



# MINUTES

## Council

<b>Date:</b>	Monday, 18 October 2021
<b>Venue:</b>	Town Hall, Lytham St Annes, FY8 1LW
<b>Committee Members Present:</b>	Mayor (Elaine Silverwood) Deputy Mayor (Cheryl Little)  Councillors Ben Aitken, Frank Andrews, Peter Anthony, Brenda Blackshaw, 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, Gavin Harrison, Paul Hayhurst, Karen Henshaw, Angela Jacques, John Kirkham, Matthew Lee, Roger Lloyd, Michelle Morris, Ed Nash, Sally Nash-Walker, Jayne Nixon, David O'Rourke, Richard Redcliffe, Bobby Rigby, Michael Sayward, Vince Settle, John Singleton JP, Roger Small, Heather Speak, Ray Thomas, Tommy Threlfall, Stan Trudgill, Michael Withers.
<b>Officers Present:</b>	Allan Oldfield, Tracy Manning, Ross McKelvie, Sharon Wadsworth, Hannah Kirk, Howie Dawson and Katharine McDonnell
<b>Other Attendees:</b>	Councillors Liz Oades and Mark Bamforth (via remote access)

### Prayers

Prayers were offered by Councillor Susan Fazackerley MBE.

A minute's silence was then held to honour the memory of Sir David Amess, MP.

### 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.

### 2. Confirmation of Minutes

RESOLVED: To approve the minutes of the Council meetings held on 5 July 2021 and 20 July 2021 as correct records for signature by the Mayor.

### 3. Mayor's Announcements

The Mayor spoke about the increasing numbers of engagements as life began to return to normal and how positive this was for the charities and community groups. She spoke about the variety of engagements she was attending from a 100<sup>th</sup> birthday celebration to agricultural shows, to the impressive Wonderhall festival. She expressed particular thanks to the organisers of Wonderhall for not only entertaining countless residents but also for their generous donation to the renovation fund for Lytham Hall.

Minutes – Council – 18 October 2021

The Mayor also spoke about her charity fundraising events which had been successful, with a further Afternoon Tea Author event to be held shortly. She thanked members for their continuing support in donations, attendance and provision of raffle prizes.

The Mayor concluded her announcements by expressing her thanks and respect to Paul Walker and Paul Drinnan as they were due to retire imminently. The Mayor expressed how she had huge respect for their hard work, dedication and professionalism, and thanked them for their service.

#### 4. Chief Executive's Communications

The Chief Executive advised that a farewell presentation for Mr Walker had been organised for 2pm on Friday 29 October in the Council Chamber.

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

The following question had been received from Councillor Gill :

*"At the recent Finance and Democracy Meeting, the revised objectives for the Lytham Institute Trust were presented by officers. The objectives were supposed to have been amended following consultation and the report made particular reference to the fact that the consultation had been taken into account in forming the objectives. The public consultation had explicitly requested that the words "and other premises" be removed. The officer tried to give a rational as to why these words had not been removed.*

*The civic society, the Friends of Lytham Institute and some councillors requested the removal of these words at the meeting to no avail. Even through a vote which should have been non political in line with the Charity Commission guidelines failed to remove them.*

*I reiterate that the objectives were supposed to have been amended following consultation and the report made particular reference to the fact that the consultation had been taken into account in forming the objectives. Can the council as sole trustee please explain as to why the wording of the objectives had not been changed following consultation and provide members and the public with the rational as to why the words "and other premises" has to remain in the objectives. I request that the response be minuted verbatim such that no confusion is left in the minds of the public."*

Councillor Karen Buckley responded advising the consultation has provided many extremely valuable responses, and she thanked all those who responded to the consultation. She advised that the consultation responses were taken into account as so far as they relate to the objects of the charity.

Councillor Buckley went on to advise that it was incumbent on the trustee of a charitable trust to propose changes to the objects of a charity where the charity's purposes were no longer a practical or appropriate way to meet the need it was set up for. The objects as set out in the 1917 conveyancing document, which formed the only governing document of the trust, were no longer practical or appropriate. The proposed new objects clause, closely followed a Charity Commission model.

She refuted Councillor Gill's assertion that the consultee responses had been ignored, with 62% of respondents agreeing with the proposed objectives.

Councillor Buckley further advised that the Charity Commission, when it comes to amend charity objects, would have regard, to securing new charitable purposes that were as close to the original purposes, and to the spirit of the original gift, or purposes. Those original purposes related to the **uses** made of the building, they did not relate to the preservation of the building as an object in itself. For this reason, it had been recommended to Finance and Democracy Committee that the proposed wording 'and other premises' remained in the proposed new objectives.

She went on to say that the purposes of the charity should not be confused with use of the building. The building itself was protected a part of a permanent endowment to the charity, and could not be disposed of without the consent of the Charity Commission. Councillor Buckley advised she was not aware of any proposal to dispose of the building, and it was the belief of the legal officer that it would be extremely difficult to secure such a consent.

Minutes – Council – 18 October 2021

She concluded her response by advising that her full response would be circulated to all councillors by the Democratic Services team following the meeting.

The following question had been received from Councillor Vince Settle;

*“Can the Leader update members on discussions between Lancashire Leaders regarding a County Deal.”*

Councillor Buckley responded advising in July 2020, the Council had agreed to explore an option of a Lancashire Combined Authority, however discussions had inevitably stalled as colleagues across the county had focused on the response to the pandemic.

She referred to a number of proposals put forward to the government, that had subsequently rejected. These included a Lancashire-wide combined authority with an elected Mayor and three unitary councils; a bid by Blackburn to combine with East Lancashire neighbours; and a proposal from Lancaster and South Lakeland Councils.

Councillor Buckley advised that the Government were now offering County Deals, which would offer the same powers as Metro Mayors. Common requests for County Deals involve collective approaches to economic development, additional funding for development of digital and physical infrastructure, and a county approach to transport policy. The Minister, Neil O’Brien MP had offered to work with Lancashire County Council to create a county deal. She further advised there was no requirement for a Mayor under a County Deal, but a one member one vote approach with the requirement for a two-thirds majority required for decision making, and the power to veto. Councillor Buckley concluded by advising that a further report would come to council if Lancashire Leaders decided to progress this further.

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

No questions had been received from members of the public on this occasion.

#### Decision Items

#### 7. Invitation to Accept Appointment as Mayor 2022/23

Councillor Roger Small proposed that Councillor Ben Aitken be invited to accept the appointment of Mayor of the Borough of Fylde for the municipal year 2022/23.

Councillor Cheryl Little seconded the proposal, and it was RESOLVED unanimously to appoint Councillor Ben Aitken as Mayor of the Borough of Fylde for the municipal year 2022/23, at the next Annual Meeting.

#### 8. Committee Membership

Councillor Karen Buckley proposed a number of changes to the membership of committees. She explained that the allocations were made at the Annual Council meeting, however since then, due to changing commitments of Councillors in both the Conservative and Independent groups, it was necessary to make some changes to committees.

Councillor Buckley and Councillor Tommy Threlfall thanked Councillor Nixon for her all her hard work as Vice chairman of Environment, Health and Housing Committee.

Councillor Small thanked Councillor Brickles for her work on the Operational Management Committee.

Councillor Matthew Lee seconded the proposal.

It was RESOLVED to;

1. To appoint Councillor Dixon as a member of the Environment, Health & Housing Committee in place of Councillor Nixon;
2. To appoint Councillor Dixon as Vice Chairman of the Environment, Health & Housing Committee in place of Councillor Nixon;
3. To appoint Councillor Gavin Harrison as a member of the Planning Committee in place of Councillor Dixon;

Minutes – Council – 18 October 2021

4. To appoint Councillor Gill as a member of the Operational Management Committee in place of Councillor Brickles; and
5. To nominate Councillor Mark Bamforth to fill the vacancy on the Member Development Steering Group

#### 9. Schedule of Meetings 2022/23

Councillor Karen Buckley presented the proposed schedule of meetings for the forthcoming municipal year 2022/23.

Councillor Roger Small seconded the proposal.

It was RESOLVED to approve the schedule of meetings for 2022/23.

#### 10. Independent Persons Allowance

Councillor Ellie Gaunt introduced a report of the Independent Remuneration Panel. She explained that the Fylde and Blackpool Panels had met to discuss the allowances of the Standards Independent Persons. The three Independent Persons served both Fylde and Blackpool Councils in respect to standards matters.

The Panel had considered the responsibilities of the Independent Persons and the recommendations of the Committee on Standards in Public Life and recommended an increase to the allowance, with effect from 1 December 2021, and an annual uplift thereafter, in line with the Retail Price Index from 1 April 2022.

Blackpool Council had recently met to consider the matter and had supported the recommendations of the Panel. The cost of the allowance was shared equally between with Blackpool Council.

Councillor Ed Nash seconded the proposal.

It was therefore RESOLVED to set the allowance for the Independent Persons at £950 per annum, with effect from 1 December 2021, with an annual uplift applied thereafter in line with the Retail Price Index (RPI) with effect from 1 April 2022.

#### 11. Corporate Plan 2020-2024 Review September 2021

Councillor Karen Buckley presented a review report of the Corporate Plan. She explained that the Corporate Plan took into consideration emerging legislation, policy and changes in resources and responsibilities and was informed by partners, elected members and external organisations. The COVID pandemic had led to a change in resource allocation, responsibilities and priorities for the period of the pandemic and for some time after.

The report showed progress against the actions up to September 2021, with detailed commentary and performance status. It was important to recognise that the Corporate Plan formed part of a wider strategic planning framework which directed how and where Council resources were allocated.

Councillor Roger Small seconded the proposal.

It was RESOLVED to approve the progress made against the Corporate Plan actions as outlined in Appendix 2 of the report for the period up to the end of September 2021.

#### 12. Constitution Amendment – Terms of Reference – Planning Committee

Councillor Trevor Fiddler introduced the item advising that three of the programme committees had, within their terms of reference, the ability to manage, adopt or dispose of land or property within their remit. The Planning Committee did not, but with the responsibility to deliver economic regeneration initiatives including the current Kirkham Futures programme, it would be necessary to manage, purchase and dispose of land and property.

In line with its constitutional role to review and recommend amendments to Council, the Audit and Standards Committee were asked to consider such an amendment to the terms of reference of the Planning Committee, at its meeting on 29 September 2021.

The Audit and Standards Committee recommended that such an amendment be made.

Councillor Richard Redcliffe seconded the proposal.

Minutes – Council – 18 October 2021

It was RESOLVED to approve the proposed amendment to the terms of reference of the Planning Committee (Part 2, Section 2 of the Council's Constitution – Responsibility for Functions), namely the inclusion of the wording; *"To consider any management issues arising in relation to land or property within the remit of the committee."*

### 13. Unfunded Revenue Budget Increase – Communications, Marketing & Public Relations Resources

Councillor Karen Buckley presented a report setting out the rationale for the provision of additional resources in the communications team. She explained that communications had undergone significant change of the past few years, accelerated by the pandemic, with the dominance of digital and social media transforming demand, expectation and engagement.

The additional funding would finance two new posts in the communications team with specific focus on social media and marketing.

The Finance and Democracy Committee had considered the matter at its meeting on 13 September and recommended approval.

Councillor Vince Settle seconded the proposal.

Councillor P Collins moved the following amendment, "that the "Fylde Telecommunications Strategy" is reviewed and adopted in line with the Department for Communities and Local Government's document, "Code of Recommended Practice on Local Government Authority Publicity" and that all members of the Council and officers are made aware of its content."

Councillor Clayton seconded.

Councillor Buckley summed up advising that Finance and Democracy Committee had been advised that a review of the strategy was already underway, and the Chief Executive had advised committee that the code was already followed. The review of the strategy was now complete. She requested that a copy of the strategy be circulated to all members following the meeting.

Following a vote, the amendment was LOST.

It was therefore RESOLVED;

1. To approve an unfunded revenue budget increase of £54,084 per annum (full year costs – with part years costs for the current year pro-rate depending upon the recruitment dates) to finance the two new corporate support posts of Marketing & Social Media Officer and Press & Media Officer; and
2. To approve an unfunded budget increase of £15,000 per annum from 2021-22 onwards for the provision of additional communication specialist services including photography, videography, social media market segmentation targeting.

### 14. Exclusion of the Public and Press

The Mayor, Councillor Elaine Silverwood, proposed a resolution to exclude members of the public from the meeting in accordance with the provisions of Section 100A (4) of the Local Government Act 1972. This was on the grounds that the business to be discussed was exempt information as defined under paragraph 1 of schedule 12A to the Local Government Act 1972 - Information relating to an individual.

Councillor Cheryl Little seconded the proposal.

It was RESOLVED to exclude the public and press.

(The room was cleared of members of the public and the livestream broadcast of the meeting was ended. In accordance with Part 4, paragraph 2.3 of the Council's Procedure Rules, Councillors Bamforth and Oades, in remote attendance, were also removed from the meeting).

### 15. EXEMPT ITEM – Acquisition of Property for Kirkham Regeneration Programme

The Mayor advised that this item had been withdrawn.

16. EXEMPT ITEM – Dispensations (Attendance)

Councillor Matthew Lee introduced a report to remove the general dispensation granted to all Councillors in March 2020 regarding non-attendance at meetings by any councillor for the purposes of section 85 of the Local Government Act 1972. The general dispensation had been granted to ensure any disruption to attendance due to the coronavirus would not impact negatively on members.

Councillor Lee also proposed a dispensation be granted to Councillor Oades, who was currently in ill health, which made regular attendance at meetings difficult.

Councillor Alan Clayton seconded the proposal.

It was RESOLVED;

1. To repeal the general dispensation granted to all councillors in March 2020 regarding the non-attendance at meeting due to reasons related to the coronavirus pandemic;
2. To note that the repeal of the above dispensation does not affect the dispensation granted, on medical grounds, to Councillor Mark Bamforth on 3 April 2017; and
3. To approve Councillor Liz Oades' ill health, as a reason for her non-attendance at meetings for the purposes of section 85(1) of the Local Government Act 1972.

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