



Committee: CABINET

Date: TUESDAY, 12 FEBRUARY 2013

Venue: MORECAMBE TOWN HALL

Time: 10.00 A.M.

A G E N D A

1. Apologies

2. Minutes

To receive as a correct record the minutes of Cabinet held on Tuesday, 22 January 2013 (previously circulated).

3. Items of Urgent Business Authorised by the Leader

To consider any such items authorised by the Leader and to consider where in the agenda the item(s) are to be considered.

4. Declarations of Interest

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.

5. Public Speaking

To consider any such requests received in accordance with the approved procedure.

Reports from Overview and Scrutiny

None

Reports

6. **Budget and Policy Framework Update 2013/14**

(Cabinet Member with Special Responsibility Councillor Bryning)

Report of the Head of Resources (Report to follow)

7. **Treasury Management Strategy 2013/14**

(Cabinet Member with Special Responsibility Councillor Bryning)

Report of the Head of Resources (Report to follow)

8. **Transfer of Charity Funds (Pages 1 - 5)**

(Cabinet Member with Special Responsibility Councillor Barry)

Report of the Head of Governance

9. **Storey Creative Industries Centre: Progress Update**

Nothing to report at time of publication of agenda

10. **Exclusion of the Press and Public**

This is to give further notice in accordance with Part 2, paragraph 5 (4) and 5 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to take the following item(s) in private.

Cabinet is recommended to pass the following recommendation in relation to the following item(s):-

“That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item(s) of business, on the grounds that they could involve the possible disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.”

Members are reminded that, whilst the following item(s) have been marked as exempt, it is for Cabinet itself to decide whether or not to consider each of them in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

11. **Land at the Former Shell ICI Site - Proposed Option Agreement (Pages 6 - 32)**

(Cabinet Member with Special Responsibility Councillor Hamilton-Cox)

Report of the Head of Resources

12. **Homelessness Change Programme (Pages 33 - 43)**

(Cabinet Member with Special Responsibility Councillor Leytham)

Report of the Head of Health & Housing

13. **Confidential Item**

The following report is not for publication because it contains confidential information and will be considered whilst the public are excluded from the meeting.

Members are advised that, in accordance with Section 100A(2) of the Local Government Act 1972, the press and public should be excluded for the following item of business on the grounds that it could include the possible disclosure of confidential information.

14. **Lancaster Centre - Public Realm** (Pages 44 - 51)

(Cabinet Member with Special Responsibility Councillor Hanson)

Report of the Head of Regeneration & Planning

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Jon Barry, Abbott Bryning, Tim Hamilton-Cox, Karen Leytham, Ron Sands and David Smith

(ii) Queries regarding this Agenda

Please contact Liz Bateson, Democratic Services - telephone (01524) 582047 or email ebateson@lancaster.gov.uk.

(iii) Apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER LA1 1PJ

Published on Thursday, 31 January 2013.

CABINET

**TRANSFER OF CHARITY FUNDS
12th February 2013**

Report of the Head of Governance

PURPOSE OF REPORT			
To update Cabinet on the establishment of a Lancaster Community Fund, and to determine the composition of the fund's grants panel.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input type="checkbox"/>
		Referral from Officer	X
Date of notice of forthcoming key decision		n/a	
This report is public			

RECOMMENDATIONS OF Councillor Jon Barry:

That Cabinet:

- (1) notes the transfer of dormant charity funds to the Community Foundation for Lancashire, in order to establish the Lancaster Community Fund; and
- (2) sets the membership of Lancaster Community Fund's grants panel at four members; two city council members, and two community representatives. The Community Foundation for Lancashire can assist with the identification of suitable community representatives if requested.

1. Introduction

1.1 On 19th April 2011, Cabinet decided to transfer nine dormant charity funds to the Community Foundation for Lancashire (CFL). These funds had been left to the council in bequests and endowments, but over the years had fallen dormant. Many had archaic objectives which could no longer be realised. The total amount transferred was £29,164.68, a reduction of £3,578.46 from the amount quoted in the Cabinet report of 19th April 2011. That reduction occurred because two of the funds, the Albright Legacy and the William Briggs Trust, had been brought back into active use by the council. A breakdown of the final transfer is shown below:

Sanatorium Legacy - Jane Gardner	£1,588.79
Enid Smith Child Study Foundation	£7,617.61
Unknown Donors Charity	£420.02
Matthew Piper Foundation	£11,958.67
Dean Scholarship in Music	£4,485.34
Seward Prize	£648.22

Dr. James Aitken Memorial	£2,446.03
Total Transfer	£29,164.68

- 1.2 Once the relevant funds had been transferred to the CFL, the original charities were wound up in accordance with guidelines from the Charity Commission.
- 1.3 The decision to transfer the funds was taken in order that the CFL could bring the money back into circulation, by finding contemporary uses which reflected the funds' original aims and the council's current priorities.
- 1.4 The CFL distributes grants to local groups and voluntary projects in Lancashire, and has distributed over £8 million to good causes to date. The foundation encourages work with donors and makes ethical investments to maintain sustainable grant-making funds.
- 1.5 In Lancaster's case, the CFL will levy an annual administration fee to cover the cost of support and facilitation of the fund. This is to ensure that the Foundation, as a registered charity, is able to cover its costs and adhere to the Charity Commission's guidelines of charity best practice.
- 1.6 Their administration of the Lancaster Community Fund carries a financial contribution of 1% of the value of the capital, payable annually on 31st March. This sum will be deducted from the income received from the endowment fund. The remaining balance will then be available for grant-making purposes.
- 1.7 The Lancaster Community Fund will operate as part of the CFL's endowment fund. This is a discretionary fund, meaning that the Foundation's trustees will be responsible for determining the grants to be made from the fund, in accordance with the policy objectives. This is provided that people representing the communities of Lancaster are involved in making recommendations to the trustees through the Lancaster Community Fund's grants panel.
- 1.8 The CFL's endowment is administered by professional investment managers, Rensburg Sheppards, in line with their low to medium risk investment strategy. Annually, the CFL will allocate income from the endowment for grant-making purposes, to be distributed in accordance with the Lancaster Community Fund's forthcoming grant objectives.

2. Next Steps

- 2.1 The next step is to appoint a grants panel to determine funding applications. The CFL will administer the panel and it is for Cabinet to determine the composition and membership. All members of the panel will receive induction training from the CFL's grants team.
- 2.2 Whilst the Community Foundation for Lancashire initially recommended that

the panel be comprised of between eight and ten members, Councillor Barry has suggested that the panel, which will be advised by a CFL grants director, should contain four members due to the relatively moderate budget involved. The Community Foundation for Lancashire has stated that four members would be an acceptable number. Panel members can be drawn exclusively from the council, or could be a mixture of councillors and community representatives; if requested, the CFL will identify local community representatives suitable for this role.

- 2.3 It is for Cabinet to determine membership of the panel, and there is no officer preferred recommendation to consider.
- 2.4 The grants panel will be presented with applications for funding on an annual basis, and will make recommendations on those applications to the Community Foundation for Lancashire. As the legally responsible body, it is for the CFL to retain the final decision on the application of funds, and all grant decisions must be ratified by the Community Foundation's trustees.
- 2.5 The fund will be able to start making grants from April 2014, after an initial financial year's investment. It is suggested that the Lancaster Community Fund's spending priorities are derived from the council's 2013/14 Corporate Plan and the updated objectives of the original charities. Further discussion will need to take place between the council and the CFL before those objectives can be agreed, and this process can be overseen by Cabinet.
- 2.6 Policy objectives can be changed at any time in writing to the Community Foundation for Lancashire, to ensure that the fund continues to reflect the council's priorities as they evolve in the future.

3. Officer Preferred Option (and comments)

- 3.1 There is no officer preferred option, although option 2 may offer the panel a particularly strong range of knowledge and experience.

4. Options and Options Analysis

	Option 1: Establish the grants panel with an all-councillor membership	Option 2: Establish the grants panel with a mixture of councillors and community representatives	Option 3: Cabinet to determine an alternative composition
Advantages	This would enable members to ensure that the council's priorities were strongly reflected in the grants criteria. It would also give councillors ultimate control over which applications to recommend for funding	This option would produce a mix of panel members with different backgrounds and areas of expertise, which could help to improve the group's decision making.	n/a

	to the CFL.		
Disadvantages	The panel may regret the absence of community representatives, who could provide a useful perspective on current work going on in the local voluntary sector.	No known disadvantages.	n/a
Risks	In the absence of local representatives from the voluntary sector, the panel may not have access to a lot of relevant information on which to base decisions.	No known risks	n/a

5. Conclusion

- 5.1 Cabinet is asked to note the progress made in bringing the council’s dormant charity funds back into active use, and to determine the composition and membership of the grants panel.
- 5.2 Members may choose to populate the panel exclusively with councillors or with a mixture of councillors and community representatives.

<p>RELATIONSHIP TO POLICY FRAMEWORK</p> <p>The Lancaster Community Fund will support the council’s priority of providing strong community leadership and promoting partnership working to address local needs, including housing, health, children and young people, environment, education, social care and crime and disorder.</p>
<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)</p> <p>Bringing the Council’s dormant charity trusts into active use would support the council’s community leadership role, and have a beneficial impact on charitable organisations within the district which successfully bid for funding.</p>
<p>LEGAL IMPLICATIONS</p> <p>There are no direct legal implications arising from the report.</p>
<p>FINANCIAL IMPLICATIONS</p>

If the panel is to be formed of councillors and representatives of the voluntary sector, the council may need to re-imburse travelling expenses from voluntary sector members. But these costs should be minimal and will be funded from existing budgets.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None.

Information Services:

None.

Property:

None.

Open Spaces:

None.

SECTION 151 OFFICER'S COMMENTS

The Deputy S151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

none

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