

PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 6.00 p.m. on Wednesday, 20 December 2017, when the following Members were present:-

Roger Mace (Mayor)

Carla Brayshaw

Sam Armstrong

Alan Biddulph

Dave Brookes

Abbott Bryning

Susie Charles

Ian Clift

Claire Cozler

Rob Devey

Kevin Frea

Mel Guilding

Tim Hamilton-Cox

Colin Hartley

Brendan Hughes

Joan Jackson

Ronnie Kershaw

Terrie Metcalfe

Jean Parr

Robert Redfern

Sylvia Rogerson

Susan Sykes

Oscar Thynne

David Whitaker

John Wild

Stuart Bateson (Deputy Mayor)

Jon Barry

Lucy Atkinson

Eileen Blamire

Tracy Brown

Nathan Burns

Darren Clifford

Brett Cooper

Sheila Denwood

Charlie Edwards

Andrew Gardiner

Janet Hall

Janice Hanson

Helen Helme

Caroline Jackson

Andrew Kay

James Leyshon

Abi Mills

Margaret Pattison

John Reynolds

Ron Sands

Malcolm Thomas

Andrew Warriner

Anne Whitehead

Peter Yates

79 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors June Ashworth, Nigel Goodrich, Geoff Knight, Rebecca Novell, Jane Parkinson, Nick Wilkinson, Peter Williamson and Phillippa Williamson.

80 MINUTES

The minutes of the two meetings held on 15 November 2017 were signed by the Mayor as a correct record.

The Mayor noted that 'declarations of interest' was the next item on the agenda. However, the Monitoring Officer had been delayed in traffic on the way to Morecambe and this item would be dealt with when she arrived, to provide any necessary advice on Members' interests.

81 ANNOUNCEMENTS - COUNCILLOR ABBOTT BRYNING

The Mayor presented the Father of the Council, Councillor Abbott Bryning, with a certificate to mark his fifty year anniversary as a Lancaster City Councillor.

Councillor Bryning thanked the Mayor and Councillors.

82 ANNOUNCEMENTS - RECORDING OF COMMENTS

The Mayor informed Members that, during the Local Plan item, they could, if they wished, request that a particular comment they had made be recorded in the minutes of the meeting. He emphasised that this could only apply to short and succinct views or comments.

83 ANNOUNCEMENTS - ORDER OF ITEMS

In view of the number of public speakers for the Local Plan, the Mayor informed Councillors of his intention to re-order the agenda slightly and take the Local Plan item before the motion on notice regarding the Flood Response. He asked for a show of hands on the proposal, which was carried.

Resolved:

That agenda items 9 and 10 be dealt with in reverse order.

84 QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11

The Mayor advised that no questions had been received from members of the public in accordance with the provisions of Council Procedure Rule 11.

85 PETITIONS AND ADDRESSES

The Mayor informed Members that several requests to address Council regarding the Local Plan had been received from members of the public. He also reminded Councillors of petitions previously submitted to the Council, which had been deferred to this meeting for debate during consideration of the Local Plan. Details of the petitions, relating to Green Belt Land GB4; the UE2/Denny Beck area and the Bailrigg Garden Village, had been

distributed to Councillors for the meeting.

The first speaker, Mrs Janet Taylor, addressed Council about flooding and climate change in relation to the Local Plan. A copy of Mrs Taylor's address had been previously circulated.

The Mayor thanked Mrs Taylor, who returned to the public gallery.

Mr Mark Salisbury addressed Council regarding Bailrigg Garden Village, having previously submitted petitions expressing concerns about the proposals for the garden village. A copy of his address had been previously circulated.

The Mayor thanked Mr Salisbury for his address.

Dr Matthew Barnes addressed Council regarding air quality issues relating to the proposed Garden Village. A copy of his address had been previously circulated.

The Mayor thanked Dr Barnes and informed all the speakers that the Cabinet Member for Planning would not be making a response to them directly at this point in the meeting, since Councillors would have the opportunity to debate the issues raised when the report, Advancing the Local Plan for Lancaster District, was considered later in the meeting (minute 88 refers).

86 DECLARATIONS OF INTEREST

Members advised of the following interests at this stage:

Councillor Kay declared a disclosable pecuniary interest (DPI) in the report regarding a Review of Local Council Tax Charging for Empty Homes, in relation to an empty property in Lancaster owned by the local Labour Party. Councillor Clifford then declared an interest on behalf of all the members in the Labour Group in relation to the same empty property, informing the Mayor that they would leave the meeting when the item was considered, in accordance with the Council's Constitution, Council Procedure Rule 9.1 (minute number 91 refers).

Councillor Cozler declared a DPI in relation to the report on the Localised Council Tax Support Scheme 2018/19 as a recipient of council tax support (minute number 90 refers).

Councillor Thynne declared a DPI in relation to the Local Plan item, as an employee of Lancaster University (minute number 88 refers).

Councillor Charles declared a DPI in relation to the Local Plan item (minute number 88 refers) and also, as a landlord, on the report regarding a Review of Local Council Tax Charging for Empty Homes (minute number 91 refers).

Councillor Sykes declared that she was a landlord and would therefore declare a DPI in the Review of Local Council Tax Charging for Empty Homes item (minute number 91 refers).

The Mayor also declared a DPI in relation to the Review of Local Council Tax Charging for Empty Homes item (minute number 91 refers), as a landlord.

In response to a question from Councillor Barry, the Monitoring Officer clarified why Members had been advised that landlords would have a DPI in relation to the Review of Local Council Tax Charging for Empty Homes item. She explained that a DPI existed

because rental properties often had periods between lettings, or periods where refurbishment or repairs were necessary, and the property would be empty and subject to the Empty Homes charging policy adopted by Council.

Councillors Gardiner and Edwards declared personal interests in items 9 and 16, the Motion on Notice and Cabinet Minutes, as elected members of Lancashire County Council (minute numbers 88 and 95 refer).

Councillor Leyshon declared a DPI in relation to the Local Plan item, as an employee of Lancaster University (minute number 88 refers).

In relation to the Review of Local Council Tax Charging for Empty Homes item (minute number 91 refers), Councillor Caroline Jackson declared that her partner owned a property but that she was not a landlord herself.

Councillor Metcalfe asked for advice regarding the Local Plan item, as a Member whose partner worked at Lancaster University. The Monitoring Officer advised that this would not constitute a DPI in the item, as the report concerned a policy matter which was not specific to Lancaster University, however she was aware that some Members who were employed at Lancaster University felt that they had an interest and would absent themselves from the meeting for that item. The Monitoring Officer reminded Members that declarations of interest were a matter for each individual Councillor to decide for themselves; her role was to advise, not instruct.

Councillor Hamilton-Cox declared, in regard to the Review of Local Council Tax Charging for Empty Homes item (minute number 91 refers) that he was a landlord. However, he would be staying to participate in the matter, as he intended to propose more stringent penalties for landlords of empty properties which would offer him no advantage.

87 LEADER'S REPORT

The Leader presented her report updating Members on various issues since her last report to Council. She then responded to a number of questions from Councillors. Councillor Whitehead assisted by responding to a question about financial matters.

Resolved:

That the report be noted.

88 ADVANCING THE LOCAL PLAN FOR LANCASTER DISTRICT

(Councillors Charles, Leyshon and Thynne left the meeting at this point, having previously declared an interest.)

The Chief Officer (Regeneration and Planning) submitted a report seeking a decision to formally publish the Local Plan for Lancaster District, obtain formal representations and then submit the document to the government for the process of independent examination.

The Portfolio Holder for Regeneration and Planning, Councillor Hanson, presented the report. A lengthy question and answer session followed, with the Chief Officer (Regeneration and Planning) and the Planning and Housing Policy Manager responding to Members' questions.

(The meeting adjourned for a comfort break at 8.25pm, reconvening at 8.35pm)

Councillor Hanson, seconded by Councillor Brayshaw, proposed that the recommendations, as set out in the report, be approved.

Councillor Hamilton-Cox proposed an amendment which he had submitted in advance of the meeting. The amendment was seconded by Councillor Caroline Jackson:

“Full council resolves to defer publication of the Local Plan until:

- a) independently verified flood risk assessments for each of the four major land allocations have been commissioned and reported. The additional four large-scale greenfield sites previously set aside are to be included in the review, together with a forensic flood risk assessment of the revised J33 road configuration;
- b) the update from Turley on the Objective Assessment of Need has been received and analysed;
- c) the district's housing target of 401 homes per year set out in the government's draft methodology are confirmed in government policy, with a view to adopting the target at the earliest opportunity in order to secure a 5-year housing land supply and control over unwanted development.

Full council further resolves to:

- d) bring forward the start date of the Plan in view of the signals from the housing market in both the market and private rental sectors, in order to eliminate the presumed backlog vs target which is preventing the achievement of a 5-year housing land supply (as similarly proposed by officers in the draft Land Allocations document dated July 2012);
- e) inform DCLG of the particular circumstances surrounding Plan-making in Lancaster district and the need for thorough review in the light of flooding issues and reassessment of the Objective Assessment of Need, including in the light of the government's draft methodology.”

The amendment was debated for some time. The Mayor then called for a vote. With few voting for the amendment and many against, the amendment fell.

There was a debate on the original motion, during which the Mayor made a statement, which he asked to be recorded in the minutes:

“I have been approached by residents in my ward who remain concerned that the draft Local Plan allocates more of the North Lancashire Green Belt for development than is justified. In particular, they object to development on fields 349 and 471 within the Strategic Site now known as SG12, South of Windermere Road in Carnforth. These fields are adjacent to Back Lane which is the Western Boundary of Kellet ward, and I ask that these objections are recorded in the minutes.”

At the end of the debate, a vote was taken and the motion was clearly carried.

Resolved:

That the Council:

- (1) Resolves to formally publish the Local Plan for Lancaster District, the background evidence, the reports on the Sustainability Appraisal and Habitats Regulations

Assessment, then obtains formal representations and submits the documents to the government for Independent Examination. This will ensure that the relevant regulations are followed and will enable stakeholders, including residents, to have their view on the soundness of the plan and its preparation processes. The submitted documents will then be considered by a government appointed Inspector.

- (2) Delegates to the Chief Officer (Regeneration and Planning) the authority to make minor changes to improve the clarity, consistency and appearance of the documents and policies maps, and, insert additional illustrative or factual material prior to formal publication and submission.
- (3) Acknowledges the challenges and inherent risks in advancing a complex local plan which aims to establish a long-term development strategy designed to support and facilitate growth, realise significant economic opportunity and boost the supply of housing within a district that is characterised by its heritage assets, its protected landscapes and its international and local environmental designations, whilst presently constrained by the ability of its infrastructure to accommodate further growth.
- (4) Acknowledges that the task of advancing the Local Plan through to adoption has resource implications that will evolve as challenges to the submitted plan emerge and evolve; the Chief Officer (Regeneration and Planning) will need both capacity and flexibility to ensure that resources are available and deployed, particularly in financial year 2018/19 to address this challenge.

89 MOTION ON NOTICE - FLOOD RESPONSE

The following motion, of which notice had been given to the Chief Executive in accordance with Council Procedure Rule 15, was moved by Councillors Caroline Jackson and seconded by Tim Hamilton-Cox.

“This council notes the response to recent flooding by city council officers was timely and effective. Issues arising from flooding in 2015 and earlier this year have been successfully used to create improved strategies to ensure the welfare and safety of residents. Communication and co-operation between services, agencies and voluntary and community groups was excellent. We wish to congratulate officers on this achievement.

This council also notes that the flooding in Galgate, Hala and Halton was partially caused by surface water run-off during heavy rainfall.

This council notes that this also applies to smaller areas of repeated flooding such as Caton Road, Lower Church Street, Long Marsh Lane, Willow Lane and Brook Street and these floods are causing stress, economic hardship and lost business.

There is evidence that flooding events linked to run off were exacerbated by blocked gullies many of which had been repeatedly notified to the county council over a long period.

We note also that the effective response to flooding has taken and will take many hours of officer time which means the other necessary work done to serve residents has been and will be delayed.

This council believes:

We now live in a city and district repeatedly subject to what is termed “unprecedented rainfall”. By definition more intense rainfall is now preceded and equally intense effort needs to be directed to mitigating the impact. We cannot accept the delays in gully clearing that have been noted by many elected members in this chamber and indeed elected members who sit at county level.

We have a duty to respond to hardship among district residents in an effective way.

This council resolves to:

- 1) Hire a gully clearing vehicle for the 6 months January – June 2018 or sooner if possible and deploy it with appropriate staff members;
 - a) to clear all gullies already known to officers to create or add to known flood hazards.
 - b) to clear all gullies reported by members, businesses and residents known to create or add to known flood hazards.
 - c) to undertake a check of all gullies in sensitive areas of the district.
- 2) That the cost of this be taken in the first instance from the city council's general fund balance.
- 3) That steps be taken to recover costs as far as possible.
- 4) That urgent steps be taken by Cabinet and Lancaster City officers at the most senior level to recover the contract for gully cleaning from Lancashire County Council for financial year 2018-9 onwards.
- 5) That residents, councillors and officers work together to identify areas where street engineering is causing surface water run off to increase flood risk and by March 2018 prepare a report for County Highways on works needed.
- 6) That all interested parties Lancaster City council, United Utilities, Lancashire Lead Flood Authority and the Environment Agency are convened to consider urgently the problem of combined surface and foul water drains in flood prone areas and bring forward a plan to eliminate them as a risk to public health.”

An officer briefing note was attached to the agenda, with officer recommendations.

The Mayor spoke about the floods in Nether Kellet and asked that Nether Kellet be included in the second paragraph of the motion, which was accepted as a friendly amendment by Councillor Caroline Jackson, as was a request from Councillor Edward to include Low Lane/Mattock Crescent in Torrisholme.

Councillor Hughes spoke, as relevant portfolio holder, to refer to the officer briefing note and recommendations which explained that a debriefing for all organisations involved (City Council, County Council, Environment Agency, Police, Fire Service, voluntary organisations), was scheduled for January 2018. He then proposed an amendment to the motion, seconded by Councillor Thynne:

- “(1) That the recommendations of the debrief, once available, be considered.
- (2) That the Cabinet Member and Chief Officer meet with the County Council to request a collaborative approach to gully emptying and channel sweeping.
- (3) That officers be entrusted to apply for Regional Flood Coastal Fund funding to help flood victims.

- (4) That, for a limited time, a dedicated point of contact for Councillors and the public be set up to contact officers to enable people to identify and report areas where street engineering is causing surface water 'run off' to pass this information to the County Council."

The amendment was debated before a vote was taken and the amendment was clearly carried.

The amendment, which had now become the substantive motion, was subject to a second vote and was, again, clearly carried.

Resolved:-

- (1) That the recommendations of the debrief, once available, be considered.
- (2) That the Cabinet Member and Chief Officer meet with the County Council to request a collaborative approach to gully emptying and channel sweeping.
- (3) That officers be entrusted to apply for Regional Flood Coastal Fund funding to help flood victims.
- (4) That, for a limited time, a dedicated point of contact for Councillors and the public be set up to contact officers to enable people to identify and report areas where street engineering is causing surface water 'run off' to pass this information to the County Council.

90 LOCALISED COUNCIL TAX SUPPORT SCHEME 2018/19

(Councillor Cozler left the meeting at this point having previously declared a DPI)

The Chief Officer (Resources) submitted a report seeking Council's decision on its Localised Council Tax Support (LCTS) Scheme for 2018/19.

Councillor Whitehead, Cabinet Member for Finance, Revenues and Benefits and Skills, presented the report. Members asked a number of questions, which the Cabinet Member responded to before proposing Option 2 of the report, seconded by Councillor Atkinson.

Members asked for clarification of the detail of the proposal regarding Option 2 and the Chief Officer (Resources) clarified this. Option 2 was set out in the report as:

"Make changes to the backdating provision and make other minor technical changes to the existing Localised Council Tax Support (LCTS) scheme, to keep various entitlement criteria the same as for other key benefits (e.g. Housing Benefit and Universal Credit) and help reduce hardship."

The minor technical changes referred to were identified in Appendix B of the report. They related to:

- removing backdating restrictions where there is good cause to do so; and
- disregarding (for the purposes of calculating LCTS entitlement) payments made to claimants affected by bereavement or a specific tragedy.

Members asked whether payments made to claimants affected 'by a specific tragedy' would include flood grant payments and were assured yes, such payments would be disregarded for the purposes of calculating LCTS entitlement.

A vote was then taken on the proposition, which was clearly carried.

Resolved:

- (1) That Option 2, as set out in the report, be approved for application in 2018/19. (Option 2 being to “make changes to the backdating provision and make other minor technical changes to the existing Localised Council Tax Support (LCTS) scheme, to keep various entitlement criteria the same as for other key benefits (e.g. Housing Benefit and Universal Credit) and help reduce hardship.)
- (2) That the Chief Officer (Resources) be authorised to finalise and publish the Council’s adopted scheme for 2018/19 and make all other necessary arrangements for its implementation in the next financial year.

91 REVIEW OF COUNCIL TAX CHARGING POLICY FOR EMPTY HOMES

(The Mayor, the entire Labour Group and several members of other groups had previously declared a disclosable pecuniary interest in the following item of business. As the Deputy Mayor took the Chair and Members with interests prepared to leave the Chamber, it became apparent that the meeting would no longer be quorate or able to take a decision. Members who had already left the Chamber were invited back in. The Mayor returned to the Chair.)

The Chief Officer (Resources) explained the way forward for this matter to be considered. A case for dispensations would be put to the Standards Committee in January 2018 to allow the policy to be determined by Council at its meeting on 31 January.

92 APPOINTMENTS TO OUTSIDE BODIES - BOARDS OF TRUSTEES OF THE LANCASTER CHARITY AND LANCASTER DISTRICT CVS

Council considered a report submitted by the Chief Executive. The report noted that two vacancies had arisen on outside bodies. The first was on the Board of Trustees of the Lancaster Charity, the second was with Lancaster District CVS. Members were asked to consider the basis for both appointments, which had previously been made by way of nominations and voting at full Council, and to receive nominations at the meeting should the basis remain the same.

Councillor Clifford proposed that the basis of appointment should remain by way of nominations and voting at full Council for both appointments. The proposition was seconded by Councillor Brookes and clearly carried when put to the vote.

The Mayor called for nominations for the Board of Trustees of the Lancaster Charity. Councillor Clifford nominated Councillor Kay to fill the vacancy. The nomination was seconded by Councillor Brown.

There were no further nominations and the Mayor declared Councillor Kay appointed to the Lancaster Charity.

Nominations were then sought for the place on Lancaster District CVS.

Councillor Clifford, seconded by Councillor Brown, nominated Councillor Parr to fill the vacancy.

No further nominations were put forward and Councillor Parr was appointed to Lancaster

District CVS.

Resolved:

- (1) That the basis of appointment for the Board of Trustees of the Lancaster Charity and Lancaster CVS remain as nominations and voting at full Council.
- (2) That Councillor Kay be appointed to the Board of Trustees of the Lancaster Charity.
- (3) That Councillor Parr be appointed to Lancaster District CVS.

93 APPOINTMENTS AND CHANGES TO COMMITTEE MEMBERSHIP

Councillor Clifford made nominations for the following Labour Group vacancies on Committees:

Councillor Brown for the Appeals Committee
Councillor Bryning for the Appraisal Panel
Councillor Redfern for the Licensing Act Committee
Councillor Burns for the Standards Committee

Councillor Cozler seconded the nominations. Councillor Clifford noted that a vacancy for the Budget and Performance Panel and a named substitute place on the Audit Committee remained vacant. He agreed to provide details of nominees at the next Council meeting.

Resolved:

That the following appointments to Panels and Committees be approved:

Councillor Brown for the Appeals Committee
Councillor Bryning for the Appraisal Panel
Councillor Redfern for the Licensing Act Committee
Councillor Burns for the Standards Committee

94 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12

The Mayor advised that one question had been received by the Chief Executive in accordance with Council Procedure Rules, which had been deferred from the November 15th meeting of council. This was a question from Councillor Barry to Councillor Hughes. Councillor Barry asked:

Is the Cabinet Member satisfied with the level of cleanliness of our streets and public spaces?

Councillor Hughes replied:

“Yes, but we can always do more.”

Councillor Barry remarked that cleanliness levels in parts of the Marsh area were the worst that he could remember. He asked if the Cabinet Member would consider looking around them to see if more funding could be put in the budget for 2018/19.

Councillor Hughes said he would take up the offer of a look around the area and informed Councillor Barry that interesting ideas would be put forward through the budget process, including a more community-led approach.

95 MINUTES OF CABINET

Council considered the Cabinet minutes of the meetings held on 7 November and 5 December 2017. The Leader responded to Members' questions.

Resolved:

That the minutes be noted.

Mayor

(The meeting finished at 10.30 p.m.)

**Any queries regarding these minutes,
please contact Debbie Chambers, Democratic Services - telephone (01524) 582057 or email
dchambers@lancaster.gov.uk**