

## CABINET

6.00 P.M.

21ST MARCH 2017

**PRESENT:-** Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Darren Clifford, Brendan Hughes, James Leyshon, Karen Leytham, Margaret Pattison and Anne Whitehead

Officers in attendance:-

Susan Parsonage	Chief Executive
Andrew Dobson	Chief Officer (Regeneration and Planning)
Suzanne Lodge	Chief Officer (Health and Housing)
Liz Bateson	Principal Democratic Support Officer

### 66 MINUTES

The minutes of the meeting held on Tuesday 14 February 2017 were approved as a correct record.

### 67 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

The Chairman advised that there were no items of urgent business.

### 68 DECLARATIONS OF INTEREST

Councillor Hughes declared an interest with regard to the Property Level Resilience Grants report in his capacity as director of a company providing a key holding service for the Millrace on behalf of a third party. Councillor Hughes confirmed that he would abstain from voting on this item.

### 69 PUBLIC SPEAKING

Members were advised that there had been no requests to speak at the meeting in accordance with Cabinet's agreed procedure.

### 70 PROPERTY LEVEL RESILIENCE GRANTS, LUNE SQUARE AND THE MILLRACE

**(Cabinet Member with Special Responsibility Councillor Hanson)**

***Having previously declared an interest, Councillor Hughes did not participate in the discussions or vote on this item.***

Cabinet received a report from the Chief Officer (Regeneration & Planning) to approve Property Level Resilience Grant allocations to Lune Square and the Millrace.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

	<b>Option 1:</b> To approve the discretionary grant	<b>Option 2:</b> Not to approve the discretionary grant allocations
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	allocations for these properties	for these properties
Advantages	Property resilience put in place. Future events should not result in residents being displaced.	No property resilience in place. Residents at risk of being displaced in future events.
Disadvantages	None	Additional public expenditure may take place to support residents in the event of future flooding.
Risks	<p>Firstly, scheme could be deemed to be ineligible by DCLG. Although the guidance is not clear and is open to interpretation, DCLG stress that LA's have the discretion to apply grants as they see fit. DCLG have been asked to confirm it has no objections to the proposed course of action and they have reiterated that LA's have flexibility to approve community schemes provided it protects the properties of all of the claimants and that we're satisfied the application meets the eligibility criteria.</p> <p>Secondly, deadline for submitting applications is 31 March 2017 and if a decision is not made at this time there is a risk that we will miss the deadline.</p>	Reputational damage to the local authority.

Option 1 is the preferred option. Cabinet are asked to authorise payment in these circumstances to ensure that these vulnerable properties are provided with an appropriate level of property resilience in line with the spirit of the Governments scheme.

Councillor Hanson proposed, seconded by Councillor Clifford:-

"That the recommendations, as set out in the report, be approved."

Councillors then voted:-

**Resolved:**

**(7 Members (Councillors Blamire, Clifford, Hanson, Leyshon, Leytham, Pattison and Whitehead) voted in favour. Councillor Hughes, having declared an interest, did not vote.)**

- (1) That a Property Level Resilience Grant of £96,240 be paid in relation to works to protect Lune Square, to be funded from Government grant.
- (2) That a Property Level Resilience Grant of £104,000 be paid in relation to works to protect The Millrace, to be funded from Government grant.

**Officer responsible for effecting the decision:**

Chief Officer (Regeneration & Planning)

**Reasons for making the decision:**

The City Council takes an active role in protecting its residents and property from flood risk in line with national flooding policy and its duty to cooperate with the Lead Flood Authority. The decision will provide future protection for 109 households from flooding events, reducing the risk of any need for rehousing.

**71 ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014: FIXED PENALTY NOTICE CHARGES FOR NON-COMPLIANCE WITH COMMUNITY PROTECTION NOTICES**

**(Cabinet Members with Special Responsibility Councillors Hughes and Leytham)**

Cabinet received a report from the Chief Officer (Health & Housing) to seek decisions for the level at which Fixed Penalty Notice (FPN) charges will be set for failure to comply with Community Protection Notices under the Anti-Social Behaviour, Crime & Policing Act 2014.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

	<b>Option 1:</b> Set FPN at £100 to be paid within 21 days (with no early payment reduction).	<b>Option 2:</b> Set FPN at £100 (with an early repayment reduction to £65 if paid within 14 days)	<b>Option 3:</b> Set FPN at a lower level (to be decided by Cabinet)	<b>Option 4:</b> No FPN level set.
Advantages	<ul style="list-style-type: none"> <li>• Aligned with levels set by the <i>majority</i> of</li> </ul>	<ul style="list-style-type: none"> <li>• Consistent with Lancaster PSPO &amp; Dog-</li> </ul>	<ul style="list-style-type: none"> <li>• More people might opt to</li> </ul>	<ul style="list-style-type: none"> <li>• There is no obligation to issue FPNs</li> </ul>

<p>es</p>	<p>Lancashire councils noted in this report.</p> <ul style="list-style-type: none"> <li>• The £100 maximum level of fixed penalty charge would provide the maximum deterrent effect.</li> <li>• Demonstrates that the council is maximising impact of FPNs.</li> </ul>	<p>related FPNs.</p> <ul style="list-style-type: none"> <li>• The £100 maximum level of fixed penalty charge would provide the maximum deterrent effect.</li> <li>• Policy of offering early payment reduction would be aligned with a minority of Lancashire councils.</li> <li>• Demonstrates that the council is maximising impact of FPNs but offering a less costly option to avoid further action.</li> </ul>	<p>pay a lower level of penalty rather than risk being prosecuted.</p>	<p>for breaches of CPNs. Section 52 of ASBCPA 2014 states that an authorised person 'may' issue a FPN.</p>
<p>Disadvantages</p>	<ul style="list-style-type: none"> <li>• Inconsistent with PSPO &amp; Dog-related FPNs as both offer early payment discount.</li> <li>• Could result in higher levels of non-payment, substantially increasing the amount and cost of prosecution work.</li> </ul>		<ul style="list-style-type: none"> <li>• Lower deterrent effect than would be provided by a higher level of charge.</li> <li>• Inconsistent with both existing PSPO and levels set by other councils in Lancashire.</li> </ul>	

<p>Risks</p>	<ul style="list-style-type: none"> <li>• Could be perceived as 'harsh' compared to the councils identified as having set a lower level or an early payment reduction</li> <li>• Resources tied up in prosecutions due to non-payment.</li> </ul>	<ul style="list-style-type: none"> <li>• Council could be criticised for offering a 'cheap' way out of formal action.</li> </ul>	<ul style="list-style-type: none"> <li>• Council could be criticised for offering a 'cheap' way out of formal action.</li> </ul>	<p>Completely undermines the purpose of the legislation and would make to issuing of CPNs redundant.</p>
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The officer recommendation is Option 2 - that the level of charge for Fixed Penalty Notices issued for breach of Community Protection Notices under the Anti-Social Behaviour, Crime & Policing Act 2014 is set at £100 payable within 21 days, and that the amount payable is reduced to £65 if payment is received within 14 calendar days of the date of issue. This level of charge would provide the greatest deterrent available which complements the approach the council is taking to tackle ASB, whilst retaining an incentive to pay the FPN (and therefore avoid resource intensive court proceedings).

Setting the level of penalty charge for non-compliance with a CPN at the highest level available would:

- Send a clear message about how seriously the council is taking the issue of ASB seriously.
- Provide the biggest available FPN penalty charge deterrent to perpetrators of ASB
- Make the risk to an ASB perpetrator of receiving a CPN (and likely a resulting penalty charge if they fail to comply) work as best it can for investigating and enforcement officers.

Aside from the message and deterrent effect that the amount of penalty charge would have, alternative levels of penalty charge below £100 would be equally enforceable.

Councillor Hughes proposed, seconded by Councillor Leytham:-

“That the recommendations, as set out in the report, be approved.”

Councillors then voted:-

**Resolved unanimously:**

- (1) That the level of charges for Fixed Penalty Notices (FPNs) issued for breach of Community Protection Notices under the Anti-Social Behaviour, Crime & Policing Act 2014 be set at £100 and payment be required within 21 days.

- (2) That the amount payable is reduced to £65 if payment is received within 14 days of the date of issue.

**Officer responsible for effecting the decision:**

Chief Officer (Health & Housing)

**Reasons for making the decision:**

The decision is consistent with the Clean and Green Corporate Priority and contributes to the Lancaster District Community Safety Strategy. The enforcement of Anti-Social Behaviour through the use of fixed penalty notices and charges is expected to have a significant positive impact on community safety.

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Chairman

(The meeting ended at 6.05 p.m.)

**Any queries regarding these Minutes, please contact  
Liz Bateson, Democratic Services - telephone (01524) 582047 or email  
ebateson@lancaster.gov.uk**

**MINUTES PUBLISHED ON THURSDAY 23<sup>RD</sup> MARCH, 2017.**

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:  
FRIDAY 31<sup>ST</sup> MARCH, 2017.**