

**Policy and Service
Review Scrutiny
Committee**



Date	Thursday 16 April 2009
Venue	Town Hall, Lytham St Annes
Committee members	Karen Buckley (Chairman) John Prestwich (Vice-Chairman) Cheryl Little, Kath Harper, Elizabeth Clarkson, Tommy Threlfall, Elaine Silverwood
Other Councillors	
Officers	Phil Woodward, Paul Walker, Clare Platt, John Cottam, Ian Curtis, Annie Womack
Others	

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. Confirmation of minutes

RESOLVED: To approve the minutes of the Policy and Service Review Scrutiny Committee meeting held on 18 December 2008 as a correct record for signature by the chairman.

3. Substitute members

There were no substitutes.

4. Draft Private Sector Housing Policy

This report provided a draft revised private sector housing policy to the committee, which has taken account of the latest stock condition information available to the council and proposes changes to the types of assistance to be made available to the community. It recognises that the main responsibility to maintain their homes lies with the owner but that there are some who will need assistance to maintain and improve their homes to a basic minimum standard.

The report was introduced by Mr John Cottam, Housing Manager. He reminded members that in October 2008, a report was presented to this committee advising them of the outcomes of the private sector stock condition survey. This up-to-date information about housing conditions in the area provided a context for the council's private sector housing

policies. The meeting of October resolved to accept and adopt the survey as a material consideration for policy purposes.

Mr Cottam went on to outline the key points of the policy, which included the role of local authorities in providing assistance, and the form such assistance might take, and whether it would be mandatory or discretionary; the application process for assistance and the terms attached; the potential for a system of loans; the need for consultation and subsequently to prioritise activity, given that there is insufficient funding to address all the issues identified in the house condition survey and subsequently this policy.

Within the policy was a proposal that in addition to the mandatory Disabled Facilities Grant (available for prescribed works with a maximum of £30k) there should be a discretionary element. Some work is more expensive than the prescribed limit, and he outlined some instances where we might like to provide more grant money to disabled persons on a discretionary basis.

The committee were advised that the existing system of loans was not popular, as they were expensive, and most people preferred to apply for grant funding. The current economic climate makes them even less attractive. GONW are sponsoring a piece of work across the region about the feasibility of establishing a regional loans pot and a regional loans process that each LA in the NW area can buy into. Mr Cottam said that his advice would be to wait until this work was completed, and to see how we could make use of that if and when it is established.

He advised the committee that the external funding had been increased for 2009 -10 to £579k which could potentially lead to the number of grant assisted interventions rising to approximately 120 in the next year, but that this needed to be considered in the context of an identified need to improve over 1000 additional private sector homes in order to meet the decent homes target.

Mr Cottam expressed his opinion that it was also likely that the increased funding had come about for reasons including the desire to help stimulate the local construction industry. The committee were asked to bear in mind that it may not be a long term increase in resources.

The committee was particularly interested in those people (108) who are currently on the waiting list for funding, and whether the new rules would affect them. Mr Cottam proposed that a line should be drawn under the current waiting list, and that they should be dealt with under the old rules; and that new applicants should be advised of the effects of the new policy. He further advised that because of the increase in the funding level, he expected to be able to clear the existing waiting list.

After a full debate the committee RESOLVED:

1. To recommend that the draft policy be adopted for the purpose of carrying out a consultation exercise.
2. That following the consultation exercise a final version of the policy is presented to the next meeting of this committee for consideration prior to adoption.
3. To recommend that the current waiting list be closed when cabinet's decision on the policy is implemented, and that a new waiting list with applicants subject to the new policy criteria is created beyond that date.

4. To recommend that any further consideration as to a system of loans should be deferred until after the body of work sponsored by GONW has been completed.

5. Moving to Excellence - Update Report

This report provided an update on the implementation of recommendations from the Moving to Excellence Report, and was presented to the committee by Mr Phillip Woodward, Chief Executive.

The Moving to Excellence Report was originally considered by Cabinet in September and November 2007 (following internal consultation) as a framework document for guiding the Council's focus for continuous improvement. It contained a number of recommendations relating to the future "organisational development" of the Council which were approved by the Cabinet.

The Scrutiny Committee had requested a periodic update report on this matter, and Mr Woodward outlined the current position, as at April 2009, as presented at Appendix A. He told the committee that the original report had been meant to act as a point of reference and to influence the overall culture of the organisation and how it performs in managerial terms. It was not meant to be an action plan, but rather a guidance document. His opinion was that the relevance of the document had begun to diminish after 2 years, given the considerable changes that had taken place for local government, and that it would be appropriate going forward to review the document.

Mr Woodward went through some of the recommendations and commented where they had been successfully implemented, and also on some where there was work still to be done.

Members questioned Mr Woodward about the benefit that the council gained from our engagement with various outside agencies, such as Audit Commission, NWEO and IDeA; he explained the value of these relationships and how they can and do lead to funding being made available to the council for specific projects. He was also asked for assurance that the proposal to investigate the suitability of a 360 degree appraisals scheme for cabinet members and chairmen as well as officers should not be overlooked; and the need to pick up customer care training again was highlighted.

After the debate, the committee RESOLVED:

1. That the current progress in implementing the recommendations of the Moving to Excellence Report be noted, and that the Chief Executive be thanked for the progress made.
2. That customer care training should be resumed at the earliest possible opportunity.
3. That the Chief Executive undertake a full review of the report, following any management restructures, in the autumn.

6. Recreational Use of the Beach

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

- Wind powered wheeled sport
- Shooting

It was presented by Ms Clare Platt, Director of Community Services. Ms Platt made reference to the original "Safer Sands" report, commissioned through Atkins Consultants, which had gone to cabinet in January 2007, and which made recommendations for the safe management of beach activities. Although the proposed framework was approved by Cabinet, budgetary pressures had meant that the financial action plan had not been implemented.

Wind-powered wheeled sport

The original report had excluded wind-powered wheeled sport, but had identified that other beach activities (such as kite powered craft, BBQs, motorised vehicles, horse riding and other uncontrolled activities like golf and javelin/discus/boomerang throwing) should be better controlled.

However, the council has recently received an approach from Trax to operate a wind sport centre. Officers requested Atkins Consultants to review the proposal, and their recommendation was that any zoned areas need to be clearly defined on the beach, and managed to ensure compliance with any byelaws. For race events, the zoning should be professionally done.

As in the original report, Atkins recommended that model byelaws be adopted. This would mean that if such activities continue or are introduced, the byelaws will need to be enforced, which in turn will require extra resources. Ms Platt explained that there will need to be extensive consultation, and additional assessments required under legislation to assess the impact of such activities on the special environmental status of the beach and adjacent dunes.

She recommended that any applicant for beach sports commissions and funds such assessments as part of the application. The committee endorsed this view.

Ms Platt explained that Fylde International Sand Yachting Club (FISYC) held a ground lease for the site of the club house, though this had been unpaid since 2002 when sand yachting was discontinued. Trax had asked that the ground lease be assigned to them, but it was found that the lease was not assignable and FISYC would need to surrender their lease and a new one would have to be negotiated.

In addition to the lease mentioned above, Trax has also requested a lease of part of the beach on which to operate wheeled sports. Ms Platt advised the committee that a new license would be preferred to a lease, as a license permits reasonable shared use of the beach whilst a lease confers exclusivity.

The committee asked to debate this part of the report before the issue of shooting was considered and covered several issues including usefulness of the Beach Users Group, the levels of resources that might be required in overseeing beach activities, safety of beach users, and the potential need for exclusion zones. The committee 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.

Shooting

Ms Platt explained to the committee that 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. However the ban did not extend to the remainder of the beach under the Council's control as landowner. The committee was provided with a map which detailed the area where a ban is in force, and the area which is not included in the ban.

It was pointed out that the sign's status is therefore advisory at the present time, and that anyone who used 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.

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, which include those operations which require Natural England's consent. This includes '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'.

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

Ms Platt told the committee that 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, though she pointed out that 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 likely require an increase in Council resources. 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.

A member of the public has suggested that shooting rights over the beach and foreshore do not belong to 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.

The committee debated the topic, covering such issues as the potential for the land to be managed by wildfowling organisations, whether it should be managed as a buffer zone and the resourcing and safety implications of allowing shooting in the area under discussion, assuming that permission could be obtained from Natural England. They felt that they would like a Task and Finish group to look at the issues, and the land involved, in more detail and to report back to committee.

RESOLVED:

To appoint a Task & Finish Group to investigate and report back to committee.