

MINUTES

Council

Date:	Monday, 2 October 2023
Venue:	Town Hall, St Annes.
Committee Members Present:	Mayor Councillor Cheryl Little Deputy Mayor Councillor Peter Anthony Councillors Frank Andrews, Liz Bickerstaffe, Damian Buckley, Karen Buckley, Edward Collins, Peter Collins, Chris Dixon, Martin Evans, Kelly Farrington, Sue Fazackerley MBE, Joanne Gardner, Ellie Gaunt, Gail Goodman JP, Noreen Griffiths, Gavin Harrison, Paul Hayhurst, Karen Henshaw JP, John Kirkham, Jordan Ledger, Matthew Lee, Michelle Morris, Ed Nash, Jayne Nixon, Sandra Pitman, Richard Redcliffe, Andrew Redfearn, Vince Settle, Bill Taylor, Tommy Threlfall, Viv Willder, Michael Withers.
Officers Present:	Tracy Manning, Ian Curtis, Gemma Broadley, Charlie Richards Colin Dockery, Katharine McDonnell, Kassie Navarasi and Sharon Wadsworth.
Other Attendees:	Councillor Mark Bamforth (via remote access) ¹ Eighteen members of the public

Prayers were led by Lay Preacher, Mr Peter Watson.

1. Declarations of Interest

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and any personal or prejudicial interests should be declared as required by the Council's Code of Conduct for Members. There were none on this occasion.

2. Confirmation of Minutes

RESOLVED: To approve the minutes of the Council meetings held on 17 July 2023, as correct records for signature by the Mayor.

3. Mayor's Announcements

The Mayor advised that she had been very busy since taking office, having undertaken 16 events in June, 21 events in July, 11 in August and 17 in September.

The Mayor encouraged members to attend her upcoming charity event, an afternoon tea at Penny Farm on Friday 6th October at 1pm.

4. Chief Executive's Communications

The Deputy Chief Executive had no announcements on this occasion.

¹ Council procedure rule 2 allows a councillor to participate in a meeting remotely in certain circumstances. A remotely participating councillor is not deemed to be present at the meeting and may not move, second or vote on any matter.

5. Questions from Members of the Public

Two questions had been received from members of the public.

The first question was from Helen Yates. The question was;

“Is the council aware of the unfolding situation at the station end of Glen Eldon Road? This particular street is home to a tightly-knit community, encompassing residents facing unique challenges such as early-onset dementia, a family caring for a young child with disabilities, an individual coping with Multiple Sclerosis, and a neighbour grappling with complex healthcare issues. Of immediate concern is the establishment of a residence for vulnerable children immediately next door to the aforementioned resident afflicted with early-onset dementia and in very close proximity to two households housing vulnerable adults. The cumulative effect of this situation is that approximately 20% of the residences on the station end of Glen Eldon Road will become problematic properties. Given our previous appeals for assistance, directed to both the council and the police, regarding incidents of violence and disruptions caused by the occupants of just one of these properties, we urgently seek clarification on the proactive measures the council intends to implement in order to mitigate and address this issue, thereby preventing our tight-knit community street from deteriorating further and affecting the wellbeing of all residents on this road.”

Responding, Councillor Fazackerley stated that over recent years the number of children’s homes operating in the borough had increased, with many not requiring planning permission to do so. The council had recognised the concerns of the local community that these homes were being established in an uncoordinated and uncontrolled manner. As such the Internal Affairs Scrutiny Committee were currently conducting a review of how children’s homes were regulated.

She outlined the objectives of the review, which included understanding how these facilities were operated in the borough, and how they were regulated by the relevant bodies, how the community could be given confidence that the regulatory regime was adequate, and to make recommendations to other bodies if the review found issues with how these facilities were operated or regulated.

In asking a supplementary question, Ms Yates asked if a meeting could be convened to bring together of all the interested parties to address the issues in her street.

Councillor Fazackerley responded outlining the stages the review was working through, including evidence gathering from relevant stakeholders including the public.

The second question from a member of the public was received from Joyce Holden, the question was;

“In St. Anne’s Road East, we live in a quiet, residential area. Since March 2022 we live next to a large Airbnb, ‘The Hot Tub House’, which hosts 16-18 people.

What can the council do to remedy the situation of ‘noise nuisance’ during the day and night to relieve us of the intolerable disturbances, as this Airbnb has no host on site to monitor or control the ‘noise nuisance’.”

Responding, Councillor Dixon stated that while the short-term letting of houses was becoming more common, the legislation to allow the council to deal with issues such as those outlined by Mrs Holden had yet to be adapted. The Council would normally deal with noise nuisance under the Environmental Protection Act 1990. However, action could only be taken against the people responsible for the nuisance. The creators of the noise, effectively very short-term tenants, were not in residence long enough for the Council to act within the current legislative framework. Likewise, the Anti-Social Behaviour Legislation could not be used as it was not the owner of the property creating the disturbances. He concluded saying that the Council had worked closely with Mr and Mrs Holden, and the owner of the Airbnb property to try to mitigate the noise disturbances.

In asking a supplementary question, Mrs Holden advised that from her understanding the statutory provisions allowed the council to serve an abatement notice on the owner of the property, and therefore asked if this could be done along with a timescale.

Councillor Dixon responded that he would be happy to arrange a meeting with Mrs Holden to discuss the issues more fully.

6. Questions from Members of the Council

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One question had been received from Councillor Nash, as follows:

“Whilst large sums are being pumped into our Town Centres to improve trading for business, is the council aware of the success of the trading area of St Alban's Road in St Annes, and specifically that of Gigli butchers who have expanded their business significantly since moving from Wood Street and have recently been voted the UK's Best Butcher's Shop and would the council like to join me in congratulating all at Gigli for a superb achievement.”

Responding, Councillor Karen Buckley stated that she had no doubt that councillors for St Annes would be very aware of the success of the area, and that thanks to Councillor Nash's question so would everyone else. The long-standing business on St Albans Road served their area and beyond extremely well and had weathered the pandemic. Covid business grants had helped many of the businesses in that area, and some had also taken advantage of the council's shopfront improvement scheme. She highlighted the Shop Local loyalty card, which she hoped the business in St Albans Road would support, and which was supported by the council and STEP. She concluded by congratulating Gigli Butchers on their national award.

In asking a supplementary question, Councillor Nash commented on the strength of the local St Albans community and advised that the community was looking to improve Beauclerk Gardens. He asked if the Leader would give the Gardens the proper attention and funding to help with the improvement.

Councillor Buckley responded that Lead Member for Tourism, Leisure and Culture, Councillor Nixon, would discuss the matter with officers.

7. Notice of Motion – Rural Swim Provision

Following notice given under rule 12 of the Council Procedure Rules, the following notice of motion was proposed by Councillor Damian Buckley;

“In the corporate and local plan this Council seek to maintain rural swim provision. I propose that this council as a matter of urgency, supports that position and looks at the cost of two options, the first being the buy back and repair of the existing premises, or alternatively, providing a new pool facility.”

The motion was seconded by Councillor Edward Collins.

Following a request from five members of the council, a recorded vote was requested on the Motion, and subsequently on the second amendment.

Two amendments were tabled to the motion.

The first amendment was proposed by Councillor Nixon, having previously submitted it in writing to the Mayor, the effect of which would be to amend the motion as follows:

Replace “*rural*” by “*or encourage public*”; replace “*looks at the cost of two*” by “in light of the recent announcement by the YMCA to permanently close Kirkham Baths looks at all practicable” and replace “*the first being the buy back and repair of the existing premises, or alternatively, providing a new pool facility*” by “*to work with partners and stakeholders to support that provision, and such options to be considered by the external Scrutiny Committee*”.

The amendment was seconded by Councillor Dixon.

The amendment was then debated. Councillors Withers, Threlfall, Redcliffe, Karen Buckley, Dixon and Gaunt spoke in favour of the amendment, and Councillors Taylor, Hayhurst. Peter Collins, Ledger and Lee spoke against it.

Councillor Damian Buckley summed up as the mover of the original motion.

On the conclusion of the debate, a vote was taken by show of hands with the first amendment being carried.

A second amendment was proposed by Councillor Peter Collins, and submitted in writing to the Mayor, to the following effect;

Replace “*public*” by “*rural*” and replace “*external*” by “*Community Focus*”.

The amendment was seconded by Councillor Edward Collins.

A debate followed. Councillors Taylor and Hayhurst spoke in favour of the amendment, and Councillors Dixon, Karen Buckley, Redcliffe spoke against it.

Councillor Damian Buckley was invited to sum up as the mover of the original motion.

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Following a request from five members of the council, a recorded vote was taken on the amendment.

For the amendment (14): Bickerstaffe, D Buckley, E Collins, P Collins, Farrington, Gardner, Goodman, Griffiths, Hayhurst, Henshaw, Ledger, Lee, Nash, Taylor.

Against the amendment (19): Andrews, Anthony, K Buckley, Dixon, Eaves, Fazackerley, Gaunt, Harrison, Kirkham, Little, Morris, Nixon, Pitman, Redcliffe, Redfearn, Settle, Threlfall, Willder, Withers.

The second amendment was therefore lost.

The recorded vote was then taken on the motion as amended by the first amendment.

For the motion (21): Andrews, Anthony, Bickerstaffe, K Buckley, Dixon, Eaves, Farrington, Fazackerley, Gaunt, Harrison, Kirkham, Little, Morris, Nixon, Pitman, Redcliffe, Redfearn, Settle, Threlfall, Willder, Withers

Against the motion (12): D Buckley, E Collins, P Collins, Gardner, Goodman, Griffiths, Hayhurst, Henshaw, Ledger, Lee, Nash, Taylor.

It was therefore RESOLVED as follows:

“In the corporate and local plan this Council seeks to maintain or encourage public swim provision. I propose that this Council as a matter of urgency, supports that position and in light of the recent announcement by the YMCA to permanently close Kirkham Baths looks at all practicable options to work with partners and stakeholders to support that provision, and such options to be considered by the external Scrutiny Committee.”

8. In Year Budget Increase – St Annes Levelling Up Round 3 Funding Application

Councillor Buckley, introduced a report regarding the anticipated third and final round of Levelling Up Funding due to be announced by the Government. The Council were requested to approve funding to commission the necessary professional services required to progress a public realm scheme in St Annes.

The professional services would enable an application to the Fund to be ‘shovel ready’ and therefore would have the best chance of successfully securing significant capital funding.

The proposed scheme would focus on three intervention areas taken from the St Annes Masterplan; the Station Gateway, Square East and Active Travel Link.

Councillor Redcliffe seconded the proposal.

In the resulting debate, Councillors Nixon, Dixon, Redcliffe and Gardner spoke in support of the proposal, and whilst broadly in support of the proposal Councillor Farrington expressed some concerns.

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.

9. Invitation to Accept Appointment as Mayor 2024/25

Councillor Lee, proposed that Councillor Karen Henshaw be invited to accept the appointment of Mayor of the Borough of Fylde for the municipal year 2024/25. He mentioned that Councillor Henshaw would make history as the first former Mayoress of the borough to become Mayor.

Councillor Peter Collins seconded the proposal and it was unanimously RESOLVED to invite Councillor Karen Henshaw to accept appointment as Mayor of the Borough of Fylde for the municipal year 2024/25, at the next Annual Meeting.

10. Schedule of Meetings 2024/25

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Councillor Gaunt, Lead Member for Finance and Resources, introduced a report regarding the schedule of meetings for 2024/25.

Councillor Morris, Lead Member for Operational and Customer Services, seconded the proposed schedule of meetings.

It was RESOLVED to approve the schedule of meetings for 2024/2025.

11. Police and Crime Panel for Lancashire

Councillor Dixon, Lead Member for Social Wellbeing, introduced a report regarding a request from the Police and Crime Panel for Lancashire for a member of the Independent group to be nominated as an additional member of the panel, in order to achieve political balance. Councillor Dixon proposed that Councillor Lee be nominated to the Panel.

Councillor Harrison seconded the proposal.

It was RESOLVED to nominate Councillor Matthew Lee as an additional member of the Police Crime Commissioner Panel for Lancashire.

12. Independent Persons Allowance

Councillor Gaunt, presented the report that followed a joint meeting of the Fylde and Blackpool Independent Remuneration Panels held earlier in the year, to consider the allowances of the Standards Independent Persons. Important but discreet part of the governance framework.

Councillor Withers seconded the proposal and it was RESOLVED to recommend to Council that the allowance for the Independent Persons be set at £1,000 per annum, paid 50% by Fylde Council and 50% by Blackpool Council, backdated from 1 June 2023, with an annual uplift applied thereafter in line with the Retail Price Index (RPI), as agreed in 2021.

13. Constitution Amendments

Councillor Gaunt, presented the report to amend the current order of items on an ordinary Council meeting agenda to ensure that the public are heard first at Council meetings.

Councillor Withers seconded the proposal.

It was RESOLVED to recommend to Council to amend procedure rule 4.3 of the Constitution in relation to the proposed order of items for ordinary meetings of the Council.

14. Chief Executive Terms and Conditions: JNC Handbook

Councillor Gaunt, presented the report detailing the updated model procedure for disciplinary proceedings involving chief executives, which applied to all member local authorities, by the Joint Negotiating Committee (JNC). Need to change to meet out JNC membership requirements.

The procedure required local authorities to have three committees: an independent disciplinary committee, an appeals committee, and an independent panel comprising of only independent persons. The report recommended that the existing Chief Officer Employment Committee fulfil the role of the independent disciplinary committee, the Public Protection Committee to take on the function of the appeals committee, and a new committee to be established to become the independent panel.

Councillor Withers seconded the motion and it was RESOLVED to

1. Add the wording “to fulfil the functions of the Independent Disciplinary Committee as set out in model disciplinary procedure which forms part of the National Salary Framework & Conditions of Service Handbook published by the Joint Negotiating Committee for Local Authority Chief Executives” to the terms of reference

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of the Chief Officer Employment Committee, and amend its membership by omitting the independent persons;

2. Add the wording *“to fulfil the functions of the Appeals Committee as set out in model disciplinary procedure which forms part of the National Salary Framework & Conditions of Service Handbook published by the Joint Negotiating Committee for Local Authority Chief Executives”* to the terms of reference of the Public Protection Committee; and
3. Establish a new committee, known as the JNC (Chief Executives) Independent Panel, with the terms of reference amended to say, *“to fulfil the functions of the Independent Panel as set out in model disciplinary procedure which forms part of the National Salary Framework & Conditions of Service Handbook published by the Joint Negotiating Committee for Local Authority Chief Executives”*, and membership being the Council’s three Independent Persons.

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