



**Committee: COUNCIL BUSINESS COMMITTEE**

**Date: THURSDAY, 5 MARCH 2020**

**Venue: MORECAMBE TOWN HALL**

**Time: 6.00 P.M.**

## **A G E N D A**

1. **Apologies for Absence**

2. **Minutes**

Minutes of meeting held on 31 October 2019 (previously circulated).

3. **Items of urgent business authorised by the Chair**

4. **Declarations of Interest**

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

Councillors 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 9 and in the interests of clarity and transparency, Councillors 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, Councillors 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. **Response to the First Homes Consultation (Pages 3 - 12)**

Report of the Director of Economic Growth and Regeneration

6. **North West Marine Plan consultation (Pages 13 - 19)**

Report of the Director of Economic Growth and Regeneration

7. **Lone Working Policy for Councillors (Pages 20 - 27)**

Report of the Democratic Services Manager

8. **Appointments to Committees and Changes to Membership**

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

Councillors Joan Jackson (Chair), Geoff Knight, Michael Mumford, Oliver Robinson, Paul Stubbins, David Whitaker and Jason Wood

### **(ii) Substitute Membership**

Councillors Stephie Barber (Substitute), Victoria Boyd-Power (Substitute), Debbie Jenkins (Substitute), Mandy King (Substitute), Abi Mills (Substitute) and John Reynolds (Substitute)

### **(iii) Queries regarding this Agenda**

Please contact Debbie Chambers, Democratic Services - telephone (01524) 582057 or email [dchambers@lancaster.gov](mailto:dchambers@lancaster.gov).

### **(iv) Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone 582170, or alternatively email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

KIERAN KEANE,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on Tuesday 25 February, 2020.

**COUNCIL BUSINESS COMMITTEE****Response to the First Homes Consultation  
5 March 2020****Report of Director of Economic Growth and Regeneration****PURPOSE OF REPORT**

To advise Members of the Government's First Homes Consultation and seek approval for submission of a response.

The Consultation commenced on 7<sup>th</sup> February and runs until 7<sup>th</sup> April 2020.

First Homes are intended to deliver homes for first time buyers at a discounted rate, and to future buyers. The consultation seeks views on how First Homes should be implemented and delivered. The provision would have implications for planning policy and how affordable housing is delivered on development sites.

**This report is public.**

**RECOMMENDATIONS**

- (1) **That the draft response to the consultation, at Appendix 1 of the Report, is submitted as a formal response from Lancaster City Council.**
- (2) **The officers keep Members informed of progress of First Homes policy and the implications for the delivery of affordable housing in development sites.**

**1.0 Introduction**

- 1.1 The consultation seeks views on 'First Homes' for local people and covers the following areas:
  - What First Homes are and who should be eligible for them.
  - How the scheme should work in practice.
  - How to deliver more of these homes through developer contributions.
  - The requirement for delivering these homes through planning or legislation.
- 1.2 First Homes are intended to increase accessibility to home ownership. The proposals aim to deliver homes at a minimum of 30% discount below market values, to local people and key workers, such as nurses, police and teachers, who are unable to purchase homes at market prices. The discount would be passed onto future buyers when the home is sold.
- 1.3 This report provides an overview of the proposals and officers have provided a draft response to the consultation document at Appendix A. The consultation document poses a series of questions and the draft response provides comments in respect of

each question. Subject to this committee's agreement, the response, or a version amended to reflect Members' specific concerns, will be submitted as Lancaster City Council's formal response to the consultation.

## 2.0 Proposal Details

2.1 Future Homes appear to provide a combination of Starter Homes and Discounted Sales. The consultation documents do not however state that Future Homes are a type of Starter Home or that they replace the concept of Starter Homes.

2.2 The National Planning Policy Framework (NPPF) defines affordable housing and includes reference to Starter Homes and Discounted Market Sale Housing.

2.3 Starter Homes are defined in the Housing and Planning Act 2016 as:

- a new dwelling;
- is available for purchase by qualifying first-time buyers only;
- is to be sold at a discount of at least 20% of the market value;
- is to be sold for less than the price cap; and is subject to any restrictions on sale or letting specified in regulations made by the Secretary of State (for more about regulations under this paragraph, see section 3).

2.4 The Act legislates that local authorities have a duty to promote the supply of Starter Homes. Whilst primary legislation now exists through the Act, there remains no secondary legislation or statutory requirement in place which provides detail on the implementation of Starter Homes or a requirement for delivery.

2.5 Discounted market sales housing provides intermediate affordable homes and is defined as homes which are sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices and provisions should be in place to ensure housing remains at a discount for future eligible households. Discounted sales have not been a preferred option for Lancaster City Council. A 20% discount is not considered affordable and the low level of discount limits accessibility to the tenure. Discounted sales also have administration costs arising from determining eligibility and the appropriate discount rate. The majority of intermediate affordable home ownership is provided as shared ownership in association with Registered Providers.

2.6 The consultation document is split into topics. This report addresses each topic heading.

### Ensuring First Homes are affordable

2.7 The Government acknowledge that 20% is an insufficient discount below market value. The consultation document recommends that the discount should be a minimum of 30%. It is also acknowledged that in some locations, such as London and the South East, 30% may be insufficient and recommends that local authorities have the discretion to set higher discounts on a site-by-site basis to reflect local conditions. To provide this flexibility it is not proposed to set a maximum discount. This will be a matter for agreement between developers and local authorities.

2.8 The flexible approach is positive as it allows the discount to be tailored to local affordable levels taking into account income levels and market values. It will, however, require additional resources in determining what the discount should be for each development.

- 2.9 It is intended to ensure that discounts are carried forward to future buyers in perpetuity. This would be enforced by placing restrictive covenants on homes and requiring an independent valuation at first sale and future sales to ensure that the percentage discount is applied. This mechanism ensures that discounts are provided, however, if house prices rise significantly without a similar rise in income levels, an affordable discount of 30% may no longer be affordable in future years. Local authority resources will also be required to assess valuations and administer the discount.
- 2.10 It is proposed to set maximum open market values for new houses prior to the discount being applied. This may be a national cap of up to £600,000 with the ability for local authorities to set lower local caps, regional caps or geographical caps. Regional and geographical caps would reduce local flexibility as the consultation does not propose local caps with this model. Geographical caps could be inflexible to market conditions. The setting of a local cap would ensure that First Homes reflect local conditions and provide for local need. This will however require additional staff resource at the Council to determine the appropriate cap, update the cap as and when required and it is not clear how this cap would be implemented.

### Eligibility for the First Homes scheme

- 2.11 The consultation seeks views on the implementation of a local connection test. First Homes are intended to meet local needs and the definition of 'local people' will be at the discretion of the local authority. The existing local connection criteria for the Council housing allocation waiting list seeks either a 3-year residency in the district, the offer of or employment in district, or immediate family connections. This is restricted further in rural areas. Similar restrictions would be appropriate for First Homes. Mortgage lenders are often reluctant to lend on property with local connection criteria. They would need to be more flexible than they are at present. To ensure homes are not left empty, restrictions would need to be time-limited with a cascade. The restriction may potentially need to fall away if the homes cannot be sold in a reasonable time period.
- 2.12 The proposal aims to prioritise first time buyers but seeks views on access for non-first-time buyers. The consultation document acknowledges that in some cases, homeowners are in unsuitable accommodation with the next step being unaffordable to them or in need of specialist housing, such as housing for older people or disabled people. Key workers may also be unable to afford homes to meet their needs when moving or stepping up the housing ladder to meet family circumstances. This would open up First Homes to a wider range of people. There is however no detail on how this access would be expected to cascade.
- 2.13 The Government is considering applying an income cap for eligibility. This cap could be set locally and ensure that First Homes are targeted towards those who cannot afford a home on the open market. This will require additional resources for the local authority in determining what the income cap should be, ongoing review of the income cap and assessing prospective purchasers' income. The proposals would not prioritise people on the Council housing allocation waiting list.

### Supporting the First Homes scheme

- 2.14 First Homes would be administered by local authorities. This will add ongoing resource implications. Local authorities may outsource these functions however, this would also incur a cost.

### Supporting competitive mortgage lending

- 2.15 Lenders are currently reluctant to support shared ownership homes. To address this the Government is considering developing a standardised First Home model. In order to deliver First Homes, the model would need support from lenders and there would

need to be certainty that mortgages would be available in Lancaster district. Without certainty, developers are unlikely to be willing to deliver First Homes and they would not be available to those who need them.

### Restrictions on letting First Homes

- 2.16 If purchasers were able to let homes, this would reduce the numbers of homes available for ownership. It is proposed to restrict lettings on First Homes. There may however need to be exceptions, for instance where an occupier may be working away from home for a specified period or for armed services personnel.

### Delivering the Armed Forces Covenant

- 2.17 It is proposed to make provisions for armed services personnel to enable people to buy a home. The documentation does not include the necessity for a local connection. A connection would be appropriate but with a broader definition to the Council waiting list definition to allow armed forces personnel to purchase a home where they may once have had a connection.

### Delivering First Homes and setting developer contributions

- 2.18 There are two options for delivering First Homes through the planning system:
- To create a new requirement for developers to deliver First Homes alongside market housing, either through changes to planning policy or legislation.
  - To amend the existing entry level exception site policy to a First Home exception site policy.
- 2.19 There are two options for the delivery of First Homes through S106 agreements:
- Prescribe that a percentage of affordable homes delivered through section 106 planning obligations should be First Homes; or,
  - Prescribe that a percentage of all units delivered on suitable sites (over 10 units) are to be sold as First Homes.
- 2.20 A blanket percentage of First Homes delivery on a site has the potential to affect the viability of development and the delivery of other types of affordable homes, such as shared ownership and affordable rented properties. It could also affect the delivery of infrastructure through S106 contributions. Allowing local authorities to determine the percentage of each type of housing would enable a mixture of affordable homes to meet the needs of the community. However, if the Government were to require a set percentage through legislation, rather than relying on planning policy, the development industry would have less flexibility to avoid the provision of this type of home.
- 2.21 Additional resource will be required to carry out a viability assessment to determine the percentage of First Homes deliverable on a site, together with other forms of affordable housing and infrastructure.

### Delivery through exception sites

- 2.22 The Government seeks views on including First Homes within the house types delivered on exception sites. As the NPPF currently allows a mixture of affordable housing types, supported, where necessary market housing, the inclusion may not significantly alter delivery providing the discounts and income caps are set at appropriate levels. It would be important to ensure that the provision of First Homes does not prevent the delivery of a range of affordable tenures on sites.

### Community Infrastructure Levy (CIL)

- 2.23 The consultation seeks the views on exempting First Homes from CIL. Lancaster City Council does not currently have a CIL. If the discounts and income caps are set at

appropriate levels, the properties will form a type of affordable home. As affordable homes are currently exempt, this proposal would not significantly alter any future CIL collected.

Equality Impact

2.24 The consultation acknowledges that First Homes could have an impact upon the delivery of affordable homes which may affect disadvantaged groups. It must be ensured that a range of affordable tenure types are available on sites to meet the needs of a wide range of people including those of disadvantaged groups and those with specific needs.

**3.0 Details of Consultation**

3.1 The First Homes Consultation ends on the 3<sup>rd</sup> April 2020. The full documentation can be viewed using the following link:  
<https://www.gov.uk/government/consultations/first-homes>

**4.0 Options and Options Analysis (including risk assessment)**

	<b>Option 1:</b> To formally respond to the First Homes Consultation with the comments provided in Appendix 1 of this report	<b>Option 2:</b> To formally respond with any other comments	<b>Option 3:</b> To provide no response to the consultation
Advantages	The views of the Council will be considered by the Government when the policy details are formulated.	The views of the Council will be considered by the Government when the policy details are formulated.	No advantages
Disadvantages	While the Council may submit comments, they may not result in the issues raised being reflected in the final policy.	While the Council may submit comments, they may not result in the issues raised being reflected in the final policy.	That the views/opinions of the Council will not be taken into account and future opportunities to feed into the process will be lost.
Risks	The First Homes policy may not be revised to reflect the views of the Council.	The First Homes policy may not be revised to reflect the views of the Council.	That the views/opinions of the Council will not be taken into account and future opportunities to feed into the process will be lost.

**5.0 Officer Preferred Option (and comments)**

5.1 Option 1 is the preferred Officer opinion. This option ensures that Lancaster City Council provides its views and will be able to make further comments should revisions and further consultation be carried out.

**6.0 Conclusion**

6.1 It is recommended that the response set out in Appendix 1 is submitted as Lancaster City Council's formal response to the consultation.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

The introduction of First Homes has the potential to deliver an increase amount of a discounted sale tenure but could adversely affect the delivery of other affordable tenures. This could disadvantage groups who are unable to purchase homes at the discounted rate, including those in need of affordable and social rented homes.

Responding to the consultation is Lancaster City Council's opportunity to ensure that these impacts on equality are taken into account in the development of the policy.

**LEGAL IMPLICATIONS**

There are no legal implications stemming from this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications resulting directly from the recommendations.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces**

There will be resource implications if the First Homes policy is implemented. The policy will require the provision of evidence to determine appropriate discount rates and incomes caps and an ongoing staff resource in administering the sales process.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no comments to make.

**BACKGROUND PAPERS**

The First Homes Consultation is available to view in the following link:

<https://www.gov.uk/government/consultations/first-homes>

**Contact Officer:** Fiona Clark  
**Telephone:** 01524 582222  
**Email:** fjclark@lancaster.gov.uk  
**Ref:** N/A

**Appendix 1 – Proposed Lancaster City Council response to the consultation**

The consultation poses a series of question to which the following responses are recommended.

Q1. a) Do you agree with a minimum discount of 30% (but with local flexibility to set a higher



one)?

b) If not, what should the minimum discount be? i. 20% ii. 40% iii. Other (please specify)

**Yes**

Q2. a) Should we set a single, nationally defined price cap rather than centrally dictate local/regional price caps?

b) If yes, what is the appropriate level to set this price cap? i. £600,000 ii. £550,000 iii. £500,000 iv. £450,000 v. Other (please specify)

**No – A national price cap would not adequately reflect local house prices and incomes. Price caps at the level suggested would not result in homes being affordable for first time buyers with discounts in the region of 30%.**

Q3. a) If you disagree with a national price cap, should central Government set price caps which vary by region instead?

**No – they should be set by Local Authority area to reflect local house prices and incomes.**

b) If price caps should be set by the Government, what is the best approach to these regional caps? i. London and nationwide ii. London, London surrounding local authorities, and nationwide iii. Separate caps for each of the regions in England iv. Separate caps for each county or metropolitan area v. Other (please specify)

**See answer to Q3**

Q4. Do you agree that, within any central price caps, Local Authorities should be able to impose their own caps to reflect their local housing market?

**Yes**

Q5. Do you agree that Local Authorities are best placed to decide upon the detail of local connection restrictions on First Homes?

**Yes**

Q6. When should local connection restrictions fall away if a buyer for a First Home cannot be found? i. Less than 3 months ii. 3 - 6 months iii. Longer than 6 months iv. Left to Local Authority discretion

**iv. Left to Local Authority discretion**

Q7. In which circumstances should the first-time buyer prioritisation be waived?

**To meet the needs of people on the Council's housing allocation waiting list and for specialist needs such as homes for older people, for those with particular needs or for community groups where an affordable discount is made.**

Q8. a) Should there be a national income cap for purchasers of First Homes?

**No – income caps should be at a regional or county level to reflect local incomes. The differentials within regions and county areas should be taken into account.**

b) If yes, at what level should the cap be set?

c) Do you agree that Local Authorities should have the ability to consider people's income and assets when needed to target First Homes?

**Yes**

Q9: Are there any other eligibility restrictions which should apply to the First Homes scheme?

**No**

Q10. a) Are Local Authorities best placed to oversee that discounts on First Homes are offered in perpetuity?

**No**

b) If no, why?

**At present Local Authorities are not resourced to oversee discounts. The process would add an additional burden to Local Authorities. While they may be best placed to determine local eligibility, additional resources would need to be made available for this process to be carried out and to ensure that it does not slow down the purchase process.**

Q11. How can First Homes and oversight of restrictive covenants be managed as part of Local Authorities' existing affordable homes administration service?

**Affordable housing provided through S106 agreement in Lancaster City Council area are administered by Registered Providers. A similar provision could be put in place by Government to oversee First Homes. If the Council were to oversee the ongoing provision, additional resources would be required from government to provide the capacity to assess valuations and eligibility and for the ongoing enforcement of the restrictions.**

Q12. How could costs to Local Authorities be minimised?

**Appointment and funding of specified independent valuers funded by Government could remove the burden upon local authorities. The cost should not however be passed onto purchasers.**

Q13. Do you agree that we should develop a standardised First Home model with local discretion in appropriate areas to support mortgage lending?

**Yes – engagement with lenders will be key as at present lenders are reluctant to support shared ownership or existing forms of discounted market sale units. Without mortgage products in place in each local area, developers are unlikely to wish to deliver the tenure and if delivered it would not be attainable by those they are intended for.**

Q14. Do you agree that it is appropriate to include a mortgage protection clause to provide additional assurance to lenders?

**Yes**

Q15. For how long should people be able to move out of their First Home and let it out (so it is not their main or only residence) without seeking permission from the Local Authority?

- i. Never ii. Up to 6 months iii. 6- 12 months iv. Up to 2 years v. Longer than 2 years vi. Other (please specify)

**i. Never**

Q16. Under what circumstances should households be able to move out of their First Home and let it for a longer time period? (Tick all that apply)

- |      |                                     |   |
|------|-------------------------------------|---|
| i.   | Short job posting elsewhere         | X |
| ii.  | Deployment elsewhere (Armed Forces) | X |
| iii. | Relationship breakdown              |   |
| iv.  | Redundancy                          |   |
| v.   | Caring for relative/friend          | X |
| vi.  | Long-term travelling                |   |
| vii. | Other (please specify)              |   |

Q17. Do you agree that serving members and recent veterans of the Armed Forces should be able to purchase a First Home in the location of their choice without having to meet local connections criteria?

**Yes**

Q18. What is the appropriate length of time after leaving the Armed Forces for which veterans should be eligible for this exemption?

- i. 1 year ii. 2 years iii. 3-5 years iv. Longer than 5 years

**ii. 2 years**

Q19. Are there any other ways we can support members of the Armed Forces and recent veterans in their ability to benefit from the First Homes scheme?

Q20. Which mechanism is most appropriate to deliver First Homes?

- i. Planning policy through changes to the National Planning Policy Framework and guidance  
ii. Primary legislation supported by planning policy changes

**i. Planning policy through changes to the National Planning Policy Framework and guidance**

Q21. Which do you think is the most appropriate way to deliver First Homes?

- i. As a percentage of section 106 affordable housing through developer contributions ii. As a percentage of all units delivered on suitable sites

**i. As a percentage of section 106 affordable housing through developer contributions**

Q22. What is the appropriate level of ambition for First Home delivery?

- i. 40% of section 106 ii. 60% of section 106 iii. 80% of section 106 iv. Other (please specify)

**The percentage should be determined by local circumstances and the needs for other**

**types of affordable housing. Additional resource will be required for local authorities to produce viability assessments to determine the level of First Homes and the mix with other types of affordable homes necessary to meet local needs. Support from Government and the Planning Inspectorate will also be required to ensure that First Homes, together with other types of affordable home and infrastructure can be delivered without landowners and developers being able to reduce requirements on viability grounds.**

Q27. Do you agree that the proposal to exempt First Homes from the Community Infrastructure Levy would increase the delivery of these homes?

**Yes**

Q28. Do you think the Government should take steps to prevent Community Infrastructure Levy rates being set at a level which would reduce the level of affordable housing delivered through section 106 obligations?

**Yes – however, steps are also needed to be taken to ensure that the necessary infrastructure, including the requirements for incremental infrastructure, either through S106 or CIL is provided. To be sustainable affordable housing requires the provision of infrastructure to support placemaking and community.**

Q29. a) What equality impacts do you think the First Homes scheme will have on protected groups?

**The provision of homes to meet specific needs may be reduced due to the impact on the viability of development.**

b) What steps can the Government take through other programmes to minimise the impact on protected groups?

**Ensure that the provision of First Homes does not prevent the delivery of other types of affordable housing and specific housing that meet the needs of groups and local people. The amount of delivery and the mix of First Homes and other affordable products should be determined at the local level depending upon local need.**

Q30. Do you have any other comments on the First Homes scheme?

**Controls on service charges should be included to ensure that First Homes are not made unaffordable by high additional charges.**

**COUNCIL BUSINESS COMMITTEE****North West Marine Plan Consultation****5 March 2020****Director of Economic Growth and Regeneration****PURPOSE OF REPORT**

To inform members of the North West Marine Plan consultation. This has been prepared by the Marine Management Organisation and covers in-shore and off-shore waters off the North West coast stretching from the Solway Firth border with Scotland and the River Dee in Wales.

The Draft Plan is currently out for consultation until the 6<sup>th</sup> April 2020.

On adoption the North West Marine Plan whilst not forming part of the Development Plan for this district will be a key consideration for proposals within the intertidal area, the area between the high and low mean water mark, and for any proposals that have potential to impact on the whole or part of the marine area. This could include land-based proposals which have potential to impact on the marine environment both directly and indirectly.

**RECOMMENDATIONS**

- (1) That the comments raised in appendix 1 of the Report are submitted to the Marine Management Organisation as a formal response from the City Council**
- (2) That officers keep Members informed of progress on the preparation and adoption of this document and report back on the next stage of its preparation**

**1.0 Introduction**

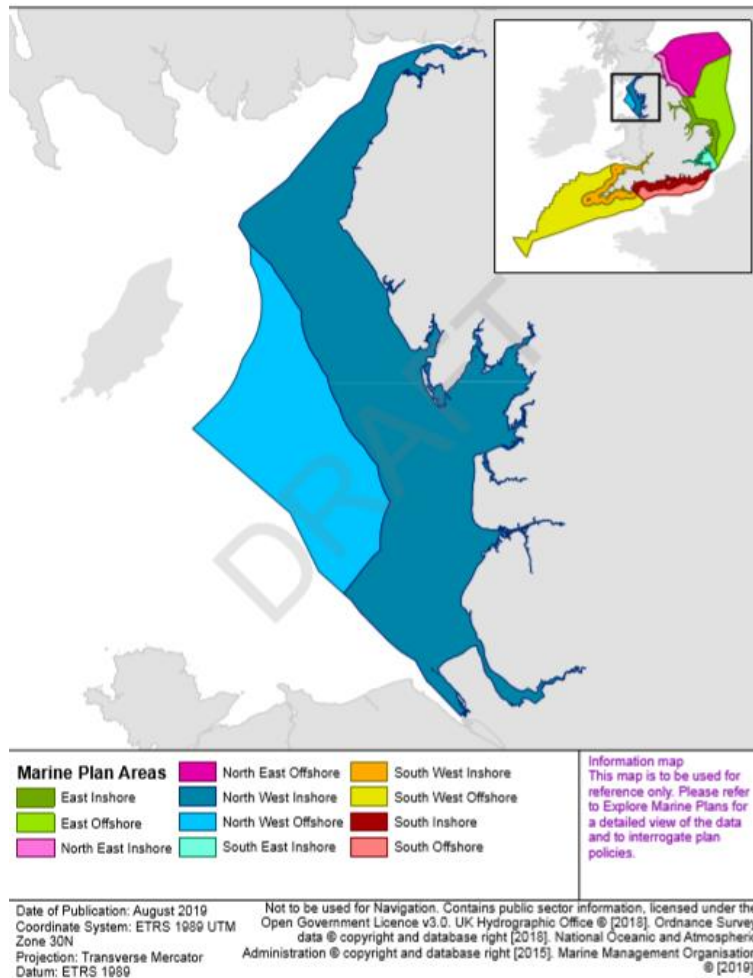
- 1.1 The Marine and Coastal Act (2009) establishes the legal basis for marine planning in the UK. Under this Act UK waters are divided into a series of marine planning regions covering both inshore waters (mean high water springs to 12 nautical miles) and offshore waters (12 nautical miles to approx. 200 nautical miles out to sea). Within these areas the relevant Marine Planning Authority is responsible for the preparation of Marine Plans advising on where activities might take place and the policies that are in place to ensure the area and wider integrity of the marine environment is protected.
- 1.2 A total of 10 marine plans covering all the seas around England are expected to be in place by 2021.
- 1.3 The North West Marine Plan, covering inshore and offshore waters between the Solway Firth border with Scotland and the River Dee in Wales, is currently out to consultation with comments requested by the 6<sup>th</sup> April 2020.

1.4 This report provides an overview of the Marine Plan and describes Officers comments on the consultation document, which subject to this committee’s agreement, will be submitted to the Marine Planning Organisation as Lancaster City Council’s formal response to the consultation.

**2.0 Proposal Details**

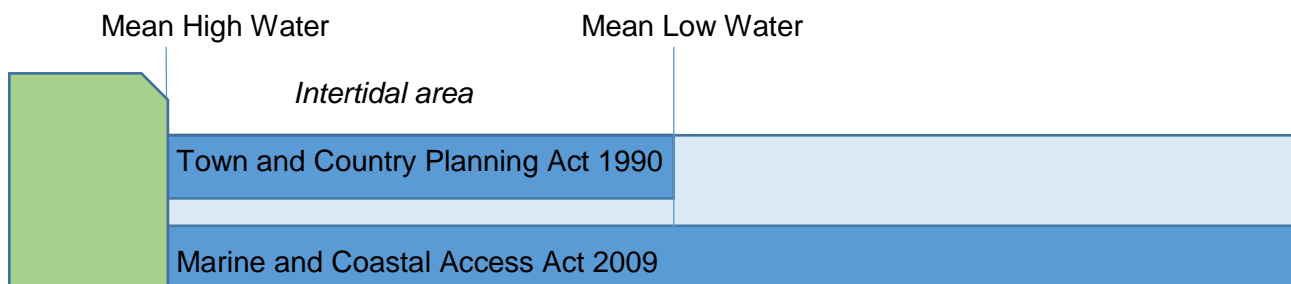
2.1 The North West Marine Plan is currently out for consultation. Covering approximately 4,900 square km of sea the Plan on adoption will provide the policy framework for marine planning across the North West marine area up to 2041 (figure 1).

Figure 1 – North West Marine Plan Area



2.2 As with other marine planning areas across the country the North West Plan covers both in-shore waters (mean high water springs to 12 nautical miles) and offshore waters (12 nautical miles to approx. 200 nautical miles out to sea). This means that there is an area of overlap of planning jurisdiction within the intertidal area, terrestrial planning boundaries extend down to the mean low water (figure 2).

Figure 2 – Marine and terrestrial planning overlap



*Relationship with land-use planning*

- 2.3 To ensure that decision making is consistent, legislation requires marine plans and development plans to have regard to each other. National planning policy in paragraph 116 of the National Planning Policy Framework (NPPF) requires planning policies and planning decisions to take account of Marine Plans.
- 2.4 Importantly whilst decisions affecting the marine area must be made in accordance with or having regard to the Marine Plan, depending on the nature of the decisions, the Marine Plan does not form part of the Development Plan for a local authority area. The Marine Plan does not replace existing licensing and regulatory practices.
- 2.5 It remains this authority's responsibility to make planning decisions within the area of its jurisdiction. Where such a decision relates to the authorisation of use or enforcement the decision is required to be made in accordance with the Marine Plan unless relevant considerations indicate otherwise (section 58(1) of the Marine and Coastal Act (2009)). It is the responsibility of this authority to make sure that this is achieved. This means implementing and delivering the policies of the Marine Plan unless for example it would be contrary to the delivery of our own Local Plan.
- 2.6 Such decisions could include applications for land-based infrastructure required to support marine activity e.g. new infrastructure at Heysham Port to accommodate off-shore renewable energy or infrastructure required to maintain and support the tourism industry linked to the marine environment. Whilst the Marine Plan would direct the City Council to support such developments this remains a decision for this authority to make.
- 2.7 For decisions not relating to authorisation of uses or enforcement but which could affect the whole or part of any of the UK marine environment the Marine and Coastal Act (2009) (section 58(3)) requires decisions to be made having regard to the Marine Plan.
- 2.8 Moving forward the Council will need to incorporate dialogue and consultation with the Marine Planning Organisation into its existing planning process. This will include ensuring that the Marine Planning Organisation is a consultee for appropriate planning applications and that the Organisation is involved in early engagement on future Local Plan preparation via the duty to co-operate process.

*The North West Marine Plan*

- 2.9 The North West Marine Plan aims through sustainable, effective and efficient use of the marine plan area to manage the competing priorities between economic growth, environmental conservation and social benefits, while considering the distinctive characteristics of the area.

- 2.10 It recognises the competing uses that the area experiences being home to 6 operational offshore windfarms, 3 major UK ports, the largest expanse of mudflats and sandflats in the UK, a world heritage site at Liverpool, 16 of the UK's protected ship wreck sites, 32 licensed oil and gas blocks, 24 marine protected areas, tourism and recreation opportunities along the coast and home to several internationally designated habitats and species.
- 2.11 Recognising this importance, the North West Marine Plan identifies the following objectives:
1. Infrastructure is in place to support and promote safe, profitable and efficient marine business;
  2. The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunity for all, now and in the future;
  3. Marine businesses are taking long-term strategic decisions and managing risks effectively. They are competitive and operating efficiently;
  4. Marine businesses are acting in a way which respects environmental limits and is socially responsible. This is rewarded by the market place;
  5. People appreciate the diversity of the marine environment, its natural and cultural heritage and its resources and can act responsibly;
  6. The use of the marine environment is benefiting society as a whole, contributing to resilient and cohesive communities that can adapt to coastal erosion and flood risk, as well as contributing to physical and mental wellbeing;
  7. The coast, seas, oceans and their resources are safe to use;
  8. The marine environment plays an important role in mitigating climate change;
  9. There is equitable access for those who want to use and enjoy the coast, seas and their wide range of resources and assets and recognition that for some island and peripheral communities the sea plays a significant role in the community;
  10. Use of the marine environment will recognise, and integrate with, defence priorities, including strengthening of international peace and stability and the defence of the UK and its interests;
  11. Biodiversity is protected, conserved and, where appropriate, recovered and loss has been halted;
  12. Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems; and
  13. Our oceans support viable populations of representative, rare, vulnerable, and valued species.
- 2.12 The objectives are supported by policies detailing the framework through which proposals should be assessed and decisions affecting the marine environment are made. This includes policies relating to cable installation; aquaculture (the controlled rearing of aquatic shellfish and finfish, the cultivation of aquatic plants and algae and the restocking of wild populations); sea-bed dredging; the protection of oil and gas exploration from below the seabed; the protection of existing ports, harbours and shipping lanes including their future expansion; the provision of renewable energy; the protection of marine heritage (including significant shipwreck sites); the protection of sustainable fishing practices; the promotion of climate change resilience and adaptation; the reduction of marine litter; the protection and enhancement of water quality and the protection and enhancement of marine habitats and species.
- 2.13 Policies relating to the promotion of tourism and recreational opportunities linked to or



impacting on the marine environment will be of particular relevance to this authority especially in relation to the Eden project. The Marine Plan is in general supportive of such proposals stating that proposals which promote or facilitate sustainable tourism and recreational activities, or that create appropriate opportunities to expand or diversify the current use of facilities, should be supported. The policy recognises the numerous tourism opportunities that exist both through land and marine based activities within the region. The need to consult with the Marine Planning Organisation early in the process is highlighted.

- 2.14 The additional policy support in relation to tourism related projects is welcomed and when utilised in conjunction with our own policies and legislation regarding the protection of internationally designated habitats and species will provide a robust framework for the assessment of future proposals.

### 3.0 Details of Consultation

- 3.1 The Draft North West Marine Plan is currently out to consultation with comments requested by the 6<sup>th</sup> April 2020. The full document and accompanying documentation is available to view from the following link <https://www.gov.uk/government/publications/draft-north-west-marine-plan-documents>
- 3.2 On completion of the consultation the Marine Planning Organisation will review the comments and amend the Plan accordingly. Following this it will be submitted for independent investigation with an aim to have the Plan adopted by the 2021 deadline.

### 4.0 Options and Options Analysis (including risk assessment)

	<b>Option 1:</b> To formally respond to the Marine Planning Organisation with the comments provided in Appendix 1 of this report.	<b>Option 2:</b> To formally respond to the County Council with any other comments	<b>Option 3:</b> To provide no comment to the consultation exercise
Advantages	That the views and opinions of the City Council are duly considered in the consultation process and preparation of the North West Marine Plan	That the views and opinions of the City Council are duly considered in the consultation process and the preparation of the North West Marine Plan.	No advantages
Disadvantages	That whilst the City Council submit comments there is no guarantee that these comments will be included.	That whilst the City Council submit comments there is no guarantee that these comments will be included.	That the views/opinions of the City Council will not be taken into account and future opportunity to feed into the process is lost.
Risks	The Marine Plan may not be revised in light of the comments received from the City Council.	The Marine Plan may not be revised in light of comments received from the City Council.	The Marine Plan may not be revised in light of the comments received from the City Council and future opportunity to feed into the process is lost.

### 5.0 Officer Preferred Option (and comments)

5.1 Option 1 is the preferred Officer option. This option ensures that the City Council remains part of discussions on the Marine Plan and that future iterations are shaped by its involvement.

**6.0 Conclusion**

6.1 It is recommended that the response set out in Appendix 1 is submitted to the Marine Planning Organisation as the City Council's formal response to the consultation and that moving forward due consideration is given to any comments provided by the Marine Planning Organisation in the preparation of future Local Plan documents and the determination of planning applications.

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

On adoption the North West Marine Plan will form a key consideration in the determination of planning applications and in the preparation of Local Plan documents. Policies within the Plan aim to ensure the continued protection of the marine environment while at the same time facilitating the opportunities that it provides for economic growth and investment in the region. The document contains appropriate policies to ensure that this is the case and is considered to be consistent with the City Council's own Local Plan and the priorities established in the Corporate Plan.

**LEGAL IMPLICATIONS**

There are no legal implications arising directly from this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications resulting from the recommendations.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces**

There are no human resource or information service implications arising from the report.

The North West Marine Plan is supported by a number of documents and maps which together provide a comprehensive and informative framework for making decisions. This includes policy maps and the Explore Marine Plans digital service. Opportunities exist to utilise the evidence and information base provided by the Marine Plan into the Council's own data systems in order to further improve its evidence base.

**SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted and has no comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments

**BACKGROUND PAPERS**

Available to view from the following link

<https://www.gov.uk/government/publications/draft-north-west-marine-plan-documents>

Draft North West Inshore and North West Offshore Marine Plan (January 2020)

**Contact Officer:** Rebecca Richards

**Telephone:** 01524 58291

**Email:** rrichards@lancaster.gov.uk

**Ref:** N/A

**Appendix 1 – Proposed City Council response to the consultation**

The City Council supports the preparation of the North West Inshore and Offshore Marine Plan and welcomes the opportunity provided by the Marine Planning Organisation to comment on this document and the increased awareness it has provided on marine planning issues affecting Morecambe Bay.

The City Council is in general supportive of its content and the direction that it provides for increased co-ordination between land based and marine based planning. Moving forward the City Council would welcome continued dialogue with yourselves to better understand the interrelationships between the two systems in order to ensure that full and proper regard is had to both.

The City Council look forward to working with the Marine Planning Organisation under its duty to cooperate responsibilities through the preparation of the Local Plan and as and when required during the Development Management process.

**COUNCIL BUSINESS COMMITTEE****Personal Safety and Lone Working Policy for Councillors****5 March 2020****Report of the Democratic Services Manager****PURPOSE OF REPORT**

To allow Council Business Committee to consider a draft policy for Councillors on lone working, as requested.

**This report is public**

**RECOMMENDATION:**

- (1) **That Members consider the attached draft policy for circulation to Councillors, publication on the Councillor pages of the intranet and inclusion in packs for newly elected Councillors.**

**1.0 Background**

- 1.1 On 31 October 2019, the Committee considered an update report on Member Development and it was agreed that Democratic Services would prepare a lone worker policy, applicable to Councillors, ready for the March meeting.

**2.0 Proposal**

- 2.1 A policy has been drafted and is attached for comments.

**3.0 Conclusion**

- 3.1 The Committee is asked to comment on the draft policy so that it can be finalised by Democratic Services.

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

None arising from this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications arising directly from this report.

**LEGAL IMPLICATIONS**

There are no legal implications arising directly from this report

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no comments.

**BACKGROUND PAPERS**

None

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## Personal Safety and Lone Working Policy for Councillors

### Contents

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### **1.0 Introduction**

- 1.1 An important role of councillors is to keep in touch with their communities. This includes helping individuals with any problems they might have. Often this extends beyond just the delivery of council services. These contacts are usually rewarding and non-adversarial. Councillors are sometimes in a position where they need to calm down angry and frustrated residents who often contact their elected representatives when they feel that they have no other avenue to pursue. Often councillors will deal with constituents on a face to face basis when alone.
- 1.2 Councillors should therefore always make an assessment of the level of risk and what arrangements are in place for their safety. This approach applies to other situations where personal safety is a factor, such as when holding ward surgeries.
- 1.3 The purpose of this guide is to set out what personal safety measures can be taken to prevent and to deal with those rare circumstances where they might find themselves in situations where they become anxious for their safety. Many councillors will not experience any problems during their term(s) of office, but a little time given to the preparation and planning can reduce any risk further.

### **2.0 Ward Surgeries**

- 2.1 The arrangements each councillor makes will vary according to local circumstances and it will be a fortunate councillor who can find premises for their surgery which meet every aspect of good practice and are also accessible to their constituents.

2.2 The following suggestions will help to make a ward surgery safer and more effective.

## **3.0 The Basics**

3.1 Do not hold ward surgeries alone in an otherwise empty building. Try to get someone to act as receptionist. This not only makes you safer, but also makes it much easier to manage a busy surgery. If you are currently holding ward surgeries alone, arrange to discuss how this can be overcome with fellow councillors or council officers.

3.2 If you cannot avoid holding surgeries on your own, make sure you remember a few simple guidelines. The layout of the room should suit you, i.e. you should sit nearest to the door with the constituents seated on the other side of the table. Seating is best set out at an angle of 45 degrees (seating directly opposite can be confrontational).

3.3 Ideally, there should be a separate and comfortable waiting area for constituents. If there is no separate waiting room, try to ensure that the waiting constituents are as far as possible away from those whom you are talking to.

3.4 Make sure there are no heavy items in the room that could be used as weapons.

3.5 If you are at the stage of looking for suitable premises in which to hold a ward surgery, try to get a space with as many as possible of the following features:

- Council premises during opening hours or other premises where there are many other people about.
- Premises where the names of any visitors for councillors are recorded.
- Premises where there is a comfortable waiting area.
- Try to ensure the surgery (interviewing) room has:
  - Easy access to a landline.
  - A clear and agreed procedure for dealing with a call for assistance.
  - An alarm linked to reception.
  - Is in view of the reception or public area.
  - A vision panel in the door.
  - Has a swift means of escape and any visitors are not able to lock the door from the inside.

## **4.0 Dealing with Emotional Constituents**

4.1 It is inevitable that some of the people you will meet will be angry or upset. You need to be prepared to handle all types of emotion. For example, it is worth having some tissues on hand. Calmness in the face of whatever comes up will help you and your constituent.

4.2 You may find that racist or other offensive remarks are made. If they are directed at you, do not respond. This will only make the situation worse. Instead, bring the interview to an end as quickly as possible. If there are more general remarks, you should state that this is not acceptable and that you cannot continue the interview. Often this will elicit an apology. Otherwise, ask the person to leave. However, you must use your own judgment if you are alone and in a vulnerable situation. (Please note that any hate motivated crimes or incidents should be reported to the police.)

## 5.0 Home Visits

5.1 Councillors do sometimes visit residents in their homes, especially those who are elderly or disabled, or where they simply want to see for themselves the conditions that are the subject of complaints. Before arranging a lone home visit, councillors should always consider alternative options.

- Can contact be made by telephone or email?
- Can a meeting be arranged in a public place, such as a community centre or a café?
- Can the resident attend a ward surgery (if appropriate).
- Can a ward colleague, Police Community Support Officer or another person accompany you?

5.2 It is for each councillor to decide whether a particular visit should be made, especially if the person to be visited is unknown to the councillor. Most councillors trust their own instincts as to whether to meet someone alone. However, if you have any doubts about the safety of the premises you are to visit, and the purpose of the visit is not about the premises themselves, then arrange for the meeting to take place at a neutral venue.

5.3 If a home visit is undertaken, the following general personal safety issues should be considered and planned before the visit:

- Arrange the visit during normal working hours, if possible.
- If appropriate, seek advice regarding the council's Staff Warning Register from the Information Governance Manager.
- Let somebody know who you are visiting, providing details of address, date and time of visit and expected duration.
- Keep a record of your whereabouts. This might include making a call on your mobile during the home visit, telling the resident that there is such a record or that you are expected elsewhere at a specific time. It would be advisable to let colleagues or family members know when you expect to finish.

5.4 During a home visit, the following specific personal safety issues should be followed:

- Consider calling the person before the meeting to confirm arrangements and establish their mood/state of mind.
- Use a code word on the telephone. This needs to be a word you have agreed with someone which will alert them that you think you might have a problem.
- Park your car so that it can be driven away easily.
- Park in a well-lit area near other vehicles, if possible.
- Stay alert when approaching the property, and look around the garden for obvious dangers, for example dogs or prowlers.
- After knocking, stand back and to the side of the door.
- If there is a need to look through the letter-box, do not look in directly – try to observe from the side.
- Do not stand on the edge of the steps.
- Be aware of potential weapons.
- Ask for any dogs or other pets to be secured, where appropriate.
- Assess the situation and mood of the resident. Also note any other people in the property and their mood.
- If in any doubt, or if you feel threatened, do not enter. Make an excuse and leave.
- Only sit down when the resident does.



- Where possible, sit in an upright chair, as this is easier to stand up from and use as a defensive barrier. If you have to sit in an armchair or settee, sit on the edge, near the arm. This will enable you to stand up more easily.
- Be aware of any alternative escape routes.
- If the situation changes and you feel threatened, make an excuse and leave. Back out, rather than turn your back on the resident.

## 5.5 If a serious incident occurs:

- Vacate the premises immediately and report the incident.
- If racist or other offensive remarks are made, indicate firmly to the constituent that this is not acceptable. If it continues, the councillor should inform the constituent that it will not be possible to continue the home visit (please note: any hate motivated crimes or incidents should be reported to the police).

## 5.6 If a councillor is unable to leave immediately when a serious situation occurs, the following steps should be taken, as appropriate.

- Place defensive barriers between yourself and the resident.
- Continue talking to the resident as long as possible, reassuring them that you mean them no harm.
- Use reasonable force to protect yourself, if absolutely necessary, but only as a means of last resort. Escape should always be the first option.
- Set off your personal attack alarm, if you have one, or scream or shout to attract the attention of others.

## **6.0 The Council's Staff Warning Register**

6.1 The council has a Staff Warning Register. Councillors can contact the Information Governance Manager for information about potentially violent persons prior to undertaking a home visit.

## **7.0 Lone Working**

7.1 If you are working alone, you might consider the following options:

- Leave details of where you are going and how long you will be with a friend, relative or colleague.
- Check that your mobile phone is charged and switched on.
- Carry a personal attack alarm.
- Consider making regular check-in calls to a friend, relative or colleague, or ask them to call you at regular intervals.
- Team up with a councillor from a neighbouring ward to make visits.
- If there are a number of risks associated with a particular visit, you may wish to carry out a risk assessment and discuss or ask another councillor, or an officer, for their view on whether a visit should be undertaken.

## **8.0 Personal Callers to Councillors' Private Homes**

8.1 Councillors occasionally get the odd nuisance or abusive call. Although such calls are likely to be rare, you might become the target of a persistent anonymous caller with a grudge against the council. These calls need to be dealt with in accordance with police advice:

- Keep the caller talking.
- Note any clues the caller may provide as to sex, age, accent, etc.
- Listen for any clues as to the caller's motive and intention.
- Write down the details immediately to assist the police at a later stage.
- Listen for background noise that may provide valuable information (e.g. railway sounds, industrial noises, machinery, music, animals).
- Inform the police.
- Inform the council.

## **9.0 Mail**

9.1 As with telephone calls, councillors can, on rare occasions, become the target of malicious anonymous letters. Any such letters should be given immediately to the police.

## **10.0 Car Safety and Parking**

10.1 You need to take the same precautions as most car owners do:

- Have your keys in your hand or easily accessible.
- Consider whether an area will be dark and isolated when you return to your car.
- Park, where possible, under street lighting and try not to park in dark, deserted streets or isolated car parks.
- If you have to park in a multi-storey car park, try to park on the ground floor away from stairs and lifts.
- Don't stay around for longer than necessary and stay alert at all times.
- Always lock the car doors when you get into the car and when you leave it.
- Take boxes/bags to the car when other people are around.
- Always carry a torch with you.
- Look around your vehicle as you approach in case someone is crouching down.
- Look inside before entering your vehicle to ensure no-one is hiding there (even if the doors were locked).
- Try to park on the left-hand side of the road facing the way you want to drive off.
- In a cul-de-sac do not park facing the dead end.
- Try to park in a space where you will not be blocked in.
- At service stations, always lock the car when you go to pay.
- Ensure your vehicle has sufficient fuel for the journey.
- If you are following in your vehicle, do not get out. Ensure that it is locked, flash your lights and sound the horn to attract attention.

## **11.0 Attendance at Meetings**

11.1 Councillors have to attend evening meetings which often finish after dark. It is possible that depending on the nature and outcome of the meeting that members of the public may leave feeling angry or upset. In such instances, councillors may wish to ask to be accompanied to their car or nearest bus stop by colleagues or officers who also attended the meeting. If waiting for a taxi, you should wait in well-lit areas, preferably inside the building or close to the main entrance. Before entering the taxi, ensure it has the relevant licensing plate and they can confirm your booking.

**12.0 Reporting Incidents**

- 12.1 Depending on the severity of the incident, the councillor involved should contact the police, even if an incident is not considered serious enough to involve the police.
- 12.2 If you have been subject to, or witnessed a hate incident or crime, you have a duty to report it.
- 12.3 By taking appropriate action, you may help to prevent a similar incident re-occurring.