



Meeting Agenda

**Policy Development Scrutiny Committee,
Town Hall, Lytham St. Annes
Thursday 3 November 2011, 6:15pm**

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

POLICY DEVELOPMENT SCRUTINY COMMITTEE MEMBERSHIP

CHAIRMAN	Fabian Craig-Wilson
VICE-CHAIRMAN	Leonard Davies

Councillors

Ben Aitken	Frank Andrews
Susan Ashton	Julie Brickles
David Chedd	Simon Cox
John Davies	David Donaldson
Charlie Duffy	Karen Henshaw JP
Edward Nash	Richard Redcliffe
Elizabeth Oades	Elaine Silverwood

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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



AGENDA

PUBLIC PLATFORM

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

ITEM	PAGE
1. DECLARATIONS OF INTEREST: If a member requires advice on Declarations of Interest he/she is advised to contact the Monitoring Officer in advance of the meeting. (For the assistance of Members an extract from the Councils Code of Conduct is attached).	4
2. CONFIRMATION OF MINUTES: To confirm as a correct record the minutes of the Policy Development Scrutiny Committee held on 29 September 2011. As attached at the end of the agenda.	4
3. SUBSTITUTE MEMBERS: Details of any substitute members notified in accordance with council procedure rule 26.3.	4
4. WINTER SERVICE 2011/12 BRIEFING	7 - 9
5. APPOINTMENT OF TASK AND FINISH GROUP FOR REVIEW OF ASSETS LET AT BELOW MARKET VALUE	10 - 12

Personal interests

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

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

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

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

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

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

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

Disclosure of personal interests

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

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

Prejudicial interest generally

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

Prejudicial interests arising in relation to overview and scrutiny committees

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

Effect of prejudicial interests on participation

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

REPORT



REPORT OF	MEETING	DATE	ITEM NO
DIRECTORATE OF GOVERNANCE AND PARTNERSHIPS	POLICY DEVELOPMENT SCRUTINY COMMITTEE	03 NOVEMBER 2011	

WINTER SERVICE 2011/12 BRIEFING

Public Item

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

Summary

The scrutiny Management Board identified the winter service provided by LCC as an issue that needed scrutiny, following the severe winter of 2010/11, and accordingly an invitation was extended to the Public Realm Service of LCC to brief the Policy Development Scrutiny Committee.

Recommendations

1. That the Briefing is noted.
2. That the committee comment as appropriate on the proposed arrangements.

Alternative options considered and rejected

Not applicable as this report is for information only.

Cabinet Portfolio

The item falls within the following Cabinet portfolios:

Environment and Partnerships
Social Wellbeing (community safety)

Cllr Thomas Threlfall
Cllr Cheryl Little

Report

The Public Realm Manager – Fylde will provide a briefing on the Winter Service provision 2011/12 made by Lancashire County Council as the Highway Authority for Lancashire.

The Briefing will cover a range of issues which will be addressed in the Borough of Fylde as part of the delivery of the Winter Service;

- Precautionary Routes
- Primary Footway Gritting
- Resources
- Arrangements with the Borough Council
- Arrangements with Parish Councils.

Risk Assessment

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

Report Author	Tel	Date	Doc ID
Annie Womack	(01253) 658	19 October 2011	Winter Service 2011-12 - briefing

List of Background Papers		
Name of document	Date	Where available for inspection
None		

1. Attached documents:

None

IMPLICATIONS	
Finance	None arising directly as a result of this report
Legal	None arising directly as a result of this report
Community Safety	None arising directly as a result of this report
Human Rights and Equalities	None arising directly as a result of this report
Sustainability and Environmental Impact	None arising directly as a result of this report
Health & Safety and Risk Management	None arising directly as a result of this report

REPORT



REPORT OF	MEETING	DATE	ITEM NO
DIRECTORATE OF GOVERNANCE AND PARTNERSHIPS	POLICY DEVELOPMENT SCRUTINY COMMITTEE	03 NOVEMBER 2011	

APPOINTMENT OF TASK AND FINISH GROUP TO REVIEW COUNCIL ASSETS LET AT BELOW MARKET VALUE

Public Item

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

Summary

A report on the Management of Leisure Assets was brought to the Policy Development Scrutiny Committee on 9th December 2010. Its recommendations for a review went before Cabinet who requested the scope should be extended to the Council's assets as a whole rather than just leisure assets.

Recommendations

1. To appoint a Task and Finish Group, with members from both the Policy Development and Community Focus Scrutiny Committees, with that Group reporting back to the Policy Development Scrutiny Committee at the earliest opportunity.

Cabinet Portfolio

The item falls within the following Cabinet portfolios:

Leisure and Culture
Planning and Development

Cllr Susan Fazackerley
Cllr Trevor Fiddler

Continued....

Report

1. At its meeting on 9th December 2010 the Policy Development Scrutiny Committee resolved to request that officers review all the Council's leisure assets to identify:
 - (a) where there are subsidies provided and
 - (b) to examine these on a case by case basis to see whether commercial charges should be applied
2. At its meeting on 15th December 2010 Cabinet resolved to note and approve the recommendations made by the Scrutiny Committee subject to an addendum that the officers' review should consider the Council's assets as a whole rather than being constrained to leisure assets.
3. A further and more detailed report presented to the Policy Development Scrutiny Committee on the 3rd February 2011 resulted in members resolving to appoint a Task and Finish Group to assist in the work required to undertake the review of assets. Appointed were Councillors Craig-Wilson, Mulholland and Speak. The Committee also concluded that it was difficult to look at rent concessions in isolation as these are often combined with grants or payments in kind, such as free grounds maintenance. The work of the Group was therefore extended to a review of all benefits granted to external bodies occupying Council owned land and buildings.
4. It was decided to delay the first meeting of the Task and Finish Group until after the election in May 2011, as it was considered that the work could not be completed before that date.
5. Subsequent to the election the make-up of the two scrutiny committees, including the Chairmen, has changed, and it was decided at Scrutiny Management Board that it was appropriate to appoint a new Task and Finish Group.
6. The review will concern itself with the following issues, but not excluding any other issues as may be raised by the group:
 - to consider the value of rental concessions, and also other benefits given to occupiers of council land and buildings, such as grants, free use of utilities, grounds maintenance etc.
 - to gather information from every Council Directorate as to the nature and value of benefits provided to external groups and organisations who are in occupation of Council property.
 - to estimate, on the basis of the information gathered, the cost to the Council of each occupant.
 - to decide whether each occupancy comprises a good use of Council resources which should continue, or an inappropriate use, the terms of which need to be amended in some way.

IMPLICATIONS	
Finance	None arising directly from this report
Legal	None arising directly from this report
Community Safety	None arising directly from this report
Human Rights and Equalities	None arising directly from this report
Sustainability and Environmental Impact	None arising directly from this report
Health & Safety and Risk Management	None arising directly from this report

Report Author	Tel	Date	Doc ID
Annie Womack	(01253) 658423	19 Oct 2011	Appointment of Task & Finish Group to Review Council Assets Let at Below Market Rent

List of Background Papers		
Name of document	Date	Where available for inspection
Agenda / Minutes of Policy Development Scrutiny Committee	9 Dec 2010	Council website
Agenda / Minutes of Cabinet	15 Dec 2010	
Agenda / Minutes of Policy Development Scrutiny Committee	3 Feb 2011	

Attached documents

None

Policy Development Scrutiny Committee

Date	29 Sept 2011
Venue	Town Hall, St Annes
Committee members	Councillor Fabian Craig-Wilson (Chairman) Councillor Leonard Davies (Vice-Chairman) Ben Aitken, Frank Andrews, Susan Ashton, Julie Brickles, David Chedd, Simon Cox, John Davies, David Donaldson, Charlie Duffy, Karen Henshaw JP, Edward Nash, Elizabeth Oades, Richard Redcliffe, Elaine Silverwood
Other Councillors	—
Officers	Joanna Scott, Ian Curtis, Allan Oldfield, Clare Platt, Tracy Scholes, Paul Walker, Annie Womack
Others	—

Public Platform

There were no members of the public wishing to speak

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. There were no declarations.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Policy Development Scrutiny Committee meeting held on 14 July 2011 as a correct record for signature by the chairman.

3. Substitute members

There were no substitutes.

4. Data Assurance Policy

This report was introduced by Ian Curtis, Head of Governance and the council's monitoring officer. Mr Curtis explained that good practice requires the council to have policies setting out how it complies with its obligations under the Data Protection Act 1998, how it ensures data quality and how it classifies data.

Accordingly the adoption of a consolidated Data Assurance Policy was recommended in the report, to incorporate existing policies on data protection, which governs the handling of personal data; data quality, which seeks to ensure that the council uses and keeps high quality reliable and up-to-date information; and to add material on data classification which governs the sensitivity of data held.

Mr Curtis described the detail of the three elements to members. In response to questions from the committee he described circumstances in which data might be considered to be classified as sensitive and explained that any such classification required a "public interest" test.

Members asked whether there was an external review which would give assurance that our policies and practices were fit for purpose. Mr Curtis advised that there was not a formal inspection regime, but that the Information Commissioner had oversight and compliance was checked through complaints.

After the debate the committee RESOLVED:

- 1 To recommend to Cabinet that a Data Assurance policy as set out in the draft attached to the report is adopted.

5. General Fund Monitoring Report 2011/12 - Quarter Ended 30 June 2011

This report, which was introduced by Joanna Scott, Assistant Director of Finance, showed the updated position on the General Fund Revenue Budget as at 30th June 2011. The report highlighted any significant variances from the profiled latest budget and detailed the actions taken to address them.

Ms Scott provided a background for members of the budget setting and monitoring cycle and confirmed that the quarterly reports were brought to committee to provide members with awareness and understanding of the issues. There were various appendices attached to the report and she also explained their significance to members.

In particular she drew their attention to Appendix C (revenue slippage monitoring), and advised that Cllr Buckley (Portfolio Holder for Finance and Resources) had particularly asked that the committee members look at them

as those items would not be included in future quarterly reports during the year, unless some change occurred.

Ms Scott also asked that members consider Item 2 in the report, which was headed Budget Areas for Further Consideration.

It was noted that there was no provision within the budget for a contingency fund to finance potential planning appeals, which can be costly for the council. Ms Scott confirmed that was the case.

Members also asked questions about the authority of managers to make virements between their budget heads, and it was suggested that the committee might wish to be made aware of those. Ms Scott explained that each service had an overall Council approved budget for which the budget holder was responsible for which was allocated by managers to various budget heads within that service on a best estimate at the start of the year, but that they had flexibility to move their budget around in order to respond to need and changing priorities, up to a certain level as stated in the Council's Financial Procedure Rules. Mr Allan Oldfield, Director of Customer and Operational Services added that it was a management tool, that there was a process in place that had to be adhered to, that virements tended to be smaller, and that the hotspot report which members had in front of them would bring out the big issues for review by members and that is where the focus of the scrutiny should be. He further stated that if there was an overspend of any significance, that would have to be reported to full council as an unfunded budget requirement.

Members expressed concern that the quarterly budget monitoring reports were to be split between the two scrutiny committees, and expressed a preference for each report to come to the Policy Development Scrutiny Committee. The Chairman undertook to discuss the arrangements at the next Scrutiny Management Board meeting.

Ms Scott was asked whether there was a quarterly report on capital programme monitoring to the Portfolio Holder Finance & Resources and she agreed that there was, but confirmed that it did not go to scrutiny. Committee members said that they would like the Policy Development Scrutiny Committee to receive that report also.

There was some more debate and members commended Ms Scott on the clarity of the report, after which the committee RESOLVED:

1. To note the current position and the comments outlined in the report.
2. To recommend to cabinet that for 2012/13, finance is included within the base budget to cover the cost of potential planning appeals.

There was no recorded vote as the Chairman decided that the matter was not controversial.

6. Appointment of Car Parking Task & Finish Group

The Chairman reported that a request had been received from the Director of Strategic Development to appoint a Task & Finish Group to undertake a review of car parking strategy. This request had gone to the Scrutiny Management Board who had agreed that this was the correct course of action, and the matter had therefore been referred to this meeting.

The Chairman nominated some councillors to sit on the Group and the committee RESOLVED:

1. To appoint a time-limited Task and Finish Group to look at the matter in more detail, and to report back to a later committee and to Cabinet.
2. To appoint to the Task and Finish Group the following members:
Cllrs Fabian Craig-Wilson; Elizabeth Oades; Julie Brickles;
Richard Redcliffe and Charlie Duffy.

There was no recorded vote as the Chairman decided that the matter was not controversial.

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