



## Meeting Agenda

**Council,  
Lowther Pavilion, Lytham,  
Monday 23 January 2012,  
7.00pm**



# COUNCIL MEETING

LOWTHER PAVILION, LYTHAM  
on  
MONDAY 23 JANUARY 2012 at 7:00pm

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

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

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

Allan Oldfield – Chief Executive

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



## **Our Vision**

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

## **Our Corporate Objectives**

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

## **The Principles we will adopt in delivering our objectives are:**

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

<b>PROCEDURAL ITEMS</b>	
1. DECLARATIONS OF INTEREST - <i>If a member requires advice on declarations of interest he/she is advised to contact the Head of Governance and Monitoring Officer in advance of the meeting. (For the assistance of members an extract from the Council's Code of Conduct is attached).</i>	3
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**Personal interests**

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

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

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

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

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

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

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

**Disclosure of personal interests**

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

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

#### **Prejudicial interest generally**

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

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

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

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

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

1. DECLARATIONS OF INTEREST

Members are reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

2. CONFIRMATION OF MINUTES

To confirm as a correct record the minutes of the Council meetings held on 28 November 2011. (Appended at the back of the agenda)

3. MAYOR'S ANNOUNCEMENTS

4. CHIEF EXECUTIVE'S COMMUNICATIONS

The Chief Executive to report receipt of any relevant communications that have been received subsequent to sending out this agenda.

5. QUESTIONS FROM MEMBERS OF THE COUNCIL

6. QUESTIONS FROM MEMBERS OF THE PUBLIC

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTOR	COUNCIL	23 JANUARY 2012	7

## INVITATION TO ACCEPT APPOINTMENT AS MAYOR 2012/13

### Public item

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

### Summary

To invite a member of the Borough Council to accept election by the Council at the 2012 Annual Meeting of the Borough of Fylde as Mayor of the Borough of Fylde for the ensuing municipal year

### Recommendation

1. That the Council invites Councillor Heather Speak to accept election by the Council at the 2012 Annual Meeting as Mayor of the Borough of Fylde for the ensuing municipal year.

### Portfolio Holder

The item falls within the following Cabinet Portfolio : Finance & Resources - Councillor Karen Buckley

### Report

1. Members are invited to receive nomination for the position of Mayor for the municipal year 2012/13

IMPLICATIONS	
Finance	Provision is contained within the council budget for the Mayoralty.
Legal	None arising directly from the report.
Community Safety	None arising directly from the report.

Continued....

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.

Report Author	Tel	Date	Doc ID
TRACY SCHOLES	(01253) 658521	5 JAN 12	

List of Background Papers		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
-	-	-

List of appendices - None

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTOR	COUNCIL	23 JANUARY 2012	8

## FYLDE BOROUGH COUNCIL SCHEDULE OF MEETINGS

### Public Item

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

### Summary

The Schedule of Meetings document highlights the proposed Committees meeting dates for the forthcoming municipal year 2012/13.

### Recommendation

1. To approve the for 2012/13 subject to any necessary amendments.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:  
Finance and Resources - Councillor Karen Buckley

### Report

1. Appendix A highlights the proposed Committee meeting dates for the forthcoming municipal year. Members are invited to endorse these proposals.

IMPLICATIONS	
Finance	The proposed schedule follows what was planned and provided for in 2012/13 and for which there is budgetary provision within the Revenue Budget.
Legal	Members should note that the responsibility for scheduling

Continued....

	meetings of the Cabinet rests with the Leader rather than with the Council.
Community Safety	None arising from this report
Human Rights and Equalities	None arising from this report
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	Venues for meetings, whether held internally or externally, should have a risk assessment completed to ensure that health and safety obligations are being complied with.

Report Author	Tel	Date	Doc ID
Tracy Scholes	(01253) 658521	5 January 2011	

List of Background Papers		
Name of document	Date	Where available for inspection
Schedule of Meetings	7 January 2011	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>

### **Attached documents**

1. Appendix A - Schedule of Meetings 2012/13

Fylde Borough Council Schedule of Meetings  
2012 - 2013

2012	April	May	June	July	August	September	October	November	December	January 2013	February	March	April	May
Saturday						1			1					
Sunday	1			1		2			2					
Monday	2			2		3	1		3 Council (19:00)				1 Easter Monday	
Tuesday	3	1		3		4	2		4	1 New Years Day			2	
Wednesday	4 Community Focus (18:15)	2		4	1	5	3		5	2			3	1
Thursday	5	3		5	2	6 Community Focus (18:15)	4 Community Focus (18:15)	1 Policy Dev (18:15)	6 Policy Dev (18:15)	3			4 Community Focus (18:15)	2
Friday	6 Good Friday	4	1	6	3	7	5	2	7	4	1	1	5	3
Saturday	7	5	2	7	4	8	6	3	8	5	2	2	6	4
Sunday	8	6	3	8	5	9	7	4	9	6	3	3	7	5
Monday	9 Easter Monday	7 May Day	4 Spring Bank Holiday	9	6	10	8	5	10	7	4	4 Council Budget (17:00)	8	6 May Day
Tuesday	10	8	5 Queens Jubilee	10	7	11	9	6	11	8	5	5	9	7
Wednesday	11 DM (10:00)	9 DM (10:00)	6	11	8	12 DM (10:00)	10 DM (10:00)	7 DM (10:00)	12 DM (10:00)	9	6	6	10 DM (10:00)	8
Thursday	12	10	7	12 Policy Dev (18:15)	9	13 Policy Dev (18:15)	11	8	13	10 Policy Dev (18:15)	7	7 Policy Dev (18:15)	11	9
Friday	13	11	8	13	10	14	12	9	14	11	8	8	12	10
Saturday	14	12	9	14	11	15	13	10	15	12	9	9	13	11
Sunday	15	13	10	15	12	16	14	11	16	13	10	10	14	12
Monday	16	14	11	16	13	17	15	12	17	14	11	11	15	13
Tuesday	17	15	12	17	14	18	16	13	18	15	12	12	16	14
Wednesday	18	16 Council AGM (14:00)	13 DM (10:00)	18 DM (10:00)	15 DM (10:00)	19 Cabinet (19:00)	17	14 Audit (19:00)	19	16 DM (10:00) Cabinet (19:00)	13 DM (10:00) Cabinet (19:00)	13 DM (10:00)	17	15 Council AGM (14:00)
Thursday	19	17	14 Community Focus (18:15)	19	16	20 Audit (19:00)	18	15 Police Referendum	20	17	14	14	18	16
Friday	20	18	15	20	17	21	19	16	21	18	15	15	19	17
Saturday	21	19	16	21	18	22	20	17	22	19	16	16	20	18
Sunday	22	20	17	22	19	23	21	18	23	20	17	17	21	19
Monday	23	21	18	23	20	24 Council (19:00)	22	19	24	21	18	18	22	20
Tuesday	24	22	19	24	21	25	23	20	25 Christmas Day	22	19	19	23	21
Wednesday	25	23 Cabinet (19:00)	20	25	22	26	24	21 Cabinet (19:00)	26 Boxing Day	23	20	20 Cabinet (19:00)	24	22 DM (10:00) Cabinet (19:00)
Thursday	26	24 Policy Dev (18:15)	21 Audit (19:00)	26 Community Focus (18:15)	23	27	25	22	27	24	21	21 Audit (19:00)	25	23 Policy Dev (18:15)
Friday	27	25	22	27	24	28	26	23	28	25	22	22	26	24
Saturday	28	26	23	28	25	29	27	24	29	26	23	23	27	25
Sunday	29	27	24	29	26	30	28	25	30	27	24	24	28	26
Monday	30	28	25	30 Council (19:00)	27 Bank Holiday		29	26	31	28 Council (19:00)	25	25 Council (19:00)	29	27 Spring Bank Holiday
Tuesday		29	26	31	28		30	27		29	26	26	30	28
Wednesday		30	27 Cabinet (19:00)		29		31	28		30 Audit	27	27		29
Thursday		31	28		30			29 Community Focus (18:15)		31	28 Community Focus (18:15)	28		30
Friday			29		31			30				29 Good Friday		31
Saturday			30									30		
Sunday												31		

# REPORT

DIRECTOR OF RESOURCES	COUNCIL	23 JANUARY 2012	9

## SECTION 151 OFFICER AND DEPUTY

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

### Summary

The report seeks approval to appoint Paul O'Donoghue as Section 151 Officer. It is proposed that Paul O'Donoghue replaces Joanna Scott as the officer responsible for the administration of the council's financial affairs. Paul Swindells, qualified accountant within the Finance Team, would become the Deputy Section 151 Officer.

This change is proposed as part of the payroll efficiency measures to bring about savings required in the current MTFS forecast.

Although Preston City Council will no longer fulfil the statutory Section 151 Officer role, the contractual relationship will continue with Preston through the provision of professional advice, support, and capacity where required to complement the expertise and knowledge of the in-house team.

The responsibility and risks associated with the delivery of the finance function will be provided in house.

Thanks and recognition are passed to both Bernard Hayes and Joanna Scott of Preston City Council who have fulfilled the statutory role over the course of the last four years and developed the finance function from a service which was under resourced to a sound and robust service.

### Recommendations

Council is recommended to approve:

1. That Mr O'Donoghue is appointed as the officer responsible for the administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 with immediate effect.
2. That Mr Swindells be appointed Deputy Section 151 Officer with immediate effect.
3. That thanks are recorded to both Mrs. Scott and Mr. Hayes of Preston City Council for their fulfilment of these roles to the highest standard and setting a strong foundation for the Council going forward.

## **Cabinet Portfolio**

The item falls within the following Cabinet portfolio - Finance & Resources: Councillor Karen Buckley.

### **Report**

1. Following the departure of the Executive Manager (Finance) in November 2007, the council entered into an arrangement with Preston City Council for the provision of financial management services, including the services of an officer to be the council's Section 151 Officer. The Section 151 Officer has the statutory responsibility for the administration of the financial affairs of the council. Under the arrangement, Bernard Hayes, Director of Finance at Preston City Council was seconded to Fylde Borough Council (concurrently with his role at Preston) and appointed as Section 151 Officer, with Joanna Scott as his deputy. These appointments were subsequently reversed with Joanna Scott, in July 2010, fulfilling the Section 151 Officer role latterly.
2. The Council is currently conducting a corporate restructure following the report approved by Cabinet in 2011. The report focused on achieving savings through payroll efficiencies that included a commitment to review the finance contract with Preston in order to contribute to the savings target approved and included in the current MTFS forecast.
3. This review has been carried out by Management Team in full consultation with Preston City Council and the recommendation to Council is that in order to achieve revenue budget savings the statutory Section 151 Officer role is provided in-house by Paul O'Donoghue.
4. Mr O'Donoghue is a fully qualified Accountant with significant post qualification experience in local government finance who has been employed by the Council for over 3 years as Head of Finance. As the most senior Finance officer directly employed by the Council, he has been responsible for the day to day management of the on site Finance Team, and working with officers from Preston, who were his former employer, he has been integral in implementing the improvements that have been made to the Council's financial reporting and decision making throughout this period. He is currently the Deputy Section 151 Officer for the Council, is based within the Fylde Council offices on a full time basis and is a very experienced and capable officer.
5. Management Team have also considered the role of Deputy Section 151 Officer and determined that it is an essential requirement for the post holder to be a fully qualified accountant. This approach will ensure appropriate succession planning is in place with Paul Swindells who is currently a Principal Accountant employed within the Finance Team. Paul has significant post-qualification experience in local government finance and Management Team recommends his appointment as the Deputy Section 151 Officer.
6. In order to maintain a robust and resilient Finance function at Fylde it has been possible to work with Preston City Council to secure a revised contract. Preston City Council will continue to provide Fylde with professional financial advice, support, and capacity where necessary. This will maintain the excellent joint working that has generated efficiencies and improvements that have transformed the service and will enable the Section 151 Officer to properly administer the financial affairs of the Council as required by the Local Government Act 1972. This arrangement continues the excellent working relationships that exist between the finance teams at both Councils.

## **Conclusion**

7. In order to generate Revenue Budget savings it is proposed that Paul O'Donoghue is appointed Section 151 Officer and Paul Swindells the Deputy Section 151 Officer position. In order to ensure that the Council builds in resilience in the service going forward and to ensure that the improvements brought about by Preston City Council under the stewardship of Joanna Scott are maintained, a contractual arrangement will continue with Preston City Council where they will provide a number of services as required by Fylde on a contractual basis. The continued support and advice from Preston will be essential to ensure that the service continues to be adequately resourced going forward.
8. As a result of the change in the contractual arrangement with Preston there is some potential risk to service delivery going forward. This risk has been identified and will be managed to ensure that mitigating actions are taken to reduce both the likelihood and severity. The change to the contractual arrangement with Preston will result in an estimated saving of £20k per annum. The direct employment of the Section 151 Officer is addressed in the corporate restructure currently under consultation and scheduled to be implemented in April 2012. The designation to the Section 151 and Deputy posts will be with immediate effect in order to accommodate the new arrangements with Preston City Council.

Finance	The grading of the Section 151 and Deputy roles is included in the Management Review report currently in consultation. The net saving from the reduced contract with Preston City Council after the cost of the in house appointments is estimated to be £20k per annum. This saving will contribute to the payroll efficiency savings target approved by Members at Budget Council in March 2011.
Legal	<p>Under section 151 of the Local Government Act 1972, the council has to ensure that one of its officers has responsibility for the administration of its financial affairs. The term "officer" can include an officer seconded from another local authority.</p> <p>The role of section 151 officer is pivotal in ensuring the proper corporate governance of the authority. The council needs to satisfy itself that the arrangements proposed make adequate provision for the proper administration of the financial affairs of the authority and are acceptable to the council's external auditors.</p>
Community Safety	None arising from the report.
Human Rights and Equalities	None arising from the report.
Sustainability	None
Health & Safety and Risk Management	The proposed arrangement ensures the continuity of the Section 151 role at the Council and builds on the undoubted

	improvements in financial control and reporting that have been implemented since 2007 with the continued support of Preston City Council.
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Tracy Scholes	(01253) 658521	22 December 2011	

Name of document	Date	Where available for inspection
None		

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTOR	COUNCIL	23 JANUARY 2012	10

## NOMINATIONS TO OUTSIDE BODIES

### Public Item

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

### Summary

The council makes a number of appointments to outside bodies, which are confirmed in July each year by the council.

Since the annual confirmation of appointments this year two additional outside bodies have come into existence and these were considered at the Council meeting held in November.

The item was deferred to allow further consideration.

### Recommendations

1. That six representatives, made up of four conservatives and two independents, are sought to represent the Council on the Three Tier Forum
2. That one nomination is sought to represent the Council on the Lancashire Health and Well-Being Board.

**Cabinet Portfolio - Councillor David Eaves - Leader**

### Report

1. Each year in July the council appoints a number of elected members to outside bodies. Two new outside bodies have been created in the intervening period and the Council is invited to fill these vacancies.

### Fylde Three Tier Forum

2. The Three Tier Forum has been initiated by Lancashire County Council and will be a mechanism for six County and Borough Councillors, together

with one Town and Parish Council representative to come together to discuss matters of mutual concern and the joint delivery of services where appropriate. A detailed report on the Three Tier Forum has previously been presented to Cabinet and has also been the subject of a Members Learning Hour.

3. Six nominations are now sought. As discussed at Cabinet, nominated members can be both Borough and Parish members, although political balance does not apply.

### **Lancashire Health and Wellbeing Board**

4. The Lancashire Health and Wellbeing Board has been established in shadow form to oversee the transitional changes to the NHS commissioning framework during the process of abolition of PCT's, the creation of Clinical Commissioning Groups, the creation of '*Healthwatch*' and the transfer of public health functions to upper tier local authorities. The Shadow Board will take on an increasing role in coordinating these activities during 2012 until it "goes live" in April 2013.
5. The structure of the Board in two-tier local government areas is expected to recognise the contribution of district councils to the health and wellbeing agenda and to ensure that there is sufficient opportunity for district councils to influence commissioning plans and public health service investment in their local area.
6. The development of the Shadow Health and Wellbeing Board in Lancashire has been undertaken in recent months through a number of stakeholder workshops and its initial structure has been agreed.
7. The three District Council elected member representatives on the board are expected to represent the different geographic regions of the County and, on the Fylde coast, one nomination is being sought to represent the Fylde and Wyre districts. It has been agreed between the Leaders of the two districts that this representative should come from Fylde Borough Council.
8. A nomination is therefore now sought for this outside body.

<b>IMPLICATIONS</b>	
Finance	No issues arising directly from the report
Legal	No issues arising directly from the report
Community Safety	No issues arising directly from the report
Human Rights and Equalities	No issues arising directly from the report
Sustainability	No issues arising directly from the report
Health & Safety and Risk Management	No issues arising directly from the report

Report Author	Tel	Date	Doc ID
Tracy Scholes	(01253) 658521	5 January 2011	

List of Background Papers		
Name of document	Date	Where available for inspection
Attached as appendices		NA

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR COMMUNITY SERVICES	COUNCIL	23 JANUARY 2012	11

## TRANSFER OF ASSETS TO KIRKHAM TOWN COUNCIL

### Public Item

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

### Summary

This report provides an update on the discussions held by the cross party working group into the transfer of open space assets to Kirkham Town Council, and the recommendations arising from the group, identifying the budgetary implications as required.

### Recommendations

Members are recommended to accept the proposals of the cross party working group and approve that:

- i) No open space assets will be re-classed as strategic assets with maintenance costs charged across the whole Borough;
- ii) The open space assets in Kirkham are transferred into the ownership of Kirkham Town Council from 1 April 2012, as detailed in option 2 of Appendix A; and
- iii) The capital investment previously agreed in principle by Cabinet is approved as a capital grant to Kirkham Town Council following transfer, to a maximum of £110,000, to be financed from the first call of the revenue saving generated in respect of the costs saved in transferring maintenance responsibility of the assets to the Town Council.

### Reasons for recommendations

To provide the Council with details about the process for taking forward the 'in principle' agreement already given to the transfer of assets.

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

Not to progress the transfer of open space assets to Kirkham Town Council – rejected because Members have expressed an ‘in principle’ desire to see such assets transferred.

### **Cabinet Portfolio**

The item falls within the following Cabinet portfolio:

Leisure and Culture                      Councillor Susan Fazackerley

### **Report**

#### **Background**

1. The call-in meeting of the Policy and Development Scrutiny Committee of 21 February 2011 recommended the following to Cabinet for approval:

1. That the original recommendations of the Policy Development Scrutiny Committee from 6 January (appended below\*\*) should be referred back to Cabinet for reconsideration, with the following additional provisions:

- (a) that with reference to the transfer of assets to Kirkham Town Council (original recommendation 1 below), when considering the referral from the committee Cabinet should have regard to the statement of the Portfolio Holder that transfer could be effected by April 2012, and that Kirkham Town Council would have implemented ongoing maintenance arrangements.

- (b) that with reference to the identification of strategic assets, and the budgetary and governance arrangements (original recommendations 2 (a) and (b) below), a cross-party working group be appointed which will report back to members.

#### **\*\*Original Recommendations**

1. That officers explore Asset Transfers further in relation to Kirkham Town Council, allowing the Town Council to go out to competitive tender for the parks and open space maintenance with outcomes showing localism, and delivering efficiencies and value for money services.

2. That officers be requested to bring forward further reports on:

- (a) Identification of which assets constitute strategic assets

- (b) The budgetary and governance implications of open space transfer to Town Councils, separate to the budgetary options in relation to the strategic assets

2. Subsequently at its meeting of 23 March 2011 Cabinet resolved to note and approve the recommendations of the Policy and Development Scrutiny Committee on 21 February 2011, subject to a report detailing the budgetary implications being submitted for consideration.

## **Current Position**

3. Given Cabinet's resolution that open space assets could be transferred to Kirkham Town Council by April 2012, officers have been working with the Town Council to progress such a transfer. This report addresses the requirement that a report detailing the budgetary implications be provided.
4. Officers have also been discussing the possibility of providing the grounds maintenance, arboriculture, play management and parks development service to Kirkham Town Council for a period of time (yet to be determined) after ownership of the assets has changed. This would allow a more easily managed transition. The costs of such an arrangement would however need to be acceptable to both parties, and discussions are ongoing.

## **Cross-Party Working Group**

5. Further to Cabinet's resolution, a cross-party working group was established comprising:
  - Cllr Fazackerley
  - Cllr Buckley
  - Cllr Fiddler
  - Cllr Oades
  - Cllr Chedd
6. The working group met on two occasions and considered the implications of asset transfer, concluding for recommendation to Members:
  - i. that no open space assets will be classed as strategic assets with maintenance costs charged across the whole Borough. (This will mean that the existing Special Expenses policy will remain in those areas where assets are retained in the Borough Council's ownership);
  - ii. that the open space assets in Kirkham are transferred into the ownership of Kirkham Town Council from 1 April 2012, as detailed in option 2 of Appendix A;
  - iii. that the capital investment previously agreed in principle by Cabinet be agreed as a capital grant to Kirkham Town Council to a maximum of £110,000. The Town Council will be required to demonstrate that the work has been completed in accordance with an agreed schedule (Appendix B); and
  - iv. that Kirkham Town Council's governance arrangements will ensure appropriate management of the assets once transferred

## **Financial Implications – Transfer of Assets**

7. The cost of maintaining the open spaces in Kirkham, owned by Fylde Borough Council, is currently charged as a special expense to the residents of Kirkham.
8. If the assets transfer as recommended then this special expense charge will no longer be made and Kirkham Town Council will need to increase its precept in order to recover the cost of maintaining the assets transferred into its ownership.

9. Appendix A sets out the 3 alternative options considered by the working group. The Appendix shows the estimated savings accruing to the Council under each of the options, together with the estimated impact on council tax bills in all areas of the Borough. All figures in Appendix A are best estimates based upon the latest available information.
10. The working group's preference was option 2 as identified in Appendix A. This will generate recurring revenue savings to the Council estimated at £85k per annum in respect of costs saved in transferring maintenance responsibility to the Town Council. The saving to Fylde Borough Council will potentially be more if Kirkham Town Council contracts with the Borough Council for the maintenance of the assets for a period, and discussions are continuing with the Town Council to explore this possibility.
11. At the meeting of Cabinet on 23 July 2008, Members resolved inter alia:
- To approve the principle of the borough council carrying out the improvement works identified in Appendix A of the report, on public open space in Kirkham, as part of any agreement to transfer these assets to Kirkham Town Council.
12. Appendix A of that report identified improvement works to be carried out at Kirkham Memorial Gardens, Southlands, The Chimes, St Georges Park, Calder Close, Station Road (Donkey Park), Barnfield, William Segar Hodgson playing field and The Close; estimated at a cost of £111,000 at that point.
13. Subsequently improvements have been carried out across many of the sites in Kirkham, some benefiting from investment through the parks community development programme. Equally some other assets now require improvement work. It is estimated that these works will cost a maximum of £110,000. When final estimates are received the grant level will be adjusted accordingly, to a maximum of £110,000. The Town Council will be required to demonstrate that the work has been completed in accordance with an agreed schedule (Appendix B).
14. The cost of the capital grant to Kirkham Town council for improvement works will be financed from the revenue saving generated in respect of costs saved in transferring maintenance responsibility to the Town Council. This approach removes the need to borrow for the cost of the capital grant.
15. Members should note that if Council approve option 2 in Appendix A, as recommended, transfer the assets, make a recurring annual saving and does not reduce the Council's expenditure funded from council tax, the face of all Council Tax bills will show an estimated 4.99% increase whilst the headline Council Tax will be a nil increase and will remain at a band D average of £186.29 across the Borough..

## **Organisational Considerations**

16. Legal, financial, operational and governance implications of asset transfer to Kirkham Town Council have been identified and considered in detail in previous reports to Members

## Risk Assessment

17. There are risks associated with the actions referred to in this report as identified at Appendix C. Appropriate amendments have been made to the directorate operational risk register to accommodate these risks where necessary.

## Conclusion

18. The report sets out the recommendations of the cross party working group in terms of open space asset transfer, and discusses the possibility of Fylde Borough Council providing the grounds maintenance, arboriculture, play management and parks development service to Kirkham Town Council for a period of time (yet to be determined) after ownership of the assets has changed.

Report Author	Tel	Date	Doc ID
Clare Platt	(01253) 658602	23.01.12	23.01.12 Transfer of Assets Kirkham

List of Background Papers		
Name of document	Date	Where available for inspection
Cabinet Agenda & Minutes	November 2008	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>
Cabinet Agenda & Minutes	May 2009	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>

## Attached documents

Appendix A – Alternatives Considered by Cross Party Working Group

Appendix B – Schedule of Sites Requiring Capital Investment

Appendix C – Risk Assessment Template

IMPLICATIONS	
Finance	The financial implications are detailed in the body of the report.
Legal	Legal implications have been addressed in previous reports.
Community Safety	None relevant to this report
Human Rights and Equalities	None relevant to this report
Sustainability and Environmental Impact	None relevant to this report

Health & Safety and Risk Management	The implications are detailed in the body of the report.
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**TRANSFER OF ASSETS - ALTERNATIVES CONSIDERED BY CROSS PARTY WORKING GROUP**

THESE FIGURES ARE PROJECTIONS BASED ON THE LATEST AVAILABLE INFO AND CURRENT ESTIMATES OF SPECIAL EXPENSES FOR 12/13

OPTION		ESTIMATED SAVING TO FBC	FBC AV BAND D COUNCIL TAX	ESTIMATED FBC C/TAX ELEMENT WHICH APPEARS ON ALL BILLS 12/13	£ CHANGE FROM 11/12	% CHANGE FROM 11/12
1	NO ASSETS TRANSFER	NIL	£186.29	£140.37	£2.37 PA	1.71%
2	ASSETS TRANSFER TO KTC - FBC MAKES A SAVING AND THE TOTAL NET EXPENDITURE FUNDED BY COUNCIL TAX REMAINS UNCHANGED	<b>c£85K PA</b>	£186.29	£144.89	£6.89 PA	4.99%
3	ASSETS TRANSFER TO KTC - FBC MAKES NO SAVING AS IT PASSES THE SAVING ON TO CTAX PAYERS BY REDUCING THE TOTAL NET EXPENDITURE FUNDED BY COUNCIL TAX	NIL	£183.47	£142.06	£4.06 PA	2.94%

**NB**

- the tax base figures for 2012/13 are provisional and subject to confirmation
- the Localism Act may in the future require parishes to hold a referendum for significant precept increases

**OPTION 1 : PROJECTED IMPACT ON BILLS 12/13 ASSUMING NO ASSETS TRANSFER**

THESE FIGURES ARE PROJECTIONS BASED ON THE LATEST AVAILABLE INFO AND CURRENT ESTIMATES OF SPECIAL EXPENSES FOR 12/13  
AS ALL 2012/13 PARISH PRECEPTS HAVE NOT YET BEEN RECEIVED, THEY ARE ASSUMED TO BE AT THE 11/12 LEVEL  
THE SHADED AREAS REPRESENT THE DATA THAT WILL APPEAR ON THE FACE OF COUNCIL TAX BILLS

**SPECIAL EXPENSES 2012/13 COMPARED WITH 2011/12**

	ACTUAL FIGURES PER 2011/12 BUDGET	FORECAST FIGURES FOR 2012/13	CHANGE £
Kirkham special expenses	169,375	137,081	-32,294
Lytham St Annes special expenses	1,287,182	1,255,502	-31,680
	1,456,557	1,392,583	-63,974

	ACTUAL 2011/12	FORECAST 2012/13	% change on 2011/12
<b>Lytham - Band D property</b>			
Fylde Borough Council	£138.00	£140.37	1.71%
Special Expenses - Open Spaces Maintenance	£69.91	£67.94	-2.82%

% Change in FBC and Parish  
amounts in total  
0.19%

	ACTUAL 2011/12	FORECAST 2012/13	% change on 2011/12
<b>St Annes - Band D property</b>			
St Annes Town Council	£11.19	£11.18	-0.08%
Fylde Borough Council	£138.00	£140.37	1.71%
Special Expenses - Open Spaces Maintenance	£69.91	£67.94	-2.82%

% Change in FBC and Parish  
amounts in total  
0.18%

	ACTUAL 2011/12	FORECAST 2012/13	% change on 2011/12
<b>Kirkham - Band D property</b>			
Kirkham Town Council	£12.10	£12.08	-0.22%
Fylde Borough Council	£138.00	£140.37	1.71%
Special Expenses - Open Spaces Maintenance	£74.55	£60.20	-19.24%

% Change in FBC and Parish  
amounts in total  
-5.34%

**OPTION 2 : PROJECTED IMPACT ON BILLS 12/13 ASSUMING KIRKHAM ASSETS TRANSFER AND FYLDE BOROUGH COUNCIL MAKES A SAVING**

THESE FIGURES ARE PROJECTIONS BASED ON THE LATEST AVAILABLE INFO AND CURRENT ESTIMATES OF SPECIAL EXPENSES FOR 12/13  
AS ALL 2012/13 PARISH PRECEPTS HAVE NOT YET BEEN RECEIVED, THEY ARE ASSUMED TO BE AT THE 11/12 LEVEL  
THE SHADED AREAS REPRESENT THE DATA THAT WILL APPEAR ON THE FACE OF COUNCIL TAX BILLS

**SPECIAL EXPENSES 2012/13 COMPARED WITH 2011/12**

	ACTUAL FIGURES PER 2011/12 BUDGET	FORECAST FIGURES FOR 2012/13	CHANGE £
Kirkham special expenses	169,375	0	-169,375
Lytham St Annes special expenses	1,287,182	1,255,502	-31,680
	<u>1,456,557</u>	<u>1,255,502</u>	<u>-201,055</u>

	ACTUAL 2011/12	FORECAST 2012/13	% change on 2011/12	% Change in FBC and Parish amounts in total
<b><u>Lytham - Band D property</u></b>				
Fylde Borough Council	£138.00	£144.89	4.99%	2.36%
Special Expenses - Open Spaces Maintenance	£69.91	£67.94	-2.82%	

	ACTUAL 2011/12	FORECAST 2012/13	% change on 2011/12	% Change in FBC and Parish amounts in total
<b><u>St Annes - Band D property</u></b>				
St Annes Town Council	£11.19	£11.18	-0.08%	2.24%
Fylde Borough Council	£138.00	£144.89	4.99%	
Special Expenses - Open Spaces Maintenance	£69.91	£67.94	-2.82%	

	ACTUAL 2011/12	FORECAST 2012/13	% change on 2011/12	% Change in FBC and Parish amounts in total
<b><u>Kirkham - Band D property</u></b>				
Kirkham Town Council	£12.10	£72.28	497.16%	-3.33%
Fylde Borough Council	£138.00	£144.89	4.99%	
Special Expenses - Open Spaces Maintenance	£74.55	£0.00	-100.00%	

**OPTION 3 : PROJECTED IMPACT ON BILLS 12/13 ASSUMING KIRKHAM ASSETS TRANSFER AND FBC MAKES NO SAVING**

THESE FIGURES ARE PROJECTIONS BASED ON THE LATEST AVAILABLE INFO AND CURRENT ESTIMATES OF SPECIAL EXPENSES FOR 12/13  
AS ALL 2012/13 PARISH PRECEPTS HAVE NOT YET BEEN RECEIVED, THEY ARE ASSUMED TO BE AT THE 11/12 LEVEL  
THE SHADED AREAS REPRESENT THE DATA THAT WILL APPEAR ON THE FACE OF COUNCIL TAX BILLS

**SPECIAL EXPENSES 2012/13 COMPARED WITH 2011/12**

	ACTUAL FIGURES PER 2011/12 BUDGET	FORECAST FIGURES FOR 2012/13	CHANGE £
Kirkham special expenses	169,375	0	-169,375
Lytham St Annes special expenses	1,287,182	1,255,502	-31,680
	<u>1,456,557</u>	<u>1,255,502</u>	<u>-201,055</u>

	ACTUAL 2011/12	FORECAST 2012/13	% change on 2011/12	% Change in FBC and Parish amounts in total
<b><u>Lytham - Band D property</u></b>				
Fylde Borough Council	£138.00	£142.06	2.94%	1.01%
Special Expenses - Open Spaces Maintenance	£69.91	£67.94	-2.82%	

	ACTUAL 2011/12	FORECAST 2012/13	% change on 2011/12	% Change in FBC and Parish amounts in total
<b><u>St Annes - Band D property</u></b>				
St Annes Town Council	£11.19	£11.18	-0.08%	0.95%
Fylde Borough Council	£138.00	£142.06	2.94%	
Special Expenses - Open Spaces Maintenance	£69.91	£67.94	-2.82%	

	ACTUAL 2011/12	FORECAST 2012/13	% change on 2011/12	% Change in FBC and Parish amounts in total
<b><u>Kirkham - Band D property</u></b>				
Kirkham Town Council	£12.10	£72.28	497.16%	-4.59%
Fylde Borough Council	£138.00	£142.06	2.94%	
Special Expenses - Open Spaces Maintenance	£74.55	£0.00	-100.00%	

1 BARNFIELD

Repair stone coping  
Repair paving

2 CALDER CLOSE

Remove rubber matting & concrete  
Remove & replace dog bin  
Concrete post and mesh fence  
Tree work - selective thinning

3 SCHOOL LANE ALLOTMENTS

4 CORONATION ROAD

5 CROFTS CLOSE

6 FRECKLETON STREET

7 GILLOW ROAD

8 KIRKGATE

Repairs to flag paving  
Replace path edging and surface  
Replace 2 missing trees

9 MARKET SQUARE

Repair brick planters  
Repair set paving

10 MEMORIAL GARDENS

Overlay paths and reset iron work & install retaining edge  
Repair Yorkstone flagged steps at Birley St. entrance  
Repair, descale & paint fence & gates at Birley St.  
Remove & replace sign  
Lift, prepare sub base and retaining wall and relay steps leading down to grass

Low level repairs to perimeter wall inc 2 buttresses (temporary)  
Repair perimeter wall (needs structural monitoring)  
Reinstate cobbled area  
Repairs to concrete path  
Replace stone coping  
Repair stone retaining wall

PAVILION

Paving around store  
Remove and replace guttering and downspouts  
Repair rendering and paint  
Replace broken window

Door

1 The toilet cistern is broken

Ceiling needs repair – large hole  
Shower needs to be checked if still usable  
Door needs easing  
Window needs replacing and all windows caged to prevent vandalism  
Fire extinguisher missing  
Lights need checking

Door

2 Empty space

Ceiling and walls unfinished i.e plasterboard ceiling and unpainted breeze block walls  
Fire extinguisher missing  
Electricity and shower need to be checked if working

Door

3 Ceiling needs repair – large hole

Check water supply/shower/toilet  
Check lights  
Door stay broken

11 ~~ORDERS LANE OPEN SPACE~~

12 PARK ROAD

Repair Tarmac

13 SOUTHLANDS

Tree work

Replace waney edge fencing

14 ST GEORGES PARK

Tree work

Repair footpath

Repairs to stile

Remove & replace dog bin

15 STATION ROAD ISLAND

Repair wall

Tree work

Remove tipped bitmac and grass

Remove & replace dog bin

16 STATION ROAD WOODLAND

Tree work

Fencing repair

17 SUNNY BANK

Repair to pavement

Tree work

Remove & replace dog bin

18 THE CHIMES

Remove dead trees

Replace waney edge fencing

19 THE CLOSE

Tree work

Remove & replace dog bin

20 WILLIAM SEGAR HODGSON P/FIELD

Concrete repairs inspection cham

Tarmac repair to car park (patch)

Unblock drains

Repair to safety surfacing

Repair perimeter fence & replace gates

Paint entrance gates

Supply & lay new safety surface under swings

Replace & install high pedestal slide

Supply & lay new safety surface under slide

PAVILION

Replace /repair window frames

Repair damp penetration to base

Replace damaged lock

Replace extractor fan grill

Repair leak in roof valley

Repair major leak in main roof

Replace corridor roof light

Repair kitchen ceiling

Repair match official's roof ceiling

Replace shower head - officials room

Repair visitors room ceiling

Repair away team fascia boards

Replace extractor fan ceiling cover

Replace 3 toilet lids

21 ~~WYRE AVENUE~~

## Committee Risk Assessment Template

Directorate: Community Services			Date of Assessment: 6 January 2012		
Section: Leisure Services			Assessment Team: Clare Platt, Darren Bell, Paul O'Donoghue		
Assessment Activity / Area / Type: Transfer of Open Space Assets to Kirkham Town Council					
Do the hazards create a business continuity risk? <del>Yes</del> / No					
RISK DESCRIPTION	RISK LIKELIHOOD	RISK IMPACT	RISK MITIGATION	RESIDUAL RISK	RISK OWNER / RISK REGISTER
Kirkham Town Council does not set precept in accordance with legislative timetable.	3	3	Kirkham Town Council meeting 10 January to discuss ongoing maintenance arrangements and set precept by the end of Jan 2011.	2 x 3 = 6	Kirkham Town Council
Elements of Localism Act enacted which prevent transfer by 1 April 2012 by capping precept rises unless supported by local referendum.	3	4	Currently no suggestion that this part of Localism Act will be enacted ahead of April 2012. Mitigation measures cannot currently be identified.	3 x 4 = 12	Not Applicable
DCLG are currently making changes to the way in which council tax caps are measured and this may impact on how councils with special expenses policies are able to charge special expenses. Details of the changes are yet to be published. As such this change could put at risk the transfer of assets.	3	4	Until the new mechanism for calculating council tax caps are published by DCLG. Mitigation measures cannot currently be identified.	3 x 4 = 12	Not Applicable

RISK DESCRIPTION	RISK LIKELIHOOD	RISK IMPACT	RISK MITIGATION	RESIDUAL RISK	RISK OWNER / RISK REGISTER
Fylde Borough Council is not retained as contractor, resulting in reduced economies of scale and potential for overhanging costs.	5	2	Restructuring of service management and support services reduces associated costs. Future asset transfers and ability to spread costs across new contract work have implications for level of such costs. Fylde Borough Council delivers a good service and works well as contractor to Kirkham Town council.	$4 \times 2 = 8$	Clare Platt / Mark Wilde
Fylde Borough Council is retained as contractor, but expectations of Kirkham Town Council are not met	3	3	Service Level Agreement developed	$2 \times 3 = 6$	Mark Wilde

Risk Likelihood  
 6 = Very High  
 5 = High  
 4 = Significant  
 3 = Low  
 2 = Very Low  
 1 = Almost impossible

Risk Impact  
 1 = Negligible  
 2 = Marginal  
 3 = Critical  
 4 = Catastrophic

Multiply the likelihood by the impact and if the score is above 12 then mitigating action should be undertaken to reduce the risk. This action should be recorded and monitored in either a directorate or corporate risk register.

## Council Meeting



Date	28 November 2011
Venue	Lowther Pavilion, Lytham
Members	<p>Mayor (Councillor Howard Henshaw ADK (MALAYSIA))</p> <p>Deputy Mayor (Councillor Kevin Eastham)</p> <p>Ben Aitken, Christine Akeroyd, Frank Andrews, Tim Armit, Susan Ashton, Keith Beckett, Julie Brickles, Karen Buckley, David Chedd, Maxine Chew, Alan Clayton, Peter Collins, Simon Cox, Fabian Craig-Wilson, Susanne Cunningham, John Davies, Leonard Davies, David Donaldson, Charlie Duffy, David Eaves JP, Susan Fazackerley, Trevor Fiddler, Tony Ford JP, Gail Goodman JP, Nigel Goodrich, Peter Hardy, Kathleen Harper, Paul Hayhurst, Karen Henshaw JP, Ken Hopwood, Angela Jacques, Cheryl Little, Kiran Mulholland, Edward Nash, Elizabeth Oades, Albert Pounder, Dawn Prestwich, Richard Redcliffe, Louis Rigby, John Singleton JP, Elaine Silverwood Heather Speak Thomas Threlfall, Viv Willder, Peter Wood.</p>
Officers	Phil Woodward, Allan Oldfield, Paul O'Donoghue, Nicola Martin, Annie Womack, Hazel Wood, Andy Cain, Alan Blundell, Bernard Judge.
Members of the Public	Members of the public were in attendance

### Prayers

Prayers were offered by the Mayor's Chaplain, Reverend Antony Hodgson.

### 35. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

Councillor Duffy declared a personal interest in item 8.

### 36. Confirmation of Minutes

RESOLVED: To approve the minutes of the council meetings held on 26 September 2011 as a correct record for signature by the Mayor subject to the figure 83,394 in paragraph 5 (item 34 refers) be amended to 83,934.

37. Mayor's Announcements

The Mayor advised Council of various events he had attended including Civic Tours of Blackburn and Pendle and the service of Remembrance of the duke of Lancaster regiment in Warrington.

The Mayor met the archbishop of York at a reception at County Hall and attended 40<sup>th</sup> anniversary of girl guiding in the North West.

The Mayor informed councillors that he was pleased with the attendance at Remembrance Sunday and Armistice days.

The Mayor informed councillors that he is hosting an afternoon tea at the Town Hall on Wednesday 7 December, tickets available from the Mayors secretary.

The Mayor stated that Christmas Drinks receptions for Councillors, their wives and Council staff will also be held on 20, 21 and 22 December.

Councillor David Eaves, Leader of the Council thanked Phillip Woodward, Chief Executive on behalf of the Conservative group and wished him a long and happy retirement.

The Mayor also passed on his best wishes to the Chief Executive from himself and the Mayoress.

The Mayor asked that a minute's silence be observed in respect for the recent death of Ex Councillor David Mitchell.

38. Chief Executive's Communications

Mr Woodward thanked the Mayor and the Leader for their good wishes and invited all members for a drink and buffet in the next few weeks.

Mr Woodward informed members that he and a number of councillors had recently attended a photographic exhibition hosted by the Lytham St Annes Photographic Society at the Drive Methodist Church. As a result of the contacts made at the exhibition he was, along with the Deputy Mayor, investigating the possibility of producing a booklet to include the top 100 photographs, as presented by the Society, of Fylde Borough scenes. It was hoped that it would be possible to publish this sometime in 2012.

Mr Woodward also informed members that Wednesday 30 November was the public sector day of action he expected that the Council will be running services at 30-40% capacity.

39. Questions from Members of the Council

Council meeting - 28 November 2011

There were no questions from members of the Council.

#### 40. Questions from members of the Public

There were no questions from members of the public.

#### 41. Cabinet Recommendation - Additional Capital Borrowing: Boxes to Bins Project

Councillor Karen Buckley, Portfolio Holder for Finance and Resources explained that the report presented a recommendation from the Cabinet for Council to approve the necessary capital expenditure to implement the modernisation of the Council's waste collection and recycling service. Although requiring an initial capital outlay, the proposals will generate recurring savings in the Council's revenue budget.

Councillor Tony Ford suggested that Fylde support the British economy and invest in buying British products instead of foreign. Councillor Peter Hardy also enquired as to how many green boxes we currently have in stock and what is to be done with the old ones.

Councillor Albert Pounder, Portfolio Holder for Customer and Operational Services explained that the procurement of the new bins would be subject to the statutory rules governing the purchase of such equipment and that the Council would need to demonstrate the best value for money. In connection with the old recycling boxes the public would be given the option to keep them if they wish or to let the Council dispose of any unwanted bins.

After debate it was RESOLVED:

1. That the Council approved an addition of £1,322,500 to the capital programme for the purchase of bins in order to implement the Boxes to Bins Project as recommended to Council by the Cabinet on 16<sup>th</sup> November 2011. (The standard service to comprise two additional 180 litre wheeled bins per property)
2. The financing arrangements for the capital outlay to be secured by the Council's Section 151 Officer in the most advantageous manner for the Council which will be fully financed from existing revenue resources.

(The Mayor indicated that he was satisfied that the matter was not controversial and dealt with the matter by a show of hands rather than by taking a recorded vote on it.)

#### 42. Cabinet Recommendation - Unfunded Budget Increase to the MTFs: Lowther Gardens Trust

This item has been withdrawn from the agenda as agreed at the Cabinet meeting on 16 November 2011.

43. Recommendations of the Community Focus Scrutiny Committee Relating to their review of the sale of Clifton (Lytham) Housing Association Limited

Councillor Mulholland, Chairman of Community Focus Scrutiny Committee introduced the report relating to their review of the processes leading to the disposal of the Clifton (Lytham) Housing Association Limited by a scrutiny committee.

A Task and Finish Group of the Community Focus Scrutiny Committee was established. Its final report was considered by the Committee at its meeting on 8 November 2011 and the recommendations of that Committee were presented to the Council. Councillor Eaves proposed that the recommendations be accepted subject to their impact on the Council's Constitution being referred for consideration by the Audit Committee at its January meeting.

Councillor Duffy proposed an additional recommendation suggesting that *any councillor who quotes from a written document during a Council debate, in order to strengthen their case should have taken all reasonable steps to verify the accuracy and provenance of that document and should, on request, make it available for scrutiny by any other councillor during that debate and for a period of one month thereafter.*

After debate it was RESOLVED:

1. To agree the recommendations of the Community Focus Scrutiny Committee, including the additional recommendation proposed by Councillor Duffy and refer them to the Audit Committee for further consideration of their impact on the Council's Constitution.

(The Mayor indicated that he was satisfied that the matter was not controversial and dealt with the matter by a show of hands rather than by taking a recorded vote on it.)

44. Notice of Motion

Following notice given under rule 11 of the Council Procedure Rules, the following Motion was proposed by Cllr Elizabeth Oades and seconded by Cllr Maxine Chew.

*"That this Council continue to look at alternative Governance options with a view to adopting more democratic processes, as and when the Localism Bill becomes law.*

*That regular cross party T & F meetings take place, as soon as possible, to investigate the most suitable and successful systems and report back to Council when this work is complete."*

Cllr Oades requested that the motion be dealt with at this meeting, and her request was carried by a show of hands.

After the debate a vote was taken and **the motion was carried** unanimously.

Council meeting - 28 November 2011

(The Mayor indicated that he was satisfied that the matter was not controversial and dealt with the matter by a show of hands rather than by taking a recorded vote on it.)

#### 45. Nominations to Outside Bodies

The council makes a number of appointments to outside bodies, which are confirmed in July each year by the council. Since the annual confirmation of appointments this year two additional outside bodies have come into existence which the Council were now invited to make nominations to.

Councillor David Eaves, Leader of the Council put forward nominations to fill the vacant positions on the Fylde Three Tier Forum and Lancashire Health and Wellbeing Board.

Councillor Elizabeth Oades put forward alternative nominations to fill the positions.

During the ensuing debate it was recommended that the item be deferred in order for the Leader to discuss nominations with opposition councillors and consider any substitute arrangements. This was proposed by the Leader and seconded by Councillor Fazackerley.

After discussion the Council RESOLVED: To defer the item to a future Council meeting.

(The Mayor indicated that he was satisfied that the matter was not controversial and dealt with the matter by a show of hands rather than by taking a recorded vote on it.)

#### 46. Financial Forecast Update (Including Revenue, Capital & Treasury Management) 2011/12 to 2015/16

Councillor Karen Buckley, Portfolio Holder for Finance and Resources provided Members with an update of the financial forecast for the five years 2011/12 to 2015/16. She explained that the report includes changes arising since the Budget was set by Council in March 2011.

After debate it was RESOLVED: That the Council note the implications of this updated forecast as detailed in the report.

(The Mayor indicated that he was satisfied that the matter was not controversial and dealt with the matter by a show of hands rather than by taking a recorded vote on it.)

#### 47. Mid Year Prudential Indicators and Treasury Management Monitoring Report 2011/12

Council meeting - 28 November 2011

Councillor John Singleton, Chairman of the Audit Committee introduced the report which included a mid year review of Treasury Strategy and Prudential Indicators which the Audit Committee had scrutinized in line with the recommendations of the revised CIPFA (Chartered Institute of Public Finance Accountants) Code of Practice on Treasury Management.

The Council RESOLVED: To approve the revised Prudential Indicators and Limits as agreed at the Audit committee meeting of the 10<sup>th</sup> November 2011.

(The Mayor indicated that he was satisfied that the matter was not controversial and dealt with the matter by a show of hands rather than by taking a recorded vote on it.)

#### 48. Wood Street Public Realm Improvement Scheme

Councillor Trevor Fiddler, Portfolio Holder for Planning and Development, introduced a report that presented the details of a proposed public realm improvement scheme for land to the north and south of Wood Street, St Annes. The draft scheme was included in a report which was approved by Cabinet on 23<sup>rd</sup> March 2011, and was viewed as a priority project in the context of the hosting of the Open in 2012 (Lytham St. Annes 2020 Vision document). The objective of the scheme is to improve an area that will be in a high profile location in the context of the hosting of the event. It is located in between areas that have already been regenerated or are scheduled to be so by July 2012.

At the time of the Cabinet Report in March 2011 no funding sources had been identified. The Cabinet resolved that should additional resources be identified then an additional report should be submitted for consideration. This report sought the Council's approval to fund, by way of an addition to the capital programme, the scheme as set out in the report, to be delivered early in 2012.

Given that the scheme is presently unfunded the Council's Constitution requires that this item be reported to full Council for approval.

After discussion the Council RESOLVED:

1. To approve an addition to the Capital Programme in respect of the new scheme as set out in the report of up to £180,585
2. To approve that the new scheme is fully funded from the surplus in resources currently showing on the capital programme, as set out in section 4 of the report.

(The Mayor indicated that he was satisfied that the matter was not controversial and dealt with the matter by a show of hands rather than by taking a recorded vote on it.)

#### 49. Review of Polling Districts and Polling Places 2011

Phillip Woodward, Chief Executive introduced the report to consider the Returning Officers proposals arising from the review of polling districts and polling stations within the Borough of Fylde.

The Council RESOLVED: That the Returning Officers recommendations attached in the appendix of the report be confirmed.

(The Mayor indicated that he was satisfied that the matter was not controversial and dealt with the matter by a show of hands rather than by taking a recorded vote on it.)

50. Appointment of Returning Officer and Registration Officer

Councillor David Eaves, Leader of the Council presented the report that in view of the change in management arrangements it is necessary to update the Council's existing appointments in respect of elections of Councillors and the registration of electors.

The Council RESOLVED:

That Tracy Scholes (Director of Resources) is appointed as follows:

1. Under the provisions of Section 35(1) of the Representation of the People Act 1983, as the Returning Officer for the elections of Councillors of the Borough and for the elections of Parish Councillors;
2. Under the provisions of Sections 83 and 84 of the Local Government Act 1972, as the Proper officer of the District Council, to receive Declarations of Acceptance of Office of Mayor, Deputy Mayor or Councillor, and any notice of resignation from those offices;
3. Under the provisions of Section 89(1) of the Local Government Act 1972, as the Proper Officer of the Borough Council to receive notice of a casual vacancy in the office of Councillor;
4. That Tracy Scholes (Director of Resources) be appointed under the provisions of Section 8(2)(a) of the Representation of the People Act 1983 to be registration officer for the part of the Fylde Parliamentary Constituency contained in the District of Fylde

(The Mayor indicated that he was satisfied that the matter was not controversial and dealt with the matter by a show of hands rather than by taking a recorded vote on it.)

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