



FYLDE BOROUGH COUNCIL



## Meeting Agenda

**Council Meeting**  
**Our Lady Star of the Sea Social Centre,**  
**St Albans Road, St Annes**  
**5 December 2005, 7:00pm**

## Members of the Council

The Mayor - Councillor R.J. Wilson  
Deputy Mayor – Councillor P. Hardy

Councillors	C. E. Akeroyd T. Ashton E. G. Bamber J. B. Bennett H. Butler G. Caldwell S. Carpenter M. Chew E. D. Clarke E. Clarkson P. Collins J. L. Coombes J. A. Dolan R. K. Eastham S. M Fazackerley Dr T. J Fiddler P.A. Fieldhouse R. A Fulford- Brown P. Hardy P.J. Hayhurst H. Henshaw, A.D.K (Malaysia) K.M Henshaw J. P K. Hyde A. W Jealous N.P D. E Lancaster J. G. Longstaff	Councillors	S. L. Mason J.K. Mulholland R. J. Norsworthy L.J. Nulty E.A. Oades J.C. Owen B. Pagett A.G. Pounder D.S. Prestwich W.J. Prestwich S. P. Renwick L. Rigby P. Rigby R. S. Small H.A Speak M. K. Taylor W. Thompson T. Threlfall S.M. Wall C. Walton A.M. Whittaker F.C Wilson H .M. Wilson R.J. Wilson K Wright
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## **CORPORATE OBJECTIVES**

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

## **CORE VALUES**

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



## A G E N D A

### PART I - MATTERS DELEGATED TO COUNCIL

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## PART I - MATTERS DELEGATED TO COUNCIL

### 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 10 October 2005 and Special Council meeting held on 31 October (page 163 and 211).

### 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. MEMBER OF THE PUBLIC QUESTION

### 6. COMMITTEE MINUTES

To receive the minutes of the under-mentioned Committees.

COMMITTEE	DATE	PAGES
Public Protection	29 <sup>th</sup> Sept 05	169-170
Public Protection	5 <sup>th</sup> Oct 05	171
Policy & Service Review CF	6 <sup>th</sup> Oct 05	172-174
Full Council	10 <sup>th</sup> Oct 05	175-181
Public Protection	11 <sup>th</sup> Oct 05	182-183
Development Control	12 <sup>th</sup> Oct 05 AND 19 <sup>th</sup> Oct 05	184-199

Community Outlook CF	17 <sup>th</sup> Oct 05	200-202
Performance Improvement CF	24 <sup>th</sup> Oct 05	203-205
Executive Committee	26 <sup>th</sup> Oct 05	206-210
Special Council	31 <sup>st</sup> Oct 05	211-212
Development Control	2 <sup>nd</sup> Nov 05	213-231
Policy & Service Review CF	3 <sup>rd</sup> Nov 05	232-236
Special Executive Committee	10 <sup>th</sup> Nov 05	237-238
Community Outlook CF	14 <sup>th</sup> Nov 05	239-249
Public Protection	16 <sup>th</sup> Nov 05	250-252
Special Executive Committee	16 <sup>th</sup> Nov 05	253-254
Performance Improvement CF	21 <sup>st</sup> Nov 05	To Follow
Development Control	23 <sup>rd</sup> Nov 05	To Follow
Executive Committee	23 <sup>rd</sup> Nov 05	To Follow

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
LEGAL & DEMOCRATIC SERVICES	COUNCIL	5 DEC 2005	7

## NOTICE OF MOTION

### Public/Exempt item

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

### Summary

The council is requested to consider a notice of motion received on 2 November.

### Recommendation/s

1. Consider the notice of motion.

### Executive brief

The item falls within the following executive brief[s]: Leader and quality services (Councillor John Coombes).

### Report

#### The motion

1. The following notice of motion has been received:

*“Notice of motion to rescind the Councils decision on Equitable Taxation as taken at the Council meeting on the 31<sup>st</sup> October 2005.*

*We the undersigned hereby submit a notice of motion under standing order 15.1 of the councils standing orders. We request the overturning of the decision by the council to cease with immediate effect the Equitable Taxation model as a possible way forward in considering the 2006/7 budget. We believe that the 2-year consultation process should be allowed to continue on its natural course, concluding*

Continued....

*with presentation too and feedback from, Parish Councils, as major stakeholders in Fylde Borough. The Officers of the Council should be tasked with presenting option [A] from the Council agenda, recognising Lytham and St annes as a single tax base, to the next parish liaison meeting. Once those responses have been collated then Fylde Borough Councillors should consider the Equitable Taxation option alongside the inevitable list of options for service cuts and further efficiency savings.”*

2. Councillors Coombes, Fabian Wilson, Dawn Prestwich, Pounder, Thompson, Paul Rigby, Fieldhouse, Norsworthy, Akeroyd and Whittaker signed the notice of motion. After the notice of motion had been lodged, but before the deadline in the standing orders for lodging notices of motion, the signatories of the notice amended the original wording (“option D”) to “option A”. The motion as amended is set out above.

## **Standing orders**

3. The council procedure rules provide the following at 11.1:

*“Except for motions that can be moved without notice under rule 11.2, written notice of every motion, signed by at least two members of the Council giving the notice, must be delivered to Chief Executive. The Chief Executive must receive motions not later than seven clear working days before the date of the meeting. These will be entered in a book open to public inspection”*

4. As the motion, if passed, would have the effect of negating a decision of the council reached in the previous six months, rule 15.1 of the standing orders is also engaged:

*“A motion, proposal or amendment to rescind a decision made at a meeting of the Council...within the past six months cannot be moved or discussed unless the notice of motion is signed by at least eight members (from at least two political groups), of the Council...”*

5. The final standing order that appears to be relevant is 11.1.4.1:

*“Any motion shall, upon being moved and seconded, stand referred without discussion to the executive committee or other relevant committee(s) of the Council for consideration unless the Mayor considers it convenient and conducive to the despatch of business allow the motion to be dealt with at the meeting at which it is brought forward.”*

IMPLICATIONS	
Finance	
Legal	
Community Safety	
Human Rights and Equalities	
Sustainability	



Health & Safety and Risk Management	
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REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis	(01253) 658506	28 November 2005	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Notice of motion	2 November 2005	Town Hall, St Annes

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
LEGAL & DEMOCRATIC SERVICES	COUNCIL	5 DEC 2005	8

## APPOINTMENT OF RETURNING OFFICER AND REGISTRATION OFFICER

### Public/Exempt item

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

### Summary

To report that in the absence of the appointed Officer it is necessary to update the Council's existing appointments in respect of elections of Councillors and the registration of electors

### Recommendation/s

It is recommended that until such time as a Chief Executive is appointed and in office that Philip Woodward (Acting Chief Executive), be appointed:-

- (i) 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;
- (ii) 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;
- (iii) 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;
- (iv) That Mr. Peter Welsh be appointed to perform the duties allocated to Mr. Woodward under paragraphs (ii) and (iii) above in the event of his incapacity to act or in his absence;

(v) That Mr. Woodward 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 and that Mr. Welsh be appointed to perform the duties herein before allocated to Mr. Woodward in the event of his incapacity to act or in his absence.

(vi) That following the appointment of a new Chief Executive the above designations be subject to a further review.

### Executive brief

The item falls within the following executive brief: Leader and quality services (Councillor John Coombes).

### Report

In order to comply with Electoral and Election legislation the Council is required to appoint a designated officer to undertake the Councils statutory responsibilities.

IMPLICATIONS	
Finance	None
Legal	
Community Safety	
Human Rights and Equalities	
Sustainability	
Health & Safety and Risk Management	

REPORT AUTHOR	TEL	DATE	DOC ID
Peter Welsh	(01253) 658502	24.11.05	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
None	-	-

### Attached documents

Nil

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
LEGAL & DEMOCRATIC SERVICES	COUNCIL	5 DEC 2005	9

## ALLOCATION OF COMMITTEE MEMBERSHIP

### Public/Exempt item

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

### Summary

A member of the Truly Independent group has left that group and joined the Independent group. This changes the political balance of the council and triggers the need to carry out another review of the seats allocated to the political groups on the various committees.

The Truly Independent group will lose one committee seat to the Independent group. The council is asked to decide, subject to the requirements for political balance, where this change should take place.

### Recommendation/s

1. Allocate committee seats to each political group as follows in accordance with the principles of political balance.
2. Invite the political groups to express (within the statutory timetable of three weeks) their wishes about who is to be appointed to the seats on each committee that are allocated to that group, with a view to those appointments being confirmed at the next ordinary meeting of the council.
3. Continue the committees as presently constituted in the meantime.

### Executive brief

The item falls within the following executive brief[s]: Leader and quality services (Councillor John Coombes).

## Report

1. A member of the Truly Independent group on the council has recently left that group and joined the Independent group.
2. When there is a change in the political composition of a council, the Local Government and Housing Act 1989 requires the council to re-calculate the membership of committees in accordance with the requirements of political balance set out in the act. The act also requires that the council give effect to those calculations by allocating seats in accordance with the wishes of the political groups to whom the seats have been allocated. The four principles of political balance can be summarised like this:

- All seats on a committee must not be allocated to the same group;
- The majority group must have the majority of seats on each committee;
- The total number of committee seats across the council must be allocated proportionately to the number of seats each group has on the full council; and
- The seats on each committee must be allocated in proportion to the number of seats of each group on the full council.

The four principles are in order of priority. This means that the second principle is applied subject to the first. Similarly, the third principle is applied subject to the first and the second, and so on.

3. The table below sets out a distribution of seats across committees that fulfils the requirement for political balance. Committees that are not required to be politically balanced are not included

Committee	Conservative	Independent	Ratepayers	Truly Independent	Liberal Democrat
Executive	5	2	1	1	0
Community Outlook Forum	5	2	2	0	0
Policy and Service Review Community Forum	5	3	1	0	0
Performance Improvement Community Forum	5	2	1	1	0

<b>Development Control</b>	9	3	2	1	1
<b>Public Protection</b>	6	2	2	0	1

4. The table above is a permutation that would meet the requirements for political balance. It is not the only possible permutation which would meet the requirements for political balance. It takes into account the decision of the council at its most recent ordinary meeting to increase the membership of the Policy and Service Review Community Forum and the Performance Improvement Community Forum to nine members each. The council is legally required to allocate committee seats on the basis of political balance “as soon as practicable” after the change in group membership.

<b>IMPLICATIONS</b>	
Finance	None
Legal	Political balance is a legal requirement for most committees of the council.
Community Safety	None
Human Rights and Equalities	None
Sustainability	None
Health & Safety and Risk Management	None

REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis	(01253) 658506	3 November 2005	

<b>LIST OF BACKGROUND PAPERS</b>		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
None		

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
LEGAL & DEMOCRATIC	COUNCIL	5 DEC 2005	10

## MEMBERS CHOICE DEBATE

### Public/Exempt item

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

### Summary

At the last council meeting, councillor Christine Akeroyd was selected to lead the members' choice debate. Councillor Akeroyd has chosen Lancashire Locals and a presentation will be made at the meeting.

### Recommendation/s

1. Those members views be noted.

### Executive brief

The item falls within the following executive brief[s]: Community engagement (Councillor Paul Rigby).