



Agenda

Council

Date:	Monday, 5 February 2018 at 7:00 pm
Venue:	Lowther Pavilion, West Beach, Lytham, FY8 5QQ
	<p>Mayor : Councillor John Singleton JP Deputy Mayor : Councillor Raymond Thomas</p> <p>Leader : Councillor Sue Fazackerley MBE Deputy Leader : Councillor Karen Buckley</p> <p>Councillors Ben Aitken, Christine Akeroyd, Frank Andrews, Peter Anthony, Tim Ashton, Mark Bamforth, Jan Barker, Keith Beckett ISO, Brenda Blackshaw, Julie Brickles, Maxine Chew, Alan Clayton, Delma Collins, Peter Collins, Michael Cornah, David Donaldson, David Eaves, Trevor Fiddler, Tony Ford JP, Richard Fradley, Gail Goodman JP, Shirley Green, Peter Hardy, Neil Harvey, Paul Hayhurst, Karen Henshaw JP, Paul Hodgson, Angela Jacques, John Kirkham, Cheryl Little, Roger Lloyd, Kiran Mulholland, Edward Nash, Graeme Neale, Jayne Nixon, Linda Nulty, Liz Oades, Sandra Pitman, Richard Redcliffe, Louis Rigby, Vince Settle, Elaine Silverwood, Roger Small, Heather Speak, Thomas Threlfall, Viv Willder.</p>

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 4 December 2017 as a correct record.	1
	ANNOUNCEMENTS:	
3	Mayor's Announcements	1
4	Chief Executive's Communications	1
	REPRESENTATIONS:	
5	Questions from Members of the Council	3
6	Questions from Members of the Public For procedure to ask a question at a Council meeting see Public Speaking at Council Meetings .	4

	DECISION ITEMS:	
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Contact: Katharine McDonnell - Telephone: (01253) 658423 – Email: democracy@fylde.gov.uk

The code of conduct for members can be found in the council's constitution at

<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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REPRESENTATIONS

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	5 FEBRUARY 2018	5
QUESTIONS FROM MEMBERS OF THE COUNCIL			

PUBLIC ITEM

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

SUMMARY

No questions have been received from Members of the Council before the requisite deadline, as outlined in Procedural Standing Orders for Council and Committees of Part 4 of the Council's Constitution, and before the statutory deadline for publication of the agenda.

If any questions are received before the constitutional deadline, as outlined above, they will be circulated prior to the meeting for members' information, under separate cover.

Any question(s) will be heard during the Council meeting on 5 February 2018 and a response will be given by the Leader of the Council.

REPRESENTATIONS

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	5 FEBRUARY 2018	6
QUESTIONS FROM MEMBERS OF THE PUBLIC			

PUBLIC ITEM

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

SUMMARY

No questions have been received from members of the public before the requisite deadline, as outlined in Procedural Standing Orders for Council and Committees of Part 4 of the Council's Constitution, and before the statutory deadline for publication of the agenda.

If any questions are received before the constitutional deadline, as outlined above, they will be circulated prior to the meeting for members' information, under separate cover.

Any question(s) will be heard during the Council meeting on 5 February 2018 and a response will be given by the Leader of the Council.

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	5 FEBRUARY 2018	7
INVITATION TO ACCEPT APPOINTMENT AS MAYOR 2018/19			

PUBLIC ITEM

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

SUMMARY

To invite a member of the Council to accept appointment as Mayor of the Borough of Fylde for the ensuring municipal year.

RECOMMENDATION

That the Council invites Councillor Peter Collins to accept appointment at the 2018 Annual Meeting as Mayor of the Borough of Fylde for the municipal year 2018/19.

SUMMARY OF PREVIOUS DECISIONS

The Council is invited to appoint a Mayor of the Borough of Fylde annually.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

- Members are invited to consider nominations for the position of Mayor for the municipal year 2018/19.
- An updated seniority list is attached which shows the current position regarding this matter. The list has been compiled in accordance with the agreed Policy on the Operation of the Mayoralty.

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

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Morrison	01253 658521	

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

Attached documents
Appendix 1 – Seniority List

FYLDE BOROUGH COUNCIL MAYORALTY SENIORITY LIST – 2018		
	COUNCILLOR	START OF PRESENT TERM
1	PETER COLLINS	2003
2	THOMAS THRELFALL	1995
3=	BEN AITKEN	2007
3=	KAREN BUCKLEY	2007
3=	DAVID EAVES	2007
3=	ANGELA JACQUES	2007
3=	CHERYL LITTLE	2007
3=	ELAINE SILVERWOOD	2007
9	KAREN HENSHAW	2010 (past service 2003-2007)
10	FRANK ANDREWS	2010
11=	JULIE BRICKLES	2011
11=	ALAN CLAYTON	2011
11=	DAVID DONALDSON	2011
11=	GAIL GOODMAN	2011
11=	PAUL HODGSON	2011
11=	EDWARD NASH	2011
11=	RICHARD REDCLIFFE	2011
11=	VIV WILLDER	2011
19=	MICHAEL CORNAH	2015 (past service 2007-2011)
19=	ROGER LLOYD	2015 (past service 1991-1995)
19=	ROGER SMALL	2015 (past service 1997-2011)
22=	JAN BARKER	2015
22=	BRENDA BLACKSHAW	2015
22=	DELMA COLLINS	2015
22=	RICHARD FRADLEY	2015
22=	SHIRLEY GREEN	2015
22=	NEIL HARVEY	2015
22=	GRAEME NEALE	2015
22=	SANDRA PITMAN	2015
22=	VINCE SETTLE	2015
22=	RAY THOMAS	2015
32	PETER ANTHONY	DEC 2015
33	MARK BAMFORTH	2017 (past service 1991-1999)

		and 2014-2017)
34	JOHN KIRKHAM	2017
35	JAYNE NIXON	Nov 2017

	TIM ASHTON (excluded himself from draw with Liz Oades in 2010 and excluded himself from draw with T Threlfall and H Henshaw in 2011)	1991
	KIRAN MULHOLLAND	1991 Does not wish to be considered for Mayoralty (Declared August 2009)
	MAXINE CHEW	2003 Does not wish to be considered for Mayoralty (Declared January 2017)
	TONY FORD	2007 Does not wish to be considered for Mayoralty (Declared September 2017)
	KEITH BECKETT	2007 (past service 1983-1987) Does not wish to be considered for Mayoralty (Declared September 2017)

	LOUIS RIGBY (has already been Mayor in 1991/92)	1976
	PAUL HAYHURST (has already been Mayor in 2000\1)	1979
	TREVOR J. FIDDLER (has already been Mayor in 2004\5)	1979 (broken service 1995-99)
	SUSAN FAZACKERLEY (has already been Mayor 2008/9)	1987
	LIZ OADES (has already been Mayor 2010-2011)	1991
	HEATHER SPEAK (has already been Mayor 2012/13)	1999
	LINDA NULTY (has already been Mayor 2013/14)	1999
	PETER HARDY (has already been Mayor 2015-16)	1999
	CHRISTINE AKEROYD (has already been Mayor 2016-17)	2002
	JOHN SINGLETON (has already been Mayor 2017-18)	2007

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	5 FEBRUARY 2018	8
INVITATION TO ACCEPT APPOINTMENT AS DEPUTY MAYOR 2018/19			

PUBLIC ITEM

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

SUMMARY

To invite a member of the Council to accept appointment as Deputy Mayor of the Borough of Fylde for the ensuing municipal year.

RECOMMENDATION

That the Council invites Councillor Jan Barker to accept appointment at the 2018 Annual Meeting as Deputy Mayor of the Borough of Fylde for the municipal year 2018/19.

SUMMARY OF PREVIOUS DECISIONS

The Council is invited to appoint a Mayor and Deputy Mayor of the Borough of Fylde annually.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

- Members are invited to receive nominations for the position of Deputy Mayor for the municipal year 2018/19.
- It is understood that Councillor Jan Barker will be nominated.

IMPLICATIONS	
Finance	An allowance is paid to the Deputy Mayor which is budgeted for within the council budget for the Mayoralty.
Legal	None arising directly from the report.
Community Safety	None arising directly from the report.
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.

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Morrison	01253 658521	9 January 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	5 FEBRUARY 2018	9
SCHEDULE OF MEETINGS 2018-2019			

PUBLIC ITEM

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

SUMMARY

The attached Schedule of Meetings document highlights the proposed committees meeting dates for the forthcoming municipal year 2018/19

RECOMMENDATION

To approve the Schedule of Meetings for 2018/19 subject to any necessary amendments.

SUMMARY OF PREVIOUS DECISIONS

The Schedule of Meetings is approved at full Council each municipal year.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

- Appendix 1 highlights the proposed committee meeting dates for the forthcoming municipal year. Members are invited to endorse these proposals.
- The proposed schedule is based on the level of service for 2018/19 for which there is support from within existing budgetary provision.

IMPLICATIONS	
Finance	Provision is contained within the council budget for scheduled meetings.
Legal	None arising from the report.
Community Safety	None arising from the report.
Human Rights and Equalities	None arising from the report.
Sustainability and Environmental Impact	None arising from the report.
Health & Safety and Risk Management	None arising from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Morrison	Tel 01253 658521	

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		

Attached documents
Appendix 1 – Schedule of Meetings 2018/19

Fylde Borough Council Schedule of Meetings

Version 1.2 Date 6/10/17

For Information Only

	2018/2019														
	CYCLE 1				CYCLE 2		CYCLE 3		CYCLE 4		CYCLE 5				
2018/19	May 2018	June	July	August	September	October	November	December	January 2019	February	March	April	May	2018/19	
Mo						1								Mo	
Tu	1					2			1 New Years Day					Tu	
We	2			1 Planning		3			2				1	We	
Th	3			2		4	1		3				2 Local Elections	Th	
Fr	4	1		3		5	2		4	1	1		3	Fr	
Sa	5	2		4	1	6	3	1	5	2	2		4	Sa	
Su	6	3	1	5	2	7	4	2	6	3	3		5	Su	
Mo	7 Bank Holiday	4	2	6	3	8	5	3	7	4	4 Environment, H&Housing	1	6 May Day Bank Holiday	Mo	
Tu	8	5 Environment, H&H	3	7	4 Environment, H&H	9	6 Environment H&H	4	8 Environment, H&H	5	5 Budget Council	2	7	Tu	
We	9 Council AGM (14:00)	6	4	8	5 Planning	10 Planning	7 Planning	5	9	6	6	3	8	We	
Th	10	7 Tourism and Leisure	5	9	6 Tourism and Leisure	11	8 Tourism and Leisure	6	10 Tourism and Leisure	7	7 Audit & Standards	4	9	Th	
Fr	11	8	6 MDSG (14:00)	10	7	12	9	7 MDSG (14:00)	11	8	8	5	10	Fr	
Sa	12	9	7	11	8	13	10	8	12	9	9	6	11	Sa	
Su	13	10	8	12	9	14	11	9	13	10	10	7	12	Su	
Mo	14	11	9	13	10	15 Council	12	10 Council	14	11 Council	11	8	13	Mo	
Tu	15	12	10	14	11 Operational MGMT	16	13 Operational MGMT	11	15 Operational MGMT	12	12	9	14	Tu	
We	16	13 Planning (EVE)	11	15	12 Planning(EVE)	17	14 Planning (EVE)	12 Planning	16 Planning	13 Planning	13 Public Protection 10am	10	15 Council AGM (14:00) 2019/20	We	
Th	17	14 Audit & Standards	12	16	13	18	15 Audit & Standards	13	17 Audit & Standards	14	14	11	16	Th	
Fr	18 MDSG (14:00)	15	13	17	14	19 MDSG (14:00)	16	14	18	15	15	12	17	Fr	
Sa	19	16	14	18	15	20	17	15	19	16	16	13	18	Sa	
Su	20	17	15	19	16	21	18	16	20	17	17	14	19	Su	
Mo	21	18	16 Council	20	17	22	19	17	21	18 Special Finance & Democracy - Budget	18 Finance & Democracy	15	20	Mo	
Tu	22 Operational MGMT	19	17	21	18	23	20	18	22	19	19	16	21	Tu	
We	23 Planning	20	18 Public Protection 10am	22	19	24	21 Public Protection 10am	19	23 Planning (EVE)	20	20 Planning	17 Planning	22	We	
Th	24 Audit & Standards	21	19	23	20 Audit & Standards	25	22	20	24	21	21	18	23	Th	
Fr	25	22	20	24	21	26	23	21	25	22 MDSG (14:00)	22	19 Good Friday	24	Fr	
Sa	26	23	21	25	22	27	24	22	26	23	23	20	25	Sa	
Su	27	24	22	26	23	28	25	23	27	24	24	21	26	Su	
Mo	28 Spring Bank Hol	25 Finance & Democracy	23	27 Summer Bank Hol	24 Finance & Democracy	29	26 Finance & Democracy	24	28 Finance & Democracy	25	25 Council ? NOTICE OF ELECTION	22 Easter Monday	27 Spring Bank Hol	Mo	
Tu	29	26	24	28	25	30	27	25 Christmas Day	29	26 Operational MGMT	26	23	28	Tu	
Wed	30	27 Planning	25	29	26	31	28	26 Boxing Day	30	27 Planning (EVE)	27	24	29	Wed	
Th	31	28	26 Audit & Standards	30	27		29	27	31	28 Tourism and Leisure	28	25	30	Th	
Fr		29	27	31	28		30	28			29	26	31	Fr	
Sa		30	28		29			29			30	27		Sa	
Su			29		30			30			31	28		Su	
Mo		30						31				29		Mo	
Tu		31										30		Tu	

KEY 2018/19 MEETINGS:

Council	7	Mondays
Finance & Democracy	6	Mondays
Operational Management	5	Tuesdays
Environment, Health & Housing	5	Tuesdays
Planning, 10am	11	Wednesdays
Planning 6:30pm	5	Wednesdays
Tourism & Leisure	5	Thursdays
Audit and Standards	6	Thursdays
Public Protection	3	Wednesday am
MDSG	5	Fridays
TOTAL 2018/19 =	58	MEETINGS
Bank Holiday		

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE CHIEF EXECUTIVE	FULL COUNCIL	5 FEBRUARY 2018	10
THE ANNUAL PAY POLICY STATEMENT 2018			

PUBLIC ITEM

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

SUMMARY

The report provides details of the Pay Policy Statement for Fylde Council, it has been a requirement for all local authorities to have a Pay Policy Statement since April 1st 2012 as part of the Localism Act. The objective of the Statement is to ensure and confirm openness, transparency and fairness in the pay policy arrangements at Fylde. It is also a requirement to conduct an annual review of the Pay Policy Statement, this report includes any implications of the annual review for the 2018 Pay Policy Statement.

RECOMMENDATION

It is recommended that:

1. That Council approve the Pay Policy Statement 2018 for Fylde Council, included as Appendix 1 to this report, which includes the required statement on Gender Pay Gap Information as the only significant change from the statement approved in 2017.

SUMMARY OF PREVIOUS DECISIONS

The Pay Policy Statement was first approved by Full Council in 2012 and has been reviewed and approved at Full Council every year since.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

1. The Council is required as part of the Localism Act 2011 to produce a Pay Policy Statement and to review and formally approve the statement on an annual basis. The statement sets out the Council policy on:
 - a. Chief Officer Remuneration (recruitment, salary, bonus, performance related pay, charges, fees, allowances, benefits in kind, enhancement to pension at termination)

- b. Remuneration of its lowest paid employees (covering the same elements as above) the definition used for this group and the reason for adopting that definition
- c. The relationship between Chief Officer remuneration and that of other staff

This however is a minimum requirement and Councils can do more if they choose.

2. The guidance from the DCLG provides details of what is expected in the Pay Policy Statement, and includes:
 - a. The opportunity for full council to vote on senior remuneration packages with a value over £100,000 prior to an offer of appointment being made
 - b. The relationship between Chief Officer remuneration and that of other staff and the ratio between the highest paid and median salary that the authority aims to achieve and maintain
 - c. The value of any system of earn back pay with an element of the basic pay at risk each year to be earned back through meeting pre-agreed objectives
 - d. Any decision that the authority takes in relation to the award of severance to an individual Chief Officer
 - e. An explicit statement on whether or not to permit an individual to be in receipt of a pension in addition to receiving a salary
 - f. Policies to deal with those who may have returned to the authority under a contract of service of any type having already received a severance or redundancy payment
3. In addition to this guidance it should be noted that the recommended best practice for local authorities on data transparency states that Council's should disclose publically:
 - a. Senior employee salaries at £50,000 and above including disclosing the names, job descriptions, budgets and numbers of staff
 - b. An organisational chart
 - c. The pay multiple which is the ratio between the highest paid salary and the median average salary of the whole authority's workforce
4. Fylde Council implemented a pay review process in 2007 and as part of that review a robust pay and grading job evaluation scheme was designed between management and the trade unions to ensure fairness and equity in terms of pay is in place. This scheme has operated successfully since 2007.
5. Fylde Council complies with the recommended best practice for local authorities on data transparency and publishes data on www.fylde.gov.uk that is required to be made publicly available.
6. The Council's Pay Policy Statement is included as Appendix 1 to this report. Central to the statement is the acknowledgement that each job has a value in terms of scope, specialist skills and knowledge, size and impact that has been subject to the agreed pay and grading evaluation scheme to determine an appropriate pay scale.
7. The Council's employee benefits policies are universally applied wherever possible and the financial arrangements for all employees leaving the organisation for whatever reason are based on the same principles regardless of grade.
8. The Pay Policy Statement has been subject to the required annual review process and now includes the legislative change passed in respect of [Gender Pay Gap Information](#) in January 2017, the statement confirms that the council will publish the required gender pay gap information online and it will be available from April 1st 2018 alongside the other data required as part of the Pay Policy Statement.
9. The ratios between salary levels will change to reflect any nationally agreed pay increases and all the required information in relation to the Pay Policy Statement is published online and updated after the financial year end on March 31st.

IMPLICATIONS	
Finance	None arising directly from this report
Legal	The legal responsibilities in respect of the Pay Policy Statement have been included in the body of the report.
Community Safety	None arising directly from this report
Human Rights and Equalities	The pay and grading scheme implemented at Fylde has been subject to equality impact assessment. There are no direct human rights and implications arising from the report.
Sustainability and Environmental Impact	None arising directly from this report
Health & Safety and Risk Management	None arising directly from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Chief Executive	allan.oldfield@fylde.gov.uk	January 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Full Council Agenda 2012 – 2017	First meeting of the calendar year	www.fylde.gov.uk
Gender Pay Gap Reporting	January 2017	https://www.gov.uk/government/news/gender-pay-gap-reporting
Online Pay Policy Data	Updated annually in April	http://www.fylde.gov.uk/council/your-council/pay-policy-statement/ http://www.fylde.gov.uk/council/your-council/transparency/salary-ratios/ http://www.fylde.gov.uk/council/your-council/pay-scales/ http://www.fylde.gov.uk/council/your-council/management-team/



Pay Policy Statement

Summary Statement

Fylde Council is committed to paying all employees appropriately and fairly through the implementation of recognised and approved job evaluation schemes that have been tested to ensure they are free of any bias. The pay scales for employees at all levels are in the public domain and the Council complies with the requirement to publish data on senior salaries and its entire pay scale in the interests of transparency.

In determining the pay and remuneration of all employees, the Council complies with all relevant employment legislation including; the Equality Act 2010; Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000; and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations.

All Council policies that relate to employment benefits are universally applied unless there is a specific contractual or business reason why they should be limited to a certain group of employees.

Basic Pay

All employee basic pay is based on pay and grading evaluation schemes with the GLPC scheme for posts up to Chief Officer and the Hay scheme for Chief Officer Posts. Both schemes have been tested to ensure that they are free from gender bias and the use of these schemes has been agreed with the relevant recognised trade unions.

Pay and grading evaluation panels consist of trained employee representatives to evaluate the job description and person specification for each post which produces a score that equates to a pay grade. Equality is ensured by evaluating the post and not the person.

The Council has adopted a policy to pay the Real Living Wage.

The Council adheres to the National Joint Committee (NJC) pay bargaining arrangements and implements a pay grade scale determined through agreed annual pay increases negotiated on a national basis with joint trade unions.

All other pay related allowances are the subject of either nationally or locally negotiated rates, having been determined from time to time in accordance with collective bargaining process.

Market Supplements

Market force supplements are only paid to employees and Chief Officers in exceptional circumstances in accordance with the strict controls in the Council's Market Supplements Policy. Any such payments are reviewed at least every six months to ensure they remain valid and at present there are no Market Supplements paid at Fylde.

Incremental Progression

Progression through the grade for permanent and temporary employees, including Chief Officers, is only possible upon completion of satisfactory service and in line with the NJC terms and conditions as described in the Green Book.

New Appointments

Appointment to new posts are usually made at the start of the incremental grade scale, unless there are exceptional circumstances where the most suitable candidate can evidence that such an offer would not reasonably be acceptable and the Council is satisfied that market conditions require the appointment to take place at a higher point, within the pay scale grade, than the start.

Any Chief Officer appointment is dealt with by the Chief Officer Employment Committee, using the normal recruitment procedures and options with appointments made to a post with a remuneration package of more than £100,000 being ratified by Full Council.

Overtime and Additional Hours Payments and Premium Payments

Contractual overtime and additional hours are paid in accordance with the NJC terms and conditions as described in the Green Book.

Non contractual, voluntary overtime, additional hours payments are paid in accordance with the Council's pay review terms and agreed policy on overtime.

To meet specific operational requirements it may be necessary for an individual to temporarily take on additional duties, the Council's arrangements for authorising any additional remuneration, e.g. honoraria, ex gratia, 'acting up' relating to temporary additional duties are set out in the Council's personnel code. Any additional payment is subject to formal approval by the Senior Management Team which consists of the Chief Executive and the two Directors.

Chief Officers are not permitted to be paid overtime, additional hours payments or premium payments.

Bonus Payments and Earn Back Schemes

No employees including Chief Officers in the Council are in receipt of bonus payments or subject to earn back schemes where employees give up some salary to earn it back upon completion of agreed targets.

Performance Related Pay

The Council does not operate performance related pay schemes for any employees and has no plans to introduce policy to support performance related pay schemes.

Honorarium Payments

Honorarium payments are only made in exceptional circumstances and are subject to a business case being approved in advance by the Senior Management Team with any payment only made after it has been demonstrated that the agreed outcome has been delivered / achieved.

Relationship between the Highest and the Lowest Paid

The Council is committed to paying employees based on the recognised job evaluation schemes detailed above. It is the application of these schemes that creates the salary differentials. Pay rates for each grade are published on the Council's website and updated at the start of each financial year in April.

Relationship between the Highest Paid Employee and the Median Salary

The relationship between the highest paid employee and the median salary will be calculated on an annual basis and published on the Council's website alongside the information provided regarding senior manager salaries. The information is updated at the start of each financial year in April.

As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available benchmark information as appropriate. In addition, upon the annual review of this statement, the Council will also monitor any changes in the relevant 'pay multiples' and benchmark against other comparable local authorities.

Gender Pay Gap Information

In accordance with regulations introduced in 2017 the Council will publish gender pay gap information alongside all other pay policy related data on the website and update this on an annual basis.

Charges, Fees and Allowances

The Travelling, Subsistence and Related Expenses Policy is applicable to all employees including Chief Officers.

The reimbursement of professional fees for certain occupational groups is covered by the Personnel Code and applies to all relevant employees regardless of grade.

Any other allowances paid to employees regardless of grade are detailed in the appropriate policy and procedures approved by the Council and paid only when necessary to the service activity.

Chief Officers do not receive additional allowance payments.

Electoral Fees

The Resources Director is the Council's appointed Returning Officer and is personally (not corporately) liable for the management of elections and referendums. The fee payable to the returning Officer for a European, UK Parliamentary and any other election or referendum organised nationally is set and paid for from Central Government. The fee payable to the Returning Officer for local and local by-elections is set at £155.33 per ward, for the parish and parish by-elections the fee is set at £80.34 per ward. The scale of fees is based on a payment for the first 3000 electors per ward, then for each 500 electors or part thereof over 3000 an additional fee is incurred. Although there is provision to pay an additional fee, no additional payment is made. Any changes to these fees will be considered as part of the annual review of the Pay Policy.

A panel is in place at Fylde that periodically reviews the payments made to any officers involved in election work.

Pension

Where employees have exercised their statutory right to become members of the Local Government Pension Scheme, the Council is required to make a contribution to the scheme representing a percentage of the pensionable remuneration due under the contract of employment of that employee. The rate of contribution is set by Actuaries advising the Lancashire Pension Fund and reviewed on a triennial basis in order to ensure the scheme is

appropriately funded. The employer contribution rates are set by statute and are available from the Payroll Team.

Under the terms of the Flexible Retirement Policy it is permitted for an employee to be in receipt of a pension and to be paid a salary at the same time. The policy requires a minimum reduction in hours worked of 50% and only employees aged 55 years and older are eligible to apply. Flexible retirement will only be granted in exceptional circumstances when there is a financial benefit to the Authority or extenuating personal circumstances without any cost to the Authority. Flexible retirement is part of the Council's approach to succession planning and is primarily aimed at applying a phased approach to full retirement.

Redundancy Payments and Retirement

All employees including Chief Officers are entitled to redundancy payments and pension release in accordance with the Council's Redundancy and Retirement procedure.

Re-employment/Re-engagement of Former Employees

The Council has an obligation to ensure that it is managing public monies responsibly.

It will not normally re-engage (into the same or a very similar role) ex-employees who have left their prime employment with the Council on the grounds of voluntary or compulsory redundancy, efficiency release or employer consent retirement (where there is a cost to the Council) for a period of 12 months with effect from the date of leaving. This policy does not cover those employees who access their pension via the Council's Flexible Retirement Scheme.

Any proposal to re-engage an employee will require the approval of the Corporate Leadership Team.

Access to Information on Remuneration (Chief Officers and all staff)

The Council will identify and publish all remuneration information and job descriptions relating to any Officers paid in excess of £50,000 per annum. This includes the details of any employee that is employed on reduced hours but pro rata would earn in excess of £50,000 per annum.

Post titles and salary scale band will be published for all employees in the Council in the format of an organisational structure chart.

The Council will publish the policy on employee expenses and a table of all the salary pay scale points applicable at Fylde. The schedule of election fees paid to the Returning Officer will be published.

This information will be available on the Council website www.fylde.gov.uk and on request from the Council, it is updated at the start of the financial year in April.

<http://www.fylde.gov.uk/council/your-council/pay-policy-statement/>

Scope

This Pay Policy Statement applies to all Council employees, excluding those who are subject to the TUPE Regulations (Transfer of Undertakings Protection of Employment).

Review

The pay policy statement will be kept under review and developments considered in the light of external best practice and legislation. The Council will ensure the Pay Policy Statement is updated on an annual basis in line with the requirement of the Localism Act 2011. The annual Pay Policy Statement will be submitted to full Council by 31st March of each year.



DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	5 FEBRUARY 2018	11
FINANCIAL FORECAST UPDATE 2017/18 TO 2021/22 (POSITION AS AT JANUARY 2018)			

PUBLIC ITEM

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

SUMMARY

This report provides Members with an update of the financial forecast for the five years 2017/18 to 2021/22.

It now includes the impact of the 2018/19 Local Government Finance Settlement, details of which were announced on 19th December 2017. For Fylde Council the settlement largely confirmed the draft settlement figures provided earlier in the year.

The operation of the Lancashire Business Rate pooling arrangements for 2018/19, which is currently reflected in the latest Financial Forecast, was confirmed as part of the settlement announcement.

The proposed change in the calculation methodology for New Homes Bonus (and the consequential reductions in the level of New Homes Bonus income in future years under the proposed revised arrangements) on which the government consulted during 2017, has not been implemented for 2018/19. Whilst this is welcomed for 2018/19 the government may at some point amend the way in which the scheme operates for future years.

Additionally the settlement contained some modest changes in retained Business Rate income for 2018/19 arising partly from changes to the regime of reliefs and discounts introduced during 2017.

The assumptions set out in this forecast are the latest best estimates and will be updated as and when further information is made available.

This report was considered by the Finance and Democracy Committee at the meeting of 22nd January 2018. The Committee recommended that Council note the implications of this updated financial

RECOMMENDATION

The Finance and Democracy Committee considered this report at the meeting of 22nd January 2018.

In accordance with those deliberations it is recommended:

1. That the Council note the implications of this updated financial forecast.

SUMMARY OF PREVIOUS DECISIONS

The Council set its budget for 2017/18 at the meeting of 2nd March 2017. This report provides Members with a further update to the financial forecast following the position that was considered by this Committee in November 2017 & Council in December 2017.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. PURPOSE OF THE FINANCIAL FORECAST UPDATE

- 1.1 This report updates the financial forecast which was considered by this Committee in November 2017 & by Council in December 2017. Attached at Appendix A is the financial forecast position reported to Members at that time. Appendix B shows the general assumptions underpinning the base forecast, whilst Appendix C sets out the latest changes and Appendix D sets out the supporting narrative to the latest changes. **Appendix E details the latest updated forecast position.**
- 1.2 The forecast has been updated to reflect the impact of the 2018/19 Local Government Finance Settlement, announced on 19th December 2017, and the decisions of Council at its meeting of 4th December 2017, including the introduction of a new system of New Homes Bonus distribution to town and parish councils to reflect growth in property numbers.
- 1.3 This latest financial forecast update is designed to:
 - Present an updated five-year financial forecast for revenue and capital spending following the announcement of the Local Government Finance Settlement in December 2017;
 - Review and update the currently identified risks and opportunities;
 - Alert Members to any new specific risks and opportunities;
 - Inform Members of any changes required to budgets due to external factors outside the Council's control; and,
 - Provide a basis on which Members can begin to make future spending decisions.

2. THE CAPITAL PROGRAMME

- 2.1 The latest in-year position on the Capital Programme, along with the associated financial risks, is contained within a separate report for consideration at this meeting and has also been reported to each of the Programme Committees as part of the January cycle of meetings.
- 2.2 Any future capital financing issues facing the Council will be addressed as part of the Council's Budget proposals for 2018/19 which will be published in mid-February 2018.

3. KEY CHANGES TO THE GENERAL FUND REVENUE BUDGET FORECAST

- 3.1 Many of the financial risks as set out in the Financial Forecast update considered by this Committee in November 2017 and by Council in December 2017 still remain. The changes to the General Fund Revenue Forecast are those arising from the Local Government Finance Settlement, together with some further in-year revenue budget changes. These are detailed below:

i) **The 2018/19 Local Government Finance Settlement**

The main document detailing the Local Government Finance Settlement is entitled 'Provisional local government finance settlement: England, 2018 to 2019'. Full details of the settlement can be found at the following link: <https://www.gov.uk/government/collections/provisional-local-government-finance-settlement-england-2018-to-2019>

The key points arising from the Finance Settlement for Fylde Council are:

a) Confirmation of the continuation of the Lancashire Business Rate Pool for 2018/19

The uncertainty surrounding the continuation of the Lancashire Business Rate Pool for 2018/19 was detailed within the December 2017 Financial Forecast update. Previously the Financial Forecast assumed that the pool would operate for 2018/19 but no pooling benefit had been assumed beyond 2018/19. **The continuation of the pool for 2018/19 was confirmed as part of the 2018/19 Local Government Finance Settlement.**

The viability of local business rate pools beyond 2018/19 remains uncertain and consequently it is prudent to retain the assumption that there will be no pooling benefit beyond 2018/19. The matter will be kept under close review and any change in this expectation will be detailed within future updates to the Financial Forecast.

b) Increase to the General Council Tax Referendum Principle

As part of the 2018/19 Finance Settlement the government has increased the general council tax referendum principle (the upper limit on the year-on-year increase that can be applied without the requirement for prior approval through a local referendum) from 1.99% to 2.99% for 2018/19 and 2019/20. For shire district councils such as Fylde Council, the council tax referendum principle that applies is therefore the higher of 2.99% or £5 for a Band D property in 2018/19 and 2019/20. An increase of 2.99% for 2018/19 for Fylde equates to £5.85 for a Band D property.

The Financial Forecast currently assumes a £5 increase (at average band D) which equates to an annual increase of approximately 2.5%. This will be kept under review and any amendment to this assumption will form part of a future update to this Financial Forecast.

Referendum principles will not be extended to town and parish councils for 2018/19 nor for the subsequent two year period, but could be applied to these councils from 2021/22.

c) No Change to the New Homes Bonus arrangements

The Government has refrained from introducing further reform to the calculation methodology in respect of New Homes Bonus. The proposal to introduce further reform, including a change to the 0.4% baseline level and an option to withhold New Homes Bonus in respect of properties built following an appeal to the Planning Inspectorate, formed part of a wider consultation on the draft 2018/19 Finance Settlement, as detailed within the December Financial Forecast update report.

If introduced as proposed the changes would have reduced the total New Homes Bonus that Fylde Council would receive and consequently the continuation of the current arrangements is welcomed.

The future forecast of New Homes Bonus income has been reviewed in the light of the latest available information on property numbers and updated forecast amounts are contained within the revised summary Financial Forecast at Appendix E to this report.

d) Future arrangements for Local Retention of Business Rates

The Government has previously stated its intention to introduce a revised scheme of '100% Business Rate Retention' with effect from 2019/20 and a number of local authorities have been serving as pilot authorities for such an arrangement.

As part of the Local Government Finance Settlement the government announced that it plans to introduce '75% Business Rate Retention' for all authorities with effect from 2020/21.

Clearly some of the earlier proposals have been amended and the timescale has moved back by a year. However the detailed proposals have not yet been announced and the impact on the financial position of Fylde Council is as yet unquantifiable.

The development of this proposal will be kept under review and any financial consequences will be reflected within future updates to the Financial Forecast as they become apparent.

e) Announcement of a 'Fair Funding Review'.

Alongside the local government finance settlement, the Government confirmed that it is looking to implement the Fair Funding Review in April 2020 and published the consultation:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/669440/Fair_funding_review_consultation.pdf

This consultation focuses specifically on potential approaches that have been identified to measure the relative needs of local authorities. In particular, it:

- presents the idea of using a simple foundation formula to measure the relative needs of local authorities, based on a small number of common cost drivers ;
- considers a number of service areas where in addition, a more sophisticated approach to measuring relative needs may potentially be required; and
- outlines the statistical techniques that could be used to construct relative needs.

The consultation does not cover the relative resources adjustment, transition or other technical matters but these will be the subject of a later series of discussion papers.

Although no details are known at this stage it is possible that, given the financial pressures on upper-tier and unitary councils with responsibility for services with escalating costs such as adult social care, that the review could result in shire district councils being regarded as requiring a reduced share of national resources. Any implications arising from this review will be reported within future updates to the financial Forecast.

ii) Other Revenue Budget Adjustments

a) New Homes Bonus Distribution to Town and Parish Councils

The Council meeting of 4th December 2017 approved a new scheme for the distribution of a portion of the New Homes Bonus Grant income to town and parish Councils. The financial consequence of this decision is contained within the summary Financial Forecast at Appendix E to this report.

b) Assumptions regarding future years Pay Awards.

The Financial Forecast update presented at the December Council meeting contained an updated estimate in respect of pay awards for 2018/19 and future years of 1.5% per annum. Subsequently an offer has been made by the employer negotiating body of a general increase of 2% for 2018/19 and 2019/20, along with further increases at lower pay-grade levels. Consequently the Financial Forecast has been updated to now include an anticipated pay award of 2% per annum in each year from 2018/19.

c) Updated Business Rate Income Forecast

The forecast business rate income has been updated to reflect additional payments to local authorities from 2017/18 onwards. These payments are to reimburse councils for reduced levels of business rates income that will be collected as a consequence of the changes to small business rate relief that were introduced as part of the March 2017 budget announcement.

Additionally the in-year monitoring of income has identified a degree of local business rate growth and a continuing reduction in the value of the provision for losses on appeal, which is reflected in the revised Financial Forecast at Appendix E for 2018/19 only (the Collection Fund accounting mechanism through which business rate income is processed results in a timing delay in the period in which in-year income received is reflected within the General Fund).

Business rate income will continue to be closely monitored and any changes to income expectations will be detailed within future updates to the Financial Forecast.

d) Other budget adjustments

A number of further budget adjustments have been made to this updated financial forecast update. These are included within the variance analysis at Appendix C to this report and an explanation of each is provided at Appendix D. Council Tax income projections have also been updated from the December financial forecast to include the actual Council Tax base information for 2018/19 which was finalised in December 2017.

3.2 Other Continuing Financial Risks

Many of the other financial risks that were detailed within the previous Financial Forecast Update that was presented to the Council in December 2017 still remain. These are:

- **Future Central Government Funding Reductions**
- **Borrowing Costs Assumptions**
- **Reduction in Housing Benefit Administration Grant**
- **Universal Credit**
- **Grounds Maintenance (External Contracts)**
- **The Living Wage**
- **Community Infrastructure Levy (CIL)**

Full details of each of these can be found within the December 2017 Financial Forecast report via the following link: www.fylde.gov.uk/

4. CONCLUSIONS

- 4.1 The 2018/19 Local Government Financial Settlement has not fundamentally changed the general financial standing of Fylde Council. There remains (as reported in the December 2017 Financial Forecast update) a projected surplus for the current year and 2018/19, with deficits being projected for 2019/20 and beyond.

- 4.2 The confirmation of the Lancashire Business Rate Pool for 2018/19 is welcomed, as it the decision not to further amend the calculation methodology in respect of New Homes Bonus. Developments with regard to the more distant proposals (in respect of further reform to the Business Rate Retention scheme and the implementation of a 'Fair Funding Review', encompassing a possible re-assessment of relative need within local government generally) will be followed closely and any implications reported within future Financial Forecast updates when known.
- 4.3 In light of the budget challenges that will need to be addressed in the later years of the forecast, the Council needs to continue with the approach to delivering savings and efficiencies and maximising income which have helped deliver balanced budgets and contribute to reserves over recent years. Through continued focus on the importance of financial stability the Council has delivered a significant savings programme since 2007 and has continued to reduce senior management costs and other overheads. Ongoing modernisation work and business improvement will continue to make Council services more efficient, save money and maintain frontline services to customers. This work has yielded ongoing savings to help improve the Council's overall financial position over that period.
- 4.4 Although it is clear that further challenges lie ahead in the later years of the financial forecast, **the finances of the Council remain robust and the reserves and balances are at healthy levels as compared to earlier periods.** Furthermore Fylde Council has a past record of taking actions in order to meet and overcome financial challenges as they arise. The Council will continue to seek opportunities to maintain a robust financial position in the face of a changing financial environment. This approach will ensure that the Council continues to achieve and sustain a balanced budget position on an ongoing basis and is able to deliver the priorities set out in the Corporate Plan.
- 4.5 The assumptions set out in this forecast are the latest best estimates and will be updated as and when further information becomes available.

IMPLICATIONS	
Finance	The financial implications are contained within the body of the report.
Legal	None arising from this report
Community Safety	None arising from this report
Human Rights and Equalities	None arising from this report
Sustainability and Environmental Impact	None arising from this report
Health & Safety and Risk Management	None arising from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Paul O'Donoghue Chief Financial Officer	01253 658566	January 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Medium Term Financial Strategy (MTFS) Update, Including General Fund, Capital Programme and Treasury Management for 2016/17 – 2020/210	Budget Council meeting 2nd March 2017	www.fylde.gov.uk
MTFS – Outturn Position For 2016/17 (Including General Fund, Capital Programme & Treasury Management)	Finance and Democracy Committee meeting 19th June 2017	www.fylde.gov.uk
Revenue Budget Monitoring Report 2017/18 – to 31 st July 2017	Finance and Democracy Committee meeting 25 th September 2017	www.fylde.gov.uk
Capital Programme Monitoring Report 2017/18 – to 31 st July 2017	Finance and Democracy Committee meeting 25 th September 2017	www.fylde.gov.uk
Medium Term Financial Strategy (MTFS) Update, Including General Fund, Capital Programme and Treasury Management for 2017/18 – 2021/22	Council meeting 4 th December 2017	www.fylde.gov.uk

Attached documents

1. Appendix A – Forecast approved at Council on 4th December 2017
2. Appendix B – Schedule of general assumptions underpinning the forecast
3. Appendix C – Schedule of changes to the forecast
4. Appendix D – Explanation of changes to the forecast
5. Appendix E – Updated latest forecast position

General Fund Budget Forecast 2017/18 to 2021/22 - 4th December 2017

	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000	Adverse / Favourable
Forecast approved at Council on 2nd March 2017	8,980	9,706	10,077	10,256	10,256	
Forecast Changes - per Appendix C of December 2017 MTFS report	- 99	- 69	- 23	28	137	Favourable
Forecast Budget Requirement	8,881	9,637	10,054	10,284	10,393	
Financed by:						
Council Tax Funding:						
Council Tax - Precept	5,733	5,969	6,200	6,434	6,673	
Council Tax - Share of Previous Years Surplus/(Deficit)	40					
Sub Total - Council Tax Funding	5,773	5,969	6,200	6,434	6,673	
Business Rates Funding:						
Retained Rates (including pooling benefit & contbtn from CF deficit reserve)	3,880	2,816	2,195	2,195	2,195	
Approved Contribution to Funding Volatility Reserve	- 2,000					
Sub Total - Business Rates net of reserve transfers	1,880	2,816	2,195	2,195	2,195	
Other Funding:						
New Homes Bonus	1,665	1,310	1,145	1,240	1,026	
Less - NHB distribution to Town & Parish Councils		- 66				
Revenue Support Grant	354	47				
Transition Grant	56					
Less - Parish Element of Council Tax Support Funding	- 27	- 4				
Sub Total - Other Funding	2,048	1,287	1,145	1,240	1,026	
Forecast Financing	9,701	10,072	9,540	9,869	9,894	
Forecast surplus(-)/deficit for year	- 820	- 435	514	415	499	
Reserves						
Forecast surplus/deficit(-) for year from above:	820	435	- 514	- 415	- 499	
Less: Approved Contribution to M55 Link Road Reserve	- 41					
Less: Proposed Transfer to Capital Investment Reserve	- 779	- 435				
Balance of surplus/deficit(-) remaining:	0	0	- 514	- 415	- 499	
Balance of General Fund Reserves b/f	3,548	3,548	3,548	3,034	2,619	
Less transfer to/from(-) General Fund Reserves in year			- 514	- 415	- 499	
Forecast Reserves at Year End	3,548	3,548	3,034	2,619	2,120	
Band D Council Tax (Excl Parish Precepts)	£195.76	£200.75	£205.74	£210.73	£215.72	
Band D Average Council Tax Increase	£4.99	£4.99	£4.99	£4.99	£4.99	
Band D Average Council Tax Increase	2.62%	2.55%	2.49%	2.43%	2.37%	

General Assumptions

The forecast has been prepared on the basis of the following assumptions:

- General Prices Inflation – a freeze or cash-limiting of all general revenue expenditure budgets with the exception of pay, fuel & utility budgets;
- Slippage - underspend items from 2016/17 agreed by the Finance and Democracy Committee in June 2017 have been slipped into 2017/18;
- Pay award - assumed to be 1% per annum for 2017/18 and thereafter 2% per annum;
- Employers Pension Contributions – the Council's contribution to the Lancashire pension fund scheme is set in accordance with the estimated outcome of the 2016 Triennial Pension Review at 15.2% plus 9% deficit recovery lump sum payment for the period to 2019/20; any amendments resulting from the final review will be reflected in later updates to the Financial Forecast;
- Employer's National Insurance contributions – the forecast reflects the statutory contribution rates currently in place, including a reduced contribution rate as a result of the Council being part of the pension scheme;
- Council tax increases – an assumed increase of £4.99 per annum from 2017/18 onwards, which is the maximum increase allowable without triggering the need for a referendum;
- Government Grant Support – the forecast assumes central government funding is as notified in the illustrative four-year funding settlement announced in January 2017, amended for known changes in respect of retained Business Rates and New Homes Bonus for 2017/18 onwards;
- Fees and Charges – The forecast takes account of the 5% increase in car parking fees from April 2017 and of the planned increases in cemetery and crematorium fees. In respect of other services budget-holders have reviewed fee levels as appropriate and any proposed changes to fees & charges will be considered at the Budget Council in March 2018 following consideration by the appropriate programme committee;
- Vacancy Savings – the forecast assumes vacancy savings of £200k per annum from 2017/18 onwards;
- Localisation of Council Tax Benefit Scheme – the forecast assumes a fully funded scheme with no cost to the Council from 2017/18 onwards following a decision on the 2018/19 scheme that was agreed at the Council meeting in December 2017.

Appendix C

Forecast changes since Council December 2017

	<u>17/18</u>	<u>18/19</u>	<u>19/20</u>	<u>20/21</u>	<u>21/22</u>	<u>ADVERSE /</u> <u>FAVOURABLE /</u> <u>NEUTRAL</u>
	<u>£000</u>	<u>£000</u>	<u>£000</u>	<u>£000</u>	<u>£000</u>	
1 BUDGET RIGHTSIZING EXERCISE:						
Revenue impact of budget right-sizing across all budget areas of the Council	-53	-24	-14	-8	-2	FAVOURABLE
2 UPDATED ESTIMATES OF INCOME BUDGETS:						
Updated estimate of income from CAMEO Scheme	-7	0	0	0	0	FAVOURABLE
Updated estimate of income from interments - reduced number of funerals	6	0	0	0	0	ADVERSE
Updated estimate of income from cremations - reduced number of cremations	37	0	0	0	0	ADVERSE
Miscellaneous Properties - additional rental income due to rent reviews	-15	-15	-15	-15	-15	FAVOURABLE
3 STAFFING COSTS:						
Estimated additional in-year savings from staff vacancies	-38	0	0	0	0	FAVOURABLE
Pay Award - Increase from assumed 1.5% to 2% per annum plus lower SCP increases	0	66	133	168	155	ADVERSE
4 OTHER FORECAST CHANGES						
External audit fees - saving from re-tendering exercise	0	-11	-11	-11	-11	FAVOURABLE
TOTAL	-70	16	93	134	127	ADVERSE

The following notes relate to specific adjustments made to the Forecast set out in Appendix C

(1) Savings arising from a further review of all budget areas of the Council

A further review of budgets in recent months has highlighted some additional budget variances across a number of budget areas.

(2) Cameo Income – Lytham Crematorium

The Environment Agency national Cameo scheme for redistributing income to those authorities that have undergone crematoria replacement under the mercury abatement regulations (including Fylde Council) has not operated as intended and income to the council under the scheme is erratic and largely unpredictable. In December 2017 the Council was notified of a payment under the scheme in the current year which was unbudgeted and has resulted in this favourable variance.

(3) Reduced income - Lytham Cemetery and Crematorium

Both the number of cremations and of funerals held this year have been below expectations. The income budget has been raised year-on-year as previous income expectations have been exceeded and it is probable that the target has been set at too high a level for 2017/18. The budget for 2017/18 has therefore been reviewed and adjusted accordingly. The budget in respect of future years will be reviewed during 2018/19.

(4) Miscellaneous Properties - additional rental income

The rentals in respect of a number of Council-owned properties have been reviewed and total income has increased as a result of this review.

(5) Staffing Costs – Pay Awards

As a result of growing pressure from Trades Union and others for an end to the public sector pay cap (not least as a result of Consumer Price Inflation (CPI) running at around 3%) and a number of recent public sector pay awards in excess of the 1% level, the forecast has been amended to include pay awards for 2018/19 and future years of 2% per annum. This will be kept under review and future updates to the forecast will be amended to reflect the latest information on future pay award expectations.

(6) External Audit Fees

The recent national re-tendering exercise carried out by Public Sector Auditor Appointments Limited (PSAA) has resulted in costs savings in the fee levels payable to the external auditors of the Council, effective from 2018/19.

Latest General Fund Budget Forecast 2017/18 to 2021/22

	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000	Adverse / Favourable
Forecast approved at Council on 4th December 2017	8,881	9,637	10,054	10,284	10,393	
Forecast Changes - per Appendix C	- 70	16	93	134	127	
Forecast Budget Requirement	8,811	9,653	10,147	10,418	10,520	Adverse
Financed by:						
Council Tax Funding:						
Council Tax - Precept	5,733	5,973	6,203	6,438	6,677	
Council Tax - Share of Previous Years Surplus/(Deficit)	40	- 35				
Sub Total - Council Tax Funding	5,773	5,938	6,203	6,438	6,677	
Business Rates Funding:						
Retained Rates (including pooling benefit & contbtn to/from CF deficit reserve)	4,095	3,231	2,410	2,410	2,410	
Approved Contribution to Funding Volatility Reserve	- 2,000					
Sub Total - Business Rates net of reserve transfers	2,095	3,231	2,410	2,410	2,410	
Other Funding:						
New Homes Bonus	1,665	1,349	1,221	1,280	1,165	
Less - NHB distribution to Town & Parish Councils		- 67				
Revenue Support Grant	354	47				
Transition Grant	56					
Less - Parish Element of Council Tax Support Funding	- 27	- 4				
Sub Total - Other Funding	2,048	1,325	1,221	1,280	1,165	
Forecast Financing	9,916	10,494	9,834	10,128	10,252	
Forecast surplus(-)/deficit for year	- 1,105	- 841	313	290	268	
Reserves						
Forecast surplus/deficit (-) for year from above:	1,105	841	- 313	- 290	- 268	
Less: Approved Contribution to M55 Link Road Reserve	- 41					
Less: Proposed Transfer to Capital Investment Reserve	- 1,064	- 841				
Balance of surplus/deficit(-) remaining:	0	0	- 313	- 290	- 268	
Balance of General Fund Reserves b/f	3,548	3,548	3,548	3,235	2,945	
Less transfer to/from(-) General Fund Reserves in year			- 313	- 290	- 268	
Forecast Reserves at Year End	3,548	3,548	3,235	2,945	2,677	
Band D Council Tax (Excl Parish Precepts)	£195.76	£200.75	£205.74	£210.73	£215.72	
Band D Average Council Tax Increase	£4.99	£4.99	£4.99	£4.99	£4.99	
Band D Average Council Tax Increase	2.6%	2.5%	2.5%	2.4%	2.4%	

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	5 FEBRUARY 2018	12

COMMITTEE MEMBERSHIP NOMINATIONS

PUBLIC ITEM

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

SUMMARY

The Conservative Group have requested changes to committee membership as follows:

That Councillor Neil Harvey is appointed as Vice Chairman of the Public Protection Committee and the Licensing Committee.

It is also considered appropriate to deal with the two vacancies on the Member Development Steering Group.

RECOMMENDATIONS

1. To appoint Councillor Neil Harvey as Vice-Chairman of the Public Protection Committee.
2. To appoint Councillor Neil Harvey as Vice-Chairman of the Licensing Committee.
3. To appoint two members to fill the vacancies on the Member Development Steering Group.

SUMMARY OF PREVIOUS DECISIONS

The meeting of Council on 3 April 2017 allocated seats to the various committees in accordance with the rules of political balance.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

1. Following the untimely death of Councillor Barbara Nash, the Council is asked to appoint a vice-chairmen to the Public Protection Committee and to the Licensing Committee. It is understood that Councillor Neil Harvey will be nominated to these positions, which are conventionally held by the same councillor.
2. The Member Development Steering Group is not a committee nor is it subject to the political balance rules, but it is considered convenient to deal with appointments to it in this report. At the last Council meeting it was agreed that the membership of the Group be increased from 8 members to 9 members to allow for greater flexibility in its work. Subsequent to this Councillor Julie Brickles resigned from the Group. There is also a need to fill the vacancy left by Councillor Barbara Nash.

IMPLICATIONS	
Finance	There are no financial implications 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 from directly this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Sharon Wadsworth	01253 658546	23 January 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Council minutes	3 April 2017	Town Hall and Website

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	COUNCIL	5 FEBRUARY 2018	13
CONTITUTION AMENDMENTS - PUBLIC SPEAKING			

PUBLIC ITEM

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

SUMMARY

At the meeting of the Audit and Standards Committee in January 2018, the committee considered the arrangements for public speaking at Council and its committees. The committee had previously considered two reports on the matter in June 2017. The first related to public speaking at Planning Committee and the second to more general public speaking arrangements at committees. The matter was deferred in June 2017 for further consideration and was re-presented to the committee in January for debate and decision. The recommendations of the Audit and Standards Committee are before Council for decision.

RECOMMENDATION

Approve the adoption of Article 15 - Public Speaking at meetings of the Council and its Committees, as outlined in appendix 1, and to make the necessary changes to the constitution to reflect this adoption.

SUMMARY OF PREVIOUS DECISIONS

[Public Speaking - January 2018](#)

[Public Speaking at Planning Committee - June 2017](#)

[Public Speaking Review - June 2017](#)

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. A number of options were presented to the Audit and Standards Committee for consideration that would in effect, amend the current public speaking arrangements.
2. Having given the proposals due consideration the Audit and Standards Committee recommend to Council that no changes are made to public speaking arrangements for Council or its committees.
3. The Committee however recognised the arrangements for public speaking are not clearly set out in the constitution and recommend that Council approves the adoption of a new article which would put all the

arrangements in one place, at the same time ‘tidying up’ the Council’s Procedure Rules (Part 4 of the constitution) to reflect the change.

4. In regards to speaking arrangements at Planning Committee, a number of changes were originally proposed. However these proposals did not find resonance with the Audit and Standards Committee, and following a further dialogue with the Chairman of Planning Committee and officers, this was acknowledged. As a result all the proposals for change were withdrawn, with the exception of the proposal relating to arrangements for Town and Parish Councils. As a result one proposal relating to the arrangements where a Town and Parish Council has requested that a matter, otherwise determined under delegated authority, be considered by the Planning Committee. On this point the Audit and Standards Committee determined to consult with the District-Parish Liaison Group so no proposals are brought before council at this time in this regard.
5. There is, however, a need to enshrine speaking rules for Planning Committee within the Constitution, as they are not currently included in the Constitution simply as a public leaflet, and the rules as they stand at present, have been formalled into wording to be incorporated within the Constitution and these are attached as appendix. In presenting these, it should be noted that there are no changes proposed to the existing arrangements.

IMPLICATIONS	
Finance	No direct implications
Legal	No direct implications
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability and Environmental Impact	No direct implications
Health & Safety and Risk Management	No direct implications

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Morrison	Email tracy.morrison@fylde.gov.uk & Tel 01253 658521	22 January 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection

Attached documents

Appendix 1 - Article 15 – Public Speaking at meetings of the Council and its Committees

Article 15 – Public Speaking at meetings of the Council and its Committees

15.0 Questions from Members Of The Public At Full Council Meetings

- 15.01 Any resident of the council's district may, subject to 15.02, may ask a question at an ordinary meeting of the council.
- 15.02 Questions will only be asked be asked under 15.01 if:
- (i) the person who wants to ask the question has given it in writing to the Director of Resources before 4.30 p.m. on the fourth working day before the meeting (this means that if the meeting is to be held on a Monday, the question must be given before 4.30pm on the Tuesday before);
 - (ii) the question will take no longer than two minutes to ask; and
 - (iii) at the time the question is given to the Director of Resources, no more than four questions to be asked under this rule at the meeting concerned have previously been given to her.
- 15.03 The leader of the council will be given at least 24 hours' notice of any questions to be asked under this rule.
- 15.04 The question will be answered by the Leader of the Council or any other member nominated by them, so long as that member has consented before the meeting.
- 15.05 The person who has asked the question may then ask one supplementary question, which must arise out of the answer given to the original question and take no longer than two minutes to ask, and the member who answered the original question must answer the supplementary question.
- 15.06 No debate will be allowed arising out of a question asked or answer given under this rule.
- 15.07 No person may ask more than one question under this rule (excluding supplementary questions under 15.05) at any meeting.
- 15.08 If a person who has given a question to the Director of Resources as provided under 15.02 is unable to attend the council meeting to ask it, the Leader of the Council must arrange for a written answer to the question to be given to the person who has submitted it.

15.1 Public Platform

Public Platform is an opportunity for people who live or work in the council's district to put their point of view to a committee about matters within its terms of reference. The first fifteen minutes of each meeting of each programme committee, will be available for Public Platform. Public Platform will be conducted as set out below.

- (a) The chairman will begin the meeting by inviting any person (other than a councillor) who is present at a meeting and lives or works in the council's district to address the committee about any matter within the committee's terms of reference.
- (b) If he considers that Public Platform may be oversubscribed, the chairman will give priority to members of the public who wish to speak about items on the agenda of the meeting.
- (c) No person may address the meeting for longer than three minutes.
- (d) The committee will listen to a speaker in silence and, if the matter raised by the speaker relates to an item on the agenda for that meeting, may address any point raised by a speaker when the item to which it relates is discussed.
- (e) The chairman may require a person addressing the meeting to stop speaking if he considers that the speaker is behaving in a manner that is insulting, offensive or inflammatory.
- (f) The chairman may extend the time allocated for Public Platform if he considers that doing so would assist the committee in its deliberations.

15.2 Planning Committee

1. Speakers **must** apply in advance of the meeting, no later than 12.30pm on the Monday prior to the meeting. This can be done in writing (or email to democracy@fylde.gov.uk) or by telephone to Democratic Services (tel: 01253 658658).
2. When registering, speakers **must** specify which planning application they wish to speak about and whether they are in support or against the application.
3. No speaking is permitted in support of an application, where an application is recommended by officers for approval.
4. An applicant has an automatic right of reply where a public speaker has registered to speak in objection to the application.
5. Only one speaker per household is permitted.
6. All public speakers will be heard at the start of the meeting regardless of where the application is on the agenda.
7. Public speaking is limited to no more than 3 minutes per person.
8. Repetitious statements will not be permitted.
9. If there are a number of people interested in speaking about an application, speakers are encouraged to appoint a spokesperson or ask their ward councillor(s) to represent them.
10. Town, Parish and County Councillors wishing to speak at committee, on behalf of their residents, need to pre-register as above and are limited to three minutes.
11. Ward Councillors should indicate prior to the meeting whether they wish to address the committee and are not limited to three minutes. Ward Councillors are reminded that where they are directly affected by the planning application, this would be considered as having a prejudicial interest and in these cases, they would be limited to three minutes. Members who are unsure whether they have an interest should discuss the matter with the Monitoring Officer at least 24 hours prior to the meeting.

Please note – If, having spoken on an application, the committee decides to defer the application for further information or amendment, speakers will not be permitted to speak again on the application [when it returns to committee] unless it has been significantly amended. In that case, any further opportunity to speak is limited to the amended detail, and not to the application generally.

15.3 Public speaking at the Licensing Committee

The Licensing Act 2003 dictates who can address Licensing Committee and public speaking is limited to those members of the public who have made representations within the prescribed timeframe in regards to a specific license.

Please contact the licensing team for further details licensing@fylde.gov.uk

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
LEADER OF THE COUNCIL	FULL COUNCIL	5 FEBRUARY 2018	14
A LANCASHIRE COMBINED AUTHORITY			

PUBLIC ITEM

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

SUMMARY

At the Full Council meeting on April 11th 2016 it was resolved that Fylde Council would become a constituent member of a Shadow Lancashire Combined Authority and be involved in the submission of proposals to the Secretary of State to establish a formal Combined Authority with a potential devolution deal. Any terms of a devolution deal would be required to be brought back before Council for agreement. This report provides an update on the arrangements between the Lancashire authorities since April 2016 and recommends that Fylde no longer engages in the current proposals for a Lancashire Combined Authority.

RECOMMENDATION

It is recommended that:

1. Fylde Council no longer agrees to be a constituent member of the Lancashire Combined Authority in its current form or be part of the Shadow Combined Authority.
2. That after over two years of planning the Combined Authority model has failed to gain the necessary unanimous support amongst all Lancashire Authorities and is unlikely to do so
3. That Fylde Council continues to work with all Lancashire authorities to establish alternative options for working together on strategic regional initiatives

SUMMARY OF PREVIOUS DECISIONS

At the Full Council on April 11th 2016 it was resolved:

1. The contents of this report be noted
2. The response to the public consultation on the Combined Authority proposals included as Appendix 1 be noted
3. Fylde Council agrees to become a constituent member of a Lancashire Combined Authority and submit proposals to do so to the Secretary of State
4. In the interim period, Fylde Council agrees to form a shadow Lancashire Combined Authority
5. Any proposals for a Devolution Deal with the Government be brought back to Full Council for agreement

At the Full Council meeting on December 14th 2015 it was resolved:

1. The contents of the report on a Combined Authority be noted

2. The contents of the Lancashire Governance Review and recommendation therein be noted
3. The contents of the draft Scheme for a Combined Authority be noted
4. Fylde Council agrees to take part in the public consultation in January/February which will seek views on the formation of a Combined Authority for Lancashire
5. Fylde Council agree to consider the feedback from the public consultation and notes that, following this, those authorities who wish to form a Lancashire Combined Authority will submit a proposal to the Secretary of State for consideration.
6. Fylde Council agrees in principle to becoming a constituent member of the Combined Authority for Lancashire
7. The council's meeting on April 11th 2016 gives final consideration to becoming a constituent member of a Lancashire Combined Authority.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. Since 2015 local authorities across Lancashire have been considering the option of establishing a [Combined Authority](#). Regular meetings have been held between most of the Lancashire authorities to discuss the implications of establishing a Combined Authority for Lancashire which has included detailed research and shared best practice from across the country.
2. Progress has been limited as a result of concerns expressed by some Leaders regarding the prospect of a directly elected mayor, the Combined Authority being seen as an additional layer of local government and a number of issues that have resulted in different positions being taken by different authorities such as transport infrastructure, regional planning etc.
3. To date the Lancashire Combined Authority remains in shadow format, there has not been a successful application to the Secretary of State to establish a legal Combined Authority and there is no proposal for a devolution deal. One of the challenges from the outset is that at least one local authority has not been engaged in the process and several, whilst remaining nominally members of the Shadow Combined Authority, have adopted a watching brief including Fylde.
4. Despite the extensive research, discussion, shared best practice and various initiatives since 2015 it has not been possible to deliver a Combined Authority for Lancashire and therefore a Devolution Deal is not possible. A number of other local authorities have subsequently withdrawn from the process in recent months reducing further the prospect of a Combined Authority for Lancashire. It is also not possible to report to this Council any tangible benefits that have emerged for Fylde as a result of being a member of the Shadow Combined Authority.
5. It is disappointing that this approach has not been successful despite all the hard work because it is essential that local authorities across Lancashire work together on strategic regional initiatives. However, with the withdrawal of other authorities from the process along with the creation of a potential additional tier of governance that would require finance and other resources, Fylde should withdraw as a member of the Shadow Combined Authority in order to focus resources on working with Lancashire colleagues to consider alternative arrangements for working together on strategic regional issues.

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

LEAD AUTHOR	CONTACT DETAILS	DATE
Leader	cllr.sfazackerley@fylde.gov.uk	January 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Full Council Report Agenda Item	April 2016 & December 2015	www.fylde.gov.uk
Combined Authorities (background and general information)	Current regularly updated	https://www.local.gov.uk/topics/devolution/combined-authorities

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	5 FEBRUARY 2018	15
REVOCATION OF DOG BYELAWS			

PUBLIC ITEM

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

SUMMARY

The Council has recently introduced a range of public spaces protection orders containing measures that enable all dog owners to enjoy exercising their dogs whilst providing enforcement measures to target irresponsible owners. During the currency of the orders, the council's existing byelaws that deal with the control of dogs are of no effect. However, they are not revoked, and would become effective again if the orders lapsed.

The introduction of public space protection orders was driven partly by the view that byelaws are an ineffective and archaic way of enforcing dog control. It is inconceivable that there could be a wish to revert to the byelaws. The report therefore asks the council to approve steps that would lead to the revocation of the relevant byelaws.

RECOMMENDATIONS

1. Adopt the attached draft byelaw, together with the assessment set out in paragraphs 8 to 10, as the council's scheme to make a byelaw revoking the dog control byelaws listed in the draft.
2. Publicise the proposal to make the byelaw in accordance with statutory requirements.
3. Subject to no representation being received in response to the consultation, make the byelaw, thereby revoking the byelaws listed in it.

SUMMARY OF PREVIOUS DECISIONS

Operational Services Committee 23 May 2017: RESOLVED to approve the recommendations from the cross party working group as outlined below:

- To remove all existing bylaws across the Borough in relation to dog control
- To implement a borough wide PSPO for fouling
- To implement a PSPO for dogs on lead on public vehicular highways
- To implement a PSPO for dogs on lead in all council owned car parks
- To implement a PSPO for dogs on lead in Lytham cemetery
- To implement a PSPO for dogs to be excluded from enclosed/fenced children play areas
- To implement a PSPO for dogs to be excluded from ornamental water features
- To implement a seasonal PSPO for dogs to be excluded on the designated Amenity Beach from Good Friday to 30th September.
- To implement a seasonal PSPO for dogs on leads along the Promenade Gardens in line with the Amenity Beach exclusion period.
- To implement a borough wide PSPO for dogs on lead by direction only

- To explore an accreditation scheme for professional dog walkers as an alternative to limits on the number of dogs in partnership with the Kennel Club and representatives from the professional dog walking organisations
- To implement the proposed PSPO's from 1 October 2017 (to allow for an educational phase) with enforcement commencing from 1 November 2017
- To implement new signage that is clear, polite and informative in appropriate locations across the Borough based on best practice and feedback from the dog walking representatives, the cost of which will be met from existing approved revenue budgets
- To remove all outdated signage in relation to dog control bylaws.
- To provide an update report to the committee in September 2018.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

PSPOs AND BYELAWS

1. Following the decision of the Operational Services Committee on 23 May 2017, nine public spaces protection orders have been made to deal with the control of dogs in the borough. The orders are intended to replace the pre-existing patchwork of dog control byelaws in their entirety.
2. Under the Anti-social Behaviour, Crime and Policing Act 2014, '*a byelaw that prohibits...an activity regulated by a public spaces protection order is of no effect...during the currency of the order*'¹. The existing byelaws are therefore in abeyance while the orders are in force.
3. Public spaces protection orders are in force for three years, but can be renewed before they lapse. If any of the orders lapse without being renewed or replaced, any existing byelaw covering the activity regulated by the lapsed order would automatically become effective again.
4. Part of the reason for introducing the public spaces protection orders was because the byelaws were seen as being inefficient, archaic and impracticable to enforce. It is therefore inconceivable that members would wish to revert to them if the orders lapsed. Further, the continued existence of the byelaws, but without them being effective, would give rise to justified confusion. For both of these reasons, it is sensible to revoke the relevant byelaws. This was acknowledged by bullet point 1 of the decision of the Operational Services Committee.

PROCEDURE FOR REVOKING BYELAWS

5. The council can only revoke a byelaw by the full council making another byelaw to revoke it. The procedure for doing so is detailed and unnecessarily complex. The decision of the Operational Services Committee to remove all existing byelaws relating to dog control is not effective by itself to revoke the byelaws.
6. The relevant regulations² require the council to prepare a 'scheme' to make a revocation byelaw. The scheme must include a draft of the proposed byelaw and a regulatory assessment of the proposal. The regulatory assessment must cover certain matters set out on the regulations. The council must then publicise the

¹ See [section 70](#)

² The Byelaws (Alternative Procedure) (England) Regulations 2016, particularly [regulation 14](#).

proposal in accordance with the regulations and take into account any written representations that it receives³.

7. A draft of the proposed revocation byelaw is appended to this report. The required regulatory assessment of the proposal is contained in paragraphs 8 to 10 below. Members are asked to adopt the draft order and the regulatory assessment as the council's scheme to make the revocation byelaw.

REGULATORY ASSESSMENT

8. The proposed byelaw seeks to secure that the byelaws of Fylde Borough Council relating to the control of dogs are revoked. Those byelaws are presently ineffective following the making of a comprehensive suite of public spaces protection orders relating to the activities of dogs and those in charge of them. The revocation would resolve the ambiguity whereby byelaws (albeit presently ineffective) remain in force, and would therefore avoid the potential for confusion among members of the public. The revocation would also remove obsolete and ineffective local regulation.
9. The only alternative means that could achieve the first objective (resolving ambiguity and avoiding potential for confusion) would be to discharge the public spaces protection orders. This would not be satisfactory because the purposes of making the orders would then be frustrated. There are no alternative means that could achieve the second objective (removing obsolete and ineffective regulation).
10. Carrying out no further action would result in the existing byelaws remaining in force, albeit without effect during the currency of the relevant public space protection orders. This would mean that a member of the public seeking to understand the law relating to the control of dogs within Fylde would be faced with two completely different sets of regulation which, on the face of it, would both apply. The resulting potential for confusion in such a situation undermines confidence in the law. Further, it would mean that the existing byelaws, which the council considers to be unfit for purpose, would automatically become effective upon the lapsing of the orders.

PUBLICITY AND REPRESENTATIONS.

11. The council must publish a notice of the proposal to make the revocation byelaw on its website and in one or more local newspapers, and publicise it in such other manner as it sees fit. The draft revocation byelaw must be open for inspection for at least 28 days. The council must consider any written representations that it receives.
12. The revocation of the existing byelaws is considered to be essentially an administrative action following the making of the public spaces protection orders. It is not anticipated that it will be controversial. Officers therefore recommend that there is no need to publicise the proposal other than via the website, the newspaper notice and the council's social media channels.
13. If no representations are received, the revocation byelaw can be made under delegated authority, as per recommendation 3. But if there are any representations (adverse or otherwise) there will need to be a further report to the council to consider them.

³ Members may note with some bemusement that the statutory procedure for revoking a byelaw is rather more prescriptive than that for making a public space protection order.

IMPLICATIONS	
Finance	None
Legal	The procedure for revoking a byelaw is contained in regulations. It must be complied with to ensure that the existing byelaws are effectively removed.
Community Safety	Problems caused by the small minority of irresponsible dog owners are now more effectively dealt with the public spaces protection orders, which allow fixed penalty notices to be issued.
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	ianc@fylde.gov.uk & Tel 01253 658506	5 January 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Local government legislation: byelaws	Accessed 5 January 2018	www.gov.uk/guidance/local-government-legislation-byelaws#revoking-a-byelaw

Attached documents
Draft byelaw

REVOCATION BYELAW

Fylde Borough Council

REVOCATION BYELAW

Byelaw made under section 164 of the Public Health Act 1875, section 15 of the Open Spaces Act 1906, sections 82 and 83 of the Public Health Acts Amendment Act 1907, section 20 of the National Parks and Access to the Countryside Act 1949, and section 235 of the Local Government Act 1972 by Fylde Borough Council with respect to dogs.

Revocation

Byelaw 2(8) of the byelaws made by Fylde Borough Council on 16 May 1969 and confirmed by the Secretary of State on 1 September 1969 is revoked.

The byelaws made by Fylde Borough Council on 19 March 1981 and confirmed by the Secretary of State on 17 June 1981 are revoked.

The byelaws relating to the removal of canine faeces made by Fylde Borough Council on 4 September 1989 and confirmed by the Secretary of State on 26 October 1989 are revoked.

The byelaws relating to keeping dogs on leads made by Fylde Borough Council on 4 September 1989 and confirmed by the Secretary of State on 26 October 1989 are revoked.

The byelaws made by Fylde Borough Council on 30 July 1991 and confirmed by the Secretary of State on 2 March 1992 are revoked.

The byelaws made by Fylde Borough Council on 9 February 1995 and confirmed by the Secretary of State on 19 April 1995 are revoked.

The byelaws made by Fylde Borough Council on 17 January 1996 and confirmed by the Secretary of State on 13 February 1996 are revoked.

THE COMMON SEAL of
Fylde Borough Council was
hereunto affixed this
day of 2018

In the presence of

Head of Governance