

Policy Development Scrutiny Committee



Date	4 February 2010
Venue	Town Hall, St Annes
Committee members	Councillor Fabian Craig-Wilson (Chairman) Councillor Kiran Mulholland (Vice-Chairman) Ben Aitken, George Caldwell, David Chedd, Elizabeth Clarkson, Leonard Davies, Richard Fulford-Brown, Craig Halewood, Kath Harper, Howard Henshaw, Elizabeth Oades, Simon Renwick, Elaine Silverwood, Heather Speak
Other Councillors	Susan Fazackerley, Roger Small, Cheryl Little, Tony Ford, Keith Beckett, Barbara Pagett, Maxine Chew
Officers	Phil Woodward, Clare Platt, Paul Walker, Darren Bell, Ann Heslop, Annie Womack, Neil Graham
Others	Tony Baker (RSPB), Dr Joe Green (Natural England), members of the public

1. Declarations of interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.

Cllrs Elizabeth Oades and Elaine Silverwood declared a personal interest in item 7 on the agenda, as members of Kirkham Town Council.

2. Confirmation of minutes

RESOLVED: To approve the minutes of the Policy Development Scrutiny Committee meeting held on 3 December 2009 as a correct record for signature by the chairman.

3. Substitute members

The following substitutions were reported under council procedure rule 22.3:

Councillor Simon Renwick for Councillor Brenda Ackers

Councillor Kath Harper for Councillor John Davies

Councillor Elizabeth Clarkson for Councillor Michael Cornah

Councillor Leonard Davies for Councillor Angela Jacques

4. Beach Activity Management Scheme

Clare Platt (Director of Community Services) and Paul Walker (Director of Strategic Development) presented a report on the consultation draft beach activity management scheme.

Ms Platt explained that the scheme was focussed on managing beach activities safely and preventing environmental damage, and that guidance from DEFRA had been used to inform preparation of the scheme. The guidance used a step approach to scheme development and the various steps were outlined to members, with the scheme currently at consultation stage.

The officers identified the key health and safety aspects when advising the committee about Trax's interest in re-introducing wind and wheel sports to the beach. Members were requested to consider recommending to the portfolio holder that a licence (limited in scope and duration) be issued for Trax to operate whilst the consultation on the wider beach activity management scheme is progressed.

Members were told that Trax was looking to secure a long term lease of use of the beach, but will consider a limited scope trial use in the area identified in the draft beach activity management plan, subject to immediate suspension if it is believed that activities are not being operated or managed effectively. This would give an opportunity for the council to assess the impact of such activity, including the effectiveness of the control measures introduced. This would be dependant upon the satisfactory resolution of the planning considerations, identified in the report.

Concerns were expressed by the committee whether the zone allocated for wind and wheel sports, in an area of open public beach, could be effectively marshalled, for the safety of participants and the general public, when that zone is not a fully enclosed or separate space. Further issues were raised about the capacity of the council to effectively resource the management of beach activities.

Ms Platt advised the committee that there was still some work to do to ensure the proposed health and safety control measures minimise risk so far as reasonably practicable. Members suggested that a working group should be set up to examine in closer detail the proposal in terms of health and safety measures.

Other members expressed the opinion that there had already been an undue delay in reintroducing such activities to the beach.

After a detailed debate the committee moved on to consider the issue of shooting on an area of the beach under the control of the council as land owner, and which is designated as a Site of Special Scientific Interest (SSSI). To date the Council has neither allowed nor restricted shooting on this area of land. Ms Platt advised members that she was asking them to consider the

issue and make a recommendation to clarify the Council's position. She asked them to take into account not only the issue of the protection of the bird wildlife, but also the safety of the public.

Tony Baker from RSPB and Dr Joe Green from Natural England gave their opinion and advice to members

Ms Platt also advised the committee that there had been a more recent request to allow shooting from approximately 150 meters landward of the training wall, and from there out to the low water mark.

Following discussion, and following a recorded vote on recommendation no.3, the committee RESOLVED:

- 1 To note the consultation draft beach activity management scheme and agree that further consultation should take place.
2. That allowing shooting on the coast, on land owned by the Council, is inappropriate and should be prohibited.
3. Members recommend the formation of a working group to assist officers and portfolio holder in assessing the impact of wind and wheel sports on the beach, before a recommendation is made to the portfolio holder on the granting of a licence (of limited scope and duration for the operation of wind and wheel sports.

Votes for recommendation no.3 (10): Councillors Fabian Craig-Wilson, Kiran Mulholland, Ben Aitken, Leonard Davies, Richard Fulford-Brown, Kath Harper, David Chedd, Elizabeth Oades, Elaine Silverwood, Heather Speak.

Votes against the recommendation (4): Councillors Simon Renwick, Elizabeth Clarkson, Craig Halewood, Howard Henshaw

Abstentions (1): Councillor George Caldwell

5. Sand Dunes Management Action Plan Consultation and Clarification Report

This report was presented by Darren Bell (Head of Leisure Services) and Ann Heslop (Fylde Sand Dunes Project Officer). It provided an update on the Fylde Sand Dunes Management Action Plan which was produced to protect and enhance the sand dunes from Starr Gate to Lytham.

The Action Plan aims to create a well managed coastline providing a valuable wildlife habitat and robust sea defence for the residents of St Annes. The Sand Dunes Project has been developed to meet these aims with the involvement of the local community through volunteering and an educational programme.

Mr Bell explained that The Management Action Plan had been put before the old Policy and Service Review Scrutiny Committee on 3 September where it had been deferred for further consultation and clarification. Following this recommendation a questionnaire had been created and residents' concerns

have been addressed resulting in the updated Management Action Plan for members to consider.

He went through some of the responses which had been obtained from members of the public, and also highlighted the subsequent text changes which had been made to the Action Plan.

Committee members were advised about the present situation in terms of management of the dunes in specific areas, and about the problem of wind-blown sand. Proposed solutions contained in the Action Plan were outlined to members. Mr Bell spoke about the feedback he had from a spokesman of the Friends of North Beach Car Park, and the council's response to them.

The representative from RSPB was invited to express an opinion on the Action Plan and confirmed that his organisation supported the proposals. Ms Heslop advised members that Natural England had been fully involved in the ongoing consultation process.

Members asked for clarification about whether breaks in the sand dunes or "blow holes" were being addressed and Ms Heslop confirmed that in the right circumstances such breaches would be tackled.

The issue of wind-blown sand was raised, and Ms Heslop explained that the mobility of the dunes and how they moved could affect the amount of sand which was blown from the beach. Managing the dunes effectively could help to reduce the problem.

After a full debate the committee RESOLVED:

1. To recommend to Cabinet the adoption of the Dunes management Action Plan.
6. Review of Moving to Excellence and the Future Service Delivery Approach of the Council

Mr Phillip Woodward, the Chief Executive, presented his report to committee. He gave a brief background outline, explaining that the 'Moving to Excellence' report was initially drafted in the summer of 2007, undergoing a period of internal consultation with staff and elected members. It was finally adopted in November 2007.

The report contained a list of recommendations relating to our approach to customers, the culture of the Council, the performance management framework, value for money and organisational development and was aimed at helping to deliver the organisational improvements that were sought by Members in terms of CPA review and the overall general performance of the Council.

An update report on the implementation of the recommendations was presented to the Policy and Service Review Scrutiny Committee in April 2009 which then resolved to request a further review after management restructuring had been completed.

Mr Woodward referred to the financial challenges which all local authorities are facing and which had helped inform the Destination Plan which was now before members for consideration.

He then went on to explain this council's current financial position and future challenges, and talked about other drivers for change. These included public perception, and both strategic and devolved decision-making.

Mr Woodward talked to members about the Options Appraisals contained within the Destination Plan. This included local government structures, including those to enable representation of community interests at the most local level; budget saving targets and resulting capacity gaps; service prioritisation or cessation and the case for shared service delivery; the potential for extending the MAA relationship; transfer of open spaces to Town and Parish councils with the agreement of those parish and town councils; and the potential to become a commissioning council – Mr Woodward suggested that Fylde BC would be well-placed to act as a pilot study for such arrangements, given its strong track record of collaborative working.

He finished his report with the recommendations for future action which Cabinet had endorsed

During the subsequent debate, several issues were raised. Members asked about Fylde Borough Council Solutions Ltd, which had been mentioned in the report as a potential vehicle for delivering arms-length services. Mr Woodward confirmed that the company, whilst not currently active or trading, was not restricted from trading if it chose to do so.

Concerns were expressed about the financial implications about further devolution to town and parish councils and also about the ongoing role of councillors, should devolution, co-commissioning, or shared services become more prominent features of local service provision in the future.

The committee RESOLVED:

To note the content and recommendations of the Destination Plan

Public Platform

A member of the public had made a request to the Chairman, prior to the meeting, to be permitted to speak on item 7 on the agenda.

The Chairman had decided that it was appropriate for the Public Platform to be held immediately before the agenda item in question, and accordingly invited him to state his views at this stage. He spoke in favour of the request for call-in and also suggested that there should be a special in-depth scrutiny committee meeting with public participation by co-option to the committee.

7. Request for Call-in – Transfer of Assets to Town and Parish Councils

Ten members of the council had invoked the recovery and call-in procedure to question a Cabinet decision made on 20 January 2010 relating to the Transfer of Assets to Town / Parish Councils. Members of the committee were therefore required to consider whether the decision of Cabinet was not in the interests of the inhabitants of the borough and ought to be reconsidered.

The Chairman invited the lead signatory, Councillor Elizabeth Oades, to explain why she felt that the decision was not in the interests of the inhabitants of the borough and ought to be reconsidered.

Cllr Oades covered the recent background regarding the discussions which have already taken place about the transfer of open space assets to Kirkham Town Council which she had been involved in, and which she had hoped would take place in April this year.

She advanced the opinion that the report on which the Cabinet based its latest decision not to proceed with the transfer at this time, was complex and could be misleading, and asked that before any further work takes place on transfer of assets, councillors and the public must fully understand, in broad and detailed terms, how Fylde Borough Council proposed to handle future charges in relation to parks and gardens maintenance.

She questioned whether several sites of borough-wide significance in Lytham and St Annes would be retained under the management of Fylde Borough Council; she queried whether the intention would be to charge every resident of the Borough for the upkeep of these sites, including those paying a precept to town and parish councils, for the care and maintenance of their own open spaces. She also felt that the Borough Council's proposal which required FBC staff to maintain the transferred open space assets for a specific period, would fetter the choices of the Town Council in terms of maintenance.

She wanted to know what the effect would be of the transfer of assets on future taxation in the borough, suggesting that Kirkham Town Council would not take part in any transfers if it lead to what she described as double taxation.

In summing up, she raised three main queries:

- If assets are transferred, will FBC remove all costs for parks and gardens from the general budget; if not what are their intentions.
- Do FBC intend to tie all parishes into using the council's maintenance services – should parishes not be allowed to opt in or out of such an arrangement as it suits them.
- After agreeing that all parishes pay for their own services, is it acceptable to expect council tax payers in parishes to contribute to areas of borough-wide significance which are only in Lytham St Annes

- other areas can make a claim that their open spaces are used by people from outside the immediate area and it is inequitable only to include sites from Lytham and St Annes on such a list.

The Chairman asked Councillor Roger Small, Portfolio Holder for Finance and Resources, to respond.

Cllr Small said that he hoped to offer the committee a better and more viable alternative to the call-in request received, and gave three reasons.

- He explained that if the decision was called-in and referred to council, it would have to mean a hastily written report in order to reach the council on 1 March 2010, and he would prefer not to rush such an important matter.
- He felt that all members may not be fully informed about all the issues before the council meeting on 1 March.
- He proposed that a better approach would be to aim for a further report to be prepared to go to Cabinet in May; to then come before this committee for their consideration; and then to go to the council for a full debate in July 2010.

He said that there was real merit in looking again at this matter in the manner he proposed so that it gets a thorough airing, and so that those points which had been raised by Cllr Oades and other complicated issues can be analysed and debated.

He said that his proposal demonstrated a commitment from Cabinet to getting the process right; it allowed detailed scrutiny from this committee and also facilitated a debate on the topic in full council.

Cllr Small expressed the view that he hoped the committee would endorse these proposals and allow the time for a thorough and detailed report to be prepared, to enable council to express a view and to set a direction for what are potentially far-reaching decisions.

Members of the committee raised several issues relating to time frames, special expenses, the budget, general charges and Council Tax levels. Cllr Small said that it was not the intention to extract extra tax from residents and that the important thing was to transfer assets down to the local level.

After a full debate, the committee RESOLVED:

- 1 That the decision of Cabinet should be called in and to accept the proposed timetable put forward at the meeting by the Portfolio Holder to review the decision.
