

Council Minutes

The minutes of the Council meeting held on Thursday, 6 December 2018 at the Council Chamber, Civic Centre, Poulton-le-Fylde.

Councillors present:

The Mayor, Councillor Marge Anderton and the Deputy Mayor, Councillor Michael Barrowclough

Councillors I Amos, R Amos, E Anderton, Atkins, Ballard, Beavers, Berry, B Birch, C Birch, Bowen, Cartridge, Catterall, Collinson, I Duffy, R Duffy, Ellison, Fail, Gibson, Greenhough, Henderson, Hodgkinson, Holden, Ibison, Ingham, Jones, Kay, McKay, Moon, Murphy, Orme, Pimbley, Raynor, Robinson, Shewan, Smith, B Stephenson, E Stephenson, A Turner, S Turner, A Vincent, Matthew Vincent, M Vincent, Walmsley and Wilson.

Apologies: Councillors Balmain, Bridge, Lees and Ormrod.

Officers present:

Garry Payne, Chief Executive
Mark Broadhurst, Service Director Health and Wellbeing
Mark Billington, Service Director People and Places
Marianne Hesketh, Service Director Performance and Innovation
Roy Saunders, Democratic Services and Scrutiny Manager
Duncan Jowitt, Democratic Services Officer
Hayley McGuffie, Communications Team

Also present: Alderman Bannister and seven members of the public.

52 Confirmation of minutes

Agreed (by 31 votes to 8, with 5 abstentions) that the minutes of the meeting of the Council held on 18 October 2018 be confirmed as a correct record.

53 Declarations of Interest

The following councillors declared a non-pecuniary interest in agenda item 13 (Notice of Motion on Universal Credit):

- Cllrs Moon, Greenhough and Cartridge, because they were landlords of premises in the Borough;
- Cllrs Ellison and E Anderton, because they were employees of the Department for Work and Pensions;
- Cllr Beavers (when speaking on the Motion) because she referred to the likely intention of her daughter to claim Universal Credit when she returned to full-time education to complete her degree.

Cllr E Anderton said that in order to comply with her Employers Code of Conduct she would not take part in the debate or vote on the motion. The other councillors did not indicate that their interest was sufficiently significant to preclude them from the speaking or voting on the motion.

54 Announcements

1. The Mayor announced that the Mayor's Charity Ball would take place at The North Euston Hotel on Friday 8 March 2019 and that tickets would be on sale soon from the Mayor's Secretary.
2. The Leisure, Health and Community Engagement Portfolio Holder announced that Fleetwood Market had been the winner of the retail experience category at the Lancashire Tourism Awards 2018. She presented the trophy and a framed certificate to the Mayor.

55 Public questions or statements

None received.

56 Questions "On Notice" from councillors

None received.

57 Executive reports

- (a) Leader of the Council (Councillor Henderson)

The Leader of the Council (Cllr Henderson) submitted a report.

Cllr Henderson provided an update on the meeting referred to in his report between representatives of Lancashire Leaders and Jake Berry MP, who had indicated that further Government guidance on arrangements for the formulation of combined authorities was likely to be issued.

Cllr Henderson responded to questions and comments from Cllrs R Duffy, Beavers, Gibson and B Stephenson.

Agreed that the report be noted.

(b) Resources Portfolio Holder (Councillor A Vincent)

The Resources Portfolio Holder (Cllr A Vincent) submitted a report.

Cllr A Vincent responded to questions and comments from Cllrs McKay, Fail, Gibson and E Anderton.

Agreed that the report be noted.

(c) Street Scene, Parks and Open Spaces Portfolio Holder (Councillor Bridge)

The Street Scene, Parks and Open Spaces Portfolio Holder Cllr Bridge submitted a report.

In the absence of Cllr Bridge, the Leader of the Council (Cllr Henderson) introduced the report and responded to questions and comments from Cllrs Orme, Gibson, B Stephenson, Kay, E Anderton and A Turner.

Cllr Henderson said he would send a written response to Cllr Gibson about the amount of income so far generated from fixed penalty notices issued under the environmental enforcement pilot.

Cllr Henderson said he would also send a written response to Cllr E Anderton providing a breakdown of environmental fines issued by ward and information on the proportion of fines actually paid.

Agreed that the report be noted.

(d) Planning and Economic Development Portfolio Holder (Councillor Michael Vincent)

The Planning and Economic Development Portfolio Holder (Cllr Michael Vincent) submitted a report.

Cllr Michael Vincent responded to questions and comments from Cllrs Ballard, Gibson, Shewan, Fail, Greenhough, Ingham, Beavers and Lady Atkins.

Agreed that the report be noted.

(e) Neighbourhood Services and Community Safety Portfolio Holder (Councillor Berry)

The Neighbourhood Services and Community safety Portfolio Holder (Cllr Berry) submitted a report.

Cllr Berry responded to questions and comments from Cllrs Fail, Beavers, and Collison.

Cllr Berry said he would arrange for a written reply to be sent to Cllr E Anderton about informal concerns raised with her about response times for dealing with applications, renewals and general enquiries from taxi drivers/operators.

Agreed that the report be noted.

- (f) Leisure, Health and Community Engagement Portfolio Holder (Councillor Bowen)

The Leisure, Health and Community Engagement Portfolio Holder (Cllr Bowen) submitted a report.

Cllr Bowen responded to questions and comments from Cllrs Beavers, Matthew Vincent, E Anderton, Collinson, McKay, Gibson, Fail and S Turner.

Agreed that the report be noted.

- (g) Cabinet Member Questions and Comments

Cllr A Vincent commented on the possible cost implications for the council of a recent legal decision on the way in which business rates were charged for cash machines (ATM's) within business premises.

58 Appointments to Committees

The Leader of the Council (Cllr Henderson) and the Chief Executive submitted a report on changes to the membership of committees for the remainder of the 2018/19 Municipal Year, required to meet revised political balance calculations following the formation of the Wyre Independent Group.

Agreed:

1. That a Conservative Councillor (Cllr Jones) be removed from the Overview and Scrutiny Committee.
2. That a Conservative Councillor (Cllr Greenhough) be removed from the Planning Committee.
3. That a Conservative Councillor (Cllr Pimbley) be removed from the Licensing Committee.
4. That a Labour Councillor (Cllr B Stephenson) be removed from the Audit Committee.
5. That a Conservative Councillor (Cllr Wilson) be removed from the Employment and Appeals Committee.
6. That, Cllr Gibson be appointed to the Overview and Scrutiny Committee, the Planning Committee, the Licensing Committee and the

Audit Committee and that Cllr R Duffy be appointed to the Employment and Appeals Committee for the remainder of the 2018/19 Municipal Year, as nominees of the Independent Group.

59 Treasury Management Activity April 2018 - September 2018

The Resources Portfolio Holder (Cllr A Vincent) and the Head of Finance submitted a report on the overall position and activities in respect of treasury management for the first half of the 2018/19 financial year.

Agreed:

1. That the Annual Report on Treasury Management Activity for the first half of the 2018/19 financial year be approved.
2. That the Treasury Management Policy and Strategy Statements and Treasury Management Practices be updated to allow for investments to be made in two additional Money Market Fund structures, namely Low Volatility Net Asset Value and Variable Net Asset Value funds.

60 Joseph Kenyon Foundation: Decision Making and Reporting Structure

The Resources Portfolio Holder (Cllr A Vincent) and the Service Director People and Places submitted a report on proposals to clarify responsibilities for decision making on issues affecting the management, maintenance and future use of Kenyon Gardens and adjoining land held in trust as part of the Joseph Kenyon Foundation, Thornton Cleveleys.

Agreed (unanimously):

1. That it be noted that when decisions are being made about Kenyon Gardens, whether collectively by the whole Council or individually by the Resources Portfolio Holder, Councillors will be acting in their capacity as Trustees of the Joseph Kenyon Foundation.
2. That (notwithstanding the position stated in paragraph 3.1) when issues relating to Kenyon Gardens are being considered by Councillors in their capacity as Trustees, any meetings will be conducted and any reports will be published in accordance with the Procedure Rules set out Part 4 of the Council's Constitution.
3. That any major decisions, including any proposal to seek to dispose of all or part of the freehold of the Kenyon Gardens site or to seek approval from the Charity Commission for a 'scheme' to change the use of the site will be made at a meeting of the full Council.
4. That the Resources Portfolio Holder be authorised to make any other decisions relating to the management, maintenance and upkeep of Kenyon Gardens on behalf of the Trustees (i.e. excluding disposal or change of use but including approval of grazing licenses) and that updates be provided to the Council via the Portfolio Holder's Executive

Reports.

5. That the Service Director People and Places be authorised to manage and maintain Kenyon Gardens on a day to day basis on behalf of the Trustees.
6. That the Constitution be amended to include the above provisions.

61 Notice of Motion 1: Calendar of meetings

The following Notice of Motion was submitted by Councillors Fail, Beavers, Raynor and B Stephenson in accordance with Paragraph 14.1 of the Council Procedure Rules.

“This Council is concerned that a ‘calendar of meetings’ report has been presented to Full Council for noting rather than voting on. It is also concerned that there has been no thorough impact analysis or public consultation, and that Councillors have not had the opportunity to scrutinise.

To provide a way forward that is acceptable to all, the Council request the following:-

Full Council Meetings

To balance out the loss of a Full Council Meeting, para 11.3 of the Council Procedure Rules in Part 4.01 be amended to state that “A maximum of fifteen minutes will be allocated for questions or comments to and responses by each Member of the Executive (Cabinet).”

To ensure any future meeting changes are dealt with more smoothly, this Council requests that para 2 of the Council Procedure Rules in Part 4.01 the Council be amended in order to clarify the responsibilities, and to make it absolutely clear that the frequency of meetings and the basic content of meetings is an elected member responsibility.

Overview & Scrutiny Meetings

The suggested changes to O& S meetings are not in keeping with para 3.1 of Part 4.05 of the constitution (Ordinary meetings of the Overview and Scrutiny Committee will be programmed to take place at approximately monthly intervals).

As such, prior to any change of frequency, a formal change of the constitution must be brought before Full Council.

Cabinet Meetings (for information only)

The changes to Cabinet are in keeping with para 1.6 of Part 4.04 of the

constitution (The Cabinet will be scheduled to meet at least 8 times per year at times to be agreed by the Leader). Council proposes no action to be taken.”

The motion was proposed by Cllr Fail and seconded by Councillor Beavers.

Councillor Michael Vincent proposed and Cllr Moon seconded an amendment (by deleting some words from the original motion and including others) as follows:

This Council believes that amendments to the constitution of this Council are a matter for the members and requests that a suitable amendment to the constitution be brought forward to confirm the same as soon as possible.

Further, it is recognised that reducing the number of meetings from 9 to 8 to increase the efficiency and productivity of this Council will reduce the time available to ordinary members to raise questions of the executive.

This is not desirable and so this Council proposes that the time for questions be increased proportionately to the time lost.

As such, and in addition to the immediate amendment aforesaid, the Council requests that the following amendments be brought to the meeting of 4 April 2018 so that, should the proposed amendments be approved, they shall take effect prior to the commencement of the calendar of meetings for the municipal year 2019/20:

- 1. That Paragraph 11.3 of the Council Procedure Rules in Part 4.01 be amended to state that:*

“A maximum of eleven minutes will be allocated for questions or comments to and responses from each Member of the Executive (Cabinet)”

- 2. That Paragraph 3.1 of Part 4.05 be amended to state that:*

“Ordinary meetings of the Overview and Scrutiny Committee will be programmed to take place at approximately six weekly intervals”

Councillor Beavers proposed and Councillor Fail seconded, in accordance with paragraph 15(h) of the Council Procedure Rules, that the meeting be adjourned for 15 minutes to enable the Labour members to consider the implications of the amendment.

However the proposal to adjourn the meeting was LOST, by 32 votes to 11.

Councillors Murphy, Henderson, Walmsley spoke in support of the amendment.

Councillors B Stephenson, Fail, R Duffy and Shewan spoke against the amendment.

A recorded vote was requested in accordance with Paragraph 18.4 of the

Council Procedure Rules

The following members voted for the amendment:

Councillors I Amos, R Amos, Lady Atkins, Ballard, Berry, B Birch, C Birch, Bowen, Cartridge, Catterall, Collinson, Ellison, Greenhough, Henderson, Hodgkinson, Holden, Ibison, Ingham, Jones, Kay, McKay, Moon, Murphy, Orme, Pimbley, Robinson, A Turner, S Turner, A Vincent, Matthew Vincent, Michael Vincent, Walmsley and Wilson.

The following Members voted against the amendment:

Councillors E Anderton, Barrowclough, Beavers, I Duffy, R Duffy, Fail, Gibson, Raynor, Shewan, Smith, B Stephenson and E Stephenson.

The Mayor (Cllr M Anderton) abstained.

The amendment was CARRIED by 33 votes to 12, with 1 abstention.

The original motion therefore fell and was not debated further.

The approved amendment therefore became the substantive motion and, following a further vote, was approved by 33 votes to 12, with 1 abstention and it was **agreed** that:

This Council believes that amendments to the constitution of this Council are a matter for the members and requests that a suitable amendment to the constitution be brought forward to confirm the same as soon as possible.

Further, it is recognised that reducing the number of meetings from 9 to 8 to increase the efficiency and productivity of this Council will reduce the time available to ordinary members to raise questions of the executive.

This is not desirable and so this Council proposes that the time for questions be increased proportionately to the time lost.

As such, in addition to the immediate amendment aforesaid, the Council requests that the following amendments be brought to the meeting of 4 April 2018 so that, should the proposed amendments be approved, they shall take effect prior to the commencement of the calendar of meetings for the municipal year 2019/20:

1. That Paragraph 11.3 of the Council Procedure Rules in Part 4.01 be amended to state that:

“A maximum of eleven minutes will be allocated for questions or comments to and responses from each Member of the Executive (Cabinet)”

2. That Paragraph 3.1 of Part 4.05 be amended to state that:

“Ordinary meetings of the Overview and Scrutiny Committee will be

programmed to take place at approximately six weekly intervals”.

62 Notice of Motion 2: Calendar of Meetings

The following motion was submitted, in accordance with paragraph 14.1 of the Council Procedure Rules by Councillors Gibson, Fail, E Anderton and Beavers.

“That this Council recognises the need for transparency and engagement with both residents and members. The democratic process is important to this Council and the Council will not play fast and loose with democracy.

Currently of the Full Council meetings per year the AGM and the Budget meeting do not facilitate the ability of Non Executive members to question or comment to the Portfolio Holders on their areas of responsibility.

This Council resists any suggestion that the number of Full Council meetings per year be reduced and as such the Council insists that any report proposing to reduce the number of Full Council Meetings be withdrawn immediately.”

The motion was proposed by Cllr Gibson and seconded by Cllr Fail.

Councillors R Duffy, Shewan and E Anderton spoke in support of the motion.

Councillors Henderson, Michael Vincent and McKay spoke against the motion.

A recorded vote was requested, in accordance with paragraph 18.4 of the Council Procedure Rules.

The following members voted for the motion:

Councillors E Anderton, Barrowclough, Beavers, I Duffy, R Duffy, Fail, Gibson, Raynor, Shewan, Smith, B Stephenson and E Stephenson.

The following members voted against the motion:

Councillors I Amos, R Amos, Lady Atkins, Ballard, Berry, B Birch, C Birch, Bowen, Cartridge, Catterall, Collinson, Ellison, Greenhough, Henderson, Hodgkinson, Holden, Ibison, Ingham, Jones, Kay, McKay, Moon, Murphy, Orme, Pimbley, Robinson, A Turner, S Turner, A Vincent, Matthew Vincent, Michael Vincent, Walmsley and Wilson.

The Mayor (Cllr M Anderton) abstained.

The motion was therefore **LOST**, by 33 votes to 12, with 1 abstention.

63 Calendar of meetings 2019/20

The Leader of the Council (Cllr Henderson) and the Chief Executive

submitted a report setting out the calendar of meetings involving councillors for 2019/20.

Agreed that the calendar of meetings for 2019/20 be noted.

64 Notice of Motion: Universal Credit

The following motion was submitted, in accordance with paragraph 14.1 of the Council Procedure Rules, by Councillors Beavers, Fail, Shewan and B Stephenson:

"This council expresses its dismay at the manner that Universal Credit has been is being implemented in this country.

This December Universal Credit will go live in Wyre and any new claims or changes to claims will automatically take families off the legacy benefits and place them on Universal Credit.

Universal Credit is not fit for purpose. The 4 to 6 week wait for claimants to receive their benefits is unacceptable and will impact on the vulnerable and the poor resulting in Wyre children going hungry and residents homes being put at risk.

The idea that all workers are in jobs where they are paid a month in arrears ignores the reality for the 1.5m workers who struggle on zero hours, insecure jobs or forced self-employment. Claimants need to be paid from day one. 'Despite the lip service paid to this issue in the Autumn Budget, the fundamental problem remains essentially unresolved.'

- *Payments going to one named member of a household. Many claimants struggle to budget and payments should be paid to the separate claimants within a household and on a fortnightly rather than monthly basis. With the present policy there is a real danger that if the whole benefit goes to one named individual there is no guarantee that the money will be distributed fairly within the household*
- *Claimants need to have their rent paid directly to landlords to avoid the unacceptably high levels of arrears and homelessness that have occurred in the areas where UC already exists. Pushing claimants into debt adds to the stress and insecurity for claimants.*
- *An end to benefit sanctions as there is no evidence that sanctioning helps people into work. In fact taking away claimant's ability to feed themselves and their families prevents them from focusing on finding employment as they are too busy trying to survive. The evidence of the harm that sanctions cause is growing – they are an unnecessary cruelty in our benefits system.*
- *Allow all new claimants to apply for Universal credit in jobs centres with the support of trained job centre staff.*

By forcing new claimant to apply on-line causes real problems for many people who don't have either access or the IT skills to cope with the complex online application. This isn't working and is resulting in more sanctions and more hunger.

- *Abandon the in-work conditionality for part-time or low paid workers – the idea that there are extra hours or higher paid work for the large numbers of these affected workers is simply not the case. This clause of UC places the emphasis on individuals who often want greater number of hours of work- and not on the employers who benefit from short hours and insecurity.*
- *The overall level that is funded need to be urgently increased. The rate at which some claimants will lose benefit is set at 63p in the pound, which when compared with the top rate of income tax of 45% on incomes over £150,000 a year, demonstrates just how unfair UC is for the lowest income families.*

This council notes with concern the impact that the roll-out of universal credit will have on its residents of Wyre and resolves to write to the Secretary of State for Pensions asking her to halt the roll-out of Universal Credit within Wyre until it has resolved the undeniable failures to protect the poorest and most vulnerable members of our district.”

The motion was proposed by Cllr Beavers and seconded by Cllr B Stephenson.

A recorded vote was requested, in accordance with paragraph 18.4 of the Council Procedure Rules.

The following members voted for the motion:

Councillors Barrowclough, Beavers, Fail, Gibson, Raynor, Shewan, Smith, B Stephenson and E Stephenson.

The following members voted against the motion:

Councillors I Amos, R Amos, Lady Atkins, Ballard, Berry, B Birch, C Birch, Bowen, Cartridge, Catterall, Collinson, Greenhough, Henderson, Hodgkinson, Holden, Ibison, Ingham, Jones, Kay, McKay, Moon, Orme, Pimbley, Robinson, A Turner, S Turner, A Vincent, Matthew Vincent, Michael Vincent, Walmsley and Wilson.

The following members abstained from voting:

The Mayor (Cllr M Anderton), Councillors E Anderton and Ellison.

(Cllrs I Duffy, R Duffy and Murphy had left the meeting before the vote was taken.)

The motion was therefore **LOST**, by 31 votes to 9, with 3 abstentions.

The meeting started at 7pm and finished at 10.14pm.

NOTE: An audio recording of this meeting is available via the following link:

<https://www.youtube.com/watch?v=HIQ8MI1ypww>