



# MINUTES

## Council

<b>Date:</b>	Monday, 5 July 2021
<b>Venue:</b>	Lowther Pavilion, West Beach, Lytham, FY8 5QQ.
<b>Committee Members Present:</b>	Mayor (Elaine Silverwood) Deputy Mayor (Cheryl Little)  Councillors Ben Aitken, Frank Andrews, Peter Anthony, Brenda Blackshaw, Julie Brickles, Karen Buckley, Alan Clayton, Delma Collins, Peter Collins, Sue Fazackerley MBE, Trevor Fiddler, Ellie Gaunt, Shirley Green, Noreen Griffiths, Gavin Harrison, Paul Hodgson, Angela Jacques, John Kirkham, Matthew Lee, Cheryl Little, Roger Lloyd, Ed Nash, Sally Nash-Walker, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Richard Redcliffe, Bobby Rigby, Michael Sayward, Vince Settle, Elaine Silverwood, John Singleton JP, Roger Small, Ray Thomas, Tommy Threlfall, Stan Trudgill, Viv Willder, Michael Withers.
<b>Officers Present:</b>	Allan Oldfield, Tracy Manning, Ian Curtis, Ross McKelvie, Sharon Wadsworth, Hannah Kirk, Howie Dawson and Katharine McDonnell
<b>Other Attendees:</b>	Four members of the public were also in attendance

### Prayers

Prayers were offered by Ian Curtis.

### 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.

The Mayor, Councillor Silverwood, declared a prejudicial interest in agenda item 12, the Fully Funded Capital Budget Increase and Award of Grant - Kirkham Future High Street Fund. As a business owner on Kirkham High Street, her business would benefit from the grant. The Mayor therefore left the room for the duration of the item, and the Deputy Mayor assumed the Chair.

### 2. Confirmation of Minutes

RESOLVED: To approve the minutes of the Council meeting held on 26 May 2021 as a correct record for signature by the Mayor.

### 3. Mayor's Announcements

The Mayor spoke of attending the Armed Forces Flag Raising ceremony, on 21 June, to mark the start of Armed Forces Week, speaking to DL Col Rosie Stones following the ceremony, they discussed the spent shell which was displayed in the Mayor's Parlour. The shell had been presented to Councillor Oades in 2010, following a march

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through Kirkham by the 2<sup>nd</sup> Yorkshire Regiment organised by the Mayor and Councillor Oades. DL Col Stone had shared a story regarding the shell and the bravery of two young soldiers from the 2<sup>nd</sup> Yorkshire Regiment, which had been a privilege for the Mayor and a memory that would stay with her.

The Mayor advised members of her first fundraising event to be held on 18 August, at the Villa, Wrea Green. It would be an 'In conversation with' author event, together with an afternoon tea. If councillors were interested in attending, they were invited to contact the Civic office. The Mayor extended her thanks to Martin Alderman for his talented design work for the flyer and tickets.

#### 4. Chief Executive's Communications

The Chief Executive advised on the logistics for the evening.

#### 5. Questions from Members of the Council

The following question had been received from Councillor Gill :

*"My question concerns the hot topic in Lytham and St Annes On Sea at the moment; the St Annes Sea Wall Defence Project.*

*Having reviewed the material presented on the website and correspondence received from officers, a number of concerns arise.*

*Why such a traditional approach?*

*Why are we not prioritising the protection of our beach, which is the main attraction for tourists and residents alike?*

*Why have we had limited consultation? It appears that only the residents that the Council considers will be affected and a select set of stakeholders have been officially informed. In reality, the proposal will impact the majority of residents on the Fylde plus the tourists we are desperately trying to encourage to visit our area.*

*Why are we impacting the environment by building with concrete, which is the third largest contributor to greenhouse gases, when the government has a net zero target? What other innovative solutions have been looked at, i.e a soft impact absorbing structure.*

*Have studies been performed on the effect of longshore drift on the sand dunes, which we are also trying to protect? This will be exacerbated by the proposed design.*

*Why have we not considered a mix of soft and hard defence solutions?*

*I have not even touched on the potential visual effects of such a high wall, nor the impact on businesses by using their real estate.*

*It seems that we are rushing through a proposal to meet an artificial deadline defined by the Environment Agency to secure funds. It is interesting to note that the Council posted on the 18th of May that they had been working on options for replacing the existing sea wall for the last six months. The general public became aware of this proposal mid May. Why was this not made public before the deadline for the proposal was fast approaching?*

*Therefore, my question to council is this. Can the Council confirm that additional measures are being introduced to look at a further range of solutions for such an important project that will have a major impact on the Fylde Coast, environmentally, economically and socially including additional consultation with all Fylde residents to address any outstanding questions and concerns, only some of which I have touched upon here?"*

As Councillor Gill was not in attendance, Councillor Small undertook to provide an answer in writing.

#### 6. Questions from Members of the Public

Four questions had been received from members of the public.

The first from Mrs Skinner;

*"1. Are you seriously contemplating not accommodating the Little Train in the finished works?*

*2. How would the increased height of the wall affect the lifeboat station?*

*3. How would the increased height impact on the sea views ?*

*4. How many times in recent history has the sea caused flooding along this stretch?*

5. *What about the stretch of dunes between Fairhaven and this new proposed area?"*

Mrs Skinner was not in attendance to ask her question, so Councillor Small undertook to provide an answer in writing.

The second question was from Helen Leeming, who asked:

*"Given the strength of public opinion in regard to saving St. Annes Miniature Railway, can the council please confirm that they are now fully committed to finding a solution that includes the attraction being retained on the seafront and promenade. Our written petition remains ongoing receiving more signatures every day. While we had a very positive meeting with the council representatives in regard to our future, we still have no guarantees in terms of our lease being renewed and definitive plans for the future, when do the council feel they will be in a position to deliver this to us?"*

Councillor Small responded. He reassured Mrs Leeming that an undertaking had been given to retain all amenities on the seafront including the miniature train. It regards to the lease, Mrs Leeming had been advised to surrender the lease, once approval for the scheme had been granted by the Environment Agency, likely to be September 2021. A new lease would commence from when the land was handed back, following construction. The terms would be a matter for the family to discuss with officers. In any event, the current lease ran until March 2022.

In asking a supplementary question, Mrs Leeming asked what guarantees could be offered. Councillor Small advised that the Council wanted the miniature train back and operating as soon as possible following construction.

The third question was from Ted Lake, who asked:

*"My question is to raise concerns over the financial wisdom & Viability of this scheme. For many years I was a Bank Manager at a large branch of HSBC in Preston assessing the viability & risks of business ventures.*

*This is a big project. Selling ice cream sandwiches and alcohol is not a Council function. There will be an outcry at locating this building at Granny's Bay. A bit like a similar outcry would be heard at the Green at Wrea Green, in the lawn in front of Lytham Hall or on Lytham Green.*

*Many older Councillors will remember the Scruples fiasco some years ago. No one could make it work and the Council and the Civic Society had to demolish the building.*

*The existing kiosk operators are good and successful and could be allowed to extend their premises on both seaward side and the landward side both by a significant distance.*

*The proposed rent if £25k represents a return of nearly 7% before maintenance costs – not an attractive return for the risks involved.*

*Concerning viability and risks. Takings will be low for many months, maybe nil for some months and there is an added risk if there is a poor summer.*

*It seems to me that FBC are taking on 100% of the risks with little or no risks to the Dalmasso family.*

*It is surprising that they are not required to take on a full repairing lease on this exposed site. If this enlarged business is run as a limited company, should it fail then the Dalmasso family can just walk away.*

*There is a pub nearby and the Lake Café is only 500 yards away. Drinks & ice cream are now being provided at the café on the site nearer the St Annes end of the Lake.*

*Finally I ask Councillors, would you invest your own money in this venture?"*

Councillor Sayward responded, advising that it was not the council's function to sell refreshments, nor was it the intention of the project, the council was merely making a property investment. He advised that the current building could not be enlarged due to the proximity of it to the entrance of the car park. He concluded advising that he had every confidence in the current tenants, who had been successfully running the current kiosk for many years.

The final question was from Wendy Fell, who asked:

*"The NHS White Paper will erode our NHS in multiple ways and will as follows:*

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- *Introduce the American model into our NHS where unaccountable decision making bodies prioritise profit margins and making savings over caring for people's health. This model is likely to lead to cuts and closures of NHS Hospitals and A&E.*
- *Push more people to go private as cuts are made. Patients have already been promised greater rights to choose private treatment and have it paid for by the NHS.*
- *Open the door to yet more contracts being given to companies like Serco, as we've seen in the pandemic, but without any competition.*
- *Encourage private companies to take the NHS to court if they're unhappy.*

*Please can you Fylde County Council consider the impact of a privatised NHS on our community and urge Mark Menzies to oppose the NHS White Paper. Thank you for your time."*

Mrs Fell was not in attendance to ask her question, so Councillor Buckley undertook to provide answer in writing.

## Decision Items

### 7. Deputy Mayor's Allowance

Councillor Buckley introduced a report regarding a recommendation from the Independent Remuneration Panel to increase the allowance paid to the Deputy Mayor. Councillor Buckley advised the matter had been considered and deferred at Council in October 2021 due to the pandemic and the hiatus on mayoral engagements. As normality slowly resumes, and civic events were restarting, it made sense to consider the matter again and address the discrepancy between the Mayoral allowances. The recommendation of the Independent Remuneration Panel was to increase the Deputy Mayor's allowance by 30% to £2,394. The recommendation followed a benchmarking exercise.

Councillor Small seconded the proposal.

Following a debate, where, as a former Deputy Mayor, Councillor Redcliffe spoke of the level of commitment and involvement that was required of the Deputy Mayor to support the Mayor in their role,

It was RESOLVED

1. To accept the recommendation of the Independent Remuneration Panel to increase the Deputy Mayor's allowance from £1,842 to £2,394 with effect from 1<sup>st</sup> April 2021; and
2. Approve an unfunded revenue budget increase in respect of the above changes to Deputy Mayor's Allowances in the sum of £552 per annum from 2021/22 onwards.

### 8. Appointment of Chairman and Vice Chairman

Councillor Buckley proposed that Councillor Gaunt and Councillor Nash be appointed respectively as Chairman and Vice Chairman of the Audit and Standards Committee, in place of Councillor Singleton and Councillor Gaunt.

Councillor Buckley paid tribute to Councillor Singleton for his long service as chairman, his commitment and diligence to the committee, and thanked him for his work.

Councillor Small seconded the proposal.

It was therefore RESOLVED that

1. Councillor Eleanor Gaunt be appointed Chairman of the Audit and Standards Committee with effect from 1<sup>st</sup> September 2021;
2. Councillor Ed Nash be appointed Vice Chairman of Audit and Standards Committee, with effect from 1<sup>st</sup> September 2021; and
3. The council places on record its thanks for Councillor John Singleton's work, time and commitment for his past 14 years service on the Audit Committee (latterly Audit and Standards).

9. Regulation of Investigatory Powers Act (RIPA) Policy

Councillor Singleton proposed the updated Regulation of Investigatory Powers Act (RIPA) Policy for re-adoption by the council. He advised it was updated and re-adopted annually.

Councillor Gaunt seconded the proposal.

It was RESOLVED to endorse the RIPA policy as updated.

10. Fully Funded Addition to the Capital Programme - Fairhaven Kiosk/Ice Cream Bar - Stanner Bank

Councillor Sayward proposed a fully funded addition to the Capital Programme. The Tourism and Leisure Committee had considered the inclusion of £360,000 in the Capital Programme for the Fairhaven Kiosk/Ice Cream Bar project, and recommend same to Council.

Councillor Harrison seconded the proposal.

There followed a debate on the matter, during the course of which concerns were raised by some members that they lacked the information necessary for them to make a considered decision. Councillor Peter Collins moved the following amendment;

*“that the item is deferred to a subsequent meeting of this council to enable this council to make an informed decision when outstanding questions have been answered and information provided in line with the constitution”*

Councillor Lloyd seconded the amendment.

Following a brief debate on the amendment, including mention of the impact, on the project, a delay would cause, a vote was taken. The amendment was LOST.

With no further debate, it was RESOLVED 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.

(Councillors Nulty, Peter Collins, Lloyd and Oades asked for their votes against the proposition to be recorded).

11. Fully Funded Capital Budget Increase - St Annes Wall Scheme

Councillor Small proposed a fully funded addition to the Capital Programme for the replacement of St Annes Sea Wall. The Operational Management Committee had considered the addition of £11,820,700 (£9,520,700 from the Environment Agency and £2,300,000 council contribution) in the Capital Programme, and recommended the same to Council.

He advised that £600k was included in the amount for public realm improvements and business support during the construction. He further advised that to keep business interruption to a minimum, the works would be phased. The new works would also allow for faster launching for the RNLI.

Councillor Kirkham seconded the proposal.

Following a debate where a number of councillors raised concerns regarding a lack of detail regarding the scheme, Councillor Small advised the purpose of the report was to simply include the project into the capital programme. The detail of the project would be determined by Operational Management on 14 July, in addition a member presentation was to be held to allow for questions and concerns to be raised.

It was therefore RESOLVED;

1. To approve a fully funded addition to the St Annes Seawall capital scheme within the Council’s capital programme to the sum of £11,820,700 funded by Environment Agency grant of £9,520,700 and the Council’s contribution of £2,300,000 towards the total project cost to be met in full from the Funding Volatility Reserve and phased as detailed within the body of this report from 2021/22-2024/25; and
2. Subject to approval a further report will be presented to the Operational management Committee to seek agreement of the best design, scheme costs and procurement route.

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(Councillor Brickles left the meeting on the conclusion of this item)

#### 12. Fully Funded Capital Budget Increase and Award of Grant - Kirkham Future High Street Fund

Councillor Redcliffe proposed approval for the award of a grant from the Ministry of Housing, Communities and Local Government and approval of a fully funded Capital budget increase. The Planning Committee had considered the award of the grant, under the Future High Street Fund in regards to the Town Centre Strategy for Kirkham, and recommend same to Council.

He advised it was a grant to facilitate the delivery of a number of schemes, with funding phased over three years. The schemes included the purchase of three buildings for repurposing, including as a community hub to contain a cinema and arts centre; public realm enhancements, and creation of a public events space.

Councillor Fiddler seconded the proposal and spoke in support of the proposal.

Without further debate, it was RESOLVED;

1. To approve the award of the Grant from the Ministry of Housing, Communities and Local Government (MHCLG), under the Future High Street Fund, of £6.290m in respect of the full funding award for the financial years 2021-2024; and
2. To approve a fully funded capital budget increase of £6.290m to the Future High Street Fund: Kirkham allocated over the financial years as follows: (2021/22 – £3.489m), (2022/23 - £2.118m) and (2023/24 - £0.683m).

(Having previously declared a prejudicial interest in item 12, the Mayor, Councillor Silverwood, left the room for the duration of the item, and the Deputy Mayor, Councillor Little assumed the Chair).

#### 13. Unfunded Revenue Budget Increase - Economic Development Team Resourcing

Councillor Buckley proposed an unfunded addition to the revenue budget to support the resourcing of the Economic Development Team. She advised that the Council's commitment to the Economic Development was clear, and with the forthcoming retirement of the current Regeneration Manager, it was necessary to review the structure of the team.

She advised that the Planning Committee had considered the unfunded increase to allow for the appointment of a full time Economic Development and Regeneration Manager, and to increase the hours of the Technical Support Officer, and recommend the same to Council.

Councillor Buckley concluded by thanking Paul Drinnan, Regeneration Manager, for all his years of service to the council in anticipation of his forthcoming retirement.

Councillor Small seconded the proposal.

It was RESOLVED to approve an unfunded revenue budget increase of £15,657 during the current financial year (2021/22) and £32,176 in 2022/23 and subsequent years, together with inflationary increases in subsequent years to allow for the appointment of a full time (37 hours per week) Economic Development and Regeneration Manager and to increase the hours of the Technical Support Officer (Regeneration) to 29.5 hours per week.

#### 14. Fully Funded Revenue Budget Increase - Education Contribution Relating to Sec. 106 Agreement for Development at the Former Government Offices Site, Heyhouses Lane, Lytham St Annes

Councillor Fiddler proposed the release of Section 106 funds for education contributions. He advised Section 106 funds had been secured from the redevelopment of the former EDS site, Heyhouses Lane. The Planning Committee had considered a fully funded revenue budget increase of £393,089 in 2021/22 to be met by Section 106 monies with a proportion to be paid to Lancashire County Council, and the remainder to be paid direct to Clifton Primary School. The Planning Committee recommend approval to Council.

Councillor Redcliffe seconded the proposal.

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It was RESOLVED to approve a fully funded revenue budget increase of £393,089 fully funded from the S106 contribution (application 12/0465) and to authorize the sum of £278,792 to be paid to Lancashire County Council and £114,297 be paid direct to Clifton Primary School for the provision of additional school places at Clifton primary School in accordance with the terms of the agreement.

15. Purchase of Land Adjacent to Squires Gate Station - CPO Request

Councillor Buckley proposed the in principal approval of a Compulsory Purchase Order for a parcel of land adjacent to Squires Gate Station to facilitate the creation of an accessible route to the station.

Councillor Jacques seconded the proposal and spoke in support of the scheme.

It was RESOLVED to;

1. Approve, in principle, to the making of a Compulsory Purchase Order for land adjacent to Squires Gate Station to enable an accessible route to the station platform to be created; and
2. Note that a report was presented to Finance and Democracy Committee (28 June 2021) to request Delegation of authority to the Director of Development Services to acquire the land by purchase outside any compulsory purchase process provided that the purchase price and other terms are, in his opinion, broadly consistent with the aspirations and expectations of the Council; and
3. Note that a report was presented to Finance and Democracy Committee (28 June 2021) to request a funded capital budget increase of £1,000 in 2021/22 from the Capital Investment Reserve for additional legal and surveying fees associated with the CPO process subject to Council approval of the Compulsory Purchase Order.

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