

Agenda

Operational Management Committee

Date:	Tuesday, 14 March 2023 at 6:30 pm
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Roger Small (Chairman) Councillor John Kirkham (Vice-Chairman)</p> <p>Councillors Mark Bamforth, Alan Clayton, Chris Dixon, Brian Gill, Paul Hodgson, Michelle Morris, Bobby Rigby, Stan Trudgill, Viv Willder.</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	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 17 January 2023 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23(c).	1
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Contact: Democracy - Telephone: (01253) 658546 – Email: democracy@fylde.gov.uk

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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
HEAD OF ENVIRONMENTAL AND HOUSING SERVICES	OPERATIONAL MANAGEMENT COMMITTEE	14 MARCH 2023	4
PUBLIC SPACES PROTECTION ORDERS FOR ENFORCEMENT OF DOG CONTROL			

PUBLIC ITEM

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

SUMMARY

Public spaces protection orders are in place across the borough for the enforcement of dog control under the Anti-Social Behaviour Crime and Policing Act 2014. These PSPOs require a person in control of a dog to comply with conditions including:

- Dogs to be kept on leads in certain locations
- Dogs to be excluded from certain locations
- The immediate removal of dog faeces

Failure to comply with a PSPO is an offence which can be dealt with by a fixed penalty notice of £100 or by prosecution (maximum fine of £1000). The orders are due to lapse during September 2023. They can be extended, but only if they remain necessary to prevent certain persistent activities that are having a detrimental effect on the quality of life in the locality. The report asks members to consider whether they are minded to extend the orders and proposes delegating the authority to do so to the Head of Environmental Health and Housing following the mandatory processes of consultation, publicity and notification, with the matter being referred back to the committee for further consideration if consultation or publicity responses suggest it appropriate.

RECOMMENDATIONS

1. Committee considers whether it is minded to extend any of the public spaces protection orders described in the report for a further three years
2. In relation to each order that the committee is minded to extend, delegate authority to the Head of Environmental Health and Housing to carry out the necessary consultation, publicity and notification and then to extend the order, unless the Head of Environmental Health and Housing considers that the order should not be extended until a response to the consultation or publicity has been considered by the committee.

SUMMARY OF PREVIOUS DECISIONS

Operational Management Committee – May 2017: The committee unanimously RESOLVED to approve the recommendations to implement public spaces protection orders across the borough for the enforcement of dog control under the Anti-Social Behaviour Crime and Policing Act 2014.

Operational Management Committee – September 2020: The committee unanimously RESOLVED:

1. To extend all of the public space protection orders for a further three years,

2. To delegate authority to the Director of Resources to carry out the necessary consultation, publicity and notification and then to extend the order, unless the director considers that the order should not be extended until a response to the consultation or publicity has been considered by the committee at a special meeting

Operational Management Committee November 2020: The committee unanimously resolved:

1. To determine a preferred option around the beach exclusion zone and agree the preferred option for a replacement order.
2. To extend the public spaces protection orders beyond January 2021, for a further three years, including any changes to the beach exclusion order agreed in (1) above

Operational Management Committee 9 November 2021: Minded to change the PSPOs for Ashton Gardens, Lowther Gardens, Fairhaven Lake and (insofar as it was not already the case) the Promenade and Promenade Gardens to “dogs on lead” areas, rather than “dogs on lead by request” areas and delegated authority to effect the changes by:

- a. Varying the PSPO that required dogs to be placed on a lead when requested by an authorised officer to do so by (i) adding Ashton Gardens, Lowther Gardens and Fairhaven Lake to schedule 1 (“places where this order does not apply”) and (ii) Moving Promenade Gardens and Promenade from schedule 2 (“places where this order does not apply at certain time of the year”) to schedule 1 (“places where this order does not apply”);
- b. Making new PSPOs for each of Ashton Gardens, Lowther Gardens and Fairhaven Lake requiring dogs to be always kept on a lead; and
- c. Varying the PSPO that required dogs in the Promenade and Promenade Gardens to be kept on a lead to apply all year round, and not just between Good Friday and September 30th.

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	√

REPORT

1. Public spaces protection orders (PSPOs) are in force across the borough for the enforcement of dog control under the Anti-Social Behaviour Crime and Policing Act 2014. These PSPOs require a person in control of a dog to comply with certain conditions including:
 - Dogs to be kept on leads in certain locations
 - Dogs to be excluded from certain locations
 - The immediate removal of dog faeces
2. Failure to comply with a PSPO is an offence which can be dealt with by a fixed penalty notice of £100 or by prosecution (maximum fine of £1000).
3. The requirements of the current PSPOs are:
 - Paddling pools, fountains and other similar places: Keep your dog out
 - Enclosed outdoor play areas: Keep your dog out
 - St Annes beach and sand dunes (between the lifeboat station and North Promenade Car Park): Keep your dog out from Good Friday to 30 September
 - Ashton Gardens: Keep your dog on a lead
 - Lowther Gardens: Keep your dog on a lead

- Fairhaven Lake: Keep your dog on a lead
- Lytham Park Cemetery: Keep your dog on a lead
- Promenade and Promenade Gardens: Keep your dog on a lead
- Council-owned car parks: Keep your dog on a lead
- Roads and pavements: Keep your dog on a lead
- All other public places: Put your dog on a lead if requested
- All public places: Pick up your dog's fouling

Full details of the PSPOs for Dog Control in Fylde are available on the Council website at: <https://new.fylde.gov.uk/resident/dogs/public-spaces-protection-orders-psdo-for-dog-control/>

4. The PSPOs were established under the Anti-Social Behaviour, Crime and Policing Act 2014 to remove outdated bylaws and implement measures to ensure responsible dog owners are able to enjoy exercising their dogs whilst at the same time introducing measures to manage the behaviour of any irresponsible owners.
5. The PSPOs commenced on October 1 2017, were extended in November 2020, amended in December 2021 to add further 'dogs on leads' areas and remain in force **until 30th September 2023**, when they will lapse unless extended as described below.
6. PSPOs are not intended to remain in force indefinitely, but an order can be extended in duration for a further period of three years if it has not lapsed. A PSPO can be only extended if the authority is satisfied on reasonable grounds that two conditions are met:

The first condition is that:

- a. activities carried out in a public place within the council's area have had a detrimental effect on the quality of life of those in the locality or
- b. it is likely that activities will be carried on in a public place within that area and that they will have such an effect

The second condition is that the effect, or likely effect, of the activities:

- a. is, or is likely to be, of a persistent or continuing nature,
 - b. is, or is likely to be, such as to make the activities unreasonable, and
 - c. justifies the restrictions imposed by the notice.
7. In deciding whether to extend a PSPO, the council is required to "have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the [European] Convention [on Human Rights]". Those rights are:

ARTICLE 10 Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ARTICLE 11 Freedom of assembly and association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

There is no evidence to support that anything in the present orders engages any of the rights guaranteed by articles 10 or 11.

PROCEDURE

8. Before extending a PSPO, the authority must carry out “the necessary consultation the necessary publicity, and the necessary notification”. The ‘necessary consultation’ means consulting with the Police and Crime Commissioner, any community representatives that the council considers it appropriate to consult and (unless it is not reasonably practicable to do so) the owner of the affected land. The ‘necessary publicity’ means publicising the proposal. The ‘necessary notification’ means notifying the county council and any relevant parish council.
9. A decision to extend any of the PSPOs cannot be taken until representations made as a result of the consultation and publicity have been considered.
10. If members consider that the criteria for extension set out in paragraph 4 are met and are minded to extend any of the PSPOs, it is recommended that authority be given to the Head of Environmental Health and Housing to carry out the processes of consultation, publicity and notification, and extend the orders, if he considers it appropriate to do so after considering any responses received. If the consultation and publicity resulted in any matters being raised that he feels should be referred to the committee, a further report would be presented to the committee, who would consider them and decide whether to go ahead with the relevant extension.

PERSISTENT ACTIVITIES HAVING A DETRIMENTAL EFFECT

11. The existence of the PSPOs have proved a successful deterrent against the anti-social behaviour sometimes associated with irresponsible dog ownership, such as the failure to remove dog faeces forthwith and allowing dogs to be off lead and or of control in public areas.
12. Despite these controls there are a small number of irresponsible dog owners whose persistent or continuing activities are having a detrimental effect on the quality of life of those in the locality, requiring the issuing of Fixed Penalty Notices for breaches of the existing dog control orders.
13. Officers have the power to issue FPN’s for both dog fouling and for breaching the dog exclusion order on the Amenity Beach in St Annes. Officers use a graduated approach to enforcement, in line with the rest of the department and therefore offer advice and education first.
14. There is the possibility that failing to extend the existing orders will result in an increase in the persistent and continuing anti-social behaviours traditionally associated with irresponsible dog ownership which have a detrimental effect on the quality of life for those in the locality.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report.
Legal	The powers to extend the orders, and the considerations members need to take into account, are set out in the report.
Community Safety	The orders are intended to enhance community safety by making it possible for an authorised officer to enforce against irresponsible dog ownership through the issuing of FPNs.
Human Rights and Equalities	Members should consider carefully the continuing need for the powers in each area. If they are not satisfied that problems of detrimental and persistent activities associated with irresponsible dog ownership would recur or intensify if a particular order were to lapse, they should not extend that order.
Sustainability and Environmental Impact	No material impact
Health & Safety and Risk Management	No material impact

LEAD AUTHOR	CONTACT DETAILS	DATE
IAN WILLIAMSON	ian.williamson@fylde.gov.uk Tel 01253 658604	13/02/2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Operational Management Committee – May 2017	23/5/2017	Minutes
Operational Management Committee – September 2020	8/9/2020	Minutes
Operational Management Committee November 2020	10/11/2020	Minutes
Operational Management Committee 9 November 2021	9/11/2021	Minutes

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF TECHNICAL SERVICES	OPERATIONAL MANAGEMENT COMMITTEE	14 MARCH 2023	5
BUS SHELTER WORKING GROUP – CLOSURE REPORT			

PUBLIC ITEM

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

SUMMARY

The current term of office for the council will end in May 2023 with the Borough elections and the return of a new group of elected members. The Boundary Commission Review means that there will be a reduction in the number of elected members from 51 to 37 and the governance review undertaken in response to the reduced membership of the council will see the creation of an executive policy committee and scrutiny arrangements. The council from May 2023 will have new governance that will require different working arrangements. At the final meeting of each committee for the current term of office the working groups and boards that have been established and appointed by the committee will be formally closed and disbanded where appropriate to create the opportunity for the new council to review and determine the most appropriate arrangements under the new governance structure.

RECOMMENDATIONS

That the committee disband the Car Park Working Group and acknowledges that the members of the Group appointed by the committee have fulfilled the intended objectives and aims set by the committee in delivering the budget for the Authority.

SUMMARY OF PREVIOUS DECISIONS

Operational Management established the Car Park Working Group at the meeting on 22nd May 2018 and has appointed members to the Budget Working Group on annual basis since 2019.

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	✓

REPORT

1. The Car Park Working Group was established in May 2018 by this committee. The terms of reference for the group are included below:

‘To review the principle of providing bus shelters for a third party service and establish the most efficient and cost effective means of doing so’

2. Membership of the Budget Working Group was reviewed and confirmed on annual basis determined by the agreed criteria to qualify for membership.
3. The working group formed as required to review bus shelter provision across the Borough.
4. The Operational Management Committee has received reports following each set of sessions to review the recommendations of the working group.
5. The Bus Shelter Working Group has fulfilled the remit set by this committee and members of the group over the last 8 years are thanked for their hard work, dedication, and contribution. Programme committees including the Operational Management committee will not be part of the new committee governance arrangements from May 2023. It is therefore recommended that the Bus Shelter Working Group is disbanded and that arrangements to review the Council’s bus shelter provision under the new governance arrangements are determined by the new council.

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

LEAD AUTHOR	CONTACT DETAILS	DATE
Andrew Loynd	andrew.loynd@fylde.gov.uk	9 th February 2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Operational Management Committee	Various dates / most meetings	www.fylde.gov.uk

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF TECHNICAL SERVICES	OPERATIONAL MANAGEMENT COMMITTEE	14 MARCH 2023	6
CAR PARK WORKING GROUP – CLOSURE REPORT			

PUBLIC ITEM

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

SUMMARY

The current term of office for the council will end in May 2023 with the Borough elections and the return of a new group of elected members. The Boundary Commission Review means that there will be a reduction in the number of elected members from 51 to 37 and the governance review undertaken in response to the reduced membership of the council will see the creation of an executive policy committee and scrutiny arrangements. The council from May 2023 will have new governance that will require different working arrangements. At the final meeting of each committee for the current term of office the working groups and boards that have been established and appointed by the committee will be formally closed and disbanded where appropriate to create the opportunity for the new council to review and determine the most appropriate arrangements under the new governance structure.

RECOMMENDATIONS

That the committee disband the Car Park Working Group and acknowledges that the members of the Group appointed by the committee have fulfilled the intended objectives and aims set by the committee in delivering the budget for the Authority.

SUMMARY OF PREVIOUS DECISIONS

Operational Management established the Car Park Working Group at the meeting on 2nd June 2015 and has appointed members to the Budget Working Group on annual basis since 2016.

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	√

REPORT

- The Car Park Working Group was established in June 2015 by this committee. The terms of reference for the group are included below:

‘To review the Council’s strategy and approach to car parking’

2. Membership of the Budget Working Group was reviewed and confirmed on annual basis determined by the agreed criteria to qualify for membership.
3. The working group formed approximately every 2 years for two to three sessions to review the Council's Parking Strategy, parking fees and charges as well as consider issues affecting the operation of the car parks.
4. The Operational Management Committee has received reports following each set of sessions to review the recommendations of the working group
5. The Car Park Working Group has fulfilled the remit set by this committee and members of the group over the last 8 years are thanked for their hard work, dedication, and contribution. Programme committees including the Operational Management committee will not be part of the new committee governance arrangements from May 2023. It is therefore recommended that the Car Park Working Group is disbanded and that arrangements to review the Council's strategy and approach to car parking under the new governance arrangements are determined by the new council.

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

LEAD AUTHOR	CONTACT DETAILS	DATE
Andrew Loynd	andrew.loynd@fylde.gov.uk	9 th February 2023

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Operational Management Committee	Various dates / most meetings	www.fylde.gov.uk

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF TECHNICAL SERVICES	OPERATIONAL MANAGEMENT COMMITTEE	14 MARCH 2023	7

ACCESS FOR ALL BEACH MATTING AT ST ANNES

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The Covid pandemic created a social environment where more people remained in the UK for their holidays and indeed spent more time visiting and exploring their local area. During the 2021 summer season saw an increased number of visitors to the area. A number of requests were also received regarding accessibility to the beach with some feeling discriminated against in terms of being unable to benefit from the full enjoyment of the beach, with specific reference to grandparents being unable to join their family and enjoy watching their grandchildren play on the beach.

The Technical Services team have explored several options available to improve accessibility to beach for everyone.

In February 2022, the council placed an order with John Preston Medical and Mobility Limited for two lengths of Mobi - Mat measuring 25 meters and 10 meters plus a bespoke piece of equipment that would enable the matting to be easily laid and lifted for maintenance purposes.

SOURCE OF INFORMATION

Head of Technical Services

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform how the decision was made to continue with the mat option and how it will be managed.

FURTHER INFORMATION

Contact Darren Bell, darren.bell@fylde.gov.uk

Background

1. Immediately south of St. Annes Pier there is an existing concrete ramp which connects the main amenity promenade to the deck chair store, and also provides access to and from the beach for pedestrians, maintenance and emergency vehicles.
2. This existing ramp is considered the main access onto St. Annes beach in terms of its location, facilities, shelter and quality of sand. Car parks, toilets, shelters, kiosks, cafes and refreshments are also located nearby.

3. In 2011, concrete steps were constructed to provide compliant access from the ramp to and from the beach, together with a timber ramped boardwalk to provide improved access from the ramp onto the beach. The timber boardwalk suffered from wood rot and was removed in 2019.
4. Following communication from the public regarding improved access onto the beach in the summer of 2021, several ramp options have been explored. One option was for a concrete ramp straight out following the existing line of the slipway. In November 2021 a survey of the whole slipway and associated promenade and beach levels was undertaken. The survey details confirmed the distance off the top end of the slipway to the bottom of the slipway steps was 700mm. The beach then falls away further towards the sea.
5. Using the British Standard guidance a ramp 10m in length, a 2m level landing area followed by a further 10m ramp would be required to gain the height difference and ensure a compliant gradient. This would have required a permanent structure circa 22m onto the beach that at times would be covered by high tides. This council have impacted on the Coast Guard and RNLI operations as well as creating additional maintenance issues.
6. Another option considered was a zig zag design but this would only get people off the slipway onto the beach and would not be offering access for all.
7. Following research and exploring best practise the preferred option that provided the greatest accessibility was to raise the existing beach level 700mm up to the end of the existing ramp to provide a sand platform and then lay matting during the summer season. In February 2022 a trial was conducted using 35 liner meters of Mobi Mat from John Preston Medical and Mobility Limited. This product has been used elsewhere providing access on to UK Beaches – for example along the coast at Bournemouth – see link [Accessible seafront \(bpcouncil.gov.uk\)](https://www.bpcouncil.gov.uk)
8. The matting option was also in accordance with the Councils Corporate Policy to reduce Carbon. The sand scaping and recycled product offer a natural way of providing access without concrete construction.
9. Key design items in relation to the Mobi Mat product include:
 - Nonslip tear resistant, firm and stable surfacing
 - Durable designed for vehicular traffic
 - Environmentally friendly 100% recycled polyester
 - Low maintenance
 - 1.98m wide specification to allow people to pass each other whilst on the mat.
 - A blue finish to assist visually impaired visitors and residents alike.

Next steps

10. Following lessons learnt from the trial, for 2023 it is intended to sand scape the area using compacted 150mm layers of sand in order to make up the levels thus reducing the potential of the sand blowing out.
11. A new designated fixing point will be provided at the junction where the matting meets the existing slip way. The new fixing point would anchor the mat whilst also minimising the risk of a trip hazard and assist with maintenance.
12. The Beach Ranger Team would have training provided on how to use the proprietary piece of equipment supplied with the Mobi-Mat. This is specially designed for laying the mat and rolling the mat up for maintenance whilst quickly relaying and is designed to be done by one person and addresses any manual handling issues.
13. The matting would be checked daily as part of the beach patrol regime and any remedial work undertaken in a quick and responsive way. The matting would be monitored and inspected accordingly after high tides and inclement weather.
14. In the event that access onto the beach has been compromised then the Council Communications team will be informed at the earliest opportunity.

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
TECHNICAL SERVICES MANAGER	OPERATIONAL MANAGEMENT COMMITTEE	14 MARCH 2023	8
CAR PARKING ANNUAL REPORT 2021/22			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

Each year Local Authorities are expected to produce and publish an annual report to present financial and statistical information relating to Local Authority parking operations to the public. This information item is presented to the committee to advise them of the report for 2021/22 and highlight key points from this.

SOURCE OF INFORMATION

The data used for the Fylde Parking Annual Report 2020/21 is compiled from Fylde Council’s finance system (CIVICA General Ledger), the Parking Service’s records of Penalty Charge Notices (Chipside Case Manager) and general records of Fylde Council’s car parks.

LINK TO INFORMATION

<https://new.fylde.gov.uk/council/transparency/parking-information/>

INFORMATION

1. Statutory Guidance is provided by Central Government as to how Local Authority parking services may be operated. Part of this stipulates that certain statistical and financial information must be made public via an annual report. In addition the Transparency Code requires further information to be made public. The Fylde Parking Annual Report 2020/21 includes information required for both of these.
2. Key financial points to emerge from this report is that in 2020/21 parking enforcement income and costs incurred a £27,136 deficit while car park operation income and costs resulted in a £447,176 surplus; a total Parking Services surplus of £420,040, an increase of £172,237 on the previous year. This income to the Council has been used to help support other services via the Council’s general fund.
3. From the Council’s enforcement activities the total number of Penalty Charge Notices (PCNs) issued increased by 1,484 from the previous year. Of 2,615 PCNs issued over 71% resulted in payment to date. 26% of PCNs have been cancelled to date, mainly as a result of successful challenges where reasonable grounds were provided why a PCN should not be paid. This demonstrates that Parking Services, while enforcing the car parks’ conditions of use, will take into account extenuating or mitigating circumstances when considering challenges and exercise fair and proportionate discretion where appropriate as required by the Traffic Management Act 2004.

4. If a person has formally challenged a PCN and it has been rejected they are able to appeal their case to the Traffic Penalty Tribunal where an independent adjudicator will review all case evidence. In 2020/21, of the 2,615 PCNs issued during the year, 8 cases (0.31% of all PCNs) went to the tribunal, of which 7 were allowed (i.e. found against Fylde Council) and 1 had a consent order granted (i.e. found in favour of Fylde Council but the penalty waived due to mitigating circumstances).
5. The Fylde Parking Annual Report 2021/22 can be viewed by the public in the 'Transparency' section of the Council's website.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To advise the committee that the Fylde Parking Annual Report 2021/22 has been produced and made public.

FURTHER INFORMATION

Contact - Andrew Loynd, Technical Support Manager, 01253 658 527



Fylde Council Annual Parking Report 2021/22

Technical Services Section

Fylde Council Annual Parking Report 2021/22

Financial and Statistical Information

1 Introduction

Welcome to Fylde Council's Annual Parking Report for 2021/22. This report sets out the off-street parking provision that is provided by the Council and details information relating to income and expenditure plus enforcement statistics associated with the provision of this service.

Following the disruption throughout 2020/21, as a result of restrictions imposed to control the impact of the Covid pandemic, 2021/22 started with a continuation of some of the restrictions. From April through to July the various restrictions on activities were gradually lifted. This was reflected in car park use with coastal long-stay car parks being very busy whereas short-stay town centre car parks under-performed as restrictions on hospitality and leisure industries were the last to return to normality. Throughout the year the sea-front tourist car parks performed significantly above average, likely in response to a continuation of the public taking day visits and 'stay-cations' as a result of the pandemic. However business permit sales were down while working-from-home measures remained in place.

The Covid testing centre that was established on Fairhaven Road Car Park in November 2020 remained in place throughout the whole of 2021/22, though it was closed at the end of this period. The impact on the operation of this car park was to limit the number of spaces available to customers including restricting use by coaches.

North Beach Car Park, since it was first constructed in 1981, has never been lined apart from the provision of disabled bays, reserved bays for the coastguard and, in more recent years, to provide dedicated bays for motorhomes parking overnight. In the previous few years, on occasional days, the car park has been inundated with visitors to the extent that vehicles were being abandoned across the car park causing obstruction to the coastguard from being able to reach their base and some vehicles trapped where triple parking occurring. In May 2021, to resolve this issue, the car park was fully lined.

In July 2021 changes to overnight motorhome parking scheme were implemented including limiting the number of vehicles that use St Annes Swimming Pool Car Park as well as extending the scheme to North Promenade and St Paul's Avenue Car Parks. The length of time motorhomes can stay has been limited to a maximum of 2 consecutive days (42 hours) with no return within 24 hours. Prices were increased to reflect the significant increase in demand.

As part of the ongoing improvements to signage across the car parks, the tariff boards in the town centre car parks of St Annes Square and Pleasant Street were upgraded to the new style that has previously been rolled out to all St Annes and Fairhaven coastal car parks. In addition the process to consolidate all secondary signage across all car parks was continued and finished to reduce visual intrusion of signs, update to current specifications and remove the remnants of the old Council logo.

Following the re-opening of Stanner Bank Car Park in 2020, concerns were raised by Lancashire County Council Highways about the safety of the new interface between the car park and the highway, particularly with the addition of the new barrier control system. As a result, through Autumn 2021 the entrance area to the car park was remodelled to include a pedestrian island between the entrance and exit lanes plus the road line was changed to stop vehicles driving across the entrance area and restrict parking either side of the entrance.

During 2021/22 Fylde Council owned and operated 16 car parks spread over Lytham St Annes. Of these 16, 2 were free to use and 14 were charged via pay and display. The car parks comprise a total of 1,320 spaces made of 157 free spaces (88 disabled bays and other designated bays including general parking and reserved bays) and 1,163 charged spaces. Further details of the Council's car parks can be found on the Council's website www.fylde.gov.uk/resident/parking/car-parks.

Fylde Council aim to meet or exceed the Department for Transport's suggested guidelines on the number of spaces that should be allocated on each car park for use by those with physical mobility issues as set out in their [Inclusive Mobility best practice guide](#). Three hours free parking is provided to blue badge holders when parked within designated disabled bays and displaying a parking clock. Further time beyond the 3 hours can be purchased. However, if no designated disabled bays are available then blue badge holders are required to pay if they choose to park in a standard bay.

All Fylde Council owned and operated car parks are enforced under the Traffic Management Act 2004 and the Road Traffic Regulation Act 1984 and subsequent amendments. A copy of Fylde Council's Traffic Regulation Order and amendments under which the car parks are enforced can be found in the Traffic Penalty Tribunal's library - <http://tro.parking-adjudication.gov.uk/>

Fylde Parking Services is led by the Fylde Car Park Strategy, which was formally updated in February 2021. This includes aims, objectives and policies for the service to follow. It also includes targets for the service to be monitored against. These targets, along with the performance against them for 2021/22, are as follows:

T1 Meet budget expectations (within 5% of original estimate)

	Original estimate (£)	Actual (£)	% difference
Off-street penalty charges	40,000	53,140	+132.85
Pay & display income	700,000	775,945	+110.81
Permit sales	12,050	19,455	+161.45

Income from penalties and pay and display significantly increased as a result of an increase in visitors to the area, potentially as a result of ongoing limitations on foreign travel due to covid and an increase in popularity of stay-cations. Permit sales significantly exceeded expectations.

T2 Response times for both pre Notice to Owner (NtO) Challenges and post Notice to Owner Representations (at least 90% with acknowledgement within 5 working days and full response within 10 working days)

	Total	Response within time	% difference
Responses to Pre NtO Challenges	836	771	92.23
Responses to post NtO Representations	52	36	69.23

Responses to pre NtO representations were above target but responses to post NtO representations were significantly below target.

T3 The number of cases going to the Traffic Penalty Tribunal (no more than 5 per year)

In 2021/22 8 PCNs that were issued during that period were subsequently referred to the Traffic Penalty Tribunal.

2 Financial Performance

2.1 Section 55 (Parking Enforcement Accounts)

As a local authority which operates Civil Parking Enforcement (as an 'Enforcement Authority') with regards to its own off-street parking provision the Council is required to keep an account of all of its income and expenditure in connection with its off-street enforcement activities. These finances are governed by Section 55 (as amended) of the Road Traffic Regulation Act 1984. The legislation sets out provisions for dealing with any deficits or surpluses in the account at the end of the financial year. Any deficit is to be made good out of the authority's general fund, whilst a surplus can either be carried forward in the account to the next financial year, or it can be appropriated to the carrying out of a specific project for one of the following purposes:

1. The making good to the general fund of any amount charged to it for the making good of a deficit in the parking account in the 4 years immediately preceding the financial year in question.
2. Meeting all or any of the cost of the provision and maintenance by the local authority of off-street parking accommodation.
3. If it appears to the local authority that the provision in their area of further off-street parking accommodation is unnecessary or undesirable, the following purposes:
 - (i) Meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services, and
 - (ii) The purposes of a highway or road improvement project in the local authority's area.

As Fylde Borough Council is not the local highway or transport authority it is unlikely that any surplus in enforcement revenue would be used for 3(i) or 3(ii) above.

The Council's parking account during 2021/22 performed as follows:

**Report on Fylde Borough Council's Parking Account
(kept under Section 55 of the Road Traffic Regulation Act 1984 - as amended)
for the financial year ending 31st March 2022**

	2017/18 (£)	2018/19 (£)	2019/20 (£)	2020/21 (£)	2021/22 (£)
Income					
Off-street penalty charges	41,828	49,281	41,648	29,215	53,140
Covid 19 grant support				7,036	
Total Income	41,828	49,281	41,648	36,251	53,140
Expenditure					
CEO Time and Notice Processing Costs	48,019	49,847	46,502	47,545	52,999
Patrol and TEC Costs	1,115	850	1,160	888	1,741

Transport	3,532	3,421	6,708	4,980	4,098
Additional Enforcement Costs (phones, stationery etc...)	337	678	298	144	144
Service recharges	36,303	29,629	32,344	24,777	21,294
Total Expenditure	89,306	84,425	87,012	78,334	80,276
Total Surplus/Deficit	-47,478	-35,144	-45,364	-42,083	-27,136

The deficits in the parking accounts were funded from the Council's General Fund.

2.2 Off-Street Parking (Car Parks)

Income from off-street parking charges and expenditure on the purchase, maintenance, running and repair of off-street sites are not subject to Section 55 of the 1984 Act (although some of those expenditures can be funded from an end of year surplus in the Section 55 account). The Council's financial performance with regards to off-street parking during 2021/22 was as follows:

Report on Fylde Borough Council's off-street parking income and expenditure for the financial year ending 31st March 2022

	2017/18 (£)	2018/19 (£)	2019/20 (£)	2020/21 (£)	2021/22 (£)
Income					
Pay & display income	602,314	678,100	640,593	424,153	775,945*****
Permit sales	22,220	22,983	21,750	25,030	19,455
Dispensations	2,527	263	82	1,245	2,492
Covid 19 grant support				166,516	
Total Income	627,061	701,346	662,425	605,676	797,892
Expenditure					
Premises (maintenance and equipment)	45,894	44,100	43,600	54,754	71,777
Supplies and Services	11,398	14,573**	19,262**	18,771	34,755
Service recharges	87,420	91,401	102,705	97,960	103,598
Capital Charges	12,700	8,414	12,700	12,697	8,414
Business Rates	81,354	70,010***	77,799	79,067	79,067
Fee Refunds/Income share	20,092	19,001	18,811	2,541	13,065
Capital Works	*	60,000	20,000	50,000****	40,040
Total Expenditure	258,858	307,499	294,877	315,790	350,716
Total Surplus	368,203	393,847	367,548	289,886	447,176

*Capital budget of £30,000 was deferred from 2017/18 to 2018/19. The £60,000 in 2018/19 was contribution from the car park capital budget towards the redevelopment of the Town Hall exterior, including car park, which totalled £204,867.

**Increase in costs associated with additional ongoing charges related to card payments

***Reduction in business rates a result of no longer operating Kirkham car parks (saving £8,108) and a rebate of £5,798 related to Kirkham car parks from 2017/18.

****Additional capital budget towards the cost of installing the barrier system at Stanner Bank Car Park. Additional costs were incurred in 2019/20 and 2020/21 for the renovation of the car park through the Fairhaven coastal protection scheme and Fairhaven public realm scheme.

The surplus funds raised through the provision of off-street parking facilities are used to off-set the costs to the Council of providing services to the public (such as parking enforcement deficit, refuse collection and waste recycling, street cleansing, tourism services, parks maintenance, housing services etc.). Without these surplus funds, those costs would have to be met through Council Tax.

3 Statistical performance

3.1 Penalty Charge Notices Issued

There is a national list of the parking contraventions for which Civil Enforcement Officers (CEOs) are empowered to issue Penalty Charge Notices (PCNs). Below is a table giving a detailed breakdown of the numbers of PCNs which the Council's CEOs issued in respect of each type of contravention applicable to car parks during 2021/22. Figures for previous years have been included for comparison purposes. Individual contravention codes that are subject to the higher or lower rates of penalty charge are shown. Higher rates are set at £70 (£35 if paid within 14 days) while lower rates are set at £50 (£25 if paid within 14 days).

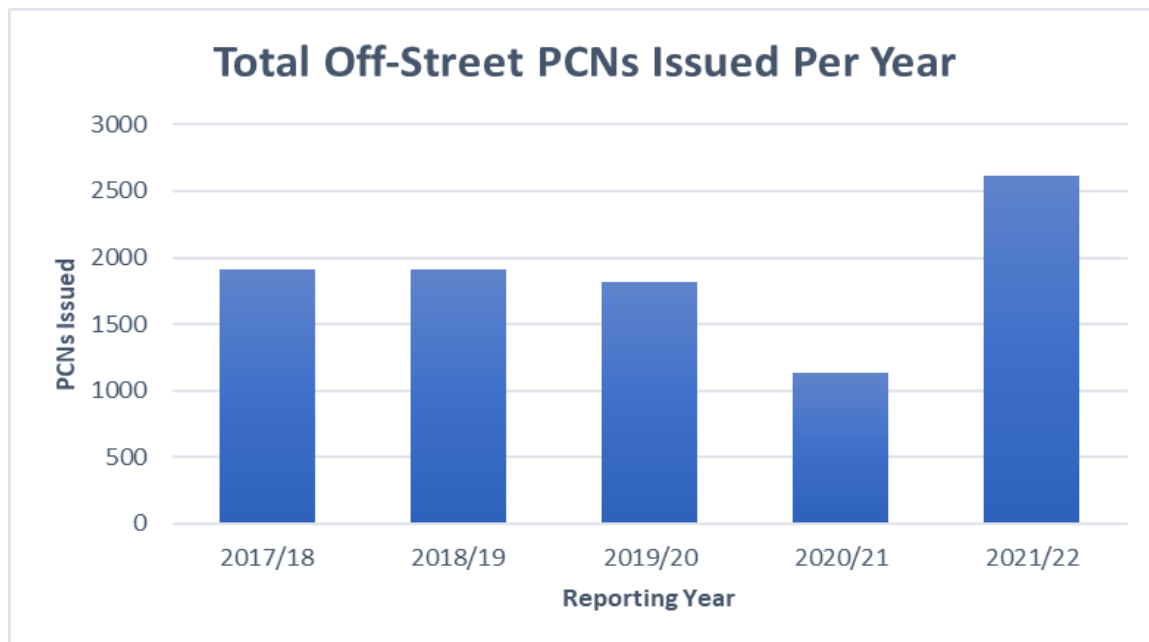
Number of Penalty Charge Notices Issued for Each Contravention Type

		Off-Street (car park) Parking Contraventions				
Code	Contravention Description	PCNs 2017/18	PCNs 2018/19	PCNs 2019/20	PCNs 2020/21	PCNs 2021/22
73 (Low)	Parked without payment of the parking charge	0	3	0	1	0
80 (Low)	Parked longer than the maximum period permitted	5	5	8	6	22
81 (High)	Parked in a restricted area in a car park	3	7	66	88	46
82 (Low)	Parked after the expiry of paid for time	408	291	295	92	339
83 (Low)	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	1,248	1,369	1,226	771	1,791
85 (High)	Parked in a permit bay without clearly displaying a valid permit	24	30	22	32	81
86 (Low)	Not parked correctly within the markings of a bay or space	59	58	78	41	160

87 (High)	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	154	136	107	63	129
89 (High)	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area	0	0	1	1	1
91 (High)	Parked in a car park or area not designated for that class of vehicle	12	12	12	35	39
92 (High)	Parked causing an obstruction	0	0	2	0	4
93 (Low)	Parked in car park when closed	0	0	0	0	2
94 (Low)	Parked in a pay & display car park without clearly displaying multiple valid pay and display tickets when required	0	0	0	1	0
95 (Low)	Parked in a parking place for a purpose other than that designated	0	0	0	0	1
	Number of higher rate off-street PCNs issued	193	185	210	219	300
	Number of lower rate off-street PCNs issued	1,720	1,726	1,607	912	2,315
	Total number of off-street PCNs issued	1,913	1,911	1,817	1,131	2,615

Total Off-Street PCNs Issued Per Year

Reporting Year	2017/18	2018/19	2019/20	2020/21	2021/22
PCNs Issued	1,913	1,911	1,817	1,131	2,615



There was a significant increase in the number of PCNs issued in 2021/22 compared to previous years, in part due to a significant increase in visitors as well as a change in Enforcement Officers.

3.2 Progression of PCNs

The following table details the ways in which PCN cases had progressed as of February 2023.

Progression of cases	2017/18	2018/19	2019/20	2020/21	2021/22
Total number of PCNs issued	1,913	1,911	1,817	1,131	2,615
PCNs paid at 50% Discount	1,273 (66.54%)	1,214 (63.53%)	1,110 (61.09%)	709 (62.69%)	1,601 (61.22%)
PCNs paid at full amount (before issue of Charge Certificate)	125 (6.53%)	115 (6.02%)	130 (7.15%)	72 (6.37%)	166 (6.35%)
PCNs paid after issue of Charge Certificate (full amount + 50%)	79 (4.13%)	71 (3.72%)	82 (4.51%)	49 (4.33%)	100 (3.83%)
Total PCNs paid	1,477 (77.20%)	1,400 (73.27%)	1,322 (72.75%)	830 (73.39%)	1,867 (71.40%)
<i>Number of Pre NtO Informal Challenges</i>	567	714	639	407	964
Number of Informal Challenges resulting in PCN cancellation	339 (17.72%)	394 (20.62%)	401 (22.07%)	221 (19.54%)	397 (15.18%)
<i>Number of Post NtO Formal Representations</i>	78	80	82	52	75
Number of Formal Representations resulting in PCN cancellation	11 (0.58%)	12 (0.63%)	16 (0.88%)	9 (0.80%)	22 (0.84%)
<i>Number of TPT Appeals</i>	2	7	3	4	8
Number of TPT appeals resulting in PCN cancellation	2 (0.11%)	4 (0.21%)	2 (0.11%)	2 (0.18%)	8 (0.31%)
Number of PCNs cancelled	84 (4.39%)	101 (5.27%)	76 (4.19%)	57 (5.03%)	271 (10.36%)

for other reasons (eg owner untraceable, enforcement agent unable to collect etc...)					
Total PCNs cancelled	436 (22.80%)	511 (26.73%)	495 (27.25%)	289 (25.55%)	698 (26.69%)
Total PCNs outstanding (still to pay or be cancelled)	0 (0%)	0 (0%)	0 (0%)	12 (1.06%)	50 (1.91%)

Of the PCNs that are issued each year, between 70% and 80% are paid. Of those that are paid the vast majority do so within 14 days of the PCN being issued to take advantage of the discount period. 22% to 27% of issued PCNs are cancelled, the majority as a result of an Informal Challenge within 28 days of the PCN being issued.

Historically the main reasons for PCNs being cancelled is due to common issues such as tickets blowing over (so enforcement officers are unable to view valid tickets) or blue badge holders forgetting to display/set their clocks on arrival. Since 2018, when card payments were introduced, additional cancellations have occurred when customers have not realised payments have not been fully processed which results in a void payment ticket being produced and displayed by customers in place of valid tickets. With the introduction of the pay-by-phone option in June 2020 Additional user errors have occurred (such as inputting incorrect registration details or locations) resulting in further cancellations.

4 Adjudication cases

A motorist who has had their challenge against a PCN rejected by the Council has the right to appeal against that decision to an Adjudicator at the Traffic Penalty Tribunal (TPT). The TPT is an independent tribunal whose impartial, independent Adjudicators are lawyers who have been appointed to consider and decide upon appeals against parking penalties.

For PCNs issued during 2021/22 8 cases were registered by TPT for adjudication, equal to 0.31% of all PCNs issued during the year. Of these 0 were dismissed (ie in favour of Fylde Council) and 7 were allowed (ie in favour of the appellant) and 1 where a consent order was granted (in favour of the Council but the penalty was waived due to mitigating circumstances).

Adjudicator's reports for previous years can be accessed on the tribunal's website www.trafficpenaltytribunal.gov.uk/downloads. These reports provide information for each local area as well as an assessment of any changes that have occurred over the previous year which impacts on parking enforcement and the decisions that adjudicators may make.



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INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF TECHNICAL SERVICES	OPERATIONAL MANAGEMENT COMMITTEE	14 MARCH 2023	9
STANNER BANK CAR PARK BARRIER UPDATE			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The following is an update on the operation of Stanner Bank Car Park barrier system.

SOURCE OF INFORMATION

Car Park barrier system reports and duty officer notes.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

At the Operational Management Committee of 15th March 2022 It was RESOLVED:

1. To retain the Stanner Bank Car Park barrier system and for the committee to receive quarterly reports detailing the number of call outs including out of hours, reason for calls, time taken to resolve and any cost attached.
2. To instruct officers to address the out of hours staffing issue.

FURTHER INFORMATION

Contact - Andrew Loynd, Technical Support Manager, 01253 658 527

Background

1. An [information item](#) was presented to the Operational Management Committee on 11th January 2022 outlining the background to installing the current barrier control system, ongoing issues related to operating it and an outline of income versus expenditure on the car park since the barrier has been in operation. The Car Park Working group met to review this information, along with other car parking issues, in January and February 2022.
2. The working group concluded that any benefits of the operation of the barrier system were outweighed by negative issues. As part of the [Car Park Working Group Outcomes report](#) alternative ways of operating Stanner Bank Car Park were presented to the Operational Management Committee on 15th March 2022. During the meeting the committee decided to retain the barrier system and requested quarterly update reports and that an out of hours rota be established. No additional revenue funding has been allocated to cover any additional costs.

3. [An update report](#) was supplied to the committee on 15th June 2022 which outlined the performance, costs and income for the period from 23rd March to 29th May 2022. [A further report](#) was viewed by the committee on 6th September 2022 for the period 30th May to 21st August 2022, [a report](#) on 8th November for the period 22nd August to 23rd October 2022 [and another report](#) on 17th January for the period 24th October 2022 to 2nd January 2023. This report details information for the period 3rd January to 26th February.

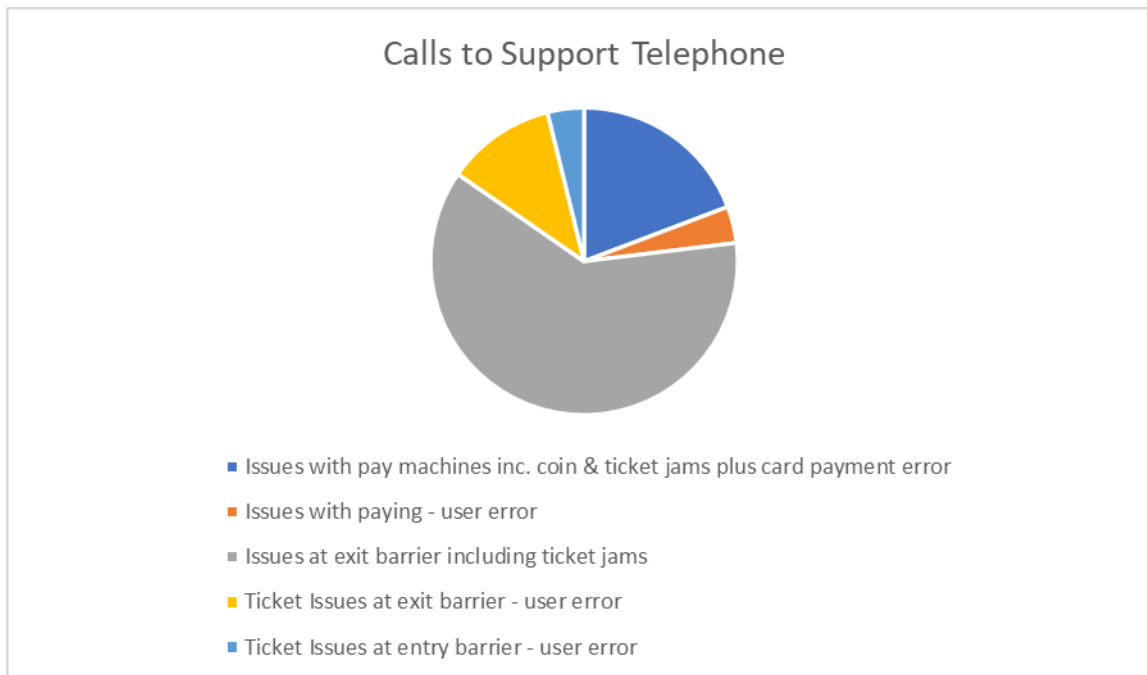
Performance

4. From 3rd January to 26th February 2023 26 calls were received by the barrier system support telephone relating to 13 separate issues. Of the 26 calls 6 were during normal office hours, 1 during weekday evenings and 19 during weekends.
5. A summary of the reasons for the 26 calls is set out in table 1 and image 1. Most calls were related to two instances over two separate weekends whereby there were ticket jams at the exit barrier which the phone operator and temporary enforcement officer were unable to rectify at the time leading to the barrier being raised until the Monday. On one of these occasions the entry barrier had to be raised resulting in no income received with an estimated loss of income of £80. Several other instances occurred where the customer had paid for their parking but the exit barrier didn't accept the ticket so the operator remotely raised the barrier.

Table 1

Reason for Call	Number of Calls
Issues with Pay Machines inc. coin & ticket jams plus card payment error	5
Issues with paying - user error	1
Issues at exit barrier including ticket jams	16
Ticket Issues at exit barrier – user error	3
Ticket Issues at entry barrier – user error	1

Image 1



6. In most cases the issue that caused the call to be made is resolved at that time by the person answering the support telephone or soon after by an enforcement officer visiting site and rectifying any faults, eg ticket/coin

jams. In these circumstances there is a small loss of income from customers being let out of the car park without paying.

7. With inexperienced non-parking services staff covering the telephone at weekends, occasional errors have been made where customers have been let out when there has been user error and the customer could have paid. These instances have reduced over time as staff become more experienced in using the system.

Operational costs

Merchant banking fees January to February - £33

Finances

8. A breakdown of the income, approximate loss of income and costs of operating the barrier system from 3rd January to 26th February 2023 is set out in table 2. Income and loss of income is provided for the amounts spent by customers at the payment machines and the amount, once VAT is deducted, that will be received by the Council. Operational costs only include costs above standard costs of operating pay and display car parks (ie excludes costs such as those related to sim cards, cash collections, card transaction fees, etc).

Table 2

Income 3 rd January to 26 th February 2023 from 1,968 paying customers	£2,517 (at machine); £2,097 (minus VAT)
Approximate loss of income	£99 (at machine); £82 (minus VAT)
Operational costs	£33
Cover – 8 weekends at £75 each	£600

Cumulative Finances

9. At the committee’s request update reports on the operation of the Stanner Bank barrier system have been provided at each meeting showing the income and costs for that period. The cumulative figures for income, losses and costs between 23rd March 2022 and 26th February 2023 are set out in table 3.

Table 3

Income 23 rd March 2022 to 26 th February 2023 from 17,295 paying customers	£30,365 (at machine); £25,304 (minus VAT)
Approximate loss of income	£1,446 (at machine); £1,205 (minus VAT)
Operational costs	£9,934
Cover – 48 weekends and 10 bank holidays at £75 each	£4,350

10. Over the 11 months that have been reported, income to the Council has been £25,304 with total costs of £14,284.
11. During this period there was one significant issue with the barrier system where the electricians kept tripping and required the barriers to be raised for an extended period with the cost to repair of £500 and a loss of income of £1,000. In comparison, during 2021/22 damage to the barrier arms on two separate occasions cost approximately £1,500 to repair on each occasion and resulted in the system being out of order for lengthy periods, losing income of between £2,000 to £3,000 on each occasion.

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEMOCRATIC SERVICES	OPERATIONAL MANAGEMENT COMMITTEE	14 MARCH 2023	10
REPORTS OF THE VARIOUS OUTSIDE BODIES			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

On 25th April 2022, Council made appointments to the various outside bodies. These appointments followed recommendations from the various programme committees.

In line with the Protocol for Members on Outside Bodies (Part 5f of the Council's Constitution), every member serving on an outside body is required to complete a reporting form every six months, which is submitted to the relevant programme committee to which the external partnership relates. This report deals with appointments within the remit of this committee. The last reports were submitted to the November 2022 cycle of meetings.

Included as an appendix to this report are the returned completed reporting forms and a list of outstanding reports/details of those bodies which have not met.

Appointments to outside bodies are usually undertaken at the last Council business meeting of the municipal year apart from in an election year. In an election year, appointments must be made at the annual meeting.

As the Council has operated a committee system, appointments have been made following nominations by the programme committees. From May 2023 the committee structure will change and it is proposed that nominations will now be considered at the first available Executive Committee meeting and appointments made at the first available Council meeting following the annual meeting. In the meantime, existing appointments would remain in place.

SOURCE OF INFORMATION

Elected member representatives to the Outside Bodies

INFORMATION ATTACHED

Outside Bodies Reports and Summary

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The information is provided to maintain an understanding of the work of the outside bodies, and to remain abreast of any issues that may have an impact on the residents of the borough or the council.

FURTHER INFORMATION

Contact: democracy@fylde.gov.uk

Operational Management Committee**Meeting date 14th March 2023**

Lancashire Waste Partnership	Chair of Op Mgmt (Roger Small)	Nil return
PATROL	John Kirkham	Nil return
Sintropher Working Group	John Kirkham	Nil return