



Cabinet Agenda

Wyre Borough Council
Date of Publication: 4 July 2017
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**Cabinet meeting on Wednesday, 12 July 2017 at 5.30 pm
in the Council Chamber, Civic Centre, Poulton-Le-Fylde**

1. Apologies for absence

2. Declarations of interest

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters to be considered at this meeting.

3. Confirmation of minutes

(Pages 1 - 6)

To confirm as a correct record the minutes of the previous meeting of Cabinet.

4. Cabinet minutes 7 September 2016

(Pages 7 - 8)

Report of the Chief Executive, Monitoring Officer and Section 151 Officer

5. Public questions

To receive and respond to any questions from members of the public.

Public questions can be delivered in writing to Democratic Services or sent by email to: publicquestions@wyre.gov.uk. Public questions for this meeting must be received by noon on Thursday 6 July 2017. Questioners should provide their name and address and indicate to which Cabinet member the question is to be directed.

The total period of time allocated for public questions will not normally exceed 30 minutes.

6. Car Parking Strategy 2014/19 Recommendations

(Pages 9 - 16)

Report of the Neighbourhood Services and Community Safety Portfolio Holder and Service Director People and Places

7. Exclusion of public and press

In accordance with Paragraph 11 of the Access to Information Rules in Part 4 of the Council's Constitution, the Chief Executive has determined that the report submitted under item 8 of this agenda is "Not for Publication" because it contains "exempt information", as defined in Schedule 12A of the Local Government Act 1972.

If Cabinet agrees that the public and press should be excluded for this item, it will need to pass the following resolution:

"That the public and press be excluded from the meeting whilst agenda item 8 is considered, on the grounds that their presence would involve the disclosure of exempt information as defined in category 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and, that the public interest in maintaining the exemption outweighs the public interest in disclosing the information".

8. Disposal of Garstang Business Centre and part of High Street Car Park, Garstang (Pages 17 - 30)

Report of the Resources Portfolio Holder and the Corporate Director
Performance and Innovation



Cabinet

The minutes of the Cabinet meeting of Wyre Borough Council held on Wednesday 22 March 2017 at the Civic Centre, Poulton-le-Fylde.

Cabinet members present:

Councillor Peter Gibson (Leader of the Council)
Councillor Alan Vincent (Resources Portfolio Holder and Deputy Leader)
Councillor Roger Berry (Neighbourhood Services and Community Safety Portfolio Holder)
Councillor Lynne Bowen (Leisure and Culture Portfolio Holder)
Councillor David Henderson (Street Scene, Parks & Open Spaces Portfolio Holder)
Councillor Pete Murphy (Planning and Economic Development Portfolio Holder)
Councillor Vivien Taylor (Health and Community Engagement Portfolio Holder)

Apologies:

None

Officers present:

Garry Payne (Chief Executive)
Mark Billington (Service Director People and Places)
Mark Broadhurst (Service Director Health and Wellbeing)
Marianne Hesketh (Service Director Performance and Innovation)
Clare James (Head of Finance (s151 Officer))
Carl Green (Head of Engineering Services)
Stephanie Collinson (Senior Communications Officer)
Duncan Jowitt (Democratic Services Officer)

Apologies:

None

Non-members of the Cabinet present:

Councillors Emma Anderton, Marge Anderton, Lorraine Beavers, Barry Birch, Ian Duffy, Ruth Duffy, Rob Fail, Phil Orme, Natalie Reeves, Ron Shewan, Christine Smith, Brian Stephenson, Evelyn Stephenson

No members of the public or press attended the meeting.

CAB.36 Declarations of Interest

Councillor Vivien Taylor declared a personal and prejudicial interest in Item 11 of the agenda as her family owned a business adjacent to the ferry slipway and because she had made a declaration of ongoing public support for the ferry service and she left the meeting during discussion of the item.

CAB.37 Minutes

The minutes of the Cabinet meeting held on 15 February 2017 were confirmed as a correct record.

CAB.38 Public Questions

None.

CAB.40 Domestic Abuse task group - final report

Cabinet agreed that the order of agenda items be rearranged so that item 6 on the agenda could be taken next to allow Councillor Reeves, the Chairman of the Domestic Abuse task group, to leave immediately afterwards.

The Chairman of the Domestic Abuse task group and the Service Director Performance and Innovation submitted a report detailing the work of the Domestic Abuse task group.

The Neighbourhood Services and Community Safety Portfolio Holder thanked the members of the task group and Peter Foulsham, Scrutiny Officer, for their work on the task and acknowledged that Councillor Reeves, as chairman, had been the driving force behind the group and that it had been a high point in her work as a councillor.

Councillor Berry gave his wholehearted support to all six of the task group's recommendations and advocated that all were accepted. He added that in respect of recommendation 4, Councillor Barry Birch had already asked to be one of the Domestic Abuse Champions. Councillor Christine Smith was then nominated as the other councillor Domestic Abuse Champion and this was accepted.

The Chief Executive informed Cabinet that he had volunteered himself to be one of the officer Domestic Abuse Champions and that the Service Director Health and Wellbeing, Neil Greenwood (Head of Environmental Health and Community Safety) and Dave McArthur (Private Sector Housing and Housing Options Manager) had also volunteered to give four officer options.

Decision taken

Cabinet agreed

1. That steps be taken by the council's representative on the Police and Crime Panel and/or the Portfolio Holder and officers of the council to make representations to the Office of the Police and Crime Commissioner to ensure that the views of Wyre Council, as a recognised stakeholder, are taken into account throughout the process of performance monitoring of the newly commissioned service.
2. That all councillors be offered and encouraged to take part in domestic abuse training, to be delivered by the end of March 2018.
3. That the Council continues to support and promote the annual White Ribbon Campaign.
4. That the Council appoints two councillors and two officers as Domestic Abuse Champions
5. That the Overview and Scrutiny Committee receives a briefing report, preferably specific to the Wyre Council area, from the council's representative on the Police and Crime Panel or the Portfolio Holder about the newly commissioned service at the beginning of the 2018/19 Municipal Year.
6. That the report from the council's representative on the Police and Crime Panel or the Portfolio Holder to the Overview and Scrutiny Committee at the beginning of the 2018/19 Municipal Year includes comments about the implementation of each of the task group's recommendations.

The Leader thanked Councillor Reeves on the eve of her resignation as a councillor for all she had done for the council since becoming an elected member.

CAB.41 Food Hygiene task group - final report

The Chairman of the Food Hygiene task group and Service Director Performance and Innovation submitted a report detailing the work of the Food Hygiene task group.

The Health and Community Engagement Portfolio Holder praised the thoroughness of the task group's report, thanked the members and stated that she fully supported all the recommendations.

Decision taken

Cabinet agreed

- that the Food Hygiene Rating Scheme be promoted across the borough, using all methods that the council has at its disposal, to raise public awareness and interest, and to help raise food hygiene standards in commercial premises and in residential establishments.
- that, recognising the positive effect of legislation in Wales, a letter be sent from the Leader of the Council and the Chief Executive to the Secretary of State in the Department for Environment, Food and Rural Affairs (copied to Wyre's three MPs) urging the Government to bring forward legislation at the earliest opportunity to introduce a mandatory Food Hygiene Rating Scheme.
- that it be made a requirement:
 - i. that for any festivals and events run by the council any food business should have a Food Hygiene Rating of 3 or more to trade. The council should also endeavour to reflect the same terms, where possible, in new lease arrangements for any food business run from council premises.;
 - ii. that for the Wyre Business Awards any food business taking part should have a Food Hygiene Rating of 4 or 5 (reflecting the fact that the Awards are an exhibition of excellence in the borough).

CAB.42 Exclusion of public and press

Cabinet agreed that the order of agenda items be modified to allow item 11 on the agenda to be taken next so that non-executive members who had left the still-continuing Planning Committee meeting to attend for this item could return to that meeting immediately afterwards.

In accordance with Paragraph 11 of the Access to Information Rules in Part 4 of the Council's Constitution, the Chief Executive had determined that the report submitted under item 11 of the agenda was "Not for Publication" because it contains "exempt information", as defined in Schedule 12A of the Local Government Act 1972.

Decision taken

Cabinet agreed that the public and press be excluded from the meeting whilst agenda item 11 was considered, on the grounds "that their presence would involve the disclosure of exempt information as defined in category 3 (Information relating to the financial or business affairs of any particular

person (including the authority holding that information)) of Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006 and, that the public interest in maintaining the exemption outweighs the public interest in disclosing the information”

CAB.43 Fleetwood to Knott End Ferry

The Planning and Economic Development Portfolio Holder and Service Director People and Places submitted a report to provide an update on the procurement exercise undertaken for the operation of the Fleetwood to Knott End Ferry.

Decision taken

Cabinet agreed to defer the decision and negotiate to continue the service in the short term.

CAB.44 Marine Hall Dome Restoration - Capital Overspend

The Resources Portfolio Holder and Service Director Performance and Innovation submitted a report asking Cabinet to consider the capital overspend in relation to restoration of the dome at the Marine Hall, Fleetwood.

Decision taken

Cabinet noted the explanation of the variations to the budget and agreed that the most recently reported 2016/17 Capital Budget and its funding be updated to reflect an overspend of £19,389.

CAB.45 Treasury Management Policy Statement and Practices and Treasury Management and Annual Investment Strategy and Minimum Revenue Provision Policy Statement 2017/18

The Resources Portfolio Holder and the Head of Finance submitted a report setting out the policies and objectives of the Council in respect of Treasury Management activities, explaining how the Council seeks to achieve the objectives and manage and control the activities, and asking Cabinet to agree a strategy for 2017/18.

Decision taken

Cabinet approved

- the Treasury Management Policy Statement 2017/18 and agreed to formally adopt clauses 4 to 7.
- the revised Treasury Management Practices 2017/18.
- the Treasury Management and Annual Investment Strategy 2017/18.
- the MRP Policy Statement 2017/18.

CAB.46 Life in Wyre Survey results 2016

The Leader of the Council and the Chief Executive submitted a report providing Cabinet with a summary of the findings from the Life In Wyre Survey.

Decision taken

Cabinet agreed to note the findings and ensure that the survey data is used to shape future service provision.

The meeting started at 6pm and finished at 6.58pm.

Date of Publication: 24 March 2017

Options considered but rejected

Any alternative options that were considered but rejected, in addition to the reasons for the recommendations that were made, are included in the full reports.

When will these decisions be implemented?

All decisions will be put into effect five working days from the date of publication, unless a decision is “called-in” by any four Members of the council within that period. NOTE The decision taken at CAB.34 will not be implemented until 27 February 2017, which is 28 days after it appeared on the Schedule of Executive Decisions. The “call-in” procedure is set out in [Part 4 of the Council’s Constitution](#) (Paragraph 16 of the Overview and Scrutiny Procedure Rules). If a decision is “called-in”, the Overview and Scrutiny Committee may decide that the original decision should be upheld or ask Cabinet to reconsider the decision.

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Report of:	Meeting	Date	Item no.
Garry Payne (Chief Executive), Liesl Hadgraft (Monitoring Officer) & Clare James (Section 151 Officer)	Cabinet	12 July 2017	4

Cabinet minutes 7 September 2016

1. Purpose of report

1.1 To advise that a footnote is to be added to the Cabinet minutes of the 7 September 2016, to clarify a statement made at that meeting.

2. Outcomes

2.1 That reference to a particular item is clarified but that the minutes remain unchanged.

3. Recommendation

3.1 That the contents of this report are duly noted.

4. Background

4.1 A matter has been brought to the council's Monitoring Officer with regard to the minutes of the Cabinet meeting held on 7 September 2016. A review of this has identified that the minutes are a true record of what took place at the meeting.

4.2 However, the third paragraph of minute number **CAB.09** has the potential to be open to misrepresentation and requires a footnote to be added to the minutes to clarify the position.

5. Key issues and proposals

5.1 That in relation to item number **CAB.09** of the minutes recorded at the Cabinet meeting of 7 September 2016, the following words be added as a footnote:

NOTE

These minutes were confirmed at the following Cabinet meeting on 19 October 2016 as a correct record of what took place at the meeting on the 7 September 2016.

However with regard to the third paragraph of minute CAB09 (Lancashire County Council Property Strategy – consultation response) a review by the council’s Monitoring Officer has determined that the following clarification should be provided

“The Labour members of the task group who also sit on the Overview and Scrutiny Committee had indicated in the previous Overview and Scrutiny meeting that they did not support the Task Group report as presented to the Cabinet.”

Financial and legal implications	
Finance	There are no financial implications associated with this report.
Legal	The addendum satisfies compliance with public law requirements and ensures that information recorded at meetings is clear, correct and unambiguous.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
data protection	x

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List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

None



Report of:	Meeting	Date	Item no.
Councillor Roger Berry, Neighbourhood Services and Community Safety Portfolio Holder and Mark Billington, Service Director People and Places	Cabinet	12 July 2017	6

Car Parking Strategy 2014-19 Recommendations

1. Purpose of report

1.1 To approve recommended actions made in the Car Parking Strategy 2014-19 following reviews undertaken considering the impacts of the Booths developments in Garstang and Poulton-le-Fylde.

2. Outcomes

2.1 Cost effective quality services will be provided across the council's parking portfolio.

2.2 The parking assets will be managed to provide best value for the council.

3. Recommendations

3.1 To discontinue Sunday worship permits, as there is no longer a demand.

3.2 That a 12-month Motorhome Parking trial is undertaken at Central Car Park Fleetwood (adjacent to the former kite shop).

3.3 That the Head of Engineering be authorised to carry out statutory consultation and advertise the changes outlined in this report to the Council's Off street Parking Places and Consolidation Order 2012.

3.4 That, subject to no objections being received, the Head of Engineering be authorised to make the amendments to the council's Off street Parking Places and Consolidation Order 2012.

- 3.5 That any objections received following the statutory advertisement be reported to the Neighbourhood Services and Community Safety Portfolio Holder for consideration.
- 3.6 That the enforcement and management of the council's car parks be retained through a single Lancashire contract with the council remaining responsible for managing its own car parks with enforcement being provided through NSL (Option 2). Penalty Charge Notice (PCN) processing would continue to be provided by Lancashire Parking Services (LPS). This is a change to the original Cabinet decision of 24 September 2014 that proposed Lancashire County Council (LCC) be appointed to deliver and manage the enforcement service for Wyre's car parks (Option 1).

4. Background

- 4.1 The council currently operates nine Pay and Display car parks and 21 free car parks.
- 4.2 The Car Parking Strategy 2014-19, was adopted by Cabinet on 5 April 2014. This report reflects key areas of change to the original strategy.

5. Key issues and proposals

5.1 Sunday Worship Parking Permits

These permits allow holders to park free for up to 3 hours in nominated car parks to attend Sunday worship. Currently there are no Sunday Worship parking permits in use.

In 2013 a legal challenge was made by the National Secular Society against Woking Borough Council about the legality of such permits. The challenge was based on whether such permits are illegal under the Equality Act 2010 and discriminate against non-religious persons. In the end the case was withdrawn and the scheme not challenged.

With no permits now in use, it is proposed that the scheme is discontinued.

5.2 Motorhome Overnight Parking

There is an ever growing demand for parking for motorhomes within the borough.

The council's current Traffic Regulation Order expressly forbids overnight occupancy in any of its car parks.

Currently only Fylde Council offer overnight motorhome parking locally. The parking, on St. Annes' swimming pool site, offers parking for up to three nights for a £5 per night fee and has proved to be very popular. The site offers no facilities, although a sluice is available at the public toilets 500m to the north of the site.

It is proposed that a 12-month trial is undertaken on the Central car park, Fleetwood offering overnight parking for motorhomes. The site is well positioned for Fleetwood town centre and offers a secluded site close to the beach.

It is proposed that, similar to Fylde, a fee of £5 per night, up to a maximum of three nights is introduced payable by the RingGo payment scheme currently used on the Council's Pay and Display car parks.

In order to allow changes to the use of car parks for motorhomes and to discontinue the Sunday worship permits, the Council's Off street Parking Places and Consolidation Order 2012 will require updating. Statutory consultation and advertising will be required as part of this process including consultation with Fleetwood Town Council. Changes brought about by other alterations to the council's car parks including the change to the naming of Hardhorn Road to Wheatsheaf Way car park will be made at the same time.

Enforcement

The Council currently employ Lancashire Parking Services (LPS) to undertake its enforcement and administration; LPS sub-contract enforcement to NSL Ltd following a full OJEU tendering exercise. Of the 12 district councils in Lancashire, Wyre, Lancaster, and South Ribble use both these services; the remaining councils all use NSL for enforcement only.

On 18 June 2014 LPS wrote to Wyre Council with two options for off-street parking enforcement within the borough.

Option 1:

LPS propose to deliver and manage off street enforcement at no cost to the council. This would include processing of all PCNs and dealing with all correspondence throughout the three stage appeals process (challenge, representation and appeal). In return, LPS would retain all income from PCNs.

Option 2:

LPS would manage enforcement through a third party (NSL), chargeable to the council. Processing of PCNs would be undertaken by LPS but at a cost to the council. All penalty charge notice income would be retained by Wyre Council.

At the meeting of 24 September 2014 Cabinet accepted that there are obvious efficiencies to be gained from the adoption of one enforcement regime county-wide and selected Option 1. The report noted that, the proposed agreement would mean that the council would have no control over the enforcement regime and there would be a loss of local contact for the public to discuss parking issues.

5.3 Current Operation

Despite officers contacting LCC on a regular basis no legal agreement has been reached. In the absence of a legal agreement the council has continued with the existing procedure (Option 2) of managing enforcement through NSL Ltd. Officers have used this period to rationalise and make the service more effective and efficient than the previous operation on which the original Cabinet decision was made. The changes to car parking including the new developments at Booths have been fully considered and the effective cost of the service determined.

Comparison of Options following review

A comparison of the costs of adopting both Options has been included at Appendix A to show the financial implications of each. This identifies that, with some changes, the current operation can achieve a cost neutral position and that Option 2 is therefore feasible financially.

There are a number of advantages with adopting Option 2 including;

1. Ability to allow discretion independently to Challenges and Representations.
2. Potential for better management over the issuing of PCNs – i.e. the council does not operate PCN targets. Removes risk of over or under enforcement.
3. Maintenance / fault checking of meters – LPS have not confirmed whether they will continue to deal with minor maintenance of car park meters as currently undertaken by NSL. Lancaster Council have stated that LPS informed them that no such work would be undertaken. As such small issues, such as coin jams, paper jams or paper running out would need to be repaired by Wyre staff. This is currently not allowed for in the LCC offer.
4. Wyre operates a number of free parking events such as Remembrance Sunday and Small Business Saturday. It is unclear whether these would continue to be offered free of charge under Option 1 as there would be a loss of PCN income to LPS.

- 5.4 It is therefore proposed that Option 2 is taken forward with the council remaining responsible for managing its own car parks with enforcement being provided through NSL.

Financial and legal implications	
Finance	The financial implications of this change in decision are expected to be cost neutral, providing an agreement is reached with NSL with regard to the use of a moped. The continuing operation of Option 2, with some changes will safeguard car park income through both sufficient enforcement to ensure Pay and Display tickets are purchased and immediate servicing of ticket machines. The current revenue budgets already reflect a cost neutral position.

	<p>The previous Cabinet report referred to the potential for uncosted savings in staff time, were Option 1 to be adopted. Therefore a consequence of continuing with Option 2 will be that any potential savings in staff time will not be realised. However opportunities to achieve more efficient working practices will continue to be explored and a further re-tendering of the arrangement will take place in 2019.</p> <p>Any costs of signage to be updated to reflect the introduction of Motorhome parking and other changes will be met from existing car park maintenance budgets.</p>
Legal	<p>Under the Road Traffic Regulation Act 1984 and the Local Authorities Traffic Order (Procedure) (England and Wales) Regulations 1996, changes to the Council's Traffic Regulation Order will require advertisement and consultation.</p> <p>A legal agreement for the provision of off-street parking enforcement services will be entered into for the residual two-year agreement in line with the original county wide tender. A review for future provision will be made during this period.</p>

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	✓
climate change	x
data protection	x

report author	telephone no.	email	date
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List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

Appendix A - A comparison of the costs of LPS Enforcement Options.

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APPENDIX A

A comparison of the costs of LPS Enforcement Options.

A comparison of the costs of adopting both Options has been prepared below to show the financial advantages of each.

	Option 1		Option 2	
(NSL) ENFORCEMENT				
- Civil Enforcement Officer	included	£0.00	£11.79 / hr	£29,887.65
- Supervisor	included	£0.00	£14.18 / hr	£8,295.31
- Motorised two wheeler	included	£0.00	£7.69 / day	£2,606.91
- Four seater car	included	£0.00	£19.00 / day	£0.00
IT	included	£0.00	annual cost	£809.82
(LCC) PCN Processing	included	£0.00	£3.45 each	£7,038.00
PATROL costs **	included	£0.00	£0.40 each	£816.00
Debt Registration ***	included	£0.00	£7.00 each	£700.00
PCN Income*		£0.00		-£50,490.00
		£0.00		-£336.31

* Based on 2,040 PCNs split 75% lower rate / 25% higher rate. Assumes 10% cancelled PCNs.

** PATROL: Parking and Traffic Regulations Outside London: Payments are made for the enforcement of parking tickets, the 2004 Traffic Management Act requires an appeals procedure which PATROL operates for a levy of 40p per PCN issued.

*** Debt Registration: Registration of debt for non-payment of PCN at County Court

The comparison of costs, based on the same number of PCNs issued in 2017/18 as 2016/17, shows a small net surplus by using Option 2 rather than Option 1.

Neither of the two other councils who currently use LPS have opted for Option 1 – both South Ribble and Lancaster have opted for Option 2, preferring to keep overall control of enforcement in-house.

It is noted that, as part of Option 1, LCC (LPS) have offered to deal with all stage three appeals. However, as Wyre Council is the Parking Authority, the legality of this would need to be checked to ensure the council is operating within the confines of the Traffic Management Act 2004.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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