



URGENT BUSINESS

WEDNESDAY, 15 APRIL 2009

Please find enclosed Urgent Business Notices in connection with the following:

1. **Quick Response Vehicle** (Pages 1 - 9)

The Corporate Director (Community Services) on behalf of the Chief Executive, in consultation with the Leader of the Cabinet and the Cabinet Member with Special Responsibility for City Council (Direct) Services, has been asked and has agreed to make a decision in accordance with the City Council's Urgent Business Procedure.

Details of the above decision and the reasons for urgency are set out in the attached Notices and report.

Additionally the Corporate Director (Community Services) on behalf of the Chief Executive (in consultation with the Chairman of the Overview and Scrutiny Committee) has been asked to waive call-in in accordance with the Overview and Scrutiny Committee Procedure Rule 17(a) and that the requirement to include the decision in the Forward Plan be waived in accordance with Access to Information Rule 16. The Chairman of the Overview and Scrutiny Committee was in agreement with the decision to waive call-in and the requirement to include the decision in the Forward Plan.

2. **Freedom of Information Request - Canal Corridor** (Pages 10 - 17)

The Corporate Director (Community Services) on behalf of the Chief Executive, in consultation with the Leader of the Cabinet and the Cabinet Member with Special Responsibility for Democratic, Legal and Licensing Services, has been asked and has agreed to make a decision in accordance with the City Council's Urgent Business Procedure.

Details of the above decision and the reasons for urgency are set out in the attached Notices and report.

Additionally the Corporate Director (Community Services) on behalf of the Chief Executive (in consultation with the Chairman of the Overview and Scrutiny Committee) has been asked to waive call-in in accordance with Overview and Scrutiny Committee Procedure Rule 17(a). The Chairman of the Overview and Scrutiny Committee was in agreement with the decision to waive call-in.

Queries regarding these documents

Please contact Sharon Marsh, Democratic Services - telephone (01524) 582096 or email smarsh@lancaster.gov.uk.

Gillian Noall,
Head of Democratic Services,
Town Hall,
Dalton Square,
Lancaster LA1 1PJ

Published on Wednesday, 15th April 2009

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E-mail: GNoall@lancaster.gov.uk
Our reference: GN/TS/UB70
Your reference:

Councillor Abbot Bryning,
Leader of Cabinet,

HEAD OF DEMOCRATIC SERVICES

Councillor John Barry,
Cabinet Member with Special Responsibility
for City Council (Direct) Services – Including
Environmental Enforcement

Town Hall
Dalton Square
Lancaster
LA1 1PJ

DX 63531

14th April 2009

Dear Councillor,

URGENT BUSINESS – Quick Response Vehicle

Members are requested to consider the attached report, advising of the need to seek approval to accept an offer of £60,000 from the Lancaster District Local Strategic Partnership to fund the Quick Response Vehicle and two staff for 2009/10.

One of the priorities of the neighbourhood management project undertaken by the West End Partnership and Poulton Neighbourhood Management was to improve the environment of the area. To help achieve this they funded a quick response vehicle (QRV) and 2 staff that would reduce the time taken to deal with reports of fly tipping to 1 working day. As the neighbourhood management project has come to an end this funding is no longer available.

A bid to continue to fund the QRV and 2 staff in 2009/10 was submitted to the Lancaster District Local Strategic Partnership (LDLSP). The outline of the bid was the QRV would provide a similar type of service but within defined 'hotspot' areas throughout the whole of the District. For 2009/10 the revenue funding required to operate the QRV is estimated to be £60,000, the LDLSP have offered to contribute the whole of the funding requirement for 2009/10.

The urgency for this decision is to enable the funding bid for the LDLSP to be accepted, which will allow the Quick Response Vehicle and 2 staff to continue to operate without any loss of service.

The recommendations are:-

- (1) That Cabinet accepts the Lancaster District Local Strategic Partnership offer to provide £60,000 to fund the quick response vehicle and 2 staff for 2009/10.**
- (2) That the General Fund Revenue Budget is updated accordingly.**

- (3) That the Overview & Scrutiny Chairman be consulted with a view to waiving call in, in accordance with Overview & Scrutiny Procedure Rule 17, to enable immediate implementation.**
- (4) That the Overview & Scrutiny Chairman be consulted with a view to waiving the requirement to include the decision in the Forward Plan, in accordance with Access to Information Procedure Rule 16.**

The approval of the Chief Executive in consultation with the Chairman of the Overview and Scrutiny Committee has also been sought to this action in accordance with Overview and Scrutiny Committee Procedure Rule 17(a).

I would be grateful if you could complete the attached slip, signifying whether you are in agreement with the recommendation or not, and return it to the Town Hall as soon as possible. In the meantime, could you please telephone Tom Silvani on 582132, or e-mail tsilvani@lancaster.gov.uk, with your decision.

Yours sincerely,

HEAD OF DEMOCRATIC SERVICES

Enc.

URGENT BUSINESS – Quick Response Vehicle

Councillor Consultation

*I am/~~am not~~ (***please delete as appropriate**) in agreement with the recommendation:-

- (1) That Cabinet accepts the Lancaster District Local Strategic Partnership offer to provide £60,000 to fund the quick response vehicle and 2 staff for 2009/10.
- (2) That the General Fund Revenue Budget is updated accordingly.
- (3) That the Overview & Scrutiny Chairman be consulted with a view to waiving call in, in accordance with Overview & Scrutiny Procedure Rule 17, to enable immediate implementation.
- (4) That the Overview & Scrutiny Chairman be consulted with a view to waiving the requirement to include the decision in the Forward Plan, in accordance with Access to Information Rule 16.

Signed: Councillor Abbott Bryning, Councillor Jon Barry -----

Name: Abbott Bryning and Jon Barry -----

Position Held: Leader of the Cabinet and Cabinet Member with Special Responsibility-----

Dated: 15th April 2009 -----

Chief Executive Decision

*I agree/~~do not agree~~ (***please delete as appropriate**) to exercise my delegated authority and approve:-

- (1) That Cabinet accepts the Lancaster District Local Strategic Partnership offer to provide £60,000 to fund the quick response vehicle and 2 staff for 2009/10.
- (2) That the General Fund Revenue Budget is updated accordingly.
- (3) That the Overview & Scrutiny Chairman be consulted with a view to waiving call in, in accordance with Overview & Scrutiny Procedure Rule 17, to enable immediate implementation.
- (4) That the Overview & Scrutiny Chairman be consulted with a view to waiving the requirement to include the decision in the Forward Plan, in accordance with Access to Information Rule 16.

Signed: Peter Loker, Corporate Director (Community Services)-----
On behalf of Chief Executive

Dated: 15th April 2009 -----

Please return to: Tom Silvani,
Democratic Services,
Town Hall,
Dalton Square,
LANCASTER. LA1 1PJ
Ref: UB70

Contact: Gill Noall
Telephone: (01524) 582060
Fax: (01524) 582161
Minicom: (01524) 582175
E-mail: GNoall@lancaster.gov.uk
Our reference: GN/TS/UB70
Your reference:

Councillor Stuart Langhorn,
Chairman of the Overview
and Scrutiny Committee.

HEAD OF DEMOCRATIC SERVICES

Town Hall
Dalton Square
Lancaster
LA1 1PJ

DX 63531

14th April 2009

Dear Councillor,

URGENT BUSINESS – Quick Response Vehicle

Members are requested to consider the attached report, advising of the need to seek approval to accept an offer of £60,000 from the Lancaster District Local Strategic Partnership to fund the Quick Response Vehicle and two staff for 2009/10.

One of the priorities of the neighbourhood management project undertaken by the West End Partnership and Poulton Neighbourhood Management was to improve the environment of the area. To help achieve this they funded a quick response vehicle (QRV) and 2 staff that would reduce the time taken to deal with reports of fly tipping to 1 working day. As the neighbourhood management project has come to an end this funding is no longer available.

A bid to continue to fund the QRV and 2 staff in 2009/10 was submitted to the Lancaster District Local Strategic Partnership (LDLSP). The outline of the bid was the QRV would provide a similar type of service but within defined 'hotspot' areas throughout the whole of the District. For 2009/10 the revenue funding required to operate the QRV is estimated to be £60,000, the LDLSP have offered to contribute the whole of the funding requirement for 2009/10.

The urgency for this decision is to enable the funding bid for the LDLSP to be accepted, which will allow the Quick Response Vehicle and 2 staff to continue to operate without any loss of service.

The recommendations are:-

- (1) That Cabinet accepts the Lancaster District Local Strategic Partnership offer to provide £60,000 to fund the quick response vehicle and 2 staff for 2009/10.**
- (2) That the General Fund Revenue Budget is updated accordingly.**

- (3) **That the Overview & Scrutiny Chairman be consulted with a view to waiving call in, in accordance with Overview & Scrutiny Procedure Rule 17(a), to enable immediate implementation.**
- (4) **That the Overview & Scrutiny Chairman be consulted with a view to waiving the requirement to include the decision in the Forward Plan, in accordance with Access to Information Procedure Rule 16.**

The approval of the Chief Executive, in consultation with the Leader and relevant Cabinet Member has been sought to this action.

Subject to this approval, I would be grateful if you could consider the immediate implementation of this course of action and agree to waive the right of call-in, in accordance with Overview and Scrutiny Committee Procedure Rule 17(a), and also to agree to waive the requirement to include the decision in the Forward Plan, in accordance with Access to Information Procedure Rule 16.

Please complete the attached slip signifying your decision and return it to the Town Hall as soon as possible. In the meantime, could you please telephone Tom Silvani on 582132, or e-mail tsilvani@lancaster.gov.uk with your decision.

Yours sincerely,

HEAD OF DEMOCRATIC SERVICES

Enc.

URGENT BUSINESS – Quick Response Vehicle

*I agree/~~do not agree~~ (***please delete as appropriate**)

To this matter being treated as a matter of urgency in accordance with Overview and Scrutiny Committee Procedure Rule 17(a) and therefore not being subject to call-in.

To this matter being treated as a matter of urgency in accordance with Access to Information Procedure Rule 16, and give approval for the Chief Executive to take this decision in advance of the usual five days notice.

Signed: Councillor Stuart Langhorn

Dated: 14th April 2009

Chief Executive Decision

*I agree/~~do not agree~~ (***please delete as appropriate**) to this matter being treated as a matter of urgency in accordance with Overview and Scrutiny Committee Procedure Rule 17(a) and therefore not being subject to call-in.

Signed: Peter Loker, Corporate Director (Community Services)-----
On behalf of Chief Executive

Dated: 15th April 2009

Please return to: Tom Silvani
Democratic Services,
Town Hall,
Dalton Square,
LANCASTER. LA1 1PJ
Ref: UB70

CABINET

Urgent Business Report Quick Response Vehicle

Report of Head of City Council (Direct) Services

PURPOSE OF REPORT			
To outline funding arrangements for the quick response vehicle and 2 staff for 2009/10			
Key Decision	X	Non-Key Decision	Referral from Cabinet Member
Date Included in Forward Plan	N/A Requirement Waived.		
This report is public			

RECOMMENDATIONS

- (1) That Cabinet accepts the Lancaster District Local Strategic Partnership offer to provide £60,000 to fund the quick response vehicle and 2 staff for 2009/10.
- (2) That the General Fund Revenue Budget is updated accordingly.

1.0 Introduction

- 1.1 The Council's target time for dealing with reports of fly tipping is 3 working days. One of the priorities of the neighbourhood management project undertaken by the West End Partnership and Poulton Neighbourhood Management was to improve the environment of the area. To help achieve this they funded a quick response vehicle (QRV) and 2 staff that would reduce the time taken to deal with reports of fly tipping to 1 working day. The vehicle and staff were provided and managed by City Council (Direct) Services
- 1.2 In terms of providing an immediate response to fly tipping, reducing incidents of arson and other types of anti-social behaviour this approach has been successful.
- 1.3 As the neighbourhood management project has come to an end this funding is no longer available.

2.0 Proposal Details

- 2.1 A bid to continue to fund the QRV and 2 staff in 2009/10 was submitted to the Lancaster District Local Strategic Partnership (LDLSP). The outline of the bid was the

QRV would provide a similar type of service but within defined 'hotspot' areas throughout the whole of the District.

- 2.2 For 2009/10 the revenue funding required to operate the QRV is estimated to be £60,000. The LDLSP have offered to contribute the whole of the funding requirement for 2009/10.

3.0 Details of Consultation

- 3.1 None as a result of this report

4.0 Options and Options Analysis (including risk assessment)

- 4.1 **Option 1-** to accept the offer of funding from the LDLSP
- 4.2 **Option 2-** to not accept the offer of funding from the LDLSP

5.0 Officer Preferred Option (and comments)

- 5.1 The Officer preferred option is option 1. The service is consistent with a number the Corporate priorities and will contribute to the corporate aim of maintaining the cleanliness of the District as well as targets within Lancashire's Local Area Agreement.

6.0 Conclusion

- 6.1 The report outlines funding arrangements for the QRV in 2009/10.

RELATIONSHIP TO POLICY FRAMEWORK

'To make our district a cleaner and healthier place' is a priority within the corporate plan.

Lancashire's Local Area Agreement sets targets for cleanliness which this District contributes to.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The types of environmental issues the QRV deals with (eg flytipping, dumping of bin bags) are a major concern to residents, impact on the environment, create an arson risk and attract further anti-social behaviour.

FINANCIAL IMPLICATIONS

The scheme is funded in full from external resources and the management costs associated with running the scheme are negligible and can be absorbed within existing budgets.

SECTION 151 OFFICER'S COMMENTS

The Section 151 officer has been consulted and has no comments to add

LEGAL IMPLICATIONS

There are no legal implications arising from this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments

BACKGROUND PAPERS

Contact Officer: Mark Davies
Telephone: 01524 582401
E-mail: MDavies@lancaster.gov.uk
Ref:

Contact: Gill Noall
Telephone: (01524) 582060
Fax: (01524) 582161
Minicom: (01524) 582175
E-mail: GNoall@lancaster.gov.uk
Our reference: GN/TS/UB71
Your reference:

Councillor Abbot Bryning,
Leader of Cabinet,

HEAD OF DEMOCRATIC SERVICES

Councillor Gilbert,
Cabinet Member with Special
Responsibility for Democratic,
Legal and Licensing Services

Town Hall
Dalton Square
Lancaster
LA1 1PJ

DX 63531

14th April 2009

Dear Councillor,

URGENT BUSINESS – Freedom of Information Request - Canal Corridor

Members are requested to consider the attached report, advising of the need to seek approval to remove the exemption that is currently in place with relation to the Canal Corridor Report considered by Cabinet on 22nd March 2005 (Minute No. 168 refers).

At the meeting of Cabinet held on 22nd March 2005, a report on the Canal Corridor proposals was presented to Members by former Councillor Alex Stone and Councillor Abbott Bryning. Due to the commercial sensitivity of this report it was classified exempt by virtue of paragraph(s) 7 and 9 of Part 1 of Schedule 12A of the Local Government Act 1972.

In February 2009 a Freedom of Information Request was received requesting a copy of the aforementioned report. Despite the report being exempt under the Local Government Act, consideration must be given as to whether exemptions apply under the Freedom of Information Act. Advice was sought from Legal and Human Resources and the Legal Services Manager advised that in his opinion there are no commercially sensitive areas remaining due to the elapse of time since this report. It is therefore considered appropriate to remove the exemptions and release the report under the Freedom of Information Act.

The reason for Urgency is that there are time constraints dictated by the Freedom of Information Act, and due to the length of time taken to consider the issue, the Council's response is already overdue and we are in breach of the requirements of the Act.

The recommendations are:-

- (1) That Cabinet remove the exemption that is currently in place with relation to the Canal Corridor Report considered by Cabinet on 22 March 2005 (item 168).**

- (2) **That the Overview & Scrutiny Chairman be consulted with a view to waiving call in, in accordance with Overview & Scrutiny Procedure Rule 17, to enable immediate implementation.**

The approval of the Chief Executive in consultation with the Chairman of the Overview and Scrutiny Committee has also been sought to this action in accordance with Overview and Scrutiny Committee Procedure Rule 17(a).

I would be grateful if you could complete the attached slip, signifying whether you are in agreement with the recommendation or not, and return it to the Town Hall as soon as possible. In the meantime, could you please telephone Tom Silvani on 582132, or e-mail tsilvani@lancaster.gov.uk, with your decision.

Yours sincerely,

HEAD OF DEMOCRATIC SERVICES

Enc.

URGENT BUSINESS – Freedom of Information Request - Canal Corridor

Councillor Consultation

*I am/~~am not~~ (***please delete as appropriate**) in agreement with the recommendation:-

- (1) That Cabinet removes the exemption that is currently in place with relation to the Canal Corridor Report considered by Cabinet on 22nd March 2005 (item 168).
- (2) That the Overview & Scrutiny Chairman be consulted with a view to waiving call in, in accordance with Overview & Scrutiny Procedure Rule 17, to enable immediate implementation.

Signed: Councillor Abbott Bryning and Councillor John Gilbert-----

Name: Abbott Bryning and John Gilbert-----

Position Held: Leader of the Cabinet and Cabinet Member with Special Responsibility-----

Dated: 15th April 2009-----

Chief Executive Decision

*I agree/~~do not agree~~ (***please delete as appropriate**) to exercise my delegated authority and approve:-

- (1) That Cabinet removes the exemption that is currently in place with relation to the Canal Corridor Report considered by Cabinet on 22nd March 2005 (item 168).
- (2) That the Overview & Scrutiny Chairman be consulted with a view to waiving call in, in accordance with Overview & Scrutiny Procedure Rule 17, to enable immediate implementation.

Signed: Peter Loker, Corporate Director (Community Services)-----
On behalf of Chief Executive

Dated: 15th April 2009-----

Please return to: Tom Silvani,
Democratic Services,
Town Hall,
Dalton Square,
LANCASTER. LA1 1PJ

Ref: UB71

Contact: Gill Noall
Telephone: (01524) 582060
Fax: (01524) 582161
Minicom: (01524) 582175
E-mail: GNoall@lancaster.gov.uk
Our reference: GN/TS/UB71
Your reference:

Councillor Langhorn,
Chairman of the Overview
and Scrutiny Committee.

HEAD OF DEMOCRATIC SERVICES

Town Hall
Dalton Square
Lancaster
LA1 1PJ

DX 63531

14th April 2009

Dear Councillor,

URGENT BUSINESS – Freedom of Information Request - Canal Corridor

Members are requested to consider the attached report, advising of the need to seek approval to remove the exemption that is currently in place with relation to the Canal Corridor Report considered by Cabinet on 22nd March 2005 (Minute No. 168 refers).

At the meeting of Cabinet held on 22nd March 2005, a report on the Canal Corridor proposals was presented to Members by former Councillor Alex Stone and Councillor Abbott Bryning. Due to the commercial sensitivity of this report it was classified exempt by virtue of paragraph(s) 7 and 9 of Part 1 of Schedule 12A of the Local Government Act 1972.

In February 2009 a Freedom of Information Request was received requesting a copy of the aforementioned report. Despite the report being exempt under the Local Government Act, consideration must be given as to whether exemptions apply under the Freedom of Information Act. Advice was sought from Legal and Human Resources and the Legal Services Manager advised that in his opinion there are no commercially sensitive areas remaining due to the elapse of time since this report. It is therefore considered appropriate to remove the exemptions and release the report under the Freedom of Information Act.

The reason for Urgency is that there are time constraints dictated by the Freedom of Information Act, and due to the length of time taken to consider the issue, the Council's response is already overdue and we are in breach of the requirements of the Act.

The recommendations are:-

- (1) That Cabinet remove the exemption that is currently in place with relation to the Canal Corridor Report considered by Cabinet on 22 March 2005 (item 168).**
- (2) That the Overview & Scrutiny Chairman be consulted with a view to waiving call in, in accordance with Overview & Scrutiny Procedure Rule 17, to enable immediate implementation.**

The approval of the Chief Executive, in consultation with the Leader and relevant Cabinet Member has been sought to this action.

Subject to this approval, I would be grateful if you could consider the immediate implementation of this course of action and agree to waive the right of call-in, in accordance with Overview and Scrutiny Committee Procedure Rule 17(a). Please complete the attached slip signifying your decision and return it to the Town Hall as soon as possible. In the meantime, could you please telephone Tom Silvani on 582132, or e-mail tsilvani@lancaster.gov.uk with your decision.

Yours sincerely,

HEAD OF DEMOCRATIC SERVICES

Enc.

URGENT BUSINESS – Freedom of Information Request - Canal Corridor

*I agree/~~do not agree~~ (***please delete as appropriate**)

To this matter being treated as a matter of urgency in accordance with Overview and Scrutiny Committee Procedure Rule 17(a) and therefore not being subject to call-in.

Signed: Councillor Stuart Langhorn

Dated: 15th April 2009

Chief Executive Decision

*I agree/~~do not agree~~ (***please delete as appropriate**) to this matter being treated as a matter of urgency in accordance with Overview and Scrutiny Committee Procedure Rule 17(a) and therefore not being subject to call-in.

Signed: Peter Loker, Corporate Director (Community Services)-----
On behalf of Chief Executive

Dated: 15th April 2009 -----

Please return to: Tom Silvani
Democratic Services,
Town Hall,
Dalton Square,
LANCASTER. LA1 1PJ
Ref: UB71

CABINET

**Urgent Business Report –
Freedom of Information Request - Canal Corridor**

Report of Head of Information and Customer Services

PURPOSE OF REPORT				
To consider whether the report considered by Cabinet on 22 March 2005 on the Canal Corridor (item 168) is still considered exempt by virtue of paragraph(s) 7, 9 of Part 1 of Schedule 12A of the Local Government Act 1972				
Key Decision		Non-Key Decision	X	Referral from Cabinet Member
This report is public				

RECOMMENDATION

- (1) That Cabinet remove the exemption that is currently in place with relation to the Canal Corridor Report considered by Cabinet on 22 March 2005 (item 168).
- (2) That a request be made that the call in be waived in accordance with Overview and Scrutiny Procedure Rule 17 to allow for further delays in responding to a freedom of information request to be minimised.

1.0 Introduction

1.1 At the meeting of Cabinet on 22 March 2005, a report on the Canal Corridor proposals was presented by former Councillor Alex Stone and Councillor Abbott Bryning. Due to the commercial sensitivity of this report it was classified as exempt.

1.2 In February 2009, a Freedom of Information Request was received requesting a copy of this report. Despite the report being exempt under the Local Government Act, consideration must be given as to whether exemptions apply under the Freedom of Information Act. Advice was sought from Legal and Human Resources as to whether the report should be continue to be withheld. The Legal Services Manager advised that in his opinion there are no commercially sensitive areas remaining, due to the elapse of time since this report, it is therefore considered appropriate to remove the exemptions and release the report under the Freedom of Information Act.

1.3 This item is to be considered as a matter of urgency due to the time constraints dictated by the Freedom of Information Act. Due to the time taken to consider the issue of exemptions, the Councils response is already overdue and we are in breach of the requirements of the Act.

RELATIONSHIP TO POLICY FRAMEWORK

Not applicable

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Not Applicable

FINANCIAL IMPLICATIONS

None.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments

LEGAL IMPLICATIONS

The views of the Legal Services Manager have been incorporated into this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments

BACKGROUND PAPERS

Cabinet Agenda 22nd March 2005, item 168
Canal Corridor – joint report of Councillors
Alex Stone and Abbott Bryning

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Telephone: 01524 582091
E-mail: thurstj@lancaster.gov.uk
Ref: 09Mar03