

Agenda

Executive Committee

Date:	Thursday, 23 May 2024 at 6:30 pm
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Karen Buckley (Chairman) Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Tim Armit, Peter Collins, Chris Dixon, Kelly Farrington, Ellie Gaunt, Paul Hodgson, Matthew Lee, Michelle Morris, Jayne Nixon, Tommy Threlfall.</p>

Public Platform

To hear representations from members of the public in accordance with Article 15 of the Constitution.
 To register to speak under Public Platform: see [Public Speaking at Council Meetings](#).

	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	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23(c).	1
3	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 25 April 2024 as a correct record.	1
	DECISION ITEMS:	
4	Medium Term Financial Strategy - Financial Outturn Report for 2023-24 - including Revenue, Capital and Treasury Management	To Follow
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8	St Annes Bus Layby Relocation – New Capital Scheme	47 - 53
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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
CHIEF FINANCIAL OFFICER	EXECUTIVE COMMITTEE	23 MAY 2024	4
MEDIUM TERM FINANCIAL STRATEGY - FINANCIAL OUTTURN REPORT FOR 2023-24 - INCLUDING REVENUE, CAPITAL AND TREASURY MANAGEMENT			

PUBLIC ITEM

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

Please note that the "Medium Term Financial Strategy - Financial Outturn Report for 2023-24 - including Revenue, Capital and Treasury Management" report is TO FOLLOW and will be circulated to members as soon as available.

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	EXECUTIVE COMMITTEE	23 MAY 2024	5

LOWTHER PAVILION: FINANCIAL ASSISTANCE

PUBLIC ITEM

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

RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Tourism, Leisure, and Culture (Councillor Nixon).

PURPOSE OF THE REPORT

To provide details of a proposed one-off capital grant of £250,000 to Lowther Pavilion Trust.

RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

RECOMMENDATIONS

1. To approve an addition to the council’s 2024/25 capital programme for a one-off capital grant of £250,000 to Lowther Pavilion Trust, fully funded from the council’s Capital Investment Reserve, subject to the following conditions:
 - a. Termination of the annual subsidy grant paid to Lowther Pavilion Trust, with no subsidy being paid beyond the current financial year.
 - b. That the £250,000 capital grant is used for the internal refit of the newly constructed education centre and studio theatre annex.
 - c. That the remaining £15,000 outstanding (as at 01/04/2024) on the roof repairs agreement between the council and the Trust be repaid by the Trust.
 - d. That the Trust continue to deliver a program of performing arts, to develop audiences, support local groups, and make facilities available for council meetings and civil emergencies.
 - e. That the remaining funds required to complete the project are to be acquired from other funding bodies or benefactors.
 - f. That the Trust acknowledges and promotes the financial support provided by the council.
2. That the delegated authority is provided to the Head of Governance (Ian Curtis) in consultation with the Lead member for Tourism, Leisure, and Culture, and the Leader of the Council, to consolidate and revise the service level agreements with Lowther Trust to incorporate the details of the grant and the associated conditions.

REPORT

BACKGROUND

1. Lowther Pavilion Theatre is the only dedicated theatre in Fylde Borough. Set in Lowther Gardens in Lytham, the theatre has served as a cultural hub of community entertainment since 1921. The 450 seated / 900 Standing capacity venue provides a wide and diverse range of events from tea dances to international live music, drama to headline comedy and children's shows to world class dance, ballet, and musical theatre. The venue also operates a community cinema programme. Local arts and amateur dramatic groups regularly perform at the theatre, allowing thousands of local people to experience performing first hand.
2. The theatre and gardens are managed by the Lowther Gardens, Lytham charitable trust (registered charity 1117054). The council is a trustee of the charity, and there are currently nine other trustees drawn from the local community. These trustees, along with other volunteers at the theatre, give their time and expertise without payment.
3. The council support the charity through two principal methods: firstly, by paying an annual subsidy to support the operation of the Pavilion theatre; and secondly by providing ground maintenance and ancillary services for the gardens.

CURRENT ARRANGEMENTS WITH LOWTHER THEATRE GRANT

4. The council pays Lowther an annual subsidy by way of a grant of £43,668, payable in four quarterly instalments. Whilst the agreement terminates at the end of the current financial year, the council's base revenue budget assumes continuation of an annual subsidy to the Trust at the previously agreed base level of £31,668 pa. Under the agreement for the subsidy, Lowther delivers a program of performing arts, develops audiences, supports local groups, and makes facilities available for council meetings and civil emergencies.
5. Performance is monitored quarterly against agreed measures that include financial management, number of events, complaints/compliments, and industry standards. Ongoing poor performance can result in the council withholding grant payments until issues are resolved.
6. The agreement provides a framework for governance, financial reporting, publicity requirements, use of advertising sites, and dispute resolution. At the end of each year, the Lowther Trust may be requested to report to a council committee on its performance.

GROUNDS MAINTENANCE

7. The council provides grounds maintenance and ancillary services to Lowther under a separate agreement, which covers the period to 31 March 2025. The services include parks management (grounds, playgrounds, trees, projects), public conveniences (operated through Danfo), technical/building maintenance and engineering, and leisure facilities management (except Padel tennis).
8. Under the agreement, the council provides day-to-day maintenance while Lowther remains responsible for strategic decisions, approvals, and any major projects. The gardens and playground facilities must be free to use by the public.
9. Governance includes quarterly progress meetings, defined contacts for issues, community project approvals by Lowther, and a process for handling complaints/service failures.
10. Income from leisure facilities is split based on 85% to the council and 15% to the charity, except Padel tennis which was constructed and developed by the charity with all income retained by the charity.

HISTORICAL ROOF REPAIRS

11. Following a request by the Trust, Council on 3rd March 2015 resolved to approve funding for the replacement and insulation of part of the Lowther Pavilion roof, to be released in staged payments of £8k in 2015/16 and a further £115k in 2016/17. In making the decision the Council noted that the Lowther Trust would contribute £50k to the scheme to be paid to the Council over a 10-year period.
12. As of 1st April 2024, £15k remained outstanding on the commitment made by the Trust as a contribution towards the roof scheme. It is proposed that the Trust repays the outstanding sum as part of the agreement to accept the grant of £250,000 from the council.

THE PROJECT

13. The charity has for several years been in the process of an [ambitious expansion](#) the latest phase is a cutting-edge studio theatre and education centre. This new space will transform cultural engagement in the Fylde region by meeting the growing demand for community-centric arts experiences, amateur dramatics, and inclusive learning programmes across diverse ages and abilities. The existing 450-seat/800-standing main theatre has been successful however, it is not ideally suited for smaller community groups, amateur companies, and niche performers because the required cost can be prohibitive. The adaptable studio theatre will provide an intimate, immersive setting tailored to these needs, offering performance opportunities, workshops, and educational activities.
14. As well as increased community and amateur society use, the studio theatre and education centre will enable a holistic approach to arts education and cultural programming. It will be equipped with advanced audio-visual capabilities like projection mapping and sensory lighting to unlock creativity through multidisciplinary experiences. The flexible design will allow for theatre productions, cinema screenings, music events, movement classes, support groups, and more. The adjacent outdoor classroom will incorporate environmental education through partnerships with local nature organisations. The comprehensive, inclusive initiative will create a vibrant arts community, developing skills through apprenticeships, and boosting cultural tourism, ultimately enhancing social wellbeing through the transformative power of the arts.
15. The trustees have been very successful at securing financial support for the project from various funding sources (see Table 1 below). This backing has facilitated the completion of the building without the internal fit, the cost of the internal refit is £1.2 million. The trustees have started to secure funding for the internal refit and are confident that the required funds will be secured to cover the whole project with the council support. To date £258,500 has been secured for the internal works with a further £74,000 already invested in the refit however, the refit will be delivered in two stages with the first phase costing £500,000 for the M&E and plastering work.

Table 1: Funding Summary Analysis

Summary Analysis of information provided by Lowther Trust regarding costs and funding of the 'Fit-out' phase:		£
	Estimated Cost of full 'Fit-out' phase of project	1,200,000
LESS:	Trust monies already spent	-74,000
	Balance to be funded	1,126,000
	Of which, the estimated cost of the M&E and Plastering phase is:	500,000
LESS:	Successful grants secured by Lowther for fit out phase	
	Foyle Foundation	-40,000
	Bernard Sunley Foundation	-75,000
	Friends of Lowther & Spacehive (LCC)	-26,000
	Spacehive (LCC)	-13,000
LESS:	Other Trust known income for 2024 / 2025 towards fit-out	
	Café Rental	-17,000
	Padel Tennis	-3,500
	Lowther Management Company	-24,000
	Ticket Levy	-50,000
	Car Park Rental, Lytham Festival	-10,000
LESS:	Firm Grant Applications in progress	
	Garfield Weston	-75,000
	Therefore the estimated funding shortfall for the next phase is circa	166,500

16. The trustees have secured competitive quotes for the internal refit with the contractor that is currently on site; to optimize cost efficiency it would be preferable for the internal works to proceed immediately after the external works to avoid additional expense associated with contractor demobilisation and remobilisation. The current price quoted for the works would also be secured removing the need to re-tender for the work which would include preliminaries and contingencies to cover on site facilities.
17. The council is one of the partner organisations approached for financial support to secure funds that can provide the opportunity for the internal refit to begin without the contractor decanting and incurring the additional unnecessary cost. The request for financial assistance was submitted that triggered a series of discussions and sharing information to establish the appropriate method and amount of support.
18. The trustees have provided comprehensive financial evaluation and projection, details of funds secured as well as current and further opportunities for additional funds, any additional information requested by officers to help inform a proposal for financial support has been fulfilled by the Trust. This has enabled council officers to provide advice to lead members to rigorously scrutinise the figures, assumptions, and calculations. Officers and relevant lead members are satisfied that the project is viable, sustainable, and achievable with the council's support helping to leverage additional funding from other organisations and individuals already expressing an intention to provide financial support.

OUR OFFER

19. In response to the request for financial support, considering the information provided to demonstrate progress on the project to date, commitments for future funding, and the financial forecast for the trust, the recommendation to the committee, if support is to be provided, that a grant of £250,000 fully funded from the Capital Investment Reserve is awarded with the following conditions:
 - a. Termination of the annual subsidy grant paid to Lowther Pavilion Trust, with no subsidy being paid beyond the current financial year.
 - b. The £250,000 capital grant is used for the internal refit of the newly constructed education centre and studio theatre annex.
 - c. The remaining £15,000 outstanding (as at 01/04/2024) on the roof repairs agreement between the council and the Trust be repaid by the Trust.
 - d. Continue to deliver a program of performing arts, to develop audiences, support local groups, and make facilities available for council meetings and civil emergencies.
 - e. That the remaining funds required to complete the project are to be acquired from other funding bodies or benefactors.
 - f. That the Trust acknowledges and promotes the financial support provided by the council.
20. If a grant is awarded the committee should recommend that the current service level agreements with the trust are consolidated and revised to include conditions listed above. Authority should be delegated to the Head of Governance following consultation with the Lead Member for Tourism, Leisure, and Culture, and the Leader of the Council to revise the terms of the service level agreements.
21. The council has been providing a subsidy to the Lowther Theatre since the Trust was first established in 2012/13, and whilst the current subsidy agreement expires on March 31st, 2025, arrangements would ordinarily have been made to agree a new subsidy in line with previous awards. This has been accounted for in the Medium-Term Financial Forecast with a figure of £31,667 per annum included for an annual subsidy. Removal of the annual subsidy would provide an ongoing benefit to the council's revenue account and assist the trust in becoming self-sufficient which has always been their objective.
22. The council has always included in the Corporate Plan support for arts, tourism, leisure, and culture, with direct reference to the Lowther theatre and gardens in specific actions or objectives. The recommendation to provide financial support to the trust is consistent with corporate objectives on tourism, arts, culture, leisure, and the local economy. The recommendation is an alternative means of providing financial support to the trust with a grant contribution funded from the Capital Investment Reserve replacing the revenue subsidy which is advantageous to both the trust and the council.

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	√
Environment – To deliver services customers expect	√
Efficiency – By spending money in the most efficient way	√
Tourism – To create a great place to live and visit	√

IMPLICATIONS

Finance	The report recommends approval of an addition to the council's 2024/25 capital programme for a one-off capital grant of £250,000 to Lowther Pavilion Trust, fully funded from the council's Capital Investment Reserve. The grant is conditional upon: 1) termination of the annual subsidy grant paid to Lowther Pavilion Trust, with no subsidy being paid beyond the current financial year, which will result in an annual saving to the council's base revenue budget of £31,668 per annum from 2025/56 onwards; and 2) the remaining £15,000 outstanding (as at 01/04/2024) on the roof repairs agreement between the council and the Trust be repaid by the Trust.
Legal	Any grant awarded would be subject to a revised service level agreement with Lowther trust.
Community Safety	There are no direct implications.
Human Rights and Equalities	There are no direct implications.
Sustainability and Environmental Impact	There are no direct implications.
Health & Safety and Risk Management	There are no direct implications.

SUMMARY OF PREVIOUS DECISIONS

[Council 3rd March 2015](#)

RESOLVED to approve funding for the replacement and insulation of part of the Lowther Pavilion roof, to be released in staged payments of £8k in 2015/16 and a further £115k in 2016/17. In making the decision the Council noted that the Lowther Trust would contribute of £50k to the scheme to be paid to the Council over a 10-year period.

[Tourism and Leisure Committee 10 March 2016](#)

1. To approve a total Capital Grant in the sum of £122,703 to Lowther Gardens Trust to provide funding for the partial re-roofing of part of Lowther Pavilion, this to be fully-funded from the Council's approved capital programme
2. To approve two payments of the grant: £4,600 in March 2016 to provide for the repair of the pitch slate roof and a second and final payment £118,103 in August 2016 towards the remainder of the works.
3. To note that the delivery of the project will be subject to Lowther Gardens Trusts procurement procedure and practices.

[Tourism and Leisure Committee 3 November 2016](#)

1. To recommend to Council an annual unfunded revenue budget increase of £31,667 to provide an annual subsidy to Lowther Gardens Trust in the years 2017/18, 2018/19, 2019/20, 2020/21 and 2021/22.
2. To recommend to Council the continuation of the Service Level Agreement as detailed in Appendix 2 of the report regarding the provision of services at Lowther Pavilion by the operating company of Lowther Gardens Trust, Lowther Gardens (Lytham) Management Ltd.

3. To agree to the terms and continuation of the supplementary Service Level Agreement between Fylde Council and the Lowther Gardens Trust as set out in Appendix 3 of the report.

[Tourism and Leisure Committee 10 March 2022](#)

1. To recommend to Full Council an annual unfunded revenue budget increase of £12,000 to Lowther Gardens trust in the years 2022/23, 2023/24, 2024/25. This would create a total annual subsidy of £43,668 per annum for the next 3 years.

2. That subject to the approval of Full Council of the additional funding in recommendation 1 above, to approve the continuation of the Service Level Agreement as set out in Appendix 1 of the report regarding the provision of theatre services at Lowther Pavilion by the operating company of Lowther Gardens Trust, Lowther Gardens (Lytham) Management Ltd.

3. To approve the terms and continuation of the Supplementary Service Level Agreement between Fylde Council and the Lowther Gardens Trust as set out in Appendix 2 of the report and summarised in the report.

[Council 25 April 2022](#)

Following a brief debate on the substantive motion it was RESOLVED to approve:

1. An annual unfunded revenue budget increase of £12,000 to Lowther Gardens Trust in the years 2022/23, 2023/24 and 2024/25. This would create a total annual subsidy of £43,668 per annum for the next 3 years.

2. The continuation of the Service Level Agreement (Appendix 1) regarding the provision of theatre services at Lowther Pavilion by the operating company of Lowther Gardens Trust, Lowther Gardens (Lytham) Management Ltd.

3. To approve the terms and continuation of the Supplementary Service Level Agreement between Fylde Council and the Lowther Gardens Trust (Appendix 2) as summarized in the report.

BACKGROUND PAPERS REVELANT TO THIS ITEM

Name of document	Date	Where available for inspection
Lowther Pavilion Project	Not Applicable	Raise The Roof - Lowther Pavilion

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	Email & Tel 01253 658506	15 May 2024

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF REGENERATION AND ENGINEERING	EXECUTIVE COMMITTEE	23 MAY 2024	6
FAIRHAVEN KIOSK/ICE CREAM BAR – STANNER BANK			

PUBLIC ITEM

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

RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Tourism and Leisure (Councillor Nixon)

PURPOSE OF THE REPORT

To provide a detailed update to the committee concerning the progression of the Fairhaven Kiosk/Ice Cream Bar project and make a recommendation to close the project on the grounds that it is not commercially viable because of increased construction costs.

RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

RECOMMENDATIONS

It is recommended that:

1. The council does not proceed with the procurement and delivery of the Fairhaven Kiosk/Ice Cream Bar capital scheme (also known as Project Vento) because of significant cost increases which have rendered the project economically unviable when reconciled with the council's commercial strategy and the Duty of Best Value that the council is required to consider; and
2. Planning application 23/0651 for the scheme be withdrawn.

REPORT

BACKGROUND

1. In July 2021 Council approved a fully funded budget increase of £360,000 to deliver a new ice cream kiosk facility on Granny's Bay. The funding did not include demolition of the existing kiosk, or any landscaping/remediation required because of the demolition.
2. In March 2022, the council's commercial strategy was revised post-pandemic which required commercial investment opportunities to achieve a minimum entry requirement of a 5% yield. All projects and council services are also subject to the Best Value Duty under which authorities should consider overall value, including economic, environmental, and social value.

3. The Technical Services team led the project following approval of the budget and a cost estimate for the scheme was prepared by a Quantity Surveyor in September 2022 which totalled £448,219.68. This estimate included significant unknowns and caveats related to the concrete and steel elements of the building. These elements of the cost plan had not been informed by suppliers/manufacturers input, and material prices can be subject to significant fluctuations. No allowance for prices inflation was made in this cost estimate.
4. This cost information was considered by Leadership Board and the Project Board, officers provided advice on alternative options including re-engineering of the design. A steer was given by lead members to officers to re-design the scheme, with a simpler architectural arrangement to reduce costs, and retaining the building footprint in the same location as previously proposed.
5. At that stage of the process, costs had been incurred on the scheme totalling £20,458.

A REVISED SCHEME

6. The original design team were retained to produce plans for a revised scheme. The building footprint was made smaller to reduce the quantity of substructure and superstructure elements. The design was simplified to rationalise the number of complex building interfaces and to minimise the visual impact and scale of the building in the location. The process of redesign included a pre-application meeting with the planning service to discuss the previous application and the approach for the revised scheme.
7. A pre-tender estimate for the revised scheme was prepared by a Quantity Surveyor. This totalled £457,400.92, which included the measured works, contractor preliminaries, professional fees, inflation, and contingency. The estimate was prepared using RIBA Stage 4 information which is the most detailed construction information to be produced ahead of obtaining tenders through a 'traditional' procurement methodology. (See link to background paper detailing the different construction procurement methodologies).
8. The pre-tender estimate figure exceeded the project budget of £339,542. The scheme had been subject to comprehensive value engineering throughout the development of the detailed design. Members of the Project Board considered the options in response to the pre-tender estimate figure and decided to proceed with a competitive tender process to obtain a fixed price and review this figure against the available budget.
9. The lowest tender submitted was £493,500. Officers in the project team (including council officers and appointed architect and engineers) reviewed the tender breakdown and tabled possible options to the Project Board for further cost reduction without compromising the operational viability of the scheme or moving away from the design principles proposed in the approved planning application. The schedule included estimated savings of £50,000 against the lowest tender price, whilst it was felt the suggested savings were realistic and achievable it would require further liaison with the preferred contractor and their supply chain to confirm.
10. The estimated tender price would be £443,500, subject to further commercial discussions with the preferred contractor. However, professional fees of £50k are required to be added to the above to bring the project total to £493,500.

COMMERCIAL STRATEGY

11. The financial business case justification for the project flows from the council's commercial strategy, which requires property investment opportunities to have a minimum entry requirement of a 5% yield. It was necessary to review the proposed annual rental income for the revised scheme. This resulted in a reduction in rent from £25k per annum to £20k per annum, to reflect the reduction in covers and commercial space in the building.
12. The resultant yield when factoring in the revised project costs and annual rental return is 4.06%. This does not factor in a first year rent free period. Rent review dates were proposed to be built into the lease arrangements, however increase in rent would also be offset by capital depreciation and increased repair and maintenance cost required in the long term.

13. Officers have advised that the proposal does not meet the council's commercial strategy for investment opportunities and as a result there is no longer a justified financial business case for the project to proceed beyond the current stage.
14. Every project and service must be subject to best value, the requirement to consider the overall value, including economic, environmental, and social value. The Granny's Bay kiosk project is a commercial venture subject to a lease, the primary best value consideration is the financial return rather than environmental or social value.

PLANNING

15. A planning application (22/0491) by the council for the original scheme was validated on 11 July 2022, but was withdrawn without being determined on 1 December 2022 following the abandonment of that scheme.
16. A planning application by the council for the revised scheme (23/0651) was validated on 6 October 2023 and approved by the Planning Committee on 8 March 2024. Though the approval is extant at the time of writing this report, it will be quashed by the court as a result of judicial review proceedings in which the council has conceded that the officers' report to the committee contained an incorrect interpretation of an aspect of planning policy.
17. Ordinarily, the application would be reconsidered by the Planning Committee against the correct interpretation of planning policy. However, given the recommendation to close the project on the grounds of economic viability, the committee is asked to approve the withdrawal of the application, which would then not be determined.

COST TO DATE

18. The total cost incurred on the scheme to date are estimated at £58,548 including fees for invoices yet to be received. As noted at point 7, the cost incurred in relation to the previous scheme led by Technical Services totalled £20,458. The previous scheme was developed to RIBA Stage 2. The costs incurred to date on the revised scheme total £38,090. This reflects the scheme being delivered up to and including RIBA Stage 4 (Technical Design) and includes expenditure on professional fees, surveys, and statutory applications.
19. The construction industry standard is that professional fees tend to be procured at approximately 15% of the construction value of a project and those fees tend to be profiled on a 70:30 basis, where 70% of fees are expended through RIBA Stages 0-4 (pre-construction) and 30% are expended through the delivery of RIBA Stage 5 and 6 (Construction and Handover).

OFFICER RECOMMENDATION AND CONCLUSION

20. The latest proposals for the scheme do not align with the council's commercial strategy and therefore do not represent value for money. It is recommended that the project is closed with immediate effect and no further expenditure is incurred beyond that already committed.

CORPORATE PRIORITIES

Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS

Finance	To date £58,548 has been expended on the Fairhaven kiosk capital scheme, which has been funded from the council’s Funding Volatility Reserve in line with previous Council & Committee decisions. The recommendations in this report to not proceed any further with the project will mean that no further call on the Funding Volatility Reserve will be required for this project.
Legal	Statutory review proceedings are summarised in the body of the 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

SUMMARY OF PREVIOUS DECISIONS

SUMMARY OF PREVIOUS DECISIONS

Planning Committee 6th March 2024

Planning application no. 23/0651 granted approval.

Executive 5th December 2023

Agree to the creation of several project and programme boards as detailed within the report which includes the appointment of members from the Executive Committee.

Finance and Democracy 28th March 2022

Following detailed discussion, it was RESOLVED to approve the revised Commercial Strategy for Fylde as set out in Appendix 1 of the report.

Council 5th July 2021

1. To approve a new fully funded scheme ‘Fairhaven Kiosk / Ice Cream Bar Project’ to the Council’s Capital Programme to the sum of £360,000 (£180,000 for 2021/22 and £180,000 for 2022/23), to be met in full from the Funding Volatility Reserve.

Tourism and Leisure Committee – 10th June 2021

1. To recommend to Council, approval of a fully funded addition to the Councils capital programme in the sum of £360,000 to the Fairhaven Kiosk/ Ice Cream Bar project, within the approved Capital Programme (£180,000 for 2021/22 and £180,000 for 2022/23), to be met in full from the Funding Volatility Reserve;
2. Subject to approval by Council to approve the spend of £15,000 to develop the project to RIBA stage 3.
3. To agree the principal of letting the new facility on a lease on the basis of the terms as set out in the report.
4. Subject to approval by Council that a further report will be presented to committee to seek agreement of the final design, scheme costs and procurement route along with the fuller provisionally agreed heads of terms of a lease for the new facility.

BACKGROUND PAPERS REVELANT TO THIS ITEM

Name of document	Date	Where available for inspection
RIBA Plan of Work	2020	RIBA Plan of Work (architecture.com)
Best Value Statutory Guidance	2011	Best value statutory guidance (publishing.service.gov.uk)
RICS Professional Guidance – Developing a construction procurement strategy and selecting an appropriate route.	2013	RICS Professional Guidance
The Fylde Commercial Strategy	28 March 2022	The Fylde Commercial Strategy

LEAD AUTHOR	CONTACT DETAILS	DATE
Charlie Richards	Charlie.richards@fylde.gov.uk 01253 658520	13 th May 2024

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF REGENERATION AND ENGINEERING	EXECUTIVE COMMITTEE	23 MAY 2024	7
ST ANNES EVENT SPACE PROJECT – FULLY FUNDED BUDGET INCREASE			

PUBLIC ITEM

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

RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Corporate and Economic Development (Councillor Karen Buckley)

PURPOSE OF THE REPORT

To provide details of the expansion of the St Annes Event Space project and recommend additional funding is made available to increase the project budget through capital virements, reallocations and additional reserve funding.

To provide a summary of the scheme approved by members in July 2023 and update on the St Annes Levelling Up Round 3 funding application, funds of which are proposed to be part of the additional funding package for the enhanced events space project.

The report also seeks authorisation of the extension of expenditure on professional services to achieve enhanced value for the project.

RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

RECOMMENDATIONS

1. To recommend to Council the approval of a fully funded increase to the St Annes Event Space project scheme in the Capital Programme for the total sum of £1,412,462 in 2024/2025, of which £173,452 in 2024/2025 funded from the Council's Capital Investment Reserve, £840,000 in 2024/2025 in reallocated UK Shared Prosperity funding and £399,000 in 2024/2025 in capital virements from the Council's Capital Programme under the St Annes Levelling Up Fund Round 3 application capital scheme.
2. To authorise the proposed additional expenditure of £202,483 in respect of the scheme as detailed within the report and confirm extension to existing contracts with BPD Ltd to the value of £125,500 and Gosling Consulting Ltd to the value of £76,983, respectively.

REPORT

BACKGROUND

1. In July 2023, Council approved the capital budget for the St Annes Event Space project, the first significant project to be delivered as part of the St Annes Masterplan.
2. A multi-disciplinary team has been appointed to progress the necessary design work to deliver a £1.5m public realm events space scheme, the principles of which were outlined within the report to Council on 17th July 2023. A link to the report is included in the background papers section of this report.

CONSULTATION AND ENAGEMENT – INITIAL SCHEME CONCEPT

3. An extensive public consultation and engagement exercise was undertaken in relation to the St Annes Events Space project. This was undertaken between 19th July and 11th August 2023, with 232 responses received. The feedback was based on initial concept proposals prepared by the design team to provide a 'starter-for-ten' proposal.
4. The consultation explored several design and practical elements of the proposal including types of events, seating, accessibility, the domes, parking, transport, lighting etc. A detailed summary report of the consultation exercise can be found at appendix 3.
5. Specific feedback was received from the Lytham St Annes Civic Society during the consultation period which indicated their desire for the proposals to achieve a greater impact in helping with the regeneration of the Town Centre. In putting this view forward, they also recognised that this would be not possible without increasing the allocated budget for the scheme.

DESIGN DEVELOPMENT AND CO-ORDINATION

6. The Events Space scheme was then developed to RIBA Stage 3 and plans were presented to St Annes Councillors and members of the Project Board in December 2023. Members of the Project Board in particular felt that the scheme was limited in terms of its visual impact on the Town Centre and indicated that options to enhance the value of the scheme and deliver a greater transformational impact should be considered. A general arrangement of the scheme presented to the project board and St Annes ward councillors is attached at appendix 1.
7. Running in parallel to the events space project, a wider public realm scheme for St Annes was being worked up in anticipation of an application for Levelling Up Round 3 funds. This scheme was approved by Council on 2nd October 2023. The Council allocated £499,761 to the scheme on the basis that a bid for £5,164,934 would be made to government to fund the delivery of the works proposed. The fundamentals of this scheme included an extension of the public realm to the east of the events space (towards the railway station) and an extension of new public realm down to the west of the events space commonly referred to as the pier link project.
8. In November 2023, the Government announced Levelling up funding awards for various local authorities across the Country. Fylde were not included in the list. Funding awards were made in the absence of any formal competitive process and appeared to be allocated to unsuccessful bids from the previous funding round.
9. In consideration of the above, the Levelling Up Round 3 scheme was paused whilst options were identified and explored for an expanded events space project. Various options were discussed with the design team and a steer was given by the project board to maximise the transformational impact of the events space.

REVISED SCHEME DETAILS

10. The expanded project plans have now been developed to RIBA Stage 3 and include the following enhancements:
 - The existing car park in the Square will be redeveloped to act as an extension to the Events Space. The car park will join with the highway and redeveloped northern section and consequently offer a public space that will be used for events such as music performances or seasonal markets. The highway in this area will be raised to the same level as the pavement and therefore offer a new focal point in the Square.
 - Together with the removal of one dome and improved levels using quality materials, the Events Space will offer a more pleasing visual and social focal point, even whilst the highway is in operation. New amphitheatre

style seating will be positioned in this new space. The planting will be reduced and therefore a more open feel will be experienced by visitors and residents alike.

- The repositioning of the bus layby will allow extended new pedestrian paving narrowing the road at the western end. Extended paving will be provided on both the north and south side. This new alignment will offer improved connectivity in this location of the square. With the addition of a new access point, the flow of people from one side to the other will improve a part of the square that was previously difficult to navigate.
 - A new lighting system will be provided to enhance events but also improve lighting levels in the area throughout the year. In addition, a new electrical feeder pillar will be provided for the Events Space and services extended to each existing dome.
 - The street furniture will be modernised to create a more cohesive feel.
11. A general arrangement plan of the revised scheme is included at appendix 2, along with a selection of visuals to show the enhanced scheme which are linked in the background papers section of this report.

COST BREAKDOWN OF THE SCHEME

12. A detailed RIBA Stage 3 cost estimate has been prepared by Gosling Consulting Ltd, the council's appointed quantity surveyors. This totals **£2,912,462** and includes the measured work, risk items, professional fees, surveys, maintenance contributions to Lancashire County Council, inflation, and contingency. A copy of the detailed cost plan is available upon request. The council's existing capital programme includes a scheme which was approved by Council on 17th July 2023 to the value of £1.5m, so this report seeks a fully funded capital budget increase of £1,412,462 – details of which are set out in Table 1 below.

REVISED FUNDING BREAKDOWN OF THE SCHEME

13. The recommendation in the report details the main funding sources for the budget increase including the additional funding required from the capital investment reserve to achieve the overall budget for the scheme.
14. Table 1 below contains a schedule of capital and revenue virements required to fully fund the scheme as well as confirmation of the funding from reserves to be allocated to the scheme.

Table 1: Funding breakdown of the scheme

Funding Source	Existing Capital Programme Item	Amount	Notes
Funding already allocated on the capital programme.	Yes	£1,500,000	See Council report from 17 th July 2023 for breakdown.
St Annes Levelling Up Round 3 application	Yes	£399,000	Remaining balance from scheme to be reallocated to events space
UK Shared Prosperity Programme – Public Realm capital	Yes	£540,000	Funding previously allocated in 2024/2025 to public realm projects to be determined - proposal is to reallocate the funds to the event space project.
UK Shared Prosperity Programme – Revenue funding	No	£300,000	Revenue funding previously allocated to events programme in St Annes. A report will be brought to committee regarding events in St Annes on completion of the events space in Spring 2025.
Capital Investment Reserve	No	£173,462	Additional funding required to achieve the cost estimate for the scheme.
Total		£2,912,462	

PROCUREMENT

15. The consultant team is appointed using public sector frameworks in line with the council's contract procedure rules. To deliver the enhanced scheme, it will be necessary to increase fees payable as part of the agreement in place with the consultants. The benefits of using frameworks were included in the initial report to Council July 2023.
16. The procurement of external consultants is essential to ensure the delivery of the project because the council does not have the capacity or employ personnel with the required skill set to deliver large projects of this nature. The Projects and Regeneration Service will act as the client, managing the consultant team and reporting back on progress through the appropriate governance channels.
17. The committee is requested to confirm the extension of professional services to achieve enhanced value for the project, including additional fees of £125,500 for BDP Ltd for providing multi-disciplinary services through the National Health Service Shared Business Service Framework. These services include Landscape Architecture, Civil and Structural Engineering, Mechanical and Electrical Engineering and Lighting design services; and additional fees of £76,983 for Gosling Consulting Ltd to provide Project and Cost Management services through the RISE framework.
18. Both contract extensions above are linked to a pre-agreed percentage set against the construction value of the project.

PROGRAMME

19. It is intended to deliver the construction works for the scheme between September 2024 and May 2025, with a detailed programme to be developed and agreed upon procurement of the main contract. It is anticipated that a report to request expenditure for the main contract award will be brought to the Executive Committee meeting on 17th September 2024.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	Executive Committee are requested to recommend to Council the approval of a fully funded increase to the St Annes Event Space project scheme within the Capital Programme for the total sum of £1,412,462 in 2024/2025, of which £173,452 in 2024/2025 shall be funded from the Council's Capital Investment Reserve, £840,000 in 2024/2025 in reallocated UK Shared Prosperity funding and £399,000 in 2024/2025 in capital virements from the Council's Capital Programme under the St Annes Levelling Up Fund Round 3 application capital scheme.
Legal	The various stages of the project will need to be procured in line with the Public Contracts Regulations 2015 (where applicable) and the council's own procurement rules. Delivery of the works is subject to the execution of a section 278 agreement with the Highways Authority.
Community Safety	There are no implications
Human Rights and Equalities	There are no implications

Sustainability and Environmental Impact	There are no implications
Health & Safety and Risk Management	The RIBA stage 3 report contains a fully detailed risk register which is monitored throughout the lifecycle of the project.

SUMMARY OF PREVIOUS DECISIONS

Council 2nd October 2023

It was RESOLVED to;

1. Approve a fully funded addition to the Councils Capital Programme in 2023/24 in the sum of £499,761 to the 'St Annes Levelling Up Round 3 Funding Application' scheme, to be met in full from the Capital Investment Reserve, and
2. Authorise the proposed expenditure of £499,761 in respect of the scheme as detailed within the report and award contracts to BDP Ltd and Gosling Consulting Ltd for £371,875 and £90,386, respectively.

Council 17th July 2023

It was unanimously RESOLVED to approve a fully funded addition to the Council's Capital Programme for the total sum of £1,500,000 (£1,000,000 in 2023/2024 and £500,000 in 2024/25) to the St Annes Event Square Project, of which £857,000 in 2023/2024 shall be provided from the Council's Capital Investment Reserve, £160,000 funding Minutes – Council – 17 July 2023 from UK Shared Prosperity Programme (UKSPF) in 2023/2024, £250,000 in 2024/25 is to be met from external funding provided by Lancashire County Council and capital virements of £233,000 in 2023/24.

Planning Committee - 27th July 2022

It was resolved:

That, Members consider the final draft of the St Annes Town Centre and Island Masterplan and that, subject to the incorporation of any amendments that the Committee consider necessary, adopt the masterplan as a framework to guide future investment and development projects in the resort.

That the St Annes Town Centre and Island Masterplan and companion documents be used to support applications for grant funding and to secure financial contributions from developments (Sn 106) in the borough to ensure the future vitality of the town centre and the island.

Finance and Democracy Committee – 13 September 2021

It was RESOLVED to grant delegated authority to the Director of Development Services to award the contract for the St Annes Town Centre and Island Health Check and Masterplan

Finance and Democracy Committee - 29 July 2021

It was RESOLVED to approve a fully funded revenue budget increase of £120,000 for 2021/2022, of which £108,000 is funded from the Lancashire Economic Recovery Grant from Lancashire County Council and a further £12,000 is funded from the funding volatility reserve for the commissioning of the Island Regeneration Programme Masterplan.

Planning Committee - 28 July 2021

It was RESOLVED: To recommend to the Finance & Democracy Committee approval of a fully funded revenue budget increase of £120,000 for 2021/2022, of which £108,000 is funded from the Lancashire Economic Recovery Grant from Lancashire County Council and a further £12,000 is funded from the funding volatility reserve for the commissioning of the Island Regeneration Programme Masterplan.

Finance and Democracy Committee - 28 June 2021 -

Confirmation of Working Groups

It was RESOLVED to confirm the membership of the following working groups: St Annes Programme Board – To appoint the Leader and Deputy Leader to the working group.

Finance and Democracy Committee – 28 September 2020

Town Centre Working Group Update and Proposals to Support the Regeneration of St Annes Town Centre - It was RESOLVED:

to approve a revenue funded budget increase for 2020/21 in the sum of £150,000, to be funded from the Funding Volatility Reserve, to provide for the commissioning of a vision/strategy for St Annes Town Centre, such vision to include a town centre health check and be informed by the survey results and working group proposals for St Annes, and The Town Centre Working Group be consulted regarding the commissioning of this work.

Planning Committee – 16 September 2020

Town Centres Working Group Update and Proposals to Support the Regeneration of St Annes Town Centre -To recommend that the Finance & Democracy Committee approve a revenue funded budget increase for 2020/21 in the sum of £150,000, to be funded from the Funding Volatility Reserve, to provide for the commissioning of a vision/strategy for St Annes Town Centre, such vision to include a town centre health check and be informed by the survey results and working group proposals for St Annes.

BACKGROUND PAPERS REVELANT TO THIS ITEM

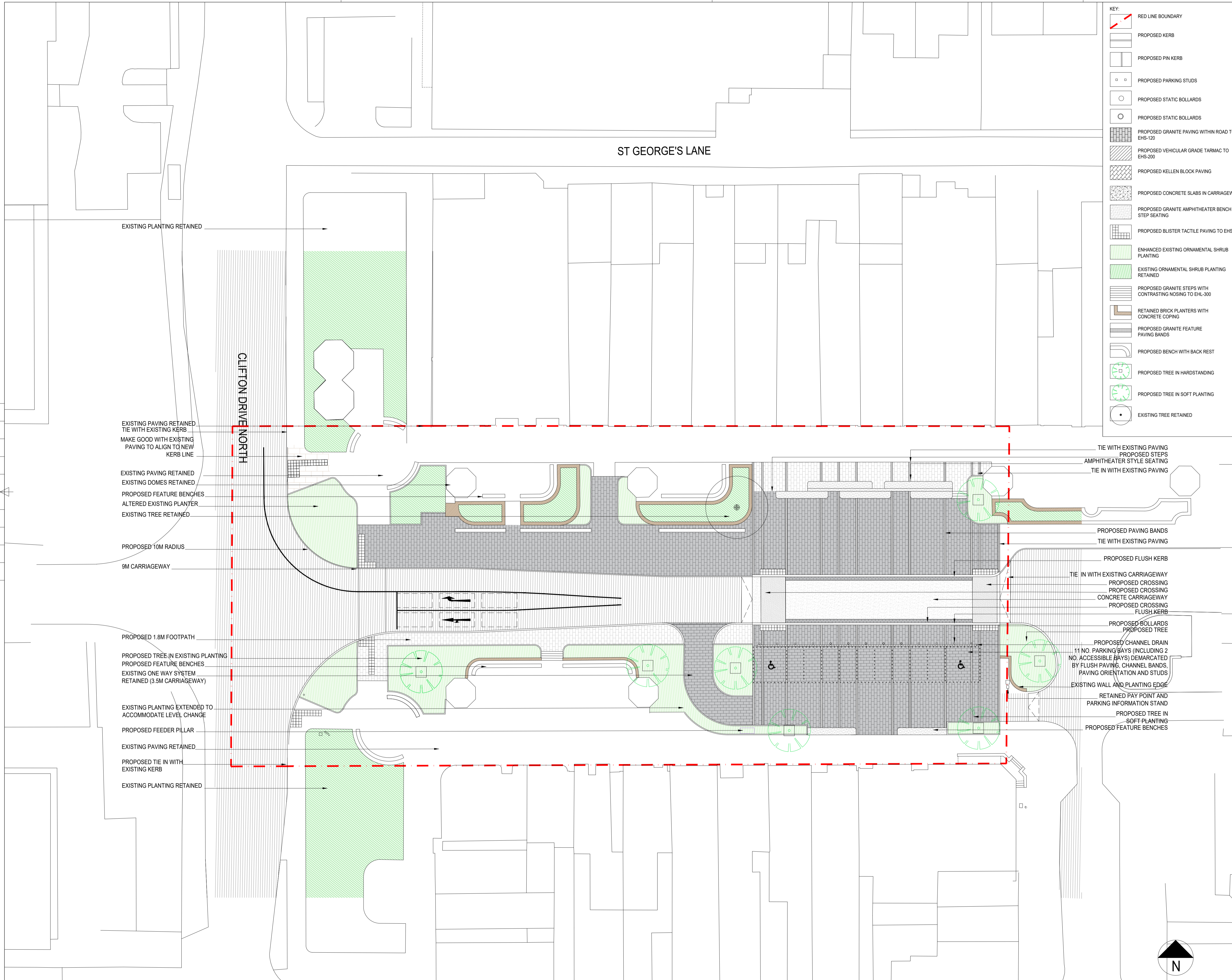
Name of document	Date	Where available for inspection
RIBA Plan of Work	2020	RIBA Plan of Work (architecture.com)
Updated visuals and general Stage 3 design pack	May 2024	St Annes Event Space Update – Fylde Council
Initial St Annes event space scheme report	17 th July 2023	Report (cmis.uk.com)

LEAD AUTHOR	CONTACT DETAILS	DATE
Charlie Richards	Charlie.richards@fylde.gov.uk 01253 658520	13 May 2024

Appendix 1 – Initial scheme general arrangement plan

Appendix 2 – Enhanced scheme general arrangement plan

Appendix 3 – St Annes Event Space – Consultation Report August 2023



- KEY:**
- RED LINE BOUNDARY
 - PROPOSED KERB
 - PROPOSED PIN KERB
 - PROPOSED PARKING STUDS
 - PROPOSED STATIC BOLLARDS
 - PROPOSED STATIC BOLLARDS
 - PROPOSED GRANITE PAVING WITHIN ROAD TO EHS-120
 - PROPOSED VEHICULAR GRADE TARMAAC TO EHS-200
 - PROPOSED KELLEN BLOCK PAVING
 - PROPOSED CONCRETE SLABS IN CARRIAGEWAY
 - PROPOSED GRANITE AMPHITHEATER BENCH AND STEP SEATING
 - PROPOSED BLISTER TACTILE PAVING TO EHS-100
 - ENHANCED EXISTING ORNAMENTAL SHRUB PLANTING
 - EXISTING ORNAMENTAL SHRUB PLANTING RETAINED
 - PROPOSED GRANITE STEPS WITH CONTRASTING NOSING TO EHL-300
 - RETAINED BRICK PLANTERS WITH CONCRETE COPING
 - PROPOSED GRANITE FEATURE PAVING BANDS
 - PROPOSED BENCH WITH BACK REST
 - PROPOSED TREE IN HARDSTANDING
 - PROPOSED TREE IN SOFT PLANTING
 - EXISTING TREE RETAINED

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NOTES

ALLOWANCE TO BE MADE FOR AN ADDITIONAL CCTV COLUMN, FEEDER PILLARS / ELECTRICAL POWER SUPPLIES INCLUDED. LARGER IN GROUND. POWER SUPPLIES SERVICING EVENTS OMITTED. LARGER IN GROUND. POWER SUPPLIES SERVICING EVENTS OMITTED. LARGER IN GROUND. POWER SUPPLIES SERVICING EVENTS OMITTED.

PROPOSED LIGHTING TO USE EXISTING COLUMNS. LUMINAIRE AND FITTINGS TO BE REPLACED. LIGHTING COLUMNS REPAINTED. ALLOWANCE TO BE MADE FOR STRIP LIGHTING TO THE PROPOSED BENCHES EDGING THE CARRIAGEWAY AREA. GOBO PROJECTORS TO COLUMNS AND UPLIGHTING TO PLANTING OPTIONAL.

P13	EG	DW	17.04.24
P12	EG	DW	15.04.24
P11	EG	DW	28.03.24
P10	EG	DW	25.03.24
P09	EG	DW	19.03.24
P08	EG	MC/DW	01.03.24
P08	EG	MC	10.11.23
P07	EG	MC	11.10.23
P06	IF	MC	27.09.23
P05	IF	MC	26.09.23
P04	EG	MC	15.09.23
P03	EG	JM	23.08.23
P02	EG	MC	01.08.23
P01	EG	MC	27.06.23

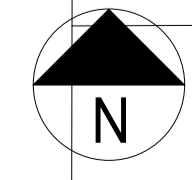
FIRST ISSUE



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PROJECT TITLE		SCALE
ST ANNES TOWN CENTRE NEW EVENT SPACE		@ A1
PROJECT NUMBER		1:250
P3003381		
DRAWING TITLE		DATE
LANDSCAPE		NOV '23
GENERAL ARRANGEMENT		REVISION
3003381-BDP-00-XX-DR-L-002		P13



St Annes Event Space.

Consultation Report: August 2023.

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Headline findings.



Markets (Food/Artisan/Christmas Markets) are the most preferred events that respondents would like to see in the new Events Space



Opinions are fairly divided over whether the current amount of seating in the Square is about right or too few



Almost three-quarters feel one or more of the potential accessibility options would be helpful; a slope was chosen as helpful by the majority of respondents



Opinions on whether to keep the domes are divided, although a majority of those consulted (59%) indicated that they would remove some or all of the domes



Of the proposed ideas to shelter from the wind, a temporary bespoke design is the most popular



The majority of respondents:

- agree that **parking provision** in the area by Natwest Bank is **important**
- **support temporarily relocating the bus services** when an event is to be scheduled
- **agree** that **enhanced lighting** will attract visitors and extend the night-time economy whilst helping people feel safe
- **agree** that an **upgraded CCTV system** in St Annes Square is **important** to deter crime and anti-social behaviour



The Kite Festival and St Annes Carnival were the most supported events amongst respondents, and the majority of comments about previous events were positive

Introducing the consultation.



What was the consultation on?

The St Annes Town Centre and the Island Masterplan aims to improve the appearance of the town centre, promote public transport and retain the features of the Conservation areas. The aim of the Events Space, part of the Masterplan, is to provide a dedicated events space within St Annes Square.

For more information on the St Annes Event Space project and the Masterplan, please visit <https://new.fylde.gov.uk/stannesregen/>

The aim of the consultation is to gather observations, comments and questions about the project.



The approach

Fylde Council developed and hosted an online survey to understand people's views on particular aspects of the proposed plan.



232 responses were received to the consultation

The online survey was available to complete between 19 July and 11 August 2023. Of the 232 responses to the consultation, 90% of all respondents provided FY8 postcodes and over half (54%) of respondents gave an FY8 1 or FY8 2 postcode. 95% of all respondents gave their home postcode and 4% said the postcode provided was for their business.

Responses to the consultation.



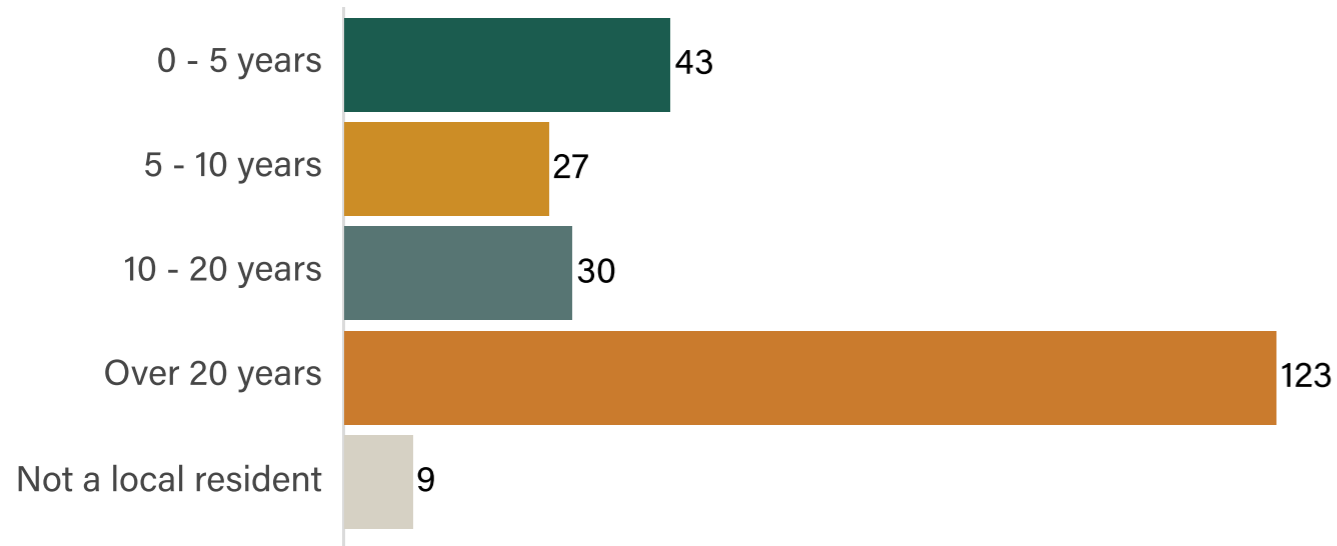
232 responses to the consultation



Half of all respondents (53%) have lived here for over 20 years

96% of all responses were from local residents

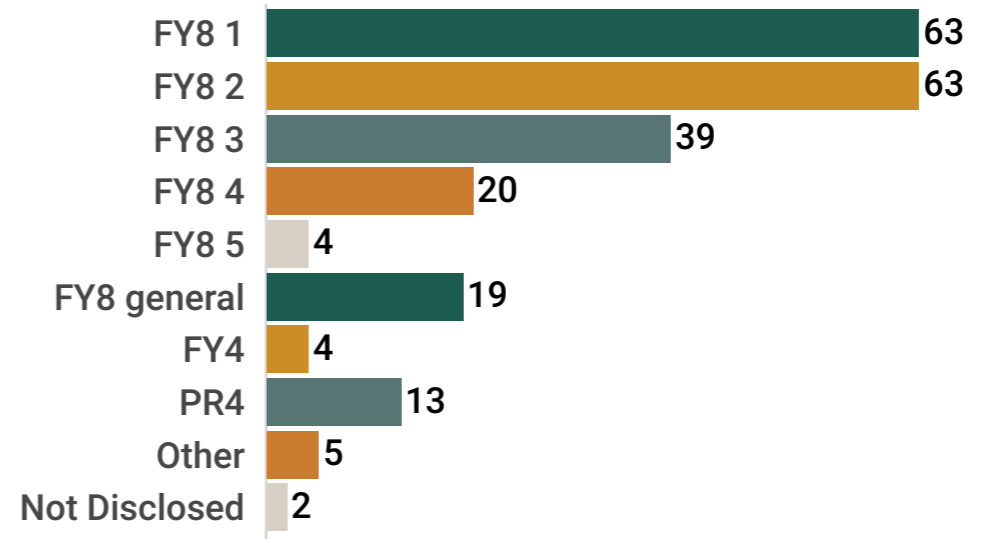
Q: "How long have you lived here?"



9 in 10 of all respondents gave an FY8 postcode

With over half (54%) giving an FY8 1 or FY8 2 postcode

Postcodes provided by respondents (232 respondents)



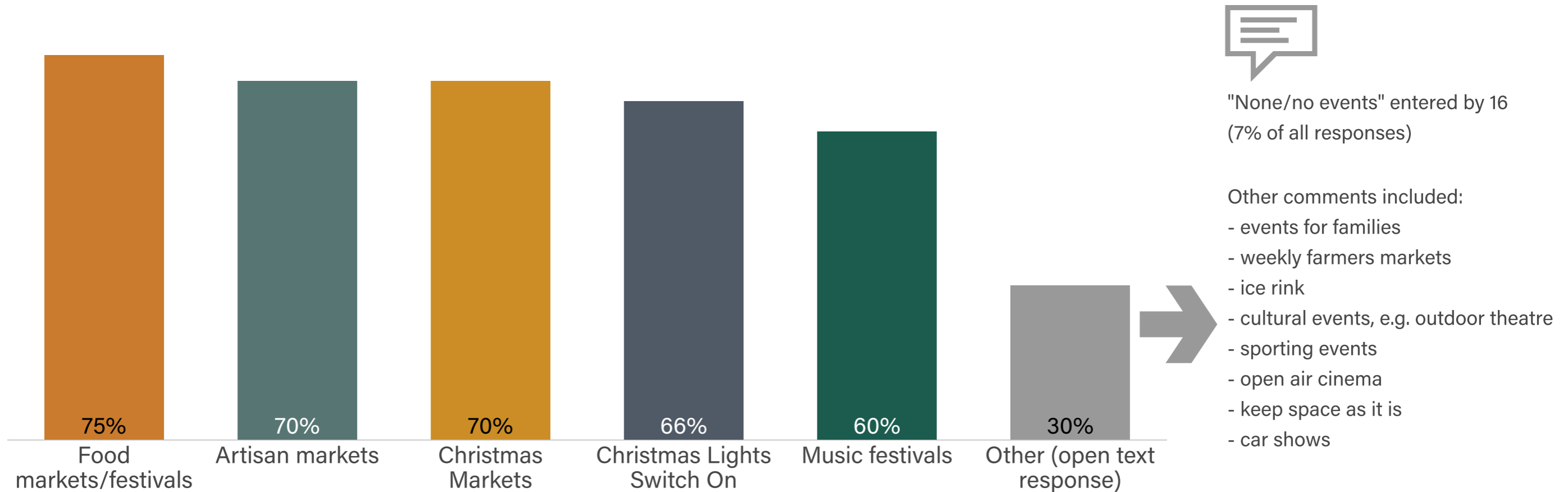
Almost all gave their home postcode; just 9 respondents said the postcode they provided was for their business

8 gave FY8 postcodes; 1 gave a PR4 postcode

Events: Markets are the most preferred events that respondents would like to see in the Events Space.

Q1. What types of events would you like to see in this space?*

(Base: all respondents = 230; more than option could be chosen)

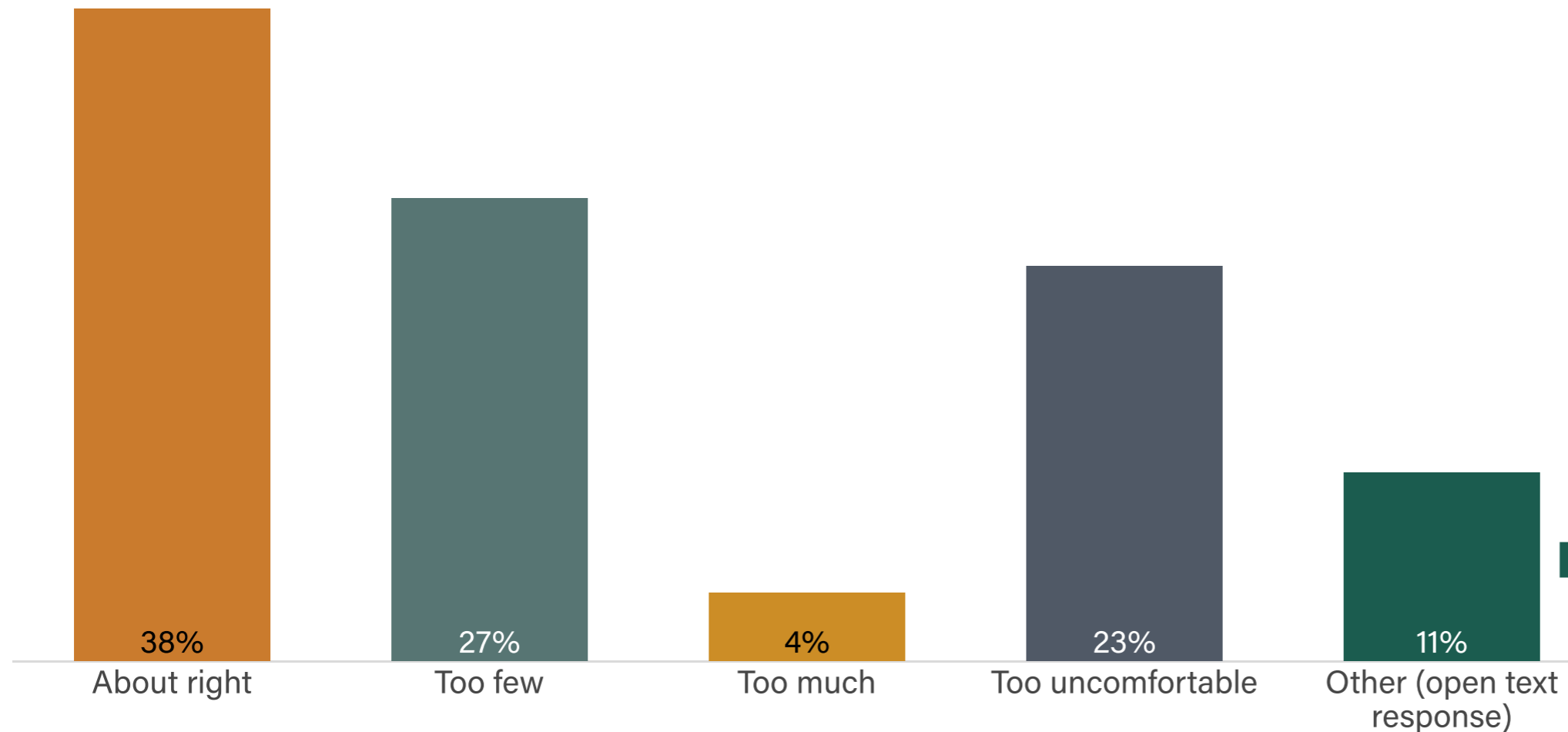



*Full question text: The Events Space (Clifton Drive to Orchard Road) features in the Masterplan for St Annes which was agreed in 2022 following extensive consultation with businesses, residents and county highways. It is central and visible from the main road and promenade, to attract people into the town. The different height levels allow natural viewing points. The space is designed to be flexible to accommodate different size events, the larger ones requiring temporary road closure. What types of events would you like to see in this space?

Seating: Opinions are fairly divided over whether the current amount of seating in the Square is about right or too few.

Q2. The plan is to update the seating and ensure it is attractive, durable and accessible. Do you think the amount of seating in the Square at present is...?

(Base: all respondents = 230; more than option could be chosen)



 Almost a quarter feel the current seating is too uncomfortable

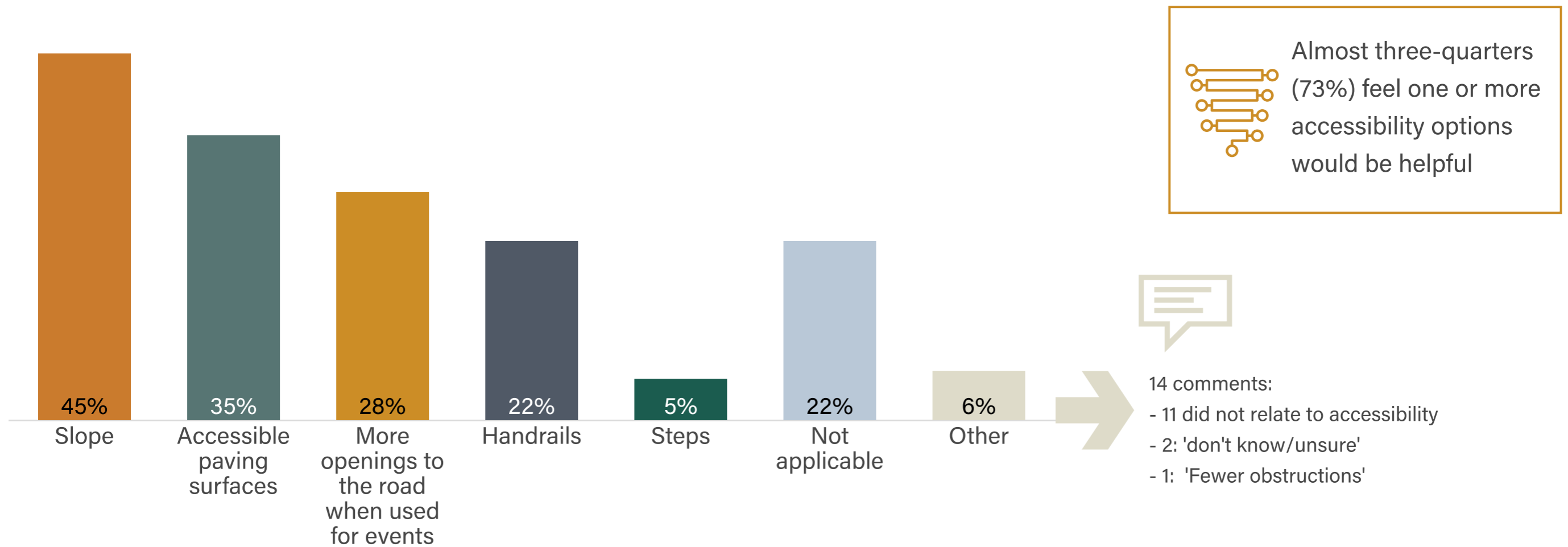


- Comments include:
- cafes provide additional seating
 - current seating is not attractive
 - steel benches uncomfortable
 - dislike blue domes
 - if domes are removed, would need more seating

Accessibility: 45% feel that a slope would be helpful to them in moving through the different levels of the Event Space.

Q3. Which of the following would be helpful to you in moving through the Events Space from one level to another?

(Base: all respondents = 231; more than option could be chosen)

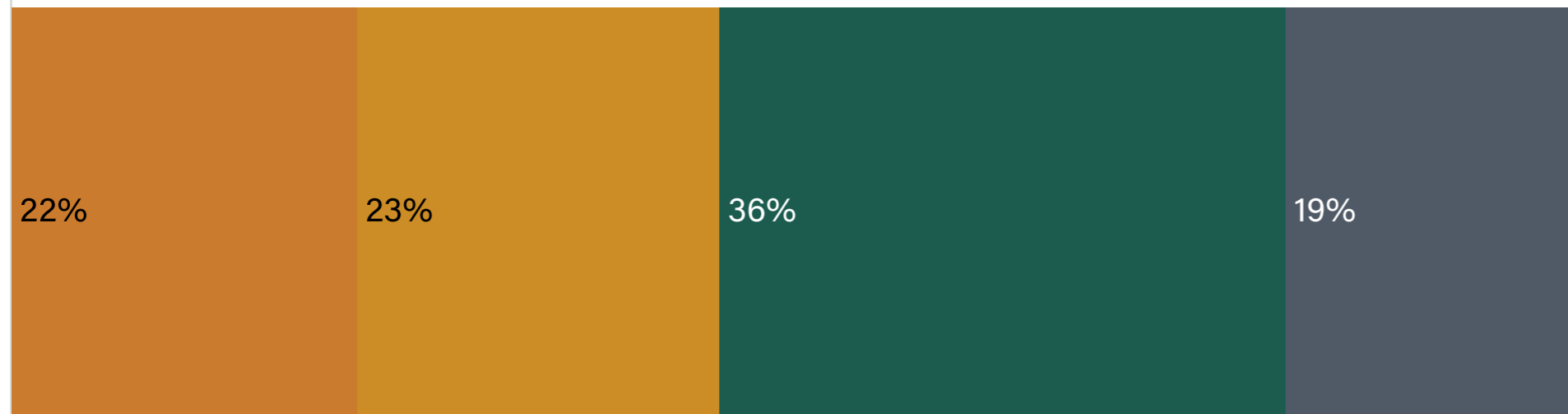


Domes: Opinions are divided over whether to retain the domes, although a majority of those consulted (59%) indicated that they would remove some or all of the domes.

Over a third of respondents (36%) would remove all the domes, just over a fifth (22%) would retain all of the domes and a further fifth of respondents (23%) would only retain some.

Q4. The domes provide a shelter from inclement weather, seating and a space for pop up shops. However, they can also attract undesirable behaviour. Would you....?

(Base: all respondents = 230; single choice only)



'Other' comments include:

- if removing, will need alternative shelter from wind and rain
- domes are outdated
- deal with anti-social behaviour, e.g. install monitored CCTV in the area, PCSOs/police
- install traditional canopies over shop fronts



● Retain all of the domes ● Retain some of the domes ● Retain none of the domes ● Other

Parking: Two-thirds agree that parking provision in the area by Natwest Bank is important.

Q5. The plan retains the existing parking area by the Natwest Bank when the events space is not in use. Do you agree that parking provision here is important?

(Base: all respondents = 232; single choice only)

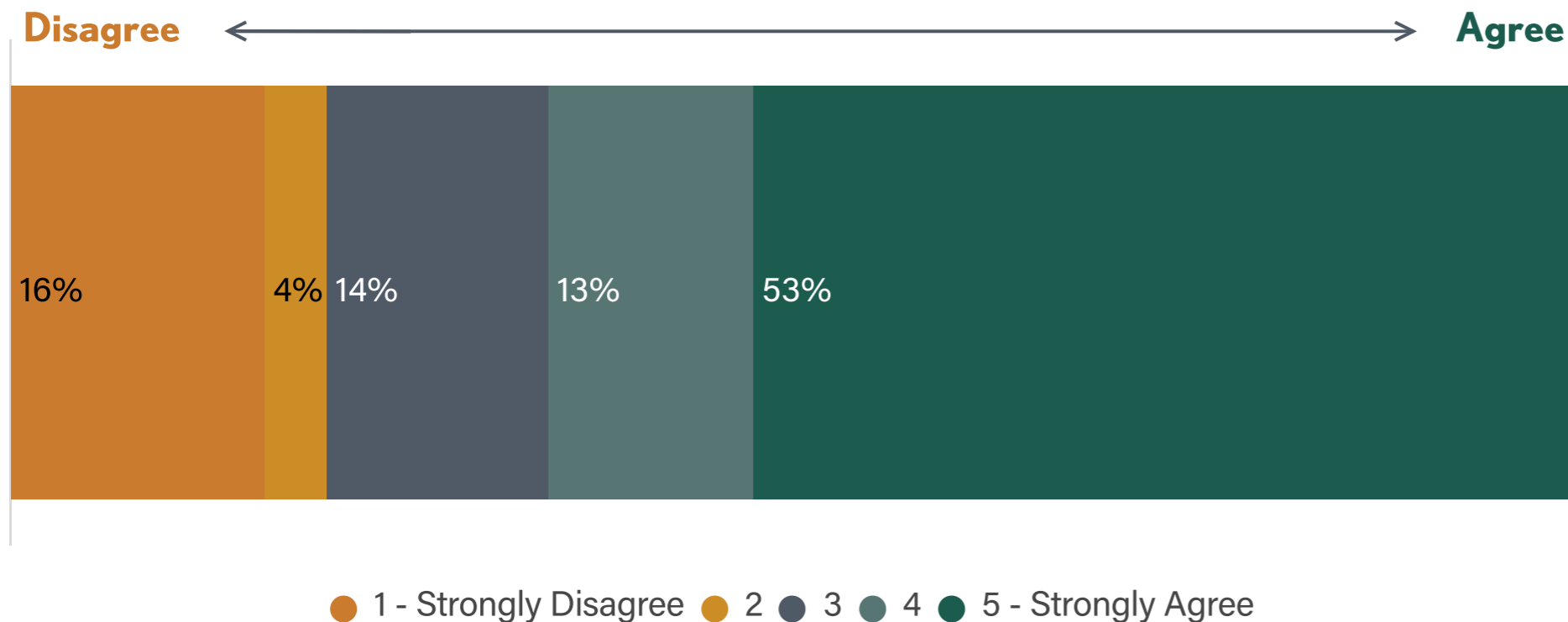


Observations

Two-thirds of all respondents (67%) agree that retaining parking provision in this area is important; almost a fifth (19%) disagree that this is important.

Respondents from the FY8 1 postcode are slightly more likely to feel this is important (although this difference is not statistically significant):

- 71% from FY8 1 agree
- 67% from FY8 2 agree
- 64% from all other postcodes agree



Most comments about parking refer to the need to keep parking provision, particularly for access to shops and for disabled/elderly residents.

104 respondents provided a comment in response to "Q6. If you wish to make comments on question 5, please use the box below". Comments have been coded into themes; one comment may be included in more than one theme. The three most common themes and example comments:



**Parking already difficult in Square/
need parking for shops (39 comments)**



Parking is vital to ensure people use the square. It is already a challenge to find a parking space most times you try and visit the square.



Need accessible parking (22 comments)



The plans appear to make it harder for disabled people, of which there are many, to park and access the centre.



**Should be no parking in the Square/enough
parking elsewhere (20 comments)**



Open the space up. Car parking makes it look horrible. The square should be a spectacular place, not a car park!!

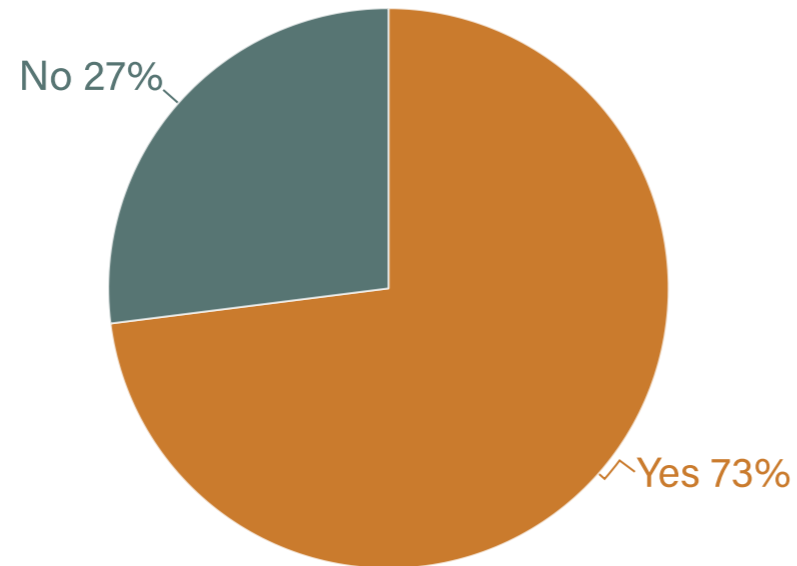
Other themes include:

- Multi-storey car park under-used/needs improving/needs better signage (12 comments)
- Concern over traffic flow/closing roads (8 comments)
- Parking should be free/free for residents (6 comments)

Transport: Almost three-quarters (73%) support temporarily relocating the bus services when an event is to be scheduled.

Q7. When an Event is to be scheduled do you support the bus services being temporarily relocated outside Boots?*

(Base = all respondents = 232; single choice only)



Observations

Local residents who have lived here for more than 20 years are less likely to support the temporary relocation of the bus services:

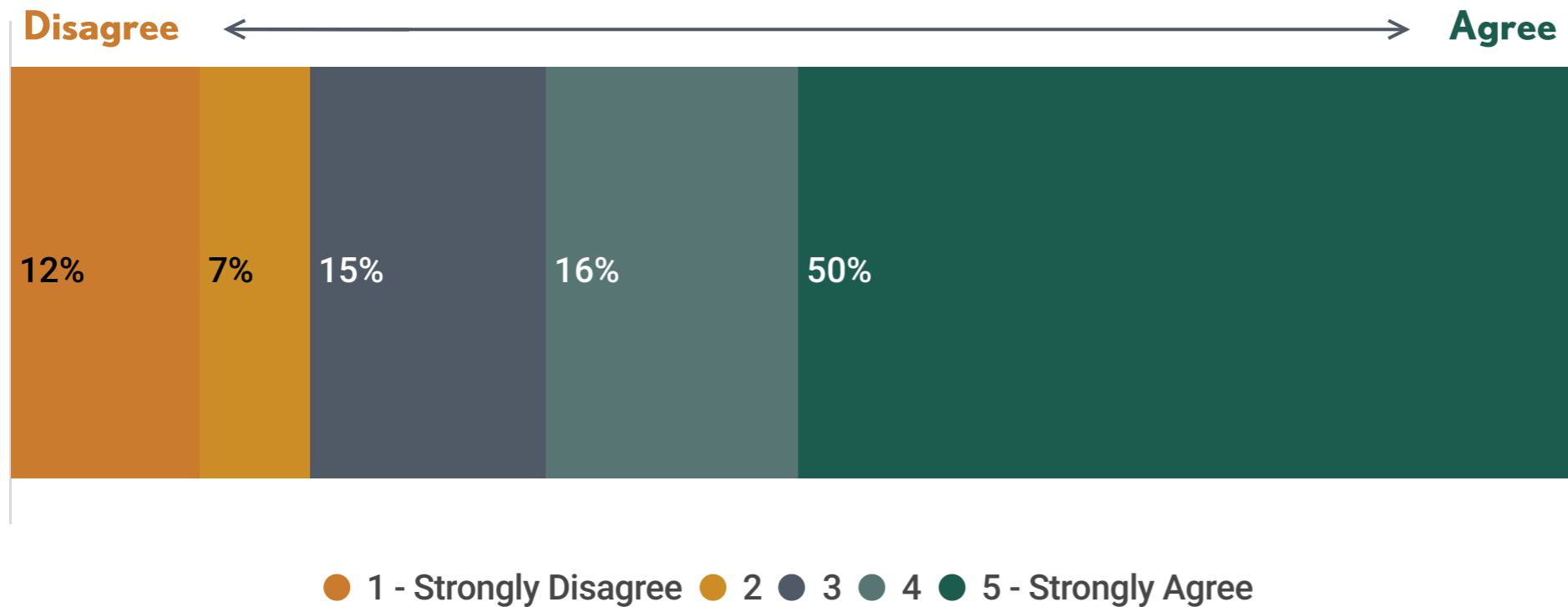
- 65% of those who have lived here more than 20 years support the temporary relocation
- 82% of those who have lived here less than 20 years support the temporary relocation

*Full question text: The Masterplan provides for the bus layby outside Tesco Express to be relocated to outside Boots, to improve connectivity between bus and rail services. This is the longer-term vision when funding is made available for the remainder of the Square. To facilitate use of the Events Square in the medium term there will be the occasional need to move the bus stop for nos 11, 17, 68, 76 and 78. When an Event is to be scheduled do you support the bus services being temporarily relocated outside Boots?

Lighting: Two-thirds agree that enhanced lighting will attract visitors and extend the night-time economy whilst helping people feel safe.

Q8. Do you agree that enhanced lighting will attract visitors and extend the night-time economy whilst helping people feel safe?

(Base: all respondents = 232; single choice only)



Observations

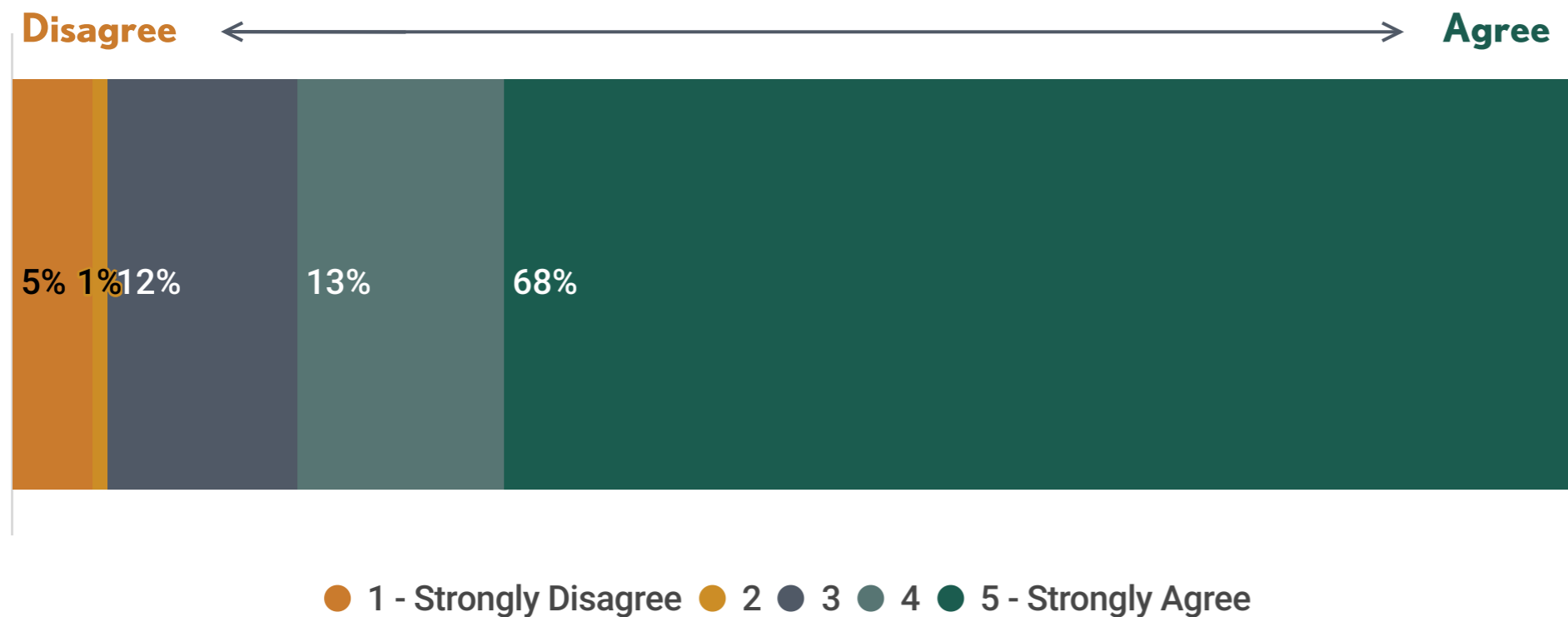
Two-thirds of all respondents (66%) agree overall and a fifth (19%) disagree.

*Full question text: The proposal is to create a bespoke lighting scheme in the Events Square and to equip the space with power and utilities to provide a revitalised and more connected town centre. Side streets also require improved lighting. Do you agree that enhanced lighting will attract visitors and extend the night-time economy whilst helping people feel safe?

CCTV: 8 in 10 agree that an upgraded CCTV system in St Annes Square is important to deter crime and anti-social behaviour.

Q9. The CCTV system in and around St Annes Square will be upgraded with new panoramic cameras installed. Do you agree this is important to deter crime and anti-social behaviour?

(Base: all respondents = 232; single choice only)



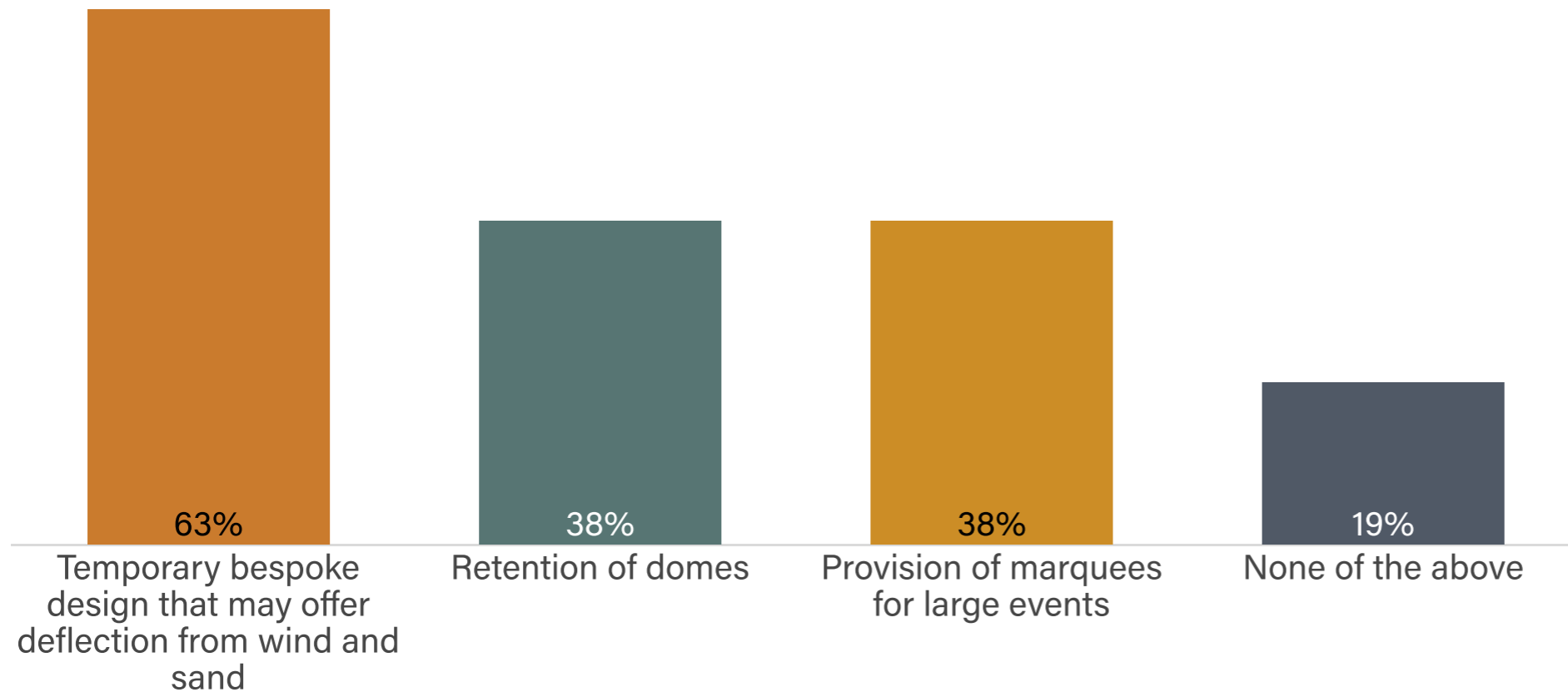
Observations

81% all respondents agree overall and 6% disagree that an upgraded CCTV system in St Annes Square is important to deter crime and anti-social behaviour.

Weather: A temporary bespoke design is the most popular of the proposed ideas to shelter from the wind.

Q10. St Annes is windy from time to time. Do you support any of the following ideas to shelter from the wind:

(Base: all respondents = 232; more than one option could be chosen)



Observations

37 (16%) of respondents chose all three proposed options.

A fifth (19%) would not support any of the proposed ideas.

Of the 89 respondents who support the retention of the domes, 46 (52%) had stated in an earlier question that they would prefer for all of the domes to be retained, while 24 (27%) would retain some of the domes (the remaining 19 chose 'Other' at the previous question).

When describing what they would like to see in the Event Space, the four most common words given were music, entertainment, accessibility and safety.

Q11. What 3 words describe what you would like to see in the Events Space?

(Base: all respondents = 220; only words with five or more entries are shown)



Observations

Music was the most common word, with 26 respondents (12%) mentioning 'Music'.

37 respondents (17%) used this question to voice their overall disapproval of the proposed Event Space. These have been excluded from this diagram.

The view from local business respondents.

Nine respondents gave their business postcode when responding to the consultation.



Preferred events

- All nine would like to see 'Christmas Markets' in the new Event Space, eight would like to see 'Artisan Markets', seven 'Music Festivals', seven the 'Christmas Lights Switch On' and six 'Food Markets'.



Domes

- Three would retain none of the domes, two would retain all of the domes, one would retain some of the domes (three chose 'other')
- Other comments about the domes include: "Update though"; "Maybe reposition some but previous investment should always be utilised"; and, "They act as windshields but the majority hate them and would rather have the flower beds from the past."



Parking

- 7 of the 9 agree that parking provision near NatWest Bank is important
- Comments about parking include: "Parking is important for the area for local business. People can't park they do not shop."; "Perhaps free parking for certain timeframes."; and, "There is already a lack of short term parking in the vicinity and removal of more will have a detrimental impact on local business."



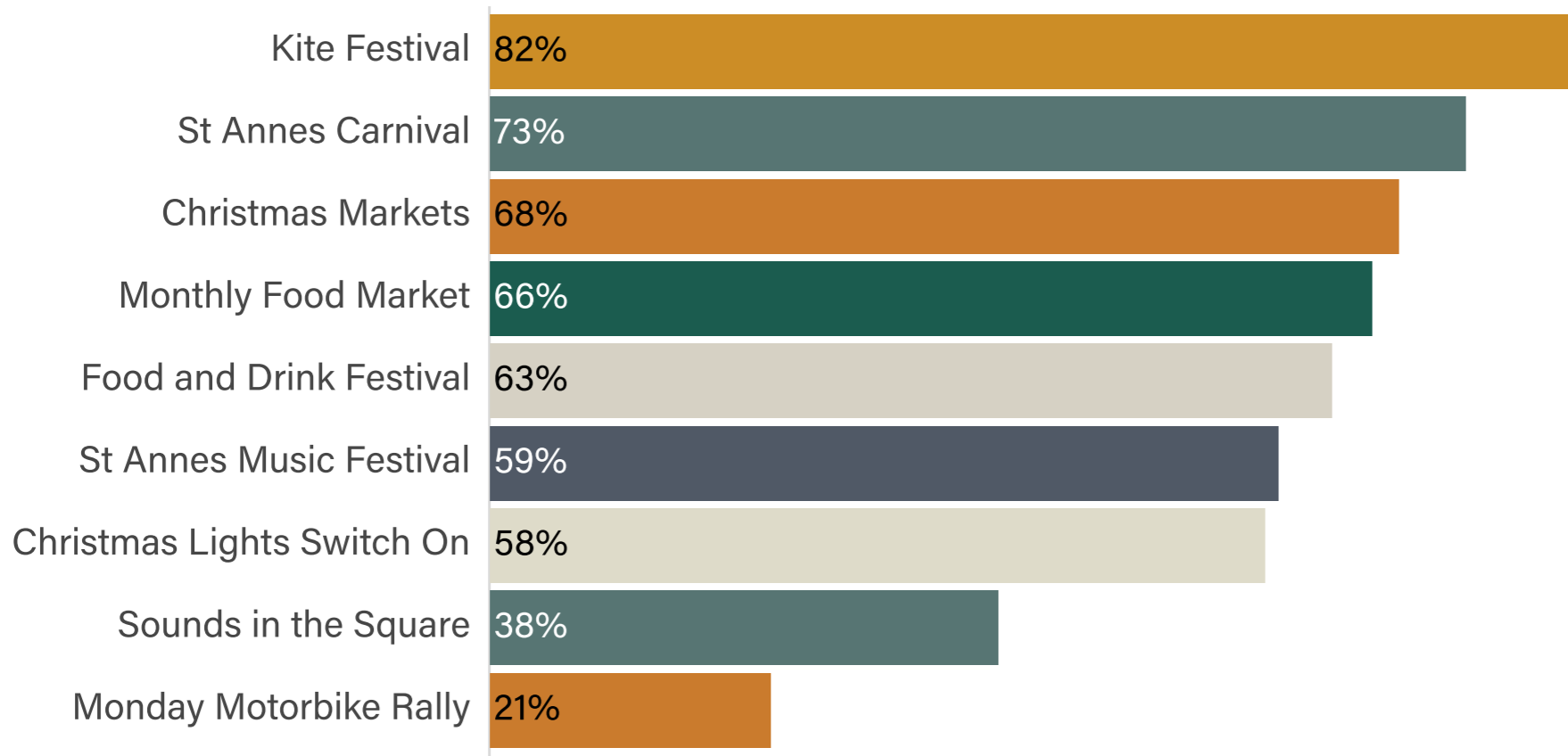
Other comments include:

- "Think it's as good idea, but presume the council will make all the money out of the space. Perhaps give some back to local business 40 empty shops."
- "All for change - need to maintain investment, need to encourage more businesses, need to offer more events for residents (not just tourists), consider evening events, its like a ghost town after 5pm"
- "Location, location, location. Feel the event space would be best where the Amphitheatre resides. Clear out the green on green paths and clutter. Place an angled seated windbreak. Reinstate colour."
- "St Georges Road does not seem to get the footfall it should, Pavement trees would help to give it a distinctive identity. Monthly farmers market could be held here so visitors realise there is a cafe, market entrance, shops, car park, Gardens entrance, Gardens lodges etc. there."
- "I am seriously concerned that possible plans to make adjoining streets one-way if the Square was closed to traffic would make roads congested. The M&S park regularly causes traffic to hook up on to Wood Street and Clifton Drive South. This could get worse and make it extremely difficult for clients to access our business premises."

Attendance at previous events: The Kite Festival and St Annes Carnival were the most supported events amongst respondents.

Q15. Please tick all the events you have previously supported in St Annes

(Base: all respondents = 220; more than one option could be chosen)



Observations

Over 8 in 10 respondents supported the Kite Festival and almost three-quarters (73%) supported St Annes Carnival.

The Monday Motorbike Rally and Sounds in the Square were the least well supported previous events amongst respondents.

"What 3 words describe what you would like to see in the Events Space??"

Example comments.

Don't do it/against changes

- Not required here
- No event space
- Nothing not needed

Entertainment/fun

- Fun. Vibrant. Entertaining
- Family friendly entertainment
- Magic, excitement, dynamism
- Crowds, entertainment, events

Culture

- Markets. Music. Performance
- Local art food
- Family, music, stalls
- Community, music, entertainment
- Theatre, music, art & craft

Accessible/inclusive

- Accessibility Adaptability Shelter
- Inclusive autism friendly
- Safety, accessibility, compatability
- Something for everyone

The majority of those who have previously supported an event would like to see this event (or similar events) held in the new proposed Event Space.

Of those who have previously supported:

 **Christmas Markets** → 79% (118 of 149) would like to see this event in the new proposed Event Space

 **Christmas Lights Switch On** → 76% (97 of 128) would like to see this event in the new proposed Event Space

 **Either the Food and Drink Festival or the Monthly Food Market** → 78% (147 of 189) would like to see 'Food Markets/Festivals' in the new proposed Event Space

 **Sounds in the Square** → 75% (63 of 84) would like to see 'Music Festivals' in the new proposed Event Space

6 in 10 commented that previous experiences have generally been positive.

175 respondents provided a comment in response to "Q16. Following on from question 15, please provide comments on your experience of the events you have previously supported". Comments have been coded into themes; one comment may be included in more than one theme.

Of all comments about previous experiences of local events:



59% had a positive experience(s)



19% felt the experience(s) was poor/disappointing



14% have had mixed experiences

Top 10 themes amongst comments:

- Experience was generally positive (104 comments)
- Generally negative experience (33 comments)
- Mixed experiences/could have been better (25)
- Existing venues are good (esp. Ashton Gardens)/Don't need new space (21 comments)
- Need more in centre/Ashton Gardens takes away from centre/positive about new space (17)
- Events increase footfall/visitors/were well attended (15)
- Well managed/organised (15)
- Enjoyable/friendly atmosphere (13)
- Not enough parking (12)

Previous experiences of local events: example comments.

- “ The occasional events are usually of a high standard. I think the monthly market is on its last legs and needs a serious re-think. The stalls are fewer and some of them look tired and unattractive.
- “ Too many in Ashton gardens taking business away from the square. Not enough free parking.
- “ All events are great but more effort needed to make them feel different from each other. Everything looks and feels the same.
- “ Really positive experiences but all have felt quite restrictive on space and movement so this new space would make them hugely more accessible for larger audiences and they'd feel more comfortable!
- “ Lovely ideas, but often feel disjointed or 'plonked' in one place not connected to others. Always too expensive for families with young children [...] A lot of the events don't feel like they've got children or how families with children can use them at the forefront of planning.
- “ The events I have supported work well as they are and do not need the extra event space. Ashton Gardens provides much better protection against the wind than St Annes Road West ever will.
- “ All very good events. Disabled access not great in Ashton Gardens.
- “ Good but more variety and higher standard of food stalls required. The same outlets are always present at every event.
- “ We enjoy all events. However, we wish for events to be better advertised like- instagram.
- “ Great but require a huge amount of effort from volunteers.
- “ Events are always a boost as long as larger ones don't clash with other events in the same borough.

Any other comments: Key themes and example comments.

179 respondents provided a comment in response to "Q17. Please provide any other comments you may have regarding this project".



It's a good idea



I think it's a great idea. Forget the moaners. St Annes need a fresh make over and this will help immensely.



I love the project, we need more space to be added.



I think the project is exciting and should be very beneficial for the town.



Concerns/questions over traffic flow/buses/parking



Has anyone given thought to exactly how the buses are supposed to get to Boots? Has anyone consulted a bus driver?



What consideration has there been for traffic flow during events? This may well require changing one way streets to be 2 way or vice versa.



Don't agree with the project



It is a ridiculous waste of money, ill thought through. The project should be abandoned.



If the intention is to attract shoppers to the town centre then an event space is not the answer. It will only hold 5 events per year so will have negligible effect on trade.



We DO NOT need an events space, Ashton gardens is the right place for all large events, the paving area is in desperate need of replacing and better lighting.

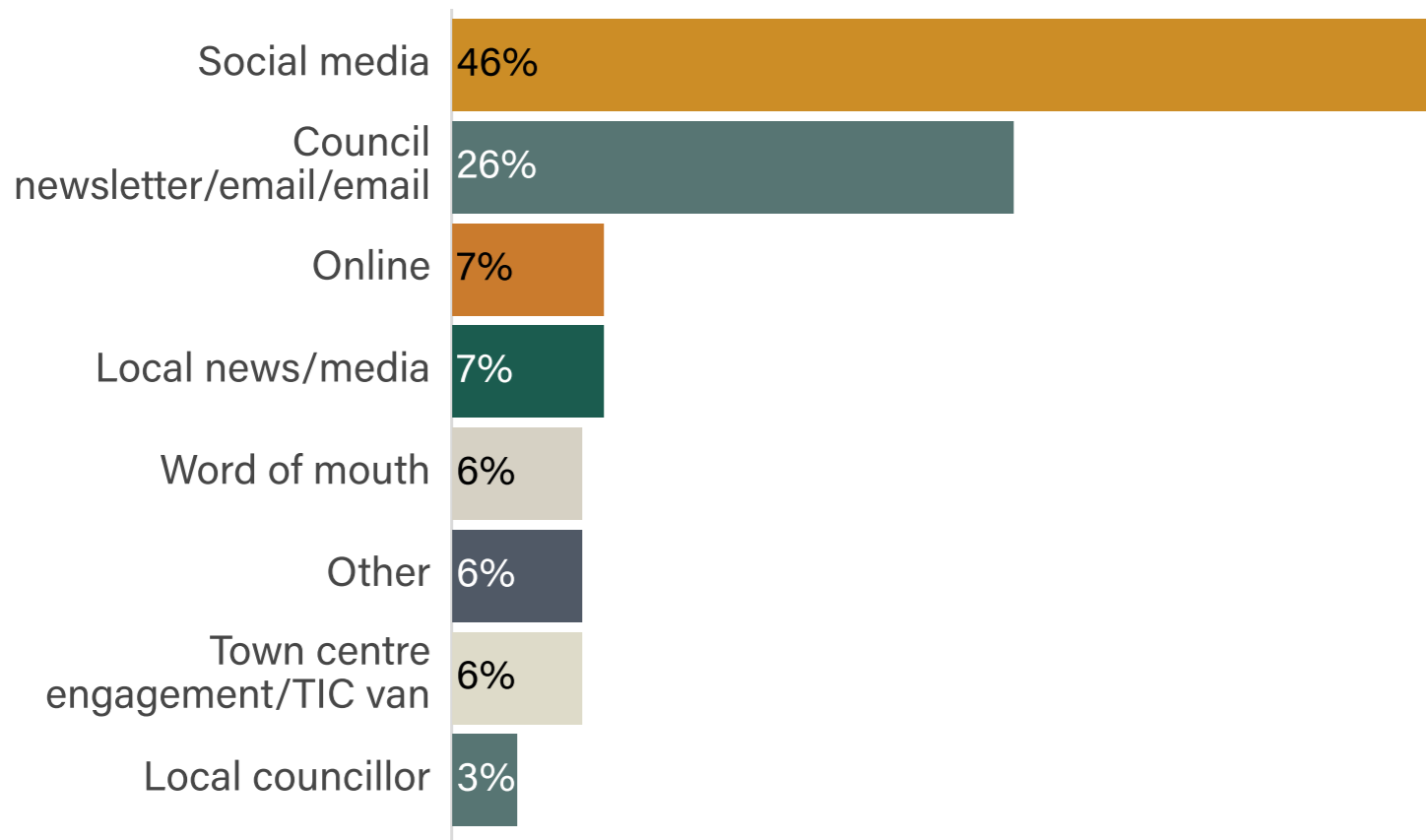
Other themes include:

- Need to do more to help local businesses/fill empty buildings
- Consult more with residents/consider resident needs more
- Concerns/questions over shelter from wind/weather
- Remove domes/tidy planting
- Other suggested changes to plans/project

Almost half heard about the consultation via social media.

Q18. How did you hear about the consultation?

(Base: all respondents = 227; open text comments coded into themes)



Observations

46% of respondents heard about the consultation via social media, with Facebook the most often mentioned platform.

A quarter heard about the consultation via the council newsletter/email.

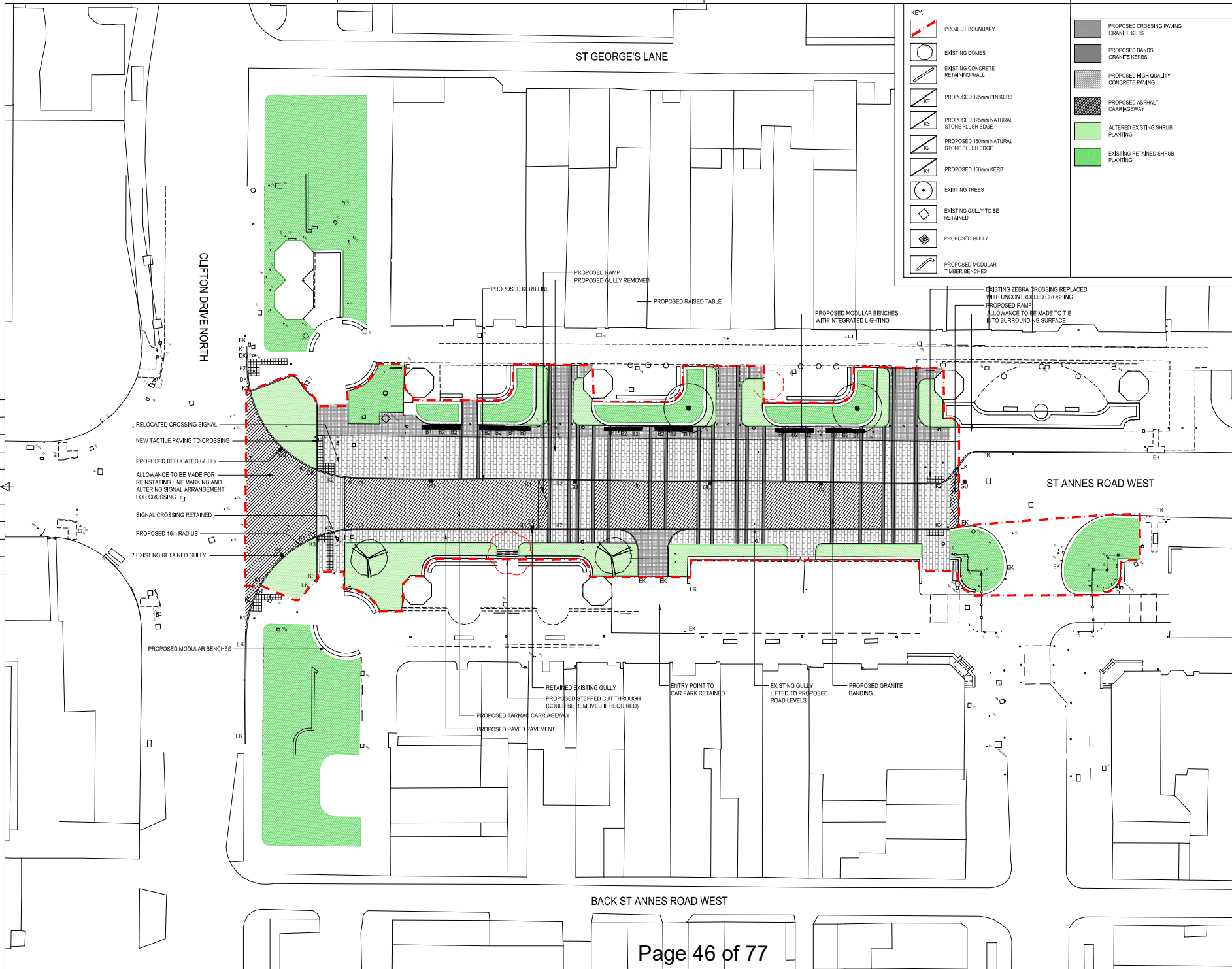
6% heard about the consultation via the town centre engagement/TIC van.



ps research

Report by PS Research.

psresearch.co.uk | hello@psresearch.co.uk



KEY:

- PROJECT BOUNDARY
- EXISTING DOMES
- EXISTING CONCRETE RETAINING WALL
- PROPOSED 120mm PIN KERB
- PROPOSED 125mm NATURAL STONE FLUSH EDGE
- PROPOSED 150mm NATURAL STONE FLUSH EDGE
- PROPOSED 150mm KERB
- EXISTING TREES
- EXISTING GULLY TO BE RETAINED
- PROPOSED GULLY
- PROPOSED MODULAR TIMBER BENCHES

- PROPOSED CROSSING PAVING GRANITE SETS
- PROPOSED BANDS GRANITE KERBS
- PROPOSED HIGH QUALITY CONCRETE PAVING
- PROPOSED ASPHALT CARRIAGEWAY
- ALTERED EXISTING SHRUB PLANTING
- EXISTING RETAINED SHRUB PLANTING

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NOTES

ALLOWANCE TO BE MADE FOR AN ADDITIONAL CCTV COLUMN. FURTHER RELAYS / ELECTRICAL POWER SUPPLIES REQUIRED. LARGELY IN GROUND. POWER SUPPLIES SERVING EVENTS OMITTED.

PROPOSED LIGHTING TO USE EXISTING COLUMNS, LUMINAIRE AND FITTINGS TO BE REPLACED. LIGHTING COLUMNS REPAIRED. ALLOWANCE TO BE MADE FOR STRIP LIGHTING TO THE PROPOSED BENCHES EDGING THE CARRIAGEWAY AREA. GOOD PROJECTORS TO COLUMNS AND LIGHTING TO PLANTING OF TENDRIL.

P08	EG	MC	10.11.23
P07	EG	MC	11.10.23
P06	IF	MC	27.08.23
P05	IF	MC	28.08.23
P04	EG	MC	15.08.23
P03	EG	JM	23.08.23
P02	EG	MC	01.08.23
P01	EG	MC	27.06.23



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ST ANNES TOWN CENTRE
NEW EVENT SPACE
P3003381
LANDSCAPE
GENERAL ARRANGEMENT

NOV 23 @ A1
1:250

3003381-BDP-00-XX-DR-L-002 P08

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF REGENERATION AND ENGINEERING	EXECUTIVE COMMITTEE	23 MAY 2024	8
ST ANNES BUS LAYBY RELOCATION – NEW CAPITAL SCHEME			

PUBLIC ITEM

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

RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Corporate and Economic Development (Councillor Karen Buckley)

PURPOSE OF THE REPORT

This report concerns the allocation of funds for a bus layby relocation works package to enable the delivery of the St Annes Event Space project.

RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

RECOMMENDATIONS

1. Approve a fully funded addition to the Council’s Capital Programme for the total sum of £222,033 in 2024/2025 to the St Annes Bus Layby Relocation Project, of which £222,033 in 2024/2025 shall be provided from the Council’s Capital Investment Reserve.
2. To grant delegated authority to the Head of Regeneration and Engineering following consultation with the Lead Member for Corporate and Economic Development, to award the works contract for the above subject to the costs not exceeding the budget limit and negotiated through a framework direct award which complies with the Council’s Contract Procedure Rules.

REPORT

BACKGROUND

1. To facilitate the St Annes Event Space project there is a requirement to relocate the bus layby currently located on St Annes Road West (SD Grid Reference 320287) to enable the wider public realm works to be delivered.
2. The principle for relocating the bus layby is set out in the St Annes Masterplan which was adopted by Planning Committee in 2022. The Masterplan proposes that the bus layby is relocated approximately 150m northeast along St Annes Road West closer to St Annes-on-Sea train station, outside Boots (SD Grid Reference 321289).

SCHEME DETAILS

3. In parallel to the development of the St Annes Events Space project design, the appointed design team have prepared designs up to and including RIBA Stage 3 (Developed Design) for the bus layby. This design process

has been informed by engagement with the Highways Authority, Lancashire County Council, who will need to give permission for the works to proceed via a Section 278 agreement. This engagement process has included liaison with the bus companies to agree the operational parameters for the new layby.

4. Site preparation will involve the removal of the existing highway surface together with the removal of existing kerb lines and adjustments to the existing planters to create the new alignment for the Bus Layby. Once this element is complete, new surfacing will be undertaken to the highway with new footpath and kerb finishes. The new alignment will affect the road gullies and therefore drainage will need to be moved accordingly. New shelters will be provided by Clear Channel and the scheme will provide new electrical supplies for these to function. Finally, road markings will be applied to show the newly designated stopping points.
5. Appendix 1 contains a general arrangement plan for the proposed works.

CONSULTATION AND ENGAGEMENT

6. The principle of the bus layby relocation has been subject to extensive public consultation and engagement over the last two years. The first consultation period occurred from 14th March to 1st April 2022, in which 761 completed questionnaires were received. The objective of this consultation exercise was to obtain feedback on the initial Masterplan proposals and identify the preferred approach to build a programme of investment and development in St Annes. The exercise looked strategically at improvements in the Town Centre, the Promenade, and the Island site, and this included the exploration of moving key transport connections towards the Train Station, to encourage a destination point from St Annes Station, incorporating a more visible transport 'hub'.
7. A summary of the public consultation exercise referred to at point 6 above can be found in the St Annes Masterplan document, a link to which is provided in the background papers section of this report.
8. A further public consultation and engagement exercise was undertaken in relation to the St Annes Events Space project. This was undertaken between 19th July and 11th August 2023, with 232 responses received. There were several areas of the project that the consultation exercise explored, one of these elements included the idea of temporarily relocating buses to outside of boots whilst events were to take place in the Events Space. 73% of respondents answered yes to the question "When an Event is to be scheduled do you support the bus services being temporarily relocated outside Boots?".
9. This enabling works package seeks to go one step further and introduce a permanent relocation of the bus layby. Several other elements of consultation focused on connectivity and access across the Square. Relocation of the bus layby in its current location presents the opportunity to address feedback raised through the consultation and open more areas of the square to pedestrians, improving the access between the two sides of the high street.
10. A detailed summary of the consultation exercise referred to at point 9 can be found at appendix 3 of this report.
11. In addition to the public consultation, officers have held discussions with the representatives of the developer of the JR Taylor building to coordinate the location of the new bus layby, minimising any visual impact on the new ground floor restaurant proposal as part of the 'Sanctuary' development.

SCHEME COST ESTIMATE

12. A cost estimate for the proposed bus layby has been prepared by our appointed cost management firm. The estimate for the construction works is £187,275, with the remaining £34,768 being allocated for professional and management fees and contingency considering the requirement to work in the ground.

FUNDING

13. It is proposed that the scheme is fully funded from the Council's Capital Investment reserve.

PROCUREMENT

14. The council are intending to deliver this scheme through use of a construction framework for public sector bodies. The council will instruct a direct award to a contractor following a period of negotiation commonly referred to in the construction industry as 'early contractor engagement'. This is a procurement approach which neighbouring authorities utilise, working collaboratively with a contractor through the detailed design to inform buildability, pricing and identification and allocation of project risk. This approach differs from our typical

procurement approaches which include a competitive process which excludes engagement with contractors through the design phase.

15. The delivery of the bus layby relocation is a pre-requisite to delivering the St Annes Event Space project. To ensure that the delivery of the events space occurs by Spring 2025, it is essential that the bus layby is commenced in August 2024. To achieve this, it is recommended that delegated authority is granted to the Head of Regeneration and Engineering following consultation with the Lead Member for Corporate and Economic Development to award the contract for the Bus Layby, once a final price is agreed with the engaged contractor. This recommendation is necessary given that the next scheduled meeting of the Executive Committee occurs on 17th September and that commencement of the works will occur in the traditional council 'recess' period.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	This report seeks approval from Executive Committee for the approval of a fully funded addition to the Council's Capital Programme for the total sum of £222,033 in 2024/2025 to the St Annes Bus Layby Relocation Project, of which £222,033 shall be funded from the Council's Capital Investment Reserve.
Legal	The various stages of the project will need to be procured in line with the Public Contracts Regulations 2015 (where applicable) and the council's own procurement rules. The works to the bus layby will require approval from Lancashire County Council via a Section 278 agreement.
Community Safety	There are no implications
Human Rights and Equalities	There are no implications
Sustainability and Environmental Impact	There are no implications
Health & Safety and Risk Management	There are no implications

SUMMARY OF PREVIOUS DECISIONS
<p>Council 17th July 2023</p> <p>It was unanimously RESOLVED to approve a fully funded addition to the Council's Capital Programme for the total sum of £1,500,000 (£1,000,000 in 2023/2024 and £500,000 in 2024/25) to the St Annes Event Square Project, of which £857,000 in 2023/2024 shall be provided from the Council's Capital Investment Reserve, £160,000 funding Minutes – Council – 17 July 2023 from UK Shared Prosperity Programme (UKSPF) in 2023/2024, £250,000 in 2024/25 is to be met from external funding provided by Lancashire County Council and capital virements of £233,000 in 2023/24.</p> <p><u>Planning Committee - 27th July 2022</u></p> <p>It was resolved:</p>

That, Members consider the final draft of the St Annes Town Centre and Island Masterplan and that, subject to the incorporation of any amendments that the Committee consider necessary, adopt the masterplan as a framework to guide future investment and development projects in the resort.

That the St Annes Town Centre and Island Masterplan and companion documents be used to support applications for grant funding and to secure financial contributions from developments (Sn 106) in the borough to ensure the future vitality of the town centre and the island.

Finance and Democracy Committee – 13 September 2021

It was RESOLVED to grant delegated authority to the Director of Development Services to award the contract for the St Annes Town Centre and Island Health Check and Masterplan

Finance and Democracy Committee - 29 July 2021

It was RESOLVED to approve a fully funded revenue budget increase of £120,000 for 2021/2022, of which £108,000 is funded from the Lancashire Economic Recovery Grant from Lancashire County Council and a further £12,000 is funded from the funding volatility reserve for the commissioning of the Island Regeneration Programme Masterplan.

Planning Committee - 28 July 2021

It was RESOLVED: To recommend to the Finance & Democracy Committee approval of a fully funded revenue budget increase of £120,000 for 2021/2022, of which £108,000 is funded from the Lancashire Economic Recovery Grant from Lancashire County Council and a further £12,000 is funded from the funding volatility reserve for the commissioning of the Island Regeneration Programme Masterplan.

Finance and Democracy Committee - 28 June 2021 -

Confirmation of Working Groups

It was RESOLVED to confirm the membership of the following working groups: St Annes Programme Board – To appoint the Leader and Deputy Leader to the working group.

Finance and Democracy Committee – 28 September 2020

Town Centre Working Group Update and Proposals to Support the Regeneration of St Annes Town Centre - It was RESOLVED:

to approve a revenue funded budget increase for 2020/21 in the sum of £150,000, to be funded from the Funding Volatility Reserve, to provide for the commissioning of a vision/strategy for St Annes Town Centre, such vision to include a town centre health check and be informed by the survey results and working group proposals for St Annes, and The Town Centre Working Group be consulted regarding the commissioning of this work.

Planning Committee – 16 September 2020

Town Centres Working Group Update and Proposals to Support the Regeneration of St Annes Town Centre -To recommend that the Finance & Democracy Committee approve a revenue funded budget increase for 2020/21 in the sum of £150,000, to be funded from the Funding Volatility Reserve, to provide for the commissioning of a vision/strategy for St Annes Town Centre, such vision to include a town centre health check and be informed by the survey results and working group proposals for St Annes.

BACKGROUND PAPERS REVELANT TO THIS ITEM

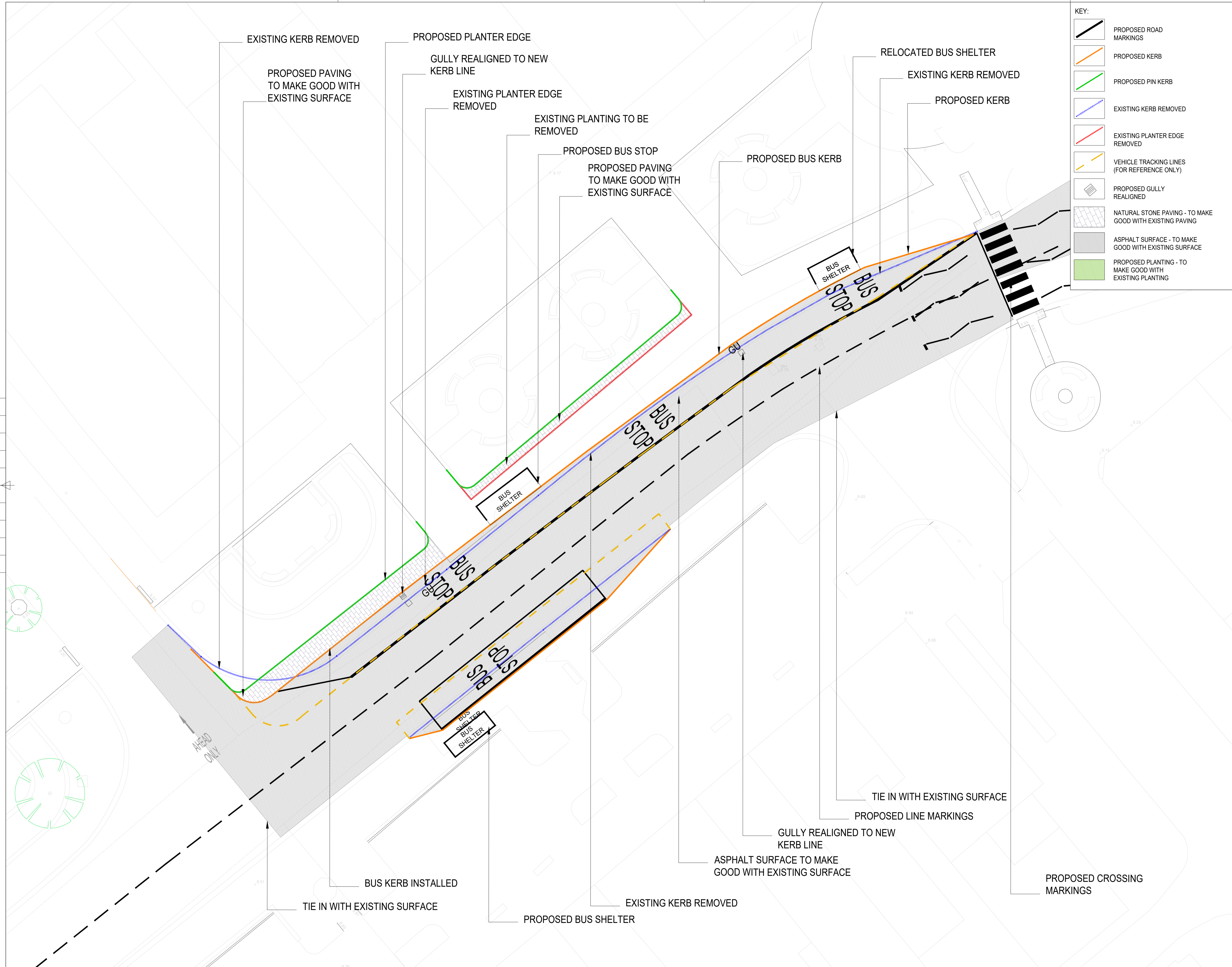
Name of document	Date	Where available for inspection
RIBA Plan of Work	2020	RIBA Plan of Work (architecture.com)
UK Highways Act 1980 – Section 278	N/A	Highways Act 1980 (legislation.gov.uk)
St Annes Masterplan	2022	St Annes Town Centre and the Island Masterplan – Fylde Council


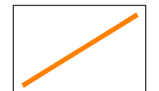

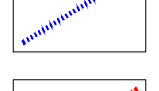






LEAD AUTHOR	CONTACT DETAILS	DATE
Charlie Richards	Charlie.richards@fylde.gov.uk 01253 658520	13 May 2024

Appendix 1 – Proposed Bus Layby General Arrangement Plan

Appendix 2 – Current Bus Layby location plan

Appendix 3 – St Annes Event Space – Consultation Report August 2023 (See appendix 3 to Item 7 at this link)



- KEY:**
-  PROPOSED ROAD MARKINGS
 -  PROPOSED KERB
 -  PROPOSED PIN KERB
 -  EXISTING KERB REMOVED
 -  EXISTING PLANTER EDGE REMOVED
 -  VEHICLE TRACKING LINES (FOR REFERENCE ONLY)
 -  PROPOSED GULLY REALIGNED
 -  NATURAL STONE PAVING - TO MAKE GOOD WITH EXISTING PAVING
 -  ASPHALT SURFACE - TO MAKE GOOD WITH EXISTING SURFACE
 -  PROPOSED PLANTING - TO MAKE GOOD WITH EXISTING PLANTING

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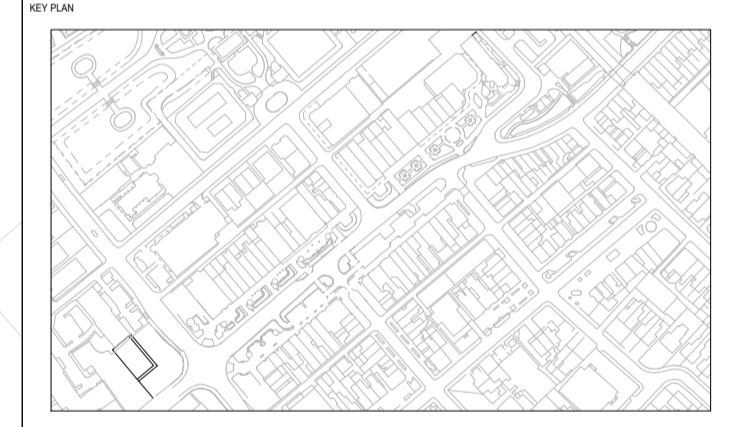
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NOTES

ALLOWANCE TO BE MADE FOR AN ADDITIONAL CCTV COLUMN, FEEDER PILLARS / ELECTRICAL POWER SUPPLIES INCLUDED. LARGER, IN GROUND, POWER SUPPLIES SERVICING EVENTS OMITTED.

PROPOSED LIGHTING TO USE EXISTING COLUMNS. LUMINAIRE AND FITTINGS TO BE REPLACED. LIGHTING COLUMNS REPAINTED. ALLOWANCE TO BE MADE FOR STRIP LIGHTING TO THE PROPOSED BENCHES EDGING THE CARRIAGEWAY AREA. GOBO PROJECTORS TO COLUMNS AND UPLIGHTING TO PLANTING OPTIONAL.

P01 EG DW 04.04.24
FIRST ISSUE



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PROJECT TITLE
**ST ANNES TOWN CENTRE
NEW EVENT SPACE**

PROJECT NUMBER
P3003381

PROPOSED BUS
LAYBY LAYOUT

SCALE @ A1
1:150

DATE
APRIL '24

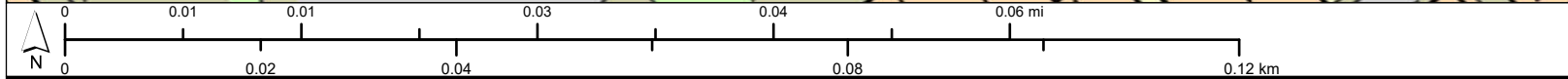
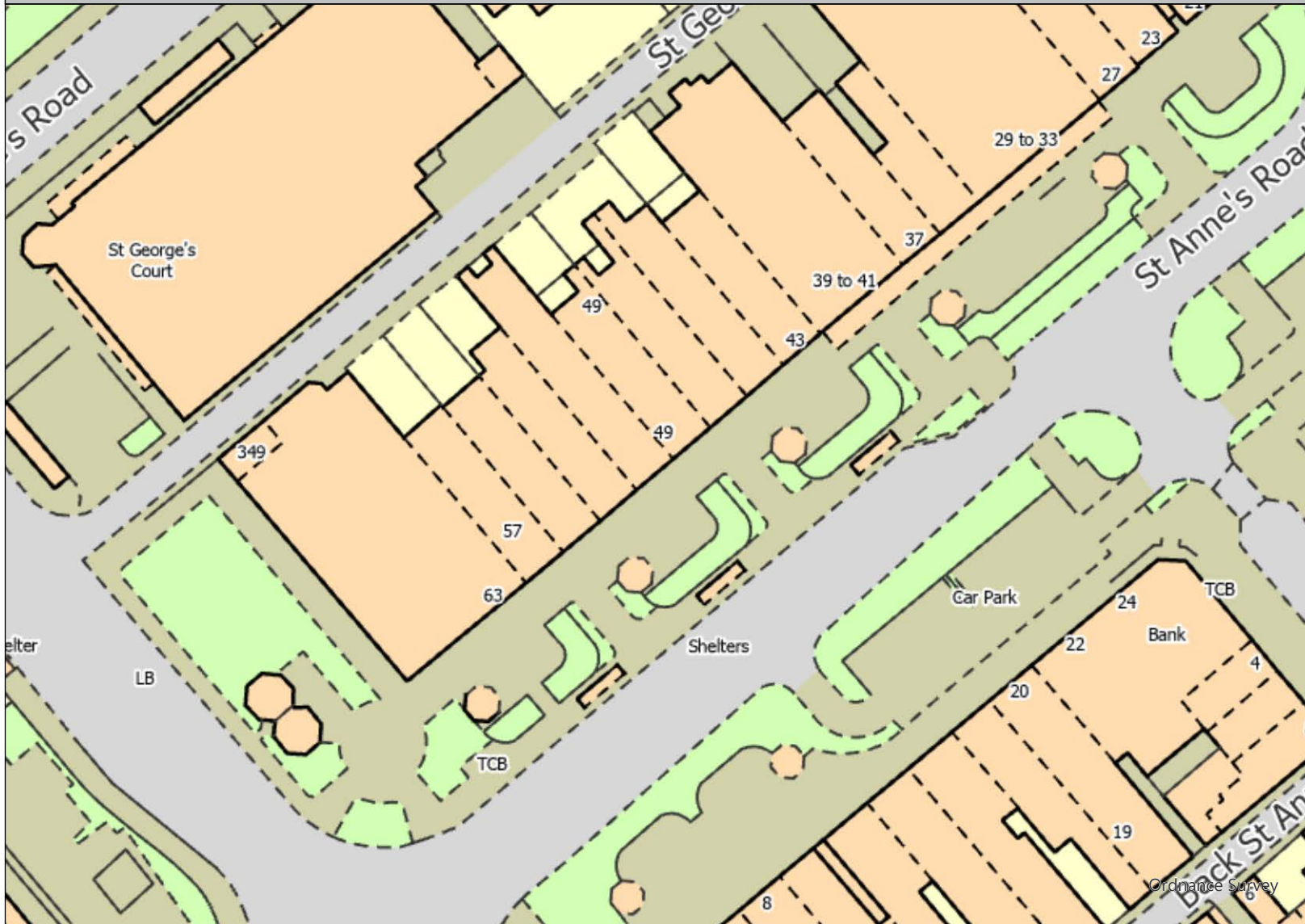
DRAWING NO.
3003381-BDP-00-XX-SK-L-002

REVISION
P01

Lancashire Map

Author:

Date Created: 13/05/2024



Map Scale: 1:750
Map Centre: 332025E 428810N

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF TECHNICAL SERVICES	EXECUTIVE COMMITTEE	23 MAY 2024	9
ST ANNES SWIMMING POOL RESURFACING DRAWDOWN			

PUBLIC ITEM

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

RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Customer and Operational Services, Cllr Michelle Morris

PURPOSE OF THE REPORT

To advise the committee that capital works have been carried under 6.7 of the Council's Constitution Financial Procedure Rules to resurface parts of St Annes Swimming Pool Car Park which had deteriorated beyond normal repair standards with works needing to be expediated prior to the start of the main holiday season.

RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

RECOMMENDATION

1. To note the completion of necessary works to resurface parts of St Annes Swimming Pool Car Park and the associated capital expenditure of £33,512 incurred. These works were carried out under section 6.7 of the Council's Constitution Financial Procedure Rules due to the urgent requirement for these works to be carried out. In accordance with those rules the completion of these works is now being reported to the committee for information. These works form part of the approved capital programme scheme for car park improvements in the total sum of £120,000 for 2024/25.

REPORT

1. Each year the Council's approved budget includes an annual capital budget of £30,000 for car park improvements. Over the previous few years this budget has gone unspent because of the expectation that the annual budget would be required following the completion of the St Annes Sea Defence project to resurface St Annes Swimming Pool and Fairhaven Road Car Parks. In the 2024/25 approved budget, this capital programme had accrued to £120,000.
2. In October 2023 it was agreed by the Executive Committee that, due to increased costs, the St Annes Sea Defence project would not be progressing at this time. As a result, the need to utilise the car park improvement capital budget has been reassessed.
3. The highest priority improvement works to the car parks identified was the need to resurface a proportion of St Annes Swimming Pool Car Park. The main running aisle from the top section (see image below), down between the two buildings (the swimming pool and The Island complex) and into the lower section of the car park has for many years developed potholes because of heavy use. Previously these potholes have had minor

patch repairs to fill them. However, it is no longer viable to continue with patch repairs and a more extensive resurface of this area is required. The areas identified for resurfacing are shown in Appendix 1. The total area identified for resurfacing was 592m².



4. The Council’s engineers put together the relevant tender documents including scope of works under a NEC4 Engineering and Construction Short Contract. With the expectation that the value of the works would be under £30,000 three companies were invited to submit their tenders. Of these three, one did not respond, another advised their intention to respond but did not do so with the third submitting their tender within the set timescale. This tender was then scored to ensure it met the project requirements.
5. The values of the tender submitted was as follows:

Description of works	Value
Mobilisation and site setup	£2,522
Remove and dispose of existing surface	£4,328
Supply and lay tack coat	£1,746
Supply and lay binder coarse (where required)	£4,480
Supply and lay surface course	£15,824
Allowance for working around gullies and manholes	£500
Demobilise, tidy site and completion	£420
Total	£29,820

6. In addition to the resurfacing, a significant proportion of the car park lines were removed as part of the works plus the rest of the car park needed relining. Quotes were sought for relining the whole of the car park that is operated by Fylde Council. The total value of this was £3,692.
7. The total capital cost for these works was £33,512.
8. Due to the need for the work to be carried out as a priority before the main tourism season starting and that the expected value of the work would be below £100,000 Darren Bell, Head of Technical Services, authorised the initiation of this work prior to formal committee authorisation. This was done under section 6.7 of the Council's Constitution Financial Procedure Rules. The Lead Member of Customer and Operational Services, Cllr Michelle Morris, was advised of the intention to carry out the works.
9. The resurfacing works were originally scheduled to be carried out over two weeks from 22nd April. All neighbouring businesses were liaised with in advance of the works and to ensure all could operate while the works were ongoing. Once on site, the contractors utilised larger plant to plane and resurface the areas affected resulting in all works being completed and the site cleared within 6 days. The finished works are shown in the images below.



10. At the time of writing, relining of the car park is scheduled to take place on 14th and 15th May.
11. Members are asked to note the completion of necessary works to resurface parts of St Annes Swimming Pool Car Park and the associated capital expenditure of £33,512 incurred.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

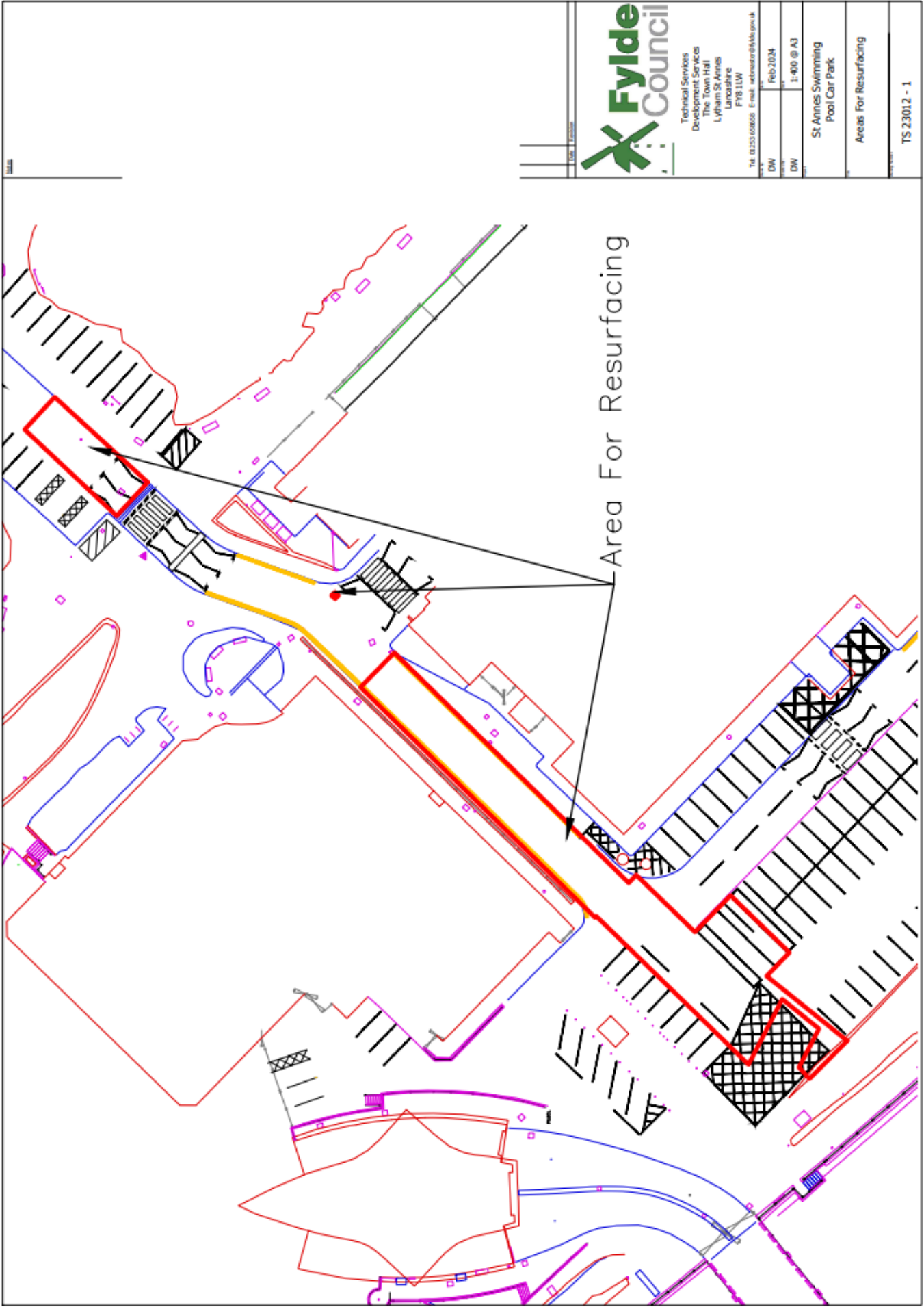
IMPLICATIONS	
Finance	This report notifies the committee of the completion of necessary works to resurface parts of St Annes Swimming Pool Car Park and the associated capital expenditure of £33,512 incurred. These works were carried out under section 6.7 of the Council's Constitution Financial Procedure Rules due to the urgent requirement for these works to be carried out. In accordance with those rules the completion of these works is now being reported to the committee for information. These works form part of the approved capital programme scheme for car park improvements in the total sum of £120,000 for 2024/25.
Legal	None relating to this report
Community Safety	None relating to this report
Human Rights and Equalities	None relating to this report
Sustainability and Environmental Impact	None relating to this report
Health & Safety and Risk Management	None relating to this report

SUMMARY OF PREVIOUS DECISIONS
At the Executive Committee of 17th October 2023, it was RESOLVED to not proceed with procurement and delivery of the St Annes Seawall capital scheme due to significant cost increases identified as part of the detailed design work undertaken to date, and the significant risk of potential business disruption costs exceeding their budget allocation.

BACKGROUND PAPERS RELEVANT TO THIS ITEM		
Name of document	Date	Where available for inspection

LEAD AUTHOR	CONTACT DETAILS	DATE
Darren Bell Andrew Loynd	Darren.bell@fylde.gov.uk Tel 01253 658465 Andrew.loynd@fylde.gov.uk Tel 01253 658 527	15 May 24

Appendix 1 – Areas of St Annes Swimming Pool Car Park Requiring Resurfacing



DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	EXECUTIVE COMMITTEE	23 MAY 2024	10
LYTHAM INSTITUTE			

PUBLIC ITEM

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

RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Corporate and Economic Development (Councillor Karen Buckley) and the Lead Member for Tourism, Leisure and Culture, Councillor Jayne Nixon

PURPOSE OF THE REPORT

To outline proposals to amend the constitution of the charity to enable additional trustees to be appointed to work alongside the council.

RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

RECOMMENDATIONS

1. Adopt the amended scheme as set out in appendix 1 as the scheme of governance of the Lytham Institute charity.
2. Adopt the conflicts of interest policy as set out in appendix 2 as the charity's conflicts of interest policy.
3. Establish a time-limited working group of three councillors to support the Head of Governance in the process for recruiting trustees and to report back to the committee with proposed role descriptions and recruitment process.

REPORT

BACKGROUND

1. The council is the sole trustee of Lytham Institute, which is a registered charity. During the spring of 2022, the Charity Commission undertook formal consultation on a draft scheme to change the outdated objectives of the charity. The scheme was made by the Commission in December 2023, and was reported to the committee on 30 January this year. The scheme now forms the constitution of the charity.
2. In response, the committee resolved to recognise that the objectives of the trust would be best achieved by appointing further trustees to work alongside the council and authorised the Head of Governance to bring forward proposals to amend the constitution of the charity to place before the committee to enable additional trustees to be appointed. This report puts forward those proposals, and invites the committee to adopt them, together with a conflicts of interest policy as required under the existing scheme.

PROPOSED AMENDMENTS

3. Appendix 1 of this report sets out the current scheme, highlighting the proposed amendments as tracked changes. The following paragraphs provide commentary on these proposed changes.
4. The change to clause 3 makes it possible for there to be further trustees in addition to the council.
5. The additional clause 4A gives the council power to appoint new trustees while it is the only trustee. If there is already more than one trustee, the power to appoint new trustees will rest with the trustees at a special meeting. The clause also requires new trustees to be chosen based on skill, knowledge, and experience pertinent to the needs of the charity.
6. Clause 6 as it presently applies requires additional safeguards if the charity is contemplating disposing of the Institute building, amending the charity objects, or ceasing to operate the charity. In any of those cases, the decision can only be taken if either (i) there are at least three independent trustees, or (ii) the decision is taken by a 'committee of the Executive' comprising a majority of members who are independent of the council. The change proposed is to remove the alternative in (ii), so that any decision to do any of the three restricted acts can only be made if there are three independent trustees. The second alternative was only intended to operate if the council continued as the only trustee. It is not needed now the intention is to add further trustees and would have been impractical to operate in any event.
7. The requirement for trustees to be appointed based on their skills, knowledge, and experience will be in clause 4A. The requirement to make rules and regulations is fulfilled by these proposed changes.
8. New clauses 8 to 18 (except for new clause 13) are extracted from the Charity Commission's model trust deed for charitable trusts.
9. New clause 13 makes provision for the council to attend trustee meetings through its nominated representative, who may be a councillor or an officer. The representative does not become a trustee in their own right. There is a similar provision in the constitution of the trust for Lowther Gardens.

POWER TO AMEND

10. The power to amend the scheme is contained in section 280A of the Charities Act 2011, which gives The charity trustees of such a charity power, if they are satisfied that it is expedient in the interests of the charity, to resolve that the trusts of the charity should be amended in such manner as is specified in the resolution, subject to certain exceptions which do not apply to the changes proposed

CONFLICTS OF INTEREST

11. The current scheme, and the scheme as proposed to be amended, require the council, while it is the only trustee, to manage conflicts of interest in accordance with a conflicts of interest policy to be adopted by the council taking account of guidance issued by the Charity Commission.
12. A suggested conflicts of interest's policy is appended as appendix 2.

ADDITIONAL TRUSTEES

13. One of the most fundamental decisions that the council will make as trustee of the Lytham Institute is who to appoint as trustees to work alongside the council. There is extensive Charity Commission guidance on best practice in [finding new trustees](#). The guidance stresses the importance of proper approaches to finding, evaluating, and vetting potential trustees, including defined role descriptions based on the needs of the charity.
14. The committee is asked to establish a time-limited working group of three councillors to work with the Head of Governance to develop the required role as well as the process for recruiting trustees and report back to the committee.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	
Efficiency – By spending money in the most efficient way	
Tourism – To create a great place to live and visit	

IMPLICATIONS	
Finance	There are no direct implications from the report.
Legal	The legal power to make changes to the scheme rests with the council, as the only trustee, by virtue of section 280A of the Charities Act 2011.
Community Safety	There are no direct implications from the report.
Human Rights and Equalities	There are no direct implications from the report.
Sustainability and Environmental Impact	There are no direct implications from the report.
Health & Safety and Risk Management	There are no direct implications from the report.

SUMMARY OF PREVIOUS DECISIONS
Finance & Democracy Committee 22 July 2019 Finance & Democracy Committee 17 Feb 2020 Council 9 Mar 2020 Finance & Democracy Committee 25 Jan 2021 Finance & Democracy Committee 7 Oct 2021 Finance & Democracy Committee 24 Jan 2022 Executive Committee 30 January 2024

BACKGROUND PAPERS RELEVANT TO THIS ITEM		
Name of document	Date	Where available for inspection
Charity Commission guidance: Trusts and unincorporated associations: changing your governing document	7 March 2024	www.gov.uk/government/publications/changing-your-charitys-governing-document-cc36/trusts-and-unincorporated-associations-changing-your-governing-document
Charity Commission guidance: Finding new trustees	7 March 2024	www.gov.uk/government/publications/finding-new-trustees-cc30/finding-new-trustees
Charity Commission guidance: Conflicts of interest: A guide for charity trustees	31 October 2022	www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29/conflicts-of-interest-a-guide-for-charity-trustees#annex-4-drawing-up-a-conflicts-of-interest-policy

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	Email & Tel 01253 658506	30 April 2024

Appendix 1: Scheme of governance with tracked changes

Appendix 2: Draft conflicts of interest policy

1. Definitions

In this scheme:

“the charity” means the charity identified at the beginning of this scheme

“the Commission” means the Charity Commission for England and Wales

“the Council” means Fylde Borough Council when acting in its capacity as local authority

“designated land” means land held on trusts which stipulate that it must be used for the purposes of the charity

“the former trusts” mean the Indenture dated 8 October 1917

“the Institute Building” means the property described in the schedule to this scheme

“independent trustee” means a trustee who is not a member or Officer of the Council and who does not have a close association with the Council

“the trustees” means the trustees of the charity acting under this scheme

1A Scheme

This Scheme was made by the Charity Commission on 13 December 2023 and was amended by the Council as the sole trustee on XXXXX.

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2. Administration

The charity is to be administered in accordance with this scheme. This scheme replaces the former trusts of the charity.

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3. Trustee

The trustees of the charity are ~~Fylde the~~ Council and such other persons (if any) as have been appointed using the powers in this scheme is the trustee of the charity.

4. Object of the charity

(1) The object of the charity is:

To further or benefit the residents of Lytham and the neighbourhood, without distinction of sex, sexual orientation, race or of political, religious, or other opinions by providing facilities in the interests of social welfare for education, recreation and leisure time occupation, including cultural and art exhibitions, with the objective of improving the conditions of life for the residents.

In furtherance of this object but not otherwise, the trustee shall have power to maintain or manage, or to co-operate with any statutory authority in the maintenance and management of, the Institute Building or other appropriate premises for activities promoted by the charity in furtherance of the above object.

(2) Subject to the provisions of clause 5 (Power to dispose of and replace designated land), the Institute Building is designated land and must be used for the object of the charity.

4A Appointment of trustees

- (1) At any time when the Council is the only trustee, it may appoint additional trustees.
- (2) Apart from the Council and trustees appointed by the Council under paragraph (1) above, every trustee must be appointed by a resolution of the trustees passed at a special meeting called under clause XX12 of this scheme.
- (3) All appointments must be made on the basis that the individual's particular skills and/or knowledge will benefit the charity.
- (4) The trustees must make available to each new trustee, on his or her first appointment:
 - a. a copy of this scheme and any amendments made to it;
 - b. a copy of the charity's latest report and statement of accounts.

5. Power to dispose of and replace designated land

- (1) Part 7 of the Charities Act 2011 must be complied with when disposing of designated land.

~~Reference Number: 1335/2324~~
~~Case Number: C-030462~~

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- (2) Subject to the provisions of clause 6, the trustees ~~have~~ ^{has} the power to dispose of all or any part of the charity's designated land.
- (3) The designated land disposed of must be replaced with equivalent land to be used for the object of the charity.

6. Independent Trustees

~~(1) This clause 6 applies only if the Council is not exercising its function as trustee by delegating to a committee of the executive comprising a majority of members who are independent of the Council.~~

~~(12) No decision can be taken about any of the following unless there are at least three independent trustees~~ Before any decision is to be taken about:

- (a) exercising a power to dispose of all or any part of the charity's designated land;
- (b) exercising a power to amend the object of the charity; and/or
- (c) the charity ceasing to operate

~~The trustee:~~

~~(a) must appoint an additional three trustees who are independent from the Council; and~~

~~(b) all appointments must be made on the basis that the individual's particular skills and/or knowledge will benefit the charity.~~

~~(3) The trustee and the independent trustees must make rules and regulations consistent with this scheme for the management of the charity which would include making provisions for calling trustee meetings, trustee terms of office and quorum.~~

7. Conflicts of interests and conflicts of loyalties

(1) If the ~~trustee~~ Council is acting as a sole trustee then any conflict between the interests of the charity and the interests of the Council and/or the interests of the individual members of the Council on any committee of the Council ~~or any committee of the Council's executive~~ shall be managed in accordance with a conflicts of interest policy to be adopted by the ~~trustee~~ Council under this paragraph taking account of guidance issued by the Commission.

(2) If ~~the trustee is acting jointly with the independent trustees~~ there is more than one trustee, any trustee must:

- (a) declare the nature and extent of any interest, direct or indirect, which they have in a proposed transaction or arrangement with the charity or in any transaction or arrangement entered into by the charity which has not been previously declared; and
- (b) absent themselves from any discussions of the trustees in which it is possible that a conflict will arise between their duty to act solely in the interests of the charity and any personal interest (including but not limited to any personal financial interest).

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8. Eligibility for trusteeship

(1) No-one shall be appointed as a trustee:

- a. If he or she is under the age of 18 years; or
- b. If his or her connection with any company, business, trust or organisation is likely to give rise to a conflict between the interests of that entity and those of the charity on a more than occasional basis; or
- c. If he or she would at once be disqualified from office under the provisions of clause 9 of this scheme.

(2) No-one shall be entitled to act as a trustee until he or she has expressly acknowledged, in whatever way the trustees decide, his or her acceptance of the office of trustee of the charity.

9. Termination of trusteeship

A trustee shall cease to hold office if he or she:

- (1) is disqualified from acting as a trustee by virtue of section 178 of the Charities Act 2011 or any statutory re-enactment or modification of that provision;
- (2) becomes incapable by reason of mental disorder, illness or injury of managing his or her own affairs; or
- (3) is absent without permission of the trustees from all their meetings held within a period of six months and the trustees resolve that his or her office be vacated.

10. Ordinary meetings

The trustees must ~~elect~~ hold at least two ordinary meetings each year. One such meeting in each year must involve the physical presence of those trustees who attend the meeting. Other meetings may take such form, including videoconferencing, as the trustees decide, provided that the form chosen enables the trustees to see and hear each other.

11. Calling meetings

The trustees must arrange at each of their meetings the date, time and place of their next meeting, unless such arrangements have already been made. Ordinary meetings may also be called at any time by the person elected to chair meetings or by any two trustees. In that case, not less than ten days' clear notice must be given to the other trustees.

12. Special meetings

A special meeting may be called at any time by the person elected to chair meetings of the trustees or by any two trustees. Not less than four days' clear notice must be given to the other trustees of the matters to be discussed at the meeting. However, if those matters include the appointment of a trustee or a proposal to amend this scheme, not less than 21 days' clear notice must be given. A special meeting may be called to take place immediately after or

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Commented [CB1]: What makes a special meeting different than an ordinary one? For example, could it be for a single item agenda? A definition may help.

Commented [IC2R1]: I'm not entirely sure, save that it has to be a special meeting to appoint new trustees. The sense I get is that at an ordinary meeting, the trustees must set the date for their next ordinary meeting (unless it has already been scheduled), see clause 11. A special meeting is one that is arranged in addition to that, perhaps to address some matter that has arisen before the next ordinary meeting. I could put a definition in, but I'm conscious that those clauses are from the CC model, and so are presumably robust enough without it.

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before an ordinary meeting.

13. Fylde Council representative

- 1) The Council may nominate any of its members or officers as its representative at meetings of the trustees and may change its nomination at any time.
- 2) The nominated representative of the Council may vote at meetings of the trustees and do any other thing that other trustees could do. Attendance by the nominated representative at any meeting will be counted as attendance by the Council.

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14. Chairing of meetings

- 1) The trustees at their first ordinary meeting in each year must elect one of their number to chair their meetings. The person elected shall always be eligible for re-election. If that person is not present within ten minutes of the time appointed for holding a meeting, or if no-one has been elected, or if the person elected has ceased to be a trustee, the trustees present must choose one of their number to chair the meeting.
- 2) The person elected to chair meetings of the trustees shall have no other additional functions except those conferred by this scheme or delegated to him or her by the trustees.

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15. Quorum

- 1) Subject to the following provision of this clause, no business shall be conducted at a meeting of the trustees at any time when at least one third of the total number of trustees at the time, or two trustees (whichever is greater) is not present.
- 2) The trustees may make regulations specifying different quorums for meetings dealing with different types of business.

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16. Voting

At meetings, decisions must be made by a majority of the trustees present and voting on the question. The person chairing the meeting shall have a casting vote whether or not he or she has voted previously on the same question but no trustee in any other circumstances shall have more than one vote.

17. Conflict of interest

A trustee must;

- 1) declare the nature and extent of any interest, direct or indirect, which he or she has in a proposed transaction or arrangement with the charity or in any transaction or arrangement entered into by the charity which has not been previously declared; and
- 2) absent himself or herself from any discussions of the charity trustees in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the charity and any personal interest (including but not limited to any personal financial interest and including, in the case of the Council, any such interest of either the Council

or of its nominated representative).

~~(3) Any trustee absenting themselves from any discussions in accordance with sub clause 17(2), must not vote or be counted as part of the quorum in any decision of the trustees on the matter.~~

18. Minutes

The trustees must keep minutes, in books kept for the purpose or by such other means as the trustees decide, of proceedings at their meetings. In the minutes, the trustees must record their decisions and, where appropriate, the reasons for those decisions.

3

Reference Number: 1335/2324
Case Number: C-030462

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~~(3) Any trustee absenting themselves from any discussions in accordance with sub clause 7(2) must not vote or be counted as part of the quorum in any decision of the trustees on the matter.~~

198. Use of income and capital

- (1) The trustees must first apply:
 - (a) the charity's income; and
 - (b) if the trustees think fit, expendable endowment in meeting the proper costs of administering the charity and of managing its assets (including the repair and insurance of its buildings).
- (2) After payment of these costs, the trustees must apply the remaining income in furthering the objects of the charity.
- (3) The trustees may also apply expendable endowment for the objects of the charity.

9. Questions relating to the Scheme

The Commission may decide any question put to it concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

SCHEDULE

Freehold property known as Lytham Institute at 27 Clifton Street, Lytham St Annes,
Lancashire

Case Number: C-030462

4 Reference Number: 1335/2324

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DATED

CHARITY TRUSTEES CONFLICTS OF INTEREST POLICY

THE LYTHAM INSTITUTE

A registered charity in England and Wales (number 1186995)

1. Introduction

1.1 This policy applies to the charity trustees of the Lytham Institute (**Charity**) and sets out guidelines and procedures for identifying, monitoring and managing actual and potential conflicts of interest.

1.2 The Charity Commission considers it good practice for charity trustees to implement a conflicts of interest policy. The Commission's guidance for charity trustees on conflicts of interest is available on its website at: <https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29>.

1.3 In this policy references to:

- (a) "conflicts" or "conflicts of interest" include actual and/or potential conflicts of interest and/or duty;
- (b) persons who are "connected" with a charity trustee means:
 - (i) a child, stepchild, grandchild, parent, grandparent, brother or sister of a charity trustee;
 - (ii) the spouse, unmarried partner or civil partner of a charity trustee or of any person falling within paragraph (i) above;
 - (iii) any person who is in a business partnership with a charity trustee or any person who is in a business partnership with any person falling within paragraph (i) or (ii) above; and
 - (iv) any company, business, trust, or organisation in which a charity trustee (or any other person connected to them) has an interest as a beneficiary or through ownership, control or influence
 - (v) in relation to Fylde Borough Council, any person listed in clause 2.2.

If in doubt about whether a person is connected, a charity trustee should seek advice from a solicitor or other person qualified to advise on the matter; and

- (c) "benefit" includes any payment or material benefit (including property, loans, goods and services), other than reasonable out of pocket expenses.

1.4 The Charity's governing document sets out some procedures in relation to conflicts of interest. This policy should be read in conjunction with the governing document, and relevant provisions in the governing document take precedence over this policy.

2. Fylde Borough Council

2.1 The following clauses of this policy do not apply to Fylde Borough Council:

- (a) Clause X.X (Xxxx)
- (b)

2.2 In addition to the person listed in paragraph 1.3(b) above, the following are connected with Fylde Borough Council:

- (a) any member of Fylde Borough Council;
- (b) any employee of Fylde Borough Council;
- (c) any person who has within the previous five years been a member or employee of Fylde Borough Council;
- (d) any person who falls within any of sub-paragraphs 1.3(b)(i)–(iv) in relation to any person falling within any of paragraphs (a) to (c) above.

2.3 The duties of a charity trustee as set out in this policy also apply to a person representing the council at trustee meetings at that meeting.

3. The purpose of this policy

- 3.1 The charity trustees have a duty to act in the best interests of the Charity and owe a duty of absolute loyalty to the beneficiaries of the Charity.
- 3.2 This means that the charity trustees must not place themselves in a position where they have, or may have, a direct or indirect interest that conflicts with their duties as charity trustee. As a general principle, charity trustees must also not make a profit from their position as charity trustee.
- 3.3 Conflicts of interest can inhibit open discussions and may result in charity trustees taking irrelevant considerations into account or making decisions that are not in the Charity's best interests. They can also damage the reputation of the Charity if it appears that the charity trustees are influenced by personal interests or loyalties. All charity trustees must therefore be alert to the possibility that they, or their co-charity trustees, could be affected by a conflict of interests.
- 3.4 The procedures in this policy will enable charity trustees to identify and manage conflicts of interest so that they can ensure that conflicts do not prevent them from making decisions in the best interest of the Charity. The policy will also help protect both the Charity and the charity trustees from any appearance of impropriety in cases where conflicts of interest arise.

4. Identifying conflicts of interest

- 4.1 A conflict of interest is any situation in which a charity trustee's direct or indirect interests could, or could be seen to, prevent them from making a decision only in the best interests of the Charity.
- 4.2 Conflicts of interest may arise:
 - (a) where a charity trustee (or a person connected to them) stands to obtain a benefit from the Charity; or
 - (b) where a charity trustee has a duty of loyalty to a third party that conflicts with their duty to the Charity.
- 4.3 In relation to Fylde Borough Council, conflicts of interest may also arise where the corporate, community or political priorities of the council or of the person representing the council at a trust meeting conflict with the council's duty to the Charity.
- 4.4 When considering if they have a conflict of interest, a charity trustee must be aware of the following principles:

- (a) a conflict of interest exists if there is a possibility that the charity trustee's personal interest could influence their decision-making, even if the charity trustee's decision-making is not in fact adversely affected by the conflict. A reasonable perception that a conflict of interest exists can be enough for a charity trustee to be in breach of their duties; and
- (b) the interest that gives rise to a conflict may be direct or indirect. A conflict may therefore relate to the interests of someone who is connected to a charity trustee as well as to their own personal interests.

4.5 It is impossible to set out every situation which may result in a conflict, but common situations include:

- (a) selling, loaning or leasing Charity assets to a charity trustee (or a person connected to them);
- (b) the Charity acquiring, borrowing or leasing assets from a charity trustee (or a person connected to them);
- (c) the exploitation by a charity trustee (or a person connected to them) of any property, information or opportunity of which they become aware while acting as a charity trustee;
- (d) paying a charity trustee for carrying out:
 - (i) their role as charity trustee,
 - (ii) a separate paid post at the Charity (even if they have resigned as a charity trustee);
or
 - (iii) a post at the Charity's subsidiary trading company;
- (e) paying a charity trustee (or a person connected to them) for providing a service and/or goods to the Charity;
- (f) employing a person connected to a charity trustee at the Charity or its subsidiary trading company;
- (g) making a grant to a charity trustee (or a person connected to them) or determining the Charity's grant-making policy where the charity trustee (or a person connected to them) is a beneficiary;
- (h) making decisions in relation to service provision where a charity trustee (or a person connected to them) is a service user;
- (i) a transaction between the Charity and its trading subsidiary (or another charity) where a charity trustee is a director (or charity trustee) of both entities, and the transaction results in the Charity receiving a substantial asset from, or transferring a liability to, the other entity;
- (j) when a charity trustee (or a person connected to them) owes a legal obligation or duty towards another organisation or person (for example, an employer or another charity of which they are a charity trustee) that conflicts with the charity trustee's duty to the Charity;
- (k) when a charity trustee has a personal sense of loyalty to another organisation or person that conflicts with their loyalty to the Charity; and
- (l) when a charity trustee has religious or political views that could interfere with their ability to make decisions in the interest of the Charity.

5. Procedure for declaring interests

- 5.1 All charity trustees have a personal responsibility to declare any interest that might reasonably be regarded as potentially giving rise to a conflict.
- 5.2 On appointment, all charity trustees must complete a declaration of interests form:
- (a) listing any personal interests, business interests or other direct or indirect interests that might potentially give rise to a conflict of interests;
 - (b) listing any interests of persons connected to them that may potentially give rise to a conflict of interest;
 - (c) declaring any gifts or hospitality received or offered to them in their capacity as charity trustee;
 - (d) confirming that they are not aware of any conflict, other than those already disclosed, that exists between their role and their personal circumstances or other interests;
 - (e) confirming that they will update the form annually, or sooner if any changes occur; and
 - (f) confirming that they will declare any conflict that arises in the future.
- 5.3 The information provided by charity trustees must be recorded in a register of charity trustees' interests. At least once in every 12-month period, all charity trustees must review the information relating to them contained in the register of interests and declare that the information is correct or make a further declaration if necessary.
- 5.4 It is for individual charity trustees to decide which matters to declare but, if in doubt, they should make a declaration. If a charity trustee would like to discuss the issue, they may contact the chairman for confidential guidance.
- 5.5 The information provided by charity trustees will be processed in accordance with the principles for processing personal data set out in UK data protection legislation. Data will be processed only for the purposes set out in this policy and not for any other purpose.

6. Maintaining the register of charity trustees' interests

- 6.1 The chairman will be responsible for maintaining the register of charity trustees' interests, and will:
- (a) record in the register all conflicts, interests, gifts and hospitality declared by charity trustees; and
 - (b) circulate amendments or additions to the register (if any) to the charity trustee board at the start of each charity trustee meeting.
- 6.2 The register of charity trustees' interests will be available for inspection by any charity trustee and any member of the public on request.

7. Declaration of interests by prospective charity trustees

- 7.1 Before a prospective charity trustee is appointed, they must be asked to declare any direct or indirect interests they have that might give rise to a conflict of interests.

7.2 If the charity trustees consider it likely that the prospective charity trustee will be subject to serious or frequent conflicts of interest, the charity trustees should consider whether it is appropriate to proceed with the appointment.

8. Process for declaring conflicts

8.1 The first item on the agenda of each charity trustee meeting will be a standing item requiring all charity trustees attending the meeting to declare any conflicts of interest relating to the matters to be discussed at the meeting.

8.2 If a charity trustee considers that they have an actual or potential conflict, they must inform the chair as soon as possible and always before any discussion of the relevant matter. The declaration must specify the nature and extent of any direct or indirect interest that gives rise to the conflict.

8.3 If a charity trustee is aware that another charity trustee has an actual or potential conflict that has not been declared, they must notify the other charity trustees.

8.4 If the chairman is declaring a conflict, they must inform the other charity trustees.

8.5 If a charity trustee is uncertain whether or not they are conflicted, they must err on the side of openness and declare the interest.

8.6 The secretary to the Charity must note all conflicts declared in the minutes of the meeting in which they were declared or, if not declared in a meeting, in the minutes of the next charity trustee meeting.

8.7 A declaration made under paragraph 8.1, paragraph 8.2 or paragraph 8.3 must be made either at a meeting of the charity trustees or by sending written notice to the other charity trustees.

8.8 A charity trustee may give general notice that they or a person connected to them has an interest in a specified company, business or organisation and is to be regarded as interested in any transaction or arrangement with that company, business or organisation that may be entered into by the Charity, after the date of the notice. Such notice must be given at a meeting of the charity trustees, or the relevant charity trustee must take reasonable steps to ensure that it is brought up and read at the next meeting of the charity trustees after it is given. The notice must state the nature and extent of the interest that the charity trustee or a person connected to them has in the company, business, or organisation.]

9. Procedure for assessing conflicts at meetings

9.1 At the start of each meeting of the charity trustees:

(a) the chairman must inform the other charity trustees and the secretary to the Charity of any conflict of interest that has been declared by a charity trustee that relates to the business to be discussed at the meeting; and

(b) the chairman will circulate any amendments or additions to the register of charity trustees' interests made since the last meeting of the charity trustees.

9.2 The way in which conflicts are dealt with will depend on the nature and extent of the conflict. The non-conflicted charity trustees must therefore:

- (a) assess the nature and extent of the conflict;
- (b) assess the risk or threat to decision-making by the charity trustees;
- (c) decide whether the conflict is serious (for example, the conflict is acute or extensive, will or may be seen to prevent the charity trustees from making decisions in the best interests of the Charity, relates to a significant decision or risks significantly damaging the Charity's reputation); and
- (d) decide what steps to take to handle the conflict.

When considering the conflict, charity trustees must take all relevant factors into account, make decisions only in the best interests of the Charity and always protect the Charity's reputation.

9.3 The conflicted charity trustee must not take part in any discussion or decision about the conflict and how to handle it and will not be counted in the quorum for that part of the meeting.

9.4 The non-conflicted charity trustees must consider whether it is necessary to seek the advice of the charity's legal adviser on whether the conflict is serious and/or on how to manage the conflict declared.

10. Authorised conflicts of interest

10.1 The charity trustee's duty to avoid a conflict of interest does not apply if, and to the extent that, the conflict of interest is authorised by any of the following:

- (a) an express provision in the Charity's governing document;
- (b) a statutory provision, such as the powers in the Charities Act 2011 to:
 - (i) pay a charity trustee (or a connected person) for providing services to the charity (sections 185 to 188); or
 - (ii) take out and pay premiums for trustee indemnity insurance (section 189); or
- (c) the Charity Commission or the court.

10.2 In each case, the charity trustee must always follow any conditions that apply to the authorisation.

11. Procedures for managing conflicts

11.1 If the conflict arises owing to a financial transaction between the Charity and a charity trustee (or a connected person), or because a charity trustee (or a connected person) will or may obtain a benefit from the Charity:

- (a) any potential or proposed benefit must be authorised in advance (see section 10 (Authorised conflicts of interest) above); and
- (b) the conflicted charity trustee must:
 - (i) withdraw from all discussions and decisions in relation to the matter; and
 - (ii) not be counted in the quorum for that part of the meeting.

11.2 If the non-conflicted charity trustees decide that a conflict is serious, they must consider:

- (a) securing the conflicted charity trustee's resignation and/or appointing a new charity trustee who is not conflicted;

- (b) not pursuing the course of action that gives rise to the conflict or proceeding in a different way so that the conflict does not arise;
- (c) seeking independent, expert advice about how to handle the conflict; and
- (d) asking the Charity Commission for guidance.

11.3 If a conflict is not serious, the non-conflicted charity trustees must decide what procedures and level of participation by the conflicted charity trustee are appropriate. Steps that can be taken to deal with the conflict include:

- (a) requiring the conflicted charity trustee to withdraw from the meeting for the relevant item and not to be counted in the quorum for that part of the meeting;
- (b) allowing the conflicted charity trustee to remain in the meeting for the relevant item to take part in the discussion, but requiring them to withdraw from the meeting during decision-making and to have no right to vote on the matter; or
- (c) appointing a new, non-conflicted charity trustee.

11.4 If the non-conflicted charity trustees decide that the conflict is low risk (in that it will not prevent the conflicted charity trustee from making decisions in the best interests of the Charity), they may agree that the conflicted charity trustee may continue to participate in discussions and the decision-making process.

11.5 The chairman must inform the conflicted charity trustee of the non-conflicted charity trustees' decision about how to manage the conflict.

11.6 The minutes of the relevant meeting must include a record of the nature and extent of the conflict, an outline of the discussion and the actions taken to manage the conflict.

11.7 Where a charity trustee or a connected person receives a payment or benefit from the Charity, this must be reported in the annual accounts in accordance with the current Statement of Recommended Practice for accounting and reporting by charities (Charities SORP).

12. Advisers and conflicts

12.1 Before appointing any advisers to the Charity, the charity trustees must consider whether the adviser has, or may be seen to have, any actual or potential conflict with the interests of the Charity.

12.2 All advisers to the Charity must be appointed by the charity trustees under terms that include:

- (a) an obligation to inform the charity trustees if any circumstances arise in which they are or may be conflicted; and
- (b) an obligation to address any conflicts that arise in the work they do for the charity trustees.

13. Training

All newly appointed charity trustees must receive training on this policy and on identifying situations that may result in a conflict and ways in which conflicts can be managed in practice. In addition, charity trustees must be familiar with the principles contained in the Charity Commission's guidance on conflicts (see paragraph 1.2).

14. Monitoring, enforcing and reviewing this policy

- 14.1 Any charity trustee who becomes aware of a breach of this policy must report it to the chairman as soon as possible.
- 14.2 The chairman must:
- (a) report all breaches of the policy of which they are aware to the charity trustees at the next charity trustee meeting; and
 - (b) ensure that all breaches are noted in the minutes of the relevant charity trustee meeting.
- 14.3 The charity trustees have implemented this policy to monitor and manage conflicts of interest. Any failure to comply with the terms of this policy will not, in itself, result in a decision of the charity trustees being invalidated or in any liability to the Charity's beneficiaries.
- 14.4 This policy must be reviewed annually, or sooner if required, by the chairman.