



# Minutes

## COUNCIL

<b>Date:</b>	Monday, 4 July 2016
<b>Venue:</b>	AKS Independent School, Clifton Drive South, Lytham St Annes.
<b>Members:</b>	Mayor (Councillor Christine Akeroyd) Deputy Mayor (Councillor Angela Jacques) Councillors Ben Aiken, Frank Andrews, Peter Anthony, Jan Barker, Keith Beckett ISO, Brenda Blackshaw, Maxine Chew, Alan Clayton, Delma Collins, Michael Cornah, David Donaldson, David Eaves, Susan Fazackerley, Trevor Fiddler, Tony Ford JP, Richard Fradley, Shirley Green, Neil Harvey, Paul Hayhurst, Karen Henshaw, Paul Hodgson, Cheryl Little, Roger Lloyd, Kiran Mulholland, Barbara Nash, Edward Nash, Graeme Neale, Elizabeth Oades, Sandra Pitman, Albert Pounder, Richard Redcliffe, Louis Rigby, Vince Settle, Elaine Silverwood, John Singleton JP, Roger Small, Raymond Thomas, Thomas Threlfall, Vivienne Willder
<b>Officers Present:</b>	Allan Oldfield, Tracy Morrison, Paul Walker, Ross McKelvie, Katharine McDonnell, Sharon Wadsworth, Lewis Middleton
<b>Other Attendees:</b>	Nine members of the public were in attendance.

### Prayers

Prayers were offered by Reverend Wells.

#### 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 no declarations of interest.

#### 2. Confirmation of minutes

RESOLVED: To approve the minutes of the Council meeting held on 11 April 2016 as a correct record for signature by the Mayor.

#### 3. Mayor's Announcements

The Mayor spoke about the busy and varied time she had experienced since the Annual Meeting of the Council in May. She advised she had attended the Royal Garden Party, a service of celebration at Blackburn Cathedral in honour of the Queen's Birthday, and the official opening of a new charity shop for Homestart in St Albans Road, St Annes.

The Mayor reminded members of the charities she was supporting during her Mayoral year, which were the Soldiers', Sailors' and Airmen's Families Association (SSAFA); Home Start Blackpool, Fylde

and Wyre and the Girlguiding Kilgrimol Centre. She announced there would be a tombola stall at the Lytham 1940's weekend on 13<sup>th</sup>-14<sup>th</sup> August; and coffee mornings held on 28 and 29 September for the Girlguiding Kilgrimol Centre and Homestart respectively. Any donations for tombolas and raffles would be gratefully received.

#### 4. Chief Executive's Communications

There were no communications from the Chief Executive.

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

There were no questions from members of the Council.

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

Mr F Moor, St Annes asked the following question:

*"In Blackpool Magistrates Court on 19th May, I heard Mr John Tootill ask the presiding magistrate to explain why he was no longer being prosecuted in respect of the anti-fracking signs he had displayed on his land. The magistrate told him that only Fylde Council could answer that question.*

*So would the Leader please explain to me \*why\* it became "no longer in the public interest" to continue with the prosecution of Mr Tootill?"*

Councillor Susan Fazackerley (Leader of the Council) responded, advising that Fylde Council discontinued the prosecution of Mr Tootill for the display of 26 unauthorised advertisements at his premises at Maple Farm, Preston New Road, following the fire that destroyed his home at Westby. Because of the devastating fire at Mr Tootill's home, it was considered that it was no longer in the public interest to continue the case. The possible sanctions for the offence were outweighed by the financial challenge and potential stress ongoing legal action would have to a resident and local business man that had lost his home. Mr Tootill had also significantly reduced the number of advertisements he had on display. The Council felt to withdraw from the case was appropriate at what was a very difficult time for Mr Tootill and did not wish to add to his difficulties. Mr Tootill was informed of the reasons for withdrawing the prosecution in writing on April 29 2016, well in advance of May 19<sup>th</sup>.

Mr Moor asked a supplementary question

*"Given the decision to prosecute Mr Tootill was taken by the Development Management Committee, and not delegated to an officer, who was it who decided it was no longer in the public interest to prosecute and under what authority was that decision taken"*

Councillor Fazackerley advised the decision was taken by the Chief Executive following legal advice.

*The authority to withdraw prosecution proceedings was made under the delegated responsibilities of the Head of Governance (Council Solicitor) pursuant to Part 3, Section 5, paragraph 3.11 of the Council's Constitution, which states they have the authority to settle '...proceedings of any description after consultation with the Leader of the Council or appropriate committee chairman together with the appropriate chief officer'.*

*The Chief Executive and the Leader of the Council discussed the matter in detail.*

Decisions Items:

7. M55 Link Road

Councillor Susan Fazackerley proposed the pledging of a financial contribution to assist with funding of a scheme to accelerate construction of the M55 link road in advance of delivery through that which was required under the existing planning obligation.

Councillor Fazackerley explained that the Moss Road, as one of the roads linking Lytham St Annes to the M55, had been a transport priority for a number of years, as prior to its closure, it had not been fit for purpose. Since its closure on safety grounds, the loss had had a significant detrimental impact on residents and economic growth. Various proposals and schemes to repair the road had been discussed, as well as the proposed construction of a link road under existing planning obligations. However the need for a fit for purpose link road was essential to the immediate alleviation of traffic problems, and to promote economic growth in the area.

Councillor Fazackerley explained that through funding from Lancashire County Council, Highways England, and contributions from the developer and Fylde Borough Council, there was the opportunity to accelerate the construction of the link road and not wait for the delivery of the road through planning obligations.

Councillor Roger Small seconded the proposal.

A number of Councillors spoke in support of the proposal citing the need to alleviate traffic problems for residents and businesses, to stimulate economic growth; and the construction of a new road being long overdue.

Other Councillors voiced concerns regarding the lack of details surrounding the funding arrangements and the proposal not being brought to committee stage for discussion.

After a full discussion, it was RESOLVED to

1. Approve the establishment of a specific 'M55 Link-road Reserve' to meet the cost of any financial contribution from the Council towards the cost of construction;
2. Approve the transfer of £196k from the Capital Investment Reserve into the M55 Link-road Reserve;
3. Request that officers investigate further funding opportunities, including the achievement of additional income/savings from budget right-sizing exercises which could be considered for potential transfer into the M55 Link-road Reserve;
4. Approve an 'in principle' contribution of up to £1m towards the cost of construction of the M55 link road up to 2019, with a further report detailing how the remainder of the required contribution may be identified;
5. Agree the Heads of Terms to establish the conditions that should be attached to the approval of the above financial contribution and that these conditions form the basis of a detailed agreement between all parties;
6. That the Councils programme committees be instructed to consider new capital schemes only where they are urgently required for health and safety reasons or where there is strong business case to protect/enhance existing revenue or create a revenue income stream in order that priority is given to accumulating a sufficient contribution towards delivery of the M55 link road scheme;
7. Approve the attendance and involvement of the Leader and Deputy Leader of the Council, along with relevant officers as appropriate, to continue discussions and meetings with the different parties with the aim to reach a solution to funding the accelerated construction of the M55 link road;

8. Agree that a further report be prepared for Council when the outcome of the discussions above are finalised in order that Members may consider the final details of the agreement, together with any associated specialist legal or other advice implications and how the contribution from the Council would be funded; and
9. Approve an addition to the capital programme for 2016/17 in the sum of £424,765.02, which has been met in full from the balance of S106 developer contributions for construction of the link road currently held by the Council for this purpose in the same sum. The developer contribution is intended to provide funding for the design and the contractual management of the link-road scheme by Lancashire County Council, and Members are requested to note that this payment has been made in accordance with the terms of the planning obligation.

8. Request for a Fully Funded Capital Budget Increase in 2016/17 to the Headlands Preliminary Works Scheme

Councillor David Eaves proposed that approval be given for a fully funded capital budget increase to the existing capital scheme for Headlands Preliminary Works (relating to the Fairhaven and Church Scar Coast Protection Scheme) in 2016/17 to be met by an additional grant from the Environment Agency for this purpose.

Councillor Eaves explained that an application had been made to the Environment Agency for an advanced part payment of an awarded grant to assist with an Environment Impact Assessment and other preliminary works, however the Environment Agency had instead awarded an additional grant to meet these costs. In accordance with the Council's financial procedure rules, approval for expenditure of the grant was required from Council.

Councillor Albert Pounder seconded the proposal, and it was RESOLVED to

1. Approve a fully funded capital budget increase to the existing capital scheme for Headlands Preliminary Works (relating to the Fairhaven and Church Scar Coast Protection Scheme) in the sum of £95,000 in 2016/17 to be met by an additional grant from the Environment Agency for this purpose;
2. Approve the engagement of the Coastal defence team at a cost of £20,000 to undertake preliminary design and project management of the additional studies and approvals process, to be funded from the Environment Agency grant for the development of a Strategic Headland Study;
3. Approve the engagement of VBA in relation to the Headlands Preliminary Works scheme at a cost of £47,000 to carry out the Environmental Impact Assessment and Appropriate Assessment; and
4. Approve the approach to commission/engage other surveys/consultants on a price to quality basis to deliver the remaining elements as detailed in the report using the council's small and medium contract rules and procedures, to be funded from the Environment Agency grant for the development of a Strategic Headland Study.

9. Request for a Fully Funded Capital Budget Increase in 2016/17 to Deliver Disabled Facilities Grant

Councillor Ben Aitken proposed that the Council approve a fully funded capital budget increase to deliver additional disabled facilities grants in 2016/17 and a fully funded revenue budget increase for additional staffing resources to assist with the administration of the grants.

Councillor Aitken advised that the proposals arose from recommendations from a cross party working group who had fully explored all aspects of Fylde's administration of Disabled Facilities Grants. He explained that the Council had been awarded an increase of Disabled Facilities Grant allocation via the Better Care Fund.

Councillor Roger Small seconded the proposal, and it was RESOLVED to

1. Approve a fully funded capital budget increase of £380,621 for the DFG Capital Scheme in 2016/17 due to an increased DFG allocation via the Better Care Fund; and
2. Approve a fully funded revenue budget increase of £15,000 in 2016/17 for additional staffing resources to be met from the additional DFG revenue fee income that will result from the additional capital funding estimated to be the same amount.

10. Approval for S106 Funded Scheme from the Affordable Housing Project – Sunnybank Mill, Kirkham

Councillor Ben Aitken proposed that the Council approve the inclusion of an affordable housing scheme at Sunnybank Mill, Kirkham to the Capital Programme in 2016/17 and 2017/18, to be fully funded from a portion of the balance of S106 developer contributions for affordable housing currently held by the Council for that purpose.

Councillor Roger Small seconded the proposal, and it was RESOLVED to

1. Approve a fully funded addition to the Capital Programme - “Affordable Housing Scheme Sunnybank Mill, Kirkham” phased over two financial years (2016/17 and 2017/18) to be met from a portion of the balance of S106 developer contributions for affordable housing currently held by the Council for this purpose totalling £865,155.44, and a further £54,844.56 when funds become available. Totalling £920,000 and detailed as follows:
  - i). A total capital grant contribution of £865,155.44, and a further £54,844.56 when funds become available to deliver 23 units for affordable rent at Sunnybank Mill, Kirkham payable to ForViva Housing Association (£460,000 payable in 2016/17 and £460,000 payable in 2017/18).

and;

2. To authorise the required expenditure for the two capital grant payments (£920,000 in total - £460,000 payable in 2016/17 and £460,000 payable in 2017/18) to ForViva Housing Association after regard and consideration of the compliance with the financial regulations covered within the body of the report.

11. Committee Membership Nomination

Councillor Tony Ford proposed that Councillors Jan Barker and Heather Speak be appointed to the Development Management Committee, to replace himself and Councillor Peter Collins.

Councillor Liz Oades seconded the proposal.

It was RESOLVED to

1. Appoint Councillor Jan Barker as a member of the Development Management Committee in place of Councillor Tony Ford; and
2. Appoint Councillor Heather Speak as a member of the Development Management Committee in place of Councillor Peter Collins.

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