



Committee: CABINET

Date: TUESDAY, 27 OCTOBER 2020

Venue: THIS WILL BE A VIRTUAL MEETING

Time: 6.00 P.M.

A G E N D A

1. Apologies

2. Minutes

To receive as a correct record the minutes of Cabinet held on Tuesday, 6 October 2020 (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 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. Public Speaking

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

Reports from Overview and Scrutiny

None

Reports

6. Proposed Designation of Conservation Area Slyne Road, Skerton (Pages 5 - 34)
(Cabinet Member with Special Responsibility Councillor Hanson)
Report of Director for Economic Growth & Regeneration
7. Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (Pages 35 - 60)
(Cabinet Member with Special Responsibility Councillor Hanson)
Report of Director for Economic Growth & Regeneration
8. Preparation of Lancaster South Area Action Plan Development Plan Document (Pages 61 - 71)
(Cabinet Member with Special Responsibility Councillor Hanson)
Report of Director for Economic Growth & Regeneration
9. Review of Housing Allocations Policy October 2020 (Pages 72 - 80)
(Cabinet Member with Special Responsibility Councillor Jackson)
Report of Director for Communities and the Environment
10. The Homes Strategy for Lancaster District 2020-2025 (Pages 81 - 97)
(Cabinet Member with Special Responsibility Councillor Jackson)
Report of Director for Communities and the Environment
11. Options to Set up the Housing LATCo (Pages 98 - 109)
(Cabinet Member with Special Responsibility Councillor Jackson)
Joint Report of the Director for Communities and the Environment and Director for Economic Growth & Regeneration
12. To Seek Approval for the Adoption of Public Space Protection Orders (Dog Control) (Pages 110 - 124)
(Cabinet Member with Special Responsibility Councillor Sinclair)
Report of Director for Communities and the Environment
13. Green Waste Subscription fees (Pages 125 - 128)
(Cabinet Member with Special Responsibility Councillor Brookes)
Report of Director for Communities and the Environment
14. Lancaster Business Improvement District (BID) Renewal - Draft Proposal (Pages 129 - 138)

(Cabinet Member with Special Responsibility Hamilton-Cox)

Report of Director for Economic Growth & Regeneration

15. Capital Investment Strategy (Pages 139 - 173)

(Cabinet Member with Special Responsibility Councillor Whitehead)

Report of Chief Executive (report published on 21 October 2020)

16. 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 items in private.

Cabinet is recommended to pass the following recommendation in relation to the following items:-

“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.

17. Arrangements for repair of Lodge Street premises (Pages 174 - 195)

(Cabinet Member with Special Responsibility Councillor Hamilton-Cox)

Report of Director for Economic Growth & Regeneration

18. Investment Proposal: Site Acquisition (Pages 196 - 226)

(Cabinet Member with Special Responsibility Councillor Whitehead)

Report of Director for Economic Growth & Regeneration (report published on 20 October)

19. Investment Proposal (Pages 227 - 339)

(Cabinet Member with Special Responsibility Councillor Whitehead)

Report of Director for Economic Growth & Regeneration (report published on 20 October 2020)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Erica Lewis (Chair), Kevin Frea (Vice-Chair), Dave Brookes, Tim Hamilton-Cox, Janice Hanson, Caroline Jackson, Jean Parr, Alistair Sinclair, Anne Whitehead t

(ii) Queries regarding this Agenda

Please contact Liz Bateson, Democratic Services - email ebateson@lancaster.gov.uk.

(iii) Apologies

Please contact Democratic Support, telephone 582170, or alternatively email democraticsupport@lancaster.gov.uk.

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

Published on Monday 19 October 2020.

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	Date	27 October 2020
Title	Proposed Designation of Conservation Area Slyne Road, Skerton		
Report of	Report of Director for Economic Growth and Regeneration		
Purpose of the Report To advise Cabinet of the proposals and the outcome of consultation and to seek Cabinet approval for the designation			
Key Decision (Y/N)	N	Date of Notice	Exempt (Y/N)

Report Summary This report relates to the proposed designation of a conservation area for part of Slyne Road, Skerton, Lancaster. It informs Cabinet members of the outcome of consultation for the proposals and recommends that Cabinet approve the designation.

Recommendations That Cabinet approve the designation of a conservation area for the area in question.

Relationship to Policy Framework

Under section 69 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990, the Local Planning Authority have a duty to consider which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate those areas as conservation areas. Our Local Plan contains policies for the management of conservation areas in response to planning applications for development.

Conclusion of Impact Assessment(s), where applicable

Climate	Wellbeing & Social Value
Digital	Health & Safety
Equality	Community Safety

No implications

Details of Consultation

See Section 6 of the report below

Legal Implications

The powers to designate a conservation area derive from section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There are certain procedural requirements arising from this as outlined in Section 4 of the report below. If the conservation area is designated there are various powers and duties, in particular, for the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the area under section 72 of the 1990 Act.

Financial Implications

The designation of a conservation area does not have any direct financial implications. However, there are minor implications for resources in relation to planning applications involving demolition, for tree works and an increase in publicity where applications arise. Given the very small size of the proposed conservation area the costs are not likely to be onerous and can be met from existing resources.

Other Resource or Risk Implications

There are no known implications.

Section 151 Officer's Comments

The s151 Officer has been consulted and has no further comments to add to this report

Monitoring Officer's Comments	
The Monitoring Officer has been consulted and has no further comments to make	
Contact Officer	Jason Syers
Tel	01524 582302
Email	jsyers@lancaster.gov.uk
Links to Background Papers	
Annex 1 - Map of Proposed Conservation Area Annex 2 – Slyne Road – Conservation Area Assessment Annex 3 – Consultation letter and attached information Annex 4 – Letter from Nexus Planning Consultants Annex 5 – Nexus comments and officer comments Annex 6 – Other comments and objections with officer comments	

1.0 Introduction

- 1.0 The concept of conservation areas was initiated in the 1967 through the Civic Amenities Act, which placed a duty on Local Planning Authorities to designate areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. This led to the designation of conservation areas in Lancaster and Morecambe and many other towns and villages in the District. The Council designated its first conservation area in Heysham in 1972 and there are now a total of 37 conservation areas in the District as a whole.

2.0 Proposal Details

- 2.1 We are proposing to designate a new conservation area under these powers for Slyne Road just to the north of Aldren's Lane. The proposed location and conservation area boundary is shown in Annex 1. The area in question is a late 19C residential suburb which developed rapidly following the incorporation of Skerton into the City of Lancaster in 1888. A small cluster of civic/public buildings were constructed, including the Police Station (1889), St Joseph's Church and Presbytery (1900-1) and St Joseph's School. Terraces of villas soon followed to the immediate north.
- 2.2 The timing of the designation has been influenced by the proposed demolition of the former Police Station on Slyne Road, which is a Non-Designated Heritage Asset (NDHA) now used as offices. An application for re-development of the site is due to be submitted shortly. This is an architecturally significant building that positively contributes to the character of the local area. It is a prominent building on the corner on Slyne Road on its junction with Barley Cop Lane and forms one of the important cluster of civic/public building mentioned above. Its loss would, therefore, cause considerable harm to the character of the area.
- 2.3 While the timing of the designation has been influenced by the proposed demolition of the former Police Station, the reason for the proposed designation, as explained below, is that the character and appearance of area merits conservation area status. The architectural and historic quality of buildings in the area contribute significantly to its character and appearance, including the former Police station, and warrant preservation.

3.0 Justification for designation

3.1 The proposed conservation area is a late Victorian suburb grouped in a linear arrangement along Slyne Road. It includes a core of civic and public buildings to the south of the proposed area, set within generous grounds and greenery. There is a distinctive mixture of architectural styles, including Classical, Tudor, Perpendicular and Gothic revival. Important buildings and features include:

- St Joseph's Church (Grade II) and Presbytery- perpendicular revival church by acclaimed London ecclesiastical architects Pugin and Pugin dated 1900-1.
- Dacrelands (Grade II) – classical styled house circa early 19C in ashlar with bow fronted west elevation within a generous garden setting
- Police Station (unlisted) symmetrical range in Tudor Gothic style, with characterful stepped gables and bay windows
- St Joseph's School – c1896, gable fronted, including canopy and Crucifixus, with Chapel. Probably wholly by Pugin and Pugin, although only Chapel is by them for certain.

3.2 Victorian terraces of smaller villas make up the remainder of the proposed conservation area. These characterful buildings display a range of features, including a rhythm of bay windows with distinctive architectural form, sliding sash windows, canopied entrances and decorative joinery, ridges and finials, the use of sandstone walling and slate roofs. The area is also notable for its mature trees and greenery, with planting to gardens fronted by stone boundary walls topped with decorative limestone.

3.3 The area in question provides a distinctive and attractive approach to the city, similar to the Greaves Road Conservation Area to the south of the city centre. Although some modern development has undoubtedly left its mark on the area, it remains of special architectural and historic interest and is therefore worthy of designation.

3.4 An assessment of the proposed conservation area has been prepared and can be found in Annex 2.

4.0 Legislative and Policy Context

4.1 The various legislation governing the designation of conservation areas has been consolidated in the Planning (Listed Buildings and Conservation Areas) Act 1990. Under section 69 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990, the Local Planning Authority have a duty to consider which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate those areas as conservation areas.

4.2 Our Local Plan Development Plan Document in paragraphs 10.30 states that the Council will consider future areas that may be considered suitable for designation as a conservation area. This requires a judgement as to whether an area is of special architectural or historic interest, and the character or appearance of which it is considered desirable to preserve or enhance.

4.3 In terms of policy the National Planning Policy Framework 2019 states that, when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest. This is to ensure the concept of conservation is not devalued through the designation of areas that lack special interest. Our assessment of the

proposed conservation area in Annex 2, therefore, has been carried out to ensure it justifies designation.

- 4.4 Designation takes effect on Cabinet approval of the proposed boundaries. We must then advertise the designation in the London Gazette and local press. Upon designation, we would have to notify Historic England and the Government Office North West of the designation if approved.

5.0 Effect of Designation

- 5.1 The designation of a conservation area introduces a general control over the demolition of buildings and the felling/lopping of trees and provides a basis for policies designed to preserve or enhance all the aspects of character or appearance that define an area's special interest. In determining applications for development it is necessary for us to pay special attention to the desirability of preserving or enhancing the character or appearance of the area under section 72 of the 1990 Act.
- 5.2 Designation would, therefore, help conserve the architectural and historic qualities of the area for the future by ensuring that historic buildings and features are retained and that new development and enhancement proposals takes account of its special qualities. The designation also enables us to consider further measures to prevent the loss of historic features and details via an Article 4 Direction, which would require further consultation.
- 5.3 Our Development Management Development Plan Document was adopted on 30th July 2020. Policy DM 38 deals with conservation areas and would apply to the proposed conservation area if it is designated. The policy seeks to ensure that the qualities and features of the conservation area are considered when determining planning applications to ensure development preserves or enhances its character and appearance, as required by the 1990 Act.

6.0 Details of Consultation

- 6.1 We have involved the local community and stakeholders in developing the proposals for designation of this conservation area. We sent out consultation letters, information and questionnaires to residents and property owners in the proposed area (see Annex 3). We have held a five-week period of consultation during late July and August and during this time and we have had information about the designation available on our website.
- 6.2 We have received a detailed objection from the agent to the owners of the former Police Station NDHA (which is owned by the NHS). This letter is reproduced in Annex 4. Our response to the issues raised in this letter are included within a table in Annex 5.
- 6.3 We have received eight other consultation responses and these are summarised in the tables in Annex 6. We have considered the consultation responses regarding the principle of designation. We have concluded that none of the issues raised nor the weight of any particular concern mean that designation should not proceed.
- 6.4 We have received two responses seeking to amend the proposed conservation area boundary. These responses are included in Annex 5 & 6. We need a clear and easily defined boundary and we need to weigh any change against the merits of adding or excluding any area or feature and the extent to which they contribute the

character and appearance of the area. We have considered the proposed boundary changes but have not recommended any amendments be made.

7.0 Conclusion

7.1 In accordance with our statutory duties and national policy we have considered the proposal for the designation of a conservation area on Slyne Road, as shown on the proposal map in Annex 1 and recommend that the designation of a conservation area under section 69 of the 1990 Act be approved.

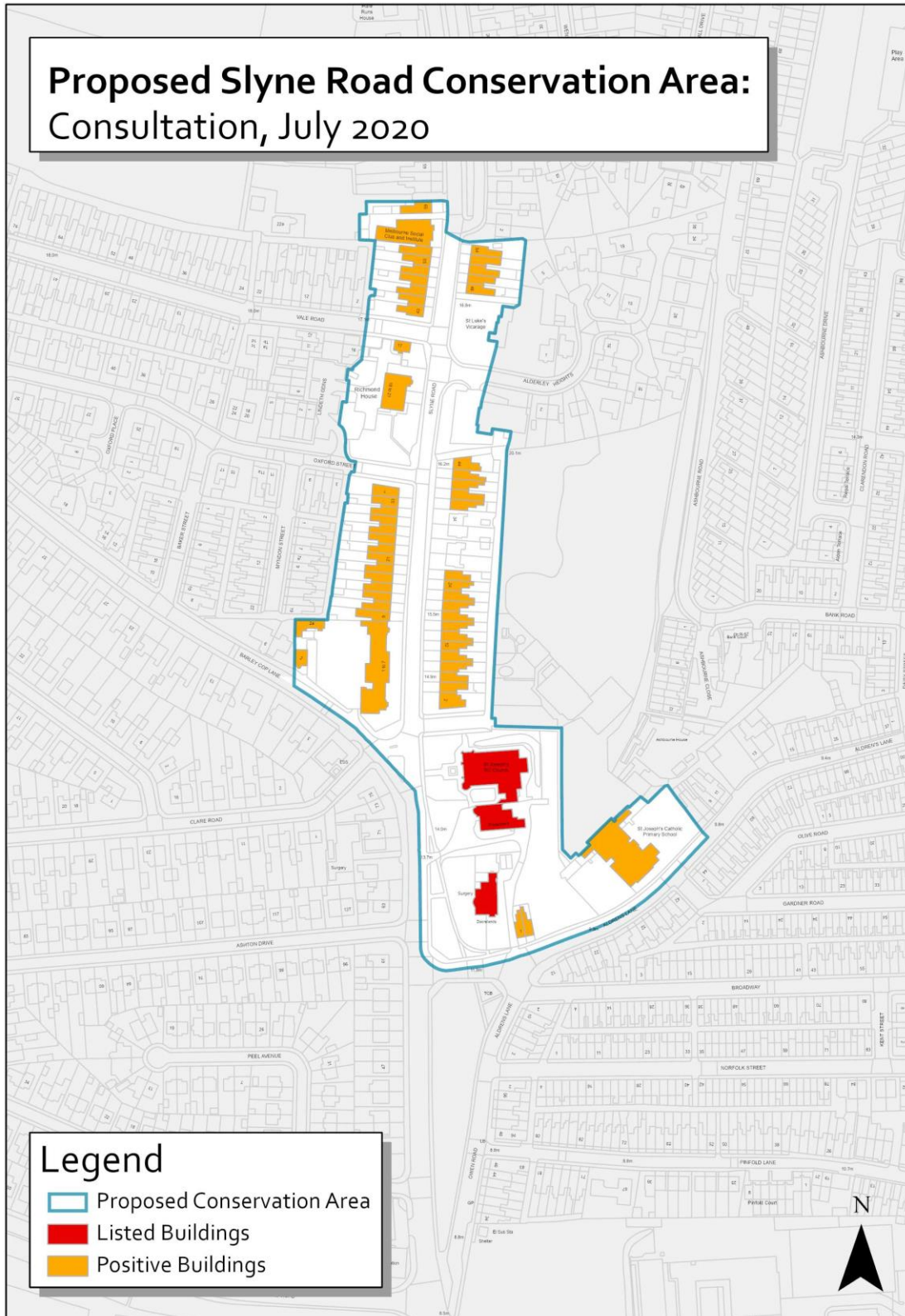
8.0 Options and Options Analysis (including risk assessment)

Option 1: That the conservation area designation is approved.
Advantages: The designation would be consistent with our statutory duties under Section 69 of the 1990 Act and would give appropriate protection to the special architectural and historic interest of the area.
Disadvantages: None
Risks: None
Option 2: That the conservation area designation is not approved.
Advantages: None
Disadvantages: The special architectural and historic interest of the area would not be preserved and enhanced, including historic buildings and other features which contribute to this. An unlisted building that is important to the character of the area is under threat of demolition and designation may result in its loss.
Risks: That the special architectural and historic interest of the area is not preserved and enhanced and that historic buildings and other features in the area, including the building currently under threat of demolition, may be lost.

8. Officer Preferred Option (and comments)

8.1 The officer preferred option is Option 1.

ANNEX 1 – MAP OF THE PROPOSED SLYNE ROAD CONSERVATION AREA



Slyne Road (proposed): Conservation Area Assessment

The proposed Conservation Area is associated with the development of a Victorian suburb with villas built outside the boundary of the city for the growing middle classes. The boundary of the proposed Conservation Area is situated in Skerton, to the north of Rylands House and Park. The area is characterised by a cluster of civic and public buildings together with terraced rows of stone-built villas, fronted by gardens with boundary walls.

Villas located on the outskirts of towns and cities became a popular type of house for the wealthy in the late-18th and early-19th century as they embodied the ideas of a rural retreat in an accessible location, along with the social status that was so often associated with the gentry and the 'country house'. The growing middle classes had similar aspirations to live away from the dense and often squalid conditions of urban areas.

Historically, the river marked the boundary of the old town of Lancaster and Skerton. Dacrelands, a pair of early 19C houses marked the first example of early 19C villa development. Larger country houses soon followed with Rylands House and Lune Villa (now demolished) to the south (both outside the proposed conservation area). This provided the likely stimulus for other more modest villa development to the north. Richmond House was one of the first of these more modest late 19C residences to be constructed, set within its own formally landscaped grounds fronting Slyne Road.

Skerton was incorporated into the city of Lancaster in 1888, prompting a surge of construction locally. A number of large civic buildings were erected, each reflecting the image and aspirations associated with the township's new status. The following decade or so saw the emergence of a small community along Slyne Road just north of Aldren's Lane, with the construction of the Police Station (1889), St Joseph's Church and Presbytery (1900-1), Parish Hall (now demolished) and St Joseph's School.

The small cluster of historic buildings at the south-east of the area is especially notable for generous grounds and large areas of greenery and trees. Terraces of smaller villas, with distinctive architectural design and accentuated by their elevated position, soon followed to the immediate north, with front gardens positively adding greenery to their wider setting.

Overall, the cluster of fine public and church building, the greenery of their setting and the neat row of terraced villas marks an important group of buildings that form a distinctive late Victorian suburb. The area forms an important and distinctive element of the approach into Lancaster from the north.

ANNEX 2 – SLYNE ROAD CONSERVATION AREA ASSESSMENT

In summary, the area has the following qualities:

General

- A late Victorian suburb grouped in a linear arrangement along Slyne Road
- Includes a core of civic and public buildings to the south set within generous grounds and greenery
- Distinctive mixture of Classical, Tudor, Perpendicular and Gothic revival styles
- Modest terraced villas with rhythm of bay windows with distinctive polygonal piend form, sliding sash windows, canopied entrances and decorative joinery, ridges and finials
- Prevalent use of sandstone walling and slate roofs
- Mature trees and greenery, with planting to gardens fronted by stone boundary walls topped with decorative limestone

Important buildings and features

- St Joseph's Church (Grade II) and Presbytery- perpendicular revival church by acclaimed London ecclesiastical architects Pugin and Pugin dated 1900-1.
- Dacrelands (Grade II) – classical styled house circa early 19C in ashlar with bow fronted west elevation within a generous garden setting
- Police Station (unlisted) symmetrical range in Tudor Gothic style, with characterful stepped gables and bay windows
- St Joseph's School – c1896, gable fronted, including canopy and Crucifixus, with Chapel. Probably wholly by Pugin and Pugin, although only Chapel is by them for certain.

ANNEX 3 – CONSULTATION LETTER AND INFORMATION



Email: conservation@lancaster.gov.uk

Address

**DIRECTORATE FOR ECONOMIC
GROWTH AND REGENERATION**

Planning and Place Service

PO Box 4
Town Hall
Lancaster LA1 1QR

17 July 2020

Dear Occupier

Conservation Area Appraisal and Management Plan for Slyne Road, Skerton, Lancaster

I write to inform you that the Council are considering the designation of a Conservation Area for Slyne Road in Skerton, just to the north of its junction with Aldren's Lane. This is in recognition of its special architectural and historic interest, the character or appearance of which we consider is desirable to preserve or enhance. The proposed conservation area boundary is shown on the map attached to this letter.

Conservation areas help to protect our historic environment and the sense of place which is valued by the local community. Designation provides protection to historic buildings and features in the area to prevent the character from being eroded through demolition and inappropriate development.

This letter is to confirm that your property is situated within the proposed conservation area. We would welcome comments on the proposal from the local community and interest groups. Further information about conservation areas is attached to this letter.

Why is the Slyne Road area special?

The area has the following qualities

- A late Victorian suburb grouped in a linear arrangement along Slyne Road
- Includes a core of civic and public buildings to the south set within generous grounds and greenery
- A distinctive mixture of Classical, Tudor, Perpendicular and Gothic revival styles
- Modest terraced villas with rhythm of slate roofed bay windows, sliding sash windows, canopied entrances and decorative joinery, ridges and finials
- Prevalent use of sandstone walling and slate roofs
- Mature trees and greenery, with planting to gardens fronted by stone boundary walls topped with decorative limestone

- Important historic buildings include:
 - St Joseph's Church (Grade II) and Presbytery- perpendicular revival church by acclaimed London ecclesiastical architects Pugin and Pugin
 - Dacrelands (Grade II) – classical styled house circa early 19C in ashlar with bow fronted west elevation within a generous garden setting
 - Police Station (unlisted) symmetrical range in Tudor Gothic style, with characterful stepped gables and bay windows
 - St Joseph's Church – c1896, gable fronted, including canopy and Crucifixus, with Chapel. Probably wholly by Pugin and Pugin, although only Chapel is by them for certain.

Public consultation

The involvement of the local community and interest groups in the designation of a conservation area is an important part of the process. Local knowledge and support bring public understanding and ownership of the proposals if they are approved.

The designation proposals are subject to a four-week period of consultation.

Please Note: Before commenting please read all the consultation documents found on the Council website here: <http://www.lancaster.gov.uk/planning/conservation/conservation-areas>

Have your say

We want to hear the views of the local community and interest groups about the proposed conservation area designation. Comments can be provided as follows:

- online: https://www.surveymonkey.co.uk/r/SlyneRd_CA
- by email: conservationteam@lancaster.gov.uk
- by post to: Lancaster City Council, PO Box 4, Town Hall, Dalton Square, Lancaster, LA1 1QR

Please send your comments to us by **Monday 24 August 2020**

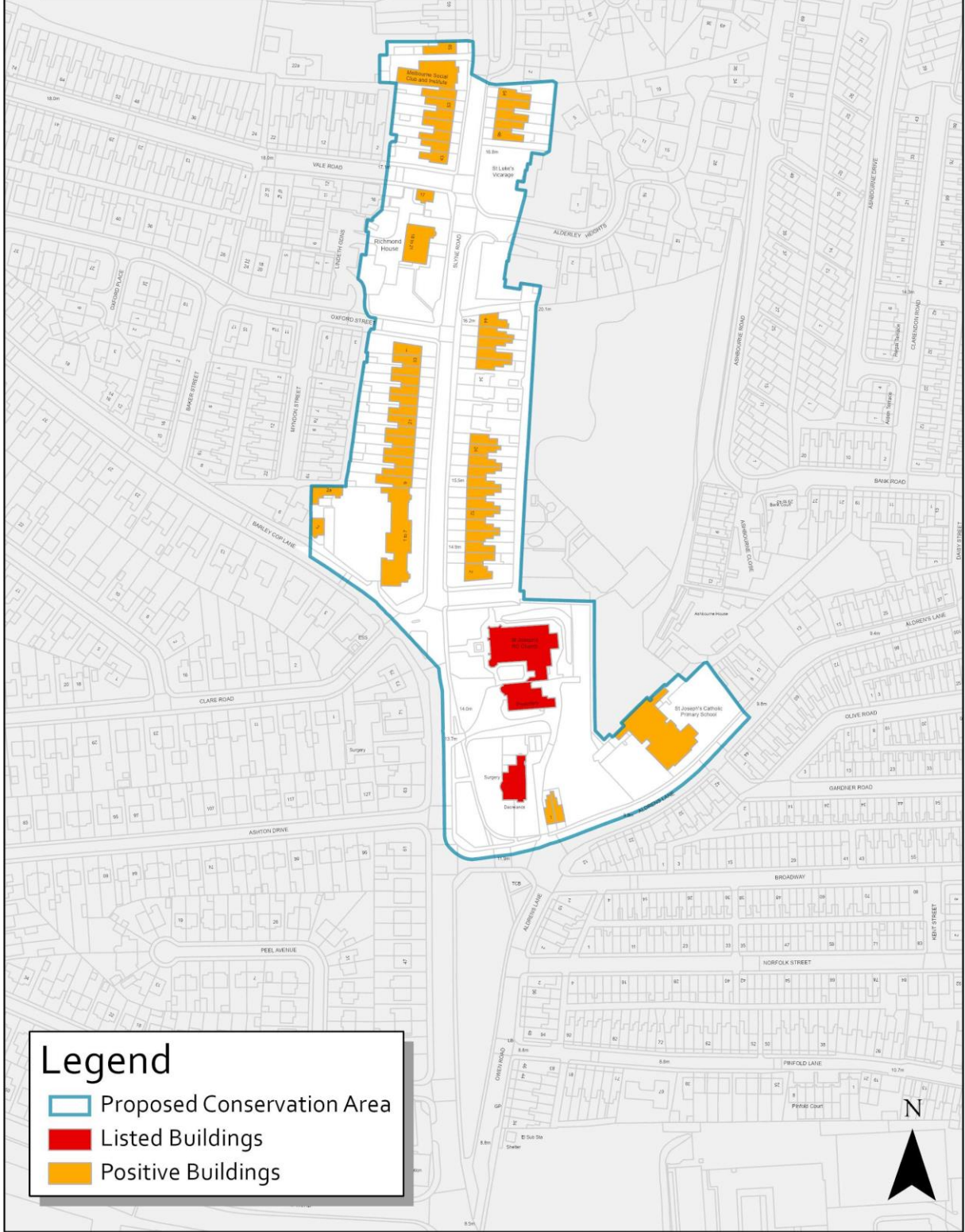
Yours sincerely





DAVID JAMES
PRINCIPAL CONSERVATION OFFICER

Inc: Map of Proposed Conservation Area
Frequently Asked Question

Proposed Slyne Road Conservation Area: Consultation, July 2020



Legend

-  Proposed Conservation Area
-  Listed Buildings
-  Positive Buildings

Scale: 1:2,500

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Conservation areas

What is a Conservation Area?

Conservation areas are legally defined as areas of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Local authorities have a duty under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the designation of a conservation areas for places that have these qualities.

Conservation areas help to protect our historic environment and the sense of place which is important to the local community. The special interest of an area relates to those qualities that gives an area its distinctive character and appearance.

The designation of a conservation area can be based on qualities such as:

- the historic layout of streets, plots and boundaries
- the quality, character and "group interest" of its buildings and their materials
- boundary features and their materials
- the character of spaces that the buildings enclose, including historic paving
- the contribution of trees and green spaces.
- the views, vistas and 'townscape' character created by the buildings and spaces
- traditional uses and activities which characterise the area
- the activity and atmosphere which give an area its distinctive character

Designation provides protection to historic buildings and features to prevent the character from being eroded through demolition and inappropriate development. However, conservation area may need to evolve to meet the changing demands and pressures of daily life. Well-designed, sustainable new development that is sensitive to the local character can benefit the area and need not be detrimental. Our policies and guidance seek to manage change without undermining the conservation area's character.

Benefits of living in a Conservation Area

Does a conservation area mean that the area can never change?

The designation of a conservation area does not mean every building will be preserved and no changes allowed. Some change is inevitable and may be necessary for the day-to-day life and enhancement of an area. Designation helps ensure changes respect the area's character and appearance. The additional planning powers and policies within conservation areas aim to ensure new development is of good quality while giving protection to important historic buildings and features.

How does being in a conservation area affect demolition?

Applications for permission to totally or partially demolish any building within a conservation area must be made to us. Procedures are similar to listed building consent applications. Generally, buildings which make a positive contribution to the character or appearance of the conservation area should be retained.

What about minor developments?

Within Lancaster district, areas both within or outside a conservation area have "permitted development rights" unless they have been removed by an Article 4 Direction (see below). These rights permit development such as small extensions and alteration, to be carried out without planning permission. Where planning permission is required, new development and alterations to existing buildings need to be well designed and employ good quality materials so that they preserve or enhance the character or appearance of the area.

Can you still cut down trees in a conservation area?

Trees make an important contribution to the environment within conservation areas. Anyone proposing to cut down, top or lop a tree above a certain size in a conservation area, whether or not subject to a tree preservation order, has to give us notice. We can then consider the contribution the tree makes to the character of the area and may seek to protect important mature trees and groups of trees by making a tree preservation order.

What is an Article 4 Direction?

We can introduce more sensitive controls through an 'Article 4 Direction', to manage alterations to houses. Such Directions prevent the loss of important historic features and details which contribute to the area's character such as original roof slates, doors, windows, boundary walls and other architectural details. But reasonable alterations which are of good quality are permitted. Such controls currently exist in a number of our conservation areas. We have to have good reason to introduce an Article 4 Direction and must take account of public views before doing so.

ANNEX 4 – LETTER FROM NEXUS PLANNING CONSULTANTS

ANNEX 5 - NEXUS PLANNING COMMENTS ONO THE PROPOSED CONSERVATION AREA DESIGNATION FOR SLYNE ROAD

Consultee Comment	Lancaster Conservation Team Response
Consultation questionnaire Q1 Do you agree with the proposal to designate a Conservation Area?	
<p>The area is primarily residential and does not comprise an area of particularly special architecture or historical interest as a conservation area. This is the required minimum standard set out by Paragraph 186 of the National Planning Policy Framework (NPPF) to justify a designation as a conservation area.</p>	<p>The residential character does not preclude the area from designation as a conservation area. The character of the area is outlined within our assessment. The fine group of civic and public buildings and the strong character of terraced villas which line the road were developed over a short period at the turn of the 19/20C and are part of the historic development of the area as a suburb of Lancaster. We, therefore, consider the area to be of special architectural and historic character.</p>
<p>In this regard, paragraph 186 of the NPPF states:</p> <p>“When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.”</p> <p>The proposed area incorporates three listed buildings and a non-designated heritage asset, in addition to a number of Victorian villas which are commonplace throughout Lancaster. Given the existing statutory protections offered to the listed buildings in the proposed area, and the fact that the other buildings proposed to be included are not of specific historic interest, the proposal to designate this area is considered to be not appropriate or suitable.</p>	<p>The requirement of the Act regarding conservation area designation is not that individual buildings have to be of special architectural and historic interest but that the area as whole has this quality. Nor is it about the number of designated and non-designate heritage assets per se. It is about the contribution of these assets to the character and appearance of the area as a whole. Nevertheless, we consider that all the buildings identified as “positive buildings” on the designation proposal map would be considered as Non-Designated Heritage Assets (NDHA) on assessment. NDHA assessment is generally carried out in response to specific development proposals.</p>

Consultee Comment	Lancaster Conservation Team Response
<p>Consultation questionnaire Q2 Does the proposed boundary include all the areas which have special architectural or historic interest? If no, what areas would you add or remove?</p>	
<p>Whilst the proposed conservation area includes a cluster of three listed buildings toward the south of the proposed boundary, it extends the designation across and along Slyne Road to include the residential dwellings and some offices fronting Slyne Road, inclusive of the NHS Properties site. As such, it is considered that the boundary extends to include buildings which do not have special architecture or historic interest.</p>	<p>The requirement of the Act regarding conservation area designation is not that individual buildings have to be of special architectural and historic interest but that the area as whole has this quality. However, we consider the architectural and historic character of these undesignated historic buildings contribute positively to the character and appearance of the area as a whole and as such give it special architectural and historic interest.</p>
<p>It is submitted that Lancaster comprises a number of examples where areas are made up of late Victoria terraced villas and buildings, all of a similar nature and character. On this basis, the designated area does not merit special architecture or of historic interest, and is not evidenced to comprise such merit by the Proposed Conservation Area Appraisal.</p> <p>As such, it is considered that the conservation area assessment does not identify special architectural or historic interest in the area to the extent that it adheres to Paragraph 186 of the NPPF.</p> <p>Indeed, our review of other buildings in Lancaster have identified a number of late Victorian suburbs in a linear arrangement, with common features including bay windows, sandstone walling and slate roofs, mature trees and greenery and stone boundary walls. Crucially, other areas also exhibit a distinctive mixture of architectural styles. Such areas include Bowerham Road and Dale Street</p>	<p>We agree that Lancaster comprises many late Victorian areas and that there is some similarity in their nature and character. Nevertheless, there are differences in the townscape, spatial character and architectural quality which determine whether an area is designated or not. In relation to the comparison of the proposed conservation area with other areas mentioned we would comment as follows:</p> <ul style="list-style-type: none"> • <u>Bowerham Road</u> – The architectural quality and character of historic buildings, while attractive, are generally plainer and of lower quality than Slyne Road, with fewer architectural features. The buildings are more closely related to the road with smaller gardens with less greenery. The area, therefore, is of lower interest in heritage terms than Slyne Road. • <u>Dale Street</u> – The architectural quality and character of historic building is similar to Slyne Road at the southern end of Dale Street. However, the buildings are more closely related to the road with smaller gardens and less greenery. Elsewhere along the street the

Consultee Comment	Lancaster Conservation Team Response
	houses are plainer in design. The area, therefore, is of lower interest in heritage terms than Slyne Road.
<p>Our concerns here relate to whether the inclusion of the Slyne Road Offices within the proposed conservation area truly seek to conserve a feature of what the assessment considers to be “special architectural or historic interest”, or as a means to prevent the delivery of a positive strategy to ensure that this prominent gateway site within the urban area is bought back into a viable use.</p> <p>As such, NHS Property Services would question whether the conservation area as proposed demonstrates special architectural or historic interest that is the basic requirement for designation. Furthermore, in any event we request that the Slyne Road Offices/police station be removed from the proposed conservation area. Its inclusion will run contrary to Paragraph 185a) of the NPPF in that it will prevent a positive strategy to allow a viable use from being achieved.</p>	<p>The designation of a conservation area does not prevent the delivery of a positive strategy for the Slyne Road Offices/former police station. This site is similar to many other sites within conservation areas within the district which have been successfully and viably re-developed in the past. We have no reason or evidence to believe that the re-development of the site would be any different.</p> <p>If there are issues of viability, then this would be a material consideration in the planning process and would not necessarily prevent re-development proposals provided they are suitably evidenced in accordance with national and local policies.</p>
<p>Consultation questionnaire Q3 Does the Conservation Area Assessment outline the qualities which make up the area’s special architectural and historic interest?</p>	
<p>The conservation area Assessment identifies the following general qualities of the proposed area:</p> <ul style="list-style-type: none"> • A late Victorian suburb grouped in a linear arrangement along Slyne Road • Includes a core of civic and public buildings to the south set within generous grounds and greenery 	<p>As stated above, we consider the proposed conservation area is of specialist interest. While other areas mentioned may share some of the characteristics, including some buildings of similar design, they do not share all the characteristics and they are not of the same distinctive quality. It is the inter-relationship of these qualities that forms the area’s character and appearance and contributes to its special interest. This means they are of lower interest in heritage terms than Slyne Road.</p>

Consultee Comment	Lancaster Conservation Team Response
<ul style="list-style-type: none"> • Distinctive mixture of Classical, Tudor, Perpendicular and Gothic revival styles • Modest terraced villas with rhythm of bay windows with distinctive polygonal piend form, sliding sash windows, canopied entrances and decorative joinery, ridges and finials • Prevalent use of sandstone walling and slate roofs • Mature trees and greenery, with planting to gardens fronted by stone boundary walls topped with decorative limestone " <p>Furthermore, the assessment notes that the qualities for the Slyne Road Offices are "symmetrical range in Tudor Gothic style, with characterful stepped gables and bay windows".</p> <p>NHS Property Services consider that these 'qualities' are generalizable to the wider area of Lancaster, and Cumbrian towns, and do not comprise special architecture, nor historic interest. As set out above review of Lancaster has identified a number of examples where a number of the above 'qualities' could also be applied.</p> <p>Again, with reference to Appendix B, it cannot be reasonably said that these features represent qualities that constitute a special architectural and historic interest. Victorian buildings are common place in Lancaster, and are mostly constructed from similar materials with common architectural features. Bowerham Road demonstrates a number of the same architectural styles, including a notable building at the junction of Bowerham Road and Coulston Road. This building exhibits a number of features similar to the Slyne Road Offices, not least stepped gables in a Tudor Gothic style. This building is shown at Appendix B.</p>	<p>As stated above, the special interest of a conservation area relates to the architectural and historic character of the area as a whole, rather than the character of individual buildings. Whereas listed buildings are designated for their special architectural or historic interest, most buildings within conservation areas are unlisted and, while being valuable heritage assets, may individually lack this special interest. However, the lack of buildings of special interest (in effect, listed buildings) does not mean that designation of a conservation area is unjustified. It is the contribution of all buildings, listed and unlisted, to the special architectural and historic <i>of the area</i> that is important.</p> <p>The former police station/NHS offices is very positively mentioned for its architectural quality within the Lancashire: North 2009 Edition of Pevsner, The Buildings of England (page 615), which is the foremost independent architectural guide of the nation's historic and contemporary buildings.</p>

Consultee Comment	Lancaster Conservation Team Response
<p>We therefore are concerned that a number of the qualities expressed in the assessment of the proposed conservation area are neither special in architectural terms, being in fact common place throughout Lancaster, and are not of historic interest given their prevalence at locations throughout the City. The examples of interest on Slyne Road are by no means unique.</p>	
<p>Consultation questionnaire Q5 Do you have any other comments?</p>	
<p>As communicated through pre-application enquiry 19/01566/PRETWO and 20/00175/PREMTG, there are two significant issues with the building which relate to the structure and to mould. As such, the building is no longer efficient, and cannot be viably retained. This is evidenced by a Condition Survey Report produced for the building in October 2017. This concluded that the front elevation wall is significantly out of alignment, and that panels of walls have suffered varying degrees of movement but the whole elevation is affected. The extent of ill-alignment is considered significant. Furthermore, large parts of the building are also suffering from significant cracks and evidence of structural movement being evident throughout internal walls and ceilings within the building.</p> <p>Whilst this was not considered to represent an immediate safety concern at that time, the finding was that significant structural and outward movement has already occurred and this was considered to be progressive and ongoing and would worsen over time. The Report concluded that the works to repair and upgrade the building, given the structural concerns and its externally poor condition, along with the</p>	<p>The condition of the building would not preclude it from inclusion within a conservation area. We have no survey information but structural issues are not uncommon within historic buildings though are usually not insurmountable.</p> <p>We note the building is still occupied and is not thought to represent an immediate safety concern which suggests that the structural issues are not critical and might be addressed through repairs. The designation may encourage a different strategy to be adopted towards the site similar to other buildings in conservation areas elsewhere, based on retention and repair, so that the NDHA can be retained and continue to positively contribute to the area's character.</p> <p>As already stated, the designation of a conservation area does not prevent the delivery of a positive strategy for the Slyne Road Offices/former police station. This site is similar to many other sites within conservation areas within the district which have been successfully and viably re-developed in the past. We have no reason or evidence to believe that the re-development of the site would be any different.</p>

Consultee Comment	Lancaster Conservation Team Response
<p>presence of other drawbacks, may not represent a cost effective or sensible strategy from a long term viability perspective. As such, preserving the building in its current form is uneconomical and unviable.</p> <p>Given this, an alternative strategy to deliver a positive future for the site is required. As referenced above, Paragraph 185 of the NPPF requires a positive strategy for the conservation of the historic environment. It is our position that including the Slyne Road Offices within the proposed conservation area would not represent such a strategy. Taking into account the structural issues in the building, and the costs involved with putting these right, the likelihood here is that the building would not be salvageable in its current form. This could lead to a situation whereby the building remains vacant, falls further into disrepair and contributes negatively to both the listed buildings and surrounding buildings. A sensible approach here would be to nurture a positive strategy for this location, that seeks to deliver a long-term use for this site and provides a positive contribution to adjacent listed buildings.</p>	<p>If there are issues of viability, then this would be a material consideration in the planning process and would not necessarily prevent re-development proposals provided they are suitably evidenced in accordance with national and local policies.,</p> <p>In our experience, it is very rare for there to be a justified need to demolish historic buildings within conservation areas. Most of the problems with their condition can be viably overcome by a programme of repairs.</p>

ANNEX 6 - OTHER COMMENTS AND OBJECTIONS TO THE PROPOSED CONSERVATION AREA DESIGNATION FOR SLYNE ROAD

Consultee Comment	Lancaster Conservation Team Response
Consultation questionnaire Q1 Do you agree with the proposal to designate a Conservation Area?	
Yes – 2 respondents	Responses noted
No – 1 respondent	
Don't know – 3 respondents	
Consultation questionnaire Q2 Does the proposed boundary include all the areas which have special architectural or historic interest? If no, what areas would you add or remove?	
Yes – 2 respondents	Responses noted
No – 1 respondent	
Don't know – 3 respondents	
Not enough information about what it would mean for us in terms of alterations etc.	<p>A Frequently Asked Question leaflet was included in the information sent to residents and owners and is shown in Annex 3. The respondent in this case has been contacted to help clarify the impact of designation.</p> <p>Conservation Area designation means there is greater control over some alterations and extensions to buildings. This affects the size and location of development. For example there is a limit on the size of extensions and the carrying out of alteration to roofs. However, there remains considerable scope to carry out works. Where the degree of alteration is harmful we have sought to control works by making Article 4 Directions. This generally controls changing windows, doors, roofing materials and creating parking in front gardens. An Article 4 Direction is not currently proposed as part of the Slyne Road CA proposals</p>

Consultee Comment	Lancaster Conservation Team Response
Consultation questionnaire Q3 Does the Conservation Area Assessment outline the qualities which make up the area's special architectural and historic interest?	
Yes – 4 respondents	Responses noted
No – 1 respondent	
Don't know – 2 respondents	
Consultation questionnaire Q4. Do you think there should be some protection to prevent the loss of historic and traditional features such as original windows, doors and roofing materials?	
Yes – 2 respondents	Responses noted
No – 1 respondent	
Don't know – 3 respondents	
Respondent Comment: Within reason, keeping the Victorian look, windows, doors and roofs	Comment noted
Consultation questionnaire Q5 Do you have any other comments?	
Respondent Comment: I would request that you update your map of the proposed conservation area. You state on it that The New Melbourne pub is still a social club and institute. This will affect our business.	Comment noted
Respondent Comment: The residential properties on Slyne Road do not represent historic examples of Lancaster given the amount of development that has already taken place. It is likely to lead to a dramatic drop in house prices, additional costs to house owners. None of which will	The character of the area is outlined within our assessment. The fine group of civic and public buildings and the strong character of terraced villas which line the road were developed over a short period at the turn of the 19/20C and are part of the historic development of the area as a suburb of Lancaster. We, therefore, consider the area to be of special architectural and historic character.

Consultee Comment	Lancaster Conservation Team Response
particularly enhance or improve the local area. I strongly object to the proposal	Research has shown that the designation of a conservation area tends to have a positive impact on property prices.
<p>Respondent Comment: You haven't provided enough information as to what this actually means for homeowners within the potential conservation area. What would need/not need permission for. How might it affect house sales? Will it cover just frontage or the rear of properties as well? What about gardens etc? You are asking for people to comment on something but giving no information for them to do so in an informed way.</p>	<p>A Frequently Asked Question leaflet was included in the information sent to residents and owners and is shown in Annex 3. The respondent in this case has been contacted to help clarify the impact of designation.</p> <p>Also, see response to Q2 and Q5 above</p>
<p>Respondent Comment: We think this is a really good proposal. Having just purchased our first home on Slyne Road we are grateful that the Council are considering taking steps to preserve some of the historical characteristics that attracted us in the first place - particularly St Joseph's Church and the old Police Station.</p>	Comment noted
<p>Respondent Comment: Some concerns about possible restrictions on house repairs. Double glazed sash windows are very expensive!</p>	There are no controls over alterations to windows and doors from designation. Such control would require the making of an Article 4 Direction. An Article 4 Direction would require public consultation before confirmation.
Other representations	
There. Is a lane at the rear of 2 - 44 Slyne Road, which appears to be included in the conservation area. From the old deeds it states that the property owner is responsible for the maintenance of that part of the lane which is 10 feet from the boundary of the property . This means the owners are responsible for the their part of the lane and the school is responsible for the 10 feet from their boundary.	The location of the conservation area boundary should ideally follow physical boundaries. The lane accesses the rear of properties located within the proposed conservation area and the boundary with the school delineates two areas of contrasting character. Therefore no change to the proposed conservation area boundary is recommended.

Consultee Comment	Lancaster Conservation Team Response
<p>If the proposed line is drawn up to the boundary of the school then part of the school is in the conservation area.</p> <p>There are some very large Sycamores at the rear of 42, 40 and 38 Slyne Road which are within 10 feet of the school boundary and encroach on these properties. The school is and has taken responsibility for these trees and has had them pruned.</p> <p>It would seem to me that it would be clearer if the boundary of the conservation area was drawn down the middle of the lane to recognise the responsibility of each owner.</p>	

Manchester

Eastgate

2 Castle Street

Castlefield

Manchester M3 4LZ

nexusplanning.co.uk

David James – Principal Conservation Officer

Conservation Team - Lancaster City Council

PO Box 4, Town Hall

Dalton Square

Lancaster

LA1 1QR

24th August 2020

Submitted via email to: conservationteam@lancaster.gov.uk

Dear Mr James

Representation to the Lancaster City Council Public Consultation regarding the Proposed Conservation Area Appraisal and Management Plan for Slyne Road in Skerton, Lancaster.

On behalf of NHS Property Services.

Slyne Road Offices, Slyne Road, Lancaster LA1 2HX

On behalf of our client, NHS Property Services, we submit this representation to Lancaster City Council's consultation on the proposed conservation area for Slyne Road, Skerton, Lancaster. NHS Properties interests relate to the site known as the Slyne Road Offices on Slyne Road, which are proposed to be located within this conservation area. A title plan is included at Appendix A.

The extent of the site owned by NHS Property Services is outlined within the title plan appended to this representation. The site is approximately 0.22 hectares in size is bound by Slyne Road to the east, Barley Cop Lane along the south, and residential dwellings to the north and west. It is described as an 'important building and feature' within the Proposed Conservation Area Appraisal as follows:

'Police Station (unlisted) symmetrical range in Tudor Gothic style, with characterful stepped gables and bay windows'

This letter responds directly to the questions within the Survey Questionnaire in turn, and provides further comment with regard to the above site.

Q1 Do you agree with the proposal to designate a Conservation Area?

[London](#)

[Birmingham](#)

[Manchester](#)

[Reading](#)

Proposed Conservation Area continued

Whilst our client is aware of the need to designate conservation areas and protect the district's heritage, NHS Property Services do not agree with the proposal to designate a conservation area at Slyne Road, Lancaster.

The area is primarily residential and does not comprise an area of particularly special architecture or historical interest as a conservation area. This is the required minimum standard set out by Paragraph 186 of the National Planning Policy Framework (NPPF) to justify a designation as a conservation area.

In this regard, paragraph 186 of the NPPF states:

“When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.”

The proposed area incorporates three listed buildings and a non-designated heritage asset, in addition to a number of Victorian villas which are commonplace throughout Lancaster. Given the existing statutory protections offered to the listed buildings in the proposed area, and the fact that the other buildings proposed to be included are not of specific historic interest, the proposal to designate this area is considered to be not appropriate or suitable.

As such, it is considered that the designation of this area would be contrary to the purposes of conservation areas as dictated by the Planning (Listed Buildings and Conservation Areas) Act 1990 and contrary to Paragraph 186 of the NPPF.

Q2 Does the proposed boundary include all the areas which have special architectural or historic interest? If no, what areas would you add or remove?

Whilst the proposed conservation area includes a cluster of three listed buildings toward the south of the proposed boundary, it extends the designation across and along Slyne Road to include the residential dwellings and some offices fronting Slyne Road, inclusive of the NHS Properties site. As such, it is considered that the boundary extends to include buildings which do not have special architecture or historic interest.

Firstly, it is submitted that Lancaster comprises a number of examples where areas are made up of late Victoria terraced villas and buildings, all of a similar nature and character. On this basis, the designated area does not merit special architecture or of historic interest, and is not evidenced to comprise such merit by the Proposed Conservation Area Appraisal.

As such, it is considered that the conservation area assessment does not identify special architectural or historic interest in the area to the extent that it adheres to Paragraph 186 of the NPPF.

Indeed, our review of other buildings in Lancaster have identified a number of late Victorian suburbs in a linear arrangement, with common features including bay windows, sandstone walling and slate roofs, mature trees and greenery and stone boundary walls. Crucially, other areas also exhibit a distinctive mixture of architectural styles. Such areas include Bowerham Road and Dale Street (see Appendix B).

It is incumbent upon local authorities to ensure that the designation of a conversation area is justified through an area's special architectural or historic interest. Our client believes that this designation in no way meets the test at Paragraph 186, and that the designation of this area risks setting an unjustified precedent that would risk devaluing the concept of preserving areas of value, rather than protect areas that lack a special and unique interest.

Proposed Conservation Area continued

Our concerns here relate to whether the inclusion of the Slyne Road Offices within the proposed conservation area truly seek to conserve a feature of what the assessment considers to be "special architectural or historic interest", or as a means to prevent the delivery of a positive strategy to ensure that this prominent gateway site within the urban area is bought back into a viable use.

As such, NHS Property Services would question whether the conservation area as proposed demonstrates special architectural or historic interest that is the basic requirement for designation. Furthermore, in any event we request that the Slyne Road Offices/police station be removed from the proposed conservation area. Its inclusion will run contrary to Paragraph 185a) of the NPPF in that it will prevent a positive strategy to allow a viable use from being achieved.

Q3 Does the Conservation Area Assessment outline the qualities which make up the area's special architectural and historic interest?

The conservation area Assessment identifies the following general qualities of the proposed area:

- "• A late Victorian suburb grouped in a linear arrangement along Slyne Road**
- Includes a core of civic and public buildings to the south set within generous grounds and greenery**
- Distinctive mixture of Classical, Tudor, Perpendicular and Gothic revival styles**
- Modest terraced villas with rhythm of bay windows with distinctive polygonal piend form, sliding sash windows, canopied entrances and decorative joinery, ridges and finials**
- Prevalent use of sandstone walling and slate roofs**
- Mature trees and greenery, with planting to gardens fronted by stone boundary walls topped with decorative limestone "**

Furthermore, the assessment notes that the qualities for the Slyne Road Offices are "symmetrical range in Tudor Gothic style, with characterful stepped gables and bay windows".

NHS Property Services consider that these 'qualities' are generalizable to the wider area of Lancaster, and Cumbrian towns, and do not comprise special architecture, nor historic interest. As set out above review of Lancaster has identified a number of examples where a number of the above 'qualities' could also be applied.

Again, with reference to Appendix B, it cannot be reasonably said that these features represent qualities that constitute a special architectural and historic interest. Victorian buildings are common place in Lancaster, and are mostly constructed from similar materials with common architectural features. Bowerham Road demonstrates a number of the same architectural styles, including a notable building at the junction of Bowerham Road and Coulston Road. This building exhibits a number of features similar to the Slyne Road Offices, not least stepped gables in a Tudor Gothic style. This building is shown at Appendix B.

We therefore are concerned that a number of the qualities expressed in the assessment of the proposed conservation area are neither special in architectural terms, being in fact common place throughout Lancaster, and are not of historic interest given their prevalence at locations throughout the City. The examples of interest on Slyne Road are by no means unique.

Q5 Do you have any other comments?

As communicated through pre-application enquiry 19/01566/PRETWO and 20/00175/PREMTG, there are two significant issues with the building which relate to the structure and to mould. As such, the building is no longer efficient, and cannot be viably retained.

Proposed Conservation Area continued

This is evidenced by a Condition Survey Report produced for the building in October 2017. This concluded that the front elevation wall is significantly out of alignment, and that panels of walls have suffered varying degrees of movement but the whole elevation is affected. The extent of ill-alignment is considered significant. Furthermore, large parts of the building are also suffering from significant cracks and evidence of structural movement being evident throughout internal walls and ceilings within the building.

Whilst this was not considered to represent an immediate safety concern at that time, the finding was that significant structural and outward movement has already occurred and this was considered to be progressive and ongoing and would worsen over time. The Report concluded that the works to repair and upgrade the building, given the structural concerns and its externally poor condition, along with the presence of other drawbacks, may not represent a cost effective or sensible strategy from a long term viability perspective. As such, preserving the building in its current form is uneconomical and unviable.

Given this, an alternative strategy to deliver a positive future for the site is required. As referenced above, Paragraph 185 of the NPPF requires a positive strategy for the conservation of the historic environment. It is our position that including the Slyne Road Offices within the proposed conservation area would not represent such a strategy. Taking into account the structural issues in the building, and the costs involved with putting these right, the likelihood here is that the building would not be salvageable in its current form. This could lead to a situation whereby the building remains vacant, falls further into disrepair and contributes negatively to both the listed buildings and surrounding buildings.

A sensible approach here would be to nurture a positive strategy for this location, that seeks to deliver a long-term use for this site and provides a positive contribution to adjacent listed buildings.

Conclusions

As set out above, at Paragraph 186 of the National Planning Policy Framework it is made clear that local planning authorities have a responsibility to ensure that the designation of a conservation area justifies such a status. Our client is concerned that in designating this area, with reference to Paragraph 186, the concept of conservation risks being devalued through the designation of an area that lacks a special interest.

Moreover, we are concerned that should the present conservation area be adopted, given that the repairs urgently needed to the building to the building are unviable and that the NHS would be unable to sell the asset, the building may fall into a state of disrepair.

Paragraph 185a) of the NPPF requires a positive strategy for the conservation of heritage assets that seeks to ensure viable uses are achieved. Although we believe that designating this area is inappropriate in light of Paragraph 186, we welcome the opportunity to work with the Council to achieve such an outcome.

I trust the above is helpful and will be taken into account. We are willing to meet with the Council to discuss our comments above and look forward to hearing from you regarding this response.

Yours sincerely



Heather Lindley-Clapp
Associate Director

Appendix A: Title Plan

H.M. LAND REGISTRY		TITLE NUMBER	
		LA 790617	
ORDNANCE SURVEY PLAN REFERENCE	SD 4763	SECTION N	Scale 1/1250
COUNTY LANCASHIRE	DISTRICT LANCASTER	© Crown copyright 1985	



Proposed Conservation Area continued

Appendix B: Examples found in Lancaster



Bowerham Road



Junction of Bowerham Road and Coulston Road



Dale Street

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	Date	27 October 2020
Title	Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015		
Report of	Director for Economic Growth and Regeneration		
Purpose of Report			
<p>The purpose of the report is to consider a proposal for the designation of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 to remove the permitted development rights for development consisting of a change of use from a Class C3 (dwellinghouse) to a use falling within Class C4 (houses in multiple occupation), contained in Class L(b) of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development Order).</p> <p>The proposal would mean that planning permission is required to change the use of a dwellinghouse to a house in multiple occupation (with 3-6 occupants).</p> <p>This report seeks authorisation for the Director of Economic Growth and Regeneration to proceed with the statutory process and 'make' the Article 4.</p>			
Key Decision (Y/N)	N	Date of Notice	28.9.20
		Exempt (Y/N)	N

Report Summary

The concentration of Houses in Multiple Occupation (HMOs) in some parts of the City of Lancaster is at such an extent that the amenity available to residents is adversely affected due to; increased noise, increased demand for limited parking and a population density that fluctuates during the year.

Policy DM13 of the Development Management Development Plan Document (DPD) seeks to control the concentration of HMOs to protect the amenity of residents. However, the national planning system allows dwellings to change to 'small' HMOs (defined as accommodating 3-6 occupants) without requiring planning permission. Therefore, whilst the policy is useful in controlling larger HMOs, its' effectiveness is limited. The only way in which this can be addressed is by the local planning authority seeking to remove the permitted development rights. This will then allow the total number of HMOs to be managed effectively.

A Direction under Article 4 (Article 4) would remove the permitted development right for the change of use of a dwellinghouse (Class C3) to a house in multiple occupation (Class C4). The effect of the Article 4 would be to require a planning application to be submitted to the Council if owners, landlords, agents wish to change the use of a property used as dwellinghouse, or family home into a house in multiple occupation. Applications would be considered in the context of Policy DM13 of the Development Management DPD. Policy DM13 seeks to limit the number of houses in multiple occupation in any 100m radius to 10% of the residential properties.

In February 2020, Cabinet approved progression of the Direction under Article 4 though an informal consultation process. Informal consultation took place between 21 February and 3 April 2020 and a webinar with Lancaster University accredited landlords took place on the 12 August.

It is recommended that authorisation is given for the Director of Economic Growth and Regeneration to proceed with the statutory process and make the Direction under Article 4.

Recommendations of Councillors

(1) It is recommended that Cabinet authorise the Director of Economic Growth and Regeneration to make a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 to remove the permitted development rights for development consisting of a change of use from a Class C3 (dwellinghouse) to a use falling within Class C4 (houses in multiple occupation), contained in Class L(b) of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development Order), in the Lancaster wards of Bulk, Castle, John O’Gaunt, Marsh, Scotforth East, Scotforth West, Skerton East and Skerton West, plus the village of Galgate.

Relationship to Policy Framework

The Corporate Plan includes ambitions to enhance community cohesion.

The Lancaster District Local Plan includes policies which seek to improve the amenity of residents in Lancaster.

Policies in the Strategic Policies and Land Allocations Development Plan Document aim to ensure that development, including uses of buildings, create strong and vibrant communities (SP9).

Policy DM13 of the Development Management DPD aims to control the concentration of HMOs.

The proposals seek to address the detrimental impacts of concentration of HMOs in accordance with the ambitions of the Corporate Plan and the Local Plan.

Conclusion of Impact Assessment(s) where applicable

Climate N/A

Wellbeing & Social Value

The proposals will manage the concentration of HMOs to protect the amenity of residents and minimise the adverse impacts of high numbers of HMOs in Lancaster.

Digital N/A

Health & Safety N/A

Equality

The proposals support community cohesion. Maintaining an appropriate proportion of HMOs in an area will provide mixed communities and provide a greater choice of accommodation for residents. The impacts of HMOs will become more manageable

Community Safety N/A

through the application of an Article 4 and the policy approach within DM13.	
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Details of Consultation

Informal consultation with stakeholders was carried out between 21 February and 3 April 2020. A virtual presentation and question/answer session to student landlords was hosted by Lancaster University on 12 August. Please see the Background Paper *Consultation Statement* for further details.

Statutory consultation under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 will be carried out once the Article 4 is made. Following this consultation, a report will be presented to Cabinet for Members to consider the representations and decide whether they wish the Article 4 to be brought into force.

Legal Implications

The designation of an Article 4 is required to be implemented through statutory processes within the Town and Country Planning (General Permitted Development) Order 2015. Failure to do so could result in legal challenges.

Financial Implications

The designation of an Article 4 is required to be implemented through statutory processes within the Town and Country Planning (General Permitted Development) Order 2015. Adequate notification also needs to be given to property owners. Failure to do so could result in compensation claims.

The process will involve modest cost implications for the Council in terms of staffing costs as well as advertisement costs arising from the publicity requirements. Any additional staff resources/advertising required will be covered, in the interim, within existing staffing levels. The resources necessary to deal with the potential increase in applications for Certificates of Lawful Development, prior to the Article 4 coming into force and planning applications once it is in force, will be considered as part of the forthcoming Development Management Review. This Review will consider staff resources as well as internal and external processes, legislative changes and the impact that the proposed White Paper will have upon the Team's workloads and fee income.

There is potential for applicants to claim compensation from local planning authorities if they have planning permission refused for a development scheme that they would normally be able to carry out under permitted development rights. A lead-in time of 12 months is proposed (in line with good practice) to be provided before the Article 4 direction is brought into force to limit such compensation claims, it is anticipated that any remaining compensation claims arising after this time will be limited and met from within existing budgets or from additional planning income generated as a result of the Direction.

Other Resource or Risk Implications

There will staff implications due to an increase in the number of HMOs which would require planning permission (therefore an increase in applications) and for the enforcement of the policies. The resources necessary to deal with the potential increase in applications for Certificates of Lawful Development, prior to the Article 4

coming into force and planning applications once it is in force, will be considered as part of the forthcoming Development Management Review. This Review will consider staff resources as well as internal and external processes, legislative changes and the impact that the proposed White Paper will have upon the Team's workloads and fee income.

Section 151 Officer's Comments

The 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

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Links to Background Papers

- Background Paper on the Designation of Article 4 Areas to Control Houses in Multiple Occupation, including a Draft Article 4 Direction
- Consultation Statement

1.0 Introduction

1.1 There are wards and streets in Lancaster where the concentration of HMOs is at such a degree, they create an imbalance in the community and affect the character of the neighbourhood. Issues arise from noise and disturbance, pressure on refuse storage, car parking and services, depopulation over the summer period, as well as the detrimental visual impact caused by the display of a significant volume of To Let boards. Policy DM13 of the Development Management DPD seeks to control the increase in concentration. However, because the conversion of a dwelling house to a small HMO (Use Class C4, 3 to 6 occupants) does not require planning permission, this policy will only control the growth of large HMOs (over 6 occupants).

1.2 An Article 4 Direction would remove the permitted development rights that are contained in Schedule 2, Part 3, Class L(b) of the Town and Country Planning (General Permitted Development Order) which allow the change of use of a dwelling falling within Class C3 (dwellinghouses) to a use falling within Class C4 (houses in multiple occupation). This would mean that planning permission is required for any such conversions. The concentration of HMOs and other issues such as noise and parking can then be assessed in accordance with policy DM13.

2.0 Proposal Details

2.1 Cabinet approved the progression of an Article 4 in February. An informal consultation was carried out for 6 weeks between the 21 February and 3 April to gain the views of residents, landlords and businesses regarding the principle of

introducing an Article 4 the area which it would cover. The consultation also sought views in respect of a Residential Conversions Supplementary Planning Document which provides guidance on how policy DM13 will be implemented and proposals to prohibit To Let signs. Further progress was delayed while waiting the Local Plan, which contains the relevant policies, to be adopted and due to the Covid19 virus implications.

- 2.2 The informal consultation received a significant level of support from residents and community groups. Residents expressed concerns about the impact of HMOs on community cohesion and spirit, parking, noise, waste and the affordability of housing for families. Lancaster University and Lancaster Student Union object to the proposals stating that students aid and improve a vibrant economy, HMOs provide an affordable option for students, the proposals are likely to result in increased rents and reduced supply, the evidence base is inadequate and incomplete. It is also stated that the effect of DM13 should be reviewed for 12 months before an Article 4 is considered.
- 2.3 Please see the *Consultation Statement* (attached as a Background Paper) for further details.
- 2.4 Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows local planning authorities to make Directions withdrawing permitted development rights where the authority considers it expedient that development should not be carried out unless express planning permission has been obtained. Government Guidance contained in the National Planning Policy Framework and the Planning Practice Guidance advises that Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified. There should be a particularly strong justification for the withdrawal of permitted development rights relating to a wide area.
- 2.5 HMOs are recognised as meeting an important specific housing need within Lancaster City and provide a major source of accommodation for students. Policies SP9 and DM1 of the Local Plan seek to create mixed, balanced communities and to support this aim policy DM13 seeks to limit HMOs to 10% of residential properties within any 100m radius. The proposed Article 4 and policy DM13 do not seek to prevent any new HMOs but to ensure their distribution in order to protect the amenity of long term residents and limit the adverse impact that can arise from short term occupation and a high number of people occupying a single property.

2.6 The table below shows the concentration of HMOs within wards in Lancaster.

Ward	Estimated No. of HMOs	Approx total residential units	Approx % of stock in HMO use
Bulk	322	4,456	7.23%
Castle	567	3,049	18.6%
Galgate (Ellel)	23	1,000	2.3%
John O'Gaunt	424	3,188	13.3%
Marsh	79	2,616	3.02%
Scotforth East	50	2,038	2.45%
Scotforth West	290	3,343	8.67%
Skerton East	48	3,312	1.45%
Skerton West	4	3266	0.12%
University & Scotforth Rural	79	2,334	3.38%

Table 1: Combined data sets of HMOs (November 2019) - Background Paper on the Designation of Article 4 Areas to Control Houses in Multiple Occupation

2.7 There are streets and areas within each ward which contain significant numbers of HMOs. For example, there is a high concentration of HMOs on the terraced streets of Albion, Green, Hinde and Ridge Street and Gladstone Terrace. Dallas Road has approximately 22% of residential properties in HMO use and in Blades Street it is around 26%. There are approximately 96 HMOs within the area between Balmoral/Kirkes Roads, Dundee Street, Dumbarton Street and Aberdeen Road. Approximately 46% of the residential properties on Golgotha Road and 31% in Coulston Road are in HMO use. Along Hubert Place 12 within a terrace of 18 houses are HMOs. Slaidburn Drive has approximately 14.5% in HMO use, Vine Street 33%, Avondale Road 22.5% and Lune Street 40%.

2.8 Further detail is provided within the Background Paper *Designation of Article 4 Area to Control Housing in Multiple Occupation*.

2.9 The responses, to the consultation have been reviewed and it is considered that the Article 4 Direction is justified.

3.0 Article 4 Process

3.1 The process for making an Article 4 Direction is set out within Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This requires local authorities to publicise the proposed direction via the following means;

- Local advertisements of the Article 4;
- Display a minimum of two notices in different locations for a minimum period of six weeks;
- Notifying owners and occupiers within the affected area (these regulations can be relaxed where this would be impractical, for example across a very large area such as the entire city);
- Sending the above documentation to the Secretary of State for review.

3.2 Following this representation period and after considering any comments received, a further report to Cabinet will be required for Members to consider the responses and determine whether to approve the confirmation of the Article 4 and bring it into force.

3.3 It is recommended that the Council proceed with a non-immediate Article 4 Direction. With an immediate Article 4 Direction there is potential for applicants to claim compensation from local planning authorities if they have had planning permission refused for a development that they would normally be able to carry out under permitted development rights. Any such compensation claims can be made against abortive expenditure or losses and damages directly related to the withdrawal of permitted development rights. Such claims could be significant. To avoid the risk of such compensation claims being made against the Council it is recommended that a non-immediate Article 4 direction is applied. This would provide a lead-in time of 12 months between the Article 4 being made (the process described in paragraph 3.1) and the Article 4 coming into force. For example, if the Article 4 is made on the 30 October 2020, it would come into force 30 October 2021. This accords with best practice and is the process followed by Council's when designating Article 4 areas in respect of HMOs.

3.4 Once the Article 4 Direction has been confirmed, the local planning authority must as soon as practicable:

- Give notice of the confirmation and date the Article 4 Direction comes into force to affected owners and occupiers in the same way as required for the notification of the making of the direction (see paragraph 3.1 above);
- Send a copy of the Article 4 direction to the Secretary of State.

3.5 Once a non-immediate Article 4 Direction comes into force, a planning application will be required for any change of use from a C3 (dwellinghouse) to C4 (small HMO) in the wards the Article 4 covers. Permitted development rights will remain to change from C4 use to C3.

4.0 Options and Options Analysis (including risk assessment)

Option 1:

Make a non-immediate Article 4, to include the Lancaster wards of Bulk, Castle, John O'Gaunt, Marsh, Scotforth East, Scotforth West, Skerton East and Skerton West, plus the village of Galgate.

Advantages:

The option will provide a blanket approach to be applied across the city and Galgate.

This option will protect traditional housing stock and residential areas from concentrations of HMOs increasing above the 10% in 100m radius contained within policy DM13, where they do not already do so, and further increases where they exceed this threshold at present. It will ensure consistency and a comprehensive management of HMO distribution in the future.

Disadvantages:

<p>Greater demands on resources to process planning applications and enforce the policy and Article 4.</p>
<p>Risks: Compensation claims may be made but the use of a non-immediate Article 4 will minimise the risks of compensation claims.</p>
<p>Option 2: Do not progress an Article 4.</p>
<p>Advantages: No further resources required to apply the Article 4 or deal with the increase in applications and enforcement issues arising.</p>
<p>Disadvantages: This option would see a continuation of increases in small HMOs, contrary to the aims of policy DM13 and policies SP9 and DM1 which seek to ensure balanced communities.</p>
<p>Risks: None</p>

4. Officer Preferred Option

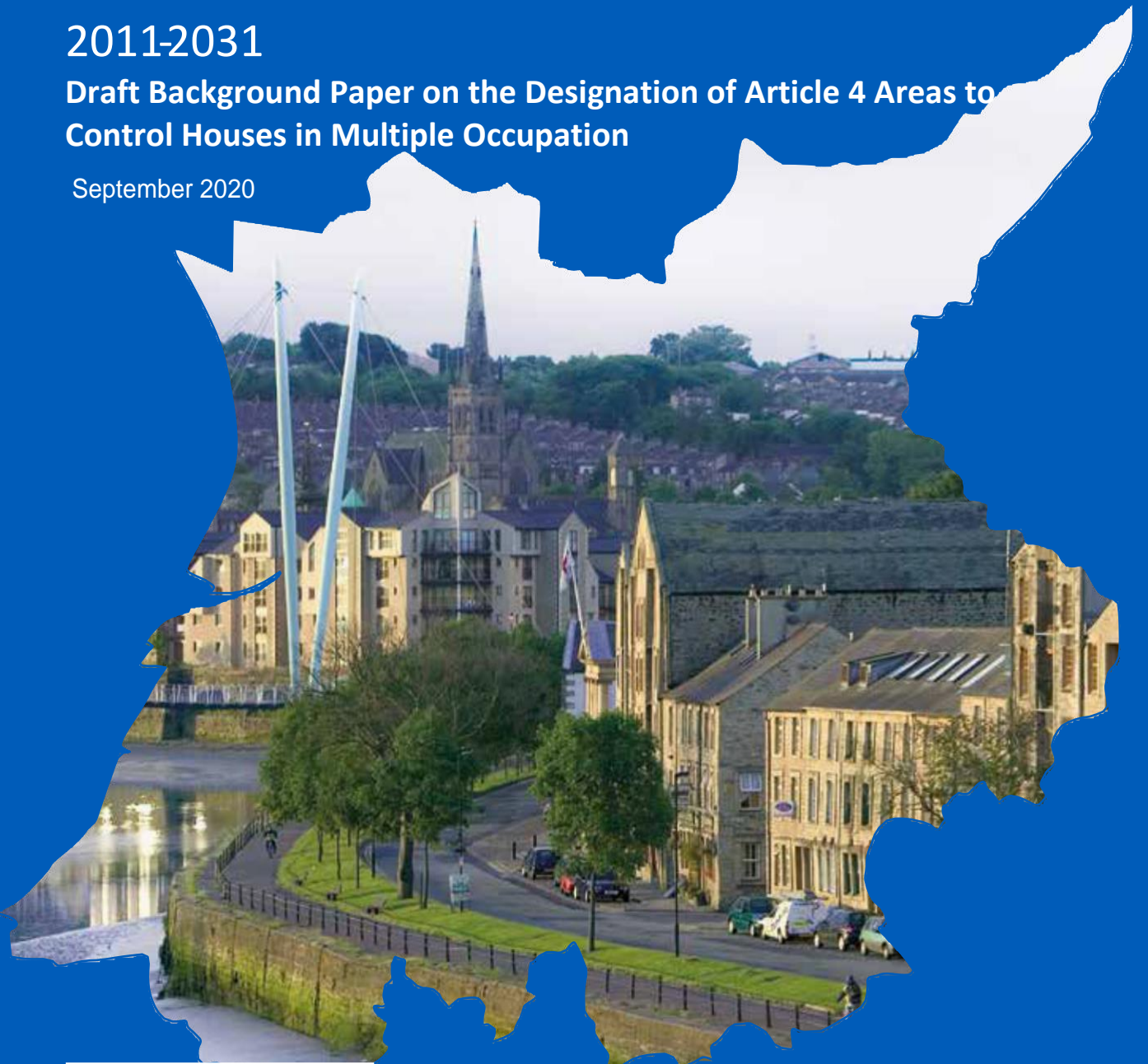
4.1 The officer preferred option is Option 1, make a non-immediate Article 4 Direction. This option will ensure protect traditional housing stock and amenity within residential areas, in accordance with policies SP9 and DM13 of the Local Plan.

A Local Plan for Lancaster District

2011-2031

Draft Background Paper on the Designation of Article 4 Areas to
Control Houses in Multiple Occupation

September 2020



LANCASTER
CITY COUNCIL

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1.0 Introduction

- 1.1 This background paper arises out of concerns regarding the concentration of Houses of Multiple Occupation (HMOs) in certain parts of the district, in particular the impact that HMOs can have upon the amenity of an area. This paper seeks to review the quantity and spatial distribution of HMOs, consider the impact that concentrations of HMOs have upon the amenity of an area and identify where the control of the concentration of HMOs will protect the amenity in communities.
- 1.2 The paper focuses upon Lancaster. Consideration of the concentration and impacts of HMOs in other parts of the district, particularly Morecambe will be undertaken separately.
- 1.3 The paper provides evidence in support of the designation of an Article 4 Direction for Houses in Multiple Occupation. An Article 4 Direction is made under the Town and Country Planning General Permitted Development Order 1995 (as amended) and will remove Permitted Development Rights which allow the use of houses as small HMOs (Use Class C4) without the need for a planning application. The Article 4 Direction will not stop changes of use, but will provide a means of managing the concentration of HMOs and to protect and enhance balanced communities.
- 1.4 This paper should be read in conjunction with:
 - Policy DM13 of the Development Management DPD.
 - The draft Residential Conversions and Houses in Multiple Occupation Supplementary Planning Guidance.
 - The Consultation Statement.
 - The Report to Cabinet on 27 October.
 - The proposed Draft Article 4 Direction (Appendix 2) .

2.0 Background

HMOs

- 2.1 A house in multiple occupation is a property occupied by at least three people which are not from one 'household' (e.g. a family) but share facilities like the bathroom and kitchen.
- 2.2 HMOs can make a valuable contribution to the private rented housing stock. They provide an affordable type of accommodation and contribute to the mix of housing types and tenures available in Lancaster district. They are often suited to young people and single people, including students, and those on low incomes. However, HMOs can have a detrimental impact on residential character and community cohesion and high concentrations within neighbourhoods can result imbalanced and unsustainable communities.

What are HMOs

- 2.3 HMOs can consist of a variety of property types including, bedsits, shared houses, households with a lodger, purpose-built HMOs, hostels, guesthouses, bed and breakfast establishments and self-contained flats. Not all of these accommodation types will fall under the planning definition of an HMO or the housing definition of an HMO under the 2004 Housing Act. The determining factor is how a property is occupied. In general terms if a property is not occupied by a single family but by three or more unrelated people, the property will form an HMO.

2.4 In planning terms there are two types of HMO:

- Small HMO - shared dwellinghouses (houses/flats) occupied by between three and six unrelated individuals, as their only or main residence, which share one or more basic amenities such as a kitchen or toilet. These HMO's fall within Use Class C4 of the Town and Country Planning (Use Classes Order). They have the same meaning as in section 254 of the Housing Act 2004, with the exception of section 257 which applies to converted blocks flats (and those buildings listed in schedule 14 of the Act)
- Larger HMO - shared dwellinghouses (houses/flats) with more than six occupants. These HMO's do not fall within any specific planning use class, therefore fall within the Sui Generis category.

2.5 A single household is where the occupants are members of the same family, for example a couple (whether married or not), their children or stepchildren (or equivalent), close relatives.

2.6 In Housing terms, the definition of a HMOs is contained within the Housing Act 2004 and can be summarised as, a building or part of a building that:

- Consists of one or more units of accommodation not consisting of a self-contained flat or flats;
- The living accommodation is occupied by persons who do not form a single household;
- The living accommodation is occupied by those persons as their only or main residence;
- Rents are payable or other consideration is to be provided either by the occupier, employer or other means;
- Two or more households shared one or more basic amenities.

2.7 A Licence is required for HMOs in Lancaster district for properties that meet all the following criteria:

- Has 5 or more unrelated people living in it
- Has 2 or more separate households living there

2.8 Licensing also applies to blocks of purpose-built flats where there are up to two flats in the block and one or both are occupied as an HMO.

Planning Policy

2.9 Paragraph 127 of the National Planning Policy Framework (NPPF) states that:

“Planning policies and decisions should ensure that developments:

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

2.10 Paragraph 53 of the NPPF states:

“The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.”

- 2.11 Policy DM13: Residential Conversions sets out the criteria against which applications will be assessed to ensure that conversions do not result in imbalances in the housing market or have a detrimental impact on the amenity of residents. It sets a threshold for the concentration HMOs of 10% of residential properties within a 100m radius of an application site. The policy states:

Houses of Multiple Occupation (HMOs)

The Council considers the importance of maintaining an appropriate housing mix and safeguarding the character of residential areas to be important priorities. In doing so, the Council have adopted an approach of a general presumption against new housing in multiple occupation within the district. Proposals which would lead to a concentration of more than 10% of houses being classed as HMOs of the total housing stock within a 100m radius will not be considered acceptable. This includes proposals for changes of use to HMOs, or extensions to existing HMOs.

The Council are considering the merits of bringing forward Article 4 directions to manage the amount of small HMOs being developed (i.e. those where 3 to 6 people live separately within the same dwelling house).

Proposals may on exception be considered acceptable where:

- V. Effective measures are proposed to minimise noise and other forms of disturbance to neighbouring residential properties;
- VI. Suitable means of storage including refuse, recycling and bicycle storage is provided;
- VII. The proposal would not harm the character of the building or surrounding area;
- VIII. The proposal would not result in unacceptable impact on parking including unacceptable levels of on-street parking;
- IX. The proposal would not result in the creation of sub-standard living conditions.

- 2.12 As the change from a dwelling house to a small HMO (up to six unrelated people living in the house) does not require planning permission, the impact of these HMOs upon the concentrations cannot be currently fully assessed.

3.0 The Concentration of HMOs in the District

- 3.1 Table 3.6 of the Strategic Housing Market Assessment (2018) shows the profile of the private rented sector in the district including the number of student houses in each sub-area. Students occupy 4.6% of the private rented stock in Lancaster. As students occupy the majority of HMOs in Lancaster, their occupation is important indicator of the concentration of HMOs.
- 3.2 HMOs have been mapped to determine the quantity and spatial distribution. The following data sources have been used to collate the HMOs:
- Council Tax data;
 - The HMO Register;
 - Lancaster University Accredited properties;
 - Data from letting and managing agent websites.

- 3.3 The accurate identification of the quantity and spatial distribution of HMOs has been problematic due to:
- Permitted development rights which allow the conversion of dwellinghouses (Class C3) to houses of small HMOs (Class C4);
 - Unauthorised changes of use;
 - Licencing only covers HMOs of over 5 persons;
 - Council tax records with student exemptions can be used as an indicative guide only. This information cannot be disclosed to members of the public.
 - Electoral register showing three or more apparently unrelated individuals. It is recognised that will not provide a conclusive evidence that a property is an HMO.
- 3.4 For the purposes of this topic paper, the information will only be made available on a ward and in some cases a street basis.
- 3.5 For data protection reasons, the information will only be made public by the council on request; in connection with the determination of a current application or appeal and in relation to the 100m radius from the application property. The means of identification will not be made public.
- 3.6 The sources listed above are not conclusive or an exhaustive record of all HMOs in the relevant areas. There may be existing HMOs which are occupied but unknown to the Council. For example, on 6th April 2010 the Uses Classes Order introduced a class for HMOs to reclassify C3 dwellings to either the new C3 or C4 Classes. The reclassification of existing dwellings to C4 use did not require planning permission and therefore will not be registered on the council's register of planning applications. Planning permission is not currently required to convert from C3 to C4 under permitted development rights. If an Article 4 direction restricting these rights is introduced a more accurate picture of new HMOs will be achievable.
- 3.7 The sources do however provide a reasonable indication of the numbers and location of HMOs.

HMO Register

- 3.8 The HMO Register data provides all the registered HMOs with 5 or more occupants.

Ward	No. of Licences (Aug 2020)
Bulk	57
Castle	138
Galgate	3
John O Gaunt	134
Marsh	46
Scotforth East	16
Scotforth West	40
Skerton East	17

Table 1: HMO Licenced Properties (including 6 pending) (August 2020)

- 3.9 The Register shows a concentration of large HMOs in the Lancaster wards of Castle and John O Gaunt and to a lesser degree in Bulk, Marsh and Scotforth West.

3.10 Large HMOs are particularly prevalent in:

- Blades Street (14), Dallas Street (15), Regent Street (12) and Villas Court (6 HMOs out of 16 residential properties) in Castle ward.
- Dale Street (30), St Oswald Street (20 HMOs out of 38 residential properties), Golgotha Road (12) in John O’Gaunt ward.
- Hubert Place (12 HMOs out of 17 residential properties in a single terrace) and Westbourne Road (7) in Marsh ward.
- South Road (9) in Scotforth West ward.
- Lune Street in Skerton East (10 HMOs out of 33 residential properties in a terrace).

These figures relate to Licenced HMOs with 5 or more occupants only.

Council Tax Data

3.11 Students can apply for a reduction in Council Tax and where all the occupants of a property are students, the property can be registered for a full Council Tax exemption. This data indicates the number of houses with council tax exemptions. HMOs occupied by students are the primary source of HMOs in the district.

Ward	Number of Student Exemptions
Bulk	295
Castle	539
Ellel	21
John O’Gaunt	392
Marsh	72
Scotforth East	39
Scotforth West	239
Skerton East	40
Skerton West	4
University & Scotforth Rural	79

Table 2: Properties with student council tax exemptions (November 2019)

3.12 Council tax records show that there are 1,720 properties in Lancaster that are have student exemptions (Council Tax records November 2019). The data highlights that the concentrations are in similar locations to those identified in the HMO register, with addition of a significant number within Scotforth West ward. The wards of Bulk, Castle, John O’Gaunt and Scotforth West are particularly high.

Combined Data Sets

- 3.13 The HMOs identified from all these sources have been plotted and placed into a single data base to avoid double counting. The combined data indicates that there are approximately 1,886 HMOs of all sizes in Lancaster.

Ward	Estimated No. of HMOs	Approx total residential units	Approx % of stock in HMO use
Bulk	322	4,456	7.23%
Castle	567	3,049	18.6%
Galgate (Ellel)	23	1,000	2.3%
John O'Gaunt	424	3,188	13.3%
Marsh	79	2,616	3.02%
Scotforth East	50	2,038	2.45%
Scotforth West	290	3,343	8.67%
Skerton East	48	3,312	1.45%
Skerton West	4	3266	0.12%
University & Scotforth Rural	79	2,334	3.38%

Table 3: Combined data sets of HMOs (November 2019)

- 3.14 When the data sources are combined, the concentrations of HMOs reflect those identified through the exempt data. The numbers within Castle ward are particularly high with approximately 18.6% of the dwellings being identified as HMOs and in John O'Gaunt where 13.3% of residential properties are in HMO use. Bulk and Scotforth West wards also have high levels in the region of 7.23% and 8.67% respectively.
- 3.15 The numbers and percentages of identified properties illustrate the high levels of HMOs within the city of Lancaster. These properties are concentrated in particular areas and along terraced streets. The impact of HMOs in these streets is exacerbated due to the density of these areas, the position of the terraced properties either abutting the pavement or with short front gardens and the lack of off-street parking.
- 3.16 In Bulk ward, there is a high concentration of HMOs on the terraced streets of Albion, Green, Hinde and Ridge Street and Gladstone Terrace (approx. 53 of residential properties). These properties are within an area of 1.7 hectares. There are also a significant number of purpose-built student flats on Bulk Road, Cable Street, Kingsway, North Road and St Leonards Gate.
- 3.17 There are streets which have high concentrations of HMOs in Castle ward. 15 have been identified along the northern 300m of Dallas Road (22% of residential properties). Along Blades Street 19 have been identified (approx. 26%). Dallas Road and Blades Street run parallel to each other, creating a high concentration in this small area. There are 19 HMOs in Regent Street, 11 on Portland Street, 9 in Lindow Square and Street and a further 16 on Queen Street and 9 on Brock Street. These latter streets are located to the southeast of Dallas Road and Queen Street is located slightly further to the east. Other notable concentrations in this ward are King Street and Sibsey Street. There are significant numbers of flats on Damside Street, China Street, Aalborg Street, Queen Street and Penny Street. They are all within a confined area, creating a concentration in this part of Castle ward.

- 3.18 Areas of terraces within John O’Gaunt ward have high concentrations of HMOs. There are two particular areas of concentration, the area to the north of Aberdeen Road and the area to the east of Dale Street. There are 96 HMOs between Balmoral/Kirkes Roads, Dundee Street, Dumbarton Street and Aberdeen Road (approx. 4.9 hectares). There are 39 along Dale Street, all these are within a 200m part of the street. St Oswald Street is located to the south east and includes 20 HMOs. Prospect Street adjacent to Dale Street has 36 HMOs (approx. 35% of properties). There are also high concentrations around Golgotha and Coulston Roads. There are 25 HMOs on Golgotha Road (approx. 46%). There are 34 (approx. 31%) HMOs on Coulston Road. There are approx. 84 HMOs within an area of approximately 4 hectares.
- 3.19 In Marsh ward, there is a concentration in the Hubert Place area with 12 HMOs within a terrace of 18 houses. There are also 9 in a length of 165m on West Street.
- 3.20 In Scotforth East, there are 9 HMOs within 260m length at the northern end of Claughton Drive, Sandforth and Melling View. Slaidburn also has a high concentration of 9 HMOs within a 300m length of street, 14.5% of residential properties within the street.
- 3.21 There are clusters of HMOs within terraces in Scotforth West ward. There are high concentrations in Vine Street where 8 (approx. 33%) out of 24 residential properties are HMOs in a 50m length of street. Graham Street where 9 of the properties are HMOs. South Road where there are 26, Avondale Road where 17 (approx. 22.5%) out of 75 residential properties are HMOs.
- 3.22 There is one area with a high concentration in Skerton East ward. Along Lune Street there are 13 HMOs in a single terrace of 150m in length. 40% of the residential properties along this part of the street are HMOs.
- 3.23 It should be noted that University and Scotforth Rural ward includes Lancaster University campus and HMOs in the residential areas and on campus have not been accurately disseminated.
- 3.24 A map showing the concentrations of HMOs by postcode is included at Appendix 1.
- 3.25 The above information indicates that there is a trend for HMOs to be concentrated in particular streets. Such concentrations can be beneficial for the landlord or agent but not for other residents in the street.
- 3.26 There are a number of reasons which may explain this trend:
- The availability of cheaper terraced housing capable of extension and alteration to form HMOs;
 - Accessible location for the city centre and universities;
 - The clustering of HMOs for management and maintenance reasons.

4.0 The Impact of Concentrations of HMOs

4.1 HMOs can have a detrimental impact on residential character and community cohesion. Residents raised a number of issues during the consultation in February to April. Please see the Consultation Statement for further details. High concentrations within a neighbourhood can result in harmful impacts including:

- Divisions between social groups;
- Lack of interaction;
- Turnover of occupants;
- Seasonal depopulation (where areas are occupied predominantly by students);
- Poor upkeep of houses and gardens;
- Adverse impact on the affordability of rents;
- Noise and disturbance;
- Issues with parking provision and traffic congestion;
- Difficulties for the owners of remaining C3 dwellings selling their properties.

4.2 The increasing demand for student accommodation, has led to an increase in the conversion of family homes to student occupied HMOs. The uneven distribution and concentration puts pressure on housing stock and has resulted in a more intensive use of properties. The transient nature of students has also changed the character of neighbourhoods.

Complaints

4.3 The Council's Environmental Health team reported that 148 complaints were received between August 2014 and November 2019 with regard HMOs. 54 of these were made in respect of properties in Lancaster. Within the same period 43 Community Protection Notices with regard to anti-social behaviour community protection notices were served on HMOs in the district. As a result of these amenity impacts, it will be less attractive for more permanent residents to live in a community affected by a high concentration of HMOs.

4.4 During the five years between August 2015 and August 2020, approximately 35 applications for HMOs were submitted. These applications relate to either large HMOs or changes of use of buildings other than dwellinghouses (Class C3). This does not include changes of use of dwellinghouses to small HMOs or all the large-scale purpose-built student accommodation.

4.5 Over the same period, approximately 15 planning enforcement complaints in respect of HMOs were received. Some of the complaints related to the change of use to small HMOs which did not require planning permission.

Strategic Housing Market Assessment (SHMA)

4.6 The SHMA at page 141 states:

'The Strategic Housing Market Assessment Lancaster's student population was just over 13,000 in 2015/16. For 6,700 of these students, accommodation is a part of the offer of a place. Just over 1,000 students (8%) live at home. The remainder of the students find accommodation on Lancaster's market rented sector.'

- 4.7 Data on the Lancaster University website gives the total student population as 13,332 in 2015/16 and 15,725 in 2019/20. This is a significant increase in student numbers at just one institution in Lancaster. The number of students at the University of Cumbria in Lancaster has fallen during this time period. Lancaster University is anticipating further growth in the future.
- 4.8 Respondents to the 2017 Household Survey commented that student lettings have increased the typical rental charge in South Lancaster. As a result, respondents are of the opinion that South Lancaster is no longer affordable for renting on Housing Benefit (the Local Housing Allowance rates are the same across the whole area).
- 4.9 The Estate Agent review states:
- ‘The preferred property of choice for students in the market rented sector tends to be larger shared houses near to campus or the centre. Unfortunately, there are few such properties in Lancaster and fewer that are available in these locations. The city’s terraced housing has long been a replacement vehicle for Lancaster’s student population especially in their second year and those choosing to remain in the city post-studies.’
- ‘Private landlords also report reduced demand for accommodation which they attribute to declining student population and an increase in the number of private landlords operating in Lancaster’s student market.’
- 4.10 A significant number of new purpose-built student accommodation has been or is being built. These increase the concentrations of students in some areas in addition to the shared house type HMOs. They also should relieve the pressure for accommodation and new shared house type HMO’s. It is acknowledged that purpose-built accommodation may not suit all students and tends to be more expensive.

5.0 The Means of Controlling HMOs

- 5.1 To more fully regulate the conversion of dwellinghouses to HMOs and the effects that an over-concentration of HMOs has upon the local character of neighbourhoods, the Council has introduced policy DM13 in the Development Management DPD. The scope of this policy is however limited as only HMOs with 6 more residents require planning permission.
- 5.2 An Article 4 Direction removes the permitted development contained in Schedule 2, Part 3, Class L(b) of the Town and Country Planning (General Permitted Development Order) which allows the change of use of a building from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (houses in multiple occupation). When an Article 4 comes into force, planning permission is required for the conversion of dwellinghouses to small HMOs (Use Class C4). Once these small HMOs require planning permission, the policy can be used when assessing changes of use and will manage the concentration of all new HMOs. An Article 4 is not retrospective, and the controls will not affect properties which are in a lawful HMO use when it comes into force.
- 5.3 An Article 4 Direction will not stop changes of use but will provide a means to control the concentration of HMOs. Article 4 Directions have no control over how an HMO is managed.

- 5.4 The concentration of HMOs is mainly focused on the wards of Bulk, Castle, John O’Gaunt, Marsh and Scotforth West. However, by restricting the number of additional HMOs in these wards, it is likely that the demand would dissipate outwards. The Council is aware that new housing developments at Luneside and in Galgate have become attractive to HMO landlords. It is therefore important to ensure that new HMOs do not become concentrated in other parts of the district. As University and Rural ward includes the University Campus and policies in the Local Plan seek to focus accommodation in campus, it is not considered justified to include this ward.
- 5.5 It is therefore proposed to include the Lancaster wards of Bulk, Castle, John O’Gaunt, Marsh, Scotforth East, Scotforth West, Skerton East, Skerton West and the village of Galgate.
- 5.6 A copy of a draft Article 4 Direction and a map showing the area under consideration for inclusion are attached at Appendix 2 and 3 respectively.

6.0 Consultation

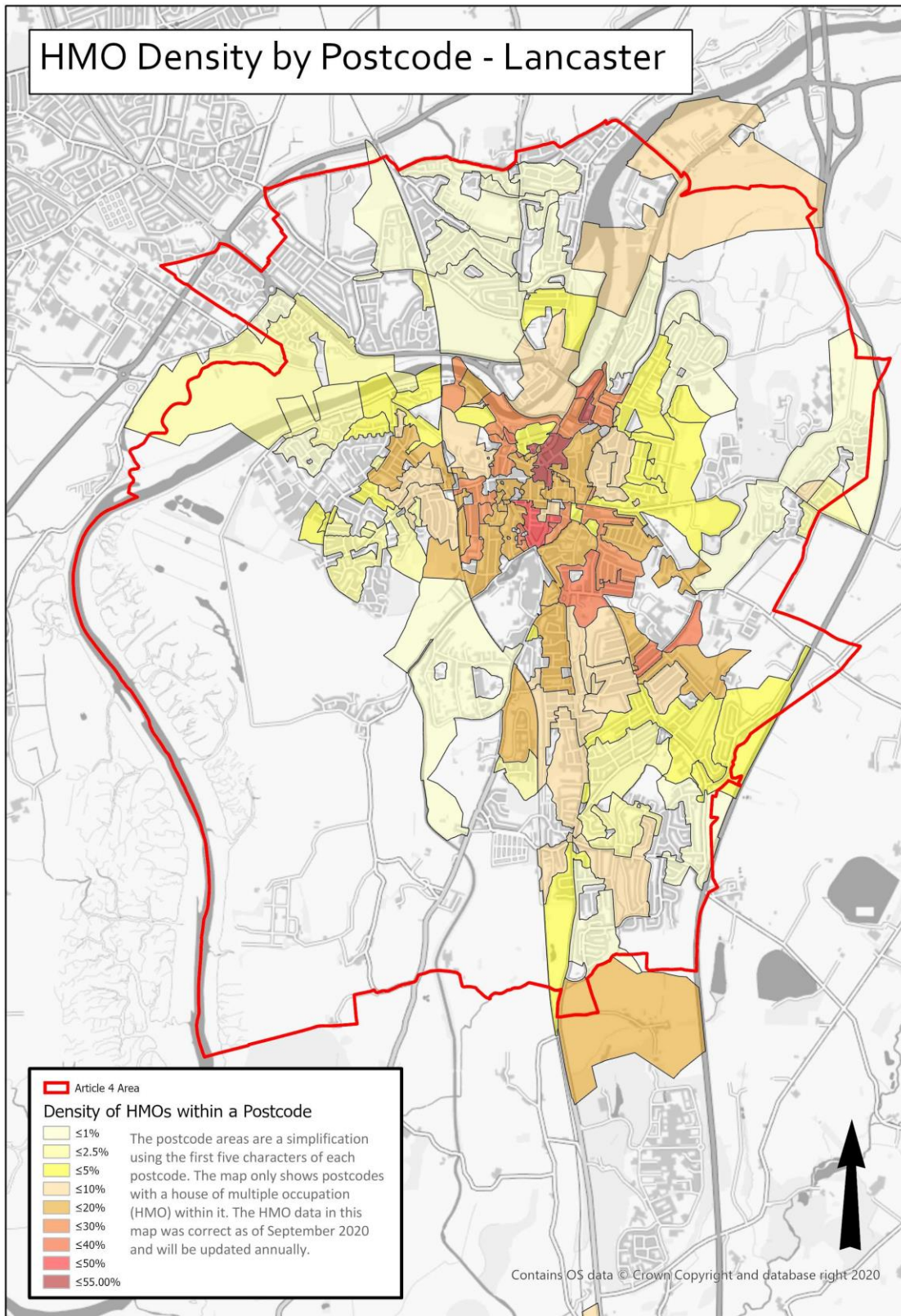
- 6.1 The Council undertook informal consultation between 21 February and 3 April. The consultation sought views on the proposed designation and the extent of the areas to be included. Further details of the consultation and the responses can be found in the Consultation Statement.
- 6.2 Once the Article 4 designation is made, further consultation will take place. After consideration of the responses, the Council will decide whether to bring the Article 4 into force. If the decision is made to bring the Article 4 into force, a period of one year will elapse between designation being made and the Article 4 coming into force. This is required to ensure that property owners can be made fully informed and not disadvantaged by the change in the need for planning permission. Further details about the process can be found in the Report to Cabinet on 27 October 2020.
- 6.3 During both the consultation period and if the Council decides to bring the Article 4 into force, will be publicised in the form of local advertisement and site notices, notices on the Council website and notification to those registered on the planning policy consultation list. Registration is via the Council website on the following page:
<http://www.lancaster.gov.uk/planning/planning-policy/planning-policy-consultations>

7.0 Conclusion

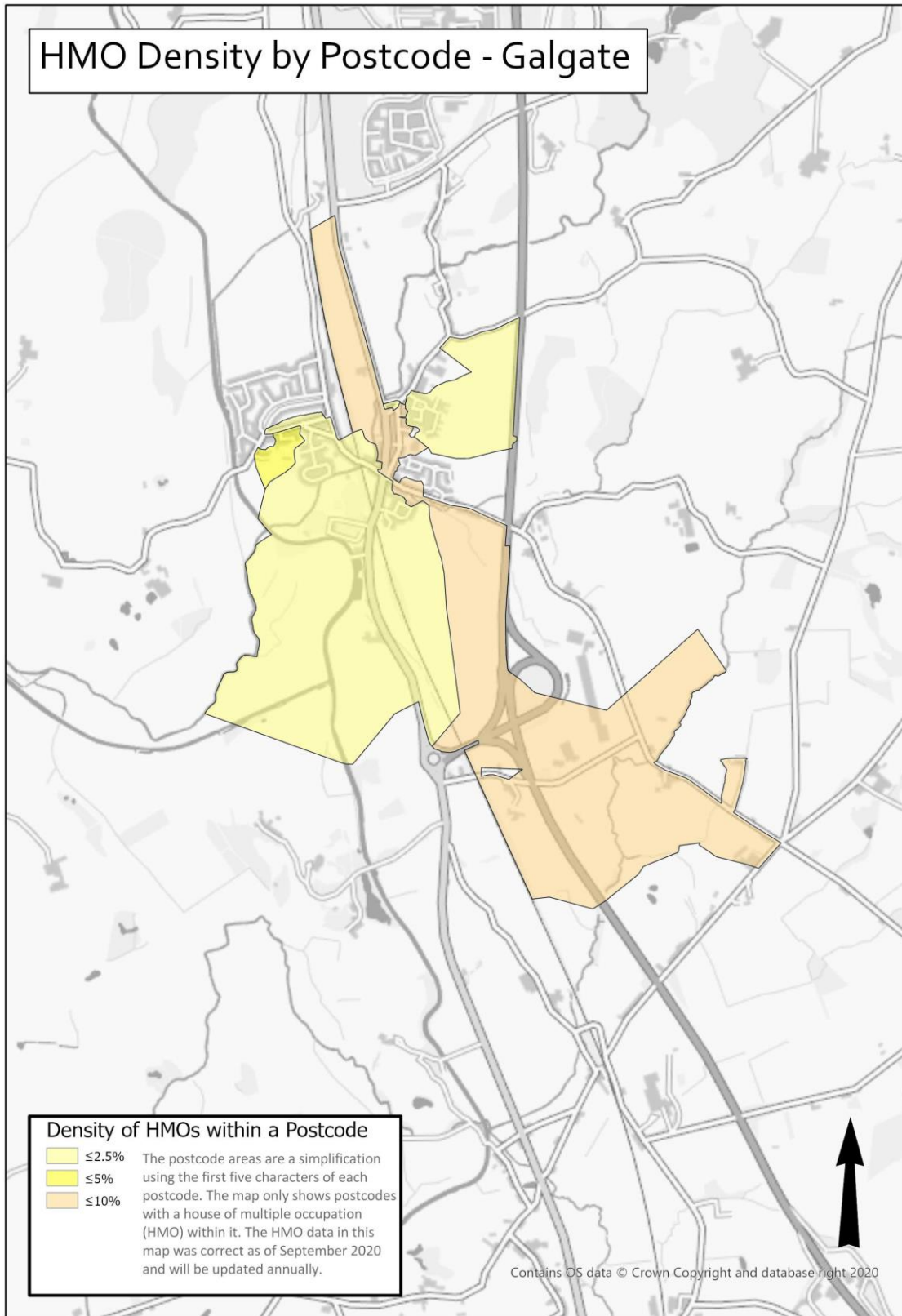
7.1 The case for an Article 4 Direction to remove permitted development rights for the conversion of dwellinghouses to HMOs is considered to be justified for the following reasons:

- Areas identified have significant concentrations of HMOs due to the nature of the housing stock and the proximity to the Universities in Lancaster.
- Where, areas do not presently have significant concentrations, the introduction of an Article 4 is likely to increase pressure for HMOs. These areas are to be included within the Article 4 area, to ensure that concentrations are managed to remain at an appropriate level.
- It is expected that the number of students in Lancaster will continue to increase, it is therefore considered necessary to regulate the concentration of HMOs to manage the impacts from further increases in HMO properties in residential areas.
- Policy DM13 of the Development Management Development Plan Document seeks to manage the concentration of HMOs to protect amenity. At present this management will only affect large HMOs (Sui generis – over 6 occupiers). To be effective in protecting the amenity of areas, the concentration of small HMOs (Class C4) also needs to be managed.

Appendix 1 – HMO Density by Postcode Map



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The interactive Map can be viewed [here](https://lancaster.maps.arcgis.com/apps/webappviewer/index.html?id=edaed62d7b054bd8a5b2fd8bbe22bec7)

<https://lancaster.maps.arcgis.com/apps/webappviewer/index.html?id=edaed62d7b054bd8a5b2fd8bbe22bec7>

Appendix 2 – Draft Article 4 Direction

Lancaster City Council

Town and Country Planning (General Permitted Development) Order 1995 (as amended)

Direction made under Article 4 (1) to which Article 5 applies

Whereas Lancaster City Council being the appropriate Local Planning Authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), is satisfied that it is expedient that development of the description set out in the First Schedule below should not be carried within the areas described in the Second Schedule and shown edged red on the attached plans, unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

Now therefore the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), hereby direct that the permission granted by Article 3 of the said Order shall not apply to development of the description set out in the First Schedule below, on land within the area described in the Second Schedule and shown on the attached maps.

First Schedule

Development consisting of a change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), to a use falling within Class C4 (houses in multiple occupation) of that Schedule being development comprised within Class L(b) of Part 3 of the Schedule 2 of the Town and Country Planning (General Permitted development) Order 2015 (as amended) and not being development comprised within any other Class.

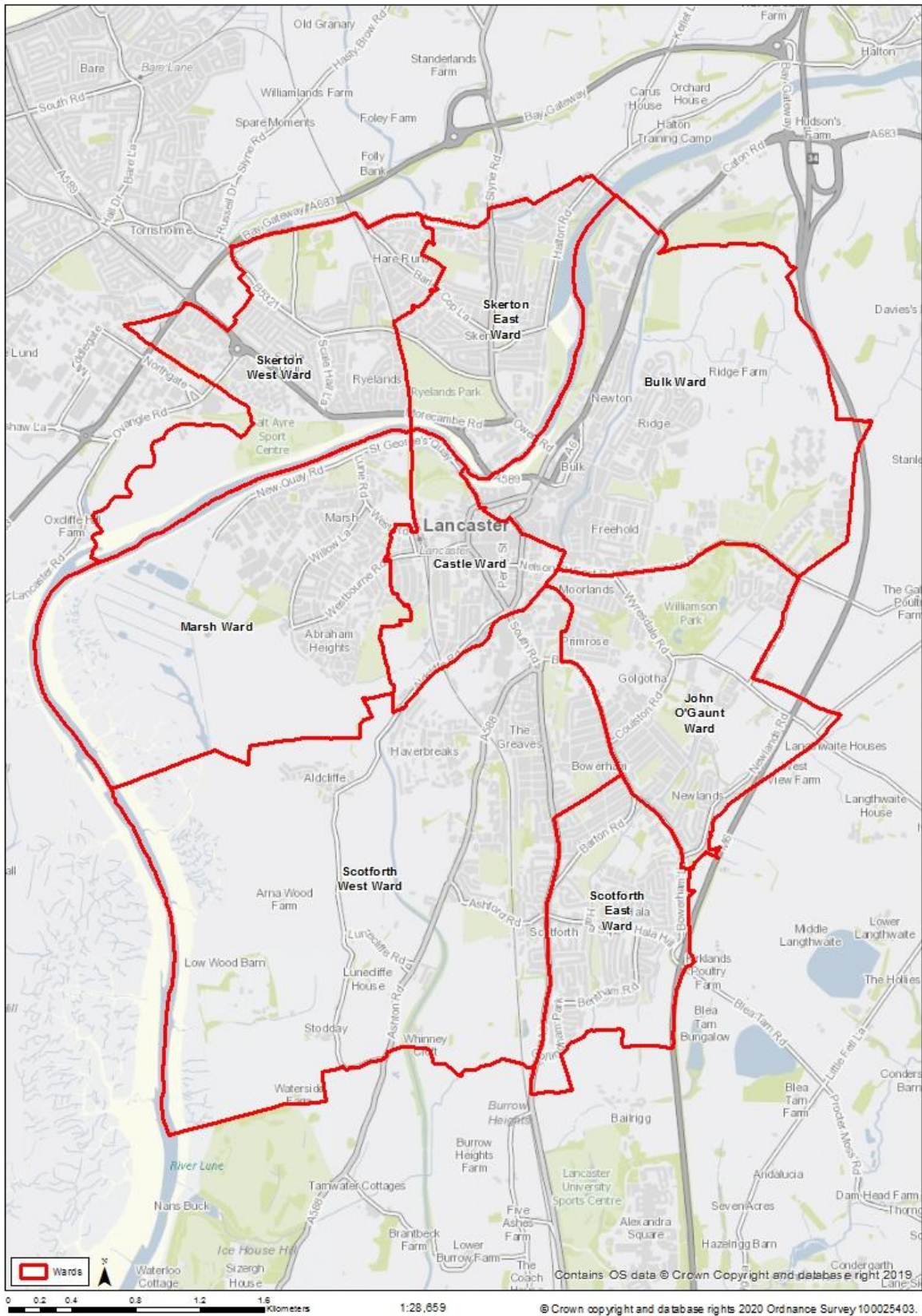
Second Schedule

The land edged in red and shown hatched on the attached plan (being the land comprised within the Lancaster electoral wards of Bulk and Castle, John O’Gaunt, Marsh, Scotforth East, Scotforth West, Skerton East, Skerton West and the village of Galgate in Ellel ward, on the date this Direction was made)

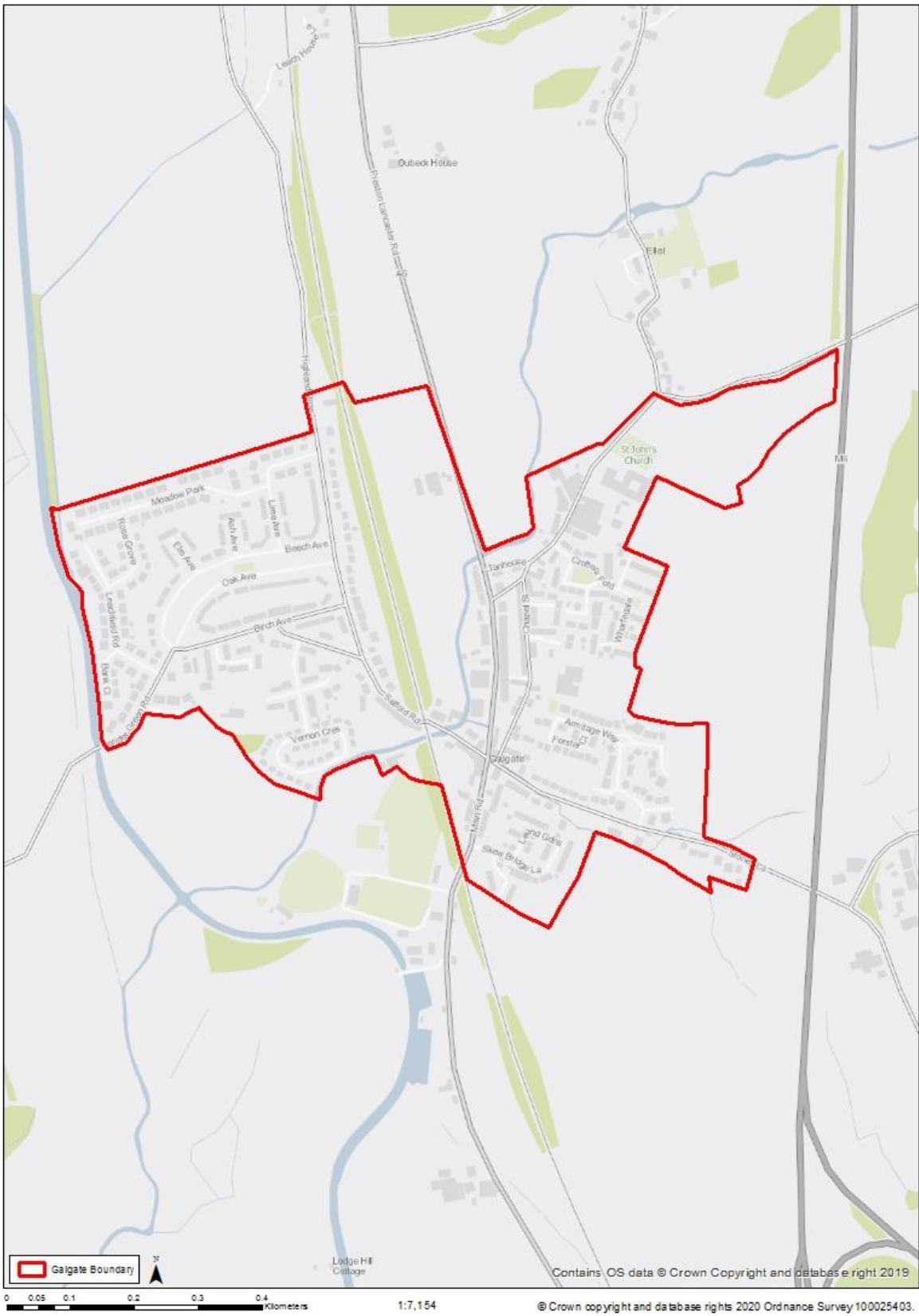
The Article 4 Direction will come into force on ??? (1 year after the made date)

Made under the Common Seal of Lancaster City Council on this // day of ?? 20??

Appendix 3 – Areas to be included within the Article 4 Boundary



Lancaster wards



Galgate

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	Date	27 October 2020
Title	Preparation of Lancaster South Area Action Plan Development Plan Document		
Report of	Director for Economic Growth and Regeneration		
Purpose of Report			
To seek endorsement for the formal commencement of the Lancaster South Area Action Plan (AAP) Development Plan Document (DPD) Plan.			
Key Decision (Y/N)	Y	Date of Notice	28/09/2020
		Exempt (Y/N)	N

Report Summary

The Council has just adopted a new Local Plan for Lancaster District. The plan establishes the amount of development that is required in the district and it allocates sites for development to contribute to meeting these needs. In addition to allocating land it also identifies a Broad Location for Growth to the south of Lancaster. The Broad Location for Growth will include the site of the Bailrigg Garden Village. Policy SG1 of the plan sets out a series of principles with which development at south Lancaster will need to conform. The Policy also commits the Council to preparing a further local development plan document that can formally allocate land for development and introduce detailed policies, building on the principles established by Policy SG1, that will create the robust policy framework needed to determine the planning proposals that will come forward in south Lancaster.

The development plan document will be an AAP. The AAP will enable the achievement of a new settlement to a holistic Masterplan supported by a locally specific Design Code. The Masterplan, prepared by external consultants, will establish the location, shape, and layout of development; this area will then be formally allocated by the AAP. The AAP will also contain policies on matters such as managing water and securing development benefits such as affordable housing.

As Cabinet has a role to plan in the drafting of policy this report seeks the endorsement of Cabinet for the formal commencement of work on the statutory stages of preparing the AAP in accordance with the commitment made in the just-adopted Local Plan. There are separate costs in preparing the Masterplan and Design Code; and the AAP as a DPD. The AAP costs include ecological surveys, viability assessment, Sustainability Appraisal, Habitats Regulation Assessment, and the costs of submission and independent Examination by a Government appointed Inspector.

Unless an AAP is prepared in accordance with prior commitments then the Council would have to determine the many separate planning applications that will come forward in south Lancaster on the basis of only the policies within the adopted Local Plan, particularly policy SG1, and, very significantly, in the absence of land allocations. Members are strongly advised that this would not represent a policy framework that will be sufficiently robust to achieve the Council's ambition of developing a distinctive new Bailrigg Garden Village in South Lancaster.

Recommendations of Councillor Janice Hanson

- (1) That Cabinet formally endorses the commencement of work on the statutory stages of preparing the Lancaster South Area Action Plan in accordance with the commitment described in the adopted Local Plan for Lancaster District and the timetable provided in the Lancaster District Local Development Scheme as approved by Council on 29 July 2020.
- (2) That Cabinet authorises officers to commence with the projects set out in this report.

Relationship to Policy Framework

The Local Development Plan and Development Plan Documents are part of the Council's Policy Framework (See Section 2.3 (c) of the Council's Constitution). The Council is obliged to prepare and maintain the Development Plan for Lancaster District as described by Section 19 of the Planning and Compulsory Purchase Act 2004. A "Local Plan for Lancaster District", specifically, the Strategic Policies & Land Allocations Development Plan Document and the Review of the Development Management Development Plan Document, was adopted by Council on 29 July 2020. The Local Plan and the adopted Local Development Scheme commit the Council to preparing an AAP for Lancaster South.

Conclusion of Impact Assessment(s) where applicable

<p>Climate Not directly within the report but the Development Plan Document to be prepared will contain planning policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change in compliance with Section 19(1A) of the Planning and Compulsory Purchase Act 2004</p>	<p>Wellbeing & Social Value There are no direct implications on Wellbeing & Social Value arising from the recommendations of this report, however, the intention of the implementation of the recommendations, to prepare an AAP that will enable the delivery of housing and employment opportunities in a well-planned environment that will be advantageous to the well-being of residents.</p>
<p>Digital n/a</p>	<p>Health & Safety n/a</p>
<p>Equality n/a</p>	<p>Community Safety n/a</p>

Details of Consultation

On 29 July 2020, Council approved the publication of a new Local Development Scheme that commits the Council to preparing an AAP as a DPD. The Council will consult with the community on the preparation of the AAP document in accordance with regulatory requirements and obligations described in the Council's own Statement of Community Involvement (SCI).

Legal Implications

There are no legal implications associated with this consultation. To be found sound (properly prepared) at independent Examination the Council must demonstrate that the proposed AAP has been prepared in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 and associated regulations.

Financial Implications

As part of the 2020/21 budget process Cabinet approved the use of the Invest to Save Reserve for the purpose of feasibility studies for both Bailrigg Garden Village and Morecambe Town Centre projects. It is intended to use this reserve to cover the costs in the first instance.

The amount set aside for Bailrigg Garden Village amounts to £1M included in the revenue reserve which has been profiled equally over this and the next three financial years. The costs associated with taking forward and enabling the development proposals have now been advanced and the proposed amendments with the known expenditure levels to date are set out in the table below.

Costs	2020/21 £'K	2021/22 £'K	2022/23 £'K	2023/24 £'K	Total £'K
Reserve Spend to date	36	0	0	0	36
AAP Direct Costs Evidence, legal & professional costs	10	290	100	0	400
*Masterplan & Design Code Costs	175	150	0	0	325
*Unidentified Costs	0	0	0	239	239
Total costs	221	440	100	239	1,000
Reserve start balance	250	250	250	250	1,000
Total Costs from above	(221)	(440)	(100)	239	1,000
Balance in reserve	29	(190)	150	11	0
Adjustment to reserve profile	(29)	190	(150)	(11)	0

*indicative figures tbc

The Council has commissioned external design consultants JTP to prepare a Masterplan and a Design Code. There are separate costs for undertaking the statutory stages of preparing the Lancaster South Area Action Plan. The completion of the former is a prerequisite to achieving the latter. The direct AAP costs include evidence collection including ecological surveys, and viability assessment, sustainability appraisal, habitats regulation assessment, and the costs of submission and independent examination by a Government appointed inspector.

With reference to any further costs that may be attributable to this project which are not quantifiable at this point in time, the Council is in ongoing positive dialogue with Homes England & the MHCLG about the prospect of additional funding to support the project development stages of the Bailrigg Garden Village in pursuance of achieving shared objectives on homes and growth. Should additional funding from Homes England or the MHCLG ultimately prove insufficient to cover the gap that is currently anticipated for the project development stages then further funding will be sought as a growth item in a future years budget process, as appropriate.

With regard to committing expenditure in accordance with the 'Covid-19 Pandemic Policy for decision making and spending delegations within the Budget and Policy Framework', it is recommended that Cabinet authorises officers to commence with the projects set out in this report.

Other Resource or Risk Implications

N/a

Section 151 Officer's Comments	
<p>The nature of the Invest to Save reserve is to support to services to help them become more efficient and effective in order to generate future savings, or to fund projects that will make a positive income contribution to the Council through increases in fees and charges, council tax or business rates. To maintain the reserve each investment is expected to repay the initial investment within an agreed period. The forecast balance on the reserve at the end of 2021/22 is £209K, providing the level of repayments are made on current projects.</p> <p>This report seeks the acceleration of proposed expenditure in 2021/22, however should the expected levels of repayments not be attained the reserve may well be fully committed and so reprofiling of the project against other reserves may need to be considered at that juncture.</p>	
Monitoring Officer's Comments	
The Monitoring Officer has no further comments to add.	
Contact Officer	Maurice Brophy
Tel	Tel: 01524 582330
Email	mbrophy@lancaster.gov.uk
Links to Background Papers	
<p>Local Development Scheme, July 2020 (Local Plan project timetable) https://www.lancaster.gov.uk/planning/planning-policy/about-local-plan</p>	

1.0 Introduction

- 1.1 On 29 July 2020, the City Council formally adopted the Strategic Policies & Land Allocations DPD and reviewed Development Management DPD (the Local Plan for Lancaster District).
- 1.2 The Local Plan sets out a vision for growth in the district, addressing development needs during and beyond the plan period, and establishing a framework for realising solutions to long-standing infrastructure issues, particularly in relation to transport and connectivity.
- 1.3 The Local Plan allocates strategic development sites, including at North Lancaster and at East Lancaster, and identifies a broad location for growth to the south of Lancaster. The Council's expectations for development in Lancaster south, the Key Growth Principles, are described in Policy SG1 of the Strategic Policies & Land Allocations DPD. For clarity the Broad Location for Growth does not allocate land for development, rather it establishes the intention that development needed to meet the district's requirements will be achieved in south Lancaster and commits the Council to preparing a further Development Plan Document (DPD) that will provide the detail needed to advance development at this broad location.
- 1.4 Policy SG1 includes the expectation that Lancaster South will include a new Garden Community – the Bailrigg Garden Village. The Ministry of Housing, Communities & Local Government maintains a Garden Towns and Villages Programme which, in January 2020, identifies the 34 Garden Villages and 15 Garden Towns that are currently part of the programme. In addition to Bailrigg there a further three Garden Communities are proposed in the North West of England, at; St Cuthbert's (Carlisle); Halshead (Knowsley) and Handforth (Cheshire East). The MHCLG maintains a Garden Communities prospectus, this is an open invitation for further bids.

- 1.5 Policy SG1 of the just-adopted Local Plan sets out 15 clear principles with which development in south Lancaster must conform but it also makes clear that these matters will be explored in more detail through the preparation of an area specific development plan document. That further DPD is to be an AAP for Lancaster South. The commitment to prepare this specific document, and a timetable for its key milestone preparation stages, is described within the published Lancaster District Local Development Scheme of July 2020.

2.0 The role and purpose of an Area Action Plan

- 2.1 An AAP is a Development Plan Document. This is very different from a Supplementary Planning Document (SPD). SPDs may build upon and provide more detailed advice or guidance on policies that are already in an adopted local plan, and, the content of an SPD can be a material consideration in decision-making, but, significantly, SPDs do not form part of the development plan and they cannot introduce new planning policies into the development plan. Importantly, SPDs should not add unnecessarily to the financial burdens on development; thus local charges on development to fund infrastructure, such a Community Infrastructure Levy or a similar approach to capture the uplift in development value as a consequence of the granting of a planning consent, cannot be introduced or otherwise enabled by an SPD.
- 2.2 As an SPD cannot allocate land for development or enable development charges to be introduced, it would not provide a development framework that is sufficiently robust to direct and control critical matters such as layout, design, phasing or infrastructure delivery at Lancaster south. An SPD that provided design guidance could be a *material consideration* in determining planning proposals; whereas development proposals *must be* determined in accordance with policies on design in an AAP unless material considerations indicates otherwise.
- 2.3 Though the preparation of an AAP is much more significant undertaking than an SPD in terms of time and process; it requires Strategic Environmental Assessment, submission to Government and independent Examination, it is only an AAP that can provide the necessary robustness of policy framework needed to achieve the undertaking of developing a new settlement. That is why both the adopted Local Plan and the Local Development Scheme of July 2020 commit the Council to preparing an AAP for Lancaster South.
- 2.4 Members may recall that parallel with the latter stages of the preparation of the Local Plan the Council engaged informally on development growth issues and potential options in South Lancaster to inform preparation of an AAP. Through engagement sessions in late 2017 and the Spring of 2018 officers explored potential approaches that led to illustrations of possible options for the development of a garden village on land to the south of Lancaster. This work, which included much community engagement, was useful in exploring the evidence, the issues, and the challenges in achieving a new garden village settlement and understanding its possible relationships with other development in the south Lancaster area. However, now that the Local Plan for Lancaster District has been successfully completed and adopted, and a new Local Development Scheme has been approved by Council, there is a need for a clear mandate to formally commence the preparation of an AAP that can formally allocate land for development and create policies with development plan weight that can be used in the determination of subsequent development proposals and planning applications.
- 2.5 Importantly, members are strongly advised that an AAP is needed to provide the certainty needed to support the delivery of necessary infrastructure in this area, most particularly where external funding or development contributions are required.

Relationship with the adopted Local Plan

- 2.6 As previously noted, Policy SG1 of the Strategic Policies & Land Allocations DPD already established a series of key principles that will guide development in the Lancaster south area. Policy SG1 provides the basis from which an AAP can be advanced, along with a complementary masterplan and a design code that can illustrate the Council's intentions on layout, design, and approach to integrating landscape within development. The preparation of the Lancaster South Area Action Plan DPD therefore must be complementary to the strategic position set out in the Local Plan and must ensure consistency with the growth principles set out within Policy SG1.
- 2.7 It will be important that the Lancaster South AAP is consistent and complementary with other plans, strategies and programmes which are ongoing, either being prepared by this Council or by other partner organisations such as Lancashire County Council. For example, the Lancaster South AAP will have to be consistent with the Council's wider objectives that have inspired the Climate Emergency Review of the Local Plan and it must be consistent with the County Council's adopted Lancaster District Highways and Transport Masterplan.

Proposed Scope of the Development Plan Document

- 2.8 The principles contained in Policy SG1 already establish the matters and the scope of the issues that the APP will need to explore and expand upon. It is therefore not necessary to commence the preparation of the AAP with a scoping stage exploration.
- 2.9 The key issues which now need to be addressed through the APP are: -
- The **land-use patterns** within the south Lancaster area, this includes allocating the areas which will accommodate future development and growth, including public spaces; and, allocating the areas which should be protected from development for their environmental value. It will be necessary, including through land allocations to determine the relationship between the new settlement and other development and the relationship between the new settlement, other development, and Lancaster University.
 - Ensuring new settlement planning is **holistic** and that combined with good urban design integrates key considerations to conserve and enhance landscape, achieve significant biodiversity gains, properly manages water to an overarching strategic framework and promotes and advantages sustainable and active travel and **active healthy lives**.
 - The delivery of **necessary infrastructure** to ensure that development is acceptable in planning terms and that strategic infrastructure can be delivered in a sustainable manner. This includes the delivery of wider infrastructure such as roads and transport connections but also the provision of new education, healthcare, and local facilities. It will be necessary to have policies that further associate the development allocations with the realisation and funding of the transport infrastructure proposed by Lancashire County Council in the Lancaster District Highways and Transport Masterplan.
 - The **phasing** of new development, to ensure that development growth takes place in a managed way allowing infrastructure to be delivered in the right place and at the right time.
 - Setting out in policy the Council's approach to the **design** of future development in the south Lancaster area, including the **layout**, scale, massing of development and the approach to the materials uses. Importantly this will give the Council the opportunity to explore lower carbon development and energy efficient buildings.

- The AAP will need to address in policy the approach to the **management of water** to ensure that land management contributes positively to the storage and drainage of water and that the development incorporates design features which promote sustainable drainage.
- The APP will need to describe approaches to the promotion of **community stewardship**, given that development in south Lancaster will create a new community, it is important that development actively promotes a sense of community through the development of shared facilities and the opportunities for people to assemble, play and exercise.
- Strongly associated with land-use and design, the AAP will need to describe how development will contribute to the achievement of the Council's ambitions to mitigating the contribution that development makes to **Climate Change** and adaptation to the effects of Climate Change. It is wholly anticipable that the APP will need to commit development to achieving objectives on modal shift; so demonstrably reducing the use of private cars, most particularly for local journeys. including travel into Lancaster.
- Addressing the **environmental** impacts and change arising through development, ensuring that opportunities for environmental gain are identified, landscape mitigation set out and heritage issues are well understood and addressed.

3.0 Arrangements for preparing the AAP

- 3.1 Planning law requires that applications for planning permission be determined in accordance with the **development plan** unless material considerations indicate otherwise. The AAP will therefore be a formal **development plan document** with written planning policies accompanied by a policies map on an Ordnance Survey Base Map that clearly shows where land has been formally allocated for development.
- 3.2 The formal development plan document will be accompanied by two further documents: a **Masterplan** supported by a **Design Code**.
- The **Masterplan** will, within the boundaries of the land that will subsequently be allocated by statutory development plan policy in the AAP, be grounded in good urban design. It will illustrate the layout of the proposed development, including areas of land for housing, service centres, schools, roads, landscaping, nature, recreation and water management. The Masterplan will show the sustainable transport and movement network within the development as well as show where connections will be made to the existing transport and movement network, including links to public transport, cycling and walking connections.
 - The **Design Code** will provide detailed design guidance using both written descriptions and illustrations that are intend to establish with precision both the two dimensional and the three dimensional design requirements for all new development that will be granted planning consent within the area illustrated in the overall Masterplan. Design Codes aim to provide a positive statement about the qualities of a newly created and distinctive place in which to live and work.
- 3.3 Design Codes can set out design principles aimed at delivering better quality places, by, for example, establishing:
- A requirement to achieve a human-scale streetscape rather than a car-dominated road-scape that can create a higher quality and more ecologically diverse environment to enhance well-being by encouraging residents and visitors to actively enjoy being in their surroundings.

- A requirement to create blocks or groups of visually interesting and individually designed buildings which promote the prospect of mixed-use, activity and vitality, rather concede to the conventional repeating pattern of featureless rows of car-orientated road-facing detached and semi-detached houses.
 - A requirement to work to a consistent approach for landscaping, architectural aesthetic or energy efficiency in accordance with a locally appropriate consideration approach which will help provide the visual clues that can create a sense of place.
 - The Design Code approach can achieve greater surety on how development will look and function. By establishing in advance of the receipt of development proposals what will be required in terms of the principles of a local aesthetic on the appearance, layout and building design.
 - The Design Code approach, by establishing rules and clear expectations on design, layout and appearance, can minimise the time-consuming need arising from challenge, negotiation and amendment to proposals that might otherwise be brought forward by developers in the absence of such a code.
 - The Design Code approach gives the Council the opportunity to establish approaches to design, layout and appearance that it can be content with and that it believes can create development that best responds to the local environmental context and accordingly offers the best prospect of bringing forward development that is locally distinctive.
 - The Design Code, in association with the Masterplan, can provide certainty to developers and residents about how the development of a long-term project will be phased. Developers can have assurance about the order in which parts of a major development proposal will be achieved and when and where infrastructure will be delivered. Residents can have assurance about what development will take place in each phase; reducing speculation and concern about what will be developed in subsequent development areas.
 - The Design Code approach permits higher expectations of design to be factored into development costs; knowing that an unequivocal expectation of quality will be a non-negotiable requirement when seeking planning consent developers will be obliged to factor the costs of providing better quality outputs into the value of land that they intend to purchase.
- 3.4 Members will be aware that the Council has previously appointed consultants JTP to advise on design and layout in south Lancaster including the Bailrigg Garden Village.
- 3.5 JTP will continue the work that they have started and prepare a Masterplan and a Design Code. Officers of the City Council's Property, Investment and Regeneration Service, which is part of the Economic Growth and Regeneration Directorate, will liaise with and support JTP in the achievement of a Masterplan and a Design Code. In full liaison with officers of the Property, Investment and Regeneration Service, officers of the Planning and Housing Strategy team, who sit in the Planning and Place Service, (also part of the same Directorate), will prepare the formal AAP document, with its policies and policies map, that will enable the delivery of the Masterplan.

4.0 Consultation

- 4.1 The timetable for preparing the AAP is provided in the July 2020 Local Development Scheme. It is anticipated that the work needed to support the production of the AAP and Masterplan & Design Code will be undertaken in the closing months of 2020 and continue into early 2021. The preparation of the Masterplan & Design Code will require consultation and engagement with the community, developers, and stakeholders. As the Masterplan & Design Code are to be prepared during the restriction on movement and social gathering imposed by the management of the Covid-19 pandemic Council officers will work with consultants JTP to seek appropriate safe approaches for satisfactory consultation and engagement.
- 4.2 As the AAP is a DPD progress, including the involvement of other elected members, will be guided by the Portfolio Holder for Planning Policy. It is further anticipated that following completion of a draft plan, Cabinet, itself informed by the Overview and Scrutiny Committee, would recommend to Council that the APP is published and submitted to Government for independent Examination.
- 4.3 For clarity, the process of preparing the APP as a regulatory planning document, will be undertaken by the Head of Planning and Place Service, and specifically by officers of the Planning and Housing Strategy Team. The Masterplan and Design Code, the critical informing elements for the preparation of the AAP will be achieved by external consultants managed by officers within the Property, Investment and Regeneration team. Officers in both internal teams sit with the Economic Growth and Regeneration Service and are greatly experienced in working together to achieve good outcomes on the realisation of shared planning and regeneration objectives.
- 4.4 Should both the Masterplanning and the Design Code be completed by early 2021, it is anticipated that a draft AAP accompanying and supporting the Masterplanning and the Design Code would be available for informal consultation (under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012) by late spring or early summer 2021.
- 4.5 The Council will consider the responses received at the Regulation 18 Stage and the work towards the formal publication and submission of the APP to government before the end of 2021.
- 4.6 Following the submission of the APP the timetable for completion is largely determined by the government following the Independent Planning Inspector. It is anticipated that independent Examination could commence in the spring of 2022 with the Inspector's recommendations being published by the summer of that year. Should this timescale prove accurate then it would not be unreasonable for the Council to be considering the adoption of the Lancaster South Area Action Plan before the end of 2022.

5.0 Options and Options Analysis (including risk assessment)

Option 1: To endorse the formal commencement of work on the statutory stages of preparing the Lancaster South Area Action Plan in accordance with the commitment described in the adopted Local Plan for Lancaster District and the timetable provided in the Lancaster District Local Development Scheme (LDS) as approved by Council on 29 July 2020.

Advantages: This will enable the Council to move from the current Local Plan position of an identified Broad Location for Growth in Lancaster South to one where land is formally allocated with accompanying policies with **development plan weight**, including on securing community benefits. This will enable the delivery of development needs during both the period of the current Local Plan and for many years beyond. Evidence of the intention to progress development plan policy in Lancaster South will support the case that has been made by the County Council for national funding contributions transport related infrastructure in Lancaster district.

Disadvantages: None apparent. To not progress with an AAP, that accompanies and supports the Masterplan and Design Code, means that it will remain wholly unclear how the delivery of development requirements in Lancaster south is to be realised. The absence of development plan policies would leave the Council more exposed to development proposals being brought forward on sites that are not identified by the just-adopted Local Plan.

Risks: There are challenges and costs associated with preparing the AAP that will enable the implementation of a Masterplan for Lancaster South in accordance with a Design Code, however, if the Council is to achieve development needed to meet the needs of the community and economy these challenges and costs are unavoidable. The preparation of an AAP takes time as a consequence of the regulatory obligations on consultation, submission, and independent examination. Development proposals may have to be determined whilst the AAP is still in progress. The Council can also anticipate challenge from residents, who may not be supportive of development in this area, and from developers who may not be supportive of the expectations that policy in support of a holistic new settlement Masterplan and Design Code will place upon their development proposals.

Option 2: To **not** endorse the formal commencement of work on the statutory stages of preparing the Lancaster South Area Action Plan in accordance with the commitment described in the adopted Local Plan for Lancaster District and the timetable provided in the Lancaster District Local Development Scheme (LDS) as approved by Council on 29 July 2020.

Advantages: None apparent.

Disadvantages: The community, developers and stakeholders would be left wholly unsure about how the Council intends to achieve the delivery of development in Lancaster South in accordance with an overall plan. Infrastructure funders and developers would be left unsure as to this Council's commitment and timetable for achieving development in Lancaster south. To proceed with the commitment to prepare a further Development Plan Document would mean that planning proposals in south Lancaster would have to be determined in accordance with policy within existing Development Plan Documents, notably Policy SG1 of the adopted Local Plan. Policy SG1 only identifies a Broad Location for Growth and a

series of broad development principles. It would be very challenging to determine development proposals for a new settlement on only the principles established to date.

Risks: Lack of progress in advancing the development plan position will make it difficult to determine planning proposals that come forward in Lancaster south. Lack of an overall plan for the area will mean that development proposals will come forward as individual proposals and not contribute well to the achievement of a distinctive new community or realise community benefits such as contributions to education and affordable housing. An inability to demonstrate how progress is to be made on achieving development in the Broad Location for Growth will leave the district more open to proposals coming forward on sites that are not identified in the Local Plan.

6.0 Officer Preferred Option (and comments)

- 6.1 The officer preferred option is Option 1; to formally commence the Lancaster South Area Action Plan Development Plan Document Plan in accordance with the commitments made in the Lancaster District Local Development Scheme of July 2020.
- 6.2 The implementation of Option 1 will ensure the Council's aspirations and ambitions for future growth in South Lancaster, including Bailrigg Garden Village have sufficient robustness and planning weight to manage the delivery of future development proposals in the area. This will be vital in terms of implementing the Masterplan and Design Code, and the phasing and delivery of development and infrastructure.
- 6.3 Importantly, the implementation of Option 1 is also consistent with the commitments made in the just-adopted Local Plan for Lancaster District and the July 2020 Local Development Scheme. These clearly and unequivocally present the Council's intentions to prepare a further Development Plan Document for the Lancaster South area.
- 6.4 It should be noted that the implementation of Option 1 does carry some risks. These are particularly associated with the length of time it will take to prepare and the challenge which the Council's might engender from residents and the development industry. However, challenge is a necessary component of the plan-making process and the need to address challenge can lead to the adoption of a robust Development Plan Document.

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Meeting	Cabinet	Date	27 October 2020
Title	Review of Housing Allocation Policy October 2020		
Report of	Director for Communities and the Environment		
Purpose of Report			
Members approve the changes to the Housing Allocation Policy (the Policy) recommended within this report.			
Key Decision (Y/N)	Y	Date of Notice	28.9.20
		Exempt (Y/N)	N

Report Summary
This report describes the Council’s review of the social housing Allocations Policy and recommends changes to enable the city council to best meet housing need within a backdrop of reduced turnover of council stock and increases in homelessness.
Recommendations of Councillors Caroline Jackson
Members approve the changes and adopt the revised Housing Allocations Policy 2020

Relationship to Policy Framework	
Lancaster City Council Allocations Policy 2018 Housing Act 1996 Homelessness Code of Guidance https://www.gov.uk/guidance/homelessnesscode-of-guidance-for-local-authorities Allocations Code of Guidance https://www.gov.uk/government/publications/allocation-of-accommodationguidance-for-local-housing-authorities-in-england Localism Act 2011 Homelessness Strategy 2020 Improving Access to Social Housing for Victims of Domestic Abuse in Refuges or Other Types of Temporary Accommodation 2018 Improving Access to Social Housing for Members of the Armed Forces 2020 Council Plan – the strategy directly contributes to the Council’s approved priorities, which includes a sustainable District, Happy, and Healthy Communities. Local plan – will contribute to increasing the supply of housing in Lancaster district Will directly contribute to the Homes Strategy 2020-2025 (currently being drafted	
Conclusion of Impact Assessment(s) where applicable	
Climate	Wellbeing & Social Value
Digital	Health & Safety
Equality	Community Safety
During and following the development of the recommendations an equalities impact assessment has been carried out attempting to identify any unintended consequences of the proposed policy changes. An Equalities Impact Assessment (EIA) considers whether any particular group of people is affected adversely	

because of a policy change, which, if it does might result in the policy being amended. The EIA categorises each applicant (where we have the information) by ethnicity religion or belief family type, pregnant or not sexuality, disability, age and gender now compared with birth

Note that the Equalities Impact Assessment shows no unintended or disproportionate effects are likely to arise for applicants with protected characteristics.

Details of Consultation

The draft Housing Allocation Policy has been widely circulated to key partner's stakeholders and members of the public. The formal consultation period ran over a period of 6 weeks ending on the 25th September 2020. The draft allocation policy has been made available to view on the Council's Website for comments to be made via Survey Monkey. The draft policy has also been circulated for comments to the Homeless Forum member group, Registered Housing Provider member group and Homeless Advisory group.

Legal Implications

The legal implications are set out in the report. Legal Services has no further comments to make.

Financial Implications

Approval of Option 1 will reduce the amount of time spent in B&B accommodation and therefore reduce the Councils expenditure on B&B. Based on the previous two financial years, net expenditure on B&B was between £2K and £5K when taking housing benefit income into consideration.

Other Resource or Risk Implications

Section 151 Officer's Comments

The 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.

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Links to Background Papers

Appendix 1 – Draft review of Allocations Policy 2020

1.0 Introduction

- 1.1 Lancaster's current Housing Allocation Policy was last reviewed in March 2018. Prior to this cabinet approved the introduction of the Choice Based Letting System (CBL) and the new banding and allocation policy in March 2010. The Housing Act 1996 introduced a new regime for the allocation of social housing by local authorities. The 1996 Act has been amended a number of times most recently by the Localism Act 2011. The Localism Act in 2011 gave Councils the power to change their Housing Allocations schemes, which are aimed to help local authorities to better manage their waiting lists to suit local housing needs.
- 1.2 Section 166A of the Act provides that every local housing authority in England must have an allocation policy, which sets out the criteria and procedure for the allocation of social housing and nominations for housing to housing associations in the District. The Council will only admit those applicants for housing who meet the necessary eligibility criteria and who qualify on to its housing register.
- 1.3 There are a limited number of social housing units available each year and the demand outweighs supply. The policy facilitates the councils overriding objectives of putting residents first. The key features of the policy are summarised as follows;
 - Provides a fair and transparent system by which people are prioritised for social housing
 - Helps those most in need of housing including homeless households
 - Makes better use of the Council's housing stock
 - Promotes the development of sustainable mixed communities
- 1.4 Section 166A (3) of the Act imposes a mandatory requirement on local authorities to ensure that their allocation schemes are framed so as to secure that reasonable preference is given to the following categories of persons;
 - Applicants who are homeless within the meaning of part 7 of the Housing Act 1996. This includes applicants who are intentionally homeless
 - Applicants occupying insanitary overcrowded housing or who otherwise live in unsatisfactory conditions
 - Applicants who need to move on medical or welfare grounds
- 1.5 Priority can be given, and allocations can be made to, categories of applicants who do not fall within the reasonable preference groups (for example current tenants who are under-occupying their current homes). However, we must ensure that the reasonable preference requirement is met, and we must ensure that any locally-determined priority categories do not dominate the Policy such that the statutory reasonable preference categories have relatively little chance of being rehoused.

2.0 CONTEXT & BACKGROUND

- 2.1 Our existing allocations policy has not been reviewed since March 2018. We are required to update the allocations policy to ensure we meet statutory guidance, to ensure the policy still reflects local priorities and is "fit for purpose". For this reason we have taken the decision to review the policy in light of recent case law, changes to priority for armed forces and their families, people affected by domestic abuse in refuge

accommodation and the implications for homeless households placed in temporary accommodation since the implementation of the Homeless Reduction Act 2017.

- 2.2 The 2017 HRA legislation has brought further challenges in respect of households spending considerably longer periods of time in temporary accommodation, which is inappropriate seen as bad practice and very costly. If the changes are approved, we will be able to reduce the numbers placed in temporary accommodation, the length of in temporary accommodation and associated costs.
- 2.3 The revised allocations policy reflects these changes to ensure the policy is lawful, meets the housing needs of those most vulnerable and makes the best use of the council's limited housing stock.
- 2.4 Lancaster & Morecambe's housing situation has changed over the past 2 years. There has been a steady increase of homeless presentations and the associated cost of the rising numbers of households in temporary and supported housing is not sustainable. Welfare reforms, private sector access and costs are a huge challenge for people seeking new homes. More recently with the health pandemic and impacts of COVID-19 the turnover and availability of social housing has reduced also at the same time as an increase of households applying to the housing register. In particular, family houses and one bed properties are in short supply both within the social and private rental sector market.

3.0 Proposed Changes

- 3.1 We propose to make a small number of changes to our existing Allocation Policy to improve access to social housing for homeless applicants, victims of domestic abuse, applicants who need to leave services accommodation, applicants who have a medical need to move, applicants looking to move to a bungalow and applicants affected by regeneration plans. These include;
- Change the local connection criteria to include applicants who were previously living in Services Family accommodation but is having to leave due to relationship breakdown with a member of the Armed Forces and adult children of service personnel who are no longer able to remain in the family home due to the impact of their family moving from base-to-base, in line with government guidance.
 - Change to the way we prioritise victims of domestic abuse to access social housing, including those who have a legal interest in a property in line with government guidance.
 - Change the way we deal with applicants with an emergency need to move to ensure that they receive an offer of accommodation within a suitable period to enable households who need to move quickly in an emergency situation, can do so to minimise the risk.
 - Changing the way we prioritise and make offers to applicants who are homeless and in emergency accommodation, especially families in bed and breakfast or hotel accommodation and to prevent bottlenecks in supported accommodation. This will include the option of a direct offer to be made outside of the banding and date order criteria in this policy to move people on from temporary accommodation as quickly as possible.

- 3.2 Under the current Allocation Policy an applicant will only receive a band that is high enough to enable them to receive an offer of social housing when they are owed a main duty and not when owed a relief duty. The consequences are that applicants who would be owed the main duty at the end of the relief duty are 'stuck' in TA for the 56 days of the relief duty as there is a shortage of PRS properties for them to move onto. Even after 56 days when they are then owed a main duty there is a further delay in being successful in bidding for social housing resulting in more time in temporary accommodation and more costs.

The housing pressures faced limit the degree of choice that the Council is able to offer along with the responsibility the Council has to some groups in urgent housing need and to reduce the financial impact of temporary accommodation on the Council.

For all applicants eligible and registered under the scheme the Council believes that any applicant should be able to express a preference over the area in which they would like to live and the type of property they would ideally like but should be fully aware that the Council's ability to satisfy their preference might be severely limited. Expressing a preference over where an applicant would prefer to live does not mean that the Council will be able to meet that preference, or that the Council will not offer suitable accommodation outside of a preferred area in order to meet the duty owed to any applicant under the section 189B(2) Relief of homelessness duty or the main section 193(2) duty under Part 7 of the Housing Act 1996

Not all properties that become available will be advertised and offered through the Band and date order procedure

"There may be circumstances where for urgent operational or financial reasons there is a need to make a direct offers of housing outside the CBL, banding and date order criteria set out in the policy. Specifically, this would be where there may be urgent operational or financial reasons to allocate outside of the band and date order criteria namely:

- a) Where an applicant is homeless and in temporary accommodation and owed a section 189B(2) Relief duty or 193(2) main duty and the Council decides it needs to move applicants out of temporary accommodation to manage the budgetary impact on the Council the Council may make a direct offer of suitable accommodation at any time to reduce the financial burden on the Council of the cost of temporary accommodation.*
- b) Furthermore the Council may restrict the time an applicant is therefore able to bid for accommodation in an area where they would prefer to live. The offer of accommodation would be in any area of the district that the Council has assessed is suitable and safe for the applicant to live in.*

A decision to make a direct offer of accommodation outside of the choice based letting band and date order system under the new proposed policy will therefore be:

- a) Where an applicant is not being realistic in the areas they are bidding for accommodation and as a result they may be occupying a temporary accommodation unit that may be needed for another newly presenting homeless applicant.*

b) To reduce the financial burden on the Council of the cost of temporary accommodation.

We have also made a recommendation in the draft policy to reduce the age requirement on general needs (non-sheltered) bungalows to 55. We have a number of applicants aged 55 who need to downsize to 1 bed accommodation and applicants looking for longer term secure affordable accommodation who do not have care or support needs, or a desire to move into sheltered accommodation. Lowering the age range from 60 to 55 will enable applicants to bid on non-sheltered bungalows within our housing stock and enable the Council to better manage and allocate the supply of 1 bed bungalows in the District. This will also slightly reduce the demand for general needs 1 bed accommodation for people under 55.

Medical needs to move. We are also recommending changing the banding priority of medical points – Under the current policy the medical officer awards points from 0-30 in multiples of 5. Therefore, an applicant will be awarded 0,5,10,15,20,25 or 30 based on their medical need for rehousing. The current Allocation policy states

Band A: Emergency Housing Need 26-30 medical points

Band B: High Housing Need 21-25 medical points

Band C: Medium Housing Need 11-20 medical points

Band D: Low Housing Need 5-10 medical points

Band E: 0 medical points

Under the proposed new policy we have amended the way points translate into band to ensure that it more accurately distinguishes between medical priority for applicants. The system worked well when we use a points based system for housing priority before we implemented CBL but as time has gone on we feel this needs to be amended so applicants with higher medical points are placed in a higher band.

It was also confusing for applicants as some thought that points were awarded from 0-30 as the current policy appears that an applicant can be awarded 13, 21 and were trying to increase their medical priority to take them to the next band.

We have also found in practice that an applicant with 20 medical points has a high housing need so we have amended the policy to reflect this.

Medical priority will be awarded by the Council's Medical Officer who will award priority as follows:

Band A: Emergency Housing Need 30 medical points

The current accommodation is so completely unsuitable that should the applicant remain or return to it the effect on their health would be critical. This can only be averted by a move to alternative accommodation in the shortest time possible.

Band B: High Housing Need 20-25 medical points

The housing situation is so severely affecting the applicant's health and wellbeing that it is resulting in them being completely housebound, at risk of injury, relapse or unable to live independently.

Alternative housing is required within a reasonable period to prevent serious risks to their health and wellbeing.

Band C: Medium Housing Need 10-15 medical points

The housing situation is seriously affecting the applicant's health and wellbeing and is having an unacceptable impact on their ability to live independently.

Alternative housing is required to prevent a significant and serious deterioration to their health and wellbeing in the short/ medium term (within 2 years).

Band D: Low Housing Need 5 medical points

The housing situation is having a negative impact on the applicant's wellbeing but it is not causing any significant deterioration to their health or ability to live independently

Band E: 0 medical points

Whilst it is recognised that there may be a health and wellbeing issue, this is not affected by the current accommodation. The applicant's health and wellbeing would not be improved by a move to alternative accommodation. Therefore no housing need actually exists.

4.0 Proposed changes to make best use of Housing Stock

4.1 We are also proposing to make a small number of changes to how we make the best use of the social housing stock in the Lancaster district. These include:

- Rebrand Sheltered Housing as Independent Retirement Living
- Increase the age requirement on Independent Retirement Living to 60 to enable applicants who need to move to sheltered accommodation who require care and support.
- Clarifying the length of time an applicant needs to have worked in a rural village/market town or how long close family have resided in the village/market time to give them a rural connection
- Change the way we prioritise social housing tenants who are looking to move out of family accommodation to be nearer family to give or receive support
- Change the way we prioritise Council Housing tenants who need to move out of their property for emergency repairs, regeneration programmes or planned maintenance.

Full details of all these changes are contained in the draft Allocations Policy document (appendix 1) all changes to the existing policy are highlighted in yellow for ease of reference.

5.0 Options and Options Analysis (including risk assessment)

Option 1: Approve the revised Housing Allocations Policy
Advantages: Prevents complaints, legal challenges and Ombudsman Complaints. To have in place a fair and transparent policy, which enables city council to allocate properties those in greatest housing need and enable officers to make the best use of the council, is housing stock.
Disadvantages: No notable disadvantages.
Risks: The revised allocations policy has been reviewed in line with current up to date guidance to avoid risks associated with legal challenge.
Option 2: Retain existing Housing Allocations Policy
Advantages: No notable advantages.
Disadvantages: Not up to date with current government guidance, homeless households will remain in costly temporary accommodation for longer than necessary and increase the numbers of households in temporary accommodation at any given time due to lack of suitable move on accommodation through the housing register.
Risks: Legal challenge and or Ombudsman complaints. Increased expenditure to the B&B and temporary accommodation budgets. MHCLG - legal requirement to report any families accommodated in B&B in placement goes over 6 weeks.

5.1 Officer Preferred Option (and comments)

5.2 The officer preferred option is Option.

The officer preferred option is Option 1. Option 1 to approve the revised allocation policy will ensure the policy meets our statutory duties having regard for current government guidance and legislation. By approving the revised allocation policy, officers will be able to ensure accommodation is made available to our most vulnerable and those in greatest housing need, whilst also making sure we get the best use of the council's limited housing stock.

PLEASE NOTE THE DRAFT HOUSING ALLOCATIONS POLICY HAS BEEN PUBLISHED IN A SEPARATE PDF.

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Meeting	Cabinet	Date	27 October 2020		
Title	The Homes Strategy for Lancaster District 2020-2025				
Report of	Director for Communities and the Environment, Director for Economic Growth and Regeneration				
Purpose of Report					
To present the new Homes Strategy and Action Plan 2020-2025 for Lancaster District to Cabinet for initial endorsement and authority to consult.					
Key Decision (Y/N)	Y	Date of Notice	28/10/2020	Exempt (Y/N)	N
Report Summary					
Lancaster City Council's last Housing Strategy was produced in 2012 which set out the district's housing priorities for a five-year period. In 2019, work commenced on the preparation of new Homes Strategy which sets out the strategic housing and regeneration priorities for Lancaster district, and a series of actions that will be required in order to deliver its key priorities and ambitions.					
Recommendations of Councillor Caroline Jackson					
<p>(1) To approve the draft Homes Strategy and Action Plan 2020-2025 and provide authority to consult key partners and stakeholders.</p> <p>(2) The Homes Strategy will then be adopted unless the consultation results in any proposed changes to the Action Plan which will be reported back to Cabinet for final endorsement.</p>					
Relationship to Policy Framework					
<p>Council Priorities – Happy and Healthy Communities, a Sustainable District and an Inclusive and Prosperous Local Economy</p> <p>Local Plan – contributes towards the provision of housing to meet a locally identified need and opportunities to increase the choice and supply of affordable housing.</p> <p>This Homes Strategy replaces the previous Housing Strategy 2012 – 2017.</p>					
Conclusion of Impact Assessment(s) where applicable					
Climate		Wellbeing & Social Value			
Digital		Health & Safety			
Equality		Community Safety			
The proposals set out in the report should not have any adverse impacts and should have a number of positive benefits particularly around climate change mitigation, equality, wellbeing and social value.					
Details of Consultation					
In 2019, initial consultation was undertaken with the Communities Together group ahead of preparation of the new Homes Strategy for Lancaster district. A member					

working group was established in September 2019 by the Portfolio Holder for Housing to identify the main housing and regeneration priorities which are referred to in this report and a number of commissioning leads within Lancashire County Council, housing, planning teams and other stakeholders have directly contributed to the formulation of this document.

If the report is approved, a press release will be issued. Consultation will take place for a minimum period of 6 weeks. The document will be published on the council's website with an online response form. The Voice Your Views Panel will be consulted, City Councillors and Parish Councillors, Communities Together Group, Commissioning Leads, the Homelessness Forum, Homeless Advisory Group, Lancaster Vision and the District Wide Tenants Forum. A focus group will be arranged with Registered Provider partners who are instrumental to the delivery of the Homes Strategy. No major changes in relation to the strategic direction of the Homes Strategy are envisaged.

Legal Implications

There are no legal implications at this stage. Legal Services note that specialist external legal and financial advice has already been sought in respect of the formation of a Housing LATCo. Legal Services will need to be consulted in respect of any acquisitions or disposals concerning the schemes contained in the Housing Strategy if the Strategy is approved.

Financial Implications

There are no financial implications resulting directly from the recommendations.

Other Resource or Risk Implications

Section 151 Officer's Comments

The abolition of the HRA borrowing cap does provide significant opportunities for the Council to borrow to fund a number of significant schemes within the HRA, as detailed in the draft strategy. However, in line with the requirements of CIPFA's Prudential Code Members will need to consider any proposed borrowing for Affordability, Sustainability and Prudence across the whole Council. This assessment will include levels of existing debt within both the HRA and the General Fund as well as any further borrowing that may be required to fund schemes within the General Fund.

Monitoring Officer's Comments

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

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Links to Background Papers

1.0 Introduction

- 1.1 Lancaster City Council's last Housing Strategy was produced in 2012 following the council's organisational restructuring which brought the housing strategy function into the Regeneration and Planning Service, with the primary objective being to produce a new Housing Strategy for Lancaster district, ensure that all new housing schemes approved through the planning system would meet a local need and to increase the provision of affordable housing by strengthening the links between housing and planning teams and formulation of policy.
- 1.2 Many of the objectives set out in the Housing Strategy 2012 to 2017 were achieved through developing policies that sought to maximise opportunities to contribute towards affordable housing, strengthening the links between key partners such as Homes England, Registered Providers and Developers, and working with Lancashire County Council and other district councils to provide the specialist housing to support communities and vulnerable group through the former Supporting People Programme.
- 1.3 In 2018, in order to effectively prepare the evidence base for the Local Plan and the next Housing Strategy, a new Housing Needs Survey was commissioned in 2017 which was produced by Arc4 in 2018 which provides the evidence base and context to refresh existing policy guidance and to assist in the formulation of key housing priorities for Lancaster district. The Local Plan has identified a need for 12,000 additional homes in Lancaster district by 2031. The Housing Needs Survey estimated that in excess of 6000 households require affordable housing. There is a significant need for market and affordable housing in Lancaster district which is the key driver for direct intervention by the council to contribute to the housing provision needed in Lancaster district.
- 1.4 The Homes Strategy 2020-2025 contains 13 main sections setting both the strategic context of housing in relation to the council's re-affirmed ambitions and national policy changes, the local context in relation to Lancaster District's population, the Lancaster housing market, summary of achievements, housing growth and climate change, regeneration priorities, ambitions and standards, the homes vision, achieving affordable housing growth and the critical role of social housing providers, improving housing quality through initiatives such as selective licensing and other private housing sector enforcement action, through commissioning a new housing stock condition module, actions to tackle fuel poverty and excess cold, tackling empty homes and promoting responsible renting, and actions to improve the council's existing housing stock. The last section of the Homes Strategy focusses on the diverse communities in Lancaster district and supporting the most vulnerable. This includes:-
 - a detailed overview of the last two Homelessness Strategies outlining the areas the council is seeking to strengthen and summarising the more recent activities around rough sleeping as a direct response to Covid-19
 - The accommodation needs of Gypsies and Travellers

- Those at risk of domestic violence
- Refugees and Asylum Seekers
- LGBT community
- Young people
- HM Forces personnel
- People with an offending background
- Those with a history of substance misuse
- People with learning, physical disabilities or enduring mental illness
- Meeting the needs of our ageing population

1.5 The Homes Strategy 2020-2025 seeks to make direct links with the council's re-affirmed priorities recognising that housing has a critical role in helping the council achieve its vision and priorities by making sure there is a sufficient supply of good quality housing to meet the needs and requirements of our diverse communities. Increasing the supply of affordable housing is fundamental to this, but unlike the previous Housing Strategy 2012-17 where the council was primarily engaged through its enabling role, the new Homes Strategy puts the council at the heart of delivering new housing and regeneration priorities.

2.0 Formulating the Homes Strategy

2.1 As a lead into the preparation of the new Strategy, a Housing Strategy Working Group was established in September 2019 which is chaired by the Portfolio Holder for Housing. This cross-party group supported by officers considered new ways of working and options for the council to implement a programme of new housing projects which included: -

2.1.1 Setting up a housing company and/or a development company in order to pursue other tenures outside those traditionally operated within the Housing Revenue Account.

2.1.2 Consider the use of borrowing in order to undertake projects which may make a positive financial return as well as deliver positive housing outcomes. In many cases, it might be that a site is capable of providing multiple tenures by using profits from one form of housing to subsidise another.

2.1.3 Control over environmental standards in houses developed by the Council to improve the quality and choice of the local housing offer.

2.1.4 Involvement in sectors such as private sector rental and extra care housing in order to provide good quality and fairly priced housing options in these sectors.

2.2 A number of potential schemes were shortlisted and although not intended to be an exhaustive list, these represent the most significant priorities set out within the draft Homes Strategy, and in taking account of the key findings and recommendations of the district wide Housing Needs Survey undertaken in 2018:-

2.2.1 Development at Canal Quarter – potential to develop between 100 and 200 new homes of mixed tenure which could include designated

housing for older people, outright sale units, a PRS scheme and affordable units in the form of shared ownership and social housing.

- 2.2.2 The regeneration of Mainway estate. Consultation is currently underway with tenants, residents and stakeholder to formulate exciting new plans to comprehensively improve the existing estate.
- 2.2.3 Morecambe Property Acquisitions – to increase the supply of good quality well managed homes with a focus on Morecambe’s West End. Further opportunities could also present themselves in central Morecambe linking to the Future High Streets bid, with new build housing forming an integral part of the proposed redevelopment.
- 2.2.4 Extra Care Housing – working with Lancashire County Council to develop new extra care schemes in Lancaster district by 2025 which will increase the housing choices available to the district’s ageing population. The council is exploring the delivery of its own new build extra care facility on a site in North Lancaster.
- 2.2.5 The Homes Strategy identifies Ridge Square as a potential regeneration priority, subject to further consultation being undertaken and an options appraisal to identify the full costs and delivery options.
- 2.2.6 The refurbishment of Mellishaw Caravan Park, which is currently being acquired by Lancaster City Council, with a commitment and budget in place to comprehensively improve the site.

2.3 With the exception of Mellishaw Caravan Park, the capital funding required for the other five schemes identified will rely on a blend of prudential borrowing through the General Fund and Housing Revenue Account, and will require the council to set up its own Housing LATCo (Local Authority Trading Company) which is the necessary vehicle for the council to realise its ambitions. Reports will be presented to Cabinet separately which will seek the necessary approvals to set up the Housing LATCo, although Cabinet must recognise that some of the key priorities outlined in the Homes Strategy can only be delivered through the blend of prudential borrowing required to generate capital finance including the proposed Housing LATCo:-

3.0 The Homes Strategy 2020-25 and Climate Change

3.1 The draft Homes Strategy seeks to make direct linkages to the Climate Emergency, which was declared in 2019, by setting out the council’s intentions and ambitions:-

- 3.1.1 A proposed Local Plan Review – which will seek to further strengthen our existing approaches to improving the housing stock (and also achieving low/zero carbon homes) and improve the existing housing stock, provide a green infrastructure, prioritise brownfield development, minimise flood risk and increase energy generation.
- 3.1.2 Seek to deliver zero carbon new build homes on sites identified in the Homes Strategy.

- 3.1.3 Bring homes which are acquired by the council up to minimum standards with potential to further retrofit when funding opportunities allow.
- 3.1.3 Increase the existing officer capacity to support opportunities to draw down government funding to retrofit privately owned homes.
- 3.1.4 Increase officer capacity through future training of the council’s Repairs and Maintenance staff to become Retrofit Assessors and support the existing workforce to become trained installers of measures (Trustmark/PAS 2035) and seek to roll this out to local contractors.

4.0 The Homes Strategy Action Plan

4.1 A separate action plan accompanies the draft Homes Strategy which sets out the required actions necessary to bring it into fruition and expected resource implications. It should be noted, however, that capital schemes will be subject to more detailed scrutiny through reporting to Capital Strategy group and Cabinet in due course, and actions requiring revenue funding not already identified will be subject to forthcoming budget processes. The action plan contains three main themes:

Theme 1	Housing and Regeneration priorities – increasing housing supply
Theme 2	Improving housing quality
Theme 3	Meeting the needs of communities and supporting residents

5.0 Options and Options Analysis (including risk assessment)

Option 1: Approve the draft Homes Strategy 2020-25
Advantages: The council will have an up to date Housing Strategy within its policy framework. The Strategy outputs will make a significant contribution to increasing the provision of good quality energy efficient homes and affordable housing to meet those in the most housing need. It will positively contribute towards Climate Change mitigation. It will increase the portfolio of housing owned by Lancaster City Council. It will contribute to the council’s Investment Strategy. It ratifies the council’s commitment to jointly agreed priorities with other statutory organisations.
Disadvantages: The implementation of the Homes Strategy will have significant resource implications primarily but not exclusively in relation to capital funding.
Risks: The council will need to set up a Housing LATCo in order to bring forward a more diverse mix of housing tenures in Lancaster district. This is a new way of

working requiring specialist legal and finance advice initially as well as in the longer term impacting upon support services and separate governance arrangements will need to be established. Capital schemes identified have not yet been through a due diligence process to assess full costs and risks although an existing framework is already in place to assess proposed commercial investments. Future demand for housing but given the level of housing need identified and the standards being achieved. Market housing provision is a new area of business for the council but the existing council housing teams are well experienced to manage any PRS properties although outright sale units would be a new area of business for the council requiring proper market analysis and research.

Option 2: Do not approve the draft Homes Strategy 2020-25

Advantages: The council will not need to raise the capital and revenue funding required to implement the Homes Strategy.

Disadvantages: The council will not be contributing to increasing the supply of good quality energy efficient homes in Lancaster district. This will have wider implications upon the effectiveness of other approved Strategies i.e. the Homelessness Strategy 2020-23 by increasing the range of housing available to prevent homelessness. Limited opportunities/benefits around climate change mitigation. The council will primarily be an enabler rather than a provider of new housing.

Risks: The council will be less likely to achieve its agreed objectives and statutory duties around homelessness. The proposed regeneration of Mainway estate could lead to significant issues around the structure and quality of existing council properties. For schemes like Canal Quarter, the council as a key landowner could lose control in bringing forward a scheme which meets all its objectives and opportunities to generate cross subsidies. Lost opportunities to continue the regeneration of Morecambe and to diversify the affordable housing offer for older people relying solely on Registered Provider activity. Reputational damage.

6. Officer Preferred Option (and comments)

- 6.1 The officer preferred option is Option 1. Lancaster City Council has the opportunity to approve an ambitious Homes Strategy for Lancaster district which will allow the council to commence programmes of new build housing, acquire and improve existing housing, diversify its housing offer, and most importantly, increase the choice and quality of housing across tenures to meet the need of its diverse communities, whilst making a positive contribution towards climate change mitigation. Cabinet is therefore asked to approve the draft Homes Strategy and Action Plan 2020-25 and allow a further period of consultation to engage with key stakeholders before final endorsement.

Theme 1 – Housing and Regeneration Priorities/Increasing the supply of housing

Action	Outcome	Lead	Timescale	Resource Implications	Page in Homes Strategy
Explore and deliver a regeneration programme for the Canal Quarter which includes mixed tenure residential housing	To increase the supply of high quality and energy efficient homes in the city centre to meet a wide range of local housing need. Contributes towards climate change mitigation	Strategic Projects Manager	SRF prepared 2019 – project scope/length not determined yet	Prudential borrowing – costs to be determined	27
Explore and take forward a new programme of housing acquisitions in Morecambe	To improve the existing housing stock and to increase the choice and quality of housing in Morecambe. Contributes towards climate change mitigation	To be identified	Feasibility commenced 2020	Prudential borrowing - £3M initially committed	28-29
Identify options to provide a comprehensive regeneration scheme for Mainway following detailed consultation with tenants, residents and key stakeholders	To significantly improve the quality, thermal efficiency and design of housing provided. Contributes towards climate change mitigation	Head of Housing/Asset Manager	Feasibility commenced 2019/ Consultation 2020/ project period not determined yet but will be beyond Strategy period	Borrowing through the HRA - £30M estimated	30
Explore and bring forward a purpose-built extra care scheme in north Lancaster	Will meet the local need identified and aligns to the Care and Support Strategy 2019. Increases the choice and quality of housing for older people. Contributes towards climate change mitigation	Principal Housing Strategy Manager	Feasibility commenced 2020	Borrowing through the HRA -£5-7M estimated	77

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Seek authority to consult on regeneration options for Ridge Square, identify suitable options and mechanisms that could be taken forward	To improve the quality of the existing housing and provide a more suitable layout seeking to retain services for local residents	Head of Housing/Asset Manager	2023/24	Still to be ascertained	30
Implement a programme of refurbishment to Mellishaw Caravan Park	To bring about comprehensive improvements to the standard and quality of the site	Head of Housing/Repairs and Maintenance Manager	Consultation May 21 Construction Jan 22 – March 23 anticipated	GF reserves already committed - £1.2M	64
Review opportunities to acquire or develop new build housing in Morecambe if the Future High Streets bid is successful	Would increase the portfolio of housing delivered through the LATCo and contribute to regeneration priorities for Morecambe	Director of Economic Growth and Regeneration	April 22	GF through prudential borrowing – costs unknown as yet	28
Explore residential schemes identified through the Capital Investment Strategy process on a case by case basis and subject to having necessary resources	Would increase the portfolio of housing delivered through the LATCo and could meet a local housing need	Strategic Projects Manager/Principal Housing Strategy Officer	As and when identified	GF through prudential borrowing and subject to business case	31
Appoint legal and financial consultants to investigate and recommend options to create a new Local Authority Housing Company (LATCo)	To generate the necessary finance to bring housing projects into fruition. To clearly understand the legal and financial implications of setting up the LATCo	Head of Housing/Principal Housing Strategy Officer/ Legal Services/Financial Services	Consultants appointed July 2020	£40K from GF approved at July Cabinet for specialist reports. A further £50K required for actual set up costs	37
Undertake analysis of the HRA borrowing opportunities	To establish the potential headroom to fund schemes identified	Head of Housing	Consultants appointed July 2020	£10K through HRA	37
Increase development capacity by creating	Interim MD will be required of the LATCo within existing	Chief Exec/Head of Housing	April 2021	Existing resources if this proves possible	37

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dedicated officer resources to lead on key priorities and to work alongside existing staff.	resources. Existing Technical Officer vacant post to incorporate some operational development activities and then capacity to be reviewed again by April 22	Services/Repairs and Maintenance Manager			
Acquire Investment Partner Status/explore Registered Provider Status for the LATCo through Homes England	To draw down Affordable Homes Programme Grant and any other available funding	Head of Housing/Principal Housing Strategy Officer	March 2021 for Investment Partner Status in HRA RP status for LATCo April 22 to undertake feasibility/cost benefit & risk analysis	Existing resources	37
Purchase the ProVal development appraisal system	To run development appraisals that demonstrate viability	Head of Housing Services/Principal Housing Strategy Officer	April 2021	£10-£20K depending on user licences through HRA	37
Review of the Meeting Housing Needs SPD	To provide greater interpretation and implementation of policies in the newly adopted Local Plan	Planning Officer (Housing and Communities)	April 2021	Existing resources.	34
Investigate the Implementation of a Fixed Transfer Policy for Affordable Housing Units	Provides a level playing field for all Registered Providers and simplifies the negotiations for affordable housing	Principal Housing Strategy Officer/Planning Officer (Housing and Communities)	April 22	Will form part of the Local Plan Review Viability Study	34
Support the development of two Community Led Housing schemes in Halton and support any emerging community led schemes that are identified	Will provide 26 affordable homes for local people including 2 accessible, and 14 market sale. Will support community cohesion and independent living among the over 55s	Principal Housing Strategy Officer/Community Housing Officer	Start on site expected April 2021	Existing resources	37

Theme 2 – Improving Housing Quality

Action	Outcome	Lead	Timescale	Resource Implications	Page
Purchase the BRE housing stock condition module	To obtain comprehensive data on the existing dwelling stock which will allow detailed analysis and the targeting of poorly performing properties	Principal Housing Strategy Officer	April 2022	£67K – reserves set aside in 20/21 budget but being redirected into LATCo setup and will be considered in 2021/22 budget process	41
Create a new Retrofit Advisor officer post within the HIA	To increase existing staff capacity to be able to undertake independent assessments of properties in need of energy measures – contributes to climate change mitigation	Home Improvement Agency Manager	April 2021	New post would be fixed term for 12 months funded from HIA reserves	42
Implement the Service Improvement Plan for the HIA to introduce a new charging system for able to pay residents whilst continuing to deliver free core services to the most vulnerable	Will ensure future services are sustainable and that free services can continue for those that need it	Home Improvement Agency Manager	April 2021	Should be delivered through existing resources and income generation	81
Review whether the council should implement Selective Licensing in Morecambe’s West End	An additional tool to increase the quality and management of private sector housing stock in a designated area	Housing Standards Manager	September 2021 to start consultation	Would require funding for two full time officer posts – one for the full five years of the lifetime of the Licensing scheme and one fixed term.	39

Continue to pro-actively reduce the number of empty homes and explore funding opportunities wherever possible and investigate a programme of acquiring empty homes, refurbishing and selling or retaining through the LATCo.	To reduce the number of empty homes in Lancaster district	Empty Homes Officer	Ongoing	Existing resources Borrowing through LATCo subject to business case.	44
Develop a new social lettings agency either delivered in-house or through a new partnership	To increase the supply of good quality private rented accommodation.	Head of Housing/Principal Housing Strategy Officer/Principal Housing Options Manager	October 2021	Existing resources and through a future bid (MHCLG Next Steps Accommodation)	44
Develop and implement a retrofit action plan for existing council housing stock	To understand the costs and delivery of options/measures to increase the energy performance of all council housing to a minimum of EPC C – contributes to climate change mitigation	Head of Housing/Technical Manager	March 2022 – 2030	Review of existing HRA Capital Programme/bids for government funding	48
Create a new Energy Advice Officer within Council Housing Services	To support tenants by providing advice on heating systems, budgeting and implementing new energy measures to combat fuel poverty – contributes to climate change mitigation	Head of Housing	March 2021	HRA	60 and 73
Arrange Retrofit Assessor Training to RMS staff who have completed the	To ensure compliance to PAS 2035/Trustmark accreditation	Repairs and Maintenance Manager	April 2021	HRA - £1-£2K	61

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Domestic Energy Assessor Training.	– contributes towards climate change mitigation				
Investigate/develop a disposal policy for existing HRA stock	Where properties are uneconomical to maintain/improve and the capital receipt could be used to build/purchase other more suitable dwellings – contributes towards climate change mitigation	Head of Housing/Neighbourhood and Support Services Manager	April 2021	HRA but could be cost neutral	49

Theme 3 Meeting the needs of Communities and Supporting Residents

Action	Outcome	Lead	Timescale	Resource Implications	Page
Implement the actions identified in the council's Homelessness Strategy 2020-23 which seeks to improve the services provided to people who are homeless or threatened with homelessness	To prevent homelessness	Principal Housing Options Manager	2020-2023	Existing resources/future funding bids where possible	50-59
Utilise the award of revenue funding from the Next Steps Accommodation bid by planning additional winter provision, set up the Help2Rent Landlord incentive scheme, facilitate timely moves from supported housing and extend the intensive floating support services	To prevent rough sleeping	Principal Housing Options Manager	By April 2021	All funded through NSAP bid	59
Increase the supply of long-term accommodation available to people who are homeless either provided by the council or through a partnership/partner organisation/Private Sector Landlords	Reduces time in temporary accommodation, provides timely offers to people in supported housing schemes and prevents homelessness	Principal Housing Strategy Officer/Principal Housing Options Manager	Ongoing	Borrowing through the LATCo/HRA/Future bid (MHCLG Next Steps Accommodation) and through existing partnerships with RP's/Community Groups	59
Review the council's current allocation scheme	Will allow swifter offers of accommodation to be made to homeless	Principal Housing Options Manager/Choice Based Lettings Manager	October 2020	Existing resources	59

	households occupying temporary accommodation				
Purchase a new Choice Based Lettings system	Allows better integration between the homelessness system and CBL system, more cost effective than upgrading existing system and will deliver an improved service to customers and greater range of housing choices	Principal Housing Options Manager/Choice Based Lettings Manager	September 2021	HRA – cost not identified yet	59
Investigate a retrofitting scheme for properties being acquired through the LATCo bringing together a model which includes council staff, local contractors and existing residents	Will increase the skills and experience of council staff and local contractors as well as tackling unemployment	Head of Housing/Economic Development/Development Team	2020 until 2023/24	Costs to be identified but could be capitalised.	61
Carry out an audit of existing council housing stock and options needed to increase digital connectivity	Will aid management of the housing stock and improve the life chances of council tenants.	Repairs and Maintenance Manager	March – September 22	Existing resources	61
Develop a detailed action plan and explore new ways of delivering services and best practice to be agreed by Housing Leads and Children’s Social Care Commissioning Leads following the planned re-tendering of services in Lancaster Wyre and Fylde	To increase the supply of housing options for young people including children looked after.	Principal Housing Options Manager/Principal Housing Strategy Officer/Commissioning Leads at Lancashire County Council	April 2021	Primarily RP’s but could include some provision through HRA/LATCo.	67

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To increase the supply of one-bedroom accommodation and where possible, in a dispersed setting for people with complex needs/ex-offenders	Will contribute towards community safety, offender management and prevent homelessness	Principal Housing Options Manager/Principal Housing Strategy Officer	Ongoing until 2025	HRA/LATCo/Future bids (MHCLG Next Steps Accommodation)	68
Pilot a bespoke Housing First model in Lancaster district	Will increase the treatment/housing options people who have a long-standing history of substance misuse	Head of Housing/Principal Housing Options Manager	March 2022	Existing resources	74
To work in partnership with Commissioning Leads at Lancashire County Council to bring forward supported living schemes for people with Learning and/or Physical Disabilities/Mental Ill Health	To increase the existing provision by a further 60 apartments over a five-year period	Principal Housing Strategy Officer	Ongoing until 2025	Envisaged to be delivered by Registered Providers	75
Increase the supply of purpose-built wheelchair properties where possible	To provide more specialist housing to people with physical disabilities	Principal Housing Strategy Officer	Ongoing until 2025	HRA/LATCo/RP's/Developers	76
To work collaboratively with Lancashire County Council Commissioning Leads to bring purpose built extra care schemes into fruition	To increase the housing options available to older people to allow them to live in an independent setting for as long as possible	Principal Housing Strategy Officer	Ongoing until 2025	HRA /Registered Providers	76

PLEASE NOTE THE HOMES STRATEGY HAS BEEN PUBLISHED IN A SEPARATE PDF.

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	Date	27 October 2020		
Title	Options to Set up the Housing LATCo				
Report of	Director for Communities and the Environment, Director for Economic Growth and Regeneration				
Purpose of Report					
To update members on the findings of the specialist legal and finance advice sought on options to set up the Housing LATCo (Local Authority Trading Company) and to recommend to Cabinet that they approve the establishment of the Housing LATCo.					
Key Decision (Y/N)	Y	Date of Notice	28.09.2020	Exempt (Y/N)	N
Report Summary					
In July 2020, Cabinet approved a report which set out the strategic housing priorities identified in the draft Homes Strategy 2020-25, and authorised officers to obtain specialist legal and financial advice (establishing an initial budget of £40K) to advise the council on options to create a housing delivery vehicle. This report makes recommendations to allow the council to proceed with setting up the Housing LATCo and sets out a framework of suggested actions and delegations to allow timely progress.					
Recommendations of Councillors					
<p>(1) That Cabinet approve the establishment of a wholly owned company (Housing LATCo) limited by shares and delegate authority to the Chief Executive in consultation with the Section 151 Officer to take all necessary steps to incorporate the company, and enter into all necessary documents to facilitate the company's operation including the Articles of Association, Shareholder Agreement, Loan Agreement, Services Agreement and Secondment Agreement.</p> <p>(2) Cabinet delegate authority to the Chief Executive in consultation with the Leader and Portfolio Holder for Housing to agree the composition of the Board of Directors and the arrangements for the council to discharge its role as Shareholder of the Housing LATCo.</p> <p>(3) That a further budget of £50K is approved to re-appoint Trowers & Hamblins LLP to provide the necessary legal advice and prepare the documentation.</p>					

Relationship to Policy Framework
<p>Council Priorities – Happy and Healthy Communities, a Sustainable District, an Inclusive and Prosperous Local Economy</p> <p>Local Plan – contributes towards the provision of housing to meet a locally identified need and opportunities to increase the choice and supply of affordable housing.</p>

Housing Strategy – provides the necessary framework to deliver the strategic housing priorities identified.

Conclusion of Impact Assessment(s) where applicable

Climate	Wellbeing & Social Value
Digital	Health & Safety
Equality	Community Safety

The proposals set out in the report should not have any adverse impacts and should have some positive impacts particularly on climate change, equality and wellbeing/social value.

Details of Consultation

Specialist legal and financial advice has been provided by Trowers & Hamlin LLP and Savills Housing Finance Consultancy – the specialist reports are appended. Informal engagement has also taken place with the Directors of the Blackpool Regeneration Company to gain an insight into the company structure, rationale and successes achieved to date.

Legal Implications

The legal implications are set out in the reports of Trowers & Hamlin LLP.

Financial Implications

Following the approval by Cabinet to utilise £50K from the general fund Corporate Priorities Reserve for initial specialist legal and financial advice, the officer preferred option of Option 1 requires a further £50K be approved. This can be funded by re-purposing part of the remaining £67K of the £107K approved as part of the 2020/21 budget process, to continue with the formation of the Housing LATCo, rather than the purchase of a housing stock condition module.

Any further financial implications arising from individual scheme proposals will be reported back to Cabinet as appropriate prior to subsequent commencement.

Other Resource or Risk Implications

Detailed proposals for all strategic housing projects will be subject to full Business Case analysis by Capital Strategy Group and Cabinet which will set out the risks identified. It is inevitable however, that there will be running costs associated with the operation of the proposed Housing LATCo which will be set out within the report and during the initial period, the LATCo will run at a loss until it achieves a sufficient scale of income generation, and must have the necessary level of resources provided to ensure the level of pace and scale required can be achieved.

Section 151 Officer's Comments

Establishing a Local Authority Trading Company (LATCo) will provide the Council with a suitable overarching vehicle and the strategic freedoms needed to facilitate new housing and regeneration programmes through the General Fund. Work will continue with the support of external advisors to ensure that the LATCo is correctly constituted and appropriate governance structures are established.

As the strategic housing priorities outlined in the report continue to be developed detailed review and challenge of the supporting business cases will be undertaken to ensure they are robust, well considered and estimates and assumptions are based on the best available information. In line with regulatory requirements any associated prudential borrowing must be considered Prudent, Sustainable and Affordable across the entire Council and not in isolation. The outcomes of these reviews and the financial implications will be provided to Cabinet for consideration.

The use of virements to realign or refocus existing funds from one expenditure head to another is permitted subject to the limits set out in the Council's Medium-Term Financial Strategy. The value requested does not require full cabinet approval under the Council's existing virement policy. However, for transparency approval by Cabinet is sought for both expenditure and funding reallocation.

Monitoring Officer's Comments

The Monitoring Officer has been consulted when drafting this report.

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Links to Background Papers**1.0 Introduction**

- 1.1 In July 2020, Cabinet approved a report which set out the strategic housing priorities identified in the draft Homes Strategy 2020-25, and authorised officers to obtain specialist legal and financial advice (establishing an initial budget of £40K) to advise the council on options to create a housing delivery vehicle (LATCo) as a means of maximising opportunities to utilise prudential borrowing opportunities to create the necessary development finance to bring schemes into fruition. Four strategic housing schemes have been identified which require a blend of prudential borrowing.
- 1.2 As a stock retaining local authority, Lancaster City Council already has the opportunity to borrow within the Housing Revenue Account (HRA). This was set out in the July 2020 report which confirmed that through previous analysis of the HRA by Savills, the council could comfortably borrow £25-£30M with

further borrowing potential depending upon future rent setting policy. Restrictions within the HRA only allows the provision of social housing controlled through housing legislation.

- 1.3 Prudential borrowing through the General Fund provides additional freedoms and benefits that cannot be achieved through the HRA. In order to create this opportunity, the council would need to create an arms-length vehicle which provides a clear degree of separation from properties held within the HRA and from the council's other duties as a body governed by public law. This would allow the council to take forward new housing and regeneration programmes that are not limited to social housing, provide opportunities to create surpluses or cross subsidise the provision of affordable housing free of the restrictions imposed by housing legislation. Ultimately the council borrows from the Public Works Loan Board (PWLB) and on-lends to the Housing LATCo. A loan agreement would be in place detailing the terms of the loan and the interest rate that will apply.
- 1.4 The four main strategic housing priorities identified were previously set out in the July 2020 report, and will require a blend of prudential borrowing detailed in Table 1 below:-

Table 1 – Borrowing Assumptions

Scheme	Expected Tenure	Expected costs	Borrowing Source
Canal Quarter	Mixed tenure	Still to be determined	General Fund borrowing via LATCo & HRA
Morecambe Property Acquisitions	Affordable	£3M initially	General Fund borrowing via LATCo
Mainway	Affordable	£20-30M depending upon scale and type of development undertaken	HRA
Extra Care Housing	Affordable	£10-12M	HRA

- 1.5 The Canal Quarter scheme is expected to deliver mixed tenures with some affordable provision expected through an element of cross subsidy. A scheme delivering mixed tenure can only be brought forward through prudential borrowing by the council through on-lending to the Housing LATCo. Scope also exists to borrow within the HRA to create an element of social housing within the development as deemed appropriate.
- 1.6 The Morecambe Property Acquisitions scheme also relies on borrowing through the Housing LATCo. Whilst it is expected that the tenure will primarily be rented accommodation, the rent levels will need to be set at a rate higher than social housing rents as no grant/subsidy is envisaged, but with the ultimate goal of being capped at Local Housing Allowance rates (Housing

Benefit Cap) and properties would not be subject to the Right To Buy which provides more certainty in relation to the financial modelling. The properties will serve the needs of the intermediate affordable market – those who are unlikely to qualify for social housing, but who are unable to afford conventional market housing but seeking a longer term stake which can more readily be provided by the council than some private sector landlords.

- 1.7 Cabinet should note that individual reports will be brought back to members which will provide more detailed information on each scheme proposal for consideration and to obtain the necessary approvals.

2.0 Options to set up the Housing LATCo – Legal elements/Group structure

- 2.1 Following July 2020 Cabinet, Trowers & Hamlins LLP and Savills Housing Finance Consultants were instructed to prepare specialist reports to examine the main legal and financial considerations that the council should consider in order to set up the Housing LATCo. These reports can be found at Appendix 1 and 2. A presentation was also arranged for the 23rd September 2020 jointly provided by Steve Partridge and Simon Smith from Savills and Scott Dorling from Trowers. The aim of the presentation was to provide an overview of the rationale, benefits and implications in setting up the Housing LATCo and to allow Cabinet and other elected members to ask questions.
- 2.2 The report provided by Trowers sets out the key drivers for the council in setting up the LATCo setting out the pros and cons, the type of group structure recommended reflecting the broad aims and objectives set by the council, the different types of corporate entities, the key documentation that will be required and entered into between the council and the LATCo and the governance arrangements including the formulation of the Shareholder Agreement and selection of Board members.
- 2.3 Trowers recommend that the council should create group structure which provides a **HoldCo** with potential to set up separate subsidiaries. A Hold Co would allow for a streamlined governance model. The subsidiary companies (which at this point are envisaged to be a **DevCo** (Development Company) and **Investment Co** but the model proposed would allow other subsidiaries to be created in the future. The key benefit of this arrangement is the ring fencing of risk.
- 2.4 DevCo – a Development Company would be required for the Canal Quarter scheme because it is the council's intention to bring forward a mixed tenure development which will include outright sale units. The DevCo is not intended to hold assets but creates the necessary degree of separation that allows the council to act as a commercial operator and generate profits. There are a range of tax and public procurement issues to consider, however.
- 2.5 Investment Co – an Investment Company would be required to hold the completed residential assets as landlord. The proposed Morecambe Property Acquisitions would therefore sit within the Investment Co with the primary aim of keeping the rents below market rent levels. If in the future, the council was

to acquire or build properties to let at market rent levels, a separate subsidiary would need to be created for this as the lending rates applied by the council would differ due to current public procurement/state aid regulations.

- 2.6 The recommended company type is a company limited by shares which is deemed the most suitable where the company seeks to distribute dividends and act as a revenue stream for the council and also allows Stamp Duty Land Tax group relief on land transfers from the council to the Group structure.

3.0 Procurement/Teckal Exemptions

- 3.1 The report from Trowers draws attention to the group structure and whether the subsidiaries are structured as a body governed by public law. If not, the subsidiary is free to award contracts outside of public procurement procedures. This has been considered within the report because it is proposed that the housing management functions will be undertaken by Council Housing Services as an extension of their existing landlord function. Trowers recommend that both the DevCo and Investment Co are set up as Teckal subsidiaries that would provide the necessary mechanisms and freedoms around the award of contracts outside of normal procurement requirements.

4.0 Key documents

- 4.1 A suite of documentation will need to be prepared by Trowers and which would be entered into between the council and the LATCo, with details and expected costs set out below:-

Table 2 Breakdown of Trowers Proposed Fees

Document	Indicative fee quote (excl VAT and disbursements)	Detail / assumptions
Memorandum and Articles of Association	£2,500 (per company – assumed 3 (for HoldCo, DevCo and InvestCo) including incorporation.	This will be based on the Model Articles but will incorporate the housing company's governance structure. This will include the production of the Articles
Governance documents, including 1. terms of reference for any shareholder committee, 2. conflicts of interest protocol, 3. board member service agreement	£2,000 (per document – we have assumed 4)	Trowers would produce templates for each of these documents but bespoke drafting relevant to LCC's particular governance structure (particularly in relation to the terms of reference) would need to be subject to a detailed quote once the structural issues have been determined
Business plan(s)	£1,000	LCC would produce this document and we can review it for suitability/compatibility with the

		Shareholder's Agreement – it is usually helpful for the Business Plan to include certain information that is referenced in the Shareholder's Agreement
Shareholder's Agreement	£3,500	This will deal with the relationship between the company and the shareholder (e.g. shareholder consent, role of the shareholder committee, etc). Depending on the complexity of the structure that is decided upon we would quote for this, specifically on instruction.
Development Funding Agreement	£6,500	A "heads of terms" document will be issued before drafting to help elicit key terms from the Council's finance team. This quote assumes a simple bilateral loan and no detailed negotiations
Working Capital Loan	£3,500-£5,000	This will be a loan to fund the initial ongoing revenue costs of the company.
Debenture	£2,500	Optional depending on the nature of funding to be provided
Equity Subscription Agreement	£2,500	Optional depending on the nature of funding to be provided.
Form of Assured Tenancy Agreement	£750	Often authorities like to ensure that the tenancies the Group companies are entering in to are agreed with the Council – and will be different in a number of respects to those usually entered by the Council. Assumes no detailed negotiation and a single draft with comments for review.
Framework Service Level Agreement	£1,500	Depending on how the Council will document/structure its resourcing for the Group companies (i.e. Trowers understand that the Council will be using Council staff to carry out Group activities, e.g. accounting, HR, audit) there will need to be some sort of documentation for the "recharge" to happen. We can provide a template agreement which may be populated with the relevant service description, fees etc.
Company director Training	£1,500	Training for any directors and associated legal team/senior leaders involved in the Group

Ad Hoc queries	£7,500	Trowers would suggest for budgeting purposes the Council includes a contingency for ad-hoc queries and further meetings with officers and members to discuss issue and concerns around governance arrangement and the like. These may relate to issues that arise as officers are working through the process and reflecting on the Council's internal processes or when things are being signed off.
TOTAL	£47,750	

5.0 Governance Arrangements

- 5.1 A key consideration for Cabinet will be the governance arrangements for the proposed HoldCo and the degree of control the council will be able to exercise over activities and its decision making. The HoldCo would then act as the single source of control over the group subsidiaries.
- 5.2 The Articles of Association and the Shareholder Agreement will set out the relationship between the council (as owner and sole shareholder of the HoldCo). Whilst the Board is the main decision making body and must act in the best interests of the company, typically the Shareholder Agreement will limit certain activities or decisions that must be obtained from the council (i.e. controls over borrowing) although a balance will need to be struck around the degree and types of control mechanisms which might otherwise impact on the effectiveness and agility of the company. The council will need to ensure that there is appropriate performance monitoring in place, and to this end, the council may wish to set up a Shareholder Committee to perform this role.
- 5.3 The structure and membership of the Board will also need to be carefully considered to ensure the Directors have the required skill sets, knowledge and financial skills. During the presentation, Scott Dorling of Trowers outlined some instances where Boards have been made up exclusively by elected members and issues have arisen due the conflicts of interests which can arise between the role of a Board member and an elected member of the council which need to be avoided ¹.

6.0 Grant funding through Homes England

- 6.1 Clarification has been sought from Trowers on whether there is scope to draw down grant funding through Homes England to improve the development viability of schemes. In all instances, Homes England require that rented

accommodation must be owned and managed by Registered Providers. As a stock retaining landlord, Lancaster City Council's landlord function fulfils this requirement, so new build schemes funded through the HRA such as the proposed extra care scheme should be eligible for grant. Officers have explored whether a mechanism exists for the LATCo to grant a long lease to Council Housing Services who would subsequently let and manage the properties as a mechanism to draw down grant funding without the risk of creating secure tenancies. To avoid this, the lease term would need to be less than 21 years for a house and 50 years for a flat (to satisfy an exemption to the Right to Buy scheme where the landlord has an insufficient interest). The Homes England Capital Funding Guide stipulates that where lease arrangements are in place, the lease period must be for a minimum of 60 years.

- 6.2 The council may wish to consider creating a subsidiary which could seek to acquire RP status as a means of drawing down grant funding for schemes outside of the HRA but this will require separate governance arrangements, the lead in time to acquire RP status is 6-9 months and the RP subsidiary would be bound by different regulatory requirements imposed by Homes England than currently apply to social housing stock held within the HRA.

7.0 Savills report: Business Case

- 7.1 The Savills report principally supports the setting up of the LATCo and highlights that Local Authority trading and housing delivery companies are now a well-established route to achieve housing investment and delivery, primarily driven by caps on HRA borrowing (which have since been removed) and research suggests that LATCo's have facilitated tenure diversification with new housing supply comprising 43% affordable rent, 23% social rent, 10% intermediate (sub-market), 16% outright sale and 8% market rent. Furthermore, the Savills report ratifies the benefits already identified in the July 2020 report in terms of the key drivers for the council, such as facilitating the increased supply of new housing, increasing tenure diversification, increasing the quality and standards of housing, acting as an exemplar landlord, and provides scope to deliver financial returns to the council.
- 7.2 The Savills report then focusses on the first project which has been identified by the council to kick start investment into the LATCo which is the Morecambe Acquisitions Project, primarily because a programme of acquisitions does not require the same lead-in time as a conventional new build scheme (which in terms of design, pre-development and planning permission would typically take at least two years). The Canal Quarter scheme is expected to be significantly larger in scale, be comprised of mixed tenure and could change the outputs considerably. Whilst it is useful to highlight some of the expected operational costs associated with the LATCo, members are asked only to note the financial modelling undertaken by Savills for the proposed Morecambe Property Acquisitions Scheme at this time and further analysis will take place and be reported back to Cabinet in a future report.

8.0 Staff resources and capacity

8.1 The Savills report takes no account of costs associated with increasing the council's existing staff resources. At this initial set up stage, it is not envisaged that the LATCo itself will directly employ staff and that the management and maintenance elements will be undertaken by Council Housing Services/Repairs and Maintenance Teams (with scope for recharges). However, it is important to acknowledge that the council has not undertaken any direct development of housing projects for some years, and the establishment currently lacks some of the skills and expertise which would need to be considered as part of the LATCo growth. It is crucial to the success of the LATCo that this is sufficiently addressed, and to provide development support to other identified housing projects coming through HRA borrowing, retrofitting schemes, the creation of local wealth building through training programmes, submitting bids for Homes England funding, potentially acquiring RP status for the LATCo and ultimately to fulfil the task of Managing Director which is paramount to the success of the proposed vehicle so that it becomes self-sustaining at the earliest opportunity and that support staff are sufficiently competent, have the right tools and are experienced in undertaking a full range of development appraisals that can be implemented with confidence and assurance.

9.0 Options and Options Analysis (including risk assessment)

Option 1: Approve the establishment of the proposed Housing LATCo

Advantages: Will allow a blend of prudential borrowing through the General Fund and HRA to deliver the strategic housing projects identified. Offers potential to create mixed tenure schemes, cross subsidises affordable housing and can create surpluses which could address the future years budget deficit. Diversifies the council's existing housing portfolio. The council is more able to meet a growing local housing need.

Disadvantages: Set up and operational running costs will be required. There will be capacity issues within the existing workforce in terms of support services with new skill sets needed.

Risks: New area of business for the council with different forms of tenure being provided. Demand for housing products although demand data suggests this would be low risk. Different governance arrangements in place. It could be some time before the LATCo is able to create surpluses. Property values can go down as well as up. The costs associated with producing zero carbon homes could mean schemes are marginal/unviable.

Option 2: Do not approve the establishment of the proposed Housing LATCo

Advantages: No direct financial risk or exposure to the council. Some outputs could still be achieved through partnerships/the council acting in an enabling capacity.

Disadvantages: The council is not delivering its key housing and regeneration priorities, growing and diversifying its housing portfolio to meet a wide range of housing need or proactively contributing to climate change through the provision of its own zero carbon homes. Surpluses could only be created through other forms of commercial investments which do not generate the same social value.

Risks: The HRA would be the only source of borrowing with limited headroom. There would be limited scope to provide holistic solutions to regeneration priorities. In areas like the West End, other costs associated with ASB/fly tipping, health inequalities and fuel poverty are likely to increase.

10.0 Officer Preferred Option (and comments)

10.1 The officer preferred option is Option 1. This is the only mechanism that will allow the council to bring all of their key strategic housing projects into fruition. Investment into housing development cannot be seen as risk free, and house prices and values can fluctuate but as this is a vehicle which will assume a longer term investment plan, the Savills report clearly demonstrates the successes achieved through housing investment vehicles, and that a scheme of acquisitions in Morecambe can be delivered viably if a longer borrowing period is assumed.

11.0 Conclusion

11.1 Cabinet approval is required to set up the new Housing LATCo taking account of the specialist legal and financial advice obtained, committing a further £50K to appoint Trowers to undertake the necessary actions and preparation of legal documentation, and to delegate authority to the Chief Executive in consultation with the Leader and Portfolio Holder for Housing to agree the composition of the Board of Directors and the arrangements for the council to discharge its role as Shareholder of the Housing LATCo and report back to Cabinet for consideration and approval.

**PLEASE NOTE THE TROWERS REPORT AND THE SAVILLS REPORT
HAVE BEEN PUBLISHED IN A SEPARATE PDF.**

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	Date	27 October 2020		
Title	To Seek Approval for the Adoption of Public Space Protection Orders (Dog Control)				
Report of	Director for Communities and the Environment				
Purpose of Report					
To seek approval for the adoption of four Public Space Protection Orders (Dog Controls) as attached for a period of 3 years.					
Key Decision (Y/)	Y	Date of Notice	28.9.20	Exempt (Y/N)	N

Report Summary

In 2012 Cabinet approved a number of Dog Control Orders. These have been reviewed including a public consultation in August 2020. Since 2012 the legislation has changed, so this report seeks approval for the original dog control orders to be adopted as Public Space Protection Orders (PSPOs) for a period of 3 years. The orders are attached to this report along with guidance on the purpose and scope of PSPOs.

Recommendations of Councillors

- (1) The four Public Space Protection Orders (Dog Control) be made, to include provisions set out in this report
- (2) Delegate authority to the Head of Public Protection to designate in writing authorised officers for the purposes of issuing fixed penalty fines.

Relationship to Policy Framework

Healthy and happy communities.

Keeping our district's neighbourhoods, parks, beaches and open space clean, well-maintained and safe.

Conclusion of Impact Assessment(s) where applicable

Climate-NA	Wellbeing & Social Value- as outlined in report
Digital-NA	Health & Safety- as outlined in the report
Equality-as outlined in the report	Community Safety- as outlined in the report

Details of Consultation

A public consultation was held between July and August 2020 in the form of an online questionnaire. 77 Responses were received. A summary of the responses is attached as Appendix 1.

Legal Implications	
<p>The draft PSPOs have been drafted in consultation with Legal Services and are appended to this report.</p> <p>The adoption of PSPOs will allow officers to discharge offences with a Fixed Penalty Notice rather than prolonged legal proceedings.</p> <p>Written authorisation will have to be given to the officers issuing Fixed Penalty Notices under the PSPOs.</p>	
Financial Implications	
<p>As this is a continuation of an existing service, any costs relating to the fixed penalty system including officer time can be managed from within existing budgets.</p> <p>Any additional income raised as a consequence of the four orders is expected to be minimal but will be highlighted as part the Council's usual financial monitoring arrangements.</p>	
Other Resource or Risk Implications	
Section 151 Officer's Comments	
The s151 Officer has been consulted and has no comments to make	
Monitoring Officer's Comments	
The Monitoring Officer has no further comments to make	
Contact Officer	Fiona Macleod
Tel	01524 582649
Email	fmacleod@lancaster.gov.uk
Links to Background Papers	
<p>LGA guidance on Public Space Protection Orders - https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf</p> <p>Map of Lancaster City Council district, referred to as Appendix A https://www.lancashire.gov.uk/media/897001/lancaster.jpg</p>	

1.0 Introduction .

1.1 In November 2012 Cabinet approved a number of dog control orders that enabled the council to deal with issues such as dog fouling on our streets and parks, dogs and leads, and dogs out of control which can cause road traffic accidents, nuisance and aggression. These orders were originally introduced under the Clean Neighbourhoods and Environment Act 2005, but were converted to become Public Space Protection Orders (PSPOs) in 2017 following a change in legislation to the new Anti-social Behaviour, Crime and Policing Act 2014.

1.2 The Council now has to review these PSPOs and in order to implement them for a further 3 year period.

1.3 A public consultation was held between July and August 2020 in the form of an online questionnaire. 77 Responses were received. A summary of the responses is included as Appendix 1.

2.0 The Proposals subject to public consultation.

After taking into consideration the representations made during the public consultation, it is proposed that the council now adopts the PSPOs as detailed below. The draft orders are attached as Appendix 2.

2.1 Public Space Protection Order - Removal of dog faeces

This would make it an offence to fail to remove dog faeces on any land which is open to the air on at least one side and to which the public are entitled or permitted to have access. It is proposed to apply a blanket designation across the entire district.

97% of respondents were in favour of this proposal.

2.2 Public Space Protection Order – Dog Exclusion

There are certain places where dogs could present particular risks and where it is prudent to ban them completely for all or part of the year. These are termed ‘dog-exclusion areas’ for the purposes of this PSPO proposal.

This order would make it an offence to permit a dog to enter defined areas of land from which dogs are to be lawfully excluded, and would apply to

- enclosed children’s playgrounds, enclosed sports pitches, the splash-pool in Happy Mount Park and;
- Morecambe's North and South beaches between 1 May and 30 September each year.

83% of respondents were in favour of these proposals, but there were 5 objections to the exclusion of dogs from beaches, suggestions being to allow dogs on the beaches during off-peak times or in bad weather when the beaches are empty. However an equal number of respondents supported the exclusion, commenting that the exclusion should be extended to apply all year round, and to all beaches.

- It is proposed that dog exclusion on Morecambe's North and South beaches be continued as a seasonal control between 1 May and 30 September each year.

2.3 Public Space Protection order – Dogs on leads under Direction

This order would make it an offence not to put and keep a dog on a lead when directed to do so by an officer authorised in writing by the council. This is intended to be used under exceptional circumstances where a dog is causing a nuisance. It is proposed to apply a blanket designation throughout the district, enabling this power to be used as necessary, for example when a dog is running around out of control during a sporting event, or where lots of children are playing.

94% of respondents agreed with this proposal.

2.4 Public Space Protection Order – Dogs on Leads

This order would make it an offence not to keep a dog on a lead on defined areas of land. This would apply to :

- All public highways, footways and adjoining verges, including Morecambe Promenade, and pedestrianised areas
- Car parks and public vehicle parking areas maintained by the council:
- Cemeteries and churchyards
- Certain council parks and gardens.

It is not proposed to apply this to canal towpaths, off-road cycle ways, or to Williamson's Park.

89% of respondents supported these proposals. Two specific issues were raised and are addressed at 2.4.1 and 2.4.2 below. The remaining areas proposed in the public consultation are listed at 2.4.3.

2.4.1 Off-road 'cycle ways'

A petition with 20 signatures was received shortly after the consultation closed. This requested that dogs be kept on a short lead whilst on cycle tracks in the District. The petition was submitted from a regular cyclist who raised concerns about the potential for accidents from dogs being out of control on the tracks.

The consultation in 2012 generated a high volume of responses on this issue, relating specifically to the River Lune Millenium Park from Glasson to Caton. Over 700 letters were received against the proposal to rule that dogs should be kept on a lead on cycleways. The main points were that holding dogs on leads on cycle ways is unnecessary because most dog walkers, cyclists and other users are considerate and take steps to avoid obvious conflict with each other. A number of respondents made the observation that dogs on leads can be more hazardous to cyclists, particularly when extending type dog leads are used, because they are more likely to stretch across and block the path of cyclists, also they can be difficult for approaching cyclists to see.

Others concerns raised were that it could lead over time to such routes becoming viewed as cyclist-priority routes rather than multi-user routes, and that this could lead to a potential risk of cyclists travelling faster and less carefully. Some respondents were concerned that they would not be able to give dogs sufficient exercise if they were not allowed off leads, that dogs would then be less able to socialise, and that this could contribute to aggressive behaviour.

The Order implemented in 2012 did not require dogs to be held on a lead on off-road cycleways. Only a very small number of complaints have been received since the orders were introduced in 2012 relating to incidents involving dogs on the cycleway.

After careful consideration the proposal is to allow dogs to be walked off their lead on the Cycle Tracks.

2.4.2 Williamson’s Park.

In 2019 a public consultation was carried out on the proposal to introduce a new policy requiring dogs to be kept on leads in Williamson’s Park. After reflection on the responses from this consultation, the decision was made not to take it any further.

The proposal is to allow dogs to be walked off their lead in Williamson’s Park.

2.4.3 Other areas proposed for ‘dogs on leads’ control

The other proposed areas and public consultation responses are outlined

Car parks and public vehicle parking areas maintained by the council	No objections were received
pedestrianised areas of central Lancaster and central Morecambe	No objections were received
Cemeteries, graveyards and burial grounds, and the Lancaster and Morecambe Crematorium grounds	2 objections were received from people in support of dogs being allowed to be walked off their lead.
Certain public gardens: Dallas Road Gardens in Lancaster Regent Park, Happy Mount Park and Hall Park in Morecambe	2 objections were received from people in favour of dogs being allowed to be walked off their lead in public parks.
Public Highways, including the adjoining footways and verges	No objections were received

2.5 Taking these considerations into account, the proposed scope of the Dogs on Leads PSPO will remain the same as it has been since 2012.

3.0 Fixed Penalty Notice.

3.1 It is proposed that PSPO (Dog Control) Fixed Penalty Notices will carry a similar penalty to other offences under the Anti-social Behaviour, Crime and Policing Act 2014 which are already enforced by the Public Protection Team. A Fixed Penalty Notice will carry a £100 penalty reduced to £65 for early payment. A discount exists for early payment due to difficulties experienced in obtaining payments. There were no objections to the penalty level in the consultation, in fact a number of respondents wanted increased enforcement.

3.2 In accordance with the Act, fixed penalty notices may only be issued by “authorised officers”, and it is recommended that the Head of Public Protection is able to designate such authorised officers.

4.0 Options and Options Analysis (including risk assessment)

Option 1: Adopt the PSPOs as proposed in the consultation, with no amendments
<p>Advantages:</p> <ul style="list-style-type: none"> • Reflects the majority of representation made during the public consultation • Enables less able bodied people to continue to exercise dogs off leads on the flat hard surfaces of ‘cycle ways’ • More consistent and less confusing enforcement • More rapid, effective and efficient enforcement
<p>Disadvantages:</p> <ul style="list-style-type: none"> • None identified
<p>Risks: The decision concerning dogs on leads would not reflect the views of all consultees</p>
Option 2: Adopting the PSPO, but including dogs on leads for cycle ways
<p>Advantages: Supportive of a minority view of consultees</p>
<p>Disadvantages:</p> <ul style="list-style-type: none"> • Unpopularity with local communities of applying dogs on leads to cycle ways. • Reduced availability of off lead dog exercise areas, particularly in areas where there are few alternatives. • Need for more enforcement than option 1.
Risks:

<p>The decision concerning dogs on leads would not reflect the views of all consultees. It would be difficult to enforce.</p>
<p>Option 3: Do not adopt the PSPOs (Dog Control)</p>
<p>Advantages:</p> <ul style="list-style-type: none"> • Saving on staff time to implement new Dog Control Orders, and advertising for signage costs.
<p>Disadvantages:</p> <ul style="list-style-type: none"> • Confusion from discontinuation of existing enforcement. • Going against majority of consultees • Return to a system of enforcement which is unclear and inconsistent • Unnecessary expense and complications in having to prosecute for offences instead of applying fixed penalty notices available under options 1 and 2 leading to delays and lower efficiency and cost-effectiveness • The extent of land within the district on which regulatory dog controls apply would remain limited.
<p>Risks:</p> <p>The decision not to introduce available dog-related regulatory measures for public protection would lead to criticism, particularly given the strength of public feeling about aspects of irresponsible dog ownership.</p>

5.0. Officer Preferred Option (and comments)

5.1 The officer preferred option is Option 1 to adopt the PSPOs (Dog Control) as consulted on. This option addresses needs for public protection, supports further enforcement and most closely reflects the majority of public comment arising from the consultation.

6.0 Conclusion.

6.1 Adoption of the original Dog Control Orders has led to more straightforward and effective dog control and enforcement in the district. There continues to be considerable public support for enforcement, and this was confirmed by comments received in the recent consultation, but balanced with a fair approach towards responsible dog owners.

Anti-Social Behaviour, Crime and Policing Act 2014

**MORECAMBE AND LANCASTER PUBLIC SPACES PROTECTION ORDER 2020
(THE FOULING OF LAND BY DOGS)**

Lancaster City Council ("the Council") has made the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"):

This Order applies to all land which is within the District of Lancaster (as outlined in the map attached at Appendix A), which is open to the air, including covered land which is open on at least one side, and to which the public are entitled or permitted to have access with or without payment. This Order does not apply to Forestry Commission land.

This Order may be cited as the Morecambe and Lancaster Public Spaces Protection Order (Fouling of Land by Dogs) 2020 and came into force on 20th October 2020 for a duration of 3 years.

In this Order an 'authorised officer of the Authority' means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this order.

The following prohibitions are imposed on the use of the Designated Area:-

If a dog defecates at any time on land to which this order applies and a person in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:

- (a) He has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Nothing in this order applies to a person who:

- (a) has a vision impairment, a certificate of vision impairment and is registered with their local Social Services as a person who is either severely sight impaired (blind) or sight impaired (partially sighted); or
- (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

For the Purpose of this Act

(i) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(ii) placing the faeces in a receptacle on the land, which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;

(iii) not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces

(iv) a 'prescribed registered charity' is a charity that is a registered charity that provides assistance dogs to persons with vision impairment, a hearing impairment or a disability or mobility impairment.

Penalty

Under Section 67 of the Act it is an offence to fail to comply with this Order. A person guilty of an offence under this section is liable upon summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).

A constable or an authorised person may issue a Fixed Penalty Notice (FPN) to anyone that they reasonably believe has committed an offence. The amount of the FPN is £100, which is to be paid within 14 days of being issued with the notice. This sum will be reduced to £65 if paid within 7 days.

Anti-Social Behaviour, Crime and Policing Act 2014

**MORECAMBE AND LANCASTER PUBLIC SPACES PROTECTION ORDER 2020
(DOGS EXCLUSION)**

Lancaster City Council ("the Council") has made the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"):

This Dog Exclusion Order applies to

Happy Mount Park splash pool in Morecambe, all enclosed children's play areas and all enclosed sports pitches within the Lancaster District (as outlined in the map attached).

Dogs are banned from Morecambe's North and South beaches between 1 May and 30 September each year. For details of the areas covered by the ban please see the following maps:

- **[Dog control North Beach \(PDF, 236KB\)](#)**
- **[Dog control South Beach \(PDF, 306KB\)](#)**

This Order may be cited as the Morecambe and Lancaster Public Spaces Protection Order (Dogs on Lead by Direction) 2020 and came into force on 20th October 2020 for a duration of 3 years.

Offence :-

A person in charge of a dog shall be guilty of an offence if at any time he takes the dog onto or permits the dog to enter or to remain on any land to which this order applies unless:

(a) He has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Nothing in this order applies to a person who:

(a) has a vision impairment, a certificate of vision impairment and is registered with their local Social Services as a person who is either severely sight impaired (blind) or is sight impaired (partially sighted) or

(b) is hearing impaired and requires the use of a hearing dog which has been specifically trained as a service dog for people with hearing impairment and upon which the person relies for assistance; or

(c) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

For the Purpose of this Act

(a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;

(b) a 'prescribed registered charity' is a charity that is a registered charity, that provides assistance dogs, to persons with vision impairment, a hearing impairment or a disability or mobility impairment.

Penalty

Under Section 67 of the Act it is an offence to fail to comply with this Order. A person guilty of an offence under this section is liable upon summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).

A constable or an authorised person may issue a Fixed Penalty Notice (FPN) to anyone that they reasonably believe has committed an offence. The amount of the FPN is £100, which is to be paid within 14 days of being issued with the notice. This sum will be reduced to £65 if paid within 7 days.

**MORECAMBE AND LANCASTER PUBLIC SPACES PROTECTION ORDER 2020
(DOGS ON LEADS BY DIRECTION)**

Lancaster City Council ("the Council") has made the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"):

This order applies to all land within the District of Lancaster (as outlined in the map attached at Appendix A), which is open to the air, including land which is open on at least one side and to which the public are entitled or permitted to have access with or without payment.

This Order may be cited as the Morecambe and Lancaster Public Spaces Protection Order (Dogs on Lead by Direction) 2020 and came into force on 20th October 2020 for a duration of 3 years.

In this Order an 'authorised officer of the Authority' means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this order.

Offence :-

A person in charge of a dog shall be guilty of an offence if at any time, on any land to which this order applies he does not comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead of not more than 2 metres in length, unless he has a reasonable excuse for failing to do so.

For the Purpose of this Act

(i) A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time, unless at that time some other person is in charge of the dog and.

(ii) an authorised officer of the Authority may only give a direction under this order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance, fear or disturbance to any other person or the worrying or disturbance of any animal or bird

Penalty

Under Section 67 of the Act it is an offence to fail to comply with this Order. A person guilty of an offence under this section is liable upon summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).

A constable or an authorised person may issue a Fixed Penalty Notice (FPN) to anyone that they reasonably believe has committed an offence. The amount of the FPN is £100, which is to be paid within 14 days of being issued with the notice. This sum will be reduced to £65 if paid within 7 days.

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Anti-Social Behaviour, Crime and Policing Act 2014

**MORECAMBE AND LANCASTER PUBLIC SPACES PROTECTION ORDER 2020
(DOGS ON LEADS)**

Lancaster City Council ("the Council") has made the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"), (Dogs On Leads):

This Order makes it an offence if a dog in your charge is not on a lead in designated areas, within the district of Lancaster as outlined on the attached map (appendix A).

These designated areas are;

- **All public highways excluding unclassified minor rural roads;**
- **Morecambe Promenade;**
- **All car parks and public vehicle parking areas maintained by Lancaster City Council;**
- **The pedestrianised areas within Lancaster city centre and Morecambe town centre;**
- **All cemeteries, graveyards, burial grounds and the grounds of Lancaster and Morecambe Crematorium;**
- **Dallas Road Gardens, Lancaster; Hall Park, Morecambe; Happy Mount Park, Morecambe; and Regent Park, Morecambe.**

This Order may be cited as the Morecambe and Lancaster Public Spaces Protection Order (Dogs on leads) 2020 and came into force on 20th October 2020 for a duration of 3 years.

In this Order an 'authorised officer of the Authority' means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this order.

Offence :-

A person in charge of a dog shall be guilty of an offence if at any time, on any land to which this order applies he does not keep the dog on a lead, unless:

- (a) He has a reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

For the Purpose of this Act

A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time, unless at that time some other person is in charge of the dog.

Penalty

Under Section 67 of the Act it is an offence to fail to comply with this Order. A person guilty of an offence under this section is liable upon summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000).

A constable or an authorised person may issue a Fixed Penalty Notice (FPN) to anyone that they reasonably believe has committed an offence. The amount of the FPN is £100, which is to be paid within 14 days of being issued with the notice. This sum will be reduced to £65 if paid within 7 days.

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet		Date	27.10. 2020	
Title	Green Waste Subscription Fees				
Report of	Head of Public Realm				
Purpose of the Report					
To seek agreement to the proposed future fees and charges for green waste prior to the launch of the 2021 subscription scheme.					
Key Decision (Y)	Y	Date of Notice	28.9.20	Exempt (Y/N)	N

Report Summary

To take an early decision, outside of fee and charges timeline, to agree future fees for green waste subscription. Decision needs to be taken early as the subscription service runs in line with the calendar year and will commence prior to budget council in February 2021.

Recommendations of the Head of Public Realm

That Cabinet authorises the officer's recommendation to freeze green waste subscription charges at £40.00 for a period of two years. This will be for the 2021/22 and 2022/23 financial years.

Relationship to Policy Framework

The council has a target to become carbon neutral by 2030

This function is in line with council priorities around being a sustainable district and healthy and happy communities.

Conclusion of Impact Assessment(s), where applicable

Climate	Wellbeing & Social Value
Digital	Health & Safety
Equality	Community Safety

Details of Consultation

N/A

Legal Implications

None directly arising from this report

Financial Implications

As detailed in the report, the 2020/21 budget for green waste subscriptions is £895,000 and currently this has been exceeded by in excess of £50,000. This follows a drop in previous two years retention levels. The increase is likely to be attributable to people spending more time in their garden this summer due to lockdown measures relating to the pandemic.

However, now that it is clear that the customer base has returned it would seem prudent to try and keep hold of it and freezing charges is one major part in protecting this. Inflation levels for income are usually set at between 2% and 3% which would see between £17,900 and £26,850 added to the budget. Should all subscriptions be retained then these amounts would be covered by increasing the base budget to existing income levels.

With regard to 2022/23, an inflation freeze is also sought. With auto subscribe via direct debit being introduced at the next subscription opportunity, this will be the first time the renewal will be taken automatically and should the amount increase at that point, it could be perceived negatively amongst the customer base and potentially jeopardise subscription levels in that and future years.

Other Resource or Risk Implications

Section 151 Officer's Comments

The s151 Officer supports the proposed freezing of green waste subscriptions for 2021/22 and 2022/23 financial years based on the rationale outlined within the report.

Monitoring Officer's Comments

The Monitoring Officer has been consulted and has no further comments

Contact Officer	Will Griffith (Head of Public Realm)
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Tel	01524 582841
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Email	wgriffith@lancaster.gov.uk
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Links to Background Papers

1.0 Introduction

The policy to charge for green waste collections was unanimously agreed by cabinet at the meeting dated 4th October 2016. This policy is still applicable.

- 1.1 The councils current income estimate for green waste subscriptions is included in the budget at £895,000 per annum. In the 2020/21 financial year the income target was overachieved by in excess of £50,000 with current income reporting £947,160 at the end of September. A single green waste subscription is set at £40.00 per bin.
- 1.2 To assist with the on going management of subscriptions, implementation of a new green waste system is underway.

- 1.3 The new system will allow residents to auto subscribe via direct debit and will offer an opt out option
- 1.4 This will not only assist with efficiencies in management and administration, but will also place the service in a stronger position to retain subscription numbers.
- 1.5 The new subscription service starts in January 2021. As the subscription service follows the calendar year and not the financial year, it is requested the fees and charges associated with the scheme are agreed at this point.

2.0 Proposal

- 2.1 To further protect the retention of subscription numbers and income management it is proposed that the current £40.00 subscription charge is frozen for the next two financial years (2021/22 and 2022/23).
- 2.2 Across Lancashire where there are charges they currently vary between £25.00 and £35.00

3.0 Options and Options Analysis

- 3.1 Option 1- freeze the charge at £40.00 for the next 2 subscription years
- 3.2 Option 2 – recommend a different level of charge (eg increase by inflation)

4.0 Options and Options Analysis (including risk assessment)

Option 1: Freeze the charge at £40.00 for the next 2 subscription years
<p>Advantages: Maintains the existing level of charge for users of the service. Provides a comparable basis for income forecasts in 2021/22. Offers a residents a service that equates to £1.81 per collection</p>
<p>Disadvantages: Income forecasts are of course based on estimates. If subscription numbers lower this will have a negative impact on the budget.</p>
<p>Risks: Service users choose not to subscribe to the service</p>
Option 2: Recommend a different level of charge (eg increase by inflation)
<p>Advantages: Inflationary increases of 3% would budget for an additional £26,800 in revenue</p>
<p>Disadvantages:</p>

No guarantee of achieving the additional figure if charges are increased
--

Risks:

Residents may choose not to subscribe due to increase which could lead to reduction in income

May lead to increases in fly tipping

4. Officer Preferred Option (and comments)

- 4.1 The officer preferred option is Option1 on the basis that the current over achievement in income of £46,500 would cover any inflation rises and will assist in protecting subscriber numbers and income levels.

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	Date	27 October 2020		
Title	Lancaster Business Improvement District (BID) Renewal - Draft Proposal				
Report of	Director for Economic Growth and Regeneration				
Purpose of Report					
To provide context and information for the endorsement of proposals for a Lancaster Business Improvement District (BID) Renewal Ballot (closing on 11 th February 2021) as required by statutory provisions. The report updates Members on the pre- and post- ballot issues and resource implications in relation to the city council's role in the BID renewal process.					
Key Decision (Y/N)	Y	Date of Notice	8 October 2020	Exempt (Y/N)	N

Report Summary

Members will be aware a 2nd term for Lancaster Business Improvement District (Lancaster BID) was voted in by local businesses at the end of November 2015 and has been running since 1st April 2016. The renewed period agreed was for 5 years up to 31st March 2021 and Members will be aware of the contribution that Lancaster BID has made to events and initiatives over the period.

Following successful implementation and progression over its current term Lancaster BID is seeking renewal of the arrangements. This requires a Renewal Ballot, conducted under the same statutory provisions (The Business Improvement Districts (England) Regulations 2004) as the original ballot and 2nd term renewal ballot. The Renewal Ballot for the 3rd term is scheduled to be held from 14th January 2021 with the final day for return of ballot papers set for 11th February.

The BID Regulations instruct the BID proposer to notify the billing authority (the City Council), of its Renewal Proposals. The billing authority must be content that Renewal Proposals meet the information content and policy tests detailed in the 2004 Regulations before it can give its formal authority and issue instructions for a ballot to proceed. Lancaster BID has reviewed its activities, delivery structure and scope, consulting with current and prospective levy payers in detail over the current term and undertaking particularly diligent work throughout the Covid restrictions. The result of this work is the draft Lancaster BID Renewal Proposal (**Appendix 1**). A final formatted version of this document will be issued to all eligible levy paying voters and can be regarded as Lancaster BID's "manifesto" against which businesses that will have to pay the levy consider their vote.

Ordinarily this approval process would have been conducted earlier in the year but due to the impact of Covid 19 and related BID constraints this has been necessarily delayed. However, endorsement of the draft Renewal Proposals via this report and delegation of required key decisions, will allow the city council to manage its

statutory obligations under the ballot process and ensure legal requirements for progression of the ballot are met in good time.

Recommendations of Councillor Tim Hamilton-Cox

- (1) **The draft Renewal Proposals for Lancaster Business Improvement District (BID) Renewal Ballot are agreed as being in compliance with the statutory requirements and are not in conflict with the council’s corporate policy framework.**
- (2) **Approval of Lancaster BID final Renewal Proposals and the issue of an instruction to proceed to ballot is delegated to the Chief Executive.**
- (3) **The current Operating Agreement and Baseline Agreement are revised to reflect any changes/amendments required between the parties and current council service provision respectively, with approval and post-ballot sign-off of the final documents delegated to the Chief Executive.**

Relationship to Policy Framework

In working towards implementation of Business Improvement Districts the council will be achieving and/or reviewing and improving upon a number of its corporate objectives/outcomes as defined in the Corporate Plan. The draft BID Renewal Proposals will actively support Sustainable Economic Growth, Clean Green & Safe Places and Community Leadership outcomes, success, measures and actions.

Conclusion of Impact Assessment(s) where applicable

Climate	Wellbeing & Social Value
Digital	Health & Safety
Equality	Community Safety

Health & Safety: The BID has sponsored events and has directly delivered events, and this is anticipated to continue in the future. All major public events planned are discussed through the local Events Safety Advisory Group (ESAG).

Equality: It is assumed from nationwide BID activity, and through its continuing application within the UK, that activities properly undertaken within the BID legislation are compatible with the Human Rights Act.

Community Safety: If renewed Lancaster BID will continue to support projects which will have a positive impact on community safety/business security matters.

Climate: None

Wellbeing and Social Value: The additionality of BID Proposals should be of benefit to the council’s corporate objectives, businesses and the community.

Digital: None

Details of Consultation

Lancaster BID has undertaken extensive consultation with prospective levy payers to develop its ongoing approach to its service delivery and this has been reflected in the draft proposals.

Legal Implications

The Business Improvement Districts (England) Regulations 2004 prescribe the minimum requirements which must be met in order for a BID Renewal process to progress in a compliant legal manner. Consideration and approval of a final BID Renewal Proposal is a city council duty and the route for the council to discharge its responsibilities is outlined in the report.

The council, as billing authority, has the power to veto a final BID Renewal proposal where it conflicts with any locally adopted policies and/or plans. As noted in the report, use of the veto will be unnecessary if the final BID Renewal proposal follows the form and content of the draft Renewal Proposal. However, the compliance check is based on draft proposals and Final Proposals will need to be approved as set out in the report.

Ballot management will be undertaken via Electoral Reform Services who will meet all the necessary prescribed statutory ballot regulations. Instructions will need to be issued by the council to initiate the ballot on approval of the final BID Renewal proposal. If the ballot is to be undertaken in January (with a closing date of February) as stated in the Draft Renewal Proposal key actions are as follows:

- Lancaster BID as the Renewal Proposer is required to notify, in writing, the Secretary of State and the relevant Billing Authority of their intention of asking the Billing Authority to put the BID Renewal Proposal to the ballot. This notice is required 12 weeks prior to the BID Proposer submitting final proposals to the billing authority for approval for balloting. This has been completed.
- On receipt and approval of a final Renewal Proposal the Chief Executive will instruct the ballot holder (Electoral Reform Services on behalf of the council) to hold a ballot – a standard letter has been drafted. Confirmation is scheduled for 12th November.
- ERS must publish notice of the ballot - no later than 42 days before the day of the ballot (the closing day). This has been set for 10th December.
- The “day of the ballot” (the statutory description of the last day for return of ballots) must be at least 28 days after the date ballot papers are sent to voters and no later than 90 days after publication of the notice of the ballot. This has been set for 11th February 2021.
- The ballot holder sends ballot papers to voters with a statement on the arrangements for ballot - no later than 42 days before the day of the ballot (the closing day). This has been set for 24th December.

Implementation of the levy proposal by Lancaster BID (as the BID proposer) is underpinned by formal legal agreement with the council as billing authority. This Operating Agreement (OA) sets out the various procedures for the collection, payment, monitoring and enforcement of the BID levy. The current OA between the council and Lancaster BID is regarded as having provided a sound basis for the operational relationship to date and will be updated to reflect the new term if the BID renewal term is voted in. A feature of the OA is the 'baseline' – a statement/measure of the existing services provided by the city council to the BID area. Production of a baseline and its formal incorporation within the OA (as a “Baseline Agreement”) is useful to assist potential levy payers identify added value of services proposed. For example, if the council is involved in delivering services solely for the improvement or benefit of the BID area (funded using the BID levy or other contributions to the BID body) it provides a benchmark to ensure true additionality for BID

resources. While it is regarded as best practice that these operational matters are agreed in principle prior to a ballot (mainly for clarity and as an additional 'selling point' over the BID election period) - the agreements are formally agreed and signed post-ballot.

Should there be a successful Renewal Ballot the levy will continue as a statutory debt subject to the usual principles of rate collection, reminder notices and enforcement action for non-payment. The first point of contact for businesses with billing questions will be the council, rather than the BID delivery body. Experience of over the first and second BID term in Lancaster shows that the levy itself is not a major cause of non-payment but enforcement action may still be required in certain cases. Revenues shared service experience of BID collection/enforcement matters will be valuable in this regard. The timetable for reminders and enforcement will follow that of the existing NNDR system.

Financial Implications

There are a number of costs in relation to BID renewal development that should have no bottom line impact on the Council:

1. The costs to Electoral Reform Services for undertaking the ballot are to be paid through the current Lancaster BID budget.
2. Administrative costs of identifying hereditaments within the extended BID boundary and producing a listing of all those rateable properties within the relevant boundaries is able to be absorbed within current budgets.
3. Updating the NNDR system to support the collection of additional BID levies: although the BID area has been extended there will only be around 366 billable hereditaments compared to previous 353. The current software model is therefore able to accommodate this at no additional cost.
4. BID legislation allows for the council's administrative costs to be recovered through the BID levy and the councils charging has been made clear to Lancaster BID and will be kept under review. Officers have ensured its administrative charges are appropriate. Charges are also clear to those who are eligible to vote and are included within the renewal proposal. This is currently budgeted for in the region of just over £11K per annum.
5. Potential costs of supporting the BID body operation post ballot - the Lancaster BID has not required or generated any discrete council management input into the post ballot 'operational' side.

The main bottom line impact of a successful renewal will be the cost to the council for the levy on its own properties for which it holds NNDR liabilities within the increased BID area. At a 1.5% levy the council is estimated to incur a charge of around £15K. The existing charge is included in the council's revenue budget and will need to be carried forward from 2021/22 financial year onwards as part of the annual budget process.

There is no guarantee that a BID Renewal Ballot will be successful. If there is a 'no' vote any remaining funds from the first BID term will be returned to the council who will distribute it back to levy payers under procedure detailed in the 2004 BID regulations.

Other Resource or Risk Implications

Human Resources:

Internal council human resources will be used to support Lancaster BID as outlined in the report. The main operational issues will primarily involve NNDR officers in managing the levy billing arrangements if the BID Renewal proposals are successful. Legal Services officers will be involved in reviewing and dealing with formal agreements between the council as billing authority and the new BID body. Officers from Economic Growth and Regeneration Service will continue to provide the contact point for the council's input into the Lancaster BID project programme if it is renewed through ballot.

Information Services:

Following a successful ballot some updates to the billing software used by the council to generate and administer the BID levy bills will be required. The implications are outlined in the report.

Property:

The city council will continue to be liable for the BID levy on rateable property which it occupies/holds should a renewal ballot be successful. The continuing improvement to the environment of the area through a successful BID ballot could benefit the businesses within the city centre and may also improve the take up of the council's empty commercial property, reducing its general business rate liabilities in the long run.

Lancaster BID currently leases accommodation within the council owned offices at CityLab, Dalton Square, if the BID renewal ballot was successful then it is hoped that BID will continue to occupy this space under a new lease.

Section 151 Officer's Comments

The 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

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Links to Background Papers

Lancaster Business Improvement District report July 2010 (minute ref: 40)

<https://committeeadmin.lancaster.gov.uk/ieListDocuments.aspx?CId=297&MID=5901>

1.0 Introduction

- 1.1 A summary of the legal basis, characteristics and potential of BIDs was initially considered by Cabinet at its July 2012 meeting (minute ref: 40). BIDs were introduced to the UK in 2002 as a funding generating mechanism to support improvements in defined commercial areas. BIDs are based on the principle of charging an additional levy (typically 1% to 2% of rateable value) on business ratepayers in a defined area following a positive majority vote by those ratepayers – being defined as a simple “yes” majority of both the voting

balance of Rateable Value and the voting hereditaments. BIDs are time-limited, running for up to 5 years before requiring a renewal vote. Local partnerships are developed to undertake work on:

- Deciding the BID area and what improvements they want to make;
- How the implementing partnership will manage it and what it will cost;
- How long it will last

1.2 BID Regulations leave most of the structural arrangements to local discretion. This includes the pre- and post- Renewal Ballot details of who proposes / manages a BID and which projects / proposals are brought forward to meet local needs and aspirations. Experience over the first and second BID terms is that it is essential to clarify the 'additionality'. That is, a positive voting outcome will be hard to achieve if a proposal is perceived to replace what is already being delivered or is revealed to be covering for statutory service shortfalls. Best practice also advises that any BID proposal, and the levy resource ownership and implementation, remains independent of the statutory service providers. However, the council in acting as local billing authority retains and discharges certain critical administrative functions and financial responsibilities.

1.3 Before it issues instructions for a Renewal Ballot the billing authority must content itself that:

- The Renewal Proposal covers the issues laid down in BID Regulation 4 and its associated Schedule 1 - the required information compliance
- The Renewal Proposal does not conflict with the billing authority's formal policy framework.

1.4 If the proposals are judged to conflict, the billing authority must notify the BID proposer in writing, explaining the nature of the conflict. This would then raise the potential for drawn out action under the statutory veto and appeal procedure which would create problems for the ballot timetable. It is therefore appropriate to review draft proposals to agree their broad compliance and for the council to highlight any issues which need to be addressed prior to submission and endorsement of a final version.

2.0 Lancaster BID Renewal Proposal

2.1 The draft Renewal Proposal (**Appendix 1**) builds on the work undertaken over the current 5 year term. The content follows best practice guidelines from British BIDs, the industry body which reviews and reports on national BID activities. It covers the following key areas:

- Reference to achievements against the original BID Business Plan with evidence of delivery and performance against the planned services.
- An analysis of the impact on the BID area and for those businesses

within it.

- A clear outline of any differences between existing and proposed services and/or the previous BID area together with reasons as to why such changes have been made.

2.2 Notable features and distinctions from the previous term’s proposals are as follows:

- The renewal term proposed is 5 years, the maximum allowed under statute and will run from 1st April 2021 to 31st March 2026.
- Total levy revenue generated is £1.15M reflective of a general reduction in RVs assessed at last valuation. .
- The BID area is extended - the majority of the Town Centre east of the inner ring road up to the canal bank, and the Castle and Priory environs to the west and Lancaster rail station are included.
- Lancaster BID will continue to operate as a company limited by guarantee and accountable body for BID levy funds.
- The ballot period is scheduled for between 31st December 2020 and close at 5pm on 11th February 2021.

The BID levy (1.5%), how it is calculated, collected and who is eligible to pay remain the same as the previous term.

2.3 The consultation process undertaken to date by Lancaster BID to evidence and secure the support from local businesses for the planned expenditure has been extensive. It has included detailed independent review and evaluation of past performance, questionnaire surveys, general meetings and events aimed at different sectors and different geographical sub-areas of the city.

2.4 **Appendix 2** highlights the officer view of the draft Renewal Proposal’s compliance with BID Regulations 4 and Schedule 1 and details some potential further information requirements or clarifications which may be required in the full proposal. It also highlights the policy fit – defined as the city council’s published corporate policy framework. In summary, officers consider that the draft document meets the statutory information requirements and does not conflict with the council’s policy framework.

3.0 Options and Options Analysis (including risk assessment)

Option 1: Do nothing (Put off decision until the production of Final Renewal Proposals)
Advantages: No advantages.
Disadvantages: Creates uncertainty for Lancaster BID.

Creates difficulties for Lancaster BID in developing its pre-ballot canvassing strategy and marketing/publishing activities around the BID Renewal Proposals.

Risks: Due to the impact of Covid-19 this is Cabinet is the last date proposals can formally be endorsed for February ballot to be comfortably enacted under statutory notifications. If there are issues with Renewal Proposal compliance at this stage a ballot could be delayed with knock on implications for Lancaster BID in terms of canvassing and for the council in terms of dealing with operational matters in the new year arising from a late 'Yes' ballot

Option 2: Endorse the draft BID Renewal Proposals with endorsement of final BID Renewal Proposals delegated to the Chief Executive.

Advantages:

Timely notice that the proposals are technically sound and the final document is likely to be compatible with BID Regulations and council policy.
Allows for minor and/or non-material technical amendments via officer scrutiny of final Renewal Proposals document.
Allows Lancaster BID to continue to develop its pre-election canvassing strategy and marketing/publishing activities around the BID Renewal Proposals with confidence.

Disadvantages:

No disadvantages identified.

Risks:

No guarantee that BID Renewal Ballot will be successful.

Option 3: Request material amendments to the draft Renewal Proposal for consideration/ endorsement at a future Cabinet meeting.

Advantages:

This would only be if it was considered (based on the draft), a Final Renewal Proposal would be vetoed because matters contained conflict with council policy and extensive material changes are required.
Allows for revised proposals to come forward which are compatible with council policy and regulatory requirements

Disadvantages:

Reputational implications for council if proposals are not endorsed without good reason. Potential delays Lancaster BID's commitment to pre-ballot canvassing strategy and marketing/publishing activities around the BID Renewal Proposals.

Risks:

If there are issues with compatibility with the council's policy framework the onus would be on Lancaster BID to address any issues and prepare a technically/policy compatible Final Renewal Proposal. Risks are as Option 1 in that this Cabinet is, realistically, the last date proposals can formally be endorsed by Cabinet for a ballot to be enacted under the current statutory notification timetable.

4.0 Officer Preferred Option (and comments)

- 4.1 On submission of a Final Renewal Proposal the local authority is obliged to endorse the BID proposal and approve it to go forward to a ballot if it meets the defined regulatory and policy tests. The draft proposals provide a good indication of whether it is likely the council needs to use its veto powers.
- 4.2 The draft proposals do not conflict with any published council policies and a successful BID will continue to actively support the council's corporate objectives particularly in the areas of Economic Growth, Clean Green & Safe Places and Community Leadership. The work of Lancaster BID in canvassing opinion and consultation appear to show a good level of support for the way the BID proposals have been shaped.
- 4.3 The amount of prior discussion between the BID proposer and the local authority before submitting the BID draft proposals to the authority has been sufficient and it is expected consultation will continue up to the submission of final proposals. The costs incurred and due in developing BID proposals, canvassing and balloting have been allowed for within the BID's current budget.
- 4.4 There are no advantages in holding over on endorsement pending Final Proposals (Option 1) and officers consider there are no material alterations required (Option 3). **The preferred Option is therefore Option 2, to endorse the draft Renewal Proposals.** It follows that an appropriate level of delegated authority is required to ensure the outstanding matters are addressed and so that final proposals can be approved to move forward to ballot. As these issues are mainly technical and operational it is recommended this be undertaken through delegated decision by the Chief Executive.
- 4.5 Members should note the city council will continue to be liable for the levy on rateable property it occupies/holds should a ballot be successful (refer to Financial Implications). As a potential levy payer the council is eligible to vote in a ballot. There are no statutory rules on how individual local authorities treat this. Cabinet has previously escalated the voting decision to Full Council (who have previously considered a report prior to the voting period), and officers have anticipated the continuation of this arrangement

PLEASE NOTE THE BID APPENDICES HAVE BEEN PUBLISHED IN A SEPARATE PDF.

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	Date	27 October 2020
Title	Capital Investment Strategy		
Report of	Chief Executive		
Purpose of Report			
<p>This report proposes a Capital Investment Strategy for 2020-21 to 2024/25, to cover all capital investments made by the Council.</p> <p>The Strategy reflects the aspirations of Council's Funding the Future, and the Medium-Term Financial Strategies.</p>			
Key Decision (Y/N)		Date of Notice	
		Exempt (Y/N)	

Report Summary

The proposed Capital Investment Strategy is designed to cover all the Council's capital investments from 2020-21 to 2024-25, including projects and schemes that support:

- Economic Regeneration
- Delivery of a Social Return, for example Housing
- Income Generation including Property Investment
- Carbon Zero + Initiatives that address the Climate Emergency
- Operational Service Delivery

Whilst the Council delivers significant value in our district through its ongoing operations, capital investment provides opportunity to deliver further long-term, sustainable outcomes in each of these areas.

Economic Regeneration

These are investments for the benefit, improvement, or development of the area delivering key outcomes such as, development and regeneration in our town centres, successful creation of new jobs or retention of jobs with fair and decent working conditions and business rate growth.

Delivery of a Social Return

This classification is broad to enable support for a wider range of investments, but it may include areas such as housing, and the acquisitions of existing residential properties, to provide good quality housing in the private sector rental sector. Other examples may also include maintaining the Council's objective of being an effective and responsible landlord ensuring that good quality housing options remain for the District's residents, or retrofitting properties acquired to an agreed defined standard both in terms of quality and thermal efficiency.

Income Generation including Property Investment

Research suggests that property investment forms an increasingly important part of District Councils' resources and these returns form a substantial proportion of overall resourcing for districts.

Carbon Zero + Initiatives that address the Climate Emergency

Capital investment to support a range of schemes which examine areas such as, how we use and create energy, such as installation of solar panels, or investment in larger scale solar

energy facilities. How we work, by supporting agile working to reduce our carbon footprint, or the increased electrification of our vehicle fleet, and how we reduce waste both within the Council and across the wider District.

Operational Investments

These are capital investments that sustain the day to day operational delivery of the Council’s services, which underpin a broad range of Council priorities, such as, upgrades or replacement of key information and communication systems. Also, Invest to Save proposals which provide short-term funding to services to help services become more efficient and effective.

The Strategy proposes outcome targets against each of the workstreams listed above, underpinned by the processes, skills and capacity, and monitoring through which desired outcomes can be delivered.

Recommendations of Councillor Anne Whitehead

That Cabinet

- Endorses the Capital Investment Strategy and the associated appendices included at Appendix A and recommends the strategy for adoption by Full Council into the Budget & Policy Framework

Relationship to Policy Framework

The proposed Capital Investment Strategy supports the Medium-Term Financial Strategy (MTFS).

Conclusion of Impact Assessment(s) where applicable

Climate	Wellbeing & Social Value
Digital	Health & Safety
Equality	Community Safety

Details of Consultation

The Council’s Constitution (Part 3 Section 5 – Budget & Policy Framework) requires that when a new or existing strategy is being considered, the Overview and Scrutiny Committee or Budget and Performance Panel have an opportunity to comment. If it considers it appropriate, Cabinet may then amend its proposals before submitting them to Council for consideration.

Legal Implications

The Council has the legal power to acquire, use and dispose of land principally under the Local Government Act 1972 and other Acts which give the Council powers to acquire land for a particular purpose. In accordance with section 120(1), Local Government Act 1972, the Council has the power to acquire any land where it is for the purposes of (a) any of its statutory functions or (b) for the benefit, improvement or development of its area.

If the Council decides to dispose of land, there is a legal requirement to obtain best value (with very limited exceptions)

Depending on the nature of the particular type of property concerned, there may be other statutory requirements or procedures to be undertaken before any acquisition, appropriation or disposal of land.

Financial Implications	
There are no financial implications arising directly from this report. However, the proposed levels and areas of capital investments will require borrowing and other associated costs. Financial due diligence and assessment will ensure that all the appropriate costs are considered for each proposal.	
Other Resource or Risk Implications	
None directly from this report	
Section 151 Officer's Comments	
The s151 Officer has contributed to the writing of this report	
Monitoring Officer's Comments	
Capital and Investment Strategies form part of the Budget Framework and their adoption is a function of Full Council	
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Links to Background Papers	

Lancaster City Council

Capital Investment Strategy 2020/21 – 2024/25

1. INTRODUCTION

- 1.1 This strategy has been developed to cover all capital investments made by the Council particularly around regeneration, those which deliver a social return such as housing, generate an income or seek to address the climate emergency as well as operational service delivery. It covers the period 2020/21 to 2024/25 and reflects both the aspirations of Funding the Future and the Medium-Term Financial Strategy (MTFS).
- 1.2 The strategy is an important building block in terms of ensuring that the Council delivers the key projects which underpin its corporate priorities alongside achieving medium term financial sustainability. In reality, years of austerity and the recent pandemic have resulted in significant funding pressures and the Council's Funding the Future Strategy recognises that the Council must seek new income streams alongside greater efficiencies if it is to focus resources on delivering its corporate priorities. This strategy lessens the need to seek a balance budget through budget and subsequent service reductions.

2. THE CAPITAL INVESTMENT STRATEGY

Aim of the Strategy: Focus on Outcomes

- 2.1 The Capital Investment Strategy aims to provide a robust and viable framework for the deployment of capital resources in order to return positive financial returns to the Council whilst also delivering significant economic, environmental and social outcomes to improve quality of life for Lancaster district communities.

The Strategy targets the following successful outcomes:

- The development of regeneration projects including Canal Quarter and Heysham Gateway to balance financial return from development of Council owned land with providing sustainable economic development opportunities.
- The development of housing schemes which contribute to the Council's Housing Strategy and which increase the housing supply and meet local need balanced with realising opportunities to make a financial return from capital investment as well as improving environmental standards in housing.
- Acquisition of property investments which deliver a financial return to the Council both in terms of support to the revenue budget as well as capital appreciation.
- The development of green technology that contributes to the Council's Carbon Zero Strategy and makes significant contribution to the Council's 2030 zero carbon target.
- To maximise opportunities to rationalise the Council's own property portfolio in order to balance a financial return with improving the environmental efficiency of the properties.

- Taking all of the above together, to develop a Capital Programme from 2020/21 to 2024/25 that sets out an agreed annual contribution to the revenue budget and a significant impact on the Council's revenue structural budget gap.

How the Strategy will be delivered: Focus on Processes

2.2 The outcomes above will be achieved via a focus on a series of processes and procedures which ensures that projects are identified, planned and delivered having regard to best practice in terms of financial, risk, project and performance management. Specifically:

- The development of a financial plan which includes five investment streams covering the outcome areas set out in 2.1. The levels of capital investment and net income contributions will be agreed at budget setting time.
- All capital investments will be supported by business cases which set out links to corporate priorities, measurable targeted outcomes, are fully costed with details of financial returns and appropriate risk strategies. (section 4). All business cases will be subject to the scrutiny via the governance processes set out in section 9.
- Each capital scheme business case will include an outcomes schedule which will show how the project will achieve the Council's targeted priority outcomes in respect of environmental, economic and social value as well as financial yield. (section 5).
- Appropriate risk assessment and management will be incorporated into decision making with specific recognition that commercial property acquisitions have risk elements that will require thorough due diligence (section 6).
- All capital investments and associated financing will, individually and in aggregate, comply with the provision of the Prudential Code and MHCLG Investment Guidance (section 7).
- In recognition of the specialist and complex nature of capital investment, the Council will ensure that appropriate professional advice is sought as necessary and that Councillors and Officers involved in the process are provided with appropriate training. (section 8)
- Decision making processes are set out in section 9 to ensure that all capital investments are appropriately considered and authorised and are subject to scrutiny. The Governance framework sets out the roles of the Capital Strategy Group, Cabinet, Overview and Scrutiny and Council.

- A performance management framework underpins this strategy. Specifically, regular monitoring will be required for individual schemes both in respect of their financial returns as well as delivery of outcomes. Particular focus on property acquisitions both in term of yield and asset values will be undertaken alongside prudential indicators. The monitoring of the whole strategy will be essential to ensure that it is on course to deliver the incomes which contribute to balanced medium term revenue budgets. (section 10).

3. THE FINANCIAL PLAN

Investment Streams

Stream One – Economic Regeneration Opportunities

Schemes developed to provide regeneration benefits that meet the Council's inclusive and prosperous local economy priority, but which also deliver a financial return from long-term rental income, business rates and council tax growth. These schemes would seek to deliver a target net yield of **2.0%** taking account of MRP, interest, landlord and other associated costs. This stream to include rationalisation of the Council's own accommodation requirement.

The Council might enter into joint arrangements to deliver such schemes in order to share both risks and rewards and to ensure that projects can be delivered and to benefit from relevant expertise from chosen partners.

Proposals for this stream will be considered for admission into the Capital Programme Development Pool as part of the annual budget process, The projects will transfer to the full capital programme on approval by Capital Strategy Group of a full business case.

Stream Two – Delivery of a Social Return, for example Housing

Schemes developed to deliver additional housing in the district which support the Council's housing strategy. Such schemes might include the development of new housing as well as purchase of existing housing with a view to making positive financial returns as well as capital gains. These schemes would seek to deliver a target net yield of **2.5%** taking account of MRP, interest, landlord and other associated costs

The Council might enter into joint arrangements to deliver housing schemes in order to share both risks and rewards and to ensure that projects can be delivered and to benefit from relevant expertise and capacity from chosen partners.

In addition to housing other examples of schemes which can provide social value include

- Investment loans to third parties
- Investing in Social Capital
- Redeveloping Council owned assets
- Using public land and buildings to achieve long-term socio-economic development within the Lancaster District
Provision of additional, or enhanced housing within the Housing Revenue Account (HRA)

Whilst these schemes should seek to maximise financial returns, no targeted net yield will be set in the capital investment strategy. Financial returns will be considered alongside a balanced scorecard which captures quantifiable measures in respect of economic, environmental, and social returns. Where there is a negative return and costs, including capital charges and interest exceed income, this will be acknowledged as a growth pressure on the revenue budget.

Stream Three – Income Generation including Property Investments

There are six recognised types of property investment retail, industrial, hotel, office, food & beverage and other. Investment in these areas let on secure long leases to good covenants to secure a long-term income as well as capital appreciation. The Council should seek to achieve a net yield of **2.5%** taking account of MRP, interest, landlord and other associated costs.

Property investment opportunities will be considered on a regular basis by the Capital Investments Appraisal Group (CIAG) which will keep a register of opportunities. This group which is supported by expert external advice will bring forward initial proposals to the Capital Strategy Group.

The initial proposals will include:

- A financial appraisal setting out financial yields (including realistic and pessimistic scenarios)
 - Risk matrix covering portfolio balance, location, tenant covenant, building quality, lease terms, tenants' repairing obligations, rent review mechanisms, occupational demand, management intensity, liquidity, tenure, environmental impact and asset management
- Outcomes matrix using balanced scorecard approach

The above matrices are included as appendices 1, 2 & 3 to this report

The CSG will consider initial proposals and determine whether its advice would be to proceed to the second stage of due diligence with a view to submitting a full proposal to Cabinet.

A quarterly report of the performance of all properties in terms of yield, income and expenditure and capital value will be included in the quarterly performance monitoring process (Delivering our Ambitions) and presented to Cabinet and Budget & Performance Panel (B&PP).

Stream Four – Carbon Zero initiatives and schemes to address the Climate Emergency

Schemes developed to deliver demonstrable reduction to carbon emissions as set out in the CZ+ Strategy as well as other priority outcomes. Schemes may include, but are not limited to:

- Installation of solar panels,
- Investment in larger scale solar energy facilities'
- Supporting agile working to reduce our carbon footprint,
- The increased electrification of our vehicle fleet

Whilst these schemes should seek to maximise financial returns, no targeted net yield will be set in the capital investment strategy. Financial returns will be considered alongside a balanced scorecard which captures quantifiable measures in respect of economic, environmental and social returns. Where there is a negative return and costs, including capital charges and interest exceed income, this will be acknowledged as a growth pressure on the revenue budget.

Stream Five – Operational Service Delivery

Schemes and projects that sustain the day to day operational delivery of the Council's services and so underpin a broad range of Council priorities. Such schemes may include upgrades or replacement of key information and communication systems. Also, Invest to Save proposals which provide short-term funding to services to help services become more efficient and effective. It likely that these schemes would be at a cost to the Council but should still be subject to a degree of scrutiny.

4. BUSINESS CASES

All capital scheme proposals will be required to comply with the Council's business case and project management protocols which requires all potential schemes to consider:

- strategic fit - how the project aligns with corporate priorities and what it is trying to achieve.
- financial – what are the financial circumstances for the project, e.g. is funding readily available and is it affordable? Reference should be made to the targets set out in the financial plan in section 3
- legislation and compliance – is the project needed to meet statutory/legislative requirements.
- risk – how the project will manage any risks identified

All capital schemes are subject to a process as part of the capital programme process which requires business cases to be compiled and assessed. Briefly, the process is in the four stages:

Stage 1 - Scoping the Scheme and Preparing the Strategic Outline Case (SOC)

The purpose of this stage is to confirm the strategic context and provide a robust case for change. This stage will consider the strategic, economic, procurement, financial and management cases and include a financial analysis taking account of the targets set out in the financial plan (section 3). Approval of the SOC will admit the project into the Capital Programme Development Pool and may release feasibility funding from reserves.

Stage 2 – Full business case (FBC)

The purpose of this this stage is to propose a viable project having taken account of any feasibility. The FBC will recommend the most economically advantageous offer, documenting the contractual arrangements, confirm funding and affordability and set out the detailed management arrangements and plans for successful delivery and post evaluation. The FBC will require approval by CSG prior to the scheme proceeding.

Stage 3 – Implementation

The business case should be used during the implementation stage as a reference point for monitoring implementation and for logging any material changes that the Council is required to make. The project will follow performance reporting protocols which will ensure that project progress, impact on outcomes and financial performance is measured throughout the project and following its completion.

Stage 4 - Evaluation

The business case and its supporting documentation should be used as the starting point for post implementation evaluation, both in terms of how well the project was delivered (project evaluation review) and whether it has delivered its projected benefits as planned (post implementation review) to the Council, in meeting strategic aims. More information on business case compilation is available on the Programme and Project management microsite on the intranet.

An example business case proforma is included at Appendix 4 – Business Case Proforma

There are separate arrangements for the consideration of stream three investment proposals which require an assessment of financial yield, completion of a risk matrix and outcomes matrix. These are set out in more detail in section 6 and in appendices 1, 2 & 3 to this report.

5. OUTCOMES BASED MEASURES AND TARGETS

An important element of the assessment of strategic fit in the business case process is the delivery of outcomes that meet corporate priorities. The Council takes a balanced scorecard approach to identification and measuring of outcomes which seeks to capture benefits in terms of economic, social, environmental and financial measures that have been identified in the Council's corporate plan.

Each capital scheme business case will be required to set out targeted benefits which reflect those measures set out in the corporate plan.

6. RISK MANAGEMENT

Effective risk management will allow the council to adapt rapidly to change and develop innovative responses to challenges and opportunities. The risk management cycle for capital projects incorporates risk identification, risk analysis, risk control and action planning and risk monitoring and review.

All significant capital projects will comply with the Councils project management process which follows good practice in the management of risk.

A full assessment of risk will be carried out individually for each property acquisition proposal (Stream 3) before entering into any commitment and will include assessing the risk of loss. The risk assessment is an important part of the proposal process with separate consideration of each of the following factors:

- Portfolio Balance
- Location
- Tenant Covenant
- Building Quality
- Lease Term
- Tenants' Repairing Obligations
- Rent Review Mechanisms
- Occupational Demand
- Management Intensity
- Liquidity
- Tenure
- Environmental Impact
- Asset Management

The assessment and scoring of each of these risk factors will be set out in the investment proposal report and where necessary relevant external advice will be sought. A further due diligence review will be undertaken in respect of all of these risk factors for stream three investment proposals which are taken forward. The full risk matrix is set out in Appendix 3.

Whilst this strategy is not solely focused on commercial yields it must be recognised that the Lancaster City Council boundaries are relatively small and so the opportunities for certain types of investments may not be readily available. It is recommended that where possible the Council focusses its efforts on investments inside the Council boundary but where this is not possible that the investment boundary be extended to include Lancashire, Barrow and South Lakeland.

The portfolio as a whole will be risk managed through regular (quarterly) reviews of performance and annual valuations. Each asset is reviewed on an annual basis in order to review its performance, investment requirements and whether it should remain in the portfolio.

7. THE PRUDENTIAL FRAMEWORK AND INVESTMENT GUIDANCE

This strategy seeks to promote capital investments that are clearly aligned with the Council's priorities particularly around projects that provide long term support for local businesses through regeneration and those that are able to deliver a social return such as housing or to help address the climate emergency.

The Local Government Act 2003 (the Act) and supporting regulations requires the Council to 'have regard to' the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code, the CIPFA Treasury Management Code of Practice (the Code) and Investment Guidance (the Guidance) issued by The Ministry of Housing Communities and Local Government (MHCLG) to ensure that the Council's capital investment plans are affordable, prudent and sustainable.

In February 2018 the Secretary of State issued new guidance on Local Government Investments (the Guidance), which widened the definition of an investment to include all the financial assets of a local authority as well as other non-financial assets held primarily or partially to generate a profit. This wider definition includes investment property portfolios as well as loans made to wholly owned companies or associates, joint ventures or third parties. The Guidance applies for financial years commencing on or after 1 April 2018.

All capital schemes will follow the provisions of the Prudential Code, and where applicable other capital schemes such as those within Stream One, will follow the MHCLG Investment Guidance. As a minimum the following will be kept under review:

- Transparency and democratic accountability – this investment strategy will be approved by Council each year at budget setting time and any material changes will be presented to Council prior to implementation
- Contribution
- Proportionality
- Prudential Indicators
- Security
- Liquidity
- Borrowing in Advance of Need
- Capacity and Skills

A half yearly report on compliance with the prudential framework and investment guidance will be submitted for consideration by Cabinet, Budget & Performance Panel and Council.

8. CAPACITY, SKILLS AND USE OF EXTERNAL ADVISORS

The Guidance requires that elected members and officers involved in the investment decision making process have appropriate capacity, skills and information to enable them to take informed decisions as to whether to enter into a specific investment. In addition, it places a duty on the Council to ensure that advisors negotiating deals on behalf of the Council are aware of the core principles of the prudential framework and the regulatory regime in which the Council operates. This will be achieved by ensuring an adequate and effective training programme, obtaining appropriate advice to inform the decision making process and by ensuring that procurement arrangements provide relevant information to potential advisers of the specific principles, regulations and governance relevant to the local authority sector.

The Council will appoint specialist advisors to provide training to ensure that relevant Officers and Members have the required skills to make informed decisions and assess the associated risks. This training will take place before any investment decisions associated with the Strategy are considered and on a regular basis to ensure that Officers are engaged in continual professional development in relation to property investment activity and that Members, as decision makers, have the skills, knowledge and relevant information to effectively assist the decision making process. This will include training for new Members of the Council.

The Council recognises that investing in land and properties to achieve business objectives and to generate returns is a specialist and potentially complex area. The Council employs professionally qualified and experienced staff in senior positions with responsibility for making capital expenditure, borrowing and investment decisions. Where skills, or capacity are lacking, the Council will engage the services of professional property, legal and financial advisors, where appropriate, to access specialist skills and resources to inform the decision-making process associated with this Strategy. The Council measures the impact of investment decisions on borrowing and affordability through Investment Indicators to ensure that the overall risk exposure remains within acceptable levels.

9. GOVERNANCE ARRANGEMENTS

This section sets the parameters within which Capital Investment activity will take place. These parameters are designed to ensure that investments are ethical, that all risks are assessed and managed and that effective due diligence takes place in establishing the business case and that the whole process is subject to appropriate transparency and democratic accountability.

The governance framework includes the following elements:

Capital Investments Appraisal Group – an officer group with relevant expertise from economic development, property, legal and finance supported by external expertise which considers all potential capital investments in the first instance and brings forward proposals for consideration of the Capital Strategy Group.

Capital Strategy Group - constituted with representation from Cabinet, Executive, Capital Investments Appraisal Group (CIAG) and the Chairs of both Budget & Performance Panel (B&PP) and Overview & Scrutiny (O&S). CSG is a Member and Officer working group and as such is only advisory and does not have any formal decision-making authority. Following consideration of each business case it may make recommendations to budget holders in relation to due diligence costs and other matters. It may also make final recommendations to Cabinet regarding each proposal and, will determine whether projects will be admitted into the full capital programme or placed into the development pool. CSG's terms of reference are included at Appendix 5 to this strategy.

Cabinet – is responsible for submitting the Budget Framework to Council which includes this Capital Investment Strategy and capital programme. It is responsible for considering and making decision within the Budget & Policy Framework for all streams on receipt of a full business case which takes account of the due diligence and which shows compliance with the prudential code and investment guidance provisions.

Overview and Scrutiny – is represented on the CSG via the Chair's membership of this group. The early involvement of scrutiny at the pre-decision stage will allow them to add value by informing a decision rather than an after-the-event critique under the traditional process. This intention and their active involvement do not remove or negate the right to call in any decision made by Cabinet in this area.

Budget and Performance Panel – will review the financial and operational performance of this strategy as part of their budget framework scrutiny role

Council – is responsible for agreeing the Capital Investment Strategy as part of the Budget Framework each February and will be required to approve any material changes in the strategy. Council will also receive half yearly reports on the performance of the strategy.

A flowchart of the decision-making process is included in Appendix 6.

10. PERFORMANCE MANAGEMENT ARRANGEMENTS

The Investment Strategy is an important building block which provides the mechanisms for delivering the Council's corporate priority outcomes as well as contributing significantly to ensuring that the Council remains financially sustainable in the medium term. As such, the monitoring both of individual projects, particularly commercial investments, and the investment strategy as a whole will be essential to the achievement of the Council's strategic and financial objectives.

Performance monitoring will include:

- Monitoring of Capital Programme – as part of overall performance monitoring which incorporates financial, project and performance measures monitoring. Monitoring is quarterly to Cabinet and BP&P
- Financial Monitoring of Investment Strategy – as the strategy is key to reducing the medium-term budget gap, regular monitoring of the progress of the strategy will take place. This will necessarily include the delivery of investments against budgets and the yield levels against target.
- Monitoring of investments – it is acknowledged that there is risk of loss arising from property investment arising from possible impacts both on revenue income and on capital value. A regular (quarterly) report showing both the yield and income will be included in the financial monitoring to Cabinet and BP&P. The performance of individual acquisitions and the overall portfolio will be considered.
- Prudential indicators – a half yearly report on prudential indicators which aim to show that the capital programme remains prudent, affordable and sustainable will be considered by Council.

Outcomes

Proposed Capital Investment:

Outcomes and Impact Matrix

Council Priority

Success Factors:

--

Outcomes:

The likely achieved short-term and medium-term effects from the capital investment

--

Measures: before
Measures: after

--

Impact

The likely longer-term effects produced, directly or indirectly, from the commercial investment

--

Measures: before and after

--

Social Value Outcomes

This matrix should capture all the non-financial benefits accruing from the potential capital investment. Reference should be made to the Council's 'Ambitions' Corporate Plan and any other strategic plan arising from the Ambitions plan (eg. Economic Growth strategy). This matrix should provide a good level of clarity on additional benefits that may accrue such as business rates, impact on a high street frontage, detail on any social impact such as employment and how this would be measured.

Investment

Criteria	Criteria Description	Maximum Weighted Score	Excellent	Good	Acceptable	Marginal	Poor	WEIGHTED SCORE	Comments supporting assessment	Actions taken to reduce risk and change to assessment	Consequences of actions taken to reduce risk (eg. reduced yield)	
Score to Apply to Each Column:			5	4	3	2	1					
Portfolio Strategy Context	Does the acquisition take the exposure of the whole portfolio to over 30% in either of the six sectors: - retail - office - industrial - hotel - food and beverage - other		YES	Proposal to be scored using risk matrix below.						To be confirmed	Review of council portfolio % value/income/floor area	Informs decision
			NO	Over exposure to one of the six sectors. Proposal can not proceed without a review of existing portfolio to ensure that Council is not over exposed to any one sector.						The purchase does not form more than 30% ownership in sector	As above	Informs decision
Location: Micro	Quality of the individual situation of the property within the macro location with regard to property use (i.e. sector). Refer to separate sector definition sheet.	20	Excellent links x	Good links	Reasonable links	Poor links, but prospects of improvement	Location with limited benefit	100				
Tenant Covenant	Financial rating provided by Dun & Bradstreet	20	Excellent financial covenant x	Strong financial covenant	Good financial covenant	Poor but improving financial covenant	Poor financial covenant	100				
Building Quality	Quality of the building compared to its market sector. Refer to separate sector definition sheet.	15	New, modern or recently refurbished x	Good quality, no spend required for 20+ years	Good quality but spend required in 10-20 years	Spend required in 5-10 years	Tired, Spend required in next 5 years	75				
EPC	fact	5	A/B x	C	D	E	F/G	25				
Lease Term	Unexpired lease terms, WAULT	15	Greater than 15 years x	Between 10 and 15 years	Between 6 and 10 years	Between 2 and 6 years	Under 2 years	75				
Tenants Repairing Obligations	Tenants repairing obligations	10	Full repairing and insuring (Effective FRI) x	Full repairing and insuring - partially recoverable	Internal repairing	Internal repairing - partial recovery	Landlord responsible	50				
Rent Review	Rent review mechanisms	10	Fixed uplift + OMRV x	OMRV but no near comparable	CPI/RPI	Caps and Cuff review	No proper review mechanism	50				
Occupational Demand	Anticipated level of demand from other occupier if tenant(s) was (were) to vacate	15	Demand from many tenants x	Demand from a few tenants, but low number of competing buildings	Reasonable prospect of securing new tenants	Poor demand	Niche / limited demand	75				
Management Intensity	Complexity and cost of managing the property	15	1-2 tenants x	3-5 Tenants	5-9 tenants	10-15 tenants	16 plus tenants	75				
Liquidity	The degree to which the property can be quickly sold in the market without affecting the price	15	Lot size and sector attractive to investors x	Lot size not attractive to investors but sector is	Lots size attractive to investors but sector is not	Generally unattractive	Attractive to niche investors only	75				
Tenure	Freehold / Leasehold. Consideration of any ground rent obligations	10	Freehold x	Long leasehold 125+ years / peppercorn ground rent	Lease between 100 and 125 years / peppercorn ground rent	Lease between 50 and 100 years	Lease less than 50 years and/or high ground rent	50				
Environmental Impact	Opportunities for secondary sources of green energy	10	Excellent x	Good	Acceptable	Marginal	Poor	50				
Asset Management	Opportunities for additional sources of income, or efficiencies through effective asset management	10	Excellent x	Good	Acceptable	Marginal	Poor	50				
Weighted Score (850 Max Sum)								850				

Lancaster City Council

Business Case [Project name]

<Date>

<Version>

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Document Control

Document Title	[Project Name] Business Case
Version	<INSERT>
Author	<INSERT>
Date	<INSERT>
Further copies from	<INSERT>

1. Executive Summary

This section should summarise the Business Case in such a way that the reader, knowing nothing about the project and related services or the priorities of the decision-maker, would come away with a high-level grasp of this. It is best to write this section last once you have developed the rest of the business case..

The Executive Summary should contain a brief introduction stating what the decision-maker is being asked to decide (e.g. formal approval to invest £x in x service), and key points from each of the five cases. This section should be no more than 1 page.

<INSERT SUMMARY>

2. Business Case details

Project Name	<INSERT>
Project Sponsor	<INSERT>
Project Manager	<INSERT>
Service description	<INSERT>
Partner organisation(s)	<INSERT>
Project Reference	<INSERT>

3. Strategic Case

The Strategic Case demonstrates that the spending proposal provides business synergy and strategic fit and is predicated upon a robust and evidence based case for change. This includes the rationale of why change is required, as well as a clear definition of outcomes and the potential scope for what is to be achieved. You may wish to refer to supporting strategies, programmes and plans.

3.1 The proposal

<INSERT - DESCRIBE THE SERVICE YOU CAN OFFER.>

3.2 The case for change

3.2.1 Alignment with commissioner objectives/priorities

<INSERT –OUTLINE HOW THE PROPOSAL ALIGNS WITH COMMISSIONER OBJECTIVES AND PRIORITIES – INCLUDE BOTH FINANCIAL AND NON-FINANCIAL OBJECTIVES>

3.2.2 Fit with national policy

<INSERT – OUTLINE ANY NATIONAL POLICIES THAT THE PROJECT ALIGNS WITH>

3.2.3 Customer user needs – current and future

<INSERT – OUTLINE CUSTOMER DEMANDS/PREFERENCES AND HOW THE PROJECT WILL MEET THESE REQUIREMENTS IN FULL. NOTE CUSTOMER IS THE ORGANISATION PAYING FOR THE SERVICE, NOT THE BENEFICIARY OF THE SERVICE>

3.2.4 Improvement of current service delivery arrangements

<INSERT – OUTLINE ISSUES ASSOCIATED WITH CURRENT SERVICE DELIVERY – E.G. OVERSPEND, LEVEL OF INTEGRATED SERVICES AND LEVEL OF OUTCOMES ACHIEVED>

3.2.5 Potential scope for further development/scalability

<INSERT –OUTLINE HOW SCALABLE THIS PROJECT IS – IN TERMS OF EXPANSION TO REALISE FURTHER ECONOMIES OF SCOPE/SCALE IF APPLICABLE>

3.2.6 Benefits and risks

<INSERT – OUTLINE ANTICIPATED BENEFITS AND RISKS FROM BOTH A DECISION-MAKER, CUSTOMER AND MARKET PERSPECTIVE>

3.2.7 Constraints and dependencies

<INSERT – OUTLINE CONSTRAINTS AND DEPENDENCIES THAT EXIST OUTSIDE OF THIS IMMEDIATE PROJECT, IDENTIFYING THE POTENTIAL IMPACT AND MITIGATING ACTIONS>

4. Economic Case

This section of the Business Case assesses the economic costs and benefits of the proposal to society as a whole, and spans the entire period covered by the proposal. These are not the same as the financial costs to the decision-maker. You should present the key findings of your financial analysis and the overall conclusions.

4.1 Appraisals of costs and benefits

<INPUT – ASSESS THE COSTS AND BENEFITS OF THE PROPOSAL IN TERMS OF CUSTOMERS, DELIVERY PARTNERS AND THE MARKET>

<INPUT – ANTICIPATED PERFORMANCE AGAINST PERFORMANCE MEASURES>

4.2 Critical success factors to achieving the Economic Case

<INSERT – CRITICAL SUCCESS FACTORS THAT NEED TO BE ACHIEVED TO REALISE BENEFITS TO CUSTOMERS, DELIVERY PARTNERS AND THE MARKET >

4.3 Risk assessment

<INPUT – RISKS RELATING TO CUSTOMERS, DELIVERY PARTNERS AND THE MARKET AS A RESULT OF THIS PROJECT BEING IMPLEMENTED. OUTLINE MITIGATING ACTIONS AND ASSOCIATED COSTS>

5. Commercial Case

The Commercial Case demonstrates that the project will result in a viable and well-structured procurement solution. This section should include details relating to the planning and management of the procurement. It requires the buyer to see how the service will be procured competitively and in accordance with procurement requirements.

5.1 Procurement strategy

<INPUT – OUTLINE THE PROPOSED PROCUREMENT STRATEGY, ALONG WITH ANY ASSOCIATED RISKS, COSTS AND BENEFITS>

5.2 Contractual arrangements

<INPUT – OUTLINE THE NATURE OF THE CONTRACTUAL RELATIONSHIP THAT WILL EXIST BETWEEN THE CUSTOMER AND YOURSELF>

5.3 Charging mechanism

<INPUT – OUTLINE MECHANISM TO BE ESTABLISHED, AS WELL AS ADDITIONAL FUNDING/INCOME TO BE REALISED>

6. Financial Case

The Financial Case demonstrates that the project will result in a fundable and affordable arrangement for the decision-maker. You need to summarise the overall capital and revenue affordability of the project, including any additional funding requirements. There are different ways to present this information that will be appropriate for different projects; some template tables are included below as examples. For further information, please see HM Treasury's guidance by clicking [here](#).

6.1 Capital and revenue requirements

Description	Value	Start date	End date

6.2 Resource requirements

Total funding required				
What is it for? (equipment, facilities, external expertise etc)	When is the cost incurred?			
	Year 1 2015/16	Year 2 2016/17	Year 3 2017/18	Year 4 2018/19
Total				

Funding currently secured (if any)				
Where is it from? (Grant, revenue budget, capital budget – include cost centres if known)	When will the money be available?			
	Year 1 2015/16	Year 2 2016/17	Year 3 2017/18	Year 4 2018/19

Total													
Staff Resources													
Service Area/Function	FTE's	When are new staff needed?											
		Year 1				Year 2				Year 3			
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Total													

Balance of funding requested				
	Year 1 2015/16	Year 2 2016/17	Year 3 2017/18	Year 4 2018/19
Total				

6.3 Impact on income and expenditure account

<INSERT – PROVIDE 5 YEAR I&E SUMMARY FORECAST>

6.4 Financial benefits

6.4.1 Financial benefits table

Description	Benefit Year 1 2021/22	Benefit Year 2 2022/23	Benefit Year 3 2023/24	Benefit Year 4 2024/25	Cost Centre / Budget affected?	Who is the current budget holder?	Has the budget holder agreed to the saving? (Y/N)
Please include:							
• How the saving is calculated							
• Whether the saving is revenue or capital							

6.4.2 Requirements in order to realise savings

<INSERT - WHAT ARE THE CRITICAL THINGS THAT MUST HAPPEN IN ORDER TO CAPTURE THE SAVINGS?>

6.5 Non-financial benefits

<INSERT – NON-FINANCIAL BENEFITS THAT COULD BE REALISED BY COMMISSIONERS, CUSTOMERS AND THE MARKET. SUCH BENEFITS MAY INCLUDE IMPROVED CHOICE AND INDEPENDENCE FOR CUSTOMERS, THE DEVELOPMENT OF A SUSTAINABLE MARKET AND/OR IMPROVEMENT AGAINST PERFORMANCE INDICATORS>

7. Management case

The management case demonstrates that the project is capable of being delivered successfully, in accordance with recognised best practice.

This section requires the project to demonstrate that there are robust arrangements in place for project management, change management and contract management, the delivery of benefits and the management and mitigation of risk (you could include a risk and benefits register as appendices).

It also requires the project team to specify the arrangements for monitoring during implementation and for post implementation evaluation, and the contingency plans for risk management.

7.1 Programme and project management plans

<INSERT – EXPLAIN PROJECT MANAGEMENT AND GOVERNANCE ARRANGEMENTS AND INSERT ORGANISATION STRUCTURE IF POSSIBLE>

7.2 Change management arrangements/requirements

<INSERT – OUTLINE OF APPROACHES TO ENSURE EFFECTIVE CHANGE MANAGEMENT AND CHANGE OF ORGANISATIONAL CULTURE, INCLUDING ASSOCIATED COSTS>

7.3 Approach to management and delivery of benefits

<INSERT – STRATEGY, FRAMEWORK AND PLAN FOR DEALING WITH THE MANAGEMENT AND DELIVERY OF BENEFITS>

7.4 Approach to risk management

<INSERT – APPROACH TO MANAGING RISKS DURING AND POST IMPLEMENTATION, INCLUDING ASSOCIATED COSTS>

7.5 Monitoring during implementation

<INSERT – OUTLINE PROPOSED METHODS OF MONITORING PROGRESS DURING IMPLEMENTATION STAGE, INCLUDING CHECKPOINTS/MILESTONES AND END OF STAGE ASSESSMENTS>

7.6 Post implementation evaluation arrangements

<INSERT – DETAILS OF HOW THE EFFECTIVENESS OF THE PROPOSAL WILL BE MEASURED POST ESTABLISHMENT>

7.7 Contingency arrangements/exit strategy

<INSERT – DETAILS OF CONTINGENCY ARRANGEMENTS SHOULD TOLERANCES BE EXCEEDED DURING THE IMPLEMENTATION STAGE>

<INSERT – DETAILS OF AN EXIT STRATEGY SHOULD THE PROPOSED ENTITY FAIL POST ESTABLISHMENT>

[Project name] – Business Case <INSERT
REF>

8. Conclusions and salient issues for further consideration

8.1 Conclusions

<INSERT>

8.2 Salient issues for consideration

<INSERT IF APPROPRIATE>

9. Appendices

You could include your implementation plan, risk register, benefits register in an appendix. You could also include comments from project team leads and partners to support your case.

Capital Strategy Group: Terms of Reference

Role

1. The Capital Strategy Group (CSG) is a Member and officer working group with a clear remit to be the Council's advisory body on the Council's Capital Investment Strategy.
2. The Capital Investment Strategy has clear priority areas of work which although distinct from one another should be considered in an integrated manner when forming and delivering the Council's capital programme and related areas:
3. The types of Capital Investments which may be considered when forming the capital programme.
 - a) **Economic Regeneration** - Investments for the benefit, improvement, or development of the area, through balanced acquisition, retention, and management of good quality investments, whilst delivering regeneration outcomes.
 - b) **Investments Delivering a Social Return** - This classification is broad to enable support for a wider range of investments, but it may include areas such as provision of private sector housing, retrofitting properties acquired to an agreed defined standard both in terms of quality and thermal efficiency, investment loans to third parties and use of public land and buildings to achieve long-term socio-economic development within the Lancaster District
 - c) **Income Generation including Property Investments** – Investment in the six recognised types of property investment retail, industrial, hotel, office, food & beverage and other. Investment in these areas let on secure long leases to good covenants to deliver a financial return to the Council both in terms of support to the revenue budget as well as capital appreciation.
 - d) **Carbon Zero initiatives and schemes to address the Climate Emergency** – These types of investments may include installation of solar panels, or investment in larger scale solar energy facilities' as well as supporting agile working to reduce our carbon footprint, and the increased electrification of our vehicle fleet.
 - e) **Operational Investments** - Investments that sustain the day to day operational delivery of the Council's services which underpin a broad range of Council priorities.

Composition of CSG

4. The group will consist of the following Members and officers. Where representatives are not able to attend, a suitable alternative will attend in their place.

Standing Membership

- Cabinet Finance Portfolio Lead
- Chief Executive
- Overview and Scrutiny Chair
- Budget and Performance Panel Chair
- Relevant Cabinet Portfolio Holder
- Relevant Director
- Section 151 Officer
- Governance Lead
- Capital Investment Appraisal Group

Additional representation as and when required may include

- Capital Strategy Officer Lead
- Asset Management Officer Lead
- Property Services Lead
- Regeneration/ Economic Growth Lead
- ICT Representation
- Programme Manager

Frequency of Meetings

5. The CSG will meet monthly by routine but may also meet on an ad-hoc basis as required as and when key proposals come forward. Routine meetings will be co-ordinated so that they inform monitoring processes to Cabinet and Budget and Performance Panel.

Remit

6. CSG's remit is to contribute to the development and oversight of the Council's capital programme. This will include assessing initial proposals and business cases through to delivering the programme and assessing its effectiveness in respect of corporate priorities.
7. *With respect to Capital Investment Strategy*
 - a) To keep the Capital Investment Strategy document under review ensuring that it reflects the Council's capital investment priorities and review the Strategy as part of the MTFS update.
 - b) To ensure that the Capital Strategy is informed by and consistent with the Corporate Plan and associated strategies, the Asset Management Plan and Property Investment Strategy.

With respect to the Capital Programme

- c) To consider and score all bids to the capital programme and make accept/ develop/ reject recommendations to Cabinet.
- d) Consider all proposals in accordance with the matrices set out in the Capital Investment Strategy and make recommendations to Cabinet with respect to any agreed proposals having regard to the scrutiny process
- e) To monitor the progress of each scheme within the capital programme in terms of progress to date, expenditure, and delivery of outcomes including those classified within the development pool.
- f) To review all completed schemes with respect to outcomes and impact as well as lessons learned
- g) To monitor the resources available to support the Capital Programme and ensure that, at all times, it remains affordable, sustainable and prudent.
- h) To maintain the capital bid and scoring assessment framework

With respect to the Asset Management Plan

- i) Own and ensure the development of the Asset Management Plan and long-term property strategy, ensuring that it is line with Council Plan / MTFS objectives
- j) To undertake annual review of property holding to ensure that all property is utilised appropriately and consider any capital expenditure/ receipt proposals associated with maintaining, updating, transferring, or disposing of property assets

Each of the above areas of work are covered by the Capital Strategy and Capital Investment Strategy, which are the Council's overarching documents which aim to ensure that Council's capital investments priorities reflect Council priorities and are supported by a long term financing plan.

Decision Making

8. The CSG is a Member and Officer working group and as such is only advisory and does not have any formal decision-making authority. Following consideration of each business case it may make recommendations to budget holders in relation to due diligence costs and other matters. It may also make final recommendations to Cabinet regarding each proposal. It also ensures that necessary consultation is carried out with Cabinet, relevant Portfolio Holders, Management Board, and relevant Directors as part of the decision-making process. Any proposal that is outside the approved budget and policy framework will be referred to Cabinet or Council in accordance with the Constitution.

The role of Scrutiny Committee Members

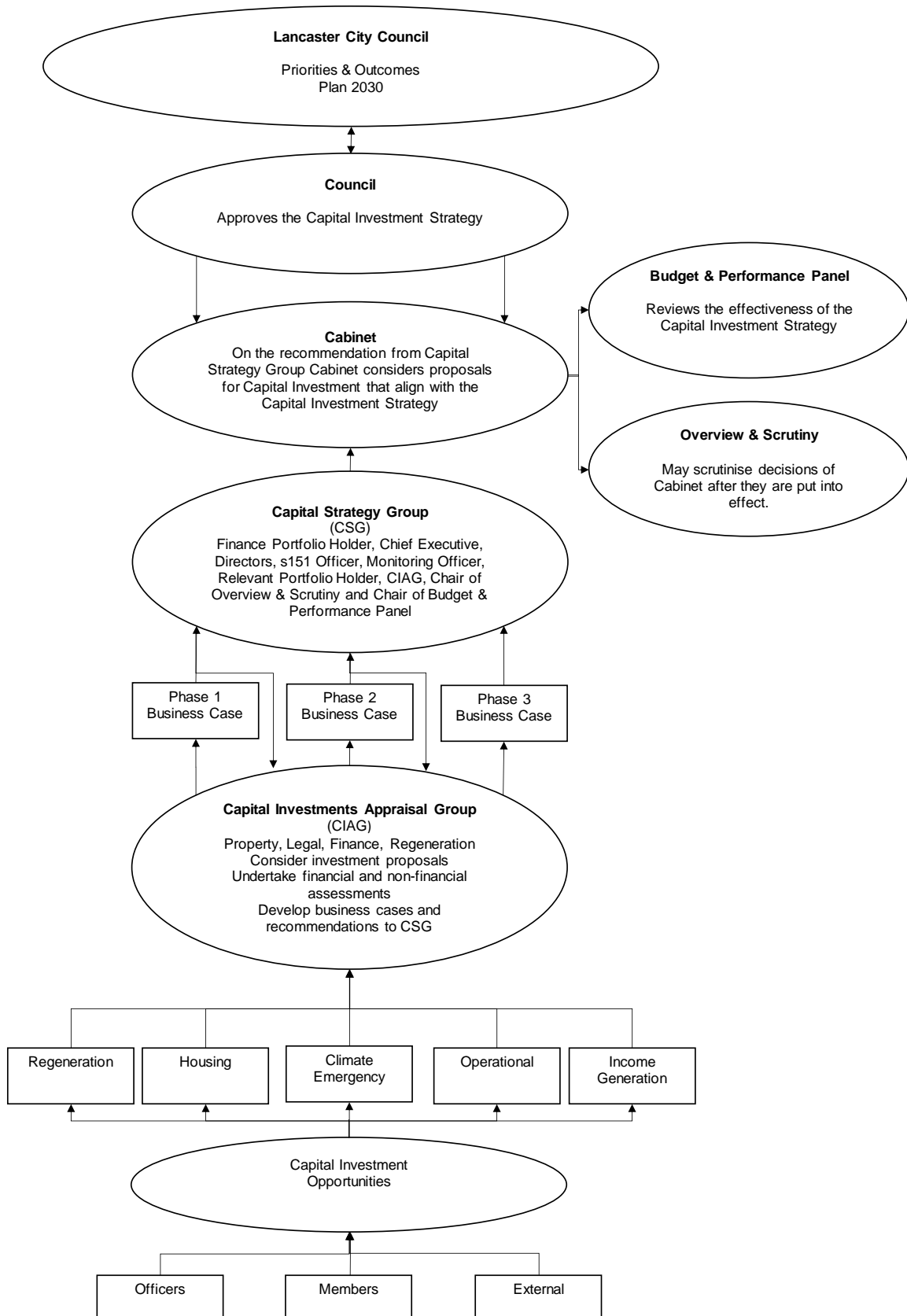
9. The Chairs of both Budget & Performance Panel and Overview & Scrutiny form part of CSG. The early involvement of scrutiny at the pre-decision stage will allow them to add value by informing a decision rather than an after-the-event critique under the traditional process. This intention and their active involvement do not remove or negate the right to call in any decision made by Cabinet in this area.

Key Outcomes

10. The key outcomes from the CSG are:

- a) An effective Capital Programme optimising the capital investment resources within the Council Plan.
- b) Strategic property management ensuring full optimisation of Council property assets, maximising income and return and reducing expenditure where possible but ensuring assets are well maintained.
- c) Enhanced long term planning of capital investment, better use and management of property assets, and accountability.
- d) The integration of the Capital Investment Strategy in line with Council priorities as set out in the Council Plan.

Governance & Decision-Making Flowchart



Lancaster City Council | Report Cover Sheet

Meeting	Cabinet			Date	27 October 2020
Title	Arrangements for repair of Lodge Street premises				
Report of	Director for Economic Growth and Regeneration				
Purpose of the Report					
To confirm the council’s intention to enter into a long term lease with the Musicians Cooperative, subject to a viable business plan and to endorse the Letter of Intent to be provided.					
Key Decision (Y/N)	N	Date of Notice		Exempt (the report is public – the appendix is exempt)	
Report Summary					
This report is to advise on arrangements required in order to proceed with the agreed essential major capital repairs to the council’s premises at 1 Lodge Street, Lancaster and to request that Cabinet confirms it’s intention regarding long term lease arrangements, subject to a viable business plan.					

Recommendations	
It is recommended that Cabinet:	
Confirms its intention that the council enters into a long term lease arrangement with the Musicians Cooperative, subject to a viable business plan	
Endorses the council’s Letter of Intent (Appendix A) to accompany the Deed of Surrender that is required for the works to commence.	
Agrees that lease arrangements including any potential funding options will be detailed for consideration in a further report once a viable business plan is available	
Relationship to Policy Framework	
Proposals in this report are in line with the council’s policies, procedures and legal requirements for asset management. Carrying out the essential repair works to Council assets demonstrates sound asset management and optimisation of Council assets. Once the work is completed the Council will then be able to bring the improved building back into productive use. This also links to the Councils “A thriving and Prosperous economy”	
Conclusion of Impact Assessment(s), where applicable	
Climate As the project involves a complete re-roof of the property, this will enable us to put effective insulation in place, which will significantly reduce heat loss.	Wellbeing & Social Value
Digital	Health & Safety – The current state of the building means there are safety issues, particularly in relation to the roof. The most high-risk elements have been addressed but there are props installed

	to ensure the stability of the roof and these cannot be deemed a long, or even medium, term solution.
Equality	Community Safety
Details of Consultation	
<p>Legal Services, Property Group, Economic Development, Arts and Culture, and Planning and Conservation have all been involved from a Council perspective and are aware of the plans and reasons behind them. We have also been in close liaison with the existing tenants (Lancaster Musician's Co-Op) to ensure the work can be carried out in the safest way at the best time. Planning permission has been granted.</p>	
Legal Implications	
<p>The council's legal officers have advised on all legal arrangements pertaining to property, tenancy and lease arrangements and will continue to do so as future lease arrangements develop. Should the Musicians Coop refuse to enter into a Deed of Surrender to necessitate the works, the Council will have no option but to take back control and possession of the property by terminating the tenancy or, in the event of emergency, by commencing legal proceedings to gain possession.</p>	
Financial Implications	
<p>Financial implications at this stage relate to the costs and risks associated of delivering the works. Future financial implications associated with the lease will be considered in a later report.</p>	
Other Resource or Risk Implications	
<p>Delay to the works contract could result in additional costs and further deterioration of the building, which may render it unsafe for use. Bad weather risks during the winter months may also affect progress and/ or costs. Early progress will help to mitigate these risks.</p>	
Section 151 Officer's Comments	
<p>The S151 Officer has been consulted and has no further comments</p>	
Monitoring Officer's Comments	
<p>The Monitoring Officer has been consulted and has no further comments</p>	
Contact Officer	Anne Marie Harrison
Tel	01524 582308
Email	amharrison@lancaster.gov.uk
Links to Background Papers	

1.0 Report

- 1.1 At its meeting in September, Cabinet discussed the planned repairs to the council's property at 1 Lodge Street, Lancaster and resolved to delegate the decision to the Leader and portfolio holders on whether to use the capital budget of £486,450 to undertake the necessary work to repair the building and bring it into a lettable condition (*minute 46 refers*).

- 1.2 In order to progress the works, a Deed of Surrender will need to be signed to surrender the current unsuitable and unclear tenancy agreement, give the council unrestricted access to the property and clarify risks and liabilities during the period when the works will take place. However, it is clear that the tenants, the Musicians Cooperative, quite understandably have concerns about vacating the building without firm reassurance that they will have a new lease arrangement in due course.
- 1.3 This is an important issue that needs to be resolved urgently as the planned works have already been delayed and a further delay will allow the building, which is in extremely poor condition, to continue to deteriorate further and additional costs will be incurred. At the point where the building is dangerous, the council has legal responsibilities that will require it to terminate the tenancy in order to gain access to the building to effect the repairs and make the building safe. In an emergency, the council may have to commence urgent legal proceedings to allow for earlier access to make the building safe. In addition, in its current condition, there is little prospect that the tenants will be able to use the building in any beneficial way. Ideally, this will be avoided and a positive solution agreed between the council and the tenants.

2.0 Proposal

- 2.1 To find a positive way forward and facilitate Cabinet's decision at the September meeting, some comfort can be provided to the tenants that will hopefully give them the confidence to move ahead, enable the building repairs to be undertaken and the Musicians Coop to develop their business in very much improved premises.
- 2.2 It is unfortunately not possible to enter into a legally binding agreement or lease at this time and, in fact, the council cannot determine the terms of any such agreement or lease in the current circumstances. It is not possible to adequately quantify the criteria that the Musicians Coop would need to meet in order to trigger the grant of a new lease. A legally binding agreement to grant a lease in the future would need to have certainty of its term (so that it is possible to enforce the same). In the absence of such certainty of terms here, as the condition relates to the subjective consideration of a business plan, a legally binding agreement is not viable. In addition, it seems unlikely that the tenants are in a position currently to enter into a long term legally binding agreement although this is likely to change when their business plan is fully developed.
- 2.3 In these circumstances, this report recommends that Cabinet confirms its intention is to enter into a long term lease agreement with the Musicians Cooperative, subject to a viable business plan. A Letter of Intent is provided at Appendix A, which has already been issued by officers but once also endorsed by Cabinet would confirm the council's position in writing. The Appendix is exempt from publication by virtue of paragraph 3, of Schedule 12a of the Local

Government Act 1972 - (3) *Information relating to the financial or business affairs of any particular person (including the authority holding the information.)*

2.4.1 On the basis that the work can commence and the Musicians Cooperative business plan will be available in due course, a further report will be provided to Cabinet to consider the terms of a long term lease and any ongoing support.

3.0 Options and Options Analysis (including risk assessment)

<p>Option 1: Cabinet confirms its intention that the council enters into a long term lease arrangement with the Musicians Cooperative, subject to a viable business plan, to enable the works to proceed as soon as possible.</p>
<p>Advantages: This will provide comfort to the Musicians Cooperative and potentially then enable the works to commence.</p> <p>If the work can commence, it is likely that significant risks to the building and any further additional costs can be avoided.</p> <p>Legal action to terminate the tenancy will not be necessary to proceed with the works provided that the Musicians Coop enter into a Deed of Surrender of the whole of the property</p>
<p>Disadvantages: None</p>
<p>Risks: This is the lowest risk option that will potentially allow for progress to be made, avoiding further risks to the building and potential health and safety issues.</p>
<p>Option 2: Cabinet does not confirm its intention to enter into a long term lease arrangement with the Musician’s Cooperative.</p>
<p>Advantages: None, council is working positively to try to support the Musicians Cooperative and the development of a new music and cultural operation.</p>
<p>Disadvantages: Lost opportunity to provide reassurance to the Musicians Cooperative of the council’s intentions.</p>
<p>Risks: Greater potential of further delays with all of the associate risks and costs for the both the Council and the Musicians Cooperative.</p>

4.0 Officer Preferred Option (and comments)

4.1 The officer preferred option is Option One, which offers provide some firm reassurance to the Musicians Cooperative with a view to making positive progress for both parties

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