

# MORECAMBE TOWN COUNCIL

12<sup>th</sup> January 2018

Sir/Madam,

You are hereby summoned to attend the Meeting of the Morecambe Town Council to be held in the Town Hall, Morecambe on **Thursday 18<sup>th</sup> January 2018** commencing at **7.00 p.m.**

The following items will be discussed:

## Agenda

### 1. Apologies for Absence.

### 2. Declaration of Interests

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

### 3. Minutes

To approve the minutes of the Meetings of Council held on 16<sup>th</sup> November 2017 (pages 2 – 11)

*MEETING TO ADJOURNED AT THIS POINT*

### 4. Public Participation

*Opportunity for members of the public to address Council regarding items on the Agenda for up to three minutes*

*MEETING RECONVENED*

### 5. Planning, Development and Environment Committees – 5<sup>th</sup> December 2017 and 10<sup>th</sup> January 2018

To receive the minutes of the Planning Development and Environment Committee from its meetings held on 5<sup>th</sup> December 2017 and 10<sup>th</sup> January 2018 (pages 12 to 24 of supporting papers pack) and to consider recommendations made in respect of the following items:

5<sup>th</sup> December (pages 12 to 20)

- (a) Minute No. 45 – Planning Applications (pages 12 to 15 of supporting papers pack).
- (b) Minute No. 46 – Morecambe in Bloom (page 16 of supporting papers pack).

- (c) Minute No. 47 – Poulton Park Petition (page 17 of supporting papers pack).
- (d) Minute No. 48 – Disposal of Recycled Waste (pages 17 - 18 of supporting papers pack).
- (e) Minute No. 49 – Consultation re Open Spaces (pages 18 - 20 of supporting papers pack).

**10<sup>th</sup> January** (pages 21 to 24)

- (a) Minute 52(2) Minutes of the meeting held on 5<sup>th</sup> December 2017 (page 21 of supporting papers pack).
- (b) Minute No. 53 – Planning Applications (pages 21 to 24 of supporting papers pack).
- (c) Minute No. 54 – Morecambe in Bloom (page 24 of supporting papers pack).
- (d) Minute No. 55 – Allotment Update (pages 24 of supporting papers pack).

**6. Finance and Management Committee – 8<sup>th</sup> January 2018**

To receive the minutes of the Finance and Management Committee from its meeting held on 8<sup>th</sup> January 2018 (pages 25 to 50 of supporting papers pack) and to consider recommendations made in respect of the following items:

- (a) Minute No. 30 – Payments and Receipts Schedule (page 25 and 37 to 41 of supporting papers pack)
- (b) Minute No. 31 – Budget 2017/18 Update (pages 25 to 27 and 42 to 44 of supporting papers pack)
- (c) Minute No. 32 - Interim Internal Audit Report (page 27 and 45 to 47 of supporting papers pack)
- (d) Minute No. 33 – Reserves Policy (pages 27 to 28 and 48 to 50 of supporting papers pack)
- (e) Minute No. 34 – Budget 2018/19 (pages 28 to 36 of supporting papers pack)

**7. Review of Public Participation at Council Meetings**

To consider the report of the Town Clerk (pages 51 to 53 of the supporting papers pack).

**8. Community Governance Review**

To consider the report of the Town Clerk (page 54 of the supporting papers pack).

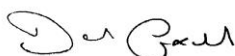
**9. Lancashire County Council Budget Consultation 2018/19**

To consider the report of the Town Clerk (page 55 of the supporting papers pack).

**10. Management of Staff**

To consider the report of the Town Clerk (page 56 of the supporting papers pack).

**11. Date of Next Meeting – Thursday 15<sup>th</sup> March 2018 at Morecambe Town Hall commencing at 7pm**



David Croxall  
Clerk to the Council  
12<sup>th</sup> January 2018

## **MORECAMBE TOWN COUNCIL**

### **Minutes of the Meeting of Morecambe Town Council held on Thursday 18<sup>th</sup> January 2018 at 7.00 p.m. at Morecambe Town Hall**

**Present:** Councillors: D. Clifford (Chairman), Janice Hanson (Vice Chairman), T. Anderson, Alex Ashworth, June Ashworth, J. Bates, V. Boyd-Power, I. Clift, R. Cleet, C. Cozler, R. Dennison, John Hanson, B. Hughes, L. Hughes, D. Hutton, T. Metcalfe, M. Ogden, M. Pattison, L. Page, J. Pilling and D. Whitaker

#### **Officers in Attendance:**

D. Croxall (Town Clerk)

#### **52. Apologies for Absence**

Councillors T. Brown, S. Burns, L. Davies, G. Dennison and P. Heath

#### **53. Declarations of Interests**

Councillors June Ashworth, Clift and Cozler declared a personal interest in Minute No. 56 as they were all members or a substitute member (Councillor Pattison) of the Lancaster City Council Planning Committee.

Councillor Pattison declared a personal interest in Minute No. 59 as she was a member of Lancashire County Council.

Councillor Whitaker declared a pecuniary interest in Minute No. 59 as he was an employed by Lancashire County Council.

Councillor Hutton declared an interest in Minute No. 56 in so far as it related to Morecambe Bloomers, as she attended the Morecambe Bloomers meeting.

Councillor Bates and Boyd-Power declared an interest in items relating to Morecambe BID as they were both Morecambe BID Board members.

#### **54. Minutes of Meeting held on 16<sup>th</sup> November 2017**

The Council considered the Minutes of the Meeting of the Town Council held on 16<sup>th</sup> November 2017.

#### **Resolved:**

That the minutes of the meeting of Council held on 16<sup>th</sup> November 2017 be signed as a correct record

*At this point the meeting adjourned to allow public participation*

#### **55. Public Participation**

Three members of the public addressed the Council:

### Mr Atack

Mr Atack updated the Council on the work of the Morecambe Bloomers Group and their wish to help the town maintain its gold medal award achieved in North West in Bloom 2017. The Group were considering a project to plant 400 foxgloves, and improve borders within the Poulton Ward, as well as considering projects that could be undertaken in the West End.

### Mr Barber

Mr Barber expressed his concern at the proposals within Item No. 7 on the agenda regarding the review of the Public Participation process.

He was particularly concerned about the suggestion that persons who did not live within the Town Council's area would no longer be permitted to address the Council, as there were many reasons why non residents could be interested in the business of the town. He also thought it unfair for residents who led busy lives to be expected to give three days' notice of their wish to address the Council. He welcomed the proposal to answer all questions in writing.

Regarding item 10 on the agenda concerning Management of Staff, he thought it impractical for the Town Clerk to receive weekly supervision meetings, particularly as Councillors were unpaid in their role.

### Mr Williams

Mr Williams expressed his concern that the Town Council had not objected to the planning application regarding the demolition of the Central Drive Bus Shelter, particularly as the Town Council had spent £45,000 on renovating the Dome Toilets on the basis that residents were concerned that Morecambe had poor public toilet provision.

He also expressed concern that following a recent Freedom of Information request to the Council that only £36,000 had been spent within the wards since the Council's implementation and nothing in the last three years.

*Following the completion of public participation, the meeting reconvened at this point*

*Councillors June Ashworth, Bates, Clift and Cozler left the meeting at this point as they had declared an interest in the whole of the Planning Committee item (Minute No. 56).*

## **56. Planning Development and Environment Committee**

The Council received the minutes of the Planning Development and Environment Committee from its meetings held on 5<sup>th</sup> December 2017 and 10<sup>th</sup> January 2018 and considered its recommendations in respect of the following items:

### 5<sup>th</sup> December 2017

- (a) Planning Applications
- (b) Morecambe in Bloom
- (c) Poulton Park Petition
- (d) Disposal of Recycled Waste
- (e) Consultation re Open Spaces

10<sup>th</sup> January 2018

- (a) Minutes of the meeting held on 5<sup>th</sup> December 2017
- (b) Planning Applications
- (c) Morecambe in Bloom
- (d) Allotment Update

**Resolved:**

- (1) That in respect of Planning applications the Council agreed to:

- (a) Support the Appeal in respect of Application No. 17/00023/REF for the replacement of pitched roof with a shallow pitched roof and parapet wall to front at 267/268 Marine Road Central, Morecambe on the basis that the application would improve the look of the building and area and would give a degree of coherence to the frontage of the building.
- (b) Agree to support the views of Lancaster City Council Contract Services in respect of Application No. 17/01359/CU for the Change of use of flat ancillary to shop into separate residential unit (C3) including creation of a new entrance, creation of new shop fronts and replacement windows at 22-24 Albert Road, Morecambe which said:

*"The above application has not considered storage for waste from the residential properties. Collection in this area is weekly from either bags or a small wheeled bin. The residents will need somewhere to store the bin/bags in between collections. Waste cannot be placed onto either the front or back street unless it is collection day."*

- (c) Agree that in respect of Application No. 17/01441/FUL regarding 1 Severn Court, the City Council be informed that whilst the Council had no objections it reiterated the response of the Highways Authority, and requests that this be taken into account by the Planning Authority prior to approving the application.
- (d) Agree that in respect of Application No. 17/01531/FUL regarding 42 Woodhill Lane, the City Council be informed that the Council supports the objection received from a member of the public and remains concerned that the proposal was for a separate building in a back garden which would contain all necessary amenities to deem it an additional dwelling, and therefore the application should be dealt with as an additional dwelling rather than as an ancillary living accommodation.
- (e) Agree that in respect of Application No. 17/01371/FUL regarding 223 Marine Road Central, the application be supported subject to the views and recommendations of the Police, Highways Authority and Fire Service being adopted by the Planning Authority prior to approving the application.
- (f) Agree to support Application No. 17/01482/ADV in respect of the Nationwide Building Society, 25 Euston Road but inform the City Council that in this case the Town Council believes the Conservation team were being overzealous in their approach.
- (g) Agree that in respect of Application No. 17/01490/FUL regarding 6 Bare Avenue the City Council be informed that the Town Council supports the views of the Tree Protection Officer and requests that the application be dealt with as a separate

- dwelling house rather than as a one bedroom annexe due to the proposed size, its effect on neighbouring properties, it would have all the required amenities to make it a separate dwelling and was of poor design given the surrounding area.
- (h) Agree that in respect of Application No. 17/01484/FUL regarding 397 Marine Road East, the City Council be informed that it was not clear from the planning application whether there would be significant overlook from the proposed balcony onto neighbouring properties, and that more information be provided to allow the Council to respond accordingly.
  - (i) Agree that in respect of Application No. 17/01487/CU regarding 31 Claremont Road, the Town Council objects to this application on the basis that it was of poor design with poor internal arrangements, a contrived layout and minimal floorspace provision, and was in an area that did not need this type of accommodation.
  - (j) Agree that in respect of Application No. 17/01524/FUL regarding 1 Burlington Grove, the City Council be informed that the Town Council would support the application although it endorsed the views of the Highways Authority and requests that these be considered by the Planning Authority prior to approving the application.
  - (k) Agree that in respect of Application No. 17/01495/FUL regarding the Sea Wall, the City Council be informed that whilst the Town Council would support this application it remained very disappointed that the sea wall development would result in the loss of the former toilet block building opposite Regent Road, and that given the nature of the town, the Town Council request that the building be replaced with a smaller more modern toilet facility together with space for an appropriate commercial outlet to be included similar to that at the Clock Tower toilets.
  - (l) Agree to make no other comments in respect of all other Planning Applications considered.
  - (m) Make no other comments in respect of the above planning applications considered on 5<sup>th</sup> December 2017 and 10<sup>th</sup> January 2018.
  - (n) Request a City Council Enforcement Officer to attend a future meeting of Council to discuss the important issues regarding enforcement of HMO's.
- (2) That the Council writes to Lancaster City Council regarding the previously approved retrospective application for the change of use from a dwelling (C3) to a residential institution (C2) for 3 young persons in receipt of care at 20 Warley Drive, Morecambe as in the opinion of the Council it had been approved without relevant conditions to control/prevent/reduce anti social behaviour occurring around this development, and given the complaints being made to the Police by local residents, the Planning Enforcement Team be requested to consider putting measures in place to ensure an adequate Management Plan was in a place to deal with ASB and unsatisfactory behaviour which was now causing disruption to neighbours and to provide a named contact in respect of the management of the establishment, which members of the public could contact.
- (3) That in respect of Morecambe in Bloom agree to:
- (a) The Presentation evening be held at Morecambe Football Club on 5<sup>th</sup> October 2018.
  - (b) Each school that entered Morecambe in Bloom receives £50 voucher towards gardening equipment, to be funded from the Morecambe in Bloom budget.

- (c) Organise a Schools Presentation Event in September 2018, to be funded from the Morecambe in Bloom budget.
  - (d) The Council continuing to engage with Lancaster City Council to enhance the town's entry in the NW in Bloom Competition 2018.
  - (e) The Council engages as many community Groups as possible to enhance the town's entry within NW in Bloom 2018.
  - (f) Authorise the Clerk to proceed with a Hanging Basket project for businesses in conjunction with Morecambe BID, including discussions with West End businesses re the establishment of hanging baskets on West End businesses and the sourcing of larger and more colourful baskets compared to those provided in 2017.
  - (g) Authorise the Clerk to advise the Morecambe Bloomers, that funds would be available within the Morecambe in Bloom budget to support any potential projects they could realistically achieve subject to Council approval and cost, and that should the proposal in the draft budget to use the Community Improvement Fund for two Community Gardens be approved, then the Bloomers Group be asked to consider whether it could design, build and manage one of the Community Gardens.
- (4) That in respect of the petition received from the Friends of Poulton Park the authors of the petition be informed that whilst the Council remained sympathetic to their aims and objectives, at this stage it could only offer to lend its support to the petition as the land in question belonged to Lancaster City Council.
  - (5) That Council be recommended to note the comments of the City Council and take no further action at this stage regarding the questions received from a member of the public regarding the collection of recycled waste.
  - (6) That the response to the City Councils Open Space consultation which expressed concerns that there was currently insufficient open/green space in the Morecambe Parished area and submitted by the Planning Development and Environment Committee and the Clerk be noted.

*Councillors June Ashworth, Bates, Clift and Cozler returned to the meeting at this point.*

## **57. Finance and Management Committee**

The Council received the minutes of the Finance and Management Committee from its meeting held on 8<sup>th</sup> January 2018 and considered its recommendations in respect of the following items:

- (a) Payments and Receipts Schedule
- (b) Budget 2017/18 Update
- (c) Interim Internal Audit Report
- (d) Reserves Policy
- (e) Budget 2018/19

With regards to the Budget for 2018/19, the minutes of the Finance and Management Committee presented stated the following:

The Clerk advised that the Council must set a budget no later than 2<sup>nd</sup> February 2018 (the date set by the City Council for Parish Councils to inform the City Council of the amount of precept required for 2018/19) and therefore needed to finalise a budget at the Council meeting to be held on 18<sup>th</sup> January 2018 or arrange a further meeting of Council between 18<sup>th</sup> January and 1<sup>st</sup> February.

The City Council had informed the Council that the Council's Tax Base for 2018/19 would be 9,603.95. Against a nil percent increase this would give a precept of  $9,603.95 \times £19.59 = £188,141.38$ .

In 2017/18, the precept was £186,415.69 and this therefore represented a small increase due to the tax base increasing from 9,515.86 in 2017/18.

The starting point for preparing the budget should be factoring into a draft budget the cost for undertaking the priority issues agreed in the Council's Strategy at its meeting on 16<sup>th</sup> November 2017.

Once this cost was achieved, if the amount required was more than the current precept, Council would need to determine whether to increase the precept to accommodate the costs, consider alternative funding or remove some priorities from the budget.

Table 1 sets out the draft Staffing and Administration budget for 2018/19.

Table 1 – Draft Staffing and Administration Budget 2018/19

ITEM	2017/18	Estimated outturn at 31 <sup>st</sup> March, 2018	Draft 2018/19
Staffing (see Note 1)	50,800.00	53,200.00	55,300.00
Staff Travel Expenses (See Note 2)	0	0	0
Town Council Office Rent (See Note 3)	3,850.00	3,850.00	3,850.00
Photocopier Charges	1,500.00	1,400.00	1,500.00
Hire of Rooms (meetings)	1,100.00	1,100.00	1,100.00
Subscriptions (See Note 4)	700.00	715.80	730.00
Telephone	460.00	400.00	420.00
Postage, Printing and Stationery	600.00	500.00	550.00
Accountancy and Audit (See Note 5)	1,500.00	1,260.00	1,400.00
Insurance (See Note 6)	700.00	727.74	800.00
Council Tax	0	0	0
Website (see Note 7)	300.00	300.00	300.00
Legal Expenses (See Note 8)	500.00	0	500.00
Bank Charges	240.00	240.00	240.00
<b>TOTAL</b>	<b>62,250.00</b>	<b>63,693.54.00</b>	<b>66,690.00</b>



Note 1: Staff are currently on Local Government standard contracts and paid using the Local Government pay scales. Both contracts are on a scale, which allows an annual increment through a pay scale until the top of the scale is reached. The salaries figure in Table 1 for 2018/19 assume both staff advanced to the next increment. The figure also includes the employer's National Insurance and any pension contributions.

Note 2: The Council has an agreed scheme, and any claims are currently funded from within the Salaries budget.

Note 3: The Town Council office rent was reviewed by our landlord, the City Council and set at £3,850 until May 2017. The current lease ends in May 2017 and continued use of the current office space will then be subject to negotiation with the City Council.

Note 4: Subscriptions are the cost of the Clerk being a member of the Society of Local Clerks, which provides weekly updates on legislation etc. and provides an online and telephone help service during the working week on all procedural and legal issues. This budget also includes the cost of all the security measures for the Council's computers. The budget also funds the costs of maintaining the licenses protection and backup systems for the Council's computers.

Note 5: Audit and Accountancy pays for the annual external and internal audit costs which are a legal requirement and includes the costs of the Council's Accounting system.

Note 6: The draft suggests an increase to the current budget level, as it is likely that additional projects will require additions to our current Insurance Policy.

Note 7: The costs are for the annual hosting fee of £150 and a small additional amount to protect the Council's position for any repairs required or additions required that staff are not trained or skilled to undertake.

Note 8: It would be prudent to maintain this small budget as the Clerk is not a qualified lawyer, and although legal advice if required may be obtained from the Clerk's professional body, internal audit advice remains that this would be prudent in helping to minimise the risks to the Council.

Table 2 sets out the position regarding the current year's budget and forecast out turn at the end of the current year i.e. 31<sup>st</sup> March 2018.

**Table 2****Morecambe Town Council Budget 2017/18  
and DRAFT Revenue Budget 2018/19**

	2017-18	2017-18	2017-18	2018-19
	Budget	Spend to Date (31/12/2017)	Forecast Outturn at 31/3/2017	Draft Budget
<b>EXPENDITURE</b>	£	£	£	£
Staff and Administration	62,250.00	43,031.56	63,693.54.00	66,690.00
Training	1,000.00	175.00	1,000.00	1,000.00
Festivals	55,000.00	29,158.06	55,000.00	55,000.00
Community Grants	6,496.25	2,511.90	4,511.90	5,000.00
Section 137 Expenditure	1,800.00	1,177.83	1,177.83	600.00
Youth Council	1,000.00	0	0	0
Christmas Lights	7,000.00	7,012.47	7,012.47	6,000.00
Morecambe in Bloom	3,000.00	2,541.11	3,000.00	3,000.00
Community Events	300.00	0	0	300.00
Toilets Refurbishment	12,844.50	12,836.97	12,844.50	0
Toilets Management	9,000.00	5,265.90	7,500.00	7,000.00
Environmental Enforcement Officer	12,000.00	50.94	12,050.94	12,500.00
Anti-Social Behaviour Officer	14,000.00	14,000.00	14,000.00	14,000.00
SpID	3,750.00	2,742.58	2,742.58	0
Newsletter	4,000.00	1,300.00	1,300.00	4,000.00
CCTV	5,000.00	0	5,000.00	5,000.00
School Parking	3,000.00	0	0	0
War Memorial	11,548.28	1,620.00	1,620.00	10,000.00
Morecambe Station Grant	3,245.00	2,245.00	3,245.00	0
Portas Town Team	0	234.00	234.00	0
Arts Council Grant re Street Art (Portas)	4,571.84	2,450.00	4,571.84	0
Poulton Residents Association	527.67	0	527.67	0
Community Improvement Fund	7,000.00	0	0	7,000.00
By Election Fund	12,000.00	0	12,000.00	6,000.00
Community Centre and Town Council Office Funds	55,000.00	0	0	55,000.00
Asset Replacement Fund	9,000.00	0	0	9,000.00
Town Council General Reserves	9,000.00	0	0	14,000.00
Growth Reserve Fund	19,000.00	0	0	19,000.00
<b>Totals</b>	<b>332,333.54</b>	<b>128,353.32</b>	<b>213,032.27</b>	<b>300,090.00</b>

Based on the figures in Table 2, the following projections may be made in respect of the year end position at 31<sup>st</sup> March 2018:

Estimated total budget (including reserves):	£325,333.54
Estimated outturn at 31 <sup>st</sup> March 2018	£213,032.27
Actual spend to 31/12/2017:	£128,353.32
Funds Required to fund remaining estimated budget 2017/18 on estimated year end outturn:	<b>£ 84,678.95</b>
Funds available to spend:	
Amount in Bank Account available to spend at 31/12/2017: (net of uncashed cheques)	£195,172.20
Quarter 3 VAT to be reclaimed	<u>£ 1,110.00</u>
<b>Total</b>	<b>£196,282.20</b>

Based on the actual funds currently in the Council's bank Accounts and those required to fund the estimated outturn at 31<sup>st</sup> March, the estimated funds available to carry forward to 2018/19 were **£111,603.25**.

From the estimated carried forward sum above of £110,493.25 it had been assumed that the following would be carried forward to 2018/19 in Table 2:

Community Centre and Town Council Office Fund	-	£55,000.00
War Memorial Fund projected balance at year end	-	£ 9,928.28
Asset Replacement fund projected balance at year end	-	£ 9,000.00
Reserves Fund projected balance at year end	-	£ 9,000.00
Growth Reserve Fund	-	£19,000.00
Morecambe in Bloom - funds remaining after taking into income from presentation night	-	£ 1,500.00
Community Improvement Fund	-	£ 7,000.00
<b>Total</b>	-	<b>£110,428.28</b>

Therefore, the estimated amount to be carried forwarded of uncommitted expenditure would be **£1,174.97**

If the Council approved a nil percent precept increase/decrease the total funds available to allocate, therefore, for the 2018/19 budget would be £301,174.63 (precept plus carry forward plus estimated income from toilets and bank interest). The carry forward items above (if agreed) and the committed items set out below would need to be included within this amount.

The final column of Table 2 sets out a suggested draft budget from which to begin the process of determining the 2018/19 budget.

The committed/necessary funds within the draft 2018/19 budget were:

Festivals	A provisional budget of £55,000.00 was set by Council and this has been allocated, including an amount for publicity.
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Staffing/Administration	See draft budget in Table 1
Toilet Management	£7,000.00 based on previous decisions to open toilets 60 days per year and experience gained from costs/income in 2017/18.

The total draft budget in Table 2 was £300,090.00 and £1,084.00 below the estimated total funds available.

With regards to Morecambe in Bloom it was suggested that the Council policy must be to ensure that the Presentation Night breaks even, and that the funds within the budget were utilised in association with the community to enhance Morecambe's appearance e.g. an annual planting type project. The town achieved a gold standard in 2017 and every effort should be made to maintain this.

In considering the draft budget against the priorities, the Clerk advised that the funds available above the precept i.e. £111,603.25 were not recurring funds, and careful consideration should be given to their use, in order that the community's expectations were not raised as to year on year service delivery that could not be realistically achieved, and any recurring revenue costs created by projects.

The Clerk reminded the Committee that the Council would once again spend above its precept level despite the amount of budget underspend. Given rising costs in many areas, the Council needed to be very prudent and strategic in setting future budgets, given the Council's long term desire not to increase Council Tax. As well as the Council's own Staffing and Administration costs, costs such as the ASB Officer, Environmental Enforcement Officer and Toilet cleaning costs etc. were likely to rise beyond the coming year.

It would be necessary to include an amount of at least £6,000 for the Election fund in the 2018/19 revenue budget as the current budget was likely to be fully spent once the City Council invoiced the Council for elections held in 2017/18 and given recent Audit advice it was imperative that the Council plans for at least one By-Election per annum. In 2018/19 it should be noted that no By-Elections would be permitted within 6 months of the Elections to be held in May 2019, and hence any resignations from Council after early November 2018, would not result in a By-Election.

The Christmas Lights budget could be reduced to £6,000 as the Council's three year lease of lights on Pedder Street had now ended.

#### Committee/Group/Councillor requests

The following requests for consideration had been received from individual members and other Committees:

- To support the Holiday Meals scheme at Morecambe Bay Primary School. I have already emailed you on this subject.
- To consider the possibility of establishing 'emergency centres' - *Regarding this item, the Clerk has met with the City Council's Emergency Planning Officer, and a sum of £2,000.00 would potentially allow two Emergency Centres to be established in Morecambe, where provision is still very small given the size and density of the population.*

- The Community Safety Committee has requested a sum of £5,000.00 to be included within the 2018/19 budget to allow an appropriate ASB intervention project to be undertaken. - *At this stage it is not possible to cost this or determine whether grants could be applied for without knowing the nature of the project.*

### Reserves

The Internal Auditor had recommended that the Council reviews its reserves and agrees a policy for this. A draft policy was discussed see minute No. 32.

Within Table 2 – reserves are estimated at:

Community Office Fund	-	£55,000.00
Asset Replacement Fund	-	£ 9,000.00
General Reserves	-	£ 14,000.00
Growth Reserve Fund	-	£ 19,000.00
Election Fund	-	£ 6,000.00

This would give a total of £103,000.00 which would follow the Council's new policy should the draft be approved and should satisfy the Auditor.

However, it would be advisable to clarify exactly what the General Reserve and Growth Reserve Funds should fund.

The Responsible Finance Officer (RFO) advised that the General Reserve fund would be to meet matters such as employment of temporary staff in the rare event of both staff being on long term sick leave and any other matter that would not be covered by the Asset Replacement Fund.

The RFO was of the view that the General Reserve should be increased to £14,000.00 (an increase of £5,000) for 2018/19, to cover (however unlikely) 3 months' salary costs. This increase could be met from carry forward.

After a long debate, Councillor Brendan Hughes, seconded by Councillor Janice Hanson proposed:

"That the Council approves a precept for 2018/19 at £19.59 per Band D equivalent, which would raise funds of £188,141.38 and represent no increase on Council Tax from 2017/18, and approves the following budget for 2018/19":

Morecambe Town Council Budget <u>DRAFT</u> Revenue Budget 2018/19	
RECURRING ITEMS	
EXPENDITURE	£
Staffing and Administration	66,690.00
Training	2,000.00
Festivals	55,000.00
Community Grants	5,000.00
Section 137 Expenditure (Remembrance Day Wreath, Community Awards and Armed Forces Grant of £1000)	1,200.00
Christmas Lights	6,000.00
Morecambe in Bloom	3,000.00
Community Events	300.00
Toilets Management	7,000.00
Environmental Enforcement Officer	12,500.00
Anti-Social Behaviour Officer	14,000.00
Newsletter	4,000.00
CCTV	5,000.00
By Election Fund	6,000.00
<b>Totals</b>	<b>187,690.00</b>

and

<b>Morecambe Town Council Budget <u>DRAFT</u> Capital Expenditure and One Off Projects Budget 2018/19</b>	
<b>Projects</b>	<b>£</b>
War Memorial Fund	9,928.28
Community Garden Fund	7,000.00
Mobile CCTV Cameras – taken from the Growth Reserve Fund	3,000.00
Project to help tackle Social deprivation/social isolation – to be delivered over 2 years via service level agreements and aimed at families and the elderly – to be funded using powers available to the Council under Section 137 of the Local Government Act 1972, with the funds being taken from the Growth Reserve Fund	9,000.00
Morecambe in Bloom – additional funding brought forward from 2017/18	1,500.00
Purchase of second SpID and mounting plates to enable the SpID to be positioned on both sides of each targeted road	2,507.42
<b>Reserves</b>	
Office Fund	55,000.00
Asset replacement Fund	9,000.00
General Reserves	9,000.00
Growth Reserve Fund	7,000.00
<b>Totals</b>	<b>112,935.70</b>

After many questions were put to the proposer Councillor R. Dennison, seconded by Councillor J. Ashworth proposer:

“That the Council approves a precept for 2018/19 at £19.59 per Band D equivalent, which would raise funds of £188,141.38 and represent no increase on Council Tax from 2017/18, and approves the following budget for 2018/19”:

<b>Budget Head</b>	<b>Budget 2018/19 (£)</b>
Annual Precept	-
Salaries <b>1</b>	55,300.00
Town Council Office Rent <b>1</b>	3,850.00
Photocopier Charges <b>1</b>	1,500.00
Hire of Rooms (Meetings) <b>1</b>	1,100.00
Subscriptions <b>1</b>	700.00
Telephone <b>1</b>	460.00
Postage, Printing and Stationery <b>1</b>	600.00
Accountancy and Audit <b>1</b>	1500.00
Insurance <b>1</b>	800.00
Website <b>1</b>	300.00
Legal Expenses <b>1</b>	500.00
Training <b>2</b>	2,000.00
Festivals <b>3</b>	23,700.00
Community Grants	5,000.00
Community Centre and Town Council Office Funds <b>4</b>	2,000.00
Section 137 Expenditure	100.00
By-Election Fund <b>5</b>	6,000.00
Bank Interest	-
Bank Charges	250.00
Youth Council	0
Christmas Lights <b>6</b>	5,000.00
Morecambe in Bloom	3,000.00
Community Events	0
Toilets Management <b>7</b>	6,500.00



<b>Budget Head</b>	<b>Budget 2018/19 (£)</b>
Asset Replacement Fund <b>8</b>	0
Environmental Enforcement Officer	12,500.00
Anti-Social Behaviour Officer	14,000.00
Contribution to PCSO's <b>9</b>	22,000.00
SpID <b>10</b>	2,500.00
CCTV <b>11</b>	5,000.00
School Parking	0
Newsletter	0
War Memorial <b>12</b>	0
Town Council Reserves <b>13</b>	6,000.00
Emergency Centres <b>14</b>	2,000.00
Funding towards an ASB Intervention project <b>15</b>	3,000.00
Neighbourhood Plan <b>16</b>	1,000.00
<b>Totals</b>	<b>188,160.00</b>

Notes to Councillor Dennison's proposed budget:

The draft budget would leave £5,445.00 of unallocated expenditure should the tax base remain identical to this year and the same amount of Council Tax precept was raised.

1. Staffing and Admin costs are still to be calculated and estimated.
2. Training – additional training for staff was required regarding the FOI Act – this was estimated at £1,200.00 to allow each member of staff to attend two separate day courses each at a cost of £299 per day and hence the proposed budget increase.
3. The Festivals budget would be reduced to £23,700.00 with the funding currently agreed for Catch the Wind (£4,500) and Vintage (£16,000) being ringfenced within this amount. This would leave an amount of £3,200.00 to be re-allocated.
4. The Community Centre and Town Council Office fund only shows £2,000 of expenditure as the fund of £55,000.00 is already in the Council's accounts, and only £2,000 would be required from the 2018/19 precept to increase the fund to £57,000.00.
5. The By-election fund for 2017/18 will probably be fully spent once the invoice from the Returning Officer are received for the elections held in May and November 2017 respectively. The contribution from the precept for 2018/19 would be to cover the cost of one by-election.
6. The Christmas Lights contribution for 2018/19 would be to continue the partnership working with Morecambe BID.

7. Toilets – the management budget to include the investigation and possible purchase of a device to automatically drain the system on a timer basis to meet the legionella risk assessments. The income shown would help to offset costs. This income projection is based on income generated in 2017/18 for the 60 days opening.
8. The Asset Replacement Fund of £9,000.00 would remain in the accounts and be carried forward.
9. It is proposed to reintroduce funding towards PCSO's within the town. The contribution of £22,000.00 would support the provision of two additional officers based at Morecambe Police Station with the proviso that both officers work with the City and Town Council ASB Team up to 10 p.m. to ensure a coordinated and integrated service to the residents of Morecambe. This costing has been provided by the Chief Finance Officer at the Police and Crime Commissioner's Office.
10. The amount for the SpID would be to purchase a second SpID to allow the device to be displayed in both directions on the targeted roads.
11. The CCTV contribution in 2017/18 was £5,000.00 to help preserve CCTV within Morecambe. It is assumed this is a year on year contribution, although confirmation of this is awaited.
12. The War Memorial Fund would have £10,000.00 in current funds to carry forward and requires no contribution from the 2018/19 precept unless there is a desire to increase the Fund. The fund would assist in Phase 1 of the refurbishment of the War Memorial Area including the Burma Star memorial.
13. Town Council reserves currently stand at £9,000.00 and this would be carried forward. Following the Auditor's advice, it is proposed to increase reserves to £15,000.00 and hence a contribution of £6,000.00 would be required from the precept in the 2018/19 budget.
14. In response to Storm Desmond in 2015 and recent flooding across the District, this proposal would commence the process of providing a more robust system for dealing with emergency within the Town Council's area i.e. the establishment of two further emergency rest centres.
15. The Community Safety Committee resolved in November to ask the Council to make funds available totalling £5,000 in 2018/19 to fund an appropriate ASB Intervention project. the nature of the project has not yet been discussed and the Town Council is waiting details of a recent study commissioned by Lancaster City Council which we understand will make suggestion/recommendations regarding such projects. The MBI Group are of the view that at this stage, whilst tackling ASB is a priority, the Council should not be committing £5,000 as the Council has yet to be given the evidence that such projects are required, and it would be unlikely that any project could be implemented at the start of the 2018/19 financial year plus it should be possible to apply for other external funding to assist in providing an appropriate Intervention project.
16. Neighbourhood Plan – funds to support the development of the Neighbourhood Plan i.e. room hire, consultation expenses.

Following a lengthy debate, the Council voted on the proposed budget put forward by Councillor Dennison, seconded by Councillor June Ashworth.

On being put to the vote, 6 members voted for the proposal, 13 against and there were 2 abstentions, whereupon the Chairman declared the proposal to be lost.

In accordance with Standing Orders a recorded vote in respect of the substantive motion regarding the Budget 2018/19 i.e. the proposal put forward by Councillors Brendan Hughes and Janice Hanson was requested by Councillors J. Ashworth and R. Dennison.

On being put to the vote the votes recorded in respect the recommendation regarding the Budget 2018/19 as put forward by Councillors Brendan Hughes and Janice Hanson were as follows:

For the Proposal (13)

Councillors Bates, Clifford, Clift, Cozler, Janice Hanson, John Hanson, Hutton, Brendan Hughes, Liam Hughes, Metcalfe, Pattison, Pilling and Whitaker.

Against the Proposal (6)

Abstentions (2) Anderson, A. Ashworth, J. Ashworth, Boyd-Power, Cleet and R. Dennison.

Councillor Ogden and Page.

The chairman therefore declared the proposition to be carried

**Resolved:**

- (1) That the Payment and Receipts Schedule for the period 1<sup>st</sup> November to 31<sup>st</sup> December 2017 as submitted by the Finance and Management Committee be noted.
- (2) That in respect of the 2017/18 Budget the following be agreed:
  - (a) Note the position regarding the Budget as at 31<sup>st</sup> December 2017 submitted by the Finance and Management Committee.
  - (b) Note the position regarding the Salaries as submitted by the Finance and Management Committee.
  - (c) To organise Code of Conduct Training for all members which would be mandatory for members who had not previously attended such training and that the Clerk obtains at least one other quotation to ensure best value was obtained.
  - (d) The Assistant Clerk to attend the A-Z FOI training and both the Clerk and Assistant Clerk to attend the FOI training course entitled "The Exemptions" as set out in the report.
- (3) That in respect of the interim Internal Audit report 2017/18 the following be agreed:
  - (a) Note the Interim Internal Auditor's report.
  - (b) Agree that the Clerk undertakes a weekly check of the Council's IT backup systems.
  - (c) Agree to proceed with the Payment Card method, subject to the Council's bank being able to provide a suitable card and the Clerk reporting to Council how this would operate.
- (4) That the Reserves Policy as submitted by the Finance and Management Committee be approved.
- (5) That the basis for setting the 2018/19 budget to be a nil percent increase on the 2017/18 Council Tax.
- (6) That the following revenue budget for 2018/19 be set:

Morecambe Town Council Budget Revenue Budget 2018/19	
RECURRING ITEMS (to be funded from the 2018/19 precept)	
EXPENDITURE	£
Staffing and Administration	66,690.00
Training	2,000.00
Festivals	55,000.00
Community Grants	5,000.00
Section 137 Expenditure (Remembrance Day Wreath, Community Awards and Armed Forces Grant of £1000)	1,200.00
Christmas Lights	6,000.00
Morecambe in Bloom	3,000.00
Community Events	300.00
Toilets Management	7,000.00
Environmental Enforcement Officer	12,500.00
Anti-Social Behaviour Officer	14,000.00
Newsletter	4,000.00
CCTV	5,000.00
By Election Fund	6,000.00
<b>Totals</b>	<b>187,690.00</b>

and

<b>Morecambe Town Council Budget Capital Expenditure and One Off Projects Budget 2018/19</b>	
<b>Projects</b>	<b>£</b>
War Memorial Fund	9,928.28
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Project to help tackle Social deprivation/social isolation – to be delivered over 2 years via service level agreements and aimed at families and the elderly – to be funded using powers available to the Council under Section 137 of the Local Government Act 1972, with the funds being taken from the Growth Reserve Fund	9,000.00
Morecambe in Bloom – additional funding brought forward from 2017/18	1,500.00
Purchase of second SpID and mounting plates to enable the SpID to be positioned on both sides of each targeted road	2,507.42
<b>Reserves</b>	
Office Fund	55,000.00
Asset replacement Fund	9,000.00
General Reserves	9,000.00
Growth Reserve Fund	7,000.00
<b>Totals</b>	<b>112,935.70</b>

Note: Total projected spend (including Reserves) would be £300,625.70

- (7) That Lancaster City Council be informed that the Town Council's precept for 2018/19 would be £188,141.38 representing a charge of £19.59 per Band D equivalent property.
- (8) To request the Clerk to enter discussions with Morecambe BID, Lancaster City Council and other Community Groups regarding the provision of additional Emergency Centres in Morecambe and researching the availability of funding to assist in setting up additional Emergency Centres.

## **58. Community Governance Review**

The Council were informed that Lancaster City Council had launched the first stage of a review into the District's Parish arrangements. The Lancaster District currently had 31 Parish Councils and a further seven parish meetings.

Using a process known as a Community Governance Review, the City Council was looking to establish whether the current arrangements were fit for purpose or could be improved.

The aim was to ensure that all areas had improved community engagement, more cohesive communities, better local democracy and a more effective and convenient way to deliver local services.

The first stage of the year long process was to establish the issues that residents and organisations wanted to be considered during the review.

The types of issues that could be considered by a Community Governance Review were:

- Creation of a Parish
- Name of a Parish
- Establishment of a separate Parish Council for an existing Parish
- Alteration of boundaries of existing Parishes
- Abolition of a Parish
- Dissolution of a Parish Council
- Changes to electoral arrangements of a Parish Council
- Whether a Parish should be grouped under a common Parish Council or de-grouped.

During the debate, it was proposed by Councillor Janice Hanson and seconded by Councillor Brendan Hughes:

"That the number of Town Council wards be reduced from 11 to 8, by merging the three small wards of Lowlands Road, Lune Drive and Out Moss Lane to be merged into larger wards i.e. Lowlands Road into Westgate, Lune Drive into Torrisholme and Out Moss Lane into Poulton, with the total number of Councillors being retained at 26, by adding one Councillor to each of the Poulton, Torrisholme and Westgate wards in order to improve the Councillor Elector ratios more evenly across all wards."

By way of a friendly amendment, Councillor Dennison proposed and seconded by Councillor June Ashworth:

"That the number of Councillors be reduced to 24, with Lune Drive and Out Moss Lane wards being merged into Torrisholme and Poulton Wards to try and keep the Councillor Elector ratio more even."

Councillor Janice Hanson indicated that she would not accept the friendly amendment on the basis that she believed the total number of Councillors should be retained at its current level of 26.

Councillor Ogden proposed by way of a friendly amendment:

“That the name of the current Westgate Ward should be changed to Westgate Lancaster Road Ward, to reflect the actual area of town it covers.”

Councillor Janice Hanson accepted the friendly amendment.

The Council then voted on the amendment proposed by Councillor Dennison. This was lost by 13 votes to 6 with 1 abstention.

The Council then voted on Councillor Janice Hanson’s proposal plus Councillor Ogden’s friendly amendment.

The proposal was agreed unanimously.

**Resolved:**

That in response to the Community Governance Review consultation, the City Council be informed that the Town Council requests the following changes to be made to its ward structure, to improve Councillor to Elector ratios, and thus spreading more evenly the workload of all 26 elected members of Morecambe Town Council:

- (1) The Town Council to continue with 26 elected members;
- (2) The three small wards of Lowlands Road, Lune Drive and Out Moss Lane to be merged into larger wards i.e. Lowlands Road into Westgate, Lune Drive into Torrisholme and Out Moss Lane into Poulton on the basis that this would even out the average number of electors that each Town Councillor represented;
- (3) If the proposed changes in (2) above were made the new ward structure of the Town Council and numbers of Councillors per ward would be as set out below (based on Electorate figures provided by the Electoral Registration Officer on 18<sup>th</sup> January 2018)

<b>Ward</b>	<b>Electorate</b>	<b>Number of Councillors</b>	<b>Ratio of Councillors: Electors</b>
Bare North	3,089	3	1:1030
Bare South East	1,303	1	1:1303
Bare South West	1,274	1	1:1274
Harbour	5,502	5	1:1100
Heysham North	2,737	3	1:912

Poulton	3,844	4	1:961
Torrisholme	3,822	4	1:956
Westgate	4,679	5	1:936
Totals	26,250	26	1:1010

(4) The Westgate ward be renamed Westgate and Lancaster Road to reflect the actual area of town it covers.

#### **59. Lancashire County Council Budget Consultation 2018/19**

The Council considered Lancashire County Council's consultation regarding their budget proposals for 2018-19.

#### **Resolved:**

That the following comments be forwarded to Lancashire County Council regarding its budget proposals for 2018/19:

- Following the appointment of a new Chief Executive on a salary that Town Councillors believe to average more than £1,000 per day whilst there are proposals to cut frontline services to vulnerable people e.g. social care does not seem appropriate and fair to the many residents across Lancashire who need care etc.
- Whilst the Town Council welcomes libraries being kept open, the budget proposes a significant reduction in expenditure on books and e-books which will further undermine the quality of service offered by the libraries;
- The Town Council welcomes the continuation of bus services at the proposed levels but believes the value of this service is being severely undermined by the proposal to reduce funding for the provision of timetables in bus shelters. This severely reduces the quality of service to many people. Not everyone has access to the internet e.g. elderly people who rely on their local service;
- The proposed reduction in the budget for disabled transport is not acceptable given the level of need in Morecambe and throughout the County. The proposal to double the charge to NOW card holders using the bus before 9.30 a.m. seems disproportionate. Many NOW card holders are vulnerable people on low incomes, and sometimes cannot avoid using an early service e.g. to attend a hospital or doctors' appointment. The Town Council also understands that you may be proposing to make an initial charge for a NOW Card, which again would be an attack on elderly, vulnerable and needy people across the County.
- The proposal to reduce Social Care by a total of £45m causes the Town Council grave concern, given the demographics of not only Morecambe but the whole County and would urge you to reconsider these proposals which again will undermine vulnerable and elderly persons across Lancashire.



### **Adjournment of the Meeting**

With the agreement of Council, the Chairman adjourned the meeting at 9.40 p.m.

The meeting will be reconvened at a date to be agreed (but prior to the next scheduled meeting of Council on 15<sup>th</sup> March 2018) to consider Items 7 and 10 on the Agenda regarding:

- Review of Public Participation
- Management of Staff

Any queries regarding this meeting, please contact David Croxall, Clerk to the Council on 01524 422929 or via email to [clerk@morecambe.gov.uk](mailto:clerk@morecambe.gov.uk)

DRAFT

## **Minutes of the Reconvened Meeting of Morecambe Town Council held on Wednesday 7<sup>th</sup> February 2018 at 7.00 p.m. at Morecambe Town Hall**

**Present:** Councillors: T. Anderson, Alex Ashworth, J. Bates, V. Boyd-Power, S. Burns, R. Cleet, I. Clift, G. Dennison, R. Dennison, John Hanson, P. Heath, D. Hutton, and J. Pilling

### **Officers in Attendance:**

D. Croxall (Town Clerk) and A. Fawcett (Assistant Clerk)

### **60. Election of Chairman for the Meeting**

#### **Resolved:**

That in the absence of both the Chairman and Vice Chairman, Councillor Heath be elected as Chairman for the meeting.

### **61. Apologies for Absence**

Councillors June Ashworth, T. Brown, D. Clifford (Chairman), L. Davies, Janice Hanson (Vice Chairman), B. Hughes, L. Page, M. Pattison and D. Whitaker

### **62. Declarations of Interests**

There were no declarations of interest.

*Councillor Pattison arrived just before the end of the consideration of Minute No. 63.*

### **63. Review of Public Participation at Council Meetings**

Under the Public Bodies (Admission to Meetings) Act 1960, the public had a statutory right to attend meetings of a Town/Parish Council and its Committees, although they have no right to participate in a meeting, unless permitted to do so by the Council.

The current process for public participation is set out in the Council's Standing Orders (agreed on 16<sup>th</sup> June 2011) at Standing Order No. 1 (e) – (l). The Policy was last reviewed by Council in July 2014 (Minute No. 25 (9) 2014/15 refers), which introduced the part of the policy which permits members of the public to address Council only on issues which were included on the agenda for the Meeting.

At Council on 16<sup>th</sup> November 2017 it was agreed that the current process of public participation should be reviewed.

The report set out a suggested revised process, which had been prepared by the Clerk based on the comments made by Councillors during the meeting of Council on 16<sup>th</sup> November 2017.

#### **Resolved:**

That the current public participation policy be retained and not amended.

*Councillors Brown and Whitaker arrived during consideration of Minute No. 64*

#### **64. Management of Staff**

The Council reviewed its arrangements for the management of its two members of staff.

The issues considered were:

- (a) Daily Line management of the Clerk.
- (b) Line management of the Assistant Clerk.
- (c) Weekly supervision/management meetings with the Clerk.
- (d) Appraisal of the Clerk. The last appraisal was undertaken on 25<sup>th</sup> July 2017 and therefore a half yearly appraisal was overdue.

#### **Resolved:**

- (1) That the Council reaffirms that the Clerk's daily Line Manager to be the Chairman of the Council and the Vice Chairman in the Chairman's absence.
- (2) That the Clerk undertakes the line management responsibility for the Assistant Clerk.
- (3) That the Clerk receives a formal weekly/supervision management meeting on at least a two weekly basis from either the Chairman or Vice Chairman of the Council.
- (4) That the Clerk's half yearly appraisal be held as soon as possible, and the Clerk to agree a suitable date with all members of the Appraisal Panel.

The meeting ended at 7.30 p.m.

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Chairman

Any queries regarding this meeting, please contact David Croxall, Clerk to the Council on 01524 422929 or via email to [clerk@morecambe.gov.uk](mailto:clerk@morecambe.gov.uk)

8<sup>th</sup> February 2018

**Council – 18<sup>th</sup> January 2018**

**Note for Members of Council regarding Minute No. 34 of Finance and Management Committee – (pages 28 -36 of supporting papers pack)**

**1. Proposal re use of £9,000 from Growth Reserve Fund to fund Project(s) aimed at tackling Social Deprivation in Morecambe**

Minute 34 (b) on page 36 of the supporting papers includes:

**Project to help tackle Social deprivation/social isolation – to be delivered over 2 years via service level agreements and aimed at families and the elderly – to be funded using powers available to the Council under Section 137 of the Local Government Act 1972, with the funds being taken from the Growth Reserve Fund - £9,000.00**

The Clerk has not been asked to cost a particular project and advised the members who wished to include this project in the budget, that without further information, if it was agreed as written above the Council would need to determine a specification for what it wanted the Project to achieve, include, its frequency, potential venues, target customers etc. before entering into discussions with potential providers.

The Clerk also advised that the Council did not have a specific power to fund this type of project but that the Council could consider using Section 137 of the Local Government Act, 1972, to fund the proposal.

This was on the basis of the following interpretation of Section 137, which was obtained having read the National Association of Local Councils Legal Topic Note No. 31 (2013) and the 8<sup>th</sup> edition of Charles Arnold Baker's book – "Local Council Administration":

Section 137 of the Local Government Act 1972 enables local Councils to spend a limited amount of money for purposes for which they have no other specific statutory expenditure. It is however, limited in a number of ways.

**Scope and nature of section 137**

The basic power is for a local Council to spend money (subject to the statutory limit –currently £7.57 per elector) on **purposes for the direct benefit of its area, or part of its area, or all or some of its inhabitants.**

Where the Council has an unrestricted specific statutory power to spend money, section 137 cannot be used. An example of such a power is section 19 of the Local Government (Miscellaneous Provisions) Act 1976 Act, which empowers a local Council to contribute by way of grant or loan towards the expenses incurred or to be incurred by any voluntary organisation in providing recreational facilities.

Where a Council has a statutory power restricted by a limitation or condition, section 137 cannot be used to get around the limitation or condition. An example of a limitation is contained in section 127(2) of the Local Government Act 1972 Act in respect of a disposal of an interest in land for less than best consideration.

Where there is a statutory prohibition on a Council carrying out a particular function, section 137 cannot be used to avoid the prohibition. An example is section 2(1) of the Local Government Act 1986, which prohibits a local authority from publishing or arranging for the publication of material which, in whole or in part, appears to be designed to effect support for a political party. See also section 137(1A) which reinforces the prohibition on using section 137 to avoid a limitation or condition on some other power or for a function that they are prohibited from exercising.

Provided that there is no alternative power whether limited or conditional or not, and no statutory prohibition, a Council may incur expenditure under section 137. **The Council must first be satisfied that there is a direct benefit to the area or part of the area, or to some or all of the inhabitants. The Council is the body to determine whether or not such benefit will accrue, and a decision by the Council could only be challenged on the ground that it was wholly unreasonable.** The use of “some” in relation to the inhabitants means that the Council cannot use the power to benefit a single individual.

It may be possible for the Council to help an organisation to which the individual belongs, thus releasing funds for the organisation to help individuals. For example, a Council could make a donation to a local organisation which provides grants to needy persons.

The Council must secondly ensure that the direct benefit accruing to its area or residents is commensurate with the expenditure incurred. This means that a Council should not spend a disproportionately large amount on something which has no or very little direct benefit. For example, spending the whole of the Council’s allowance under section 137 which amounted to £10,000 for the benefit of two people is unlikely to confer benefits commensurate to the expenditure incurred.

Expenditure incurred by a Council under section 137 is open to challenge by the auditor, or by a local government elector objector at audit on the basis that the expenditure is larger than the direct benefit to the area or to residents would justify. Councils must therefore exercise care when considering the amounts of proposed expenditure under section 137 and, if in doubt, should seek advice before going ahead.

Under section 137(3) contributions may be made to charities and bodies providing a public service on a non-profit making basis, but only in furtherance of their work in the United Kingdom. It is unlawful for a Council to contribute to a charity or a public service body operating overseas, or to a fund established to help persons outside the UK.

### **Authorisation of expenditure and accounts**

If the Council collectively expresses an opinion as to the commensurate local benefit, the expenditure under section 137 must be properly authorised by resolution.

Section 137(7) requires a separate account to be kept of expenditure under the section.

### When not to use Section 137

If a Council has powers to spend money under other legislation, it **cannot** use Section 137 instead. Here are some examples of where a Council has a specific power to spend under legislation other than Section 137:-

- i) A Council decided to erect a bus shelter on its own land – Section 4(1), Local Government (Miscellaneous provisions) Act 1953
- ii) It decides to buy and plant bulbs alongside the highway – Section 96, Highways Act 1980.
- iii) It intends to repair an old war memorial – Sections 1 and 3, War Memorials (Local Authority Powers) Act 1923.
- iv) The Council decides to fence off a part of its recreation ground to provide allotments for residents – Section 26, Smallholdings and Allotments Act 1908.
- v) The Council wishes to improve a public footpath – Section 43, Highways Act 1980.
- vi) The Parish Council agrees to pay for laying a public footpath over private land, with the land-owner's consent – Section 30, Highways Act 1980.
- vii) The Parish Council decides to buy a photocopier for Council business – Section 111, Local Government Act 1972.
- viii) The Council decides to print and circulate to householders a monthly news-sheet – Section 142, Local Government Act 1972.
- ix) The Council agrees to make a grant of £1,000 to the local amateur dramatic group to produce a Shakespeare play in the village hall – Section 145, Local Government Act 1972.
- x) It decides to place a security camera on its sports pavilion – Local Government & Rating Act 1997.
- xi) It decides to erect some public conveniences on a piece of land it owns – Section 87, Public Health Act 1936.
- xii) It decides to put on a weekly film show in the village hall and charge an admission fee – Section 145, Local Government Act 1972.
- xiii) It agrees to make a grant to an adjoining parish Council to help it to raise funds to provide a public swimming pool – Section 19, Local Government (Miscellaneous Provisions) Act 1976.
- xiv) It is offered the chance to buy some old and historic photographs of the parish – Section 2, Local Government (Records) Act 1962.

- xv) It decides to organise and finance a Parish Appraisal – Section 111, Local Government Act 1972.
- xvi) It agrees to finance the inaugural meetings of a number of Neighbourhood Watch Schemes in its parish – Local Government & Rating Act 1997.
- xvii) It is interested in setting up a car sharing scheme to get residents to a nearby market once a week – Section 26, Local Government & Rating Act 1997.
- xviii) The Council decides to provide lighting on a footpath – Section 10, Open Spaces Act 1906.
- xix) Grants to Citizens' Advice Bureau and similar bodies - Subsection 2A of Section 38 of the 1989 Local Government and Housing Act which amended Section 142 of the Local Government Act 1972.

**Examples of known uses of S137 by other Parish/Town Councils:**

- Memorial plaques
- Resurfacing roads
- Public telephones
- Culvert
- Landscaping
- Village sweeper
- Beach cleansing
- Civic entertainment/awards
- Flood prevention
- New ambulance
- Assistance for handicapped
- Meals on wheels
- Welfare organisations
- Village handyman

(source: Charles Arnold Baker – Local Council Administration – 8<sup>th</sup> Edition).

**Audit Advice**

Based on the information currently to hand regarding the proposal, the Council's Internal Auditor has commented via email to the Clerk on 10<sup>th</sup> January the following:

*"I have read your e-mail regarding the Town Council's proposal to create a budget which would be applied using the legal powers conferred under s137 of the Local Government Act 1972 and I make the following observations:*

*Section 137 is a power of last resort, so you should consider whether there are any others powers under which expenditure could be made before relying on s137.*

*You need to ensure that your total proposed expenditure on all s137 projects is within the s137 'cap' (for 2017-18 the cap is set at £7.57 per head of the registered electorate as at 1 April 2017).*

*Expenditure reliant upon powers conferred under s137 must provide benefit to some or all of the population. If there is any doubt as to whether or not the expenditure meets the criteria of s137 it would be appropriate to obtain a legal opinion. NALC usually provide such a service free to members, but as a non-member this may be provided at a fee. This should be done before entering into any contracts with third parties."*

### **Lancashire Association of Local Councils Advice**

Although the Council is not member of NALC/LALC, the Clerk asked LALC for a view following the Auditor's email above.

Prior to doing this, the Clerk asked for further clarification as to what type of project the funding was aimed at setting up. One example given to the Clerk since the meeting of the Finance Committee is a breakfast club.

The following response from LALC was received:

*"S137 is the power that you will have to use for the project you describe. There is a recreational power which could be used if the project includes recreational activities, but a breakfast club on its own would not fit."*

### **Conclusion**

Based on all the above and the advice from the Auditor and LALC, it is the opinion of the Clerk that S137 could be used to fund the proposed project.

However, as Clerk/RFO I would advise the Council to consider the following when making this decision:

- **The Council must be satisfied that there is a direct benefit to the area or part of the area, or to some or all of the inhabitants and the Council is the body to determine whether or not such benefit will accrue, and a decision by the Council could only be challenged on the ground that it was wholly unreasonable before authorising funding for any project using Section 137 powers.**
- **In making a decision the Council must give as much information at the time of making the decision to make it clear to residents/tax payers how the funding will be used i.e. nature of project, frequency, area of town, targeted customers etc..**
- **If the project is not be delivered by the Council itself, the proposals should state how the project will be delivered and how the Council will determine which organisations to give funding to, to deliver the project.**
- **Consider if any specific powers are available to the Council to deliver the intended project – based on information given to the Clerk, the Clerk's view is that there is not.**



## 2. Emergency Centres

In the preamble to Minute No. 34 (page 34 of supporting papers) in the section regarding request from individual members and Committees, there is a reference to Emergency Centres.

Finance and Management Committee have recommended the following:

**Agree to request the Clerk to enter into discussions with Morecambe BID, Lancaster City Council and other Community Groups regarding the provision of additional Emergency Centres in Morecambe and researching the availability of funding to assist in setting up additional Emergency Centres.**

To ensure all members understand the issues please see some notes below:

- The City Council's Emergency Planning Officer has informed the Clerk that Morecambe should have an additional two Emergency Centres to cope with large scale emergencies that may/could occur.
- To create emergency centres, suitable venues need to be identified and the owners asked whether they would wish to be designated as an Emergency Centre and in this case he is of the opinion Churches with suitable halls or other community type centres need to be identified (one in the West End and one in Poulton or the east side of the town).
- The owners would be responsible for opening the facility in times of an emergency and "staffing" it e.g. in Halton, the Community Centre is a designated centre and the Community Centre Committee and local community have agreed to be responsible for operating the centre in times of emergency.
- Following identification of suitable venues and agreement from the owners/community any funds would be used to purchase items that the Centre would require to ensure it could deal with emergencies. In setting up similar centres across the District, the City Council have informed the Clerk that purchases could and have included:
  - Emergency generators
  - Upgrading wiring of the building
  - Emergency lighting provision
  - Catering equipment
  - Personal protective equipment
  - Some have improved their kitchens etc..
- Therefore, any funding from this Council or other funders would be used on items that the designated centre required to ensure it met all the requirements of an emergency centre.
- The Centre would then become part of the wider District Emergency Plan administered by Lancaster City Council
- Any funding obtained for the creation of emergency centres would be offered to the organisation who had expressed an interest and willingness to take part.
- The Emergency Planning Officer is of the view that external funding is no longer available for the establishment of emergency centres.
- Morecambe BID have been considering this issue within the middle of the town and hence the recommendation by the Finance Committee.

David Croxall  
Responsible Finance Officer  
12<sup>th</sup> January 2018