

Policy and Service Review Scrutiny Committee



Date	Thursday 25 October 2007
Venue	Town Hall, Lytham St Annes
Committee members	Fabian Wilson (Chairman) John Prestwich (Vice Chairman) Karen Buckley, Peter Collins, Tony Ford, Cheryl Little, Elizabeth Oades, Bill Thompson.
Other Councillors	Christine Akeroyd, John Coombes, Sue Fazackerley, Pat Fieldhouse.
Officers	Stuart Handley, Paul Norris, Peter Welsh, Annie Womack
Others	Members of the public

1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the council's Code of Conduct adopted in accordance with the Local Government Act 2000.

Councillors Christine Akeroyd, Karen Buckley, Peter Collins, John Coombes, Sue Fazackerley, Pat Fieldhouse, Tony Ford, Cheryl Little, Elizabeth Oades, John Prestwich, Bill Thompson, and Fabian Wilson all declared a personal interest in Item 4, Mayoralty.

Councillor Peter Collins declared a personal interest in Item 5, Revised Licensing Policy.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Policy and Service Review Scrutiny Committee meeting held on 23 August 2007 as a correct record for signature by the chairman.

3. Substitute members

There were no substitute members.

4. Mayoralty

Members were advised that the current arrangements for selecting the Mayor were that the Council moves and second a Mayor Elect prior to the forthcoming Municipal Year and this appointment was confirmed officially each year at the Annual Meeting of the Council. Prior to the Annual Meeting, the Mayor Elect proposed to the Council their personal

recommendation for the position of Deputy Mayor upon which the Council was requested to confirm its acceptance. The position of Deputy Mayor was also confirmed at the Annual Meeting of the Council.

Apart from those circumstances which were covered by the Local Government Act 1972 (e.g. death of a Mayor in office), the arrangements which the council had for other eventualities were a convention only and it was open to the Council to elect any councillor to be Mayor.

The use of selection based on longevity had served the Council well but there were other scenarios which could potentially arise which would need adoption as part of the Council's Policy on the operation of the Mayoralty.

Peter Welsh (Principal Democratic Services Officer) presented a report which outlined some options for the committee to debate.

Following the debate the committee RESOLVED

- (a) To RECOMMEND that the selection of the Mayor should be based on a method of order of seniority
- (b) If in an election year the Mayor-elect is not re-elected - to RECOMMEND that the position of Mayor be offered to the next member on the seniority list. If declined the list is followed until an acceptance is received.
- (c) If a member becomes eligible for office on the seniority list but declines the position – to RECOMMEND that it is ascertained if they wish to decline the position permanently - and if they do to place their name at the bottom of the seniority list with this intent stated; but if they still wish to be offered the position then their name will be moved to the top of the list for the following year.
- (d) If a councillor can become Mayor for a second time – to RECOMMEND that once a member has held the office of Mayor that their name should be removed from the seniority list and cease to be considered for the position of Mayor in the future.
- (e) If a number of members become eligible to be Mayor in the same year – to RECOMMEND that those councillors should decide amongst themselves the order in which the position should be held; but if they cannot agree then in the year preceding their year of office, the current Mayor will conduct a draw to determine the order of office.
- (f) If a member, having previously stated that they don't want to be considered for Mayor, subsequently has a change of circumstances and decide that they want to be included in the seniority list – to RECOMMEND that they be inserted into the list at a point agreed by the Leader / Chief Executive.
- (g) If a member has broken service – to RECOMMEND that the member joins the list at the most recent term of office they were elected, but elevated to a higher ranking than those elected at the same time.

5. Licensing Act 2003 – Revised Licensing Policy 2008 – 2011

The licensing act 2003 required the licensing authority (for the purpose of this report, the Fylde borough council) to prepare for a three year period a statement of licensing policy for their area. The authority's first statement of licensing policy was approved by this council and came into effect on the 7th January 2005 and the council was now required to prepare one for a further three year period. This policy had to be in force with effect from 7 January 2008 to 6 January 2011.

A statement of licensing policy provided a local framework for decision making when considering applications for licence or variation to licence, as the licensing committee and its licensing panels were required to have due regard to this when forming a decision.

The committee was therefore asked to consider and approve the revised draft policy, which had been developed from the current draft guidance issued under section 182 of the licensing act 2003 by the secretary of state for culture, media and sport, and amended where appropriate following the wide-ranging consultation process.

Mr Stuart Handley, (Commercial & Licensing Manager), presenting the report, pointed out that the policy had also been made more user-friendly in terms of layout and language.

Councillor Oades commented that in her view, consultation with "near-neighbours" when there is an application for a licence was not comprehensive enough and was often limited to a poster in a window. She asked if it was possible for licensing to deal with this problem. Mr Handley explained that the licensing department could not be seen to be soliciting opposition from the public, but that they did advise the Town and Parish Councils when there was an application for a new or changed licence. Councillor Oades requested that the Council's legal department should look into the restrictions placed on the Council in these circumstances, and advise whether there may be opportunities to improve public consultation.

There were also questions from the committee about the current reactive nature of the enforcement work, but Mr Handley assured the committee that there was sufficient capacity to respond to reactive work such as complaints, and that the police, in the course of their activities, assist the licensing department with monitoring of licensed premises.

Mr Handley clarified that the Licensing Authority's remit was to cover breaches of licensing conditions, whilst the police manage crime and disorder issues and environmental protection team manage public nuisance. In addition, they are both able to request a review of a license whereas the Licensing Authority are not.

The committee RESOLVED:

- 1 to RECOMMEND the approval of the draft licensing policy
- 2 to ask that it be noted that the Council's Head of Legal Services should investigate limitations to the consultation process for licensing applications

6. Future Management of Swimming Pools

Mr Paul Norris, (Executive Manager Community and Cultural Services), presented a report which examined the results of the recent tender process for the future management of the council's two swimming pools at St Annes and Kirkham and provided a range of options for delivery of a swimming service in the urban and rural areas.

Members of the Policy and Service Review Scrutiny Committee were asked to examine the available options based on the information contained in this report and make their recommendations for future delivery of urban and rural swimming service to Cabinet.

The report gave an account of the tender process, and the outcomes. Unfortunately, whilst there were eight expressions of interest, only two companies submitted tenders. On the basis of costs, one was effectively ruled out, leaving the Fylde Coast YMCA as the only alternative to in-house management, although the savings were not significant and there was no intention on their part to invest in providing dryside facilities.

Mr Norris went on to outline how the service was currently run, and the potential advantages and disadvantages, and limitations, to out-sourcing.

After a full debate of the matter the committee RESOLVED:

1. To recommend that the management of the swimming pools in St Annes and Kirkham be retained in-house.
2. To recommend that the Cabinet look in detail at the proposals for dryside development and consider the associated costs as part of the budget process, and subject to Corporate priorities.
3. To recommend that a risk assessment of the 15 year maintenance plan is undertaken.

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