on customer requirements  
Clear community and organisational leadership  
Delivering high quality, cost-effective services  
Partnership working



## A G E N D A

### PUBLIC PLATFORM

*To hear representations from members of the public in accordance with  
Committee procedure rules*

ITEM	PAGE
<b>1. DECLARATIONS OF INTEREST:</b> <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Monitoring Officer in advance of the meeting. (For the assistance of Members an extract from the Councils Code of Conduct is attached).</i>	4
<b>2. CONFIRMATION OF MINUTES:</b> <i>To confirm as a correct record the minutes of the Policy Development Scrutiny Committee held on 3<sup>rd</sup> December 2009. As 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. BEACH ACTIVITY MANAGEMENT SCHEME</b>	7-41
<b>5. SAND DUNES MANAGEMENT ACTION PLAN CONSULTATION AND CLARIFICATION REPORT</b>	42-69
<b>6. REVIEW OF 'MOVING TO EXCELLENCE' AND THE FUTURE SERVICE DELIVERY APPROACH OF THE COUNCIL</b>	70-87

**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
DIRECTOR COMMUNITY SERVICES DIRECTOR STRATEGIC DEVELOPMENT	POLICY DEVELOPMENT SCRUTINY COMMITTEE	4 FEBRUARY 2010	4

## BEACH ACTIVITY MANAGEMENT SCHEME

### Public Item

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

### Summary

This report identifies a consultation draft beach activity management scheme as a means of formalising management of activities on the beach to ensure safety and protect amenity, whilst also preventing environmental damage. The proposed scheme comprises a mixture of voluntary and regulatory management approaches, and requires further consultation with stakeholders to work up the detail.

Members are also requested to consider the best way forward to conclude the debate as to whether allowing shooting on the coast, on land owned by the Council, is appropriate.

Members consider recommending to the portfolio holder whether a licence (limited in scope and duration) should be considered for Trax Windsports to operate wind and wheel sports (subject to prerequisites identified in the report) whilst the consultation on the wider beach activity management scheme is progressed.

### Recommendations

1. Members consider the consultation draft beach activity management scheme and agree that further consultation should take place.
2. Members agree whether allowing shooting on the coast, on land owned by the Council, is appropriate.
3. Members consider recommending to the portfolio holder whether a licence (limited in scope and duration) should be considered for Trax to operate wind and wheel sports

on the beach (subject to prerequisites identified in the report) whilst the consultation on the wider beach activity management scheme is progressed.

### **Reasons for recommendation**

In order to manage beach activities safely and protect amenity, whilst also preventing environmental damage further consultation on the content of a beach activity management scheme is required. The debate about appropriateness of allowing shooting on the coast, on land owned by the Council, also requires concluding. Trax Windsports are keen to operate wind and wheel sports in the short term, and Members are requested to consider whether such a course of action should be recommended to the portfolio holder.

### **Alternative options considered and rejected**

Not to develop a beach activity management scheme in consultation with stakeholders – will not fulfil the Council's duty to manage beach activities safety and protecting amenity, whilst also preventing environmental damage.

Not to consider the interest expressed by Trax in operating wind and wheel sports – this is an appropriate matter for Members' consideration.

### **Cabinet Portfolio**

The item falls within the following Cabinet portfolio:

Leisure and Culture: Councillor Susan Fazackerley

### **Report**

#### **Background**

1. At the meeting of Policy and Service Scrutiny meeting of 16 April 2009 Members considered a report entitled 'Recreational Use of the Beach' (Appendix A) which discussed two issues:

- Wind powered wheeled sport
- Shooting

2. With regard to wind powered wheeled sport Members resolved:

1. That officers continue to investigate the feasibility of introducing wind powered wheeled sport on the beach at a future date. Further, more detailed, proposals must be agreed by Members before such activity can be allowed. These proposals must include further identification of resources required and health and safety implications, and must recognise that the safety of beach users is paramount.
2. That any organisation or individual wishing to introduce sports such as wind powered wheeled sport to the beach should be required to commission and fund all assessments as required by legislation. These will be considered by officers as part of any application process.
3. That the Safersands proposals are revisited and that the Beach Users Group meetings should recommence and be held on a regular basis.



4. That officers should further investigate the potential for developing byelaws to regulate beach activities, recognising the capacity and resources required for their development and enforcement.

3. With regard to shooting Members resolved:

1. To appoint a task & finish group to investigate and report back to committee

4. The task and finish group did meet to discuss the issue of shooting on the beach under the control of the Council as landowner. However to date the matter of shooting on the beach has not been resolved.

### **Beach Activity Management Scheme**

5. Subsequently officers have drawn up a consultation draft beach activity management scheme (Appendix B) to provide the basis for further discussion about management of activities on the beach.

6. The scheme is focussed on the need to manage beach activities safely and protect amenity, whilst also preventing environmental damage. The Department for Environment Food and Rural Affairs (DEFRA) guidance 'Managing Coastal Activities: A Guide for Local Authorities' has been used to inform preparation of the scheme. This recognises that the challenge for local authorities is to manage the combination of users and pressures in a practical and cost-effective manner whilst at the same time enabling multiple use and enjoyment of coastal amenities. It suggests that management should:

- be proactive;
- enable multiple use of amenities;
- ensure that people, amenities and the environment are protected;
- minimise conflicts between activities and the environment; and between different users and user groups;
- facilitate enjoyment of the coastal resource;
- encourage the development of self regulating and self-policing regimes; and
- minimise the burden of enforcement.

7. Guidance suggests that a voluntary approach to managing coastal activities involving co-operation and education should be explored before turning to statutory measures. Voluntary arrangements aimed at resolving conflicts between recreational users, which address local needs and complement other local initiatives, have a good chance of securing local support. In turn locally supported voluntary arrangements increase the likelihood of success.

8. The advantages of a voluntary scheme are identified as:

- implementation is more immediate;
- greater flexibility in operation, and amendments can be introduced readily;
- tailoring to complement other management initiatives;
- stakeholder involvement which encourages greater local ownership;
- clubs can amend their rules to support voluntary arrangements;
- application across administrative boundaries;
- peer pressure and self regulation are more likely; and
- enforcement can be devolved to user groups.

The disadvantages are:

- enforcement is difficult without the support and cooperation of all users; and
- there are no statutory penalties for offences.

9. The key factors in the development of a voluntary management scheme are identified as:

- setting clear objectives for the scheme;
- having a strategy for involving stakeholders so that their views can be sought;
- using licences and permits to control activities. Setting conditions for the use of launch points or controlling access to land or property needed to engage in activities can be used as a means of regulation;
- using a range of techniques to notify users about the scheme – signs, notices, leaflets, websites; and
- identifying the options in the event that the voluntary scheme fails.

10. Zoning is often used to address safety or amenity issues. It can be an effective tool to minimise conflicts in areas where different activities are competing for space. Zoning can be voluntary or through a mixture of voluntary and regulatory mechanisms. Where the balance lies depends upon the extent of user co-operation in the development of the scheme. Zones can operate:

- across geographical areas (such as specific areas of water); or
- at various times, for instance by controlling activities at certain times of the day or at certain times of the year.

11. The SaferSands report commissioned by the Council involved consultation with stakeholders and reviewed alternative options for a beach management scheme (voluntary initiatives; partial regulation (mix of voluntary and regulation); fully regulatory) and concluded that a mixed approach was the most appropriate.

## **Designing the Management Scheme**

12. The DEFRA guidance advocates a stepped approach to designing management schemes:

### Step 1 – Understanding the Issues

Authorities should collect information and evidence to identify the causes and nature of conflicts, and the impacts. Consultation with local groups and individuals will help authorities and others to understand the nature and impacts of the problem and to identify potential solutions.

### Step 2 – Review Experience and Options

This should include the identification of the options – voluntary and statutory – available to the authority which are appropriate for the problem. In some cases, no new measures may be needed. Better education and awareness of existing measures coupled with better enforcement may be sufficient to deal with the problem.

### Step 3 – Identify Appropriate Options for Management

Not all management options require local authority resources. Users, especially where they are members of a club, may adopt a self-regulating and self-financing scheme. Voluntary action may be helped by the introduction of voluntary or statutory codes of practice.

#### Step 4 – Developing a Management Scheme

The management scheme should be developed in consultation with local and, where appropriate, national organisations and individuals. Where there is the opportunity for partnership working with others (such as local club members), they should be involved throughout the development process. Authorities should assess the resources available for disseminating information about the scheme and for enforcement (for both statutory and non-statutory initiatives).

#### Step 5 – Implementation

Although many of the groups and individuals affected by the proposed scheme should be aware of it when they were consulted, authorities should publicise it widely to raise public awareness, especially where participants from outside the area are involved.

#### Step 6 – Monitoring

Once implemented, the scheme should be monitored and reviewed. Monitoring requires resources. Sufficient resources will be needed to implement a structured programme of monitoring. This programme should examine the continuing degree of conflict and identify where modification is needed.

Monitoring should be undertaken at appropriate times – activity may be seasonal or more frequent at weekends or in the evenings, or in school holidays and on Bank Holidays.

#### Step 7 – Reviewing

All schemes, even those which seem to meet their objectives, should be reviewed from time to time. Schemes may no longer be needed, may need to be changed to meet new circumstances, or may need to be changed in the light of new legislation or guidance from Government.

13. Given the work that has taken place to date, officers are of the view that we are currently at Step 4 – Developing the Management Scheme. Steps 1 – 3 were addressed by the SaferSands report and through the consultation that informed it.

### **Developing the Management Scheme**

14. The consultation document at Appendix B is the basis for further discussions with stakeholders to agree the most appropriate form that the management scheme should take. It will also provide an opportunity to gather information about the permits / codes / rules that are operated on a voluntary basis by local clubs and those operated elsewhere. It will be of particular importance to work with the SaferSands implementation group on the detail of the scheme and to agree future arrangements for monitoring its success.

15. Similarly during this period the Council needs to identify sufficient resources to manage the scheme, particularly in terms of communicating the details of the scheme effectively and maximising compliance with it. Managers are looking to target some resources at this issue through the current efficiency review of Leisure Services, but there is further work needed to ensure that the priority issues identified in the SaferSands report (and summarised at paragraph 1.2 of Appendix A) are addressed appropriately.

16. Officers will also need to review the risk assessments that are currently in place for activities on the beach, in conjunction with partners and in light of the outcomes of consultation and the detail of the final activity management scheme.

## Timetable

17. The timetable for developing the scheme will be dependant to some extent upon the degree to which there is support for, and agreement on, the need for and details of a scheme; but it is likely to take a minimum of three months to finalise. The timescale will also be dependent upon the outcome of consultation with those agencies that have a statutory role in agreeing use of the beach, including Natural England and the local planning authority.

18. Natural England's role is to protect the environmental designations that are in place along the coast. Regardless of the planning considerations outlined below, the Council must give notice of certain operations including 'the use of vehicles or craft and recreational or other activities likely to damage the soil, flora and fauna within the area of Special Scientific Interest, as indicated at Appendix B. Initial discussions have taken place with officers from Natural England, and these will continue throughout the consultation period.

## Planning Considerations

19. The use of an area of the beach for any organised wind sport activity would normally be regarded as a material change of use for which planning permission would be required.

20. However, as the beach has previously been used for sand yachting, the use may already have become established over the years and it will be necessary, therefore, to establish whether there is an established use for such activities. In making this decision it will be necessary to consider whether the cessation of the use in 2002 has resulted in any established use being abandoned and whether the intensity of the proposed use is materially different to the previous use.

21. If an established use cannot be confirmed, it will be necessary to submit a planning application for the use of the beach for wind sport activity. Such an application would be the subject of consultations with various statutory consultees, interest groups and local residents.

22. As part of the proposed area lies within an area designated under the Ramsar Convention, a Special Protection Area and a Site of Special Scientific Interest, the impact of any proposed use on the integrity of the Ribble and Alt Estuary will need to be considered. As the main habitat feature of the designated area relates to wintering bird populations, the views of Natural England will need to be sought. Prior to determining any planning application, it will be necessary to carry out an Appropriate Assessment under the Habitat Regulations to determine whether the proposal will have any significant adverse effect. If any significant effects are identified, it would be necessary to seek to mitigate those impacts.

23. Although the area closest to the promenade falls outside the national and international designations, it has been identified as being of a County wide importance and designated as a Biological Heritage Site. Any impacts on this area would also need to be considered in the determination of a planning application in accordance with Policy EP17 of the Fylde Borough Local Plan.

24. In addition to these issues it will be necessary to consider the general impact of the proposal on the local environment, conflicts with other beach users and access to the site along with any other relevant development plan policies and material considerations.

## **Shooting on the Beach**

25. The issue of shooting on the beach was detailed in the original report to the Policy and Service Review Scrutiny Committee (detailed at paragraph 3 of Appendix A). There has subsequently been a meeting of the task and finish group to discuss the issue, but to date the matter has not been resolved.

26. In 2004 Members agreed a ban on shooting on an area of Council owned tidal mud flats known as Pier Hole, Lytham Estuary. However the matter of shooting on the rest of the coastland under Council ownership was not addressed at the same time.

27. Members are requested to consider the best way forward to conclude this issue and agree whether allowing shooting on the coast, on land owned by the Council, is appropriate. The details of that decision will then be included in the wider beach activity management scheme.

## **Temporary License for Wind and Wheel Sports Activity on the Beach**

28. Further to the previous report to Members re wind powered wheeled sport on the beach (paragraph 2 of Appendix A), Trax Windports has now been assigned the lease of the former Fylde International Sand Yachting Club house.

29. The company's interest in introducing wind and wheel sports to the beach remains, and Members are requested to consider recommending to the portfolio holder whether a licence (limited in scope and duration) should be issued for Trax to operate whilst the consultation on the wider beach activity management scheme is progressed. Trax is looking to secure a long term lease of use of the beach, but will consider a limited scope trial use in the area identified in the draft beach activity management plan (Appendix B), subject to immediate suspension if it is believed that activities are not being operated or managed effectively. Apart from allowing some limited wind & wheel sport on the beach in the short term, it would give an opportunity for the Council and others to assess the impact of such activity. A number of draft heads of terms relevant to a limited scope & duration licence are proposed to inform Members debate and attached at Appendix C for consideration.

30. The prerequisites for such a limited scope and duration licence would include reviewing the risk assessments of both Fylde Borough Council and the company to ensure they complement each other in terms of health and safety controls; and a satisfactory resolution of the planning considerations in relation to the proposed scale of the operation as identified previously.

31. Should Members recommend a licence be considered by the portfolio holder, further consideration should also be given to the resource implications for supervision and management of the beach by the Council during this period.

## **Risk Assessment**

32. This item is recommending further consultation on the draft beach activity management plan, and therefore at this stage there are no risks to address.

33. Should Members agree to allow shooting on the coast, on land owned by the Council, the directorate operational risk register will be amended to accommodate these risks where necessary.

34. Similarly should Members recommend a limited scope and duration licence for wind and wheel sport on the beach, the directorate operational risk register will be amended to accommodate these risks where necessary.

## Conclusion

35. In order to manage beach activities safely and protect amenity, whilst also preventing environmental damage further consultation on the content of a beach activity management scheme is required. The debate about appropriateness of allowing shooting on the coast, on land owned by the Council, also requires concluding.

Report Author	Tel	Date	Doc ID
Clare Platt	(01253) 658602	4 / 2 / 2010	04 02 102 Beach Activity Management
Paul Walker	(01253) 658431		

List of Background Papers		
Name of document	Date	Where available for inspection
DEFRA – Managing Coastal Activities: A Guide for Local Authorities		<a href="http://www.defra.gov.uk/rural/documents/countryside/coastal-guidance.pdf">http://www.defra.gov.uk/rural/documents/countryside/coastal-guidance.pdf</a>

## Attached documents

1. Appendix A – Report to Policy & Service Review Scrutiny Committee
2. Appendix B – Consultation Draft Beach Activity Management Scheme
3. Appendix C – Draft Heads of Terms for Temporary Licence for Wind and Wheel Sports Activity

IMPLICATIONS	
Finance	No implications at this stage.
Legal	Considered in body of the report.
Community Safety	No implications arising from this report.
Human Rights and Equalities	No implications arising from this report.
Sustainability and Environmental Impact	Considered in the body of the report and subject to further consultation.

Health & Safety and Risk Management	Subject to further consultation and incorporation into operational risk register as appropriate.
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# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR STRATEGIC DEVELOPMENT SERVICES DIRECTOR COMMUNITY SERVICES	POLICY AND SERVICE SCRUTINY	16 <sup>TH</sup> APRIL 2009	

## RECREATIONAL USE OF THE BEACH

### Public Item

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

### Summary

This report considers two issues relating to recreational use of the beach in the control of Fylde Borough Council as landowner:

- Wind powered wheeled sport
- Shooting

### Recommendations

1. That officers continue to investigate the feasibility of introducing wind powered wheeled sport on the beach at a future date. Further, more detailed, proposals must be agreed by Members before such activity can be allowed. These proposals must include further identification of resources required and health and safety implications.

2. That any organisation or individual wishing to introduce sports such as wind powered wheeled sport to the beach should be required to commission and fund all assessments as required by legislation. These will be considered by officers as part of any application process.

3. That Members consider whether the principle of allowing shooting on the beach, on land owned by the Council, is appropriate.

4. That Members indicate whether development of byelaws to regulate beach activity should be considered further, recognising the capacity and resources required for their development and enforcement.

### Reasons for recommendations

To endorse the work officers have started, but recognise that there is still a range of issues to be addressed before wind powered wheeled sports can be reintroduced to the beach.



Similarly officers require a steer as to the principle of allowing shooting on the beach and the development of byelaws to regulate beach activity.

### **Alternative options considered and rejected**

Considered in the body of the report.

### **Cabinet Portfolio**

The item falls within the following portfolios:  
Community Services – Cllr Simon Renwick

### **Report**

### **Wind Powered Wheeled Sport**

#### **1. Safersands Report**

1.1 In May 2006 Atkins Consultants Ltd were commissioned to look at the issue of beach management in Fylde. The aims of the study were to assist Fylde Borough Council, in identifying beach related hazards and risks, and produce a framework for management of the beach.

#### **1.2 The report recommended the following priority issues:**

- Initiating improvements to capacity and resources. This includes. establishment of an implementation group; providing increased number of beach patrol recovery vehicles and a new beach patrol office; voluntary beach wardens instated; possible selective use of St John's Ambulance services and promotion of private/public initiatives.
- Improvements in communication techniques. This includes publicity leaflets/guidance documents to be developed; improvements in signage; visitor education and improved incident reporting
- Stewardship and enforcement. This includes continuing with the Seaside Award (south of St Annes Pier); enforcing dog restriction areas (covering the same area as the Seaside Award zone); continue the 50m kite exclusion zone at Starr Gate; development of new byelaws for inappropriate activities and educational compliance groups to be set up as a priority

1.3 At the Cabinet meeting of 17th January 2007 (Appendix 1) Members resolved to endorse the proposed Safersands action plan and consider the financial implications during future budget allocations. The report identified a four year action plan with associated financial costs. However due to budgetary pressures, to date the only issue that has been addressed is signage. Signs have been ordered and are awaiting installation.

1.4 When the report was commissioned, Atkins were briefed to exclude wind powered wheeled sport from the scope of their considerations. However the report did identify that

should other beach activities continue or be considered in future, they should be better controlled.

Such activities included:

- Kite powered craft
- Beach BBQ's
- Motorised vehicles i.e. Quad bikes, motorbikes
- Horse riding
- Uncontrolled activities such as boomerang/javelin/discus throwing/golf

1.5 In managing and enforcing activities on the beach the Safersands report did not recommend large scale zoning due to the geographic scale of the beach and the civil liability issues that may arise if the zones are not correctly enforced. It was recommended that for certain activities, including those mentioned above, during certain periods (e.g. May to September) model byelaws be adopted. In adopting a byelaw, to regulate an activity, it implies that a risk has been identified and needs to be managed. So to reduce any civil liability claims these byelaws therefore need to be enforced. This means that further resources will be required to ensure that any byelaws are complied with.

## 2.0 Utilisation of the Beach for Wind Powered Wheeled Sport

2.1 The Council has recently received an approach from Trax, a not for profit company, to operate a wind sport centre out of what was the sand yachting club house. Given this enquiry officers requested Atkins to review the proposal to introduce wind powered wheeled sports, further to the Safersands report.

2.2 This most recent response from Atkins recommends that any zoned areas need to be clearly defined on the beach using flags, signs or temporary buoys and managed to ensure compliance with byelaws by the proposed beach wardens and the beach patrol officer. Exact demarcation of this area would need to be determined through additional consultation with users. It also identified that wheeled activities should be zoned professionally for race events.

2.3 If the Council intends to control beach activities, including wind powered wheeled sport, the development and adoption of relevant byelaws should be considered beforehand. Byelaws will need adoption by a decision of the Council, further to wide consultation. However it is likely that such a process would take a minimum of six months to complete.

2.4 In adopting a byelaw, to regulate an activity, it implies that a risk has been identified and needs to be managed. So to reduce any civil liability claims these byelaws would need to be enforced. This means that further resources will be required to ensure that any byelaws are complied with.

2.5 In addition there will be appropriate assessments required under legislation to assess the impact of such proposed activities on the special environmental status of the beach and adjacent dunes. It is recommended that the applicant commissions and funds such assessments for further consideration by officers as part of his application.

2.6 A ground lease has been in place since 1976 with the Fylde International Sand Yachting club (FISYC) for the site of the sand yacht club house. Since 2002 ground rent has been unpaid by the tenant, amounting to arrears of approximately £1800. Although this debt was initially pursued it remains unpaid. Officers have been in contact with a

representative of FISYC who has been interested in returning sand yachting to the beach. As part of the approach by Trax mentioned earlier, officers received an initial request to assign the ground lease from FISYC to Trax. However upon further investigation the lease is not assignable and would need to be surrendered by FISYC, any outstanding sums paid and a new lease negotiated with Trax.

2.7 Trax has also requested a lease of part of the beach to operate wheeled sports. The former FISYC held an annual rolling licence to permit sand yachting which ran from 1965 to 2002 when it was revoked by officers. It is recommended that a new licence would be the preferred form of agreement to ensure a reasonable shared use of the beach rather than a lease which gives exclusive rights. Such a licence would need to carefully encompass all the responsibilities including health and safety of the proposed operation.

## **Shooting**

3.0 There is presently a sign in the car park at St Paul's Avenue suggesting that shooting is prohibited on the beach. The Council did agree to a shooting ban on certain land at Lytham Estuary in 2004 (Appendix 2). However the ban did not extend to the remainder of the beach under the Council's control as landowner.

3.1 The sign's status is therefore advisory at the present time. Anyone using a gun without the permission of the landowner may be committing the offence of armed trespass. It is therefore desirable to regularise matters, either by formalising the prohibition on shooting, or by removing the sign.

3.2 The Ribble Estuary (Appendix 3) is designated as a Site of Special Scientific Interest (SSSI) and as such any areas of that SSSI under the control of the Council (as landowner) should be managed in accordance with the requirements of that designation. The SSSI notification package includes a list of operations requiring Natural England's consent. The operations identified include 'the killing or removal of any wild animal' and 'introduction of game or waterfowl management and changes in game and waterfowl management and hunting practice'. None of the listed operations can be carried out without Natural England's consent.

3.3 In addition, allowing shooting obviously raises issues of public safety.

3.4 In 2007 a task and finish group undertook a review of a number of assets which included land known as Pier Hole. This large area (165 acres) of tidal mud flats lies below the mean high water level. Members resolved that Officers meet with Natural England, the RSPB and the Environment Agency to discuss implications for the site and the views on disposal for wildfowling. These discussions are on-going and the outcome will be reported to members in due course.

3.5 To date (apart from the sign at St Paul's Avenue) the Council has neither explicitly allowed nor restricted shooting activities on this area of land. If shooting were considered an appropriate activity on this area, the Council should apply for consent from Natural England. However further to conversation with officers of Natural England it is unlikely that consent would be agreed. However if it was agreed, any consent would require the Council to manage any shooting activity, and would therefore be likely to require a proportionate increase in Council resources to manage this issue. There has been a suggestion that a shooting association might be interested in managing shooting on the council's behalf. However, this has not been established with the organisation concerned.

3.6 A member of the public has suggested that shooting rights over the beach and foreshore do not belong to the council, but were retained by the former owner when he transferred title to the predecessor of the council. However, legal advice is that this is not the case, and that the right to allow and disallow shooting rests with the council as landowner, as does the responsibility to manage the land in compliance with the requirements for an SSSI.

3.7 Members are requested to consider whether allowing shooting on the beach, on land owned by the Council, is appropriate.

Report Author	Tel	Date	Doc ID
Paul Walker Clare Platt	(01253) 658431 (01253) 658602	16 April 2009	16.04.09 Rec Use Beach.doc

List of Background Papers		
Name of document	Date	Where available for inspection
Cabinet Agenda & Minutes	17 January 2007	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>
Leisure & Recreation Committee Agenda	10 March 2004	Town Hall, Lytham St Anne's

#### Attached documents

Appendix 1 – Cabinet Agenda 17 January 2007

Appendix 2 – Leisure & Recreation Committee Agenda 10 March 2004

Appendix 3 – Extent of Ribble Estuary Site of Special Scientific Interest

IMPLICATIONS	
Finance	At this stage there are no financial implications arising from this report. There is no provision for further resources identified in the current medium term financial strategy.
Legal	The capacity of the legal services team will dictate the timescales for development of any byelaws.
Community Safety	If shooting was allowed on the beach, the use of any firearms would require appropriate management.
Human Rights and Equalities	None arising from this report
Environmental Impact and Sustainability	The Council must deliver it's obligations as landowner in a Site of Special Scientific Interest.
Health & Safety and Risk Management	The Council commissioned the Safersands report and needs to consider the recommendations arising from that report, thereby addressing the risks appropriately.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
COMMUNITY AND CULTURAL SERVICES	CABINET	17 JANUARY 2007	9

## “SAFERSANDS” - RESPONSE TO CONSULTANTS REPORT

### Summary

Following the development of the SaferSands project undertaken on behalf of the council by Atkins Consultants Ltd in association with the Royal Society for the Prevention of Accidents (RoSPA) and the RNLI, the Executive manager for Community and Culture has developed a proposed response for consideration. The response proposes a number of actions, which presents a management framework for beach and foreshore activities.

### Recommendation

1. That Members endorse the proposed Action Plan and consider the associated financial implications in future budget allocations.

### Cabinet Portfolio

The item has been regarded as falling within the remit of Councillor Fazackerley on the basis of the health & safety / risk management aspects of the SaferSands project. However, the issue also cuts across the Tourism, Streetscene and Regeneration portfolios of Councillors Renwick, Ashton and Small.

### Report

#### Background

- 1 In May 2006 Atkins Consultants Ltd in association with the Royal Society for the Prevention of Accidents (RoSPA) and the RNLI were commissioned by the Council to carry out a risk assessment of beach activities (excluding sandyachting) and recommend a management framework for beach activities.
- 2 This action followed a temporary ban on power-kite activity on the beach in response to safety concerns. It was clear that a robust solution was needed to the ongoing and numerous conflicting beach activities.
- 3 The Consultant's report considers the range of current activities known to take place on the beach and develops proposals for a framework to manage these uses in a manner which provides a reasonable degree of reassurance for users of the

beach. The findings are based on new and existing risk assessments, observations and participatory involvement from key beach users along the Fylde coast.

- 4 An Executive Summary of the Report has been produced which summarises:
  - ◆ An assessment of the national perspective of beach risk and safety including a review of existing national legislation,
  - ◆ A review of existing control measures and resources including beach patrol and signage,
  - ◆ An assessment of the current byelaws,
  - ◆ The physical characteristics of the beach and foreshore,
  - ◆ The environmental characteristics and constraints.
- 5 The methodology for “SaferSands” is detailed in the full report and includes:
  - ◆ A comprehensive overview of the key issues,
  - ◆ A legal overview including ownership of the beach,
  - ◆ Evaluation of past risk assessments,
  - ◆ A full, new beach risk assessment based on best practice,
  - ◆ Local, focused discussion events with a range of stakeholders,
  - ◆ Presentation of a framework for the delivery of a “SaferSands” Management scheme for Lytham St Annes.

## **Findings**

- 6 The report has a number of key findings which inform the proposed management framework. These are:
  - ◆ Confirmation that Fylde Borough Council (FBC) owns the freehold or leasehold to much of the beach area,
  - ◆ Confirmation that the dunes to the north of the Blackburn Home are owned by Blackpool Borough Council,
  - ◆ FBC may impose restrictions on the use of its land, however these would be difficult to enforce,
  - ◆ Byelaws are effective regardless of ownership but are of limited value unless the resources are allocated to provide the essential signage and enforcement presence,
  - ◆ A beach zoning scheme is NOT recommended,
  - ◆ A mix of voluntary and controlled regulation IS recommended with user groups demonstrating ‘ownership’ of their activity underpinned by a regulatory framework,
  - ◆ F B C is expected to do what is reasonable having regard to the risks and available resources.

## **Proposed Action Plan**

- 7 This report sets out below the main recommendations made by Atkins Consultants and shows the potential costs associated with these recommendations. Where possible we have investigated ways in which the council can meet its obligations whilst remaining as cost effective as possible or through partnership working. The action proposed in this report shows both the initial recommendations but also describes a more pragmatic approach, utilising existing resources and partners.

- 8 The SaferSands report proposes a range of actions which are considered to be reasonable measures to address the findings. These actions are presented under three key headings – Capacity and Resources, Communication and Stewardship and Enforcement as detailed below.

## **9 Capacity and Resources**

This section looks at actions to improve the current level of patrol activity, and the need for a group to co-ordinate beach use and regulatory issues.

Establishing a SaferSands Implementation Group is recommended as the first action. This is one of the criteria used in the designation of the new Quality Coastal Awards. Its membership should comprise stakeholders, the police, coastguard and RNLI as well as appropriate FBC representation. This group is key to delivering many of the other actions including the sourcing of external funding. This can be funded from existing resources.

Beach Patrols - Currently the Council employs one full time beach patrol officer. Although his time is managed to cover recognised peaks, there are significant periods of time when beach activities are not being patrolled to the level recommended in the report (every day throughout the summer, including weekends). The report recommends that our beach patrol capacity is increased to cover the majority of high level usage.

In order to support this and due to expanse of the beach, it is recommended that an additional patrol vehicle should be made available. It is possible that this could be found from within the council's existing fleet and may only require additional support costs such as fuel, servicing and insurance.

Central office is recommended to create a more visible presence near to the beach to provide a point of communication with beach users and to carry information material such as tide timetables etc.

Voluntary beach wardens are recommended at peak times as support for the BPOs as well as providing a more visible profile for the service. It is suggested that this measure is implemented in year 2.

## **10 Communication**

Although the "SaferSands" initiative has received a good level of publicity regarding its purpose and aims, it is essential that this process should continue. In particular public awareness, especially for visitors, is vital. This can be achieved through the actions detailed below:

Publicity and leaflets are viewed as urgent actions. This includes press releases, presentations to local groups and a webpage.

Signage. The current levels of signage, whilst part of a pro-active programme, was always intended to be temporary and does not follow nationally recognised guidelines with regard to style and content. Signs are recognised as the most effective way of conveying safety information as well as communicating the limits of the council's responsibility. Results from the consultation carried out as part of "SaferSands" indicates that signage is the most common way for beach users to

gain information. The report strongly recommends the installation and maintenance of appropriate signage following the national RNLI guidelines.

## **11 Stewardship and Enforcement**

Large scale zoning of the beach is NOT recommended by the consultants. This is largely due to the geographic expanse of the beach and the liability that may be created if the zoned areas are not routinely patrolled. A more pragmatic approach is recommended by the introduction of agreed seasons / times for certain activities backed up by appropriate enforcement through permit systems, personal insurance and the introduction of seasonal 'model' byelaws.

The report suggests that certain activities need to be more closely controlled through this mechanism. These include: kite powered craft; barbecues; motorised vehicles; horse-riding and dangerous activities such as the use of javelins & golfing etc.

### **Economic Rationale**

The beach and foreshore is one of Fylde's greatest assets, particularly as a key attraction to visitors as part of our tourism product. St Annes promotes itself as a family holiday resort achieving around £171 million in income from holiday makers each year. The bid to pilot the 'Classic Resort' concept in partnership with the NWDA is underpinned by the traditional seaside attractions such as the pier, promenade and beach and a safer coastal environment is seen as a major asset with particular economic value.

In addition, the direct financial benefit to the council will be apparent in reduced insurance claims, lower risk of incurring significant legal costs and the potential of increased income from concessions and franchises



**SaferSands**  
**Four Year Plan**

Recommended actions	Time scale	Description	Revised cost for 2007/08 budget	Budget 2008/09	Budget 2009/10	Budget 2010/11	Responsible persons
Increase Beach patrol services at peak times.	May 2007	Increase seasonal beach patrol presence from 2007 season <b>(Priority action)</b>	£12,000	£12,000	£12,000	£12,000	Exec Manager
Additional beach patrol vehicle	May 2007	Use of existing vehicle - 2 days per week in 2007/08	£3,000	£3,000	£3,000	£3,000	Exec Manager
Beach office	May 2008	Identify premises & make available for 2008 season	Nil	£15,000 capital	£5,000 capital	£3,000 Maintenance	Exec Manager
Voluntary beach wardens	May 2008	Costs for expenses	Nil	£3,000	£3,000	£3,000	Exec Manager
Leaflets/guidance notes	May 2007	Cost of publications <b>(Priority action)</b>	£6,000	£3,000 (updates)	£3,000 (updates)	£3,000 (updates)	Exec Manager
Beach Safety Signage	Sept 07	Cost of signage. <b>(Priority action)</b>	£20,000 Capital	£ 2,000 maintenance	£ 2,000 maintenance	£ 2,000 maintenance	Exec Manager
Beach Safety Signage Training seminar	April 2008	Educating stakeholders	Nil	£6,000	Nil	Nil	Exec Manager
<b>Total</b>			<b>£21,000 Revenue £20,000 Capital</b>	<b>£29,000 Rev £15,000 Cap</b>	<b>£23,000 Rev £5,000 Cap</b>	<b>£26,000 Rev</b>	

Costings indicate the proposed budgetary requirement over and above 2006/07 budgets.

We have also approached Blackpool Borough Council to explore the possibility of joint working. A summary of their proposals is outlined below.

3 Full time Beach Patrol	£66,000
3 Seasonal Beach Patrol (May to Sept)	£25,000
OR	
3 Seasonal Beach Patrol (July & August)	£15,000
PLUS	
Uniforms, Training, Awards A.T.V. Visits etc.	£ 7,500

## **12. Summary**

Now that the “Safer sands” Report has been received the level of information on the risks associated with the known beach activities are much better understood by the Council.

The Report recommends a range of actions that will require the allocation of additional resources. The proposed management framework anticipates a progressive implementation of the recommended actions over a period of time so as to arrive at a position whereby the risks associated with potentially hazardous activities on the beach are reasonably managed.

The Report expresses a clear view that the current level of beach patrol needs to be enhanced, as does the signage at the main access points to the beach.

Appropriate bylaws are also recommended as a mechanism for controlling specific activities and partnerships with user groups need to be formalized to achieve a high degree of self-policing.

From the point of view of managing future liabilities the Council will need to demonstrate a responsible response to the findings of the “Safer sands” Report and a reasonable approach to implementing an appropriate management action plan.

IMPLICATIONS	
Finance	Budget implications for the 2007/08 budget and beyond.
Legal	There is a mechanism for the creation of model byelaws.
Community Safety	The development of a pro-active policy is supportive of Community Safety.
Human Rights and Equalities	No further issues.
Sustainability	No further issues.
Health & Safety and Risk Management	The council has commissioned a report from expert sources to advise it on a management approach to beach and foreshore usage. The Council needs to agree an implementation programme in response to the report in order to discharge its obligation.

Report Author	Tel	Date	Doc ID
Paul Norris	(01253) 658440		

List of Background Papers		
Name of document	Date	Where available for inspection
As attached	-	-

REPORT OF	MEETING	DATE	ITEM NO
CULTURAL SERVICES	LEISURE AND RECREATION	10TH MARCH 2004	

**WILDFOWL SHOOTING REGULATION – LYTHAM ESTUARY****Public/Exempt item**

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

**Wards affected**

St John's

**Purpose of Report**

The Cultural Services Manager to report the legal requirement under English Nature's Habitat Regulations for the Council to manage wildfowl shooting on its land at Lytham Estuary either by regulating or banning the activity.

**Recommendation/s**

The Committee is asked to agree to a ban on wildfowl shooting on its land at Lytham Estuary, to be enforced via the Beach and Foreshore patrol service.

**Report**

The Council owns an area of tidal mudflat located between the high and low watermarks adjacent to saltmarsh owned by the Lytham & District Wildfowlers Club. This area is marked in green on the appended plan.

To date the Council has neither allowed nor restricted shooting activities on this land although, since the area's designation as a Site of Special Scientific Interest (SSSI) in 1984 under Regulation 2 of the Habitat Regulations imposed by English Nature we are now required to consider shooting as a consented activity.

On the Ribble Estuary there are four, well regulated wildfowling clubs whose activities are consented by English Nature under Section 28 of the Wildlife and Countryside Act 1981 (as amended). Wildfowling, which occurs on Fylde Borough Council land, is not

regulated in this way. If wildfowling is to occur on this area the owner/occupier must be able to adequately control and regulate these activities, if they are unable to regulate then consent will not be given and so any wildfowling that occurs will be operating outside of the law.

The implications of regulating shooting include the Council regulating the activity by issuing passes and monitoring bag returns. English Nature is required to monitor the population of wildfowl and, in order to obtain a true picture, expects any shooting to be controlled.

The Lytham & District Wildfowling Club owns the adjacent areas of the estuary marked blue, yellow and red on the plan. At the moment the council's land can only be reached by trespassing on the Club's land. Shooting on Council land would be unworkable and illegal unless the Council a) applies for consent to shoot b) manages this activity as required and c) enters into an access agreement with the Club For the Council to manage shooting through licensing and monitoring bag returns, it would require considerable financial resources and expertise that we currently do not have.

For these reasons the Cultural Services Business Manager believes that the simplest and most cost effective way forward is to impose a ban on shooting on the land in the Council's control. Consent is therefore not required. This measure would still require the Council to warden the land to stop unauthorised shooting but this could be achieved through the existing beach and foreshore patrol service.

Any future shooting would, therefore, only take place on Club land as part of their membership arrangements. As outlined earlier in the report, the Club is ideally qualified to manage shooting on the estuary and currently complies with all Habitat Regulations as required by English Nature.

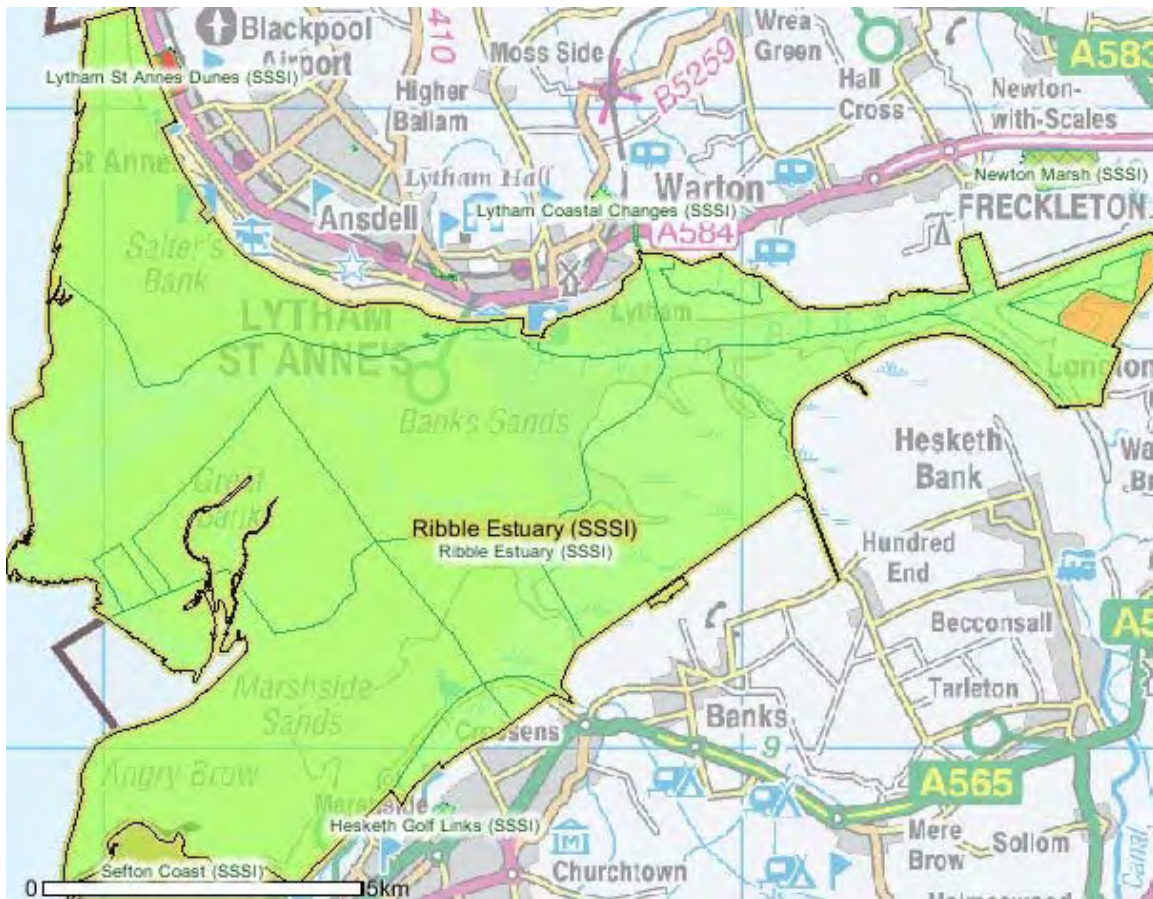
IMPLICATIONS	
Finance	No reported implications
Legal	No reported implications
Community Safety	No reported implications
Human Rights and Equalities	No reported implications
Sustainability	No reported implications

Risk Management	No reported implications
-----------------	--------------------------

REPORT AUTHOR	TEL	DATE	DOC ID
Paul Norris	(01253) 658440	15 <sup>th</sup> February 2004	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Correspondence with English Nature & Lytham & District Wildfowlers Club	various	Cultural Services Business Unit, Town Hall, St Annes

## The Ribble Estuary Site of Special Scientific Interest



Source: Natural England (<http://www.natureonthemap.org.uk/map.aspx>)

# LYTHAM ST ANNE'S

## Beach Activity Management Scheme Consultation Draft

January 2010



## **Background**

The beach identified in this scheme at Lytham St Anne's, runs from the border with Blackpool at Starr Gate in the north, to Granny's Bay at Fairhaven in the south. This is the length of beach in the Borough where there is most mixed use activity with the largest potential for conflict between activities and the environment, and between different users and user groups.

## **The Rationale Behind Development of the Beach Activity Management Scheme**

In general terms estuaries and coasts, with their unique features, provide great diversity of opportunities for recreation and tourism. Commercial organisations, recreational groups and individuals all use the coast for enjoyment through a wide variety of activities. Activities can range from traditional recreational pastimes such as enjoying the views, sight seeing and beach games to more active ones such as kite surfing and sand karting. They can be formal or informal, passive or active, commercial or recreational. Many of these activities – particularly the more active ones – require some form of management to reduce potential conflicts between different user groups, individuals, or the natural environment. However local authorities, and the Maritime and Coastguard Agency (MCA), are generally recognised as the two main statutory bodies uniquely placed to facilitate the management of beach activities, as they understand and live with the local issues and pressures that arise.

The pressures on the coast at Lytham St Anne's reflect the national situation of a growth in the number, intensity and variety of recreational activities at the coast. Hence the need for some form of management.

The beach activity management scheme has been developed to manage activities on Lytham St Anne's beach, with the following aim and objectives:

### **Aim**

- To ensure public safety and protect the amenity whilst preventing environmental damage

### **Objectives**

- To enable multiple use of amenities;
- To ensure that people, amenities and the environment are protected;
- To minimise conflicts between activities and the environment; and between different users and user groups;
- To facilitate enjoyment of the coastal resource;
- To encourage the development of self regulating and self-policing regimes; and
- To minimise the burden of enforcement.

## **Responsibilities**

No one authority is responsible for managing the coastal zone. Administration is divided between central and local government and agencies. In general, local authority jurisdiction coincides with the authority's administrative boundary, down to the low water mark. The MCA is responsible for Her Majesty's Coastguard, the UK's maritime emergency service, which coordinates all civil maritime search and rescue around the UK coastline and at sea. It also plays an important role in contingency planning, in conjunction with the local authorities.

## **Relevant Local Environmental Designations**

The Ribble Estuary Site of Special Scientific Interest (SSSI) is of international importance for the passage and wintering waterfowl it supports, being a major link in the chain of estuaries down the west coast of Britain used by birds on migration between the breeding grounds in the far north and their wintering grounds further south. Because of its international significance for wildlife it is also designated as a 'Ramsar' site and a Special Protection Area. These sites are protected wetlands of international importance, and include the coastal zones adjacent to the wetlands. For similar reasons a slightly smaller area of the Ribble Estuary is also designated a National Nature Reserve. A number of locally designated Biological Heritage Sites have also been identified along the coast, which are the sites in Lancashire, most important for wildlife, but which do not hold a statutory status.

These environmental designations mean that any activity taking place on the beach must be sympathetic to the maintenance and protection of such designations.

## **Relevant Local Considerations**

The commercial extraction of sand takes place under licence on the beach at Lytham St Anne's during weekdays. Beach users need to be aware of this activity, and equally, the extraction company needs to understand how the beach is used by others.

The flight path of Blackpool airport runs over the beach, and as such it is possible that inappropriate use of kites or other flying equipment could interfere with low flying aircraft.

No unauthorised motor vehicles (including motor cycles and quad bikes) may be taken onto the beach and sand dunes. Any person in breach of this requirement will be committing an offence and liable for prosecution under road traffic legislation by the police. Fylde Borough Council is currently issuing licenses (subject to conditions) to allow certain motor vehicles to use the beach – generally for tractors to launch boats.

## **Zoning of Recreational Activities**

The zones proposed as the basis of managing beach activities are identified at Appendix 1. These are proposed in order to minimise conflicts between activities and the environment; and between different users and user groups.

### **What Are Your Views?**

Are the zones appropriate?

Should there be more / fewer zones? If so which activities are they relevant to?

Should the zones change according to time of year? E.g. should zones operate differently between 1 May and 30 September to other times of the year?

Should the zones change according to the day of the week or the time of day?

How should zones be identified?

What other controls should be in operation, if any? E.g. permits/codes/rules  
Do you have any suggestions about the content of these?

### **Passive Recreation Zone**

The suggested passive recreation zone is a 100m wide strip (measured from the base of the dunes) running north to south from Starr Gate down to Granny's Bay. It is envisaged that there will be no 'active' recreation such as wind and wheeled sport, horse riding, kite flying etc. in that area.

### **What Are Your Views?**

Is the 100m zone extending from the base of the dunes appropriate to allow movement north and south up and down the beach?

What other controls should be in operation, if any? E.g. permits/codes/rules  
Do you have any suggestions about the content of these?

### **Launching and Retrieving**

The zone identified nearest to Starr Gate relates to launching and retrieving boats, personal watercraft etc. There is a high volume of 'traffic' in this area which makes it appropriate for consideration as a specific zone.

### **What Are Your Views?**

Is this zone appropriate?

What other controls should be in operation, if any? E.g. permits/codes/rules  
Do you have any suggestions about the content of these?

### **Wind and Wheel Sports Zone**

**All wind powered wheel sports are currently (and continue to be) prohibited on the beach.** Similarly kite flying is not allowed within 50m of the base of the dunes.

However a managed introduction of some wheel sports, limited in scope and to specific areas of the beach is under consideration.

It is proposed that all wind and wheel sports should take place within the zone identified at Appendix 1.

### **What Are Your Views?**

Initially the introduction of mini yachts, kite buggies (class 8a), speed sails and kite landboards is being considered in the zoned area identified at Appendix 1.

Should this range of craft be allowed?

Should kite flying be allowed?

Is the identified zone appropriate?

What other controls should be in operation, if any? E.g. permits/codes/rules  
Do you have any suggestions about the content of these?

### **Amenity Beach Zone**

The amenity beach stretches from the northern end of North Promenade car park to the slipway adjacent to the RNLI boathouse. The section from St. Anne's Pier to the RNLI slipway has been recognised for many years through achievement of the Quality Coast Award. Dogs are prohibited on the amenity beach between 1 May and 30 September each year.

It is not proposed to amend this zone as identified at Appendix 1.

## Other Activities

The zoning addresses wind and wheel sport in particular. However many more activities take place on the coast including:

- Kitesurfing
- Windsurfing
- Fishing / angling
- Horse riding
- Model airplane flying
- Walking

### What Are Your Views?

Are the main activities that take place on the beach at Lytham St Anne's identified?

If not, what requires addressing due to the risk it poses to people, amenities or the environment?

Do they require zoning in a particular area?

What other controls should be in operation, if any? E.g. permits/codes/rules  
Do you have any suggestions about the content of these?

## Events

From time to time it may be appropriate for the beach to be used to host major one-off events to support cultural and economic development of the Borough. This could involve a suspension of the zoning arrangements and enclosure of part of the beach according to the logistics of the event. Such events would require licensing as distinct events, beyond the scope of the controls identified in this scheme.

### What Are Your Views?

Do you agree that the beach should be used to host one off events to support cultural and economic development of the borough?

What type of events are appropriate?

## Compliance

Guidance suggests that a programme of education and interpretation to gain the support of the beach user for a management scheme can be more effective than relying on formal enforcement powers linked to statutory controls. In many cases the provision of clear information to beach users about the types of activity that occurs on the beach, the risks involved and the areas identified for specific activities will be sufficient to ensure compliance.

Schemes can also be enforced through peer pressure if there are active user groups, either on an ad-hoc basis or through a more structured approach geared towards monitoring and regulating activities on weekdays, at weekends and during Bank Holidays. In the first instance the Council will develop clear information for the public and encourage clubs to self-regulate, but in the longer term, if non-compliance is a continuing issue, then further statutory controls will be considered.

## **Consultees**

### **National / Regional Agencies**

- Maritime and Coastguard Agency
- Police
- Natural England
- Environment Agency
- Crown Estate
- Sport England / Lancashire Sport
- RNLI
- RSPB
- ROSPA
- British Horse Society
- British Power Kitesports Federation
- British Kitesurfing Association
- British Federation of Sand / Land Yacht Clubs

### **Local Agencies**

- Lancashire County Council
- Blackpool Council
- Wyre Borough Council
- St. Anne's Town Council
- SaferSands Partnership (Fylde)
- Blackpool Airport
- St Anne's Pier
- Lancashire Wildlife Trust
- Fylde Bird Club

### **Beach Users**

- Rainfords Ltd
- Trax Group
- South Shore Board Riders Kite Surfing Club
- Hangtime Kites Ltd
- Defend the Dunes
- Blackpool Lite Craft Club
- Ribble Cruising Club
- Blackpool Boat Angling Club
- Lytham fishermen

### **Local residents**



## Appendix C

### DRAFT HEADS OF TERMS FOR LIMITED SCOPE / DURATION LICENCE FOR WIND & WHEEL SPORTS

- |                                      |   |
|--------------------------------------|---|
| <b>1. Licensor</b>                   | Fylde Borough Council, Town Hall, Lytham St Annes, Lancashire. FY8 1LW (FBC)  |
| <b>2. Licensee</b>                   | Trax Windsports   |
| <b>3. Land</b>                       | The part of the beach at St. Annes on Sea which is shown edged in red on the attached plan  |
| <b>4. Term</b>                       | From 1 April 2010 to 31 October 2010  |
| <b>5. Licence fee</b>                | To be agreed  |
| <b>6. Use</b>                        | Restricted to the use of, and training in the use of kites, mini yachts, kite buggies (class 8a), speed sails and kite landboards   |
| <b>7. Statutory Requirements</b>     | The Licensee will comply with all Statutory Enactments requirements Regulations and Instruments and will comply with the byelaws rules and regulations of the Council and all other competent authorities and with the reasonable directions of the Council's authorised officers issued from time to time  |
| <b>8. Nuisance</b>                   | The Licensee will exercise the rights hereby granted in an orderly manner without any unnecessary obstruction of the foreshore to the use thereof by the public and not to do or permit cause or suffer to be done anything in or upon the foreshore or promenades which may be or in the opinion of the Council become a nuisance annoyance disturbance or source of damage to the Council or to the owners or occupiers of neighbouring land or to the public |
| <b>9. Insurance</b>                  | The Licensee shall be responsible for:-<br>Public liability insurance to insure against claims arising out of their actions or omissions with respect to third parties while on the land to the value of £5million in any one claim, unlimited in any one year and which indemnifies FBC from any claims arising out of the use of the land   |
| <b>10. Advertising and promotion</b> | Proposals to erect signs or posters or the addition of any lettering to the facility will require the consent of FBC agreement over the type, content and locations, and in any event the prior written approval of FBC.  |
| <b>11. Advertising</b>               | The Licensee shall not do anything other upon the foreshore other than is permitted in this agreement and shall not advertise in any way and shall conduct the activities in a quiet and orderly manner   |
| <b>12. Supervision</b>               | Any officer of the Council the coastguard or any  |



- police officer is authorised and appointed to supervise the activities on the foreshore and to enforce regulations made by the Council with reference thereto
- 13. Sandwinning** All activities will take place in areas which avoid locations in use for sandwinning and will give way to vehicles and equipment on the beach for that purpose
  - 14. Planning** The Licensee will obtain any necessary planning consents and shall observe fully the conditions as required in any planning permission.
  - 15. Assignment** The Licence is personal to the licensee and is not transferable.
  - 16. Beach Management** The Licensee will ensure that all activities take place in accordance with the requirements and recommendations of the Lytham St Annes Beach Activity Management Scheme and the Safer Sands implementation Group.
  - 17. Risk management** The Licensee will, at his own expense, prepare all necessary risk management plans and will ensure that all activities take place in accordance with the recommendations in those plans
  - 18. Environment** The licensee will, at his own expense, prepare all necessary environmental impact reports and will ensure that all activities take place in accordance with the recommendations in those reports
  - 19. Costs** FBC and Licensee shall be responsible for their own legal and surveyor's fees in completing the agreement.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR OF COMMUNITY SERVICES	POLICY DEVELOPMENT COMMITTEE	4 <sup>TH</sup> FEBRUARY 2010	5

## SAND DUNES MANAGEMENT ACTION PLAN CONSULTATION AND CLARIFICATION REPORT

### Public Item

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

### Summary

This report provides an update on the Fylde Sand Dunes Management Action Plan which has been produced to protect and enhance the sand dunes from Starr Gate to Lytham. The Action Plan aims to create a well managed coastline which provides a valuable wildlife habitat and robust sea defence for the residents of St. Annes. The Sand Dunes Project has been developed to meet these aims with the involvement of the local community through volunteering and an educational programme.

The Management Action Plan was put before Scrutiny Committee on 3<sup>rd</sup> September where it was to be deferred for further consultation and clarification. Following this recommendation a questionnaire has been created and resident's concerns have been raised. This report provides an update and presents the Management Action Plan for members to consider.

### Recommendation

1. That the Policy Development Committee recommends to Cabinet the adoption of the Dunes Management Action Plan.

### Reasons for recommendation

1. To provide structure to the delivery of the environmental aspects of the Lytham St Anne's Dunes Management Plan.

### **Alternative options considered and rejected**

To manage the Dunes without the aid of the Dunes Management Action Plan. This would provide a disjointed approach to the future management of the coast and duneland and could potentially lead to the systematic deterioration of the dunes and reduced efficiency as a sea defence.

### **Cabinet Portfolio**

The item falls within the following Cabinet portfolio:

Leisure and Culture

Councillor Susan Fazackerley

### **Report**

#### **Background**

1. The Fylde Coast comprises of 90% of Lancashire's sand dune resource and is a historic remnant of a previously much more extensive dune system. It provides a unique wildlife habitat and has been identified as a UK Biodiversity Action Plan (BAP) priority habitat which in turn supports many BAP species. The whole dune system is designated for its biodiversity as a Biological Heritage Site which additional areas also being designated a Site of Special Scientific Interest (SSSI) and a Local Nature Reserve (LNR). The positive management of such designated sites will contribute to the National Indicator N197.
2. In September 2005 Lytham St. Anne's dunes management partnership produced the Lytham St. Annes Dunes Management Plan which was presented to cabinet on 28<sup>th</sup> September 2005. Cabinet resolved to:
  - *To adopt the recommendations as outlined in the consultant's report for each section of coastal defence frontage and to allocate sufficient resources to deliver the proposed coastal management action plan over the next five years.*
  - *That Members agree to exploring options of utilising the expertise of neighbouring authorities, through a 'joint-working' approach, to deliver the proposed coastal management action plan.*
3. In order to deliver the key ecological outcomes of the Management Plan, a Fylde Sand Dune Project Steering Group was created comprising of the Lancashire Wildlife Trust, Natural England, Coastal Ecologists, Botanical Society for the British Isles, Fylde Borough Council and Blackpool Council. The Steering group secured funding through the Local Strategic Partnership to produce an Action Plan of key practical projects to protect and enhance the dunes under the objectives of the overall Management Plan.

4. The Fylde Sand Dunes Project was set up to deliver these Management Actions and to involve the local community to appreciate and care for the dunes. A full-time Project Officer has been in post for 18 months funded by Aggregates Levy Sustainability Fund administered by Lancashire County Council. During this time Anne Heslop has been leading volunteer work parties and litter picks, taking guided walks, going into schools, working with universities and colleges, securing funding and collating wildlife records.
5. The Management Action Plan has been used to draw down funding for the next 3 years (£141,917). This has been provided by SITA Trust (£80,879), Aggregates Levy Sustainability Fund (£32,838) and Lancashire Environment Fund (£28,200). In order to draw down these monies Fylde Borough Council provided a Contributing Third Party payment of £8,897. This funding will pay for a full-time Project Officer and the practical management actions highlighted in the management plan such as fencing and mowing. Fylde Borough Council's contribution to the project was £8,897, split between 2007/08 and 2008/09 as a contributing third party, plus support in kind.
6. The management actions will form the basis of a work programme which the Dunes Officer will deliver during the next 3 years which was attached to the previous scrutiny report.
7. The Action Plan has gone through a consultation processes with various environmental and coastal bodies involved including the Environment Agency, Lancashire Wildlife Trust, Natural England, Blackpool Council's coastal team, and several coastal ecologists. A wider consultation process has also included local colleges and schools, community environmental groups (including Fylde Bird Club and Blackpool Environmental Action Team) and experienced sand dune managers (including Sefton Metropolitan Council and Liverpool Hope University).
8. The Management Action Plan is a working document which will be reviewed annually through consultation with the steering group and relevant stakeholders. The management actions will be monitored against the key outputs of the project.
9. A report was presented to the Policy and Service Review Scrutiny Committee on 3<sup>rd</sup> September 2009 recommending –
  - *The Policy and Service Review Scrutiny Committee Resolved – To defer the Action Plan for further consultation and clarification.*
10. Elsewhere on the agenda is a report considering consultation on a draft beach activity management scheme and possible short term granting of a license to operate wind and wheel sports. The two issues require managing sensitively to support the objectives of the Dunes Action Management Plan.

## Current Situation

### Consultation

11. The consultation process has involved the production of an Executive Summary (Appendix 1) to summarise the proposed actions within the Management Action Plan. This document highlights the main aims of dune management and what changes will occur on the ground. The Executive Summary has been distributed in Lytham and St. Annes Town Centres in public buildings and shopping areas. Those residents which live adjacent to the dunes are being directly sent an Executive Summary.

12. A questionnaire has been created to ask residents their views about the dunes and possible management techniques. It was developed to focus on those aspects of dune management which are adaptable within the Management Action Plan and was circulated in Fylde in Focus to all residents of the Borough as well as sent to various email contacts and posted through doors of residents near North Beach Car Park. Full results are shown in Appendix 2.

- At present 72 responses have been received
- The majority of people asked regularly visited the dunes primarily for a walk and relaxation purposes
- Residents were asked if anything puts them off visiting the Nature Reserve, opposite Thursby Nursing Home. Responses varied from "Nothing puts me off" to more serious comments about concerns regarding inappropriate behaviour.
- An events programme is currently being developed following a questionnaire responses about what activities people would like to see on the dunes
- Residents were asked what aspects of the tideline they would feel was acceptable to be left on the beach. The tideline is an important part of sand dune ecology and formation, without which the dunes will not be able to develop or thrive. The majority of people were happy for seaweed and driftwood to be left on the beach, which comments received like, "*Items washed up by the tide make the beach a more interesting place to be*" and "*I prefer to see the beach in its most natural state - the debris is very interesting.*"
- People were asked to rank their priorities for dune management with the majority of people prioritising increasing the sea defences and wildlife habitat over recreational aims.

13. The Dunes Management Action Plan was placed on the Fylde Borough Council website with a direct link of [www.fylde.gov.uk/dunes](http://www.fylde.gov.uk/dunes) to allow people to download a full copy. This page has had approx 75 views since its launch.

14. Consultation days were held at West Lodge where members of the public could drop in and ask questions about dune management. A press release was produced to promote these. A further press release highlighting the use of Christmas trees on the dunes and asking for volunteers to help will also include links to the Management Plan on the website.

15. Following consultation responses and meeting local residents, a small change has been made to the Management Plan text regarding the removal of sand at Summerfield residential wall, these changes are highlighted on Appendix 3 and suggests that mechanical removal of sand is permitted in this area.

16. The majority of resident's concerns focused around the wind-blown sand nuisance to those living where the dunes are at their narrowest. The proposed management actions will help to reduce wind-blown sand as new dunes are developed on the foreshore, allowing the dunes behind to stabilise.

17. Other concerns focused around access, litter, flood risk and safety, which will be addressed through the dunes project partnership.

## Clarifications

18. Following the Meeting of 3<sup>rd</sup> September 2009 the Dune's Officer has consulted with the residents around North beach Car Park to clarify any issues or concerns they may have with the adoption of the Dunes Management Action Plan. Following this meeting a report was written for this area which detailed more prescriptive management to ensure the dunes are best protected and wind-blown sand nuisance is reduced. This report was circulated to residents and a follow-up meeting has been arranged. This report is attached on Appendix 4.

19. The Head of Leisure Services and the Dunes Officer met with the Chairman of the Friends of North Beach car park to discuss any clarifications. Appendix 5 summarises the issue and the Council's response.

## Risk Assessment

This item is for information only and makes no recommendations. Therefore there are no risks to address

## Conclusion

The Management Action Plan highlights those actions which need to be completed in order to ensure the sand dunes are protected for wildlife and the residents of Lytham St. Annes. Following further consultation with the wider community various concerns will be addressed through the future management of the dunes. The Action Plan and associated workplan are presented to Members for consideration.

Report Author	Tel	Date	Doc ID
Darren Bell	(01253) 658465	27 <sup>th</sup> January 10	

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

Lytham St. Annes Dune Management Plan	February 2005	Town Hall, Lytham St. Annes
Fylde Sand Dunes Management Action Plan	December 2008	Town Hall, Lytham St. Annes <a href="http://www.fylde.gov.uk/dunes">www.fylde.gov.uk/dunes</a>
Fylde Sand Dunes Management Action Plan Summary (27pages)	March 2009	Town Hall, Lytham St. Annes

### **Attached documents**

**Appendix 1** –Executive Summary

**Appendix 2** – Responses received from the Fylde Sand Dunes Questionnaire

**Appendix 3** – Changes to Management Action Plan text

**Appendix 4** – N. Beach Car Park and Todmorden Road Sand Dune Management Report

**Appendix 5** – Clarifications Friends of North Beach Car Park

IMPLICATIONS	
Finance	The Council's financial contribution to the project and action plan was during 2007/08 and 2008/09. There are no further financial implications than the in kind commitments identified in the report. The project and action plan are fully funded.
Legal	None arising directly from this report.
Community Safety	Promoting appropriate use of the sand dunes will support community safety objectives.
Human Rights and Equalities	Promoting the widest public appreciation and enjoyment of the dunes are a key aim of the action plan.
Sustainability and Environmental Impact	Delivering the action plan will ensure the ongoing sustainability and minimise adverse environmental impact on the dunes.
Health & Safety and Risk Management	None arising directly from the report.

# Dunes Action Plan

## Executive Summary





# Executive Summary of the Fylde Sand Dunes Management Action Plan

The Sand Dune Management Action Plan has been created to establish best practice to protect and enhance the dunes on the Fylde Coast

## Aims

- Enhance the nature conservation interest of the coastal habitats,
- Improve the efficiency of the dunes and saltmarsh as soft sea-defence
- Enhance public appreciation and enjoyment of the dunes

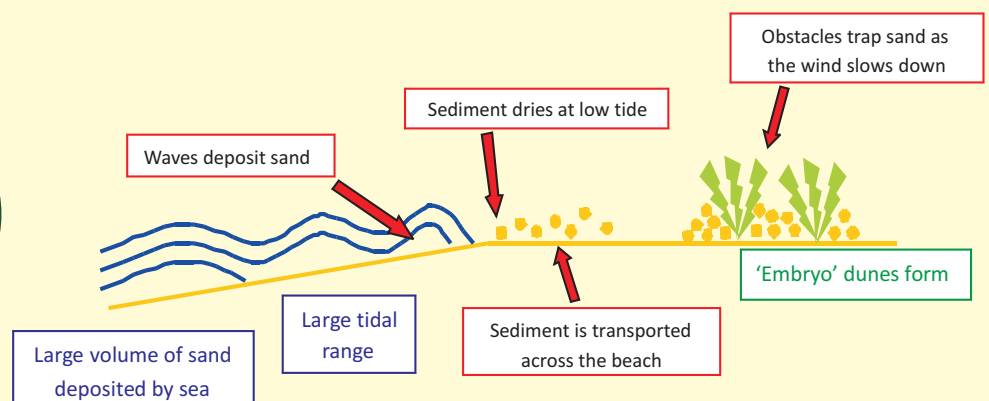
## Objectives

1. Enhance the nature conservation value of the sand dunes and other natural coastal habitats such as shingle and saltmarsh areas.
2. Increase the area of sand dune and saltmarsh habitats where appropriate
3. Maintain and, where appropriate, enhance sea defences, with natural accretion of sand dune.
4. Promote knowledge, understanding and appreciation of the ecological value of the sand dunes and other natural coastal habitats, and of their key role in coastal flood defence.
5. Enable safe recreational use of the dunes and beach where this does not significantly compromise the nature conservation or flood-defence properties of the dunes and other natural coastal habitats.

## How do sand dunes form?

Sand dunes form where: -

- there is a supply of sand over a wide foreshore which has sufficient time to dry between tidal inundation,
- a backshore area of low relief
- predominant onshore winds for at least part of the year.



## Why do we have to manage the dunes?

Dunes are dynamic systems which are constantly changing in response to the weather, tides and sand deposited. These processes require areas larger than those we have in St. Annes in order to operate effectively. Dune management is required to compensate for this lack of space.

Dunes are also highly sensitive to erosion which reduces the plant cover and creates mobile areas of bare sand. Our mobile dunes are constantly being blown inland by the sea and this causes problems with windblown sand and a reduced sea defence if we don't give the dunes a helping hand to repair themselves.

## Why are the dunes important?

Sand dunes are a rare habitat in Britain today, with less than 10,000 hectares remaining around England's coast. The majority of plants living on the sand dunes are uniquely adapted to surviving in sandy conditions resulting in a rare and specialised ecosystem. We have plants on our dunes in the North West which aren't found anywhere else in the world! The dunes also create a natural coastal defence which protects St. Annes and provides a beautiful landscape feature.

## What will you see change?

### **Creating new dunes to improve the sea defence properties**

In order to encourage the dunes to develop on the foreshore a line of bollards will be placed in front of the dunes to reduce erosion pressures.

### **Fencing, planting & Christmas trees**

In some areas fencing and Christmas trees will be used to trap the sand and encourage the dunes to develop. Some areas will be planted with dune grasses to help stabilise the sand and encourage vegetation to develop.

### **Paths and tracks**

Pathways may be improved with boardwalks and marker routes created where necessary.

### **Scrub bushes and garden plants**

Areas of invasive scrub bushes will be controlled to stop their spread which threatens the rare dune plant communities.

### **Increasing wildlife diversity**

Some areas will be mown in the autumn and wet areas will be created in more fixed dunes.

### **Events programme**

There will be various events to give people the opportunity to find out more about why the dunes are unique and to encourage the recording of dune wildlife.

### **Information and education**

Information materials will be created to inform visitors to the dunes what they can see and how they can help look after them. Children's educational activities will inspire the next generation to understand and value our dunes.





Fylde Sand Dunes Project  
Town Hall  
St. Annes-on-the-Sea  
Lancashire  
FY8 1LW  
Tel: 01253 658537  
Email: [aheslop@lancswt.org.uk](mailto:aheslop@lancswt.org.uk)

**To view a full copy of the Dunes Management Action Plan please visit  
[www.fylde.gov.uk/dunes](http://www.fylde.gov.uk/dunes)  
or contact Anne on 01253 658537**

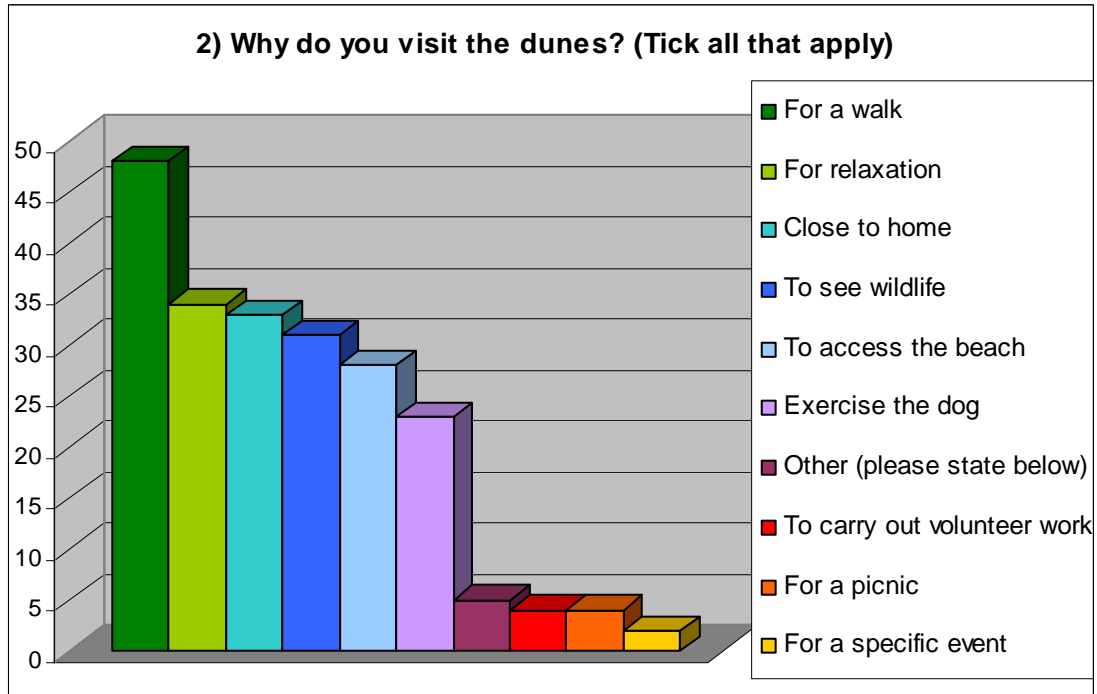
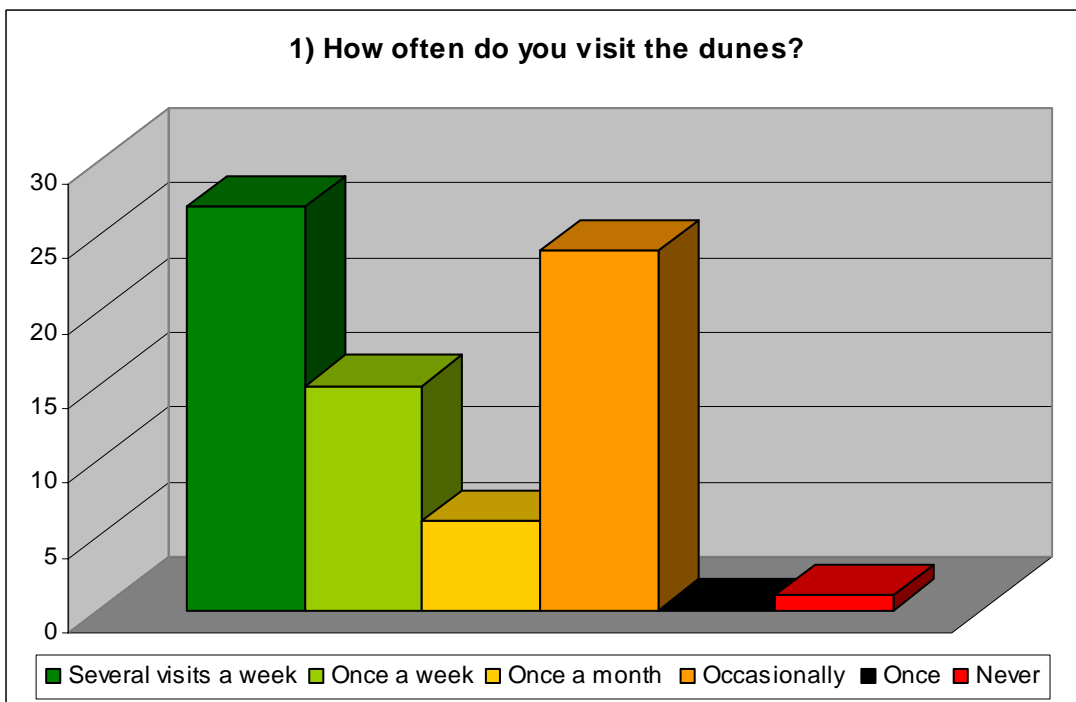
The Fylde Sand Dunes Project is a partnership between Fylde Borough Council  
and The Wildlife Trust for Lancashire, Gr. Manchester and North Merseyside

*Photographs courtesy of Dave Dunlop, Graeme Skelcher and Paul Ancell*

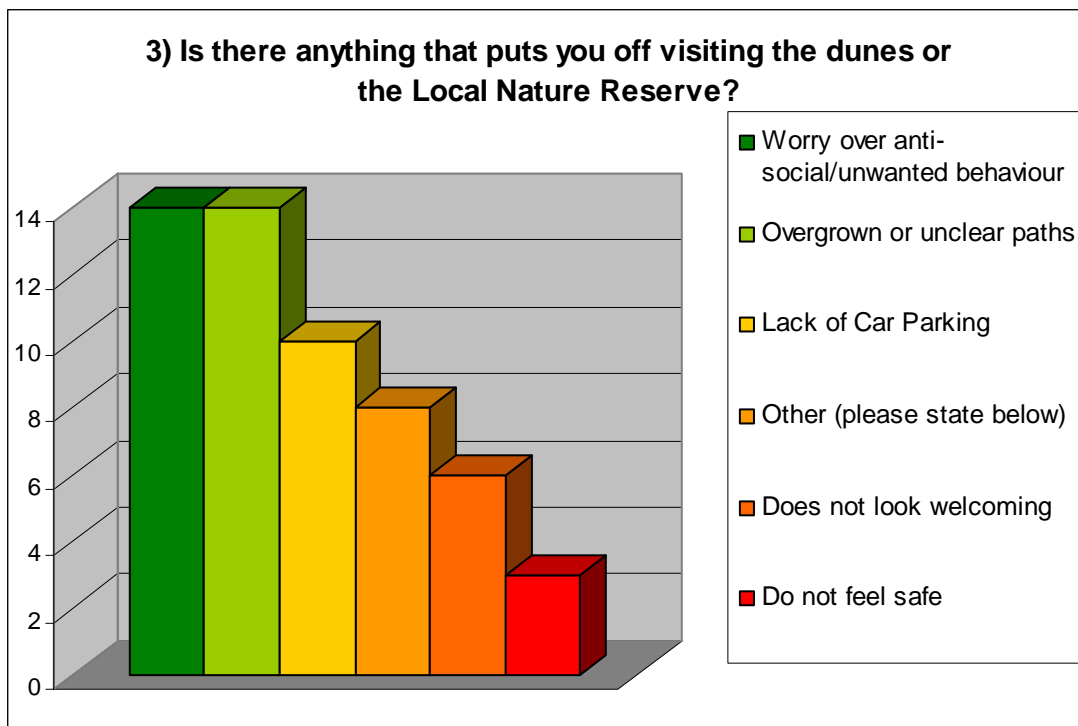


## Responses received from the Fylde Sand Dunes Questionnaire

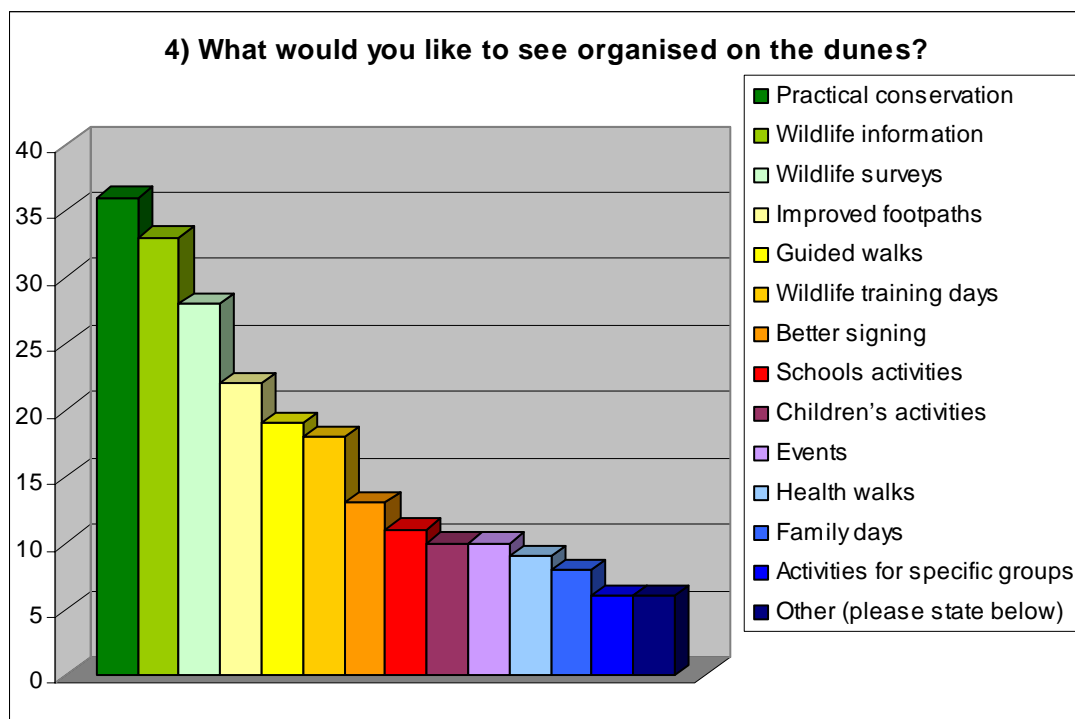
72 responses received



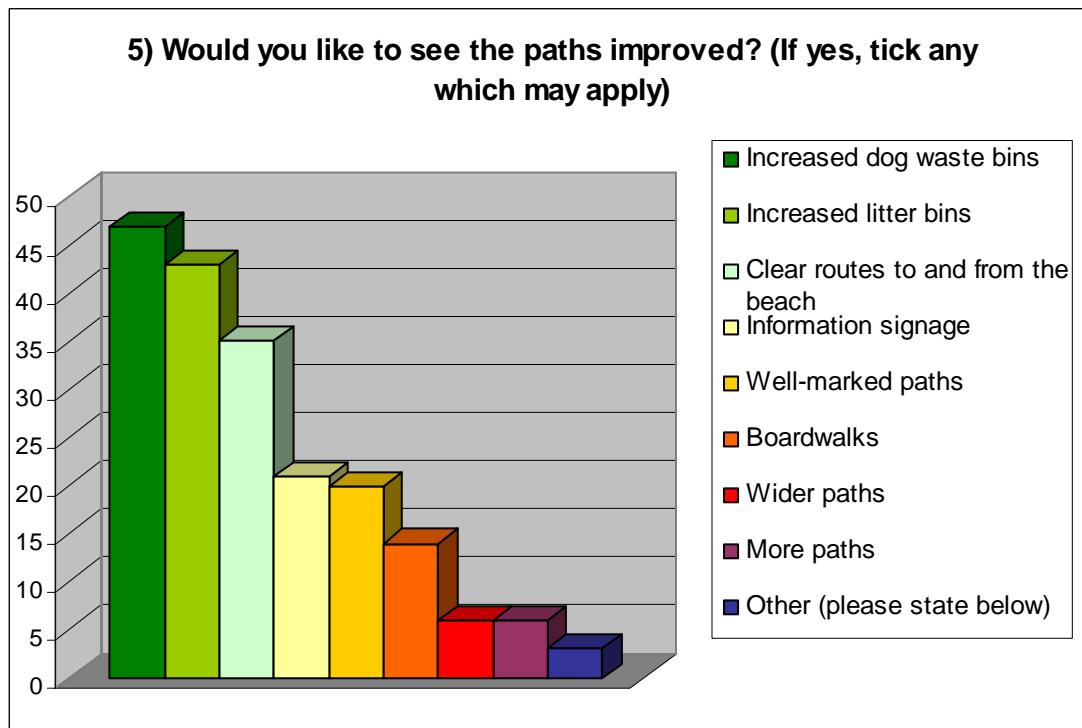
**Other:** “Check on what damage is being done/how they are progressing”;  
“Exercise/running”



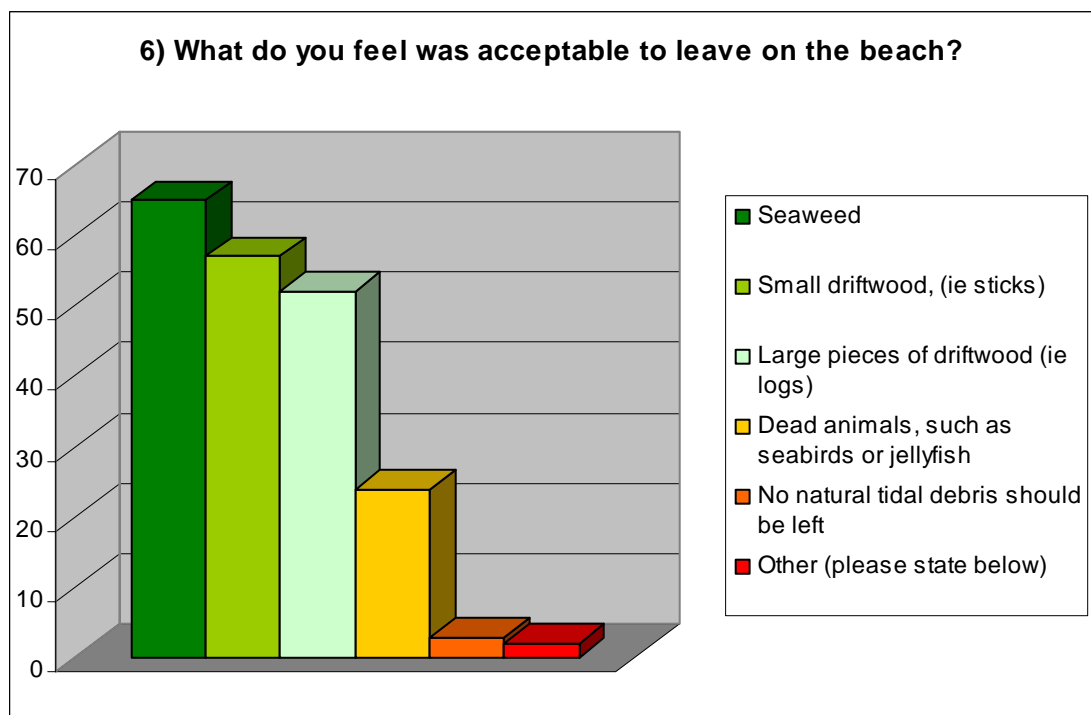
**Other:** Dogs/dog fouling (7); anti-social male behaviour (4); litter, car parks (2). 9 people stated that they are happy, felt safe or that the dunes should be left alone.



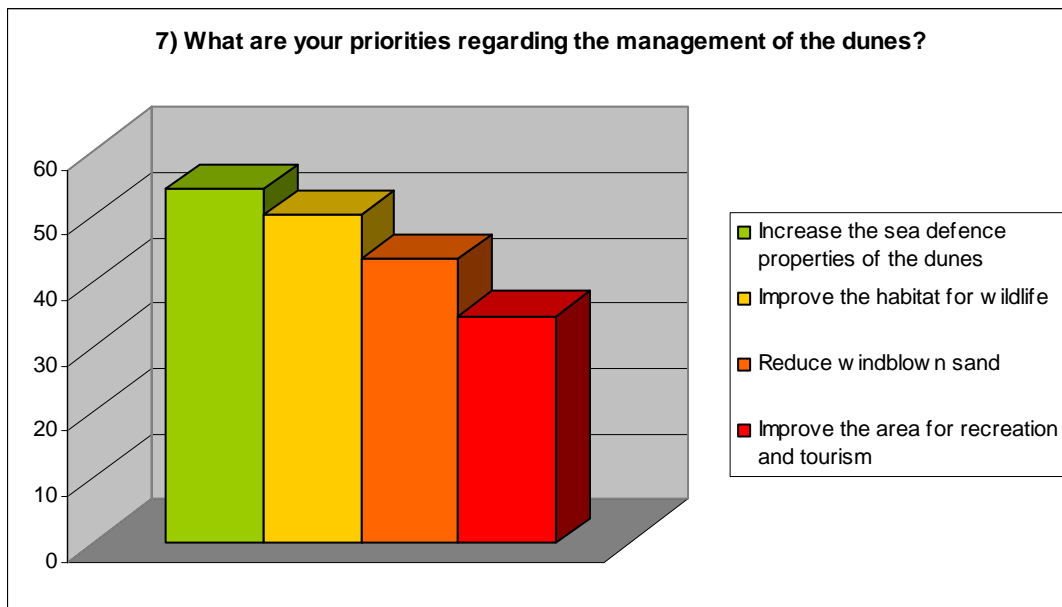
**Other:** Leave dunes alone/no activities (9); school groups programme, police presence, litter picking (2).



**Other:** Don't alter the dunes/no new paths (9); 'no go' areas to protect vegetation (2); larger bins/'Please take your litter home' signs/increase awareness of dunes' unique value (1).

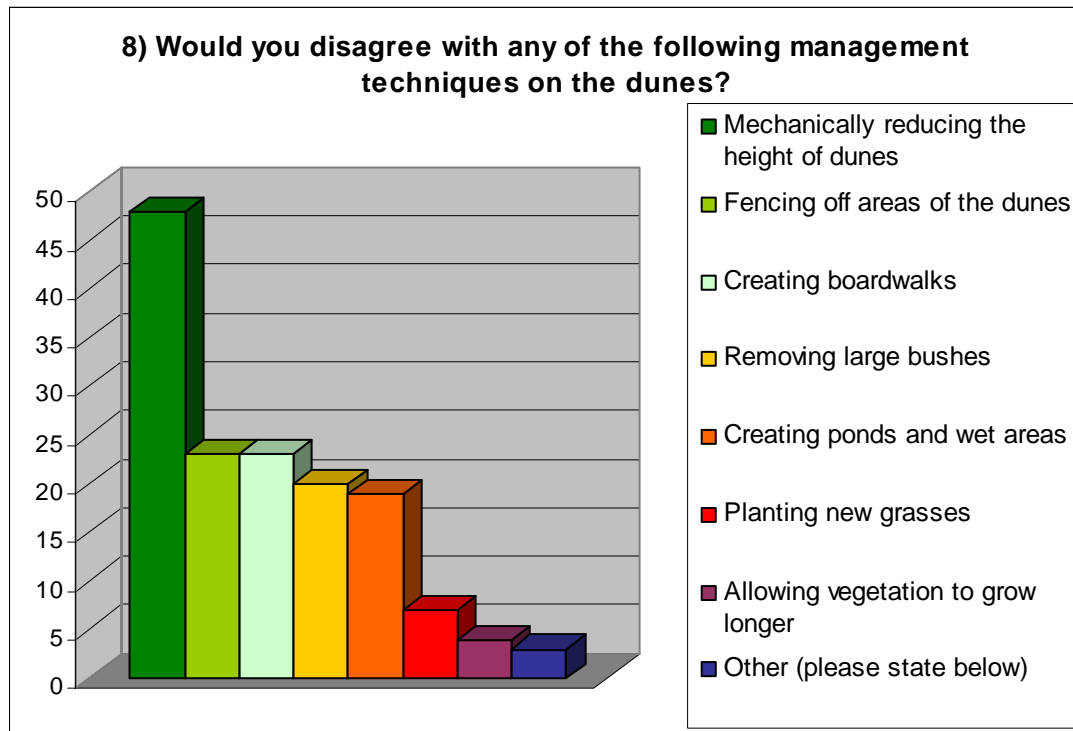


**Other:** Leave natural flotsam/seaweed to help with accretion (9); remove large animal carcasses (5); remove small animal carcasses/spartina grass (1)

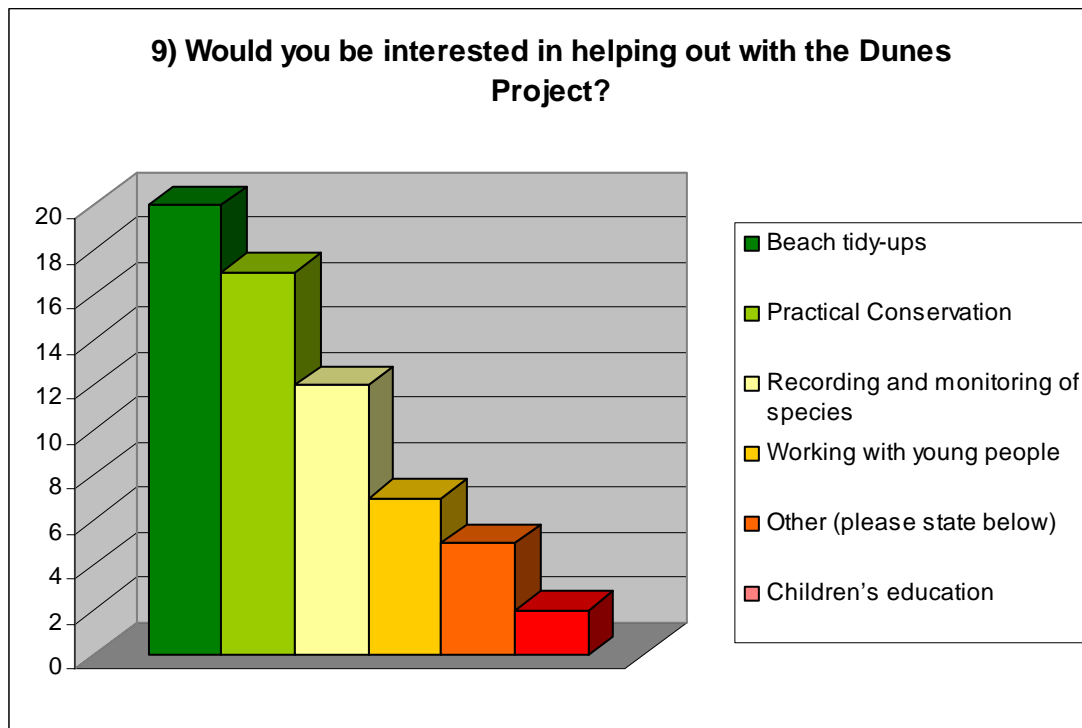


**NB:** 1 = 1; 2 = 0.75; 3 = 0.5; 4 = 0.25.

**Other:** Planting scheme & maintenance of vegetation to halt windblown sand/stop sand extraction (3); dog fouling/close the gaps (2); Let nature take its course/preserve geological nature of dunes (1).



**Other:** Don't interfere (4); trust experts to decide (3); stop sand extraction/halt windblown sand/encourage more natural dune flora/don't reduce height (2).



**Other:** Too old to help (4); over 70 but willing to help (2);

**A selection of additional comments:**

*"Would it be worth forming a sand dunes conservation group to meet regularly (say once a month), to discuss arranging further activities?"*

*"As one who tried to get the dunes restored of notably Fairhaven Lake when pipe laying was done about 20years ago. (I have letters to prove there were dunes there before the area was flattened out). I have always fought for their improvement."*

*"I think the coastline and dunes should be altered as little as possible. After all it is a natural area and should be respected as such."*

*"Sand extraction is an environmental catastrophe waiting to happen - also mounds are ugly."*

*"The cleared section was replanted at its cleared level - the dunes ought to be reinstated and then replanted and a restriction imposed preventions any further desecration."*

*"There is no need to mechanically clean the beach. Man made litter can be hand-picked. A dune ridge will soon form over the natural tideline (which is also good for insects/invertebrates)."*

*"The dunes ought to be left to evolve naturally. By all means encourage plant life but do not turn them into a tourist attraction."*



## Fylde Sand Dunes Management Plan Report - Appendix 2

*"The dunes are a wonderful feature of our coast line. I should like to see nature taking her course as she used to."*

*"We must protect from erosion and over use. The dunes must be allowed to regenerate."*

*"I prefer to see the beach in its most natural state - the debris is very interesting."*

*"Boardwalks only to prevent or reduce erosion. It is better to have many smaller paths forming a network than wide well marked paths"*

*"constructed walkways (boardwalks etc) reduce the 'naturalness' of the area"*

*"I see no reason to have any activities on the dunes"*

*"All of these activities if regulated would be good for the Fylde and bring the area a real purpose"*

*"Canine excrement is a major problem."*

*"I am aware of visitors and residents who are put off by the lack of toilet facilities."*

*"The dunes are a beautiful and valuable natural asset which should be preserved."*

**Text Changes from page 84 from Fylde Sand Dunes Management Action Plan**

16. Liaise with other dune owners to encourage appropriate management of private dunes (including Thursby Nursing Home, United Utilities, Clifton Hospital, King Edward & Queen Mary School, the golf clubs and the private owners of St Anne's Dunes) and provide support where necessary.
17. Ensure that all works undertaken by Council staff in and around the coastal habitats are coordinated and that all workers are aware of the aims and management regime included within this plan.
18. Undertake a base-line NVC survey of coastal dune, saltmarsh and shingle habitats during the summer of 2009, immediately prior to most of the management works taking place. Repeat at 15 year intervals over the whole site and at 5 year intervals where significant management works are being carried out.
19. Periodically monitor key species by counts of individuals or distribution mapping.
20. Monitor the extent of non-native plants by informal assessment. More formal local monitoring may be necessary in the future if problems are perceived.
21. Investigate the possibilities of extending the Lytham St Anne's Dunes SSSI to include all areas of the Fylde coastal dunes and extending the Ribble Estuary SSSI to include the accreting saltmarsh at Fairhaven and Lytham.
22. Produce a more detailed management plan for the Lytham St Anne's Local Nature Reserve.
<b>Operational objective 2: Increase the area of sand dune and saltmarsh habitats where appropriate, particularly by allowing conditions for natural seaward accretion.</b>
1. Erect chestnut-paling fencing or posts at between 5 and 10 m from the toe of the dunes from St Anne's Pier to Squires Gate (encompassing any existing pioneer vegetation) to prevent all vehicle access and at least most pedestrian access and allow natural dune accretion.
2. If posts are used, notices will be erected to request that pedestrians stay out of this zone. If fencing is used, gaps will need to be left at strategic places to allow access from the beach to the rear dunes.
3. Move the line of posts/fencing forward by another 5 to 10 m each year as the dunes accrete until it is felt that the dune-width has reached its natural limit, but review annually according to the observed rate of accretion. Fencing or posts should not be reused where these are buried by sand, to prevent disturbance to accumulated sand. Inexpensive materials should therefore be used which will biodegrade in 2 - 3 years.
4. In key areas, (e.g. the artificial dunes at Squire's Gate, in front of north beach car park and in front of the concrete revetment opposite Todmorden Road), use brush wood or old Christmas trees to artificially trap sand, followed by marram planting to bind the sand. Ensure that there is no disturbance of the sand in these areas and in particular no removal of accumulated sand.
5. Liaise with sea-front householders in Summerfields next to North Beach car park in order to explain the long-term benefits of dune accretion work.
6. If requested by Summerfields householders, undertake careful manual removal of sand along the immediate length of the boundary wall with these properties to prevent over-topping by sand and prevent any risk of damage to the wall. <b>Ensure that disturbance of sand is kept to an absolute minimum and do not remove sand by mechanical means.</b>
7. Investigate options for the future of the public beach area at St Anne's to determine whether long-term management should be open beach (with associated continued wind-blown sand falling in the town centre but carrying out regular removal of sand accumulations to alleviate this to some degree) or whether natural development of dune habitat should be allowed and the public beach moved seaward of this.

**Recommended changes:**

6. If requested by Summerfields householders, undertake careful removal of sand along the immediate length of the boundary wall with these properties to prevent over-topping by sand and prevent any risk of damage to the wall.  
**Ensure that disturbance of sand is kept to an absolute minimum and seek to accrete dunes to reduce any potential weak points in the sea defence.**

## **N. Beach Car Park and Todmorden Road** **Sand Dune Management**

### **Main Issues:**

- Wind-blown sand causing a nuisance to residents on North Promenade, Summerfields, Clifton Drive North and Todmorden Road
- Flood risk during storm events and adaptation to climate change
- High levels of erosion due to recreational and mechanical pressures
- Safety issues resulting from high dunes adjacent to roads
- Access problems from North Promenade to the beach
- Narrow and fragmented dune habitat

**Location:** Sand dunes along North Promenade, Todmorden Road and North Beach Car Park in St. Annes-on-sea, Lancashire

**Background:** The Fylde sand dunes are important for the local community as a functioning sea defence and recreational area. They are also home to a wide variety of rare and interesting plants and animals which together create a unique dune ecosystem which is both locally and globally under threat.

The wide sandy beach between St. Annes pier and Starr Gate creates suitable conditions for dune development as sand is blown from the beach inland, settling once it reaches an obstacle such as the dunes, vegetation or tidal debris. This naturally has created mobile dunes at the top of the beach adjacent to North Promenade Road and North Beach Car Park. These mobile dunes are highly dynamic and are constantly being pushed inland by the wind conditions. Development and infrastructure has been placed close to these mobile dunes and this results in unwanted effects such as wind-blown sand in covering roads and properties and reduces the effectiveness of the dunes as a sea defence.

There are high levels of erosion in this area resulting in a reduction of pioneer vegetation establishing on the foreshore and creating large areas of bare sand. Without these first plants developing the dunes have not been able to grow in a natural profile as sand collects against the first dune rather than a new developing ridge (see diagram 1 & 2)

Previous management in this area was to remove sand which has built up against the Car Park wall however this was stopped to stabilise the wall and allow the dunes to build up against the wall. This has led to a build-up of sand against the wall resulting in higher volumes of sand building up on the Summerfield properties.

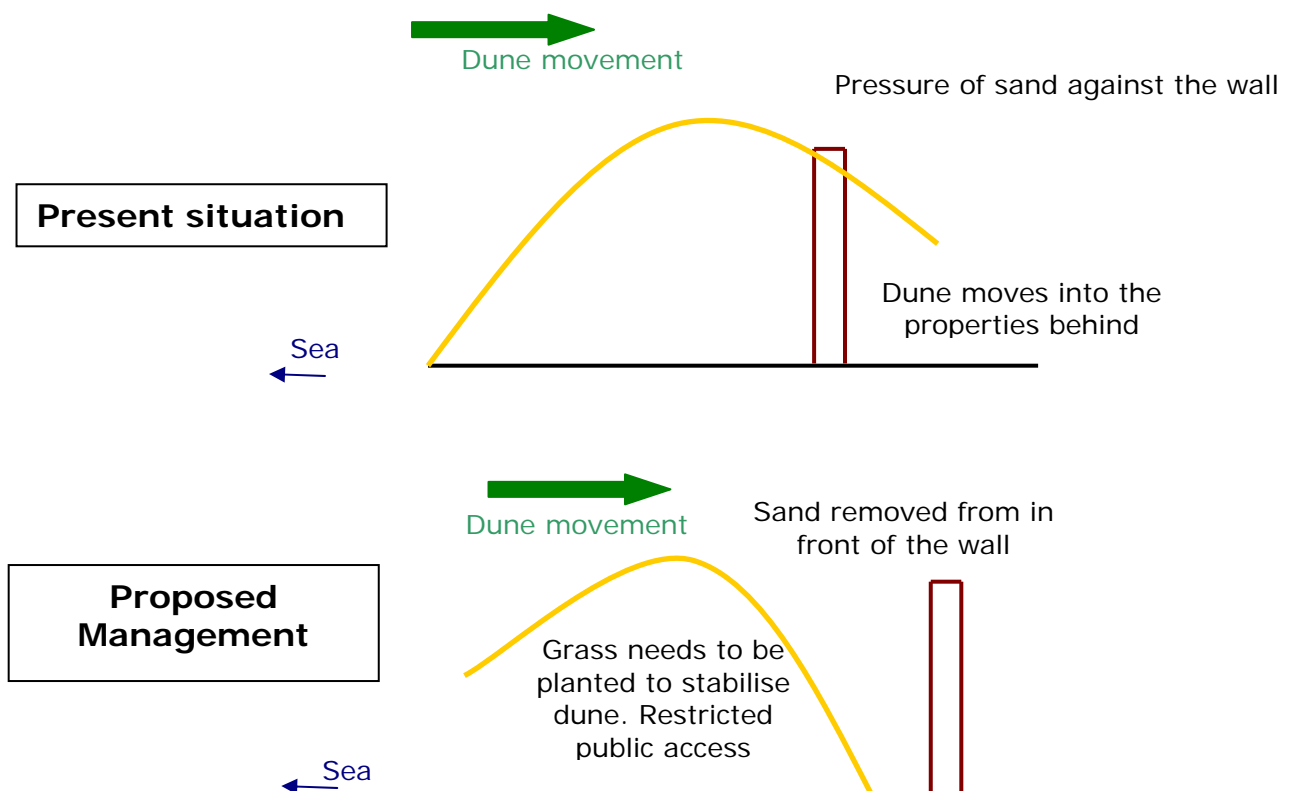
A high level of human erosion exists as the area is open access with few clear paths to direct people. This high level of human erosion creates large areas of bare sand where vegetation is unable to survive trampling pressures, thus increases the amount of bare sand to be blown onto properties and infrastructure behind.

There are also several Health and Safety issues concerning this area as there are high dunes adjacent to the road and car park with no signage to highlight this risk.

### Management Options:

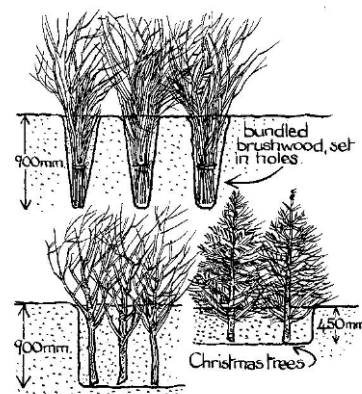
- Removal of sand adjacent to Summerfield properties

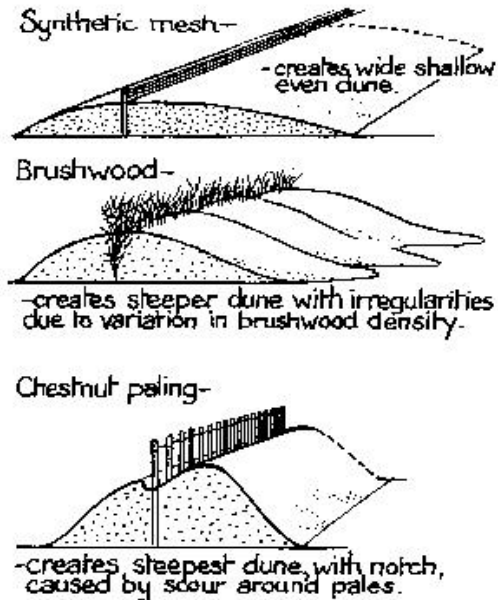
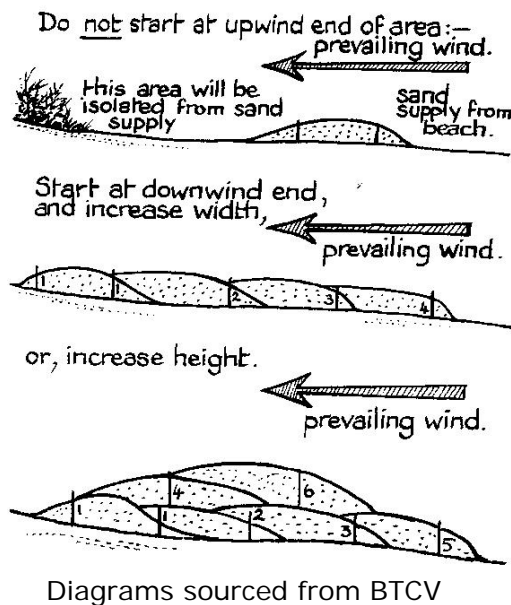
The mobile dunes are continuous moving inland resulting the dune engulfing the boundary wall to Summerfields and filling the properties behind with large volumes of sand during periods of high winds. The removal of sand adjacent to the wall will reduce the pressure against the wall and allow for loose sand to be removed to reduce the volume of sand entering the properties. This will need to be accompanied with the planting of marram grass, foreshore works and the restriction of public access to help stabilise the dunes.



- Use of brushwood fences to trap sand

Brushwood fences or dead Christmas trees should be placed in front of the first dunes to trap the sand coming off the beach and create a new dune ridge. This will reduce the volume of sand on the dunes behind and allow the existing dunes to stabilise. In order to increase the effectiveness of the works, public access and mechanical works should be restricted in this area.





- Fence off the area

Fencing off the area will restrict public access and allow the dunes to stabilise and will improve the effectiveness of grass planting. This will need to be accompanied with information signage and designated access points.

- Reduce the height of the dunes

Any reduction in the dunes height would need to be carried out over a number of years as dunes could be re-profiled whilst vegetation was salvaged and replanted. This would need to be done in conjunction with beach management to allow for foredunes to develop in front of the dunes to increase the width. This operation would require planting permission as an engineering operation would be carried out and full liaison with the Environment Agency and Lancashire County Council.

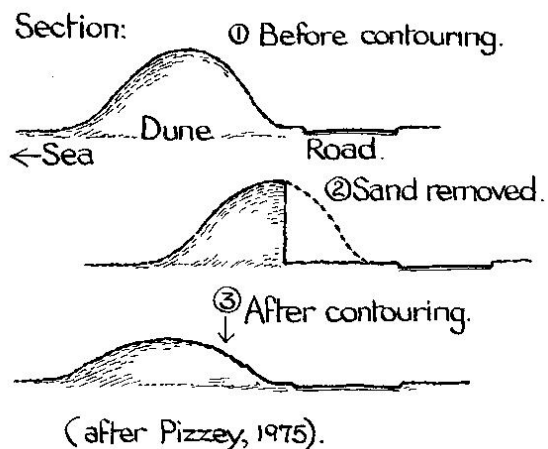
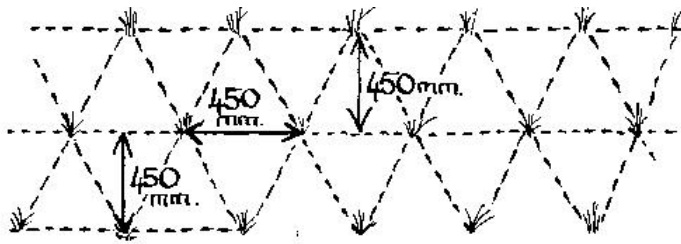


Diagram sourced from BTCV

- Planting of marram grass

Marram grass is the main dune building grass and can help to stabilise the dunes in the area. Marram grass will need to be sourced from areas of healthy grass on nearby slopes (however not within the SSSI) during winter and preferably early spring months. This will need to be accompanied with fencing and information signage to reduce erosion. Regular monitoring will be required to assess the success of the planting and to replace unhealthy plants were necessary.



Marram planted in 'domino 5' pattern

Diagram sourced from BTCV

- Creation of designated access points

Designated access points will need to be created to funnel the majority of people who wish to access the beach. Accompanied with signage and fencing. Aim to create a 'dog-leg' path to reduce straight gaps in the dunes which would leave the area vulnerable to flooding.

- Blocking up existing access points

Some existing access points will need to be blocked up and people encouraged to find alternative beach access through a well signed area.

- Removal of the bench

The presence of the bench creates a large gap in the dunes which results in high levels of windblown sand blowing down Todmorden Road. The removal of the bench and the blocking of the access point will allow dunes to form in this area and thus reduce the wind-blown sand behind and health and safety risk of walking up the steep concrete wall.

- Reduce mechanical disturbance

Where possible mechanical operations should be prohibited within 8m of the dunes to allow for the dunes to grow and stabilise. Where mechanical means are used to remove sand against the wall, care will need to be taken to ensure minimal disturbance to the dunes with a long-term plan to change access routes to the wall.

- Information signage

As access points are blocked off and areas fenced off this will need to be accompanied by information signage to inform dune users of why this is being done. Signs will also be able to provide Health and Safety information about using the dunes so close to the road and car park.

### **Ongoing management**

- Monitor success of grass planting.

Regular maintenance is required to replace unhealthy plants, prevent trampling and where needed to extend cover to adjacent areas. Work can be undertaken at any time of the year, but early spring is generally considered to be the optimum to avoid frosts, storm erosion, drought or trampling. Even assuming no storm erosion, it is likely that it will take two or three years before transplants begin to thrive and spread.

- Removal sand against wall

This will need to be continued whilst the dunes are highly mobile in this area. Alternative access options should be investigated such as from Todmorden Road rather than the beach. This would reduce the wind blow against the wall and improve the linear integrity of the dunes as a sea defence.

- Monitor public pressure

The area will need to be monitored to assess the impact signs and fences are having on reducing the people erosion pressure on the area. More signage or fencing may be required.

- Monitor and improve where needed brushwood fencing/Christmas trees

The success of the brushwood fences will need to be monitored to establish if more fencing is required or for any changes to be made regarding location and spacing.

- Removal of litter following leaving the tideline

As the tidal debris is left within 8m of the dunes any litter build-up in this area will need to be removed by hand using litter pickers. Local residents have expressed an interest in assisting with this.

- Monitor access points and investigate further options for relocating these.

Investigate options to improving access points through signage, paths, boardwalks or relocation if necessary. Once the dunes have stabilised it may be appropriate to remove fencing.

**Timeframe of main tasks:**

**Consultation:** November

**Christmas tree planting:** January

**Marram Grass planting:** February/March

**Fencing areas:** January/February

**Create information signage:** December

**Applying for planning permission:** December/January



## Sand Dune Management Issues at North Beach Car Park and Todmorden Road Dunes



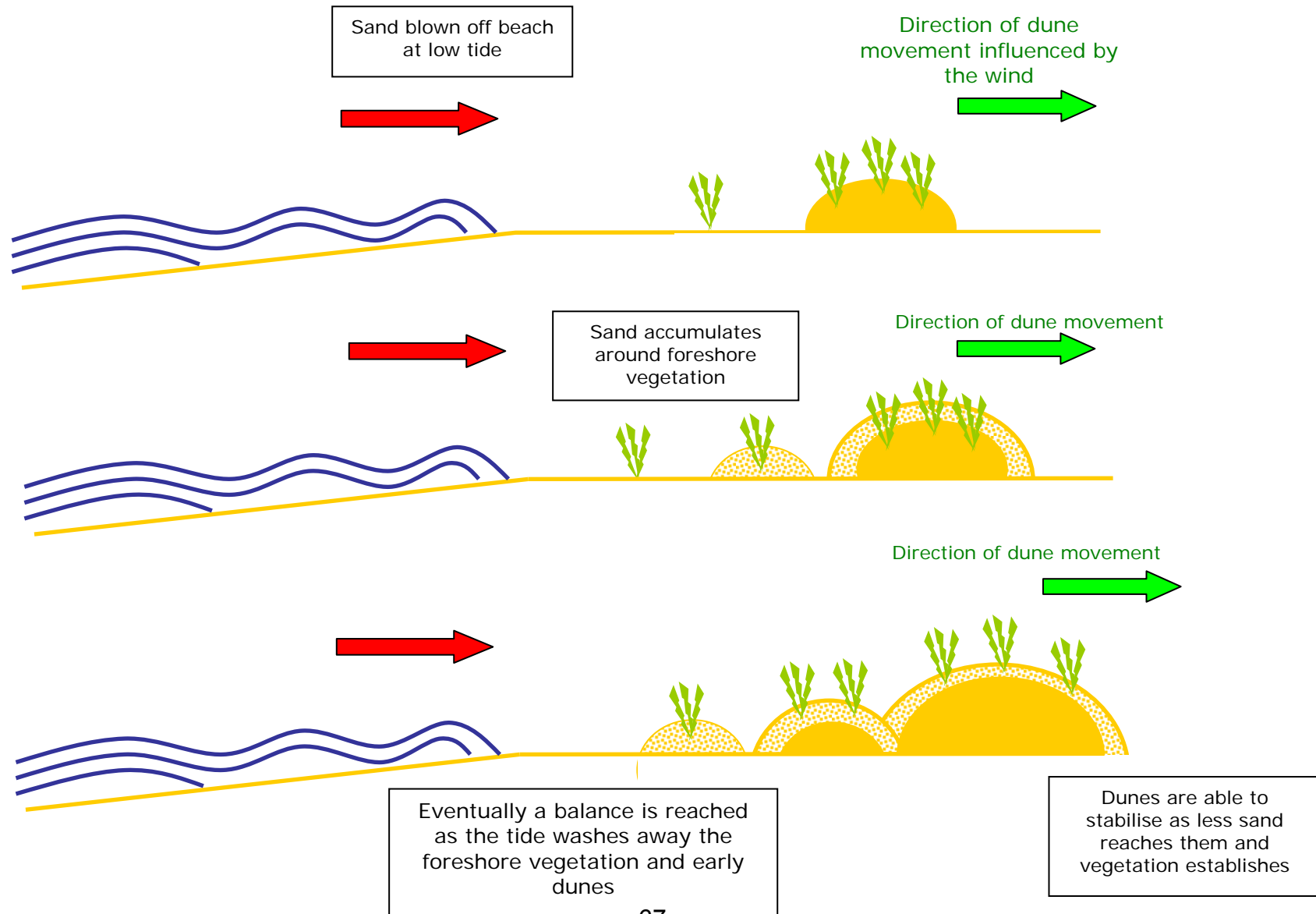


## Management Options at North Beach Car Park and Todmorden Road Dunes

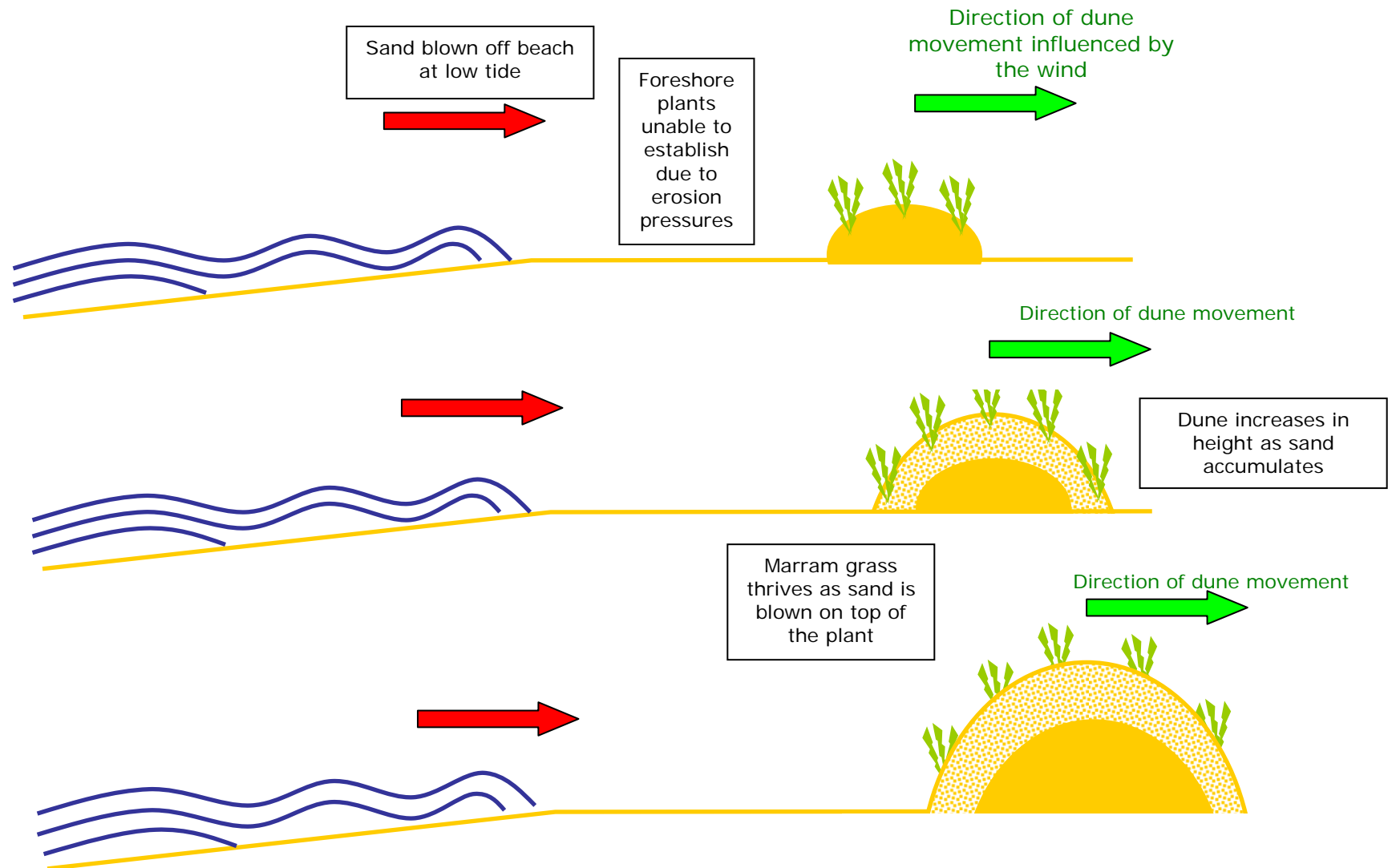




## Dune Development when foreshore vegetation present



## Dune Development following erosion of foreshore vegetation



## **Appendix 5**

### **Clarification feedback from the Chairman of the Friends of North Beach Car Park**

<b>Concern</b>	<b>Response</b>
Formal adoption of the 2005 Management Plan	In September 2005 Cabinet resolved to <i>“adopt the recommendations as outlined in the consultant’s report for each section of coastal defence frontage”</i>
The scope of the Management Action Plan	The Dunes Management Action Plan has been created as a programme of deliverable actions to protect and enhance the dunes rather than to shape future policy on the coastline. Flood defence policy is currently being consulted on through the Shoreline Management Plan and the recreational use of the beach will be covered through Safersands.
Closing pedestrian access at North Beach Car Park Potential flood defence weak spot.	These concerns can be addressed through the dunes partnership project.
Relocating dog waste bins and increasing litter bins	These concerns can be addressed through the dunes partnership project.
Formal signage to warn of the dangers of high dunes adjacent to the car park	These concerns can be addressed through the dunes partnership project.
Inappropriate development on North Beach Car Park	The Council will be considering future management of the car park in light of a review of the Council’s accommodation project.
Access track for Sand Yachting creating increased flood risk	These concerns can be addressed through the SMP process.

# REPORT



REPORT OF	MEETING	DATE	ITEM
MANAGEMENT TEAM	POLICY DEVELOPMENT SCRUTINY COMMITTEE	4 <sup>th</sup> February 2010	6
<b>REVIEW OF 'MOVING TO EXCELLENCE' and the FUTURE SERVICE DELIVERY APPROACH OF THE COUNCIL</b>			

## Public Item

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

## Summary

The Council adopted the 'Moving to Excellence' report in November 2007 as a mechanism for focussing the improvement agenda and performance of the Council prior to the CPA review in late 2008.

The impact of the Moving to Excellence report was reviewed by the Council's Policy and Service Review Scrutiny Committee during 2009, which recommended that the approaches detailed in the report should be revised in light of progress that had been made and in light of changing external circumstances.

This report presents an update of the Moving to Excellence approach and makes recommendations which seek to anticipate how the Council will need to organise its service delivery operations in light of the projected reductions in public expenditure in future years.

## Recommendations

1. That the Committee considers the content and recommendations of the Destination Plan attached at Appendix A of the report and forwards any comments on these matters to the Cabinet.

## Reasons for recommendations

To put the Council in the most advantageous position possible in anticipation of reducing financial allocations in the future.

#### **Alternative options considered and rejected**

The Council could choose to ignore the speculation that reductions in public expenditure, affecting local government, will be imposed by central government from 2011/12 and take the risk that the levels of existing revenue support grant will continue to increase in line with recent trends.

However, in light of the uncertainties which surround the 'unofficial' comments of the national political parties in the run up to the general election in 2010, it is prudent to give consideration to a scenario which will impose significant change in the way local public services are organised and provided.

#### **Cabinet Portfolio**

The item falls within the following Cabinet portfolio:-

Leader : Councillor John Coombes

#### **Report**

##### **Background**

1. The 'Moving to Excellence' Report was initially drafted in the summer of 2007 and underwent a period of internal consultation with staff and elected members. It was finally adopted in November 2007. Its purpose was to set out a managerial approach within the Council to help deliver the organisational improvements that were sought by Members in terms of CPA review and the overall general performance of the Council.
2. The Report contained a list of recommendations relating to our approach to customers, the culture of the Council, the performance management framework, value for money and organisational development.
3. An update report on the implementation of the recommendations was presented to the Policy and Service Review Scrutiny Committee in April 2009 which resolved, inter alia, that a review of the report should be undertaken after the (then) current management restructuring had been completed.

##### **Current Situation**

4. This process has now been substantially concluded and a review of the report has been undertaken. The review is taken forwards in a report entitled A Destination Plan, which is attached at Appendix A.
5. In formulating the Destination Plan account has been taken of management and operational practices that have now been embedded within the Council,

practices which will continue to need reinforcement, opportunities presented by the development of new technology, the growing drive towards shared services, the financial climate affecting the public sector and the likely national political landscape within which the Council will have to operate in the future.

6. The Destination Plan also takes account of the ongoing interest of Government Office for the North West (via the Finance and Capacity Panel) in the future financial stability of the Council following the capitalisation of costs associated with the recent management restructuring.
7. The Plan considers a number of options for securing further efficiencies in the context of reducing grant support settlements from central government for local authority services. It also makes a number of recommendations for further work which will require the allocation of resources before the anticipated efficiencies could materialise. Without the allocation of additional (external) resources to support this 'pump-priming' work (such as may be secured from Team Lancashire or the Regional Improvement & Efficiency Partnership) the recommendations will need to be heavily prioritised.
8. The report was considered by Cabinet on 20<sup>th</sup> January when the recommendations of the Destination Plan were endorsed and it was further resolved to present the Plan to a meeting of the Policy Development Scrutiny Committee for consideration and comment.
9. The final conclusion of the Plan (paragraph 4.3) indicates that consultation arrangements will need to take place internally and with key stakeholders. This report to the Scrutiny Committee is one element of that consultation.

Report Author	Tel	Date	Doc ID
Chief Executive	(01253) 658500	January 2010	H/Cabinet/Jan10

List of Background Papers		
Name of document	Date	Where available for inspection
Moving to Excellence Report	November 2007	Town Hall & <a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>
Policy & Service Review Scrutiny Committee Agenda	April 2009	

#### **Attached documents**

1. Appendix A - A Destination Plan



IMPLICATIONS	
Finance	It is hoped that it will be possible to secure additional external funding to assist the Council in the development and implementation of the Destination Plan. Discussions are currently ongoing with GONW and NWIEP via the Finance and Capacity Panel but nothing has been secured to date. Therefore if additional financial resources are required that cannot be found from within existing revenue budgets or external sources then further reports will be presented to Members for consideration and approval.
Legal	None arising directly from the report.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.



## **A DESTINATION PLAN**

**(A FUTURE DISTRICT MODEL OF GOVERNANCE & SERVICE DELIVERY)**

**CABINET DRAFT - JANUARY 2010**

# CONTENT

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## **1. BACKGROUND**

1.1 All local authorities are facing financial challenges which are predicted to become more severe from 2011. Fylde Borough Council has had to face such challenges during the last two years and will need to continue to closely manage its financial standing in order to withstand the additional constraints that are anticipated in future years.

1.2 The Council's revenue budget was placed under significant pressure in 2007/08 as a consequence of a number of factors -

- The increasing costs of the concessionary bus fares scheme;
- Escalating fuel costs as a result of the soaring price of crude oil in 2007/08;
- Fleet repair costs of £300,000 greater than budgeted (including £90,000 losses as a result of arson at a depot;
- Anticipated trading income of £140,000 which did not arise.

1.3 The combination of these events, coupled with a reduction in other income projections as a result of the general economic downturn in 2008, led to the Council utilizing its modest reserves in order to balance the end of year accounts for 2007/08 and to cutting a number of services from its 2008/09 budget. The Council fixed a balanced budget for 2008/09 which anticipated total savings of £1.1m and a revenue balance position at the year end of £530,000 (the minimum amount recommended).

1.4 During the course of 2008/09 further changes to the qualifying criteria for users of the concessionary bus fare scheme resulted in further significant increases in the cost of this statutory scheme. The economic downturn which took hold during 2008 also led to a decrease in the Council's income streams from sources such as planning applications, car parking, building control applications and from the sale of sand to the construction industry.

1.5 A review of the Council's Medium Term Financial Strategy (MTFS) in November 2008 indicated a real prospect of the Council's revenue account going "into the red" at the end of the 2008/09 financial year. A review of the management structure of the Council, implemented in September 2008, brought recurring annual savings of £90,000 and other control measures were put in place (a freeze on recruitment and a cessation of any non-essential expenditure) to mitigate the in-year projections of the MTFS.

1.6 At this time discussions were held with Government Office for the North West (GONW) and applications for the capitalization of some of the Council's revenue expenditure in 2008/09 were submitted to CLG to provide a potential mechanism for preventing the Council falling into a negative revenue position and providing some additional time for the Council to consider other savings options in order to provide a more sustainable foundation to its finances.

1.7 As a result of the savings implemented during the year, the additional control measures referred to above and the approval of the capitalization applications, the Council's revenue balance at the 2008/09 year end was £1.348m and the re-introduction of modest earmarked reserves for "invest to save" opportunities associated with ICT infrastructure and vehicle provision amounting to £82,000 had been possible. However, the approved budget for 2009/10 contained further significant savings assumptions.

1.8 Difficult decisions on service priorities and service level provision have been taken by the Council during the last two years and the high level of new demand imposed by the concessionary bus fares scheme has now been absorbed into the base budget of the Council. These events have had a substantial impact on the organisation and have not been achieved without tensions at the political, managerial and operational level.

1.9 A further review of management structures has taken place during 2009 and implemented from 1<sup>st</sup> June. This will deliver savings of £100,000 in 2009/10 and £150,000 annually thereafter. A further £300,000 saving is assumed in the approved budget for 2009/10 from a more wide-ranging review of staffing structures across the Council. The implementation of this latter assumption will be very challenging for the Council, which is already placed in the better quartiles of comparative 'value for money' profiles for most of its operational services and is already operating at the margins of its capacity to deliver the services currently expected of it.

1.10 However, in spite of a more stable financial position as we move towards the end of 2009/10, the comparatively low level of existing capacity in the organization and the Council's well-established approach to shared services, there are no signs that the operational and financial demands placed on the Council will become any easier in the near or medium term future. Indeed, all recent commentary on public sector spending suggests reductions in the order of 10 - 20% in grant support from 2011 together with an expectation of less than inflationary increases in council tax levels.

1.11 Presented with these circumstances this report considers how Fylde Borough Council might both respond to and plan for the future financial landscape which faces district councils.

1.12 It is also intended as a refresh to the Moving to Excellence Report which was approved by the Council in November 2007. The purpose of that report was to provide a focus for improvement for the Council in the run up to CPA re-categorisation in early 2009. The continuing relevance of that report has now receded in the aftermath of the improved CPA rating of the Council and the transition of this regime into the Comprehensive Area Assessment with its greater focus on partnership working.

1.13 It is therefore timely to re-define the Council's focus for the next 2 - 5 years, following a period of recognized improvement, of significant financial challenge and as we enter a period of general uncertainty over the future levels of public sector funding.

## **2. THE DRIVERS FOR CHANGE**

2.1 The Council is currently reviewing its corporate vision and is consulting on revised corporate objectives and priorities. The aspirations of the Council that are contained in this vision may be taken to include the following features -

- The quality of its services is at least better than the national average;
- The costs of its services are below the national average;
- The overhead and fixed costs of the Council are below national average;
- The community has a clear understanding of who is responsible for local public services and where to go if quality is not as expected;
- A place where governance, accountability & service delivery is organized at the most relevant level.

2.2 The quality of services provided by Fylde Borough Council is generally good and we are now targeting improvement activity in those service areas where performance has lagged behind other councils (e.g. planning). The cost of services and corporate support activities is also generally favourable when compared with other local authorities. A series of comparisons and benchmarks have been provided in the Council's 2009 Annual Report - <http://www.fylde.gov.uk/news/2009/dec/23122009annualreport/> .

2.3 However, there is a lack of evidence to indicate whether service users are clear about where responsibility lies for the broad range of local public services or whether this is currently mobilized at the right level to be strategic enough on the one hand or responsive enough on the other hand to meet the aspirations of local communities, whilst at the same time delivering on agendas that are set at the national and international levels.

2.4 During the last two years the Council has sought to make decisions which will improve this clarity both at the strategic level and at the devolved level. Such decisions are encapsulated firstly in the high level strategic collaboration on the Fylde Coast Multi Area Agreement which identifies the socio-economic context and actions needed to address the key broad-based matters that interact at the sub-regional level beyond the boundaries of individual councils. Secondly, through the mechanisms of differential rating and asset transfer, the Council has established principles by which decision making and financial responsibility for the more localized community activity can be devolved to the most local, most responsive and most appropriate level of accountability.

2.5 Both of these activities (the Fylde Coast MAA and the devolution of powers to parish / town councils) can be regarded as 'work in progress'. The MAA will develop via the governance structures already described in the MAA document and the principles adopted through the transfer of assets and differential rating can be supplemented by the work recently commenced on the Community Governance Review.

2.6 The background to this report outlines above how the tensions created by the financial circumstances experienced by the Council impacted on the political, managerial and operational aspects of the Council and it seems appropriate and relevant that our response should consider these three components of the organization if further efficiencies are to be expected of the Council. However, it is recognized that the Council's priorities, as set by its Elected Members, are paramount and that reductions to frontline priority services should be minimised compared with the managerial, central and support services.

2.7 In parallel with this approach it appears inevitable that the Council will also need to more critically identify matters which are to be regarded as non-priorities. Almost 70% of the Council's net budget is deployed on services that it has a statutory obligation to ensure are delivered in the local community. Therefore, the opportunity for reducing expenditure beyond a certain level is constrained by these underlying legal duties. If the current political commentary is correct and a 10 - 20% reduction in public expenditure from 2011 is a reality, then this will force local authorities into some very difficult decisions about local public services.

2.8 Therefore, in light of anticipated restrictions on local authority funding in future years there are sound reasons for reviewing what arrangements for governance, management and service delivery will be the most appropriate in the future for Fylde Borough. This is undertaken through the following options appraisal.

### **3. OPTIONS APPRAISAL**

3.1 The following options are given further consideration in the light of external pressure on local government to reduce its expenditure during the next 2 - 5 years.

1. Local government structures
2. Imposition of across the board budget saving targets (%age or cash based)
3. Service prioritisation / cessation of services / shared service delivery
4. MAA / EDC opportunities (including shared management)
5. Transfer of assets and responsibilities
6. Becoming a commissioning organisation

### **3.1.1. Local Government Structures**

- a) The fundamental concept of proportionality suggests that the governance and management arrangements of democratically accountable organisations should be proportionate to their role, responsibilities and impact within the community, i.e. the form of an organisation should follow its function.
- b) The debate about future unitary local government structures in England was active two or three years ago and resulted in the implementation of (or proposals for) unitary structures in many parts of the country. However, Lancashire was not seen as an easy area to deal with in this context and both the current government and its potential successor have both indicated that they have little interest in pushing the case for any further structural review of local government after the current wave of Unitaries has been completed.
- c) Neither does there appear to be any local appetite for promoting this as one part of the solution to future funding reductions. This option, therefore, is not given any further consideration in this paper.
- d) Financial efficiencies achieved to date within the Borough Council have concentrated on the managerial and service delivery aspects but in light of a potential 10 - 20% reduction in overall funding from 2011 it would seem appropriate to consider all of the financial liabilities carried by the Council including the overheads of political governance. This was last reviewed in 2001 when an increase in the number of elected members from 49 to 51 was the result.
- e) A Community Governance Review of the parishes in Fylde is currently underway, which presents a related and timely opportunity for the Boundary Committee to be asked to undertake an electoral review of the Borough Council. This would be particularly pertinent in the context of the new provisions in the Local Government and Public Involvement in Health Act 2007 which raise the prospect of establishing single member wards.
- f) A possible outcome of the Community Governance Review is that the whole of the Borough would become parished. This outcome would ensure that governance structures were in place to represent the interests of communities at the most local and intimate level. The mechanism of differential rating, which was implemented in 2008 by the Borough Council, provides a viable and transparent means of empowering those local communities to take on the responsibility for discreet elements of service delivery within their locality and to take advantage of the asset-transfer approach, which has been implemented in some operational areas by the Borough Council.
- g) Taking advantage of these opportunities whilst they have currency could provide the foundation for a model of local governance and democratic accountability in Fylde which ensured that public services were organized and influenced at the most appropriate local level whilst also injecting a 'value for



money' approach to the cost of democracy consistent with the public service efficiency agenda.

h) A useful indicator of governance and accountability at the Borough Council level is the ratio between the number of councillors and the resident population. The average ratio between councillors and resident population in the Fylde 'family group of councils is 0.52. If Fylde Borough Council were consistent with this average, its number of Borough Councillors would be 39. A reduction in councillor numbers to this level in Fylde could result in annually recurring savings of £42,000.

i) However, any impetus for change of this nature should not be driven purely by financial considerations. Should the concept of a reduction in the number of Fylde Borough Councillors be considered seriously then the solution should be conditional upon a parallel output from the Community Governance Review which sees the parishing of the whole Borough and the devolution of certain assets (primarily parks and open spaces) and responsibilities to parish and town councils.

j) The impetus for localism from both main national political parties suggests a greater devolution of power and responsibility to the community or parish level. This is consistent with recent decisions made by Fylde Borough Council - differential rating / community governance review / asset transfers. If this scenario is developed during the next 3 - 5 years, one potential outcome would see a growth in the role and responsibilities of parish and town councils.

k) In parallel with an anticipated enhancement in the role of parishes in this model the need for the district council to retain its current level of directly employed staffing quotient, its holding of assets, its resource demands and the depth of its decision-making resource would also reduce correspondingly. In a district that is entirely parished such a model would be fully consistent with the community empowerment initiatives currently being promoted by Government and would provide local communities with greater influence and control over those local services that are deemed to carry the greatest local priority.

l) Within this context support should be made available to parish and town councils to develop the "Quality" status and to help empower and develop their capacity and competence as service deliverers and asset managers, perhaps on the basis of a group or partnership model.

m) However, on the basis of informal feedback from a Members' Learning Hour and in the absence of any clear demands for a review of FBC membership at the current time this is not given any further consideration in this paper.

### **3.1.2. Across the Board Budget Saving Targets**

a) This has been the approach adopted by the Council in each of its annual budget setting rounds since 2006. Its application has seen either a cash or percentage budget reduction target allocated to each Director / Head of Service in

each of the last three financial years. This action has led to the implementation of significant service efficiencies including the cessation of some highly desirable community services such as a swimming pool and a rural one stop shop. The process has removed over £2.5m (approximately 25%) from the Council's annual base budget.

b) This approach has been continued in setting the 2009/10 budget and a target sum was set in the estimates for the achievement of a further £300k of general (undefined) staff savings. However, following more detailed consideration of draft proposals to achieve this target, the delivery of this level of savings was found to be unacceptable because of the deleterious impact this would have on the capacity of some service areas which were felt to be already operating at the 'bare minimum' level. (NB. The majority of these savings will be achieved via other measures during 2009/10).

c) The argument that some services are operating at or near 'bare minimum' levels is supported by the capacity gaps in a range of service areas where community expectations or statutory obligations are becoming increasingly difficult to plan for and respond to. After a period of three years, during which this approach has been adopted, the further application of the 'salami slicing' approach is unlikely to produce the savings expected from 2011 onwards.

### **3.1.3. Service Prioritisation / Cessation / Shared Service Delivery**

a) A degree of sub-conscious prioritisation has already taken place through the identification and implementation of the budget cuts delivered to date. However, in view of the capacity gaps referred to above and the difficulties of delivering further budget savings through the 'salami slicing' of existing services, a more fundamental review of the approach to the implementation of additional financial efficiencies is called for and the option of ceasing to provide some services at all should be explicitly considered.

b) If this option is to be promoted it should be undertaken in a systematic and programmed manner which provides clarity to those services that the Council view as 'must do's' and those which are seen as 'nice to have'. The approach should also include an assessment of current service VfM profiles and the community and political impact of withdrawing from some service areas.

c) An extension of or alternative to this option would be to consider opportunities which may exist for securing financial efficiencies through the following ongoing activities:-

1. The Fylde Coast MAA and the EDC, which is to be established as the key delivery vehicle for this collaboration; (this may be viewed as a foundation for the sharing of a wider range of expertise and resources by the four participating councils)

2. The devolution of service responsibilities and the corresponding precepting liabilities which would arise through the transfer of open space (and possibly other) assets from Fylde Borough Council to those Town and Parish Councils that do not currently enjoy this facility;

(Some of the outcomes of this particular strand of work would include:-

- greater clarity of role and responsibility for the existing, recognized democratic bodies and an enhancement of the current two (three) tier system of local government;
- the greater empowerment of local communities;
- improved efficiencies in decision making
- improved value for money;
- closer community accountability.)

3. The expansion of shared service delivery partnerships. The Council has a strong track record of working on a shared service basis and has therefore already done much to secure efficiency savings from such opportunities. However, this is not to say that further opportunities do not exist - rather that the efforts expended on these activities bring diminishing returns for Fylde Borough Council.

#### **3.1.4. Extending the MAA Relationship**

- a) The Fylde Coast MAA partnership has only received formal recognition in recent months and should not yet be regarded as a mature partnership which could deliver tangible efficiencies in the short to medium term. However, it should be recognised by policy makers as a potential future opportunity for delivering efficiencies or increasing capacity.

#### **3.1.5. Transfer of Open Space Assets to Town and Parish Councils**

- a) The Council has been proactive in recent years in implementing the mechanism of differential rating whereby decision making and financial responsibility for the more localized community activity (open space provision and maintenance) is devolved to the most local, most responsive and most appropriate level of accountability – the parish / town council.

- b) Three areas of the Borough (St Annes, Kirkham and Lytham) are currently outside of this mechanism and the provision of the relevant services in these areas is funded by means of a special expense levied on the residents of those areas. The assets associated with these services currently remain in the ownership of Fylde Borough Council. The current cost of the relevant services in these areas is in the region of £1.2m per annum.

- c) The transfer of the land and property assets associated with these services, together with the precepting responsibilities, to the town and parish councils would

remove a significant proportion of this expenditure from the budget of the Borough Council. However, several aspects of practicality need to be factored in to this consideration:-

- The removal of the 'special expense' element from the annual Council Tax billing process can have a peculiar impact, relevant to the current capping regime, on the percentage annual increase on council tax which the Council is required to publish on householder bills;
- The Lytham area of Fylde is not currently parished, although a Community Governance review is currently underway which could see a Town Council established for that area by 2011;
- Previous 'Best Value' reviews undertaken by Fylde Borough Council of the procurement and organisation of open space and grounds maintenance services has indicated that efficiencies can be secured through service commissioning and delivery at the parish / town council level.

d) The approach outlined in this section would need the agreement and support of the appropriate parish and town councils, who would need sufficient notice in order to make the necessary precepting arrangements in advance of the start of the financial year. Initial informal discussions with both Kirkham and St Annes Town Councils indicate that both are willing to consider such proposals.

e) It is also worthy of note in this context that Lancashire County Council has recently opened a consultation dialogue on proposals to devolve a range of 'streetscene' related services to the parish level in partnership with relevant district councils where this seen to be advantageous. Such proposals could be incorporated in a programme of service devolution as outlined above.

### **3.1.6. Becoming a Commissioning Council**

a) The direct service-provider model is well established and tested in local government and has become the most common service delivery option, usually by reason of 'default' for a range of often historic reasons. The risks and benefits of the model are well defined and understood by most experienced officers and elected members.

b) However, some criticisms of this model are that it has a tendency to lead to the micro-management of services by community leaders, that it tends to focus attention on service failures, that it soaks organizational capacity, that it leads to greater bureaucracy and central overheads, that it leads to complacency and stifles innovation.

c) If the current assumptions are correct, i.e. that councils will be facing imperatives from 2011 which will see significant reductions in their finances, then an emphasis on the commissioning model, which sees councils operating with smaller (perhaps shared) management arrangements to source and secure the

most cost effective service delivery alternatives could provide a positive policy option for democratically mandated decision-makers in a time of funding reductions.

d) Indeed, this consideration need not stop at local government boundaries – the key skills, competencies and practices surrounding service commissioning are transferrable across the public sector. In this scenario, and in the context of current work being undertaken on “Total Place”, it should be feasible to construct a public service commissioning model across the entire public sector in a defined sub-region. However, it should also be recognized that without some form of external stimulus or direction the prospect of different public sector organization collaborating in cross-sector arrangements of this nature are very remote prior to 2012.

e) The existing health and social care sector already supports a well-established base of private / third sector service providers and provides a useful learning ground for local authority services that may not yet have developed sufficient “market capacity or maturity” to sustain the true commissioning model for district council related services.

f) In the interim or until a sustainable independent market were established, it would seem appropriate to exploit other avenues of service delivery such as arms-length companies owned by the public sector, where trading risks and benefits are taken by the local authority but the day to day management of the company is allowed a degree of independence from the full, bureaucratic decision-making constraints of the council and is not burdened with its corporate overheads and pre-existing operating culture and conditions.

g) At the sub-regional level and in a future scenario which retains existing public sector administrative boundaries and structures, it would seem logical to envisage arrangements which saw a mixture of co-commissioning of services from the private or not-for-profit sector; public service bodies commissioning back-office services from a lead authority; arms-length operating companies wholly owned by groups of councils or public bodies; one body taking the lead-provider role for a key service through a series of Service Level Agreements across a sub-region.

h) Fylde Borough Council would be well placed to act as a pilot study for such arrangements. A number of pre-existing factors in support of this approach are already in place at Fylde:-

- The Council is already engaged with the Fylde Coast MAA, EDC and other elements of collaborative working;
- The Council has already tested the ‘differential rating’ model in most of its parishes;
- The Council has a strong track record of collaborative working and shared service delivery;

- The Council has already established an arms-length trading company (FBC Solutions Ltd);
- The Council has experience of operating a major public-facing service (waste management, recycling and street cleaning) across two council areas – the largest of its kind in Lancashire.

## **4. CONCLUSIONS**

4.1 Fylde Borough Council has been forced to make substantial savings in its annual revenue budgets for the last three consecutive years. This has led to significant reductions in management and major service reductions. The capacity of the Council to deliver the growing expectations of its community and those of the government has been significantly hampered as a result of the Council's response to these financial pressures.

4.2 In light of the projections of further reductions in its future funding allocations the Council needs to consider radical options for the organisation and delivery of services in order to ensure its future liquidity and the future of some public services in the local community.

4.3 The future direction taken by the Council, whether this is one or more of the options outlined above or a different alternative will significantly influence its organisational structure and culture. Consultation with staff, elected members and stakeholders should be undertaken after a decision has been taken on the options that the Council may wish to explore.

## **5. RECOMMENDATIONS**

1. That resources are allocated to work on the preparation of a business case and project plan for the transfer of open space assets (and the future maintenance responsibilities) to the relevant town and parish councils with a view to implementing such arrangements from or as soon as possible after 1<sup>st</sup> April 2011.
2. That, subject to the approval of recommendation 1, resources are allocated to commence capacity building work with Members of Fylde Borough Council and constituent parish and town councils on the subject of asset transfer.
3. That resources are allocated to assess the optimum operational and financial arrangements for the delivery of waste management services in

Fylde and adjoining council areas and the role that FBC Solutions Ltd (or similar body) may play in this.

4. That a report be commissioned to assess the impacts on the political, managerial and operational elements of Fylde Borough Council should it wish to adopt the principle of becoming a commissioning organisation as outlined in the report.
5. That an approach be made to Lancashire County Council to offer Fylde as a pilot area and the participation of Fylde Borough Council for their service devolution proposals to parish and town councils.

## Policy Development Scrutiny Committee



Date	3 December 2009
Venue	Town Hall, St Annes
Committee members	Councillor Fabian Craig-Wilson (Chairman) Councillor Kiran Mulholland (Vice-Chairman)  Brenda Ackers, Ben Aitken, David Chedd, Maxine Chew, Leonard Davies, Kevin Eastham, Craig Halewood, Ken Hopwood
Other Councillors	John Coombes, Karen Buckley
Officers	Tracy Scholes, Ian Curtis, Lyndsey Lacey
Members of the Public	None

### Councillor Leonard Davies

The Chairman, Councillor Fabian Craig-Wilson welcomed newly elected member Councillor Leonard Davies to the meeting.

#### 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.

#### 2. Substitute members

The following substitutions were reported under council procedure rule 22.3:

Councillor Maxine Chew for Councillor Elaine Silverwood

Councillor Kevin Eastham for Councillor John Davies

Councillor Ken Hopwood for Councillor Elizabeth Oades

Councillor Leonard Davies for Councillor Angela Jacques



### 3. Review of Corporate Objectives

Councillor John Coombes (Leader of the Council) and Tracy Scholes (Director of Governance and Partnerships) presented a joint report on a review of the Council's corporate objectives.

Members were advised that a similar report had been presented to Cabinet at its last meeting at which changes to the Council's Vision and some change in emphasis to the corporate objectives had been made. In view of the suggested changes and as part of the formal consultation process with internal and external stakeholders, feedback from the Policy Development Committee had been sought.

A copy of the draft corporate vision, objectives and priorities for 2010/11 had been circulated with the agenda.

The Chairman enquired as to whether any priority had been given to the corporate objectives listed 1 to 4 in the agenda. The Leader confirmed that there was no order of priority and that all the areas listed were equally important.

Councillor Aitken made reference to the proposed Corporate Vision. He asked that further consideration be given to the wording as, in part, it gave the impression that it was exclusive.

Councillor Chedd suggested that, to ensure the appropriate description of the Council is used, consideration should be given to the correct use of terminology.

A number of members commented on the proposed corporate objectives and felt that key Fylde borough priorities which were outlined at the meeting had been omitted.

After the debate the committee RESOLVED to recommend to Cabinet:

1. A full review of the Council's proposed Vision to ensure that it is more inclusive.
2. A review of the proposed Corporate Objectives which reconsiders key Fylde borough priorities including:
  - Community health and well being
  - Rural communities and farming
  - Promotion and enhancement of the built environment
  - Endeavouring to exceed customer expectations

### 4. Councillor Call for Action

Ian Curtis (Head of Governance) presented a detailed report to the committee on the history, principles, key areas and next steps on the establishment of Councillor Call for Action (CCfA) which came in to force on 1st April.

Mr Curtis made reference to the Guidance issued by the IDeA which proposed a set of local protocols on the subject. He stated that CCfA is a mechanism by which councillors could raise issues through the scrutiny process which had arisen in their ward. Essentially, it related to matters of significant concern to that community (including local crime and disorder matters) and where the usual channels used to resolve such issues had been exhausted or had been unsuccessful in providing a resolution. Further, it was designed to sit alongside existing mechanisms already at a Councillor's disposal to assist in resolving local issues and should only be used as a last resort.

It was explained that statutory regulations dealt with matters that would be excluded from CCfA and those were detailed in the report. It was also pointed out that CCfA was not designed to provide an immediate solution but to give high profile public discussion of an issue. It also was an opportunity to bring a pressing issue to a wider audience and to discuss such issues in an independent, neutral forum.

The relationship with partner organisations in the successful operation of CCfA was acknowledged by the Committee.

In response to the above, a copy of a localised draft Guidance for Councillors and CCfA request form was attached to the agenda for consideration.

Councillor Chedd enquired who made the final decision on matters that would be excluded from CCfA. Mr Curtis addressed this point.

Members asked for examples of a typical CCfA and how this differed from requests that previously went before the Scrutiny Management Board. This was addressed at the meeting.

Following detailed consideration of this matter the Committee RESOLVED:

1. To note the requirements of the change to legislation
2. To recommend in principle approval to the Director of Governance and Partnerships
3. To request the Director of Governance and Partnerships to undertake appropriate consultation with the Leader of the Council and the Leader of the Opposition before the guidance is formally issued.
4. To request that CCfA be the subject of a Member Learning Hour once the guidance has been finalised.

(Councillor Kiran Mulholland (Vice-Chairman) requested that his name be recorded as having voted against the above decision)

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