



## Meeting Agenda

**Council Meeting  
Lowther Pavilion, Lytham  
30 January 2006, 7:00pm**

## Members of the Council

The Mayor - Councillor R.J. Wilson  
Deputy Mayor – Councillor P. Hardy

Councillors	C. E. Akeroyd T. Ashton E. G. Bamber J. B. Bennett H. Butler G. Caldwell S. Carpenter M. Chew E. D. Clarke E. Clarkson P. Collins J. L. Coombes J. A. Dolan R. K. Eastham S. M Fazackerley Dr T. J Fiddler P.A. Fieldhouse R. A Fulford- Brown P. Hardy P.J. Hayhurst H. Henshaw, A.D.K (Malaysia) K.M Henshaw J. P K. Hyde A. W Jealous N.P D. E Lancaster J. G. Longstaff	Councillors	S. L. Mason J.K. Mulholland R. J. Norsworthy L.J. Nulty E.A. Oades J.C. Owen B. Pagett A.G. Pounder D.S. Prestwich W.J. Prestwich S. P. Renwick L. Rigby P. Rigby R. S. Small H.A Speak M. K. Taylor W. Thompson T. Threlfall S.M. Wall C. Walton A.M. Whittaker F.C Wilson H .M. Wilson R.J. Wilson K Wright
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## **CORPORATE OBJECTIVES**

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

## **CORE VALUES**

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.

## A G E N D A

### PART I - MATTERS DELEGATED TO COUNCIL

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## PART I - MATTERS DELEGATED TO COUNCIL

### 1. DECLARATIONS OF INTEREST

Members are 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.

### 2. CONFIRMATION OF MINUTES

To confirm as a correct record the minutes of the Council meeting held on 5 December 2005 and Special Council meeting held on 19 December 2005 (pages 285 - 288 and 311 - 313).

### 3. MAYOR'S ANNOUNCEMENTS

### 4. CHIEF EXECUTIVE'S COMMUNICATIONS

The Chief Executive to report receipt of any relevant communications that have been received subsequent to sending out this agenda.

### 5. QUESTIONS FROM MEMBERS OF THE COUNCIL

### 6. QUESTIONS FROM MEMBERS OF THE PUBLIC

### 7. COMMITTEE MINUTES

To receive the minutes of the under-mentioned Committees.

COMMITTEE	DATE	PAGES
Scrutiny Management Board	29 <sup>th</sup> November 2005	274 - 278
Policy and Service Review CF	1 <sup>st</sup> December 2005	278 - 284
Community Outlook CF	12 <sup>th</sup> December 2005	289 - 290
Development Control	14 <sup>th</sup> December 2005	291 - 305
Special Executive Committee	14 <sup>th</sup> December 2005	306 - 310

<b>COMMITTEE</b>	<b>DATE</b>	<b>PAGES</b>
Public Protection Committee	20 <sup>th</sup> December 2005	314
Performance Improvement CF	21 <sup>st</sup> December 2005	315 - 317
Development Control	4 <sup>th</sup> January 2006	318 - 325
Executive Committee	18 <sup>th</sup> January 2006	326 - 330
Policy & Service Review CF	19 <sup>th</sup> January 2006	To follow
Performance Improvement CF	26 <sup>th</sup> January 2006	To follow

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
LEGAL & DEMOCRATIC SERVICES	EXECUTIVE COMMITTEE	30 <sup>TH</sup> JANUARY 2006	8

## INVITATION TO ACCEPT APPOINTMENT AS MAYOR 2006/2007

### Public item

This item is for consideration in the public part of the meeting.

### Summary

To invite a member of the Borough Council to accept election by the Council at the 2006 Annual Meeting of the Borough of Fylde as Mayor of the Borough of Fylde for the ensuing municipal year.

### Recommendation/s

1. That Members invite councillor Harold Butler to accept election by the Council at the 2006 Annual Meeting as Mayor of the Borough of Fylde for the ensuing municipal year.

### Executive brief

The item falls within the following executive brief: Community engagement (Councillor Paul Rigby).

IMPLICATIONS	
Finance	As prescribed within the council budget
Legal	Nil
Community Safety	Nil
Human Rights and Equalities	Nil
Sustainability	Nil
Health & Safety and Risk Management	Nil

REPORT AUTHOR	TEL	DATE	DOC ID
Peter Welsh	(01253) 685502	December 2005	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Document name	None	

### Attached documents

None



# REPORT

REPORT OF	MEETING	DATE	ITEM NO
UNIT BUSINESS MANAGER (FINANCE)	COUNCIL	30 JANUARY 2006	9

## BUDGET

### Public/Exempt item

This item is for consideration in the public part of the meeting.

### Summary

This report informs members of the taxbase for each of the parished areas and the Council as a whole for 2006/07. The taxbase is the number of equivalent band D properties in the borough.

### Recommendation/s

1. That the Council confirm its wish to keep the current discount on second homes at 10% in 2006/07 having been reduced from the previous level of 50% in 2004/05.
2. That pursuant to the Finance Business Unit Managers report and in accordance with the Local Authorities (Calculation of Council Taxbase) Regulations 1992 (as amended), the amount calculated by Fylde Borough Council as its council taxbase for the year 2006/2007 shall be 29,675.90 and that the amounts for each part of the area shall be as follows:

St Annes	10,490.33
Lytham	7,486.65
Bryning-with-Warton	1,276.80
Elswick	436.35

Freckleton	2,112.97
Greenhalgh-with-Thistleton	181.14
Little Eccleston-with-Larbreck	213.03
Medlar-with-Wesham	1,044.79
Newton-with Clifton	1,043.50
Ribby-with-Wrea	754.29
Singleton	427.35
Staining	865.20
Treales, Roseacre and Wharles	212.08
Weeton-with-Preese	278.18
Westby-with-Plumpton	547.60
Kirkham	2,305.64

### **Executive brief**

The item falls within the following executive brief[s]: Leader of the Council (Councillor John Coombes).

### **Report**

1. Under the Local Government Finance Act 1992, the Council has to calculate its council taxbase for 2006/07, and notify it to the County Council and the County Police and Fire Authorities during the period 1st December to 31st January 2006.
2. The amount of the Council Tax chargeable is calculated by dividing the total net budget requirements of the County Council, County Police Authority, County Fire Authority, Borough Council and where appropriate Parish Councils by the council taxbase. Given a fixed level of spending, the higher the council taxbase, the lower the council tax payable.
3. Section 33(1) of the Local Government Finance Act 1992 requires calculation of the taxbase for the whole area and this figure is applied to the council's overall budget requirement to arrive at the council tax payable for band 'D' properties.
4. Section 34(3) requires calculation of the taxbase for each part of the area (Parishes) and is applied to the Parish Precepts to arrive at any additional charges in each parish which issues a precept.
5. The figures in the table above assume that the Council elects to keep the discount on second homes at 10% for 2006/07. This was introduced in 2004/05 when the discount was lowered from 50% with the agreement of the County Council and Police and Fire Authorities, with the extra funds raised of over £200,000 being paid to the Fylde Local Strategic Partnership to help meet the Community Plan.

IMPLICATIONS	
Finance	As noted
Legal	As noted
Community Safety	Nil
Human Rights and Equalities	Nil
Sustainability	Nil
Health & Safety and Risk Management	Nil

REPORT AUTHOR	TEL	DATE	DOC ID
Brian White	(01253) 658566	4 <sup>th</sup> January 2006	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION
Taxbase Calculations	4 <sup>th</sup> January 2006	Finance Office, Town Hall, St Annes

### **Attached documents**

None

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
LEGAL & DEMOCRATIC SERVICES	COUNCIL	30 JANUARY 2006	10

## THE COUNCIL'S CONSTITUTION

### Public/Exempt item

This item is for consideration in the public part of the meeting.

### Summary

The council recently agreed to move to a leader and cabinet form of executive governance. The council needs to adopt a new constitution which reflects these new arrangements. A new constitution has been developed through the Policy and Service Review Community Forum which is recommended for adoption.

### Recommendation/s

1. That the Council adopts the new constitution attached at appendix A of the report with effect from 13 February 2006.
2. That the Legal and Democratic Services Unit Manager publishes the necessary public notice to satisfy the relevant provisions within the Local Government Act 2000.

The item falls within the following executive brief: Leader and quality services (Councillor John Coombes).

### Report

#### Constitution

1. At the council meeting held on 19 December 2005, the council voted to confirm its intention to move to governance arrangements based on a Leader and Cabinet model. This followed consultation with local electors and other interested persons in the

council's area. This report puts forward a new constitution for adoption by the council based on the leader and cabinet model. The recommended constitution is annexed to this report. The Policy and Service Review Community Forum have considered the draft constitution on 3 November 2005 and 19 January this year.

2. By streamlining the decision-making process, the executive arrangements within the proposed constitution are likely secure continued improvement in the efficiency and effectiveness of the way in which the council's functions are carried out. In terms of economy, the arrangements are not materially different to the present alternative arrangements.
3. Each council must have a written constitution, which should contain its governance arrangements, its procedure rules, and its scheme of delegations, codes of conduct and any other related material. The constitution sets out the framework of rules and procedures within which the council operates.

### **Key features**

4. Paragraphs 5 to 14 set out key features and concepts of the proposed new constitution.
5. The existing executive committee is discontinued. Instead, there will be a cabinet. The cabinet will consist of the leader of the council and between two and nine other members. The council will decide how many cabinet members there are, in addition to the leader, but the leader will select who the members are. Political balance rules do not apply to the cabinet, so the leader may select members from whatever political group he or she chooses.
6. Barring suspension or ceasing to be a councillor, the leader will hold office until he or she resigns or is removed by a resolution of the council.
7. Members of the cabinet other than the leader hold office, barring suspension or ceasing to be a councillor, until they resign, are removed by the leader or until the leader is removed by a resolution of the council.
8. The leader or the cabinet may make any executive decision. The leader may also delegate executive decisions to committees of the cabinet, individual cabinet members or officers.
9. Cabinet meetings will be open to the public, except where legislation would require or allow them to be held in private. All cabinet meetings may be attended by non-executive members of the council.
10. Call-in has changed. Instead of call-in only being available where a decision was not taken in accordance with the principles of decision-making, call-in will be available where the relevant Scrutiny committee considers that the decision does not represent the wishes of the majority of members of the council and ought to be reconsidered. However, the number of members needed to initiate a call-in has been increased to ten.
11. Community forums are renamed as scrutiny committees
12. A fourth scrutiny committee, the planning policy scrutiny committee, has been added. The terms of reference of this committee give it a remit to take a leading role in the formulation, monitoring and review of development plans and other planning policies.

This should allow development control committee members to become more involved in the planning policy process.

13. An audit sub-committee has been introduced as a sub-committee of the performance improvement scrutiny committee. The terms of reference of the sub-committee reflect CIPFA and Audit Commission guidance on good corporate governance and. They give the sub-committee responsibility to consider and approve internal and external audit reports.
14. The budget and policy procedure rules have been simplified. Broadly speaking the procedure for adopting any document forming part of the policy framework will require the cabinet to ask the relevant scrutiny committee to draw up proposals for the document. The cabinet must then consider the proposals of the scrutiny committee before deciding what proposals to submit to the council for adoption. If the council objects to the cabinet's proposal, it must give the cabinet an opportunity to respond to its concerns before rejecting or significantly amending the proposal.
15. The council procedure rules have been changed so as to require any substitutions at development control committee or the new planning policy scrutiny committee to be appropriately trained or experienced.

IMPLICATIONS	
Finance	None arising directly from the report.
Legal	The council must, under the Local Government Act 2000, have a constitution in place that sets out its governance arrangements.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability	None arising directly from the report.
Health & Safety and Risk Management	None arising directly from the report.

REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis	(01253) 658506	17 January 2006	

LIST OF BACKGROUND PAPERS		
NAME OF DOCUMENT	DATE	WHERE AVAILABLE FOR INSPECTION

New Council Constitutions: Guidance Pack	2000	<a href="http://www.odpm.gov.uk/index.asp?id=1133792">www.odpm.gov.uk/index.asp?id=1133792</a> T
Constitution of Chorley Borough Council	November 2001	Town Hall, St Annes
Constitution of South Ribble Borough Council	July 2003	Town Hall, St Annes
Constitution of Rushcliffe Borough Council	July 2003	Town Hall, St Annes
Constitution of Bury Metropolitan Borough Council	May 2003	Town Hall, St Annes
Constitution of West Lindsey District Council	May 2003	Town Hall, St Annes
Constitution of Wyre Borough Council	April 2004	Town Hall, St Annes

### **Attached documents**

Draft constitution

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
LEGAL & DEMOCRATIC SERVICES OFFICER	COUNCIL	30 JANUARY 2006	11

## MEMBERS CHOICE DEBATE

### Public/Exempt item

This item is for consideration in the public part of the meeting.

### Summary

At the last council meeting, councillor Keith Hyde was selected to lead the members' choice debate.

Councillor Hyde has chosen the topic of area committee and a presentation on area committees will be made by Ron Matthews from South Ribble Borough Council.



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