



# MINUTES

## Council

<b>Date:</b>	Monday, 14 October 2019
<b>Venue:</b>	Town Hall, St Annes.
<b>Members Present:</b>	Mayor (Councillor Angela Jacques) Deputy Mayor (Councillor Richard Redcliffe)  Councillors Ben Aitken, Frank Andrews, Peter Anthony, Tim Armit, Mark Bamforth (via remote access), Paula Brearley, Karen Buckley, Alan Clayton, Delma Collins, Peter Collins, Chris Dixon, Sue Fazackerley MBE, Trevor Fiddler, Ellie Gaunt, Brian Gill, Shirley Green, Noreen Griffiths, Peter Hardy, Will Harris, Gavin Harrison, Paul Hayhurst, Karen Henshaw JP, Paul Hodgson, John Kirkham, Matthew Lee, Cheryl Little, Roger Lloyd, Ed Nash, Sally Nash-Walker, Jayne Nixon, Linda Nulty, Liz Oades, David O'Rourke, Bobby Rigby, Michael Sayward, Vince Settle, Elaine Silverwood, John Singleton JP, Roger Small, Heather Speak, Ray Thomas, Tommy Threlfall, Stan Trudgill, Viv Willder, Michael Withers.
<b>Officers Present:</b>	Allan Oldfield, Ian Curtis, Lyndsey Lacey-Simone, Stephen Reed, Kassie Navarasi, Katharine McDonnell, Colin Dockery.
<b>Other Attendees:</b>	Honorary Alderman Maxine Chew and guests, and five members of the public were present.

### 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.

Councillor Alan Clayton declared a personal and prejudicial interest in relation to agenda 7, Notice of Motion Shale Gas Operation. The nature of the interest being that he was currently in discussion with Cuadrilla regarding damage to his house allegedly caused by the recent hydraulic fracturing activity.

Councillor Paul Hayhurst declared firstly a personal interest in relation to agenda item 7, Notice of Motion Shale Gas Operation. The nature of the interest being that Elswick Parish Council had accepted monies from Cuadrilla for their "In Bloom" fund, a number of years ago and he was a member of Elswick Parish Council. Secondly in relation to the same item, as a member of the County Council Planning Committee, he would be withdrawing from the meeting for the duration of the item.

### 2. Confirmation of Minutes

RESOLVED: To approve the minutes of the Council meeting held on 15 July 2019 as a correct record for signature by the Mayor.

### 3. Mayor's Announcements

The Mayor welcomed Maxine Chew back to the Chamber. She reminded Councillors that at the Council meeting on 15 July Maxine was made an Honorary Alderman, having stepped down from the Council in May 2019 after 16 years service. Like her mother Alderman Hannah Cummings-Miller before her, Maxine had rendered eminent

service to the borough and her constituents in Singleton, and the Mayor stated she was honoured to present Maxine with an Illuminated record and a token of the Council's appreciation.

Honorary Alderman Maxine Chew gave a short speech thanking all her colleagues in the Chamber; Greenhalgh and Singleton Parish Councils; and the staff at the council for all their help and support over the years. She said it was a great honour to be made an Alderman, and it had been hugely enjoyable to have served the borough for many years and she would miss her duties.

Following the Alderman presentation, the Mayor concluded her announcements by advising that since the last meeting, she had attended 35 events including the 100<sup>th</sup> birthday celebrations for Councillor Clayton's mother-in-law. All the engagements had been enjoyable although occasionally painful, such as when a horse got rather too close for comfort during the recent Royal visit to World Horse Welfare at Penny Farm.

The Mayor also provided the results of the Best Kept Villages awards, which she and the Deputy Mayor had attended that afternoon. Congratulations were extended to all those involved.

#### 4. Chief Executive's Communications

The Chief Executive thanked Alderman Chew for her very kind words.

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

Two questions had been received from members of the Council.

The first was from Councillor Tim Armit;

*"The town centre of St Annes has been on the decline for over 5 years now. JR Taylors, Mooch, the Oliver Tree, B&M Bargains, Prezzo and others stand empty and abandoned. The choice for a shopper is so limited few make it a destination of choice. The market is on a Thursday and thus not available to most people that work. Can the council confirm what plans they have to improve St Annes footfall, encourage business and save our town centre and can they confirm which Councillor has the lead on town regeneration?"*

Councillor Roger Small responded to the question. He advised that though the question was in relation to St Annes, it was important to remember the Council had a responsibility to the whole borough, for the three town centres and the important district centres. He further advised that many town centres nationally had seen a decline, but even compared with its closest neighbour, Lytham, the picture in St Annes was not as bleak as described. He advised that St Annes had 251 business premises, with an overall vacancy rate of 6.9%, with charity shops making up 3% of the overall total of business premises. By comparison, Lytham had 234 business premises, a 5.1% vacancy rate and charity shops making up 4% of the retail offer.

He advised that the Council took every opportunity to encourage business, and in St Annes specifically the local businesses had created STEP (St Annes Enterprise Partnership). He advised that both borough and town councillors were involved, and a dedicated town council officer. The borough council also supported STEP with practical advice and officer input as resources allowed.

Councillor Small further advised that one of the corporate plan policies was to have more direct dialogue with landlords to ensure that vacant premises were re-let quickly, and where that was not possible, that the premises were kept in good condition.

He further advised that the council had secured millions of pounds in NW Development Scheme funding and S106 monies. Grant funding opportunities were regularly explored, with Kirkham being the most recent successful recipient with the business partnership working in conjunction with the town council and borough council. The lessons learnt through the successful bid would be applied across the borough.

Councillor Armit, in a supplementary question, asked if St Annes could be put at the core of plans for the next five years, and if a cross party working group working in conjunction with the businesses could be created to explore all avenues.

Councillor Small responded advising that every avenue should be explored and suggested that STEP be approached in the first instance.

The second question had been received from Councillor Brian Gill;

*“The Corporate Plan states that it contains objectives and actions to achieve and deliver excellent services and achieve the outcomes that our communities want and need. Whilst this is laudable, it is only as good as the measures that are put in place to show demonstrable progress and improvement.*

*The Corporate Plan states as a priority under Clean and Green that it will ‘Deliver high quality parks and open spaces’ with two actions PM 020 ‘Maintain and increase Green Flag Status for parks and open spaces’ and PM77 ‘Percentage Satisfaction with Parks and Open Spaces’, these are monitored by the Tourism and Leisure Committee. The goal of 6 for Green Flag Status has been achieved. This, in itself, is a great success. The other measure is at 96%, which on the face of it looks exceptional. However, it is based on only one question in the customer satisfaction survey to which only 431 people responded. Less than 1 % of Fylde residents. Hardly a compelling number. With no way of knowing if this survey was filled in by residents who actually use the children’s parks, I motion that it is meaningless.*

*Whilst the parks team endeavour to keep on top of the maintenance, this is limited by the budget constraints placed upon them and is therefore driven by a priority process. No noticeable updates to the parks have been made for some time, unless you count the proposed Galleon to be installed in Ashton Gardens.*

*South Park, Blackpool Road North and Waddington Road are just some of our local parks that are in need of urgent attention. I am sure other members could add to the list.*

*Can council please confirm that a plan is to be presented for approval that achieves the goals set out in the Corporate Plan for all the children’s parks in the Lytham St Annes area?”*

Councillor Karen Buckley responded to the question. She referred to the excellent work of the Parks team and the achievement of the six Green Flags across the borough. Councillor Buckley spoke about the support the Parks team provided to the parishes and Friends groups, active across the borough, and how this collaborative working had seen many improvements to parks across the borough.

Councillor Gill asked a supplementary question regarding the timescales for future improvement projects and when the funding would become available.

Councillor Buckley advised that future project proposals would be subject to consideration by the Tourism and Leisure Committee before being recommended to Budget Council for approval in March.

## 6. Questions from Members of the Public

A question had been received from a member of the public. Mr Moor of St Annes asked the following question;

*“Lytham Institute’s ‘User Rights Agreement’ stipulated ‘twelve months’ notice in writing”. And on 19 July, LCC gave written notice to end it on 19 September. Without a decision by councillors, officers had used delegated powers to decide just two, not twelve months’ notice was needed, forfeiting income in the region of £15,000. At the Assembly Rooms, the lease required ground floor rooms to be available for public hire, at fees subsidised by commercial income from the rest of the building. But using delegated powers, officers decided the Town Trust could sublet exclusive use of the Dicconson Room, and a commercial bank be granted exclusive use of another ground floor room and rear parking spaces. This adversely impacted public parking, particularly for mobility-disabled users. These decisions reduced the areas available for public use and hire, and significantly increased income to the Town Trust. But officers appear not to have asked the District Valuer about negotiating increased payments with the lessee on the Council’s behalf. Furthermore, it is not clear which of Fylde’s delegated powers has been relied on for each of the officer decisions for both the actual uses, and for the income payable to, or forgone by, the Council.*

*So my question is: Which specific paragraph numbers in Fylde’s Constitution gave an officer delegated authority to decide each of the actions and inactions I have set out above?”*

Minutes – Council – 14 October 2019

Councillor Susan Fazackerley responded advising that Part 3, Section 6, paragraph 4.17 in the Constitution provided delegated authority for the management of leases.

Mr Moor asked, in a supplementary question, whether his understanding that it was Councillors who were trustees and not the officers, and therefore that the officers could not make that decision without a motion being passed by Council, was correct.

Councillor Susan Fazackerley responded stating that the Constitution was quite clear that officers had delegated powers.

#### Decision Items

##### 7. Notice of Motion – Shale Gas Operation

Following notice given under rule 11 of the Council Procedure Rules, the following Motion was proposed by Councillor Roger Lloyd;

*"In view of the recent and past seismic activity near the Cuadrilla's Preston New Road site which has seen universal condemnation of Cuadrilla's activities, I propose that this Council urge central government to stop all further Fracking activities in the Fylde with immediate effect. This operation has repeatedly shown itself to be an unsafe industry and that Fylde residents and their properties are quite clearly at risk if operations at Preston New Road continue"*

The motion was seconded by Councillor Matthew Lee.

Councillor Shirley Green proposed an amendment to Councillor Lloyd's motion to change the wording to the following:

*"Following recent and past seismic activity at Cuadrilla Resources' site on Preston New Road, this Council calls upon the Government to ensure safety of Fylde coast residents by continuing to uphold the stringent regulations currently in place on the Shale Gas industry. The industry has not been able to clearly demonstrate it can operate within these parameters and guarantee public safety, therefore this Council also calls upon the Oil & Gas Authority to ensure all hydraulic fracturing operations in the Fylde cease with immediate effect."*

Councillor Ed Nash seconded the amendment.

Following a brief adjournment, the amendment was debated with some members expressing concerns about the appropriateness of some of the wording proposed.

The amendment was CARRIED following a show of hands.

Councillor Peter Collins proposed a further amendment to the motion, to add the following words to the end:

*"and that the Chief Executive writes from this Council to the Energy Minister Andrea Leadsom requesting that there should be a permanent ban on all fracking activities in the Fylde, because the industry is unsafe here. The Chief Executive should also make it clear that Cuadrilla's operations have caused widespread damage to private homes across the Fylde."*

Councillor Roger Lloyd seconded the amendment.

During the debate several concerns were raised regarding the assertion of "widespread" damage. In response, and with the consent of the seconder Councillor Lloyd, Councillor Collins sought to alter his amendment to read:

*"and that the Chief Executive writes from this Council to the Energy Minister Andrea Leadsom requesting that there should be a permanent ban on all fracking activities in the Fylde, because the industry is unsafe here. The Chief Executive should also make it clear that Cuadrilla's activities have caused alleged damage to private homes across the Fylde."*

However, the council did not consent to the alteration of the amendment.

Councillor Nulty proposed a further amendment, to add the following words to the end of the substantive motion: *“and that the Chief Executive writes from this Council to the Energy Minister Andrea Leadsom requesting that there should be a permanent ban on all fracking activities in the Fylde, because the industry is unsafe here. The Chief Executive should also make it clear that Cuadrilla’s activities have caused alleged damage to private homes across the Fylde.”*

Councillor Oades seconded the amendment.

A further brief debate ensued, a vote was taken, and the amendment was LOST.

Councillor Collins proposed a further amendment, to add the following words to the end of the substantive motion: *“and that the Chief Executive writes from this Council to the Energy Minister Andrea Leadsom requesting that there should be a permanent ban on all fracking activities in the Fylde, because the industry is allegedly unsafe here. The Chief Executive should also make it clear that Cuadrilla’s activities have caused alleged damage to private homes across the Fylde.”*

Councillor Silverwood seconded the amendment.

A further brief debate ensued, a vote was taken, and the amendment was LOST.

In the absence of further amendments, the Mayor took a vote on the substantive motion. The following motion was AGREED;

*“Following recent and past seismic activity at Cuadrilla Resources’ site on Preston New Road, this Council calls upon the Government to ensure safety of Fylde coast residents by continuing to uphold the stringent regulations currently in place on the Shale Gas industry. The industry has not been able to clearly demonstrate it can operate within these parameters and guarantee public safety, therefore this Council also calls upon the Oil & Gas Authority to ensure all hydraulic fracturing operations in the Fylde cease with immediate effect.”*

#### 8. Notice of Motion – Moratorium

Following notice given under rule 11 of the Council Procedure Rules, the following Motion was proposed by Councillor Paul Hayhurst;

*“That this Council investigates as a matter of urgency the feasibility of introducing a moratorium on any new planning applications for developments of five or more houses in St Annes. Such a moratorium to be implemented without delay and to remain in force until all finance is in place and all contracts and agreements signed, to enable work to be commenced on the new St Annes/M55 link road.”*

The motion was seconded by Councillor Tim Armit.

There followed a lengthy debate with many expressing sympathies for Councillor Hayhurst’s frustration, however the prevailing view was that a moratorium was not the solution.

The motion was LOST following a show of hands.

#### 9. Notice of Motion – Leasehold Terms

Following notice given under rule 11 of the Council Procedure Rules, the following Motion was proposed by Councillor Chris Dixon;

*“This council:*

1. *Is deeply concerned about the practice of developers selling on leasehold terms where:*

## Minutes – Council – 14 October 2019

- *Residents are given no opportunity to purchase said leasehold at market price;*
- *Leaseholds are sold on to third parties;*
- *Ground rent costs increase well above initially agreed limits; and*
- *Onerous terms are included in the leasehold which introduce unnecessary charges for mundane activities such as decorating, repairs, and pet ownership.*

2. *Calls on developers to sell all future houses in the borough as freehold or unfettered long leasehold at a peppercorn rent and will look at future planning policy to see if priority can be given to developers offering homes on a freehold basis."*

The motion was seconded by Councillor David O'Rourke.

Following a debate many expressed disgust at the practice and the impact on homeowners, however others highlighted concerns that, without legislation from the Government, the Council was powerless.

Councillor Armit propose an amendment, which would remove paragraph two of the motion and replace it with the following;

*"that the Government be urged to pass the legislation to enable this council to take urgent action."*

The amendment was seconded by Councillor Liz Oades.

Following a further debate, a vote was taken, and the amendment was LOST.

Councillor Oades moved a further amendment, to replace paragraph two and replace it with

*"that the Government be urged to pass the legislation to enable this council, and all other councils, to take urgent action on this very important issue."*

Councillor Armit seconded the amendment.

Following a brief debate, a vote was taken, and the amendment was LOST.

In the absence of any further amendments, the Mayor took a vote on Councillor Dixon's motion. The motion was CARRIED following a show of hands.

## 10. Constitution Amendments

Councillor John Singleton introduced the proposed revisions to the Constitution. He advised that Constitution Working Group had undertaken a Constitution refresh, and the proposed revisions had been considered by Audit and Standards Committee. Councillor Singleton provided a detailed presentation of the proposed amendments. The proposed revisions were recommended to Council for adoption.

Councillor Ed Nash seconded the proposal.

It was RESOLVED to approve those aspects of Part 2 – Articles of the Constitution, Part 3 – Responsibility for Functions and Part 4 – Rules of Procedure be amended in accordance with the changes highlighted in the report.

## 11. Members' Allowances

Councillor Karen Buckley introduced the recommendations of the Independent Remuneration Panel. The Independent Panel had a statutory function, it was recommending increases to allowances and to payments to the Council's three independent persons.

Councillor Vince Settle seconded the proposal.

Following a brief debate where some concern was raised regarding the increase. Councillor Buckley advised that the recommendations were put forward by an independent panel, and the increase was the first recommended since 2015.

Following a request for a recorded vote, in accordance with Procedure Rule 14.5, a recorded vote was held;

## Minutes – Council – 14 October 2019

For (31) Councillors Aitken, Andrews, Anthony, Buckley, D Collins, Dixon, Fazackerley, Fiddler, Gaunt, Green, Hardy, Harris, Harrison, Jacques, Kirkham, Little, Nash, Nash-Walker, Nixon, O'Rourke, Redcliffe, Rigby, Sayward, Settle, Singleton, Small, Thomas, Threlfall, Trudgill, Willder and Withers.

Against (15) Councillors Armit, Brearley, Clayton, P Collins, Gill, Griffiths, Hayhurst, Henshaw, Hodgson, Lee, Lloyd, Nulty, Oades, Silverwood and Speak.

Abstain (0)

It was RESOLVED to adopt the following recommendations of the Independent Remuneration Panel with effect from 1 April 2020;

i. Increase the level of basic allowance and special responsibility allowances as follows;

Basic allowance – from £3,750 to £4,000

Leader of the Council – from £10,000 to £10,625

Deputy Leader – from £3,000 to £3,190

Chairmen of Programme Committees – from £4,000 to £4,250

Vice Chairmen of above – from £2,000 to £2,125

Chairman of Audit and Standards – from £3,250 to £3,450

Vice-Chairman of Audit and Standards – from 1,625 to £1,725

Chairmen of Public Protection and Licensing – from £1,625 to £1,725

Vice-Chairmen of above – from £812.50 to £865

Chairman of Member Development Steering Group – from £2,000 to £2,125

Leader of each political group – from £32 a member to £34 a member

ii. Maintain the present level of travel and subsistence allowances and dependent carers' allowance for 2020-21.

iii. Increase the allowance paid to the three Independent Persons to £800 per person per annum, with the cost to be shared equally with Blackpool and the allowance to be backdated to 22 May 2019 (Annual Council).

iv. Approve an unfunded revenue budget increase in respect of the above changes to Members' Allowances in the sum of £16,500 per annum from 2020/21 onwards.

## 12. Appointment to Outside Bodies

Councillor Susan Fazackerley introduced the report. She advised that the nominations from Tourism and Leisure and Environmental, Health and Housing Committees respectively were before Council for approval.

Councillor Roger Small seconded the proposal.

It was RESOLVED that the following Councillors be appointed to the following outside bodies;

Outside bodies	Appointed councillor
Lytham Town Trust	Councillor Ray Thomas
Police Crime Commissioner's Panel	Councillor Ben Aitken (Councillor Viv Willder named substitute)

(Councillor Bamforth, accessing the meeting via remote means, did not participate in the vote on any matter, pursuant to Schedule 12, Part VI 39(1) of the Local Government Act 1972)

-----  
**Fylde Borough Council copyright [2019]**

You may re-use this document/publication (not including logos) free of charge in any format or medium. You must re-use it accurately and not in a misleading context.

Minutes – Council – 14 October 2019

The material must be acknowledged as Fylde Borough Council copyright and you must give the title of the source document/publication.

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

This document/publication was also available on our website at [www.fylde.gov.uk](http://www.fylde.gov.uk)

Any enquiries regarding this document/publication should be sent to the Town Hall, St Annes Road West, St Annes FY8 1LW, or to [listening@fylde.gov.uk](mailto:listening@fylde.gov.uk).