



Meeting Agenda

Council Meeting
Lowther Pavilion, Lytham
Monday 28 September 2009, 7:00pm



COUNCIL MEETING

LOWTHER PAVILION, LYTHAM
on
MONDAY 28 SEPTEMBER 2009 at 7:00pm

The Mayor – Councillor P. Rigby
Deputy Mayor – Councillor P.A. Fieldhouse

Councillors

- B.M. Ackers
- B. Aitken
- C. E. Akeroyd
- T. Ashton
- K. Beckett
- J. B. Bennett
- K. Buckley
- G. Caldwell
- D.M. Chedd
- M. Chew
- E. Clarkson
- P. Collins
- J. L. Coombes
- M.S. Cornah
- F.C Wilson
- J.R Davies
- B. Douglas
- R. K. Eastham
- D. Eaves JP
- S.M Fazackerley
- Dr T. J Fiddler
- T. Ford JP
- R.A Fulford-Brown
- L. Greening
- C. Halewood
- P. Hardy

Councillors

- K. Harper
- P.J. Hayhurst
- H. Henshaw, A.D.K (Malaysia)
- K. Hopwood
- K. Hyde
- A. Jacques
- C. Little
- J.K. Mulholland
- L.J. Nulty
- E.A. Oades
- J.C. Owen
- B. Pagett
- A.G. Pounder
- W.J Prestwich
- D.S. Prestwich
- S. P. Renwick
- L. Rigby
- E.M Silverwood
- J.R Singleton
- R. S. Small
- H.A Speak
- VACANCY
- T. Threlfall

Philip Woodward – Chief Executive



Our Vision

To establish Fylde Borough Council as a high performing local authority

Our Corporate Objectives

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

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

We will achieve this by:

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

PROCEDURAL ITEMS	
1. DECLARATIONS OF INTEREST - <i>If a member requires advice on declarations of interest he/she is advised to contact the Monitoring Officer in advance of the meeting. (For the assistance of members an extract from the Council's Code of Conduct is attached).</i>	7
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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 meeting held on 27 July 2009.
(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
DIRECTOR - GOVERNANCE AND PARTNERSHIPS	COUNCIL	28 TH SEP 2009	7

NOTICE OF MOTION (14/09/2009)

Public 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 14 September 2009

Recommendation

1. Consider the Notice of motion

Report

The Motion

1. The following notice of motion has been received:

That this Council supports the local fire fighters of St. Annes, Station W36, and recommends that the Lancashire Combined Fire Authority remove St. Annes Fire Station from the list of 6 fire stations scheduled for restructuring, so that current levels of personnel and working hours are retained.

2. Councillor Fabian Craig-Wilson has proposed the motion and Councillor Kiran Mulholland seconds it.

Standing Orders

3. The Council Procedure Rules on Notices of Motion include the following (summarised) provisions:

11.1.2 Giving Notice of Motion

Continued....

Any two members of the council can give written notice of a motion that they wish to move. The motion will be placed on the agenda of the next available ordinary council meeting (next available meaning the first meeting falling more than eight working days after the written notice has been given). Motions will be listed on the agenda in the order in which notice was received.

11.1.3 At the Council Meeting

11.1.3.1 A motion under this rule must be formally moved and seconded at the council meeting. It will then stand referred without discussion to the cabinet or the relevant committee(s) of the Council for consideration unless, while moving the motion, its proposer asks the council to consider it immediately.

11.1.3.2 If the proposer asks the council to consider the motion immediately, the council must, without discussion, vote on whether or not to do so.

11.1.3.3 If the council votes to consider the motion immediately, it will be dealt with at the council meeting under the normal rules for debate and voting. If the council votes not to consider the motion immediately, it will stand referred as set out below.

11.1.4 Referred motions

11.1.4.2 It is up to the Cabinet or committee concerned to programme discussion of any motion referred to it.

IMPLICATIONS	
Finance	There are no direct financial implications arising from this report.
Legal	There are no direct legal implications arising from this report.
Community Safety	There are no direct community safety implications arising from this report.
Human Rights and Equalities	There are no direct human rights and equalities implications arising from this report.
Sustainability and Environmental	There are no direct sustainability implications arising from this report.
Health & Safety and Risk Management	There are no direct health & safety and/or risk management implications arising from this report.

Report Author	Tel	Date	Doc ID
Peter Welsh	(01253) 658502	September 2009	

List of Background Papers

Name of document	Date	Where available for inspection
Notice of motion	September 14	Peter Welsh

REPORT



REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	COUNCIL	28 TH SEPTEMBER 2009	8

APPOINTMENTS TO THE STANDARDS COMMITTEE

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

Summary

Fylde's Standards Committee oversees the ethical governance of both Fylde Borough Council and its parishes. The membership of the committee is presently eleven, comprised of four borough councillors, three parish members and four independent persons.

An outstanding complaint is presently incapable of resolution because of statutory bars and conflicts of interest that affect all of the existing parish members. There is therefore a need to appoint an additional parish member to the Standards Committee.

Recommendation/s

1. Increase the size of the Standards Committee by appointing one extra parish member.
2. Appoint the nominated parish councillor as the additional parish member.

Cabinet portfolio

The item falls within the following cabinet portfolio: Finance and Resources: (Councillor Roger Small).

Report

Background

1. The Standards Committee of the council is established to (inter alia) promote and maintain high standards of conduct by councillors. It covers both Fylde Borough

Continued....

Council and the parish councils¹ in the borough. It is responsible for the initial assessment of complaints by members of the public about the conduct of borough and parish councillors and for adjudicating on complaints that have been referred for investigation. The membership of the committee is as follows:

- Four members of the Borough Council
- Three parish council representatives (“parish members”)
- Four independent persons

2. Regulations and guidance require that the committee appoint at least three sub-committees to carry out different facets of its work. Fylde’s committee has appointed three sub-committees for the separate purposes of initial assessment, review of initial assessment and consideration and hearings. The sub-committees have a floating membership in the same way as the licensing panels.

Parish member

3. The committee needs a further parish member to allow it to determine a long-outstanding request for review of an initial assessment decision. This is because all of the existing parish members are unable to take part in the review. One parish member sat on the sub-committee that dealt with the original assessment decision. She is therefore barred by statute from taking part in the review. The other two parish members either have, or feel they have, a conflict of interest that would rule them out.
4. To fill the vacancy, each parish council within the council’s area was invited (if they wished) to submit the name of a parish councillor to serve on the Standards Committee. Each council or nominee was asked to provide a supporting statement.
5. Each parish council clerk was then contacted by email and asked to arrange for his or her parish council to vote for one of the nominated candidates. I would propose to inform the council meeting of the nominated candidate who obtained the most votes and invite the council to appoint that person to the Standards Committee.

IMPLICATIONS	
Finance	No implications
Legal	Contained in the report.
Community Safety	No implications
Human Rights and Equalities	The Standards Committee acts in a quasi-judicial capacity in adjudicating on complaints about the conduct of councillors. It should not be seen as a political body.
Sustainability	No implications.

¹ For convenience, I include town councils within the term “parish council”.

Health & Safety and Risk Management	Good corporate governance arrangements are intrinsic to robust and effective risk management. The Council's Standards Committee has a key role in implementing and embedding the ethical agenda within Fylde and its parishes.
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Report Author	Tel	Date	Doc ID
Ian Curtis	(01253) 658506	September 2009	

List of Background Papers		
Name of document	Date	Where available for inspection
The Role and Make-up of Standards Committees.	May 2008	www.standardsboard.gov.uk/TheCodeofConduct/Guidance/Standardscommittees/Theoleandmake-upofstandardscommittees/filedownload,16605,en.pdf

REPORT



REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR OF GOVERNANCE AND PARTNERSHIPS	COUNCIL	28 TH SEPTEMBER 2009	9

CLIFTON (LYTHAM) HOUSING ASSOCIATION LTD

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

Summary

The council is invited to nominate a director and shareholder of Clifton (Lytham) Housing to fill the vacant position created by the sad death of the late Councillor Thompson

Recommendations

1. To nominate a councillor to become a director of Clifton (Lytham) Housing Association Ltd.
2. To nominate the same councillor to receive the transfer of Councillor Thompson's share in Clifton (Lytham) Housing Association Ltd or (if the share is forfeited) the allocation of one share in the company.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:
Social Wellbeing: Councillor Little

Report

1. The late Councillor Bill Thompson was a director and shareholder of Clifton (Lytham) Housing Association Ltd ("the Company").
2. Clifton Housing is a company limited by shares. It has an issued share capital of six shares with a nominal value of one pound each. The six shares are held by the directors of the company, who are serving councillors.
3. The constitution provides that a director of the company must also be a member of the council.

4. The directors have the authority to allocate shares in the Company, but they may not allocate shares to any person who is not a member of the council. The directors have the right to refuse to register the transfer of any share, but may not exercise this right in relation to a transfer to a member of the council nominated by the council. When a shareholder dies or ceases to be a member of the council, their share is forfeited unless it is transferred to a member of the council within three months.
5. The council is therefore asked to nominate a councillor to the vacant seat of director and shareholder in the Company. The Company will need to authorise that nomination at appropriate company meetings.

IMPLICATIONS	
Finance	No implications
Legal	Set out in the report
Community Safety	No implications
Human Rights and Equalities	No implications
Sustainability	No implications
Health & Safety and Risk Management	The nominated member will need to be prepared to accept the statutory and other responsibilities of a company director.

Report Author	Tel	Date	Doc ID
Ian Curtis	(01253) 658506	September 2009	

List of Background Papers		
Name of document	Date	Where available for inspection
Articles of Association of Clifton (Lytham) Housing Association	August 1952 (as subsequently revised)	Town Hall, St Annes

REPORT



REPORT OF	MEETING	DATE	ITEM NO
HEAD OF LEGAL SERVICES	COUNCIL	28 TH SEPTEMBER 2009	10

CALL-IN REQUEST. DISPOSAL & ACQUISITION OF LAND & PROPERTY ASSETS

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

Summary

The report provides details of the decision-making process and procedures associated with the disposal and acquisition of land and property assets as considered recently by the Policy and Service Review Scrutiny Committee and the Cabinet.

Recommendation

1. That the Council considers the report and makes an appropriate recommendation to the Cabinet about the processes and procedures for the disposal and acquisition of land and property assets.

Reasons for recommendation

To address the call-in considered by the Policy and Service Review Committee on 6th August 2009.

Alternative options considered and rejected

Not applicable as the matter needs to be considered in accordance with Constitutional requirements.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:
Corporate Resources and Finance, Councillor Roger Small

REPORT

Background

1. In June 2009 the Policy and Service Review Scrutiny Committee considered a report which contained proposals for undertaking the disposal and acquisition of assets with a view to incorporating a clear set of procedure rules on such matters in the Council's Constitution. The Committee resolved (inter alia) to recommend to Cabinet that :

Cabinet should seek the opinion of full Council prior to taking a decision on the sale or acquisition of a major asset.

2. The Cabinet considered this recommendation at its meeting in July and resolved

That (this) recommendation be deleted, as this function falls within the executive decision-making remit of cabinet, although it be noted that the Cabinet retains the option to refer such decisions to Council.

3. The decision of the Cabinet was recovered for "call-in" and referred to the Policy and Service Review Scrutiny Committee for consideration. At the "recovery" meeting of that Committee on 6th August it was resolved as follows:-

1. *That the decision of Cabinet should be called-in.*
2. *To refer the called-in decision for debate by Council, and for Council to make their recommendation back to Cabinet.*

Considerations

4. The decision-making responsibility to approve the disposal or acquisition of property assets is exclusively that of the Cabinet under the Local Government (Functions and Responsibilities) (England) Regulations 2000. The Council's own Constitution cannot over-ride this statutory requirement.
5. However, this was made clear at the Scrutiny Committee meeting and the discussion then centred on the adoption of a protocol which would require the Cabinet to refer any disposal or acquisition to a meeting of the full Council for consideration and agreement prior to the Cabinet making an asset disposal or acquisition decision.
6. No threshold of asset value, above or below which a referral to Council should be made, was suggested by the Scrutiny Committee.
7. A set of Land Transaction Procedure Rules has been drafted (attached at Appendix A), which could be added to the Council's Constitution in order to provide greater clarity to the processes relating to asset disposal and acquisition.

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	Contained within the report.
Community Safety	There are no direct community safety implications.
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
Ian Curtis	(01253) 658506	September 2009	H/CouncilMeetings/Sept09

List of Background Papers		
Name of document	Date	Where available for inspection
Draft Land Transaction Procedure Rules	September 2009	Town Hall

Attached documents

Appendix 1 - Draft Land Transaction Procedure Rules

APPENDIX A – DRAFT PROCEDURE RULES

Part D – Land Transaction Procedure Rules

1 GENERAL

- 1.1 Subject to Rule 1.2, every contract to sell or buy land made by or on behalf of the Council shall comply with:
 - 1.1.1 these Rules;
 - 1.1.2 the Council's Financial Regulations;
 - 1.1.3 all relevant statutory provisions, including in particular the Local Government Act 1972, section 123;
 - 1.1.4 any relevant European Council Directive; and
 - 1.1.5 any direction by the Council or the Cabinet.
- 1.2 These Rules shall not apply or may be varied where or to the extent that:
 - 1.2.1 the Council or the Cabinet so resolves; or
 - 1.2.2 statute or subordinate legislation prescribes otherwise.

2 DEFINITIONS

In these rules,

- 2.1 "Buying" land includes receiving gifts of land and "selling" it includes disposing of it or granting an interest in it for no consideration;
- 2.2 "Decision-Maker" means the person or body who has exercised the power to decide to sell or buy the land on the council's behalf;
- 2.3 "Director" means the Director of Strategic Development Services;
- 2.4 "Disposal Plan" is defined in rule 4
- 2.5 An "Interest" in land includes any licence to use land for six months or more;
- 2.6 "Land" includes buildings and anything on the land and any interest in land;
- 2.7 "Surveyor" means the council's Principal Estates Surveyor or (if that post is vacant or the Principal Estates Surveyor is unable to act) any other appropriately qualified valuer or surveyor instructed for the purpose by the Director;
- 2.8 "Valuation Report" is defined in rule 12.

3 DECISIONS TO SELL LAND

- 3.1 Only the Director may recommend that the council sell land.
- 3.2 The Director must, before recommending that the council sell land, obtain a Disposal Plan for the land and ensure that his report to the Decision-Maker includes sufficient reference to it.
- 3.3 If the Decision-Maker decides to sell the land other than in accordance with the Disposal Plan, it must record its reasons for doing so.

APPENDIX A – DRAFT PROCEDURE RULES

- 3.4 Nothing in this rule prevents the Director (or the chief executive in his absence) from exercising any delegated power to sell land, but he must only do so after obtaining a Disposal Plan for it and must have regard to the Disposal Plan in making his decision.

4 DISPOSAL PLAN

- 4.1 “Disposal Plan” means a document that makes recommendations, in relation to specified land, about:
- 4.1.1 the method of disposing of it;
 - 4.1.2 how to market it; and
 - 4.1.3 any other matters the Surveyor considers relevant to the proposed sale
- 4.2 A Disposal Plan must be compiled by the Surveyor.
- 4.3 In compiling the Disposal Plan, the Surveyor must have regard to:
- 4.3.1 the need to maximise the financial return to the council from its land assets;
 - 4.3.2 the need to give all prospective purchasers a reasonable opportunity to view the land and submit an offer or tender for it; and
 - 4.3.3 any special circumstances that apply to the proposed sale.
- 4.4 Special circumstances may include the existence of the following:
- 4.4.1 a ‘special’ purchaser’ who would realistically be the only potential purchaser, or who would be prepared to pay a premium for the site over and above the value to the general market. Examples would be a person who wishes to acquire Council land to build an extension to his existing property, or an established Council tenant who wishes to lease contiguous land or buildings which are not reasonably capable of separate occupation; or
 - 4.4.2 a ‘partner’, who would occupy the land for a purpose which would further the Council’s policies or objectives. An example would be the disposal of community facilities to a voluntary trust.
- 4.5 A Disposal Plan must include an open market valuation of the land and a valuation of the land on any other basis on which it is proposed to be sold.

5 AGENTS FOR LAND SALES

- 5.1 The Director may appoint appropriately qualified external agents to market and carry out negotiations for the sale of land, or may instruct the council’s Principal Estates Surveyor to do so.
- 5.2 The Principal Estates Surveyor will supervise the work of external agents with a view to ensuring compliance with these rules, the Disposal Plan (if applicable) and any specific instructions of the Decision-Maker.

6 SALE BY TENDER

- 6.1 Land may only be sold by tender if the Decision-Maker has expressly decided to do so.

APPENDIX A – DRAFT PROCEDURE RULES

- 6.2 Where land is to be sold by tender, the tendering process will be in accordance with rules 6 and 11 of the Contract Procedure Rules, save that “goods and services” will be read as “land” and “Procurement Officer” will be read as “Principal Estates Surveyor”.

7 SALE BY PRIVATE TREATY

A sale by private treaty will not be concluded until the Decision-Maker has considered a report containing the provisional terms for the sale negotiated by the Principal Estates Surveyor or external agent, details of all other offers received, and an explanation of why they have been recommended to be rejected.

8 SALE BY AUCTION

- 8.1 Land may only be sold by auction if the Decision-Maker has expressly decided to do so.
- 8.2 The Decision-Maker must also decide the terms and conditions under which the land is to be offered for sale, and the level of any reserve price.

9 COMPLETING THE SALE

- 9.1 Once disposal terms are approved by the Decision-Maker, the Principal Estates Surveyor will instruct the Council's legal services team to deal with the legal formalities. External solicitors may be instructed if, for any reason, the legal services team is unable to deal with the instruction within the required timescale.
- 9.2 No disposal by lease may be completed until:
- 9.2.1 a schedule of condition has been prepared and agreement reached with the tenant as to who will be responsible for any necessary works; and
- 9.2.2 any costs identified as being the responsibility of the council have been included in a relevant budget.

10 SALE DOCUMENTATION

The Principal Estates Surveyor must maintain a file for each sale. All relevant documents should be kept on file and available for audit. This will specifically include:

- 10.1 Authority to sell the land;
- 10.2 Instructions to external agents where appropriate;
- 10.3 The Disposal Plan including the valuation;
- 10.4 All correspondence, including offers and expressions of interest;
- 10.5 The terms agreed for the sale;
- 10.6 Authorisation to accept those terms;
- 10.7 Instructions to solicitors.

APPENDIX A – DRAFT PROCEDURE RULES

11 NEGOTIATIONS TO BUY LAND

- 11.1 Where potentially suitable land has been identified by a director (following consultation with the Surveyor) as meeting requirements of his or her directorate, negotiations will be conducted with the vendor/lessor/licensor with a view to reaching a provisional agreement on terms which are the most advantageous reasonably available to the council.
- 11.2 The Director may appoint appropriately qualified external agents to carry out the negotiations, or may instruct the council's Principal Estates Surveyor to do so.
- 11.3 The Principal Estates Surveyor will supervise the work of external agents with a view to ensuring compliance with these rules.

12 DECISIONS TO BUY LAND

- 12.1 Only the Director may recommend that the council buy land.
- 12.2 The Director must, before recommending that the council buy land, obtain a Valuation Report for the land and ensure that his report to the Decision-Maker includes sufficient reference to it.
- 12.3 If the Decision-Maker decides to buy the land other than in accordance with the recommendations in the Valuation Report, it must record its reasons for doing so.
- 12.4 Nothing in this rule prevents the Director (or the chief executive in his absence) from exercising any delegated power to buy land, but he must only do so after obtaining a Valuation Report for it and must have regard to the Valuation Report in making his decision.

13 VALUATION REPORT

- 13.1 "Valuation Report" means a document about specified land that has been identified by a director (following consultation with the Surveyor) as meeting requirements of his or her directorate, that includes:
 - 13.1.1 An opinion of its value;
 - 13.1.2 A description;
 - 13.1.3 A schedule of accommodation including sizes of land and buildings;
 - 13.1.4 A general comment on condition;
 - 13.1.5 Comments on the terms under which the property is being offered;
 - 13.1.6 details of all other properties which have been considered, the terms under which they are available, and an explanation of why they have been rejected.
 - 13.1.7 A recommendation as to whether:
 - 13.1.7.1 to proceed with the acquisition on the terms offered
 - 13.1.7.2 to seek to negotiate improved terms; or

APPENDIX A – DRAFT PROCEDURE RULES

- 13.1.7.3 to reject the proposal and, where appropriate, to seek to identify more suitable accommodation.

- 13.2 A Valuation Report must be compiled by the Surveyor or, if the Surveyor so advises, the whole or any part of it may be compiled by an external, independent Chartered Surveyor experienced in the valuation of the type of property concerned.

14 COMPLETING THE PURCHASE

- 14.1 Once acquisition terms are approved by the Decision-Maker, the Principal Estates Surveyor will instruct the Council's legal services team to deal with the legal formalities. External solicitors may be instructed if, for any reason, the legal services team is unable to deal with the instruction within the required timescale.
- 14.2 No lease or agreement for lease may be competed until:
 - 14.2.1 a schedule of condition has been prepared, and agreement reached with the landlord as to who will be responsible for any necessary works; and
 - 14.2.2 any costs identified as being the responsibility of the council have been included in a relevant budget.
- 14.3 No freehold acquisition may be competed until:
 - 14.3.1 a schedule of condition has been prepared;
 - 14.3.2 any costs identified have been included in a relevant budget; and
 - 14.3.3 if the schedule of condition reveals immediate repairs or maintenance costs which are significantly higher than would normally be expected given the nature and age of the building, the acquisition has been further approved by the Decision-Maker in the light of the issues raised by the schedule of condition.

15 PURCHASE DOCUMENTATION

The Principal Estates Surveyor must maintain a file for each purchase. All relevant documents should be kept on file and available for audit. This will specifically include:

- 15.1 Authority to buy the land;
- 15.2 Instructions to external agents where appropriate;
- 15.3 The Valuation Report;
- 15.4 All correspondence, including other properties considered and any negotiations relating to the properties under consideration;
- 15.5 The terms agreed for the purchase;
- 15.6 Authorisation to accept those terms;
- 15.7 Instructions to solicitors.

REPORT



REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR OF GOVERNANCE AND PARTNERSHIPS	COUNCIL	28 TH SEPTEMBER 2009	11

OPTIONS FOR THE FUTURE STRUCTURE OF SCRUTINY

Public Item

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

Summary

This report allows the Council to consider proposals for a change in the number and make up of scrutiny committees and the remit of those committees in order to maintain an effective overview and scrutiny process for the future.

The report also addresses the issue of the quorum requirements for scrutiny committees.

Recommendations

1. That the Council dissolves the four current committees and the Scrutiny Management Board, and creates two committees to replace them.
2. That the Council sets the terms of reference for those committees, to be titled the Overview Committee and the Scrutiny Committee, as set out in Appendix 1.
3. That the Council sets the membership of each committee at 14.
4. That the Council makes the changes to the Constitution as set out in Appendix 4 relating to the quorum for scrutiny meetings.
5. That the Director of Governance and Partnerships be authorised to invite nominations to the committee seats on the basis of the political balance calculation contained in the report.

Reasons for recommendations

The scrutiny structure, function, and terms of reference are part of the council's constitutional framework, and as such require the approval of the Council.

Alternative options considered and rejected

Alternatives considered are –

1. Retaining the existing arrangements - this is not recommended for the reasons set out in the report.
2. Creation of a single Overview and Scrutiny committee comprising of 19, 22, or 25 members. This structure offered benefits in terms of the potential for all relevant Council business to be heard by a single committee, thereby enabling the development of expertise within a core group of members. There were thought to be additional operational efficiencies associated with this option. However, it was felt that at the lower end of the scale (19 members) too many councillors would be disenfranchised from the scrutiny process. At the higher end of the scale (25 or more) it was felt that there would be administrative obstacles connected with 'meeting management'. Research identified that only one other local authority operating with a single scrutiny committee had 19 or more members. For these reasons, this option was also rejected.

Report

Background

1. After the implementation of the Local Government Act 2000, an overview and scrutiny function was established in Fylde in 2002. Since that date the scrutiny function has evolved and grown and the Council has developed a good reputation for its overview and scrutiny processes and outcomes.
2. However, in order to ensure that the scrutiny function remains inclusive and flexible to current and anticipated needs, a comparison has been carried out of scrutiny structures across Lancashire. Only two of the 12 Lancashire District Councils now have more than two overview and scrutiny committees.
3. Other factors such as the establishing of an LDF Steering Group to take forward planning policy issues, the need to identify operational savings across the Council and the feedback received from Members to become more involved in a broader range of scrutiny subjects have also led to a review of options for scrutiny structures being undertaken in recent weeks.
4. A further consideration is that the current structure of scrutiny does not align well with the increasing number of partnerships and council priorities which cut across more than one committee. Committee structures can be arranged to mitigate these issues by addressing the work planning and remits of the committees.

Review

5. A review has been undertaken to investigate alternative models of scrutiny with a view to retaining and improving effectiveness, raising the profile of scrutiny, and

ensuring an expert and engaged membership on the committees in order to deliver an appropriate “critical friend” challenge to the Executive and to help improve service delivery.

6. Studies by the Office for Public Scrutiny have shown that there is no single “best” model for a scrutiny function. The only requirements are that it should effectively hold decision-makers to account; that it should contribute to improvement in services; that it should support the development of policies and strategies which have a beneficial impact on the community; and that it should subject the work of external agencies to scrutiny. These are broad goals and it is clear that they could be achieved by a number of structures.
7. It has also been necessary to take into account the budget efficiencies that are anticipated in the Council’s Medium Term Financial Strategy by reviewing the resource demands of servicing four individual committees. A further consideration was that the structure should enable the engagement of as many non-executive members as possible in some capacity.
8. Currently there are 32 non-executive councillors nominated to sit on the four scrutiny committees. Analysis has shown that full attendance at committee meetings is not the norm and that substitution is common.
9. It was therefore felt that a model which allowed for members to work collectively as a “core” to develop a broader base of expertise would benefit the process provided that the work of the committees was structured in a way which would permit the involvement of other non-executive members within the scrutiny process.

The Proposal

10. From this review a proposal has been developed which is detailed below for the consideration of the Council.
11. The proposal is to establish two scrutiny committees, each having a membership of 14 non-executive councillors, to include one member acting as Chairman, and one member acting as Vice Chairman on each.
12. Committee A to be called the Overview Committee, to have responsibility mainly for pre-decision scrutiny. This would include budget monitoring, strategic issues and policy development. Committee B to be called the Scrutiny Committee, to have responsibility mainly for post-decision scrutiny. This will include performance management, Crime and Disorder Reduction scrutiny and the scrutiny of external partners and other public services in the community. The full terms of reference are suggested at Appendix 1.
13. There is a higher profile for Member Champions within this structure, who will be invited to contribute their expertise as appropriate to in-depth reviews and short-study reviews, and potentially to play a lead role in those reviews. It is further proposed that both committees should agree a limit to the number of in-depth reviews conducted within a 12 month period.
14. Clearly there are advantages and disadvantages to this proposal. Principal considerations are the benefits provided by the alignment between meetings of Cabinet and meetings of the Overview Committee; the development of expertise in pre and post decision scrutiny; the opportunity to adopt a flexible structure which can adapt to changing pressures on local government; and efficiencies which would arise

in the administrative support resource. An analysis of advantages and disadvantages is provided at Appendix 2.

15. The Council may also like to consider the quorum rules for scrutiny meetings. Currently, only one third of members are required for a committee to be quorate. Under the proposed arrangements that would mean that any 5 councillors attending from a membership of 14 would be permitted to scrutinise and make recommendations on major policy, budget and strategy issues, and call-in's. The suggestion for new quorum rules would be that there must be "half plus one" present for the committee to be quorate. This would increase the attendance requirements for each committee to a minimum of 8.
16. Appendix 3 shows the political balance impact of this proposal, with some other examples for comparison.

Meeting Frequency and Times

17. Currently, the four committees meet at least 5 times each per annum with extra meetings arranged in an ad hoc manner to meet the needs of call-in and to accommodate the scrutiny of key decisions before consideration by Cabinet. The Scrutiny Management Board meets every month. If the proposal for two committees is adopted, although the total number of meetings will be reduced, it will mean that the two new committees meet more frequently than the previous individual committees in order to take up the extra business, and each is likely to have a proportionate increase in agenda items for each meeting. In order to make this into a flexible and manageable arrangement, the following suggestions are presented for consideration:
 - The Overview committee to meet two weeks after every Cabinet meeting. Other meetings could be added as required, up to a maximum of 10 per year. This would spread the workload throughout the year, allow the committee to be proactive, allow it to consider call-in's, allow Officers to time their key decision reports appropriately and seek policy input from the committee on a timely basis.
 - The meetings of the Scrutiny committee to also be aligned to the dates of Cabinet meetings; to meet approximately 6-weekly, but with a maximum of 7 meetings per year. This also allows for officer reports to be scheduled effectively and allows the committee more meetings in which to explore and enhance external partnership scrutiny.
 - Both committees to consider adopting an earlier start time than the current 7.00 pm. If scrutiny is to operate effectively there must be opportunity for in-depth questioning and debate at committee. With longer agendas this would not be possible with a 7.00 pm start. In order to ensure effective, business-like meetings, it is suggested that the start time for the committees should be 4.00 pm at the latest, and preferably earlier than that.

Conclusion

The existing scrutiny arrangements have been in place for some years without being subject to any major review. It was felt that this was an appropriate time to appraise them and to propose the implementation of changes designed to refresh and modernise the Council's approach to challenging and effective scrutiny.

It is suggested that the proposed arrangements should be kept under review to establish whether they are fit for purpose, whether they are delivering the required objectives and that an evaluation report on the matter should be brought before Council 12 months after the implementation.

Report Author	Tel	Date	Doc ID
Annie Womack	(01253) 658423	15 September 2009	Restructure of Scrutiny – Report to Council 28.09.09

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

Attached documents

Appendix 1 – Terms of Reference
Appendix 2 – Advantages and disadvantages
Appendix 3 – Political balance
Appendix 4 – Change to the Constitution for quorum rules

IMPLICATIONS	
Finance	Dependent upon the remuneration decided upon for Chairmen and Vice Chairmen, there is the potential to generate savings. Further efficiencies may also be achieved by a reduced support structure. Any such savings will be assessed and reflected in the ongoing corporate re-structure.
Legal	Changes to the Council's Constitution will be required
Community Safety	No direct implications arising from this report
Human Rights and Equalities	No direct implications arising from this report
Sustainability and Environmental Impact	No direct implications arising from this report
Health & Safety and Risk Management	No direct implications arising from this report

Overview and Scrutiny Structures

September 2009

Two Committee Proposal – Terms of Reference

- Two Overview and Scrutiny committees, with a membership of 14 on each
- One Chairman, and one Vice-Chairman on each
- **Committee A** to be the **Overview Committee** with the following remit:
 - To keep the Forward Plan and work programme under review
 - To review new and amended policy across all directorates (corporate and service-specific)
 - To recommend future policy options
 - To review strategic items
 - To monitor budget issues
 - To receive and hear requests for call-in
 - To receive and assess requests for scrutiny
 - To receive and assess Councillor Call for Action
 - To establish topic-specific in-depth reviews (no more than 3 per annum, to be time limited)
 - To seek to ensure that the expertise of all non-executive members can be utilised in the development of council policy
 - The committee scheduled to meet a maximum of 10 times per annum, the bulk of the meetings to be aligned with, and take place 2 weeks after Cabinet meetings
- **Committee B** to be the **Scrutiny Committee** with the following remit:
 - ❖ To keep the forward plan and work programme under review
 - ❖ To receive performance reports on an exception basis
 - ❖ To challenge why and how a service is being provided
 - ❖ To challenge performance targets
 - ❖ To receive reports from and scrutinise the work of Member Champions
 - ❖ To liaise with and where appropriate to receive reports from external organisations and partners
 - ❖ To ensure that the needs of the local community are met by collaborative working between the council and external organisations and partners

APPENDIX 1

- ❖ To receive Crime and Disorder Reduction reports
 - ❖ To establish topic-specific in-depth reviews (no more than 3 per annum, to be time limited)
 - ❖ The committee to meet on an approximately 6-weekly cycle, total number of scheduled meetings no more than 7.
-
- The work of the committees will be clearly aligned to corporate objectives – reports to committee will outline how the topic relates to corporate objectives
 - The work and recommendations of the committees will clearly show where value is added by scrutiny and where benefit to our residents is accrued
 - Implementation tracking to be split as appropriate across the 2 committees. Recommendations to be added to the tracking document by democratic support officers after committee, cabinet and council meetings, but progress will be chased and managed by Vice-Chairmen. It will be reported to the committee only if necessary and on an exception basis.
 - Proposers for in-depth reviews on either committee must lead the review, and must be responsible for populating the review group. Review groups should ideally be not less than 5 members and not more than 8.
 - Membership of the review groups not limited to members of either committee, but to be extended to all non-executive members
 - Membership of review groups to be populated by more than one political party, though political balance is not required
 - Review groups to fully involve the appropriate Member Champion on reviews.
 - Additional ad-hoc short-studies or “paired member” investigations will require member report-back to committee
 - In-depth reviews are limited to 3 per committee per year, and will be time-limited. They will also be scheduled through the year to take account of lead officer and scrutiny officer availability.
 - No Scrutiny Management Board

Overview and Scrutiny Structures

September 2009

Two Committee Proposal – Potential advantages and disadvantages

Advantages

- Each committee having experienced and committed membership, adding value to the council's decision-making processes, and making improvements to service provision and post-decision scrutiny
- Less cross-over of issues between committees than currently
- Effective and efficient, raising the profile of scrutiny
- Permits the direct involvement of a greater number of councillors than a single committee
- The two committee system has the advantage that the numbers on each committee are smaller than for one committee, facilitating targeted and clear debate – but numbers are still large enough to reflect a range of opinion
- Agendas will be smaller than for a single committee permitting greater scope for in-depth questioning on the topics
- Allows members to concentrate on the type of scrutiny in which they are interested and have expertise
- Better alignment between Committee A and Cabinet may lead to fewer call-ins
- Better control of and more capacity for in-depth reviews
- An opportunity to really focus scrutiny work to areas where it can make a difference
- Provides clear opportunities for member champions to become involved
- Increased number of meetings per committee mean that there is less disruption if a report is late
- Savings in scrutiny officer time (particularly if the meetings take place starting in the afternoon)
- Savings in administration time and costs (preparation and distribution of agendas, workplans and minutes)
- Easier to monitor scrutiny success and performance
- Reduces time required for feedback to Cabinet
- Reduces annual committee costs

Disadvantages

- Moves away from the specialisms encouraged by the four committee model
- Lacks the overview of the whole of the council's activities provided for by a single committee
- Loses the lead member / chief officer focus provided for by a single committee
- Two committees meeting more regularly can generate almost as much work as the current system, thereby reducing potential savings and efficiencies
- Offers less scope for seniority in scrutiny across elected members

POLITICAL BALANCE**Single Committee**

Total Members	Conservatives	Independents	Ratepayers	Lib Dems	Non-Aligned
19	11	5	1	1	1
22	13	6	1	1	1
25	14	6	2	1	2

Two Committees

Total Members	Conservatives	Independents	Ratepayers	Lib Dems	Non-Aligned
14 x 2	16	7	2	2	1
16 x 2	18	8	2	2	2
19 x 2	22	10	2	2	2

Current, 4 committee balance

Total Members	Conservatives	Independents	Ratepayers	Lib Dems	Non-Aligned
36	21	9	2	2	2

Currently there are 2 vacancies on the committees, and two members (conservatives) both sit on two committees, reducing the effective number of councillors involved with scrutiny to 32.

Overview and Scrutiny Structures

September 2009

Two Committee Proposal – Quorum Rules: Change to the Constitution

Rule 21.1 of the Council Procedure Rules – Existing Arrangements:

- 21.1 The quorum of Committees/Sub-Committees shall be one-quarter of the whole number of the members of that Committee/Sub-committee provided that the quorum shall not be less than 3 members.*

The proposed arrangement would require some additional wording in rule 21.1 and a new 21.2, as follows:

- 21.1 The quorum of Committees/Sub-Committees (except overview and scrutiny committees) shall be one-quarter of the whole number of the members of that Committee/Sub-committee provided that the quorum shall not be less than 3 members.*
- 21.2 The quorum of any overview and scrutiny committee is one greater than half of the whole number of members of that committee, provided as above.*

The existing rules 21.2 and 21.3 would be renumbered 21.3 and 21.4.

REPORT

REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR OF COMMUNITY SERVICES	COUNCIL	28 SEPTEMBER 2009	12

CAPITAL PROGRAMME – REPLACEMENT OF CREMATORS AND INSTALLATION OF MERCURY ABATEMENT EQUIPMENT

Public Item

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

Summary

The Department for Environment Food & Rural Affairs (DEFRA) require that by January 1st 2013 a minimum of 50% of all cremations in England & Wales are abated for the emission of mercury.

The cremation equipment at Lytham Park does not comply with DEFRA's air quality emissions requirements and is also approaching the time when replacement is necessary as it is coming to the end of its serviceable life. Several major items of equipment are already obsolete or do not meet current guidelines.

The most recent renovation of the crematorium was in 1994, and it is now in need of some repair and refurbishment. As the chapel will have to be closed to carry out any repairs and maintenance it would be financially prudent to do these works at the same time as the crematorium is closed for cremator replacement.

Recommendations

1. That the Council:

- a) approves a capital budget of £780,000 for the replacement of the cremators and installation of associated abatement equipment.
- b) approves an unfunded budget increase to the revenue budget estimates of £70,000 in 10/11, £81,000 in 11/12, £79,000 in 12/13 and £78,000 per annum thereafter, to finance this capital scheme.

- c) approves that any balance remaining after replacement of the cremators and installation of abatement equipment (up to the amount identified in the capital programme) be used for general refurbishment of the crematorium whilst it is not operating, subject to compliance with financial regulations.

Reasons for recommendations

1. To ensure that the Council's financial regulations are complied with.
2. To enable the installation of new cremators and abatement equipment to ensure compliance with more stringent emission controls.
3. To enable the Council to maintain a cremation service in the long term.

Alternative options considered and rejected

Cease operation of the crematorium beyond 31 December 2012. Operation of the crematorium is often considered an important element of local authority service provision. During 2008/09 the crematorium contributed approximately £230,000 to the Council's budget, with service support and management costs accounted for within that figure. Hence the crematorium provides significant revenue to the Council, to support other services. If Members were minded to cease operation of the crematorium it may be possible to dispose of the site to another operator, meaning that this capital investment would not be required and a capital receipt could be obtained. Given the financial analysis identified in the report this option has been rejected.

Reduce operation of the crematorium beyond 31 December 2012. The cost of installing abatement equipment to just one cremator, to give 50% abatement on site, is indicated at 66% of the cost of abating both machines. It would then cost a similar sum should it become necessary to install abatement on the second machine or when a new cremator is installed. The issue of the cremators reaching the end of their serviceable life would also remain.

Continue to operate the crematorium without installation of the abatement equipment and pay a pollution credit. This would mean that mercury abatement equipment would not be installed, and cremations would continue using the current equipment. However the cremators themselves are reaching the end of their serviceable life, and replacement would reduce the possibility of significant breakdowns. It is also likely that abatement equipment would have to be installed at some stage in the future. If the cremators are not replaced at the time the abatement equipment is installed significant extra capital and revenue costs are likely to be incurred and income would be lost during two periods of closure.

Cabinet Portfolio

The item falls within the following Cabinet portfolio:
Social Wellbeing Councillor Cheryl Little

Report

Background

1. Lytham Park crematorium is one of two crematoria located on the Fylde Coast; the other located at Carleton which is owned and managed by Blackpool Borough Council. Lytham Park undertakes approximately 1300 cremations per annum, which generated a surplus of approximately £230,000 for the Council in 2008/09.
2. Crematoria have been regulated under the terms of the Environmental Protection Act, and the subsequent Pollution Prevention and Control Regulations, since 1991. All existing cremators were either upgraded or replaced by 1998, to ensure that they met the required environmental standards.
3. The environmental controls imposed by the Environmental Protection Act have resulted in substantial improvements in pollutant emissions to air from crematoria. Emissions of particulate matter, carbon monoxide, hydrogen chloride and organic compounds from cremators are now very much lower than they were 10-15 years ago. However, the issue of mercury emissions from cremators was not addressed until more recently.
4. DEFRA has stated that 50% of all cremations at existing crematoria must be subject to mercury abatement by 31 December 2012. The 50% reduction figure was determined to reflect an appropriate balance between costs to crematoria operators (and any consequential increase in cremation fees passed onto the public) and environmental benefits.
5. The crematorium industry and DEFRA have worked up a burden sharing scheme (CAMEO) because the target for cutting the amount of mercury emitted into the environment can be met without the need for all crematoria to fit specialist abatement equipment. This is based on sharing the costs between operators who fit the equipment and those who do not. Hence if a crematorium chooses not to fit abatement equipment, it will pay a levy into the scheme which will be passed on to those crematoria which have fitted abatement measures. As such if abatement equipment is installed at Lytham Park the Council will receive an annual rebate through the burden sharing scheme. It is not yet known when this rebate will be receivable by the Council and how much the rebate might be.
6. The cremators which are currently in use at Lytham Park were installed in 1994 and are coming to the end of their serviceable lives. Similarly the ash processing facility is in need of modernisation and the existing environmental monitoring equipment is obsolete. Hence this is an opportunity to address mercury abatement requirements and replacement of outdated equipment. Similarly the chapel has not been refurbished since 1994 and is in need of redecoration and updating.

Procurement

7. As a result of DEFRA's requirements, Fylde's Procurement officer approached the North West Centre of Excellence (NWCE) in February 2006 to ascertain if other Councils would be going out to tender.
8. The NWCE suggested that if all the councils went out together as a consortium savings would be made on:
 - Consultancy fees in producing the specification
 - Costs associated in going out to tender
 - Reduced timescales
 - Resources (as some of the Councils did not have procurement officers)
 - Suppliers offering discounts (because suppliers would be dealing with more than one council)
9. The NWCE also proposed that instead of each council having an individual contract, that a framework agreement be established. This would allow other councils to join, saving time and reducing their costs in duplicating the process. Each council would use the framework to undertake a mini tender process. Hence a framework agreement for the installation of cremators and abatement equipment, with ongoing maintenance, was established.
10. The project was originally established between six local authorities (Fylde, Cheshire East (formerly Macclesfield and Crewe), Burnley, St Helens, and Salford). The framework was advertised through the Official Journal of the European Union (OJEU) using the open procedure to comply with the Council's Contract Procedure Rules.
11. The procurement and installation of cremators and mercury abatement equipment is highly specialised, therefore NIFES Consulting Group were engaged at a cost of £19,600 to prepare detailed specifications and framework documentation and advise on the technical aspects of the procurement process. By working within a framework agreement Fylde's contribution to these costs was £3,280 which was financed from the capital programme. To procure the consultants separately would have cost the Council significantly more, resulting in an estimated saving of approximately £16,000.
12. The project objectives for the work at Lytham Park are:
 - Removal of existing cremators.
 - Supply and installation of new cremators
 - Supply and installation of mercury abatement equipment
 - Supply and installation of ash processing facilities
 - A 7 year maintenance agreement
 - Refurbishment of the chapel
 - Repairs and improvements to the building

The project outcome and outputs are:

- Abatement of mercury emissions
- Improvements to the ash processing facilities

- Reduction of risk in terms of unexpected maintenance costs and shut downs
- A repaired and redecorated building

13. The framework was evaluated on the basis of 60% quality to 40% price. Councillor Christine Ackeroyd, Fylde Procurement Champion, sat in on all of the evaluation meetings as an observer. Seven companies expressed an interest in the framework and two were invited for clarification meetings to confirm issues raised in their submission. The outcome was that Facultatieve Technologies demonstrated best value in terms of the price to quality evaluation and was awarded lots 1 to 6 of the framework, subject to each council's agreement. By securing all six lots on the framework they also offered a discount of 2.72% on the initial bid price, dependent upon all lots proceeding. The tender evaluation scores are detailed below:

Supplier	Lot 1 Maccles - field %	Lot 2 Crewe %	Lot 3 Lytham %	Lot 4 Burnley %	Lot 5 St Helens %	Lot 6 Salford %
1. Combustion Solutions	37.2%	36.6%	37.6%	48.5%	38.6%	46.4%
2. Crawford	56.5%	57.1%	58.0%	61.3%	57.5%	60.8%
3. Facultatieve Technologies	75.2%	79.2%	76.1%	75.0%	75.3%	77.3%
4. Furnace	63.0%	63.0%	62.7%	57.9%	59.6%	56.9%
5. IFZW	66.4%	67.6%	65.1%	65.0%	65.8%	65.5%
6. Shelton	41.2%	53.0%	45.8%	55.1%	39.3%	52.8%
7. Thermotec	56.0%	58.8%	58.6%	59.1%	58.1%	59.2%

By following this process the Council has achieved value for money, securing a recognised leading industry supplier at the best price. The estimated savings to the Council as a result of following this procurement route amount to £16,000 (recruitment of consultants) and £18,000 (discount on equipment and installation); the total saving estimated at £34,000 subject to all lots proceeding.

Replacement Cremators and Abatement Equipment

14. The tender submitted by Facultatieve Technologies in the sum of £686,250 is suitable to form the basis of a contract with FBC.
15. Ancillary costs above the tender figure will include the upgrading of the electricity supply, more substantial foundations and additional acoustic cladding in the committal area.
16. The capital budget requirement for this work is estimated at approximately £780,000, detailed as follows:

Element	Value (£)
Tendered contract value	686,250
Ancillary works (estimate)	25,000
Contingency (10% tendered figure)	68,625
Total	779,875

17. It is envisaged that the works will be carried out during the summer period of 2010. Two cremators could be installed during a 4 - 6 week shutdown period with the abatement equipment installed over the next 8 weeks whilst the crematorium operates as normal. A further 2 - 4 days would be lost during the connecting of the abatement plant to the new cremators. The loss of income as a result of the closure is estimated at between £8,000 and £12,000 per week, resulting in a one off loss of income of approximately £72,000 in 2010/11 only.
18. It is understood that the Carleton crematorium will be fitting abatement equipment in 2012 and during that period it is likely that usage of Lytham Park will be higher than normal, consequently increasing income over that period and helping to offset some of the losses during closure.

Refurbishment of the Crematorium

19. The crematorium is looking tired and is in need of some investment. It is logical that this work should be programmed whilst the crematorium is not operational. The issues that require addressing include repairs to the roof and canopies; redecoration of the chapel, entrance and waiting room; and French polishing the pews.
20. The capital programme currently identifies £797,000 for this project. Members are requested to consider recommending that any balance remaining after replacement of the cremators and installation of abatement equipment, up to the amount identified in the capital programme, is used for refurbishment of the crematorium whilst it is not operating. Current estimates suggest this will amount to £17,000.
21. Discussions with the Director of Strategic Planning also suggest that an element of the building maintenance revenue budget 2010/11 could also be used to address relevant issues whilst the premises are closed.

Maintenance Contract

22. Facultative Technologies have indicated the cost for a seven year maintenance agreement. This would cover all servicing, spares, reagent and scheduled refractory works. The cost of this is based on an estimate of 1300 cremations per year at £31.60 per cremation; a total annual cost estimated at approximately £41,000. The existing revenue budget for the crematorium contains budget provision of £15,000 per annum for maintenance of the facility, hence a budget shortfall of £26,000 per annum. It is anticipated that this shortfall be addressed by increasing crematorium fees from April 2010.
23. The Council is not required to have a maintenance contract. However given that the equipment will be more technologically sophisticated than the current installation, and it will be unfamiliar to the operatives, it is recommended that we enter into such an agreement. This also reduces the risks associated with unexpected breakdowns and lost time.

Progress to Date

24. The report has been considered by Policy and Service Review Overview & Scrutiny Committee on 3 September 2009, where Members agreed the recommendations be presented to Cabinet for approval.

25. At the meeting of Cabinet on 16 September 2009 Members agreed that Facultatieve Technologies be appointed to:

- supply and install two new cremators and abatement equipment at Lytham Park Crematorium at a tender figure of £686,250
- undertake a 7 year maintenance agreement. This increased maintenance cost will be financed from an increase in cremation fees from April 2010.

Since the budget and policy framework is agreed by Council, Cabinet also agreed that Council be recommended to:

- approve a capital budget of £780,000 for the replacement of the cremators and installation of associated abatement equipment.
- approve an unfunded budget increase to the revenue budget estimates of £70,000 in 10/11, £81,000 in 11/12, £79,000 in 12/13 and £78,000 per annum thereafter, to finance this capital scheme.
- approve that any balance remaining after replacement of the cremators and installation of abatement equipment (up to the amount identified in the capital programme) be used for general refurbishment of the crematorium whilst it is not operating, subject to compliance with financial regulations

26. Although the capital programme contains a provision for replacement of cremators and installation of abatement equipment, in order to comply with the Council's financial regulations it is necessary to bring this matter before Council.

Financial Analysis

Capital Programme

27. The Council's capital programme currently contains a sum of £797,000 in 2010/11 for the replacement of the cremators in order to meet mercury abatement requirements. The tender price is within this budget provision.

Financing the Capital Programme

28. In order to minimise the risk of breaching the Council's partial exemption threshold for VAT, the Council may lease the cremators over their estimated useful life of 15 years rather than borrow. Although detailed work still needs to be undertaken to assess the most cost effective option for the Council, Appendix 1 sets out the estimated costs based on borrowing.

Revenue Budget Implications

29. During 2008/09 the crematorium contributed approximately £230,000 to the Council's budget, with service support and management costs accounted for

within that figure. Hence the crematorium provides significant revenue to the Council, to support other services.

30. A summary of the revenue budget costs over the life of the latest financial forecasts for this project is also provided at Appendix 1. It is anticipated that in future years fee increases can be made, but further market research has yet to be undertaken with regard to this issue.
31. A full and detailed cost break down of the project is identified at Appendix 2.
32. The leasing cost for the current cremators was £16,000 per annum, taken as savings as part of the 2009/10 budget settlement, so there is no current budget provision to meet the additional costs of borrowing/leasing.
33. The current revenue budget currently contains £15,000 per annum for the maintenance of the existing cremators. The cost of the proposed maintenance agreement for the new facility is estimated at £41,000, an increase of £26,000 per annum. It is anticipated that this will be met from an increase in cremation fees from April 2010. The increase of fees is within the delegation remit of the Portfolio Holder – Social Wellbeing.

Risk Assessment

34. There are some minor risks associated with the actions referred to in this report. A copy of the risk assessment is attached at Appendix 3. Appropriate amendments have been made to the directorate operational risk register to accommodate these risks where necessary.

Conclusion

35. DEFRA's requirement that by January 1st 2013 a minimum of 50% of all cremations in England & Wales must be abated for the emission of mercury has resulted in consideration of how the Lytham Park Crematorium can comply.
36. The cremators that are currently in use are reaching the end of their serviceable lives and it would not appear logical to fit new abatement equipment to outdated cremators. The options for compliance are discussed in the report, recommending that two new cremators and associated abatement equipment be installed at the crematorium.
37. Through the procurement process the Council has secured the most favourable terms with one of the top recognised suppliers in this area of work – Facultatieve Technologies at a tender figure of £686,250.
38. The medium term financial strategy contains a provision of £797,000 for replacement of cremators. It is recommended that a budget of £780,000 is allocated to the replacement of cremators and abatement equipment, with the balance used to repair and redecorate the crematorium during the closure period.
39. Having considered the financial and operational risks associated with entering into a maintenance agreement, on balance it is recommended that we do so.

40. In order to carry out the installation the crematorium will be closed for approximately 4 - 6 weeks, resulting in the loss of an estimated £72,000 income over the summer 2010. However when other local crematoria close to carry out similar works it is likely that income at Lytham Park will increase.

41. Further work will be carried out to assess the financial implications of the burden sharing scheme (CAMEO) and market testing future cremation fee increases, in order to assist and reduce these additional costs on the Council's revenue budget.

Report Author	Tel	Date	Doc ID
Clare Platt	(01253) 658602	3/9/09	16.9.0971 Capital Prog Repl of Cremators

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

Attached documents

Appendix 1 – Estimated Capital & Additional Revenue Costs

Appendix 2 – Detailed Cost Breakdown

Appendix 3 – Risk Assessment Template

IMPLICATIONS	
Finance	Included in the main body of the report
Legal	The project seeks to ensure the crematorium meets legislative requirements for mercury emissions. The options associated with this are discussed in the body of the report.
Community Safety	None arising from the report.
Human Rights and Equalities	None arising from the report.
Sustainability and Environmental Impact	The installation of new cremators and abatement equipment will improve the quality of emissions to the atmosphere.
Health & Safety and Risk Management	The project is a significant capital investment for the Council. The risk assessment attached to the report identifies control measures to mitigate the risk associated with the project.

Estimated Capital and Additional Revenue costs of Replacement of Cremators

	2010/11	2011/12	2012/13	Ongoing per annum	Comments
	£	£	£	£	
Capital					
Estimated Cost of Scheme	780000				
Additional Cremation Refurbishment	17000				
Total Estimated Scheme Cost	<u>797000</u>				
Estimated Borrowing Interest Repayments	14465	27822	26301	24724	Estimated at 3.63% at current borrowing rates. First payment is due March 2010 when 50% is payable
Minimum Revenue Provision (MRP)	0	53100	53100	53100	Debt repayment has to be made over life of asset and starts year after asset purchase/improvement
7 year Maintenance Contract	23917	41000	41000	41000	Estimated start Sept 2010
Lost revenue income	72000				One off loss of fee income during installation
Total Revenue Budget Impact	110382	121922	120401	118824	
Less					
Current Maintenance Contract Budget Provision	-15000	-15000	-15000	-15000	
Increase in fee income	<u>-26000</u>	<u>-26000</u>	<u>-26000</u>	<u>-26000</u>	Increase fees from April 2010
	-41000	-41000	-41000	-41000	
Net Estimated Cost to Revenue Budget	<u>69382</u>	<u>80922</u>	<u>79401</u>	<u>77824</u>	To be reflected in updated Medium Term Financial Strategy

Continued....

Other assumptions

1. Work to start June 2010 - for 8 weeks. To complete end of August 2010
2. Financing of scheme costs will be borrowing or leasing
3. Current leasing contract costs of £16,000 per annum were taken as a budget saving in 2009/10 so there is no longer any existing budget provision to cover these new borrowing costs
4. Any rebates available from DEFRA for implementing the mercury abatement (CAMEO scheme) are not known at this stage
5. Work on increases to future fees (beyond April 2011) yet to be market tested

Appendix 2

LOT 3 – LYTHAM PARK CREMATORIUM



FLYDE BOROUGH COUNCIL LYTHAM PARK CREMATORIUM

THE SUPPLY AND INSTALLATION OF TWO NEW CREMATORS AND ABATEMENT PLANT

CONTRACT PRICE SUMMARY

	(£)
Dismantle and Remove Redundant Equipment (Assume no Asbestos present)	18,200
Builders Work	39,449
Provision of Cremator Foundations (if required)	---
Supply and Installation of two New Cremators	133,500
Supply of Flue Gas Cooler(s)	48,800
Supply of Air Blast Cooler(s)	13,200
Supply of Mercury, Dioxins and HCl Abatement Units	Incl below
Supply of Particulate Abatement Filter Unit(s)	174,900
Installation of Abatement Plant	22,175
Supply of Monitoring Instrumentation to cremators and Abatement plant	25,400
Waste Gas Ducting and Associated Thermal Insulation	101,464
Electrical Installation Work (including supply upgrade if required)*	15,050
Mechanical Installation Work,	37,770
Cremulator, plus Associated Ash Handling & Dust Extraction Equipment	16,820
Commissioning	18,200
Testing	10,854
Operator Training	3,218
Liaison and Compliance with Health & Safety Legislation	7,250
Total Contract Price to Form of Tender	686,250--
Allowance for profit on claims for additional payment as described in Clause 41 of the MF/1 Conditions	15%

* EXCLUDES ELECTRICAL SERVICE UPGRADE COSTS

Signed:

For and on behalf of: Facultative Technologies Ltd

Date: 27 March 09

UKE1627L - Lytham Park Crematorium
Tender Summary Document

16

Directorate: Community Services			Date of Assessment: 14 August 2009		
Section: Parks			Assessment Team: Clare Platt, Darren Bell, Alan Royston, Paul O'Donoghue		
Assessment Activity / Area / Type: Cremator replacement & installation of abatement equipment					
Do the hazards create a business continuity risk? Yes / No					
RISK DESCRIPTION	RISK LIKELIHOOD	RISK IMPACT	RISK MITIGATION	RESIDUAL RISK	RISK OWNER / RISK REGISTER
Project over-run resulting in increased loss of income over projection / increased expenditure	3	3	Prudent estimate of installation period identified in report. Project management support from NIFES Consulting. Ancillary works timetabled into project. Liquidated damages payable by supplier to offset loss of income.		Alan Royston
Equipment breakdown resulting in loss of income / increased expenditure	2	3	7 year maintenance contract agreed with supplier. Reputable supplier.		Alan Royston
Equipment does not abate mercury emissions	2	3	Contract with supplier. Reputable supplier.		Alan Royston
Staff unable to operate new equipment	2	3	Training provided as part of contract		Alan Royston
Failure of supplier to deliver to specification	3	3	Project management support from NIFES Consulting. Performance bond in place. In house technical expertise.		Alan Royston
Failure of supplier to deliver due to staff absence	2	3	Business continuity plan in place		Alan Williams
Poor communication with key parties including funeral	3	3	Communication plan developed		Alan Royston

directors and members of the public, resulting in poor relationships and reputational loss					

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 recorder and monitored in either a directorate or corporate risk register.

Council Meeting



Date	27 July 2009
Venue	Lowther Pavilion, Lytham
Members	Mayor (Councillor Paul Rigby) Deputy Mayor (Councillor Patricia Fieldhouse) Brenda Ackers, Ben Aitken, Christine Akeroyd, Tim Ashton, Keith Beckett, John Bennett, George Caldwell, David Chedd, Maxine Chew, Peter Collins, John Coombes, Michael Cornah, Fabian Craig-Wilson, John Davies, Barbara Douglas, David Eaves, Susan Fazackerley, Lyndsey Greening, Craig Halewood, Peter Hardy, Kathleen Harper, Paul Hayhurst, Howard Henshaw, Ken Hopwood, Keith Hyde, Angela Jacques, Cheryl Little, Kiran Mulholland, Elizabeth Oades, Barbara Pagett, Albert Pounder, Dawn Prestwich, John Prestwich, Louis Rigby, Elaine Silverwood, John Singleton, Heather Speak.
Officers	Phil Woodward, Ian Curtis, Bernard Hayes, Paul Walker, Hazel Wood, Andy Cain, Allan Blundell.
Others	Mr DDE Birchall, Reverend M Hartley

21. 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. No interests were declared.

22. Confirmation of Minutes

RESOLVED:

To approve the minutes of the Council meeting held on 8th June and 13th July 2009 as a correct record for signature by the Mayor.

23. Mayor's announcements

- The Mayor had attended the full military funeral of Trooper Christopher Whiteside.
- The Mayor congratulated Park View 4U on winning the Queens Award For Voluntary Service.
- The Mayor announced that a harvest lunch is to be held on Sunday 27 September 2009 at 1.00pm in the Rowan Suite at Ribby Hall. Tickets are £25 and are available via the Mayor's Secretary.

Council meeting - 27th July 2009

- The Mayor announced that the 60s Evening is to be held at the Clifton Arms Hotel on Friday 2 October at 7.30. Tickets are £25 and available from the Mayor's Secretary.

24. Chief Executive's Communications

The Chief Executive reported that there were no communications to bring to Members' attention at this meeting.

25. Questions form Members of the Council

There were no questions.

26. Questions for members of the Public

There were no questions.

27. Notice of Motion - 1 (15/07/2009)

The Mayor reported that in accordance with rule 11 he had received a Notice of Motion, which was detailed on the agenda. The Notice of Motion was received on 14 July 2009 from Councillors Ken Hopwood and Barbara Pagett and read as follows:-

That this Council:

- Considers its moral obligations to provide extra public conveniences on the day that Lytham Club day is held each year.
- Acknowledges that the level of public convenience provision in relation to the Lytham Club Day event was inadequate.
- Resolves, to review this issue with a view to a Task and Finish Group being created to investigate this issue further.

After the motion had been proposed and seconded the Mayor indicated that council procedure 11.1.3.1 would apply and the motion would be automatically referred to the Performance Improvement Scrutiny Committee.

28. Notice of Motion - 2 (15/07/2009)

The Mayor reported that in accordance with rule 11 he had received a Notice of Motion, which was detailed on the agenda. The Notice of Motion was received on 14 July 2009 from Councillors Paul Hayhurst and Elizabeth Oades and read as follows:-.

"That the Council notes the resolution 10(i) of the Audit Committee meeting held on 25th June 2009. Given the extent of the losses and the subsequent impact on the Council and its services, the Council requires that an urgent Special Council meeting be held to debate the financial problems experienced by the former Streetscene department in 2007/8. The debate to be preceded by an open scrutiny session of the full Council with the participation of all senior officers and former and present portfolio holders."

After the motion had been proposed and seconded the Mayor indicated that council procedure 11.1.3.1 would apply and the motion would be automatically referred to the Performance Improvement Scrutiny Committee.

29. Community Governance Review

Ian Curtis (Head of Legal Services) presented the report on Community Governance reviews. He explained that the Council had received a request from St Anne's on The Sea Town Council for the number of elected members on the town council to be reviewed. Under the Local Government and Public Involvement in Health Act 2007, powers to undertake a Community Governance Review now rested with the district councils. The government had recently published guidance on how such reviews should be implemented which recommended that reviews of entire district council areas should be carried out every 10 - 15 years.

The Council had previously resolved in principle to undertaking the review requested by St Annes on the Sea Town Council. However, Councillor Craig-Wilson, in the absence of the Chair of the Community Outlook Scrutiny Committee, moved the recommendation of that Scrutiny Committee that no review be undertaken at the current time.

An amendment was moved by Councillor Coombes (seconded by Councillor Eaves) that the Council should undertake a community governance review based on the whole of the Council area.

After extensive debate it was -RESOLVED: that the Council undertake a Community Governance Review whose terms of reference would include community governance in the whole of the council's district.

(Councillors Oades, Hayhurst, Pagett, Greening, Hardy, Harper, Chedd, Collins, Henshaw, Silverwood, Speak, Davies, Hopwood, Chew, Rigby and Beckett requested that their vote be recorded as having voted against the motion).

30. The Council's Accommodation Project

Councillor John Coombes (Leader of the Council) introduced the report on the Council's accommodation project. He explained that the council had been pursuing a new accommodation project for several years as a consequence of the current inadequacy of its current office and civic accommodation.

Following discussion the Council RESOLVED:

1. That the Council re-affirms its commitment to securing "fit for purpose" office and civic accommodation at the earliest opportunity.
2. That the Council explores the possibility of meeting its office and civic accommodation needs by lease or rental arrangements as well as by ownership.
3. That the Council re-affirms its commitment to retaining its primary administrative base in Lytham St Annes if possible.

4. That the five sites within the disposal portfolio, detailed in paragraph 2 of the report, be offered to the market once the related planning applications have been determined.
5. That, in order to fully test all the financial and operational alternatives to deliver the project, the Town Hall site be included in the list of potential sites to be offered to the market.
6. That a Cabinet sub-committee comprising of Councillors Coombes and Small in consultation with Councillor Eastham be established to replace and take over the remit of the Accommodation Working Group.
7. That a final report be brought back to a future meeting of the full Council to make a final decision before contractual commitment is given to the final format of the Council's office and civic accommodation project. Such report to include the full financial implications for the Council, including current costings at the time.

*During the Course of the debate the following amendment was moved by Councillor Henshaw, seconded by Councillor Davis and lost-
That North Beach Car Park, St Annes be excluded from the five sites listed in the report and remain a car park.*

*During the Course of the debate the following amendment was moved by Councillor Hayhurst, seconded by Councillor Oades and lost-
That the Council explores all opportunities for the location of the Councils primary administrative base.*

31. The Corporate Plan

Councillor Albert Pounder (Portfolio holder for Partnerships and Community Engagement) introduced the report which provided details of the 2009 to 2012 Corporate Plan (Strategic Overview) for Fylde Borough Council that had been revised and updated in accordance with best practice and included the strategic actions and targets required to deliver the community objectives. The report also included the Corporate Action Plan 2009/10 that would be used by officers and elected members to monitor the actions agreed during the current financial year.

RESOLVED:

That the council adopt the Corporate Plan Strategic Overview 2009 to 2012 and the Corporate Action Plan 2009/10.

32. Supporting Fairtrade

Councillor Albert Pounder (Portfolio holder for Partnerships and Community Engagement) presented a report which sought approval of the Council for the continued support of Fairtrade in the borough and to continue to serve only Fairtrade tea/coffee to all its meetings and within council offices where appropriate.

RESOLVED:

1. That the Council supports the expansion of the scope of the Fairtrade policy currently adopted by the Council to better reflect the range of

- certified products now available and to act as an exemplar to its partners and the wider community.
2. That the Council reaffirms its support of Fairtrade and continues to be an active member in its operation and development.
 3. That the Chief Executive seeks to establish a senior officer champion to coordinate the Council's support for Fairtrade activities.
 4. That the Head of Procurement seeks to enhance the wording in the council's current Procurement Strategy in order to include reference to the requirement to support the use and purchase of Fairtrade products, with the aim of increasing the volume of Fairtrade sourced products procured by the Council. All tea / coffee should be served at all council meetings as far as is practical.

33. Constitution

Ian Curtis (Head of Legal Services) presented the council's constitution which needed to be re-adopted by the council each year. The report invited the council to re-adopt the constitution subject to revisions that reflected changes in corporate structures.

RESOLVED: That the Council re-adopt the constitution incorporating the changes set out in the report and the following additional change: In financial regulation 12.2.1, delete "£50,000" and replace by "£10,000".

34. Noting of Urgent Decisions taken

Councillor Susan Fazackerley (Portfolio holder for Leisure and Culture) presented the report. Under the Council's Constitution there was an ability for urgent decisions to be made. Such decisions were required to be reported subsequently to the Council for information.

The report gave formal notification that two decisions had been made during the last 3 months relating to -

- a) the installation of play equipment at Kirkham Memorial Gardens,
- b) an updated position on the disposal of a property asset at Heeley Road, St Annes.

The Council RESOLVED to note the report.

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