



FYLDE BOROUGH COUNCIL

## Meeting Agenda

**Policy & Service Review Scrutiny Committee (Call-In)**  
**Town Hall, Lytham St. Annes**  
**Tuesday 28 April 2009, 19:00pm**

**The maximum capacity for this meeting room is 60 persons –  
once this limit is reached no other person can be admitted.**

# **POLICY & SERVICE REVIEW SCRUTINY COMMITTEE MEMBERSHIP**

CHAIRMAN	Karen Buckley
VICE-CHAIRMAN	John Prestwich

## **Councillors**

Thomas Threlfall	Cheryl Little
Tony Ford	William Thompson
Elizabeth Oades	Elaine Silverwood
Elizabeth Clarkson	

Contact: Annie Womack, St. Annes (01253) 658423  
Email: [anniew@fylde.gov.uk](mailto:anniew@fylde.gov.uk)



## **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



## A G E N D A

### PUBLIC PLATFORM

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

ITEM	PAGE
<b>1. DECLARATIONS OF INTEREST:</b> <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 Councils Code of Conduct is attached).</i>	4
<b>2. SUBSTITUTE MEMBERS:</b> <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
<b>3. CALL-IN REQUEST – LYTHAM ON-STREET PARKING SURVEY</b>	7 – 17

**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;
  - (ix) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

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

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

**Disclosure of personal interests**

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

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

**Prejudicial interest generally**

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

**Prejudicial interests arising in relation to overview and scrutiny committees**

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

**Effect of prejudicial interests on participation**

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

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
OVERVIEW AND SCRUTINY	POLICY AND SERVICE REVIEW SCRUTINY COMMITTEE	28 APRIL 2009	3

## CALL-IN REQUEST – LYTHAM ON-STREET PARKING SURVEY

### Public Item

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

### Summary

Ten members of the council have invoked the recovery and call-in procedure to question an individual cabinet member decision made on 6 April 2009 relating to the results of the on-street car parking survey. *Members of the committee must therefore consider whether the decision is not in the interests of the inhabitants of the borough and ought to be reconsidered.* If they believe that it is not, they may refer it back to the decision-maker or to the full council for further consideration.

### Recommendations

Members are invited to discuss whether the information provided illustrates that the decision taken by the cabinet member on 6 April 2009 was not made in the interests of the inhabitants of the borough.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Environmental Wellbeing – Councillor Tim Ashton

## Report

1. If ten councillors feel that a decision taken by or on behalf of the Cabinet is not in accordance with the interests of the inhabitants of the Borough, they can ask for it to be 'recovered'. A recovered decision cannot be implemented until the Policy and Service Review Scrutiny Committee has decided whether to call it in or not. Ten councillors have made such a request relating to the decision made by Councillor Ashton on 6 April 2009, concerning the results of the Lytham on-street parking survey; therefore at this stage the decision in relation to this issue is termed as being recovered; that is, that it cannot be implemented.
2. The recovery request from the councillors, the relevant decision notice and related report are attached as appendices.
3. The Policy and Service Review Scrutiny Committee has three options.
4. The first is to call-in the decision by asking the decision-maker to reconsider it. The second is to call-in the decision by asking the full council to look at it. Full council could then decide to ask the decision-maker to reconsider the decision if it feels it appropriate. The committee could take either of these two options if it felt that the decision being questioned is not in the interests of the inhabitants of the Borough and ought to be reconsidered. The third option is for the committee to take no further action, in which case the decision can be implemented.
5. It is suggested that the meeting is conducted in the following order:
  - Councillor Hopwood is invited to outline why he and his fellow councillors feel that the decision of Councillor Ashton taken on 06 April 2009 was not made in the interests of the inhabitants of the borough
  - A representative of the Cabinet to respond (usually the Portfolio Holder - in this case Councillor Tim Ashton)
  - Policy and Service Review Scrutiny Committee members to question both members and officers, and any other witnesses which they may call to aid them in their judgement
  - Conclusion reached on whether to call-in the decision or otherwise
  - If it is decided not to call-in the decision the committee is requested to state its reasoning in reaching this decision
  - If it is decided to call-in the decision the committee should decide where the matter should be referred and set out its concerns, which the decision-maker or council should have regard to. An alternative recommendation can form part of the committee's deliberations.
6. Under the council's code of conduct, a member must regard himself as having a personal and prejudicial interest in the consideration by a scrutiny committee of a decision made by a council body of which he is a member. However, as the decision in question was taken by Councillor Ashton as portfolio holder, rather than the Cabinet collectively, members of the Cabinet other than Councillor Ashton do not have a personal or prejudicial interest in the consideration of the call-in request and so may attend the meeting. Councillor Ashton may attend and take part only for the purpose of answering questions and giving evidence.



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	None arising directly from this report
Health & Safety and Risk Management	None arising directly from this report

Report Author	Tel	Date	Doc ID
Annie Womack	(01253) 658423	20 April 2009	Call-in report - Lytham on-street parking survey

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

**Attached documents**

1. Call in request
2. Relevant report
3. Relevant individual cabinet member decision

## ‘CALL-IN’ REQUEST

I wish to register a request for the following decision to be called in for reconsideration prior to implementation. My objection to the decision and alternative decision/proposal are set out below.

Decision title: Lytham on street parking survey

Decision number: 2009/005

and date of  
decision:

06	04	2009
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### Lead Councillor Personal Details

Name (Please print)	Cllr Ken Hopwood
Address	29 Calf Croft Place Lytham FY8 4PU
Daytime contact number	01253 735763
Email	<a href="mailto:Cllr.khopwood@fylde.gov.uk">Cllr.khopwood@fylde.gov.uk</a>
Signature	By email K. Hopwood

Nine other Fylde Borough Councillors who are named below and have signed this form support me in my call-in request

NAME	SIGNATURE
Cllr Liz Oades	By email
Cllr Maxine Chew	By phone
Cllr Linda Nulty	By email
Cllr Elaine Silverwood	By email
Cllr Paul Hayhurst	By email
Cllr Kathleen Harper	By email
Cllr Howard Henshaw	By email
Cllr David Chedd	By email
Cllr John Davies	By email

### The Objection and Alternative Decision/Proposal

Please complete the boxes overleaf and continue on a separate sheet if necessary - 500 words maximum.

*(Remember: The objection needs to state how you believe the decision wasn't taken in accordance with the interests of the residents of Fylde Borough.)*

**The Objection is:**

I believe this decision is not in the best interests of the local community.

Although the final decision relating to on-street parking lies with Lancashire County Council, I believe Fylde Borough Council has a responsibility to advise the County Highways Department, with regard to their position on this matter having taken into account the public's response and the results of the Parking Survey.

This decision appears to avoid this responsibility.

The next Lancashire Local meeting is not until 28<sup>th</sup> July 2009. The following meeting is not until the 29<sup>th</sup> September 2009. Given the time scales needed to implement any changes it is unreasonable to expect people to wait so long for a decision.

**The alternative decision/proposal is (optional):**

Although the majority of people prefer 2 hour parking throughout Lytham's Shopping Area, and regardless of the outcome of this decision, an additional proposal, **(not an alternative)**, would be to extend the Residents Parking Zone currently operating in the area north of Clifton Street to the area of South Clifton Street including Bath St and Bannister St.

This would allow the residents in these streets to have a Residents Parking Permit to park outside their own property at any time, but would also allow non residents the opportunity to park for up to 2 hours within this area.

This would help to alleviate some of the other parking problems in the centre of Lytham.

**Call-in Checklist**

*Please ensure you can tick every box below before handing in the request*

Have you.....	Please Tick
read the guidance notes on the call-in procedure?	✓
clearly stated the decision title the call-in refers to?	✓
stated the date the decision was made on?	✓
obtained the signatures from nine other Councillors to support the call-in?	✓
stated in the objection box how this decision is not in the interests of the residents of the Borough?	✓

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR OF STRATEGIC DEVELOPMENT SERVICES	INDIVIDUAL CABINET MEMBER DECISION	6 APRIL 2009	2009/005

## LYTHAM ON STREET PARKING SURVEY

### Public Item

This item is for delegation to the portfolio holder for Environmental Wellbeing

### Summary

This report seeks approval to make a recommendation on behalf of the Council to Lancashire County Council on the results of the Lytham on street parking survey carried out by this Council at the request of the traders between December 2008 and January 2009.

### Recommendation

1. That the portfolio holder, having considered the results of the survey, recommends to LCC that it is the view of this Council that the results of this survey are inconclusive.
2. That the results of this survey are forwarded to LCC for consideration as the highway authority and decision maker in this process.

### Alternative options considered and rejected

None – the survey tested the support of all users of the town centre for a change to the existing 1hr on street waiting restriction to a 2hr waiting restriction at the request of the Lytham traders.

### Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Environmental Wellbeing

Councillor Tim Ashton

## Report

At a recent meeting of the Council and the Lytham traders it became quite apparent that there was some dissatisfaction amongst those traders present that the 1hr on street parking restriction in the town centre was believed to be no longer appropriate and that a 2hr waiting restriction would be more beneficial to the traders and the local economy.

It was agreed that this Council would organise a survey of all the users of the town centre – visitors, residents, shoppers, traders, businesses, etc. to test whether there would be widespread support for such a change.

Two surveys were carried out - a trader/resident survey and a visitor/shopper survey. It was believed that this would fairly test the opinions of those that live and work/trade in the town centre and those that visit and shop in the town centre.

The surveys were drafted in consultation with the traffic engineers at Lancashire County Council (LCC) and were carried out between December 2008 and January 2009 with the assistance of the local ward councillors.

The surveys are attached together with a summary of the results for consideration.

For clarification, it is only Lancashire County Council that has the relevant authority to make any amendments to the existing Traffic Regulation Orders on the highway in the Fylde area. This report offers to LCC a summary and a view of the surveys recently carried out, however, it is LCC that will be required to take a decision on whether to progress any changes to the existing Traffic Regulation Orders in Lytham as a result of this work.

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

Report Author	Tel	Date	Doc ID
Paul Walker	(01253) 658431	24th Feb 2009	2009/005

### List of Background Papers

Name of document	Date	Where available for inspection

**Attached documents**

Resident/Trader Survey, Visitor/Shopper Survey and Summary of Results

## Parking Survey, Lytham Town Centre

### Traders/Resident Survey

Returns	198 from 400
% Return	49%
Spoilt Returns	5

#### **Keep the 1hr waiting restriction i.e. no change**

Maintain opportunity to provide a higher turnover of parking spaces in the town centre by keeping the 1hr waiting restriction on street. Effect - higher turnover of spaces therefore better opportunity to park

Traders/Business Returns	24
Resident Returns	60

<b>Total in favour of no change</b>	<b>84</b>	<b>43%</b>
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#### **Change from a 1hr to a 2hr waiting restriction**

Opportunity to park for a longer period of time in the town centre by increasing waiting restriction on street from 1 to 2 hrs. Effect - less turnover of spaces and less opportunity to park than on a 1hr waiting restriction

Traders/Business	62
Residents	47

<b>Total in favour of change</b>	<b>109</b>	<b>57%</b>
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## Parking Survey, Lytham Town Centre

### Shopper/Visitor Survey

Returns	116 from 500
% Return	23%
Spoilt Returns	2

#### **Keep the 1hr waiting restriction i.e. no change**

Maintain opportunity to provide a higher turnover of parking spaces in the town centre by keeping the 1hr waiting restriction on street. Effect - higher turnover of spaces therefore better opportunity to park

<b>Total in favour of no change</b>	<b>46</b>	<b>40%</b>
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#### **Change from a 1hr to a 2hr waiting restriction**

Opportunity to park for a longer period of time in the town centre by increasing waiting restriction on street from 1 to 2 hrs. Effect - less turnover of spaces and less opportunity to park than on a 1hr waiting restriction

<b>Total in favour of change</b>	<b>68</b>	<b>60%</b>
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#### **Other Info**

Parked - on street		70%
Parked - off street		23%
Other		7%

Finding a parking space	Very Easy	21%
	Easy	26%
	Hard	35%
	Very Hard	18%

Enough parking in town	Yes	42%
	No	58%





**ENVIRONMENTAL WELLBEING PORTFOLIO HOLDER –  
COUNCILLOR TIM ASHTON**

**INDIVIDUAL CABINET MEMBER DECISION  
DATE – 6 APRIL 2009**

**NOTICE OF DECISION**

**1. LYTHAM ON STREET PARKING SURVEY**

The portfolio holder for Environmental Wellbeing considered a report by the Director of Strategic Development Services – (reference 2009/005).

<b>Comments Received</b>	None
<b>Response from Portfolio holder</b>	Approval as amended.
<b>DECISION</b>	That the portfolio holder, having considered the results of the survey, recommends to LCC for consideration, that the results of the survey be put to the Fylde Lancashire Locals Committee.

In accordance with the call-in procedure the decision will come into force, and may then be implemented, on the expiry of six working days after the publication of the decision, (the date of this notification).

7 April 2009

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