



LANCASTER
CITY COUNCIL

Promoting City, Coast & Countryside

COUNCIL MEETING

**Wednesday, 28 September 2022 -
6.00 p.m.
Morecambe Town Hall**

Lancaster City Council welcomes members of the public to attend meetings. However, space in the public gallery is limited to 30 seats due to Fire Regulations. You may prefer to watch the meeting online, using Microsoft Teams; if so, the link is [HERE](#). If you do wish to attend in person and require support in accessing the building, please contact Democratic Services on 01524 582656, or email democracy@lancaster.gov.uk

Mark Davies,
Chief Executive,
Town Hall,
Dalton Square,
LANCASTER,
LA1 1PJ



LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

Sir/Madam,

You are hereby summoned to attend a meeting of the Lancaster City Council to be held in the Town Hall, Morecambe on Wednesday, 28 September 2022 commencing at 6.00 p.m. for the following purposes:

1. **APOLOGIES FOR ABSENCE**

2. **MINUTES**

To receive as a correct record the Minutes of the Meeting of the City Council held on 27 July, 2022 (previously circulated).

3. **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.

4. **ITEMS OF URGENT BUSINESS**

5. **ANNOUNCEMENTS**

To receive any announcements which may be submitted by the Mayor or Chief Executive.

6. **QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11**

To receive questions in accordance with the provisions of Council Procedure Rules 11.1 and 11.3 which require members of the public to give at least 3 days' notice in writing of questions to a Member of Cabinet or Committee Chairman.

7. **PETITIONS AND ADDRESSES**

To receive any petitions and/or addresses from members of the public which have been notified to the Chief Executive in accordance with the Council's Constitution.

8. **LEADER'S REPORT** (Pages 5 - 8)

To receive the Cabinet Leader's report on proceedings since the last meeting of Council.

REPORTS REFERRED FROM CABINET, COMMITTEES OR OVERVIEW AND SCRUTINY

9. **EXCLUSION OF THE PRESS AND PUBLIC**

Council is recommended to pass the following recommendation in relation to the following item:-

"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 of business, on the grounds that it 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 has been marked as exempt, it is for Council itself to decide whether or not to consider it 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.

10. **NO 1. GATEWAY WHITE LUND INDUSTRIAL ESTATE: ROOF CLADDING REFURBISHMENT** (Pages 9 - 40)

Report of Cabinet.

Published 22nd September 2022.

11. **COMMITTEE SYSTEM WORKING GROUP** (Pages 41 - 45)

Report of the Committee System Working Group

OTHER BUSINESS

12. **ALDCLIFFE WITH STODDAY NEIGHBOURHOOD PLAN** (Pages 46 - 178)

Report of the Director of Economic Growth and Regeneration.

13. **ANNUAL TREASURY MANAGEMENT OUTTURN REPORT 2021/22** (Pages 179 - 196)

Report of the Chief Finance Officer

Published 22 September 2022.

14. **ALLOCATION OF SEATS TO POLITICAL GROUPS** (Pages 197 - 202)

Report of the Head of Democratic Services

15. **APPOINTMENTS AND CHANGES TO COMMITTEE MEMBERSHIP**

Group Administrators to report any changes to Committee Membership.

16. **QUESTIONS UNDER COUNCIL PROCEDURE RULE 12**

To receive questions in accordance with the provisions of Council Procedure Rules 12.2 and 12.4 which require a Member to give at least 3 working days' notice, in writing, of the question to the Chief Executive.

17. **MINUTES OF CABINET** (Pages 203 - 210)

To receive the Minutes of Meetings of Cabinet held 12th and 26th July, 2022.

18. **MINUTES OF COMMITTEES** (Pages 211 - 243)

To consider the minutes of: -

- a) Audit Committee, 25th May 2022
- b) Licensing Committee, 30th June 2022
- c) Budget and Performance Panel, 6th July 2022
- d) Overview and Scrutiny Committee, 14th July 2022
- e) Planning Regulatory Committee, 18th July 2022
- f) Licensing Committee, 28th July 2022
- g) Planning Regulatory Committee, 15th August 2022



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Chief Executive

Town Hall,
Dalton Square,
LANCASTER,
LA1 1PJ

Published on 20th September 2022.



Leader's Report

28 September 2022

Report of the Leader of the Council

PURPOSE OF REPORT

To present the Leader's report to Council.

This report is public.

RECOMMENDATIONS

To receive the report of the Leader of Council.

REPORT

1.0 Cabinet

- 1.1 Information on Cabinet matters is provided in the minutes from the Cabinet meetings held 12 and 26 July. The minutes from the Cabinet meeting held on 13 September will be tabled at November's Council meeting.

2.0 Decisions required to be taken urgently

- 2.1 No urgent Cabinet decisions had been taken in this period.

3.0 Leader's Comments

This report covers the holiday period in August and concludes with the sad news of the death of Her Majesty the Queen. We have needed to put some of our routine work to one side as officers have followed the protocols required of civic bodies such as ourselves. I am very grateful to them for the speedy and efficient way that everything was carried out and I know that the Proclamation of the new king in particular took many hours to prepare. I would also like to express my thanks to the Mayor who took on a heavy schedule of duties over the ten days between the Queen's death and the funeral. Lancaster and Morecambe people have come together in various respectful ways from the Proclamation to the vigil and the cinema showings of the funeral.

General matters

- 3.1 Levelling Up Round 2 – Eden bid.** The bid was submitted before closing date on 2nd August. We anticipate a fairly lengthy wait whilst the new Prime Minister takes over. The Eden team remain in contact and we have recently sent a letter commending our bid to the new DLUCH minister.
- 3.2 UK Shared Prosperity Fund.** The report was submitted to 26th July cabinet. We wait in common with every other authority, for the plan to be approved by government. There has been a welcome further award of over £500 000 to be spent on support for rural areas.
- 3.3 OBR Strategy.** Peopletoo was appointed as our consultant for the second phase. We recognised the importance of ensuring that the 2023/4 budget is informed by the initial findings of the consultants. This process has been discussed with cabinet and presented to all members in the course of September.
- 3.4 Morecambe summit.** The request for expressions of interest in developing the site is now scheduled for mid-September and I expect this will have occurred by the time this report is published.
- 3.5 Enforcement.** Following the previous discussions on Enforcement, officers and cabinet members are meeting with a private firm to begin discussions on how a suitable scheme might support our officers in managing minor cases of littering, dog fouling and fly-tipping. This will allow officers to concentrate on cases that may involve significant criminal activity.
- 3.6 Weihai.** The Leader, Chief Executive and representatives of Lancaster University met Weihai city leaders to exchange video material on our two cities and for a discussion on future links with Lancaster. It was agreed that links between students in Lancaster and at Lancaster University's Weihai campus should be strengthened.
- 3.7 Water safety and water quality.** Following the meeting with UU there has been a roadshow at Morecambe Town Hall. Members continue to contact UU about water quality problems. This has become a widespread national issue. A meeting of Morecambe water users attended by officers and a cabinet member, has been held to explore how to reduce risks to swimmers as well as to all who use the bay, foreshore and slipways.
- 3.8 Support for Refugees and Asylum Seekers.** Cabinet members and officers have been closely involved in monitoring the well-being of asylum seekers and Ukrainian refugees who are housed in hotels and family homes and houses in Lancaster. Excellent work has been initiated by both county and city officers working alongside numerous charities and churches in both Lancaster and Morecambe. The DWP supported by council officers and a number of agencies have set up a weekly hub to give practical help to Ukrainian families to access work, childcare and English lessons.

New matters

- 3.9** The People’s Powerhouse, a feisty and down to earth response to the Northern Powerhouse, visited Morecambe and met with the Chief Executive and Leader in the hope of bringing their annual gathering. This didn’t prove possible. However, they liked Morecambe so much that they came back again for another visit on their own and now hope to run a smaller event in 2023.
- 3.10** Members will recall a meeting earlier in the year on the New Hospital’s Project. Jerry Hawker the project leader has outlined the current situation and indicated that there would be an announcement by mid-September.
- 3.11** The Cost of Living Crisis facing everyone this autumn was the subject of a paper to cabinet. This resolved officers should work to improve support to all those made vulnerable by the crisis and in particular to work in partnership with others in and beyond the district. Scheduled meetings have seen partners respond with enthusiasm, though everyone is struggling for resources; an action plan will be drawn up.
- 3.12** To end on a positive note: The Salt Ayre Decarbonisation project was the deserved winner of the APSE Best Climate Action or Decarbonisation Initiative award. Both our Chief Executive and Deputy Leader Cllr Frea were speakers at the APSE Conference. Thanks go to all the officers and members who are involved in making us national leaders in this area.

4.0 Decisions

The following decisions were scheduled to be considered by Cabinet on 13 September 2022:

Delivering Our Priorities: Performance Projects and Resources: Q1 2022-2033.
Cost of Living.
Culture and Heritage Advisory Group.
No.1 Gateway, White Lund Industrial Estate, Morecambe – Roof/Cladding Refurbishment.

The following Officer Delegated Key Decision has been taken since the last Leader’s report.

ODD1	Joint parking shared services contract with Lancashire County Council.	Published on 30.08.22
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The following Individual Cabinet Member Decision was taken since the last Leader's report:

ICMD4	Implementation of Mobysoft Rentsense software.	Published on 2.8.22 Taken by Cllr Matthews
ICMD 5	Conversion/Extension of the stables/Garage in the Grounds of 1-5 The Greaves, Lancaster	Published on 7.9.22 Taken by Cllr Matthews

Background Papers

Cabinet agenda of the meetings held on 26 July 2022 and 13 September 2022.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

COUNCIL**Committee System of Governance
28 September 2022****Report of the Committee System Working Group****PURPOSE OF REPORT**

To update Council on the Work of the Committee System Working Group.

This report is public.

RECOMMENDATIONS

- (1) That the report be noted.**
- (2) That no further work be carried out by the Working Group during the 2022/23 municipal year.**
- (3) That the facts and information gathered by the Working Group be held by Democratic Services to assist the Council should this issue be raised again following the Council's May 2023 elections.**

1.0 Introduction

1.1 On 13 November 2019, Council passed the following motion:

1.2 *This council believes that it might make better use of the skills of all its councillors and improve the democratic accountability of decision making by ceasing the current leader and cabinet model of governance and implementing a committee system. Council will establish a Working Group, with membership in balance, to investigate the best way to introduce a committee system of governance, taking into account the experiences of other councils. The investigation will lead to a detailed, legally and constitutionally sound proposal to be presented to full Council for consideration on or before its meeting in September 2020. That proposal will set out a future programme for implementation of any change to the system of governance.*

1.3 On 18 December 2019, Council established a nine Member Committee System Working Group (CSWG) to carry out that investigative work.

2.0 Working Group meetings

2.1 The CSWG first met on 20 January 2020. At that point the timescale of reporting to Council in September 2020 was manageable. It could feasibly have led, if Council were so-minded, to a new system of Governance being implemented before the next elections in May 2023. However, the work of the CSWG was postponed for almost two years whilst the Council responded to the COVID 19 pandemic. The group did not meet

again until 22 November 2021, which meant that the timescale no longer fitted with the original intention of the motion.

- 2.2 As a result of the first meeting, information about the Committee system at Barrow Borough Council was sourced. That was circulated to the Working Group after its next meeting on 22 November 2021, when Members and officers agreed to research other authorities' committee systems and experiences of the change.
- 2.3 The Committee met again on 31 January 2022 when members were provided with an overview of various councils in England with committee systems, including Kingston upon Thames London Borough and Worcester City Council. Information had also been received from Nottinghamshire County Council and Pendle District Council. It was decided that a session from the Centre for Governance and Scrutiny would be worthwhile since they had a great deal of experience assisting local authorities through their governance changes.
- 2.4 On 5 April 2022, Ian Parry from the Centre for Governance and Scrutiny came to speak to all Councillors about the pros and cons of the two systems and to talk generally about changing and improving governance systems. The session was extremely well attended by Councillors and included a long session of questions and answers. The powerpoint presentation was made available to all Councillors following the meeting. Key points from his presentation were that; the form of governance was not so significant as the culture of making decisions on behalf of residents, a change to a committee system could not be reversed for five years, there was a risk with the committee system of giving more power to officers to achieve timely decisions on urgent matters. A number of members, including group leaders, contributed their views on the appropriateness of a change in governance. Three issues featured; the cost of achieving the transition to a committee system, the possible alternatives to such a major change in governance, including having a shadow cabinet and publishing minutes of all committee minutes with Council papers.
- 2.5 The CSWG met again on 21 April 2022 and discussed the next steps. A proposal setting out a draft structure for a committee system was rejected. Members were concerned about the overall cost of changing to a committee system that would involve redrafting of much of the Council's constitution. Officers made it clear that current staffing was insufficient to provide the resource necessary for proceeding with change. However, It was agreed that officers should source an estimate for putting together a proposal for Council in line with the original motion. It was further agreed to invite all Councillors to the next meeting to discuss which committees Councillors would like to see in a potential committee structure for Lancaster City Council.
- 2.6 At the meeting on 15 June 2022 it was reported by the Monitoring Officer, following discussion with a firm within the North West Legal Consortium, that the cost would be between £3,800 and £4,400 but that no budget had been identified for this expenditure. Despite all members of Council being invited, there were only four Councillors present at this meeting from the Working Group (one of whom was a substitute) and a small number of other Councillors. There was however a useful discussion of possible committees and principles that should guide the design of a committee system (these are included in Appendix 14).
- 2.7 At what was to be the final meeting of the Working Group on 25 July 2022 it was proposed that the Group be wound up and this report be prepared for Full Council.

3.0 Summary

3.1 The Working Group met on six occasions over two and a half years and during that time the membership changed as the political balance in the Council had varied. The Covid-19 pandemic had interrupted the normal work of the Council and by 2022 the feeling of the Group was that:

- across the Council there was insufficient enthusiasm for a change of governance to be achieved before the new Council was elected in May 2023
- there were insufficient resources identified to bring a workable proposal to full council
- it would be inappropriate for an outgoing group of Councillors to determine a new governance system for an incoming Council so late in the cycle.

3.2 For these reasons the Working Group does not feel able to present the 'detailed, legally and constitutionally sound proposal' to Council required by the original council decision that set up the Group. However, the Working Group does feel that the information gathered by Democratic Services officers is valuable and should be made available to the incoming Council if it wishes to consider moving to a committee system. This report, together with its Appendix, is intended to provide that resource.

4.0 Conclusion

4.1 Council is asked to note this report and that the findings from the research will be kept on file in Democratic Services for use after the May elections to be reviewed should Council show an interest in changing governance systems.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing): None identified as a result of this update report.</p>	
<p>LEGAL IMPLICATIONS None identified as a result of this update report.</p>	
<p>FINANCIAL IMPLICATIONS None identified as a result of this update report.</p>	
<p>OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces None identified as a result of this update report.</p>	
<p>SECTION 151 OFFICER'S COMMENTS The Section 151 Officer has been consulted and has no comments.</p>	
<p>MONITORING OFFICER'S COMMENTS The Monitoring Officer has been consulted and has no comments.</p>	
<p>BACKGROUND PAPERS Information gathered by and for the Working Group (see appendix) is kept electronically by Democratic Services</p>	<p>Contact Officer: Debbie Chambers Telephone: 01524 582057 Email: dchambers@lancaster.gov.uk</p>

Appendix – links are shown to the resources below where available online. Other documents listed are kept electronically by Democratic Services in the Committee System Working Group folder for future reference.

Musical Chairs – CPfS 2012 no longer available online

Rethinking Governance - Local Government Association 2014 <https://www.cfgs.org.uk/wp-content/uploads/Rethinking-Governance.pdf>

Rethinking Council Governance for the 20s <https://www.cfgs.org.uk/wp-content/uploads/CfGS-Rethinking-council-governance-SINGLE-PAGES.pdf>

Barrow in Furness

Information on their Committee framework from their Constitution
<https://www.barrowbc.gov.uk/the-council/barrow-council/council-constitution/>

CfGS Support - 31st January 2022

Democratic Services Briefing note - 18th January 2022

Kingston Upon Thames Committee System Presentation - January 2022

Brighton & Hove Council

Council report 26 April 2012 <https://democracy.brighton-hove.gov.uk/ieListDocuments.aspx?CId=117&MId=3925&Ver=4>.

Cheshire East Council

Our move to a Committee System

<https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s80977/Appendix%20F%20-%20Our%20Move%20to%20a%20Committee%20System%20Final.pdf>

Interim Review of the Committee System November 2021

<https://moderngov.cheshireeast.gov.uk/ecminutes/mgAi.aspx?ID=57389>

Constitutional update to implement the Committee System April 2021

<https://moderngov.cheshireeast.gov.uk/ecminutes/mgAi.aspx?ID=55478>

Councils that have changed governance systems

<https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s68901/Appendix%20C.pdf>

Nottinghamshire County Council

CE's blog <https://leadership.nottinghamshire.gov.uk/posts/governance-transition/>

Change to governance arrangements report

<https://www.nottinghamshire.gov.uk/DMS/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=3Lr3cGSbl7wJS4RhP3JSp7MZ7M5yJD%2fwoYZcUolcExy26Y86MlrZ2g%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNih225F5QMaQWcPHwdhUfCZ%2fLUQzqA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9IXnlq%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3d>

Reading Council

Report on Governance Arrangements

<https://democracy.reading.gov.uk/Data/Council/201305221830/Agenda/fAAyADUAMgA5ADYAfAB8AFQAcqB1AGUAFAB8ADAAfAA1.pdf>

Sheffield City Council

Governance referendum

<https://democracy.sheffield.gov.uk/documents/b23822/Sheffield%20City%20Council%20Governance%20Referendum%20Wednesday%2019-May-2021%2012.00%20Council.pdf?T=9>

About the Committee system of governance <https://www.sheffield.gov.uk/your-city-council/about-committee-system-local-area-committees>

About the Governance Committee

<https://democracy.sheffield.gov.uk/mgCommitteeDetails.aspx?ID=632>

Transition to a Committee System

<https://democracy.sheffield.gov.uk/documents/s45125/Transition%20to%20a%20Committee%20System%20-%20Council%20Report%20June%202021.pdf>

A Modern Committee System for Sheffield

<https://democracy.sheffield.gov.uk/documents/s48725/8.%20Transition%20to%20a%20Committee%20System%20Inquiry%20Session%201%20-%20Appendix%207.pdf>

Worcester <http://committee.worcester.gov.uk/mgListCommittees.aspx?bcr=1>

Council Report February 2017

<http://committee.worcester.gov.uk/ieListDocuments.aspx?CId=111&MID=3865#A119313>

Review of Committee system in 2018

<http://committee.worcester.gov.uk/ieListDocuments.aspx?CId=111&MID=4249#A121540>

'Governance Option for Lancaster City Council' – powerpoint presentation by Ian Parry, CfGS 5th April 2022

Proposal for committee system considered by Working Group on 21st April 2022

COUNCIL**Aldcliffe with Stodday Neighbourhood Plan – Adoption
(Making) of the Neighbourhood Plan
28 September 2022****Report of Director of Economic Growth & Regeneration****PURPOSE OF REPORT**

To formally “make” the Aldcliffe with Stodday Neighbourhood Plan with immediate effect, with the consequence that it becomes part of the statutory Development Plan for the area.

This report is public.

RECOMMENDATIONS

- (1) **That the Council, under section 38A(4) of the Planning and Compulsory Purchase Act 2004, formally make the Aldcliffe with Stodday Neighbourhood Plan with immediate effect, with the consequence that it becomes part of the statutory Development Plan for the area.**

1.0 Introduction

- 1.1 The National Planning Policy Framework (NPPF) and the Localism Act (2011) give local communities direct power to develop their shared vision for their neighbourhood and deliver the sustainable development they need. The preparation of a neighbourhood plan provides a powerful tool for local people to get the right type of development for their community.
- 1.2 Aldcliffe with Stodday Parish (the Parish) was designated as a Neighbourhood Plan Area in December 2018 and since then has worked towards drafting the Aldcliffe with Stodday Neighbourhood Plan (the Plan) (Appendix A of this report) which will meet the needs and aspirations of the residents and businesses within the Parish. The process has included various informal consultation events, statutory consultations and collating evidence to support the policies in the Plan. An independent Examination took place early this year with the Examiner finding that the Plan, subject to recommended modifications, met the basic conditions a plan must pass. These modifications were made allowing the Plan to advance to the referendum stage.
- 1.3 Following a positive referendum result on the 21st July 2022, this report recommends that the Aldcliffe with Stodday Neighbourhood Plan is ‘made’ by the Council and becomes part of the statutory Development Plan for the area. Where planning applications come forward within the parish of Aldcliffe with Stodday, the Plan will form an important basis for making decisions alongside other relevant local and national planning policy and guidance.

- 1.4 Preparing a plan is a complex process and the ‘making’ of this Plan marks the culmination of several years of challenging work by the Parish Council which is to be commended.

2.0 Proposal Details

- 2.1 The content of the Plan seeks to address a range of planning matters and seeks to shape the response to development in a way which reflects the needs and aspirations of the residents and businesses in the Parish. Key issues addressed by policies in the Plan include the protection of wildlife, landscape character and heritage; the role of the area for recreation in particular walking, cycling and horse riding and the safety of those using the transport networks; the type, scale and location of new housing; and sustainable carbon neutral objectives in response to climate change. The following paragraphs summarise the policies.
- 2.2 The Plan expands upon the adopted Local Plan policy when addressing the conservation and enhancement of biodiversity. It seeks to minimise the impacts of light and noise pollution on wildlife and ensure 10% biodiversity net gain as a minimum.
- 2.3 It includes a policy which aims to support cycling and walking by improving cycle storage, ensuring new accesses are sensitively designed, permeable routes, the integration of paths with existing routes, connections with green corridors and the enhancement and creation of accessible links to Lancaster City.
- 2.4 The Plan adopts a design code which seeks to ensure new buildings are in harmony with their setting and sensitive to heritage assets. The design code is embedded within 2 policies which set out criteria relating to green spaces, views and character, gateway and access features, the pattern and layout of buildings, boundary line and treatments, parking and public realm, building heights, materials and building details and traditional and contemporary architecture.
- 2.5 A housing policy seeks to ensure new development is of a modest scale limited to small infill sites, previously developed land or conversions. It sets out criteria for the layout of development, accessibility, private space, support for home working and opportunities to enhance community infrastructure. The policy supports smaller dwellings of up to 3 bedrooms and terraced or semi-detached homes suitable for small households and downsizing.
- 2.6 The Plan includes policies which support community led renewable energy schemes and sustainable design which maximises energy efficiency, renewable energy, reuse of materials, open space and electric vehicle charging points.
- 2.7 The surface water drainage policy includes the sustainable drainage hierarchy within the new policy DM34 of the Climate Emergency Review of the Local Plan (CERLP), setting out a priority for the reuse and reduction of surface water, infiltration and attenuation above ground to provide multi-functional benefits. This is a positive step in advance of the examination and future adoption of the CERLP.
- 2.8 The Parish Council has fulfilled the statutory requirements of the neighbourhood plan-making process undertaking consultation on the issues and options between February and April 2020 and then on a draft plan between January and March 2021. The City Council carried out the consultation on the finalised Plan during October and November 2021.

- 2.9 Following the publication of the final version of the Plan, the Plan and the supporting evidence was scrutinised by an independent Examiner. The Examiner was appointed jointly between the City Council and the Parish Council. The examination of the plan was carried out through the written representations procedure and did not involve any form of hearing sessions. The final version of the Examiner's Report was received in March 2022, and it was recommended that, subject to a series of modifications, the Plan could proceed to referendum. This Examiner Report can be found In Appendix B of this report.
- 2.10 An Individual Cabinet Member Decision Report was subsequently submitted and on 18th May 2022 it was agreed to endorse the modification required by the Examiner and to progress the Plan to referendum. A Regulation 18 Decision Statement (Neighbourhood Planning (General) Regulations 2012/637) was issued giving notice of the forthcoming referendum which was held on the 21st July 2022. The referendum was held in accordance with the Neighbourhood Planning (Referendums) Regulations 2012 (as amended in 2013). There was a turnout of 42% of eligible voters at the referendum, equating to 95 voters (electorate of 225). Of the votes received 90 voted yes in response to the referendum question, "Do you want Lancaster City Council to use the Neighbourhood Plan for Aldcliffe with Stodday to help it decide planning applications in the neighbourhood area?"
- 2.11 The Planning and Compulsory Purchase Act 2004 (as amended) by virtue of Section 38A(4) requires the Council to 'make', a neighbourhood plan if more than 50% of those voting at a referendum vote in support of the neighbourhood plan. It is therefore a legal requirement that the Council 'make' a plan following a positive outcome at referendum, the exception being where making the plan would breach, or otherwise be incompatible with, any EU or human rights obligations. The Council have assessed and concluded that the Plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1988). The Examiner's Report also states that the Plan does not breach the European Convention on Human Rights obligations. Therefore, the Council is now under a statutory duty to 'make' the Aldcliffe with Stodday Neighbourhood Plan.
- 2.12 Under Regulation 19 of Neighbourhood Planning (General) Regulations 2012/637 the Council will publish a decision statement (in draft form at Appendix C to this report) on its website setting out the reasons for making the Plan and where it may be inspected, and send a copy of that statement to the Parish Council.
- 2.13 The Plan period runs between the period 2021-2031 to align with the adopted Local Plan and will be used in the determination of planning applications that fall within the parish of Aldcliffe with Stodday. Its effectiveness will be monitored annually and the Parish will need to review the Plan in due course as part of this process.

3.0 Details of Consultation

- 3.1 The Parish and City Councils have carried out informal and statutory consultation as outlined in paragraphs 2.8 and 2.10.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: 'Make' the Aldcliffe with Stodday Neighbourhood Plan	Option 2: Do not 'make' the Aldcliffe with Stodday Neighbourhood Plan
Advantages	The 'making' of the Plan is mandatory given the outcome of the referendum and legislative assessment, and therefore options in this regard are limited.	No advantages.
Disadvantages	No disadvantages.	The making of the Plan is mandatory given the outcome of the referendum and legislative assessment. By not 'making' the Plan the Council would be in breach of the regulations.
Risks	It is possible that a legal challenge, by way of a judicial review, can be brought against the Council's decision to 'make' the Plan. The time period for court challenge would be six weeks from the decision. All reasonable measures have been taken to ensure procedural compliance and minimise risk for the Council.	A legal challenge could be brought against the Council by way of judicial review if the Council does not 'make' the Plan.

5.0 Officer Preferred Option (and comments)

5.1 As outlined above, the making of the Plan is mandatory given the outcome of the referendum and legislative assessment, and therefore the options in this regard are limited. The preferred option is for the Plan to be 'made'.

6.0 Conclusion

6.1 In conclusion, following a positive outcome of the referendum on the Aldcliffe with Stodday Neighbourhood Plan, and subsequent conclusion that the Neighbourhood Plan does not breach, or is incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1988), the Aldcliffe with Stodday Neighbourhood Plan should be 'made' and, as such become part of the statutory Development Plan for the area.

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

The Examiner has confirmed that the Plan meets the Basic Conditions (subject to recommended modifications). One of these conditions is that it must be compatible with

human rights requirements. Officers agree that the plan, with the modifications made, meets the Basic Conditions.

There are not considered to be any equality impacts relating to recommendations of this report.

Another of the Basic Conditions is to contribute the achievement of sustainable development. The neighbourhood plan was supported by a Strategic Environmental Assessment screening that concluded that the plan would not trigger significant environmental effects. In addition to this, the Council has confirmed that it believes the plan meets the Basic Conditions including in terms of sustainability.

LEGAL IMPLICATIONS

The Council's Legal duties are set out within Section 38A(4) and Section 38A(6) of the Planning and Compulsory Purchase Act 2004, this requires:

- (4) A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made—
 - (a) must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan, and
 - (b) if paragraph (a) applies, must make the plan as soon as reasonably practicable after the referendum is held [F2and, in any event, by such date as may be prescribed].
- (6) The authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

Given the above, in the case of Aldcliffe with Stodday where;

- a) there was significant positive vote in favour of 'making' the Plan (more than 50% of the turnout); and
- b) it is concluded that the 'making' of the plan would not breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998),

there is a legal requirement for the plan to be made.

Upon being 'made', the Plan will be subject to a statutory period of time (six weeks) within which a legal challenge can be lodged.

FINANCIAL IMPLICATIONS

Once the Plan is 'made', should the Council seek to bring forward a Community Infrastructure Levy within the district in the future, 25% of any receipts generated from development within Aldcliffe with Stodday parish will be passed to the Parish Council.

There may be a requirement for additional staff resources, but these are expected to be minimal and manageable within the resources available.

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

The Economic Growth and Regeneration Service is adequately resourced to advance neighbourhood plans and consider the policies when making planning decisions. There are no other direct implications.

SECTION 151 OFFICER'S COMMENTS

The 151 Officer has been consulted and has no comments to add.

MONITORING OFFICER'S COMMENTS

Development Plan documents, once made, form part of the Council's Policy Framework and therefore this is a function of Full Council.

BACKGROUND PAPERS

Appendix A – Aldcliffe with Stodday Neighbourhood Plan

Appendix B - Examiners Report on Aldcliffe with Stodday Neighbourhood Plan

Appendix C - Draft Regulation 19 Decision Statement

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Aldcliffe with Stodday Neighbourhood Plan 2021 - 2031

Submission Plan

Report to Lancaster City Council of the examination into the Aldcliffe with Stodday Neighbourhood Plan

by Independent Examiner, Peter Biggers BSc Hons MRTPI AIHBC

March 2022

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Summary and overall recommendation

Following my examination of the Aldcliffe with Stodday Neighbourhood Plan (AWSNP), including a site visit to the neighbourhood area on 19 January 2022, it is my view that, subject to modifications, the AWSNP reflects the views of the community and will set out a clear vision and suite of policies for the neighbourhood area.

My report highlights a number of areas where I consider the wording of the Plan as submitted is not in accordance with one or more of the Basic Conditions.

For the most part, the reason for this is that the policies do not wholly meet the requirement of the National Planning Policy Framework at paragraph 16 where it states that policies should be: “clearly written and unambiguous so it is evident how a decision maker should react to development proposals”, and the advice in the Planning Practice Guidance where it states that: “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence”.

I have therefore recommended a number of modifications to the Plan that should be made before the Plan can proceed to referendum. These are intended to ensure that, first and foremost, the Plan can meet the Basic Conditions.

In proposing the modifications, I have tried to ensure that the integrity and value of the AWSNP and its vision is retained and that the intention of neighbourhood planning, where the community’s wishes should be central to the Plan, is honoured.

By its nature, the examination has to be rigorous. Any criticism is not at all to undermine the significant community effort that has gone into the Plan. Rather, the purpose of the examination is to ensure that the Neighbourhood Plan meets the Basic Conditions and is as robust as possible and that it can better play its part in planning decisions and managing change in Aldcliffe with Stodday in the future in an effective way.

In addition to the recommended modifications, it should also be noted that there may be a number of consequential changes, for example to referencing and numbering, that will inevitably be needed as a result of making the modifications. It will also be necessary to ensure all references to current local planning documents and the stage reached in the plan making process are up to date. I have captured some of these, but not necessarily highlighted all these consequential changes and these amendments need to be made in finalising the Plan for referendum.

Subject to the recommended modifications in the report being completed, I am satisfied that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority;
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

The AWSNP also complies with the legal requirements set out in paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

With the modifications in place, the AWSNP will meet the Basic Conditions and can proceed to a referendum.

When that referendum takes place, I also recommend that the Aldcliffe with Stodday Neighbourhood Area, which covers the administrative area of the Parish, is taken as the area for the referendum.

Peter Biggers BSc Hons MRTPI AIHBC

Independent Examiner

9 March 2022

1. Introduction

Background context

- 1.1. This report provides the findings of the examination into the Aldcliffe with Stodday Neighbourhood Plan (referred to as the AWSNP throughout this report).
- 1.2. The AWSNP was produced by Aldcliffe with Stodday Parish Council (AWSPC) and its Steering Group in consultation with the local planning authority for the neighbourhood area – Lancaster City Council (LCC). The local community, interested parties and local stakeholders were also consulted as set out in Section 3 below.
- 1.3. Aldcliffe with Stodday Parish comprises Aldcliffe village and the hamlet of Stodday about one mile to the south. The Parish is within Lancaster City boundary and is located just over 1 mile (2 kilometres) south-west of the city centre.
- 1.4. Aldcliffe with Stodday Neighbourhood Area equates to an area of approximately 453 hectares covering all of the administrative area of the Parish and with a population of 222 on the electoral roll living in 113 dwellings (2011).
- 1.5. The Parish lies adjacent to the banks and salt marshes of the River Lune to the west and the Lancaster Canal and edge of the urban area to the east. Most of the Parish is made up of “green infrastructure” principally fields used for grazing or crop growing, with some woodland areas, paths and the two green corridors of the Lancaster Canal and the Lune Estuary.
- 1.6. Aldcliffe comprises a few older cottages off Aldcliffe Road on the approach to the hamlet, and some more recent (1970s - 2010s) housing estates to the west and north of Aldcliffe Road and Aldcliffe Hall Lane. Stodday is a small hamlet with several traditional cottages clustered around Stodday Lane and Walnut Bank Lane. Outside the two small settlements the landscape is rural in character and is comprised of the rolling topography of low coastal drumlins to the east and open coastal marshes to the west around the Lune estuary. There are a few additional scattered farms and cottages. A large waste water treatment plant lies in the south west of the Parish.
- 1.7. This examiner’s report provides a recommendation as to whether or not the AWSNP should go forward to a referendum. Were it to go to referendum and achieve more than 50% of votes cast in favour of it, then the AWSNP would be ‘made’ by LCC. In the event of a successful referendum result, the AWSNP would immediately carry full weight in the determination of planning applications in the neighbourhood area.

Appointment of the independent examiner

- 1.8. I was appointed as an independent examiner by LCC, with the consent of AWSPC, following a competitive procurement process through NPIERS with whom I am a panel member, to conduct the examination and provide this report as an independent examiner. I am independent of the qualifying body and the Local Planning Authority. I do not have any interest in any land that may be affected by the AWSNP, nor do I have any professional commissions in the area currently. I hold appropriate qualifications and experience and have planning and development experience, gained over 40 years across the public and private planning sectors. I am a Member of the Royal Town Planning Institute and an Affiliate of the Institute of Historic Building Conservation.

Role of the independent examiner

- 1.9. It is the role of the independent examiner to consider whether a neighbourhood plan meets the “Basic Conditions”. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA). They are that *:
- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - d) The making of the neighbourhood plan contributes to the achievement of sustainable development;
 - e) The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority;
 - f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
 - g) Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.
- 1.10. Pursuant to Basic Condition g) above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, effective from 28 December 2018, prescribes the following additional Basic Condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA 1990:
- “The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017”.

Regulation 106(1) of Chapter 8 states that : “a qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under Regulation 105 (that assessment is necessary where the neighbourhood plan is likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects) or to enable it to determine whether that assessment is required”.

* NB Basic Conditions b) and c), relating to listed buildings and conservation areas, are also included in the Basic Conditions but as these only concern neighbourhood development orders they are not included in this report.

1.11. In examining the Plan, I have also considered whether the legislative requirements are met, namely:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in section 61F of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan has been prepared for an area that has been designated under section 61G of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan meets the requirements of section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provisions relating to ‘excluded development’, and must not relate to more than one neighbourhood area) and
- The policies relate to the development and use of land for a designated neighbourhood area in line with the requirements of the PCPA section 38A.

1.12. I have examined the AWSNP against the Basic Conditions and legislative requirements above and, as independent examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to referendum, on the basis that it meets all legal requirements;
- b) that the Plan, once modified to meet all relevant legal requirements, should proceed to referendum;
- c) that the Plan does not proceed to referendum, on the basis that it does not meet the relevant legal requirements.

1.13. If recommending that the Plan should go forward to referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Aldcliffe with Stodday Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this report (See Section 8).

- 1.14. The role of the independent examiner is not to comment on whether the Plan is sound or how the Plan could be improved, but rather to focus on compliance with the Basic Conditions.

2. The Examination Process

- 2.1. It is a general rule that neighbourhood plan examinations should be held without a public hearing; that is by written representations only. However, according to the legislation, when the examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, a public hearing may be held.
- 2.2. I have considered the representations received at the Regulation 16 publicity stage. Whilst there were a number including some from prospective developers, I am satisfied that there is no need for a public hearing in respect of the AWSNP and the matters are considered below. I confirm that all Regulation 16 representations on the Plan have been taken into account in undertaking this examination. Where appropriate, I have made specific reference to the person's or organisation's comments in Section 6 of this report.
- 2.3. I undertook an unaccompanied site visit around the neighbourhood area on 19 January 2022, during which I looked at its overall nature, form, character and appearance and at those areas affected by policies in the Plan in particular.
- 2.4. Subsequent to my reading for the examination and the site visit, I asked a number of factual clarifying questions of AWSPC, as qualifying body, and LCC relating to the context and intent of policies and proposals of the Plan. This exchange was carried out by email and the questions and the responses received from the Councils are set out in Appendix 1 to this report and have been uploaded to the Neighbourhood Plan webpages on the LCC website. I am grateful to the Councils for responding on these matters.
- 2.5. In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the AWSNP:
- National Planning Policy Framework (Jul 2021)
 - National Planning Practice Guidance 2014 (as amended)
 - Town and Country Planning Act 1990 (as amended)
 - The Planning and Compulsory Purchase Act 2004 (as amended)
 - The Localism Act 2011
 - The Neighbourhood Planning Act 2017
 - The Neighbourhood Planning (General) Regulations (2012) (as amended)
 - Aldcliffe with Stodday NP Basic Conditions Statement (Sep 2021)
 - Aldcliffe with Stodday NP Consultation Statement and Appendices (Sep 2021)
 - Aldcliffe with Stodday NP Strategic Environmental Assessment Screening

Determination Statement

- Aldcliffe with Stodday NP Habitats Regulation Assessment Screening Determination Statement
- Aldcliffe with Stodday Design Code AECOM 2020
- Aldcliffe with Stodday Technical Evidence Base December 2020
- Aldcliffe with Stodday Housing Needs Assessment AECOM 2019
- Aldcliffe with Stodday Ecology Reports 2018 and 2019.
- Aldcliffe with Stodday Neighbourhood Area Designation Report – Dec 2018
- Representations received during the Regulation 16 publicity period post submission – (15 October – 26 November 2021)
- Aldcliffe with Stodday Neighbourhood Plan Responses to Regulation 16 Consultation and Parish Council Consideration. Feb 2022.

3. Public Consultation

Background

- 3.1. An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.
- 3.2. AWSPC submitted a Consultation Statement, as required by Regulation 15 of the Neighbourhood Planning (General) Regulations, to LCC on 14 September 2021.
- 3.3. Public consultation on the AWSNP commenced with early discussions about a neighbourhood plan in 2018. This early consultation was followed by various consultation stages, including the two formal stages required by the Regulations:
 - The pre-submission consultation under Regulation 14 from 25 January 2021 to 12 March 2021 and
 - The publicity stage, as required by Regulation 16, (the consultation period post submission of the Plan) from 15 October 2021 to 26 November 2021
- 3.4. The Regulation 16 stage resulted in consultation responses from 10 respondents raising multiple points. The representations raised are considered as necessary within my assessment of the Plan in Section 6 below.

Aldcliffe with Stodday Neighbourhood Plan Consultation

- 3.5. The AWSNP Neighbourhood Planning Steering Group was set up in late 2018 and has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods used included the local paper (the Lancaster Guardian), newsletters and the Parish Council's

Neighbourhood Plan website, together with the LCC website, notice boards and posters, leaflets, email drops and Facebook, as well as the offer of events, drop-ins and questionnaires. Copies of the Pre-Submission Draft Plan and Submission Plan together with supporting documents were provided locally as well as being uploaded to the websites and links provided via email.

- 3.6. Evidence gathering for the plan commenced in 2019 and ran through 2019/20 and included a housing needs assessment carried out by AECOM in 2019 followed by a Parish Housing Needs survey later that year in November to include a door to door survey. 113 questionnaires were sent out to all households and 84 were returned – a 74% return rate.
- 3.7. An Issues and Options document was then prepared in February 2020 and circulated to all households for comment as well as LCC and stakeholders between 24 February and 20 April 2020. 51 responses were received. The results were analysed and reports produced and used to draft the neighbourhood plan.
- 3.8. The Consultation Statement sets out the form and content of these early consultations. It is clear that full opportunities were available to the community to be involved and that the consultations gave a good basis for the preparation of the Plan.
- 3.9. The pre-submission draft of the Plan was signed off by the Parish Council and as required by Regulation 14, the consultation ran for six weeks from 25 January to 12 March 2021.
- 3.10. The AWSNP was made available online on the Parish and LCC websites, and links to the Plan were provided via email to statutory consultees and local stakeholders and hard copies of the plan supplied to all households. The Plan was publicised in the Lancaster Guardian and by posters on notice boards and flyers. In view of the Covid 19 lockdown and following advice, an online discussion event and telephone conference opportunities were set up. However, no registrations were received to discuss the plan. Nevertheless, 94 responses from residents and stakeholders were received, 5 responses from consultees and 3 submissions from local developers proposing 2 sites for development.
- 3.11. Following the pre-submission stage and the analysis of results, the Plan was revised, approved for submission and submitted by the Parish Council on 14 September 2021.
- 3.12. The Neighbourhood Planning Regulations are part and parcel of Basic Condition a), and Regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the Consultation Statement, in particular the tables setting out the representations at the Regulation 14 stage and how these were answered, as well as the appendices to the statement, I am satisfied that the Consultation Statement is compliant with Regulation 15. It demonstrates who was consulted, how they were consulted, what the main issues and concerns were, and what action has

been taken in response to these to arrive at the Submission Draft Plan.

4. Preparation of the Plan and legislative requirements

4.1. In terms of the procedural tests set out above my findings are:

Qualifying body

4.2. Aldcliffe with Stodday Parish Council, as the duly elected lower-tier council, is the qualifying body for preparation of the Plan.

4.3. I am satisfied that the requirements set out in the Localism Act (2011) and in section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

Plan Area

4.4. An application was made by AWSPC in August 2018 to designate the Aldcliffe with Stodday Neighbourhood Area. The area sought covered the administrative area of the Parish. This neighbourhood area was approved by LCC on 10 December 2018.

4.5. This satisfies the requirement under section 61G (1) (2) and (3) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) and Regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations as amended.

Plan period

4.6. A neighbourhood plan must specify the period during which it is to have effect. The AWSNP clearly states on the title page and in the introduction in section 1 that it covers the period 2021-2031.

4.7. The plan period aligns with the end point of the Lancaster Local Plan (LLP), which set out the strategic policies for the neighbourhood area. The intended time period satisfies the requirements of section 38B of the PCPA as amended.

Excluded development

4.8. The Plan does not include policies or proposals that directly relate to any of the categories of excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure, or any matters set out in Section 61K of the TCPA 1990. The AWSNP, as proposed to be modified in Section 6 below, relates solely to the neighbourhood area and no other neighbourhood area, and there are no other neighbourhood development plans in place within the

neighbourhood area. This satisfies the requirements of section 38B of the PCPA, as amended.

Development and use of land

- 4.9. The Neighbourhood Plan should only contain policies relating to the development and use of land. Subject to the modifications proposed below in Section 6, the AWSNP policies would be compliant with this requirement of section 38B of the PCPA, as amended.

Plan publication following submission

- 4.10. LCC undertook a validation check of the AWSNP following its submission in September 2021. The Council was satisfied that the Plan could proceed to be publicised under Regulation 16 and proceed to this independent examination.

5. The Basic Conditions

National policy and advice

- 5.1. The main document that sets out national policy is the National Planning Policy Framework (the NPPF). A revised version of the NPPF was published in July 2021. The AWSNP was prepared in the context of its predecessor dated July 2019. However, in preparing the AWSNP for submission, references to the NPPF were updated to reflect the new 2021 NPPF. I have based my consideration of the extent to which the AWSNP meets Basic Condition a) against NPPF 2021, along with legislation and regulations.
- 5.2. The NPPF explains that neighbourhood plans should support the delivery of strategic policies and set out non-strategic policies and plan positively to shape, direct and help to deliver sustainable development that is outside the strategic elements of the Local Plan.
- 5.3. The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words, neighbourhood plans must be in general conformity with the strategic policies of the development plan. They should not promote less development than that set out in the strategic policies of the development plan or undermine those strategic policies.
- 5.4. The NPPF indicates that plans should contain policies that are clearly written and unambiguous, so that it is clear how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area.

- 5.5. National advice on planning is set out in the Planning Practice Guidance (PPG), which includes specific advice regarding neighbourhood plans. I have considered the advice of the PPG as part of assessing the Plan against Basic Condition a).

Sustainable development

- 5.6. A qualifying body must demonstrate how a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three overarching objectives to sustainable development - economic, social and environmental.
- 5.7. There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However, SA is an established method of demonstrating how a neighbourhood plan will contribute to achieving sustainable development.
- 5.8. In this case, AWSPC has only included in the Basic Conditions Statement a commentary in tabular form (Table 1) on how the Plan meets the three main sustainability objectives in the NPPF. This has not been done against a suite of sustainability objectives (reflecting the environmental, social and economic dimensions of sustainability) to test the AWSNP policies, which would have been the more usual procedure. However, the table includes sufficient information to confirm, at a high level, that the effect of the policies of the Plan would be generally positive in terms of sustainability. I consider the contribution of specific policies to sustainable development below in Section 6.

General conformity with the development plan

- 5.9 The AWSNP has been prepared in the context of the Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD Adoption Version, July 2020. (LPLD-PT1) and the Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Adoption Version, July 2020 (LPLD-PT2) and the AWSNP must be in general conformity with the strategic policies.
- 5.10 The PPG provides the following definition of general conformity:
- “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:
- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
 - the degree, if any, of conflict between the draft neighbourhood plan policy or

development proposal and the strategic policy;

- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or order and the evidence to justify that approach.”

5.11 Although only adopted in 2020 the Council has embarked on an immediate review and update of LLP-PT1 and LLP-PT2 to ensure they fully respond to the Climate Emergency.

I consider the extent to which the policies and proposals of the AWSNP are in general conformity with the strategic policies of the LLP in detail in Section 6 below.*

* The Development Plan for the area also includes the Joint Lancashire Waste and Minerals DPD but I have not referred to this as the AWSNP cannot influence these matters.

European Union (EU) obligations

5.12 A neighbourhood plan must be compatible with EU obligations, as incorporated into UK law, in order to be legally compliant. Notwithstanding the United Kingdom’s departure from the EU, these obligations continue to apply unless and until repealed or replaced in an Act of Parliament.

Strategic Environmental Assessment and Habitat Regulations Assessment

5.13 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environmental Assessment (SEA) Directive. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe’s most important habitats and species and can have a bearing on neighbourhood plans.

5.14 Regulation 15 of the Neighbourhood Planning Regulations, as amended in 2015, requires either that a SEA is submitted with a neighbourhood plan proposal or a determination obtained from the responsible authority (LCC) that the Plan is not likely to have ‘significant effects.’

5.15 A screening opinion was prepared by LCC in consultation with the statutory bodies in July 2021. The screening concluded that full SEA was not required because the AWSNP did not allocate land for development, any development permissible under the policies would be small scale and, because of the plan’s environmental focus,

there was unlikely to be any significant adverse effects. Any impacts from the small scale and local development that might take place would be offset by the positive benefits of the policies within the Neighbourhood Plan seeking to achieve more sustainable development.

- 5.16 Regarding Habitats Regulations Assessment (HRA), the test in the additional Basic Condition under Regulation 32 now essentially mirrors that in respect of SEA. It requires an Appropriate Assessment to be carried out where a plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) or a determination obtained from the responsible authority (LCC) that the plan is not likely to have a 'significant effect'. A screening opinion was similarly carried out by LCC in July 2021 and a determination prepared.
- 5.17 European sites – Morecambe Bay SAC and SPA extend into the Neighbourhood Area and the Neighbourhood Area therefore lies within the Impact Risk Zone. Screening showed, that as the Plan does not propose to introduce any significant additional development, and any sites are likely to be small in scale, and guided by AWSNP's policies to ensure sustainable outcomes, the conclusion of the Council's determination was that the Neighbourhood Plan either alone or in combination with other plans and programmes would not have a significant effect on any European sites. Consequently, the AWSNP is not considered to require Appropriate Assessment under Article 6 or 7 of the Habitats Directive.
- 5.18 Both the determinations regarding SEA and HRA have been confirmed by Natural England, the Environment Agency and Historic England as statutory consultees. I have no reason to reach a different view to the statutory consultees.

European Convention on Human Rights (ECHR)

- 5.19 The Human Rights Act 1998 encapsulates the Convention and its articles into UK law.
- 5.20 An Equalities and Human Rights Impact Assessment has not been specifically carried out for the AWSNP. Instead, the Basic Conditions Statement briefly assesses the potential impacts of the AWSNP in relation to the relevant Articles of the Convention and concludes that the AWSNP has regard to the fundamental rights and freedoms guaranteed under the ECHR.
- 5.21 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions - although the AWSNP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.
- 5.22 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair

hearing in determination of an individual's rights and obligations - the process for preparing the AWSNP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.

- 5.23 In respect of Article 14 of the Convention's Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground - the policies and proposals of the AWSNP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible.
- 5.24 I conclude that, given the nature of the plan policies and proposals, it is unlikely there would be any detrimental impact on the 'protected characteristics' set out in the Equality Act and, generally, the Plan would bring positive benefits. Whilst the Plan does not directly address needs in respect of particular protected characteristics within the plan area, the AWSNP is not prejudicial to any group in its policies.
- 5.25 No concerns or objections on the grounds of human rights or equalities have been raised during the consultation stages of the Plan. I am satisfied on the basis of the above that, across the Plan as a whole, no sectors of the community are likely to be discriminated against. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.
- 5.26 I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.
- 5.27 I am not aware of any other European Directives which apply to this particular neighbourhood plan and no representations at pre- or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the AWSNP is compatible with EU obligations and therefore with Basic Conditions f) and g).

6 The Neighbourhood Plan – Assessment

6.1 The Neighbourhood Plan is considered against the Basic Conditions in this section, following the structure and headings in the Plan. Given the findings in Section 5 above that the Plan as a whole is compliant with Basic Conditions f) (EU obligations) and g) (Other prescribed conditions including that under Regulation 32), this section largely focusses on Basic Conditions a) (Having regard to national policy), d) (Contributing to the achievement of sustainable development) and e) (General conformity with strategic policies of the development plan).

6.2 Where modifications are recommended, they are clearly marked as such and set out in bold print.

The general form of the Plan

6.3 The structure of the AWSNP is generally logical and clear with early sections setting the context both in respect of policy and background to the neighbourhood area and the key issues facing it, before setting out the vision and objectives and the policy sections.

6.4 The Plan distinguishes between the policies themselves and their justification by boxing and shading the policies. Each policy is accompanied by supporting text setting out the context, rationale and intent as well as the strategic policy context.

6.5 The NPPF at paragraph 16 requires the Plan to be “clearly written and unambiguous so it is evident how a decision maker should react to development proposals” and to “serve a clear purpose avoiding unnecessary duplication of policies that apply to a particular area”.

6.6 Neighbourhood plans are not to include matters that do not relate to the development and use of land. The AWSNP, as with many neighbourhood plans, has in the course of its preparation attracted many comments and proposals from the community that they would like to see the Parish Council take action on, but which are not directly to do with the development and use of land. Whilst AWSPC has acknowledged that these ‘community actions’ are not matters that the Neighbourhood Plan can directly address, they are nevertheless presented in the body of the Plan and are part of it, potentially leading to confusion. They should be separated out and relocated in an appendix to the Plan with paragraph markers remaining in the text referring to the appendix.

6.7 In order to provide a clear and unambiguous plan this also requires the mapping to be clear. In the printed version supplied to the examiner and even in the digital version the delineations and colour coding on the maps are not sufficiently clear to allow easy interpretation. This needs to be rectified in the final version going forward to the referendum.

6.8 Finally, in respect of general points, LCC in its Regulation 16 representation indicates that the policy referencing in the AWSNP ie AS1, AS2 etc repeats the policy referencing in the Arnsdale and Silverdale AONB Development Plan Document already adopted and as such could lead to confusion. I agree that to avoid confusion the policies should have a unique referencing system. This could either be ASNP1, ASNP 2 etc or as suggested by LCC AWS1, AWS 2 etc.

I recommend the following modifications.

Recommendation 1	
1A	<p>Delete the Action Tables on pages 28 and 47 and relocate the content in a new Appendix 2 entitled “Actions for the Parish Council and Community Aspirations”</p> <p>Introduce the Appendix with the following text :</p> <p>“The Steering Group in preparing the plan has identified a number of Parish Council Actions and community aspirations in response to issues identified in relation to:</p> <p>Biodiversity Net Gain... Promoting Walking and Cycling and Infrastructure Provision”</p> <p><i>Biodiversity Net Gain – add project content of current Appendix 2 here</i></p> <p><i>Promoting Walking and Cycling – Add content of table on page 28 here</i></p> <p><i>Infrastructure Provision – Add content of table on page 47 here</i></p>
1B	Clarify colour coding and delineations on maps used within the plan.
1C	Ensure the policy referencing in the AWSNP does not replicate policies in another adopted planning policy document.

What is a Neighbourhood Development Plan

6.9 This section provides a brief introduction to the Plan and the legislative context and briefly outlines the process for preparing the plan.

6.10 This is largely a factual section and for the most part there is no need for any changes other than consequential changes to update the process and the stage reached following this examination as set out in the text and diagram on page 6.

Recommendation 2	
2	Update the text and diagram on page 6 to reflect the current position with the plan.

An NDP for Aldcliffe with Stodday

6.11 Section 2 of the Plan sets out the governance arrangements for preparing the plan and the consultation that took place in its preparation. Again this is largely factual and raises no issues in respect of the Basic Conditions but the section particularly on page 8 duplicates what is contained in the consultation statement and it is unnecessary to repeat

much of what follows paragraph 2.6. However, as changes are not required to meet the Basic Conditions, I make no formal recommendation in this regard.

A Portrait of Aldcliffe with Stodday Parish

6.12 Section 3 of the Plan sets out the general context and characteristics of the Parish. The section leads into the Neighbourhood Plan vision and the objectives designed to deliver the vision and provide the basis for the policies. Again, the current content of the section is largely factual, and I have no concerns relating to the Basic Conditions.

Vision and Objectives

6.13 Being able to demonstrate the thread from issues to vision and objectives and from objectives to policies is an important part of evidencing the Neighbourhood Plan as required in the PPG. There is a clear thread from vision and objectives to policies although the thread from the issues identified to the vision and objectives is not so well developed. In order to assist the overall clarity of the plan to meet Basic Condition a) the key issues should be summarized at the end of section 3.

6.14 The vision looks to preserve the character of the Parish both for residents and visitors and to ensure all new development is to meet residents' needs and is sympathetic to that character.

6.15 The Plan has regard to the PPG advice that it “provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local people.”

6.16 The vision and objectives also encapsulate and generally reflect the spatial vision set out in the LPLD-PT1 at Section 3 and the specific objectives set out in section 4 in particular the objectives SO2 - SO5. Similarly, the AWSNP objectives directly reflect the 3 objectives set out in the LPLD-PT2 Section 3 setting out development management objectives. The impact of pursuing the vision and objectives of the Neighbourhood Plan would contribute to the achievement of sustainable development in the neighbourhood area.

6.17 Ordinarily, as the vision and objectives have been set through discussion with the community, I would be reluctant to amend these. However, in the interests of a clear and unambiguous plan to meet Basic Condition a) a very minor clarification should be made to objective 2 in line 2 to clarify that is transport networks that are being referred to.

6.18 As above with regard to recommendation 1A and the need to relocate the community actions to an appendix the last paragraph of section 4 of the plan (4.3) needs to be amended to refer to that appendix and the appendix also referenced in objectives 3, 4 and 7.

Recommendation 3	
3A	Insert a text box at the end of section 3 summarising the key issues for the plan to lead into the vision and objectives at section 4.
3B	Amend line 2 of objective 2 to insert the word “<i>transport</i>” before the word ‘networks’.
3C	Insert the words “(See Appendix 2)” at the end of the text in Objectives 3, 4 and 7.
3D	Amend the text in paragraph 4.3 to read: “The NDP also <i>references</i> actions for the Parish Council.....community facilities <i>and these are set out in Appendix 2</i>”.

6.19 With these modifications the vision and objectives of the AWSNP would meet the Basic Conditions.

Planning policies

6.20 Section 5-8 of the Plan set out the policies contained in the Plan.

Section 5 – Balancing Conservation and Accessibility

6.21 Generally, this section of the AWSNP is aimed at protecting the natural environment whilst promoting accessibility to it by sustainable means.

Policy AS1 – Conserving and Enhancing Local Biodiversity

6.22 The neighbourhood area has a rich and valued natural environment with a number of important natural assets. Policy AS1 sets out what is expected of development schemes to protect and enhance biodiversity and how biodiversity net gain (BNG) can be achieved.

6.23 The NPPF at section 15, particularly paragraphs 174 and 179, encourages plans to promote the conservation, restoration and enhancement of priority habitats, to pursue measurable net gains for biodiversity and to prevent development contributing to pollution, which Policy AS1 is in response to.

6.24 However, in two respects the Policy does not entirely meet Basic Condition a). In the first instance the NPPF talks about ‘protecting **and** enhancing’ and, whilst the supporting text to Policy AS1 also talks in these terms, the Policy itself states that development should ‘conserve **or** enhance’. This needs to be corrected. Secondly, the Policy in the second paragraph talks solely about mitigation whereas the NPPF, at paragraph 180, makes it

clear that the first priority is to avoid impact and where that is not possible mitigate impact. The paragraph therefore needs to make that clear.

6.25 Furthermore, in respect of the NPPF and PPG guidance that planning policy should be clear and unambiguous there are a number of areas with Policy AS1 where this is not achieved. First, the Policy states in paragraph 3 that there should be a measurable net gain in biodiversity **wherever possible** and in the introduction to parts 1 and 2 of the policy that a biodiversity net gain (BNG) **could** be achieved through development not that it **will**. Any developer would be unclear as to what was expected of them. I accept that the mandatory requirement for BNG will not come into force until November 2023 but as Policy AS1 will be in force at that stage it should make it clear that BNG will be expected. Secondly, it is not clear in respect of off-site contributions in paragraph 3 and in section 2 how these contributions will be secured or how the obligation to maintain the BNG over 30 years will be enforced. AWSPC states in its response to the Examiner question on this matter that it would be secured by planning obligation or by a Biodiversity Gain Plan but the detail is subject to confirmation as legislation is enacted and comes into force. Whilst I accept that there is still some uncertainty, again Policy AS1 will be in force beyond 2023 and if the intention is that off-site contributions and other requirements will be through a S106 planning obligation or a Biodiversity Gain Plan this should be stated but with the flexibility to accommodate other requirements of legislation.

6.26 The strategic context in respect of protecting the natural environment is set out in Policy SP8 of LPLD-PT1 which seeks to protect, maintain and enhance the District's biodiversity amongst other things whilst Policy EN7 focusses on designated sites. Policy AS1 is in general conformity with these policies. Whilst Policy DM44 of the LPLD-PT2 provides more detail on how biodiversity is to be protected and enhanced and there is some overlap in Policy AS1, the neighbourhood plan Policy does add local context and does not merely replicate the Local Plan policies. Instead it focusses on setting out how net gain can be achieved both on and off site. Policy AS1 is therefore complementary to the strategic policies and in general conformity and Basic Condition e) is met.

6.27 Given that the objective of the policy is to achieve BNG, Policy AS1 will have a positive effect in achieving sustainable development and in particular environmental sustainability.

6.28 Finally in respect of the supporting text the reader is referred to a 2019 DEFRA consultation as a source of information regarding the BNG metric. This has now been overtaken and the Gov.UK website lists the current document as the Biodiversity Metric 3.0 (JP039) together with the calculator tool and user guide on the Natural England website as the current source of advice. Thus, the reference in paragraph 5.14 and footnote 5 should be replaced. The British Standard BS8683:2021 Process for Designing and Implementing BNG Specification could also be referenced.

I recommend the following modifications.

Recommendation 4	
4A	In Line 1 of Policy AS1 change the word ‘or’ to “and”
4B	Reword first sentence of paragraph 2 of Policy AS1 to read: <i>“All developments should avoid any impacts from the loss of countryside, wildlife and the natural environment and where avoidance is not possible mitigate or compensate for any impacts”</i>
4C	Delete the words ‘wherever possible’ from line 2 of Paragraph 3 to Policy AS1. Add to the end of the last sentence of Paragraph 3 of Policy AS1 the words: <i>“These requirements will be secured through a S106 planning obligation, biodiversity gain plan or other mechanism required by legislation or regulation.”</i>
4D	Amend the line preceding Clause 1 of policy AS1 to read <i>“A biodiversity net gain will be expected from all development by:.....”</i>
4E	Delete the words ‘ DEFRA Biodiversity Metric’ in line 4 paragraph 5.14 and replace with the words: <i>“...Biodiversity Metric 3.0 (JP039) (Natural England)”</i> Delete Footnote 5 and replace with a link to the Natural England Metric Calculator Tool and User Guide.

6.29 With these modifications Policy AS1 would meet Basic Conditions a), d) and e).

Policy AS2 – Supporting Walking and Cycling

6.30 Policy AS2 seeks to ensure that new development proposals incorporate measures to promote sustainable and active travel, and that connectivity with the wider neighbourhood and to Lancaster is improved. Inasmuch as key objectives of section 8 of the NPPF on promoting healthy and safe communities and section 9 promoting sustainable transport are about maximising pedestrian permeability, Policy AS2 has regard to the NPPF. However, as with other policies, AS2 is not wholly compliant with the need for policies to be clear and unambiguous.

6.31 Paragraph 1 of the Policy states that development should apply ‘wherever possible’. This is both unclear and imprecise for developers in the Parish and likely to be used to justify non-compliance. The starting point should be that provision for sustainable travel is the expectation in new development.

6.32 In clause 2 there is a reference to ‘non-vehicular’ traffic but which is intended to include cycles. As cycles are vehicles a clearer term would be ‘non-motorised’. More importantly with clause 2 it is not clear how this would be delivered as I assume it is referring to public highway and applying the hierarchy of movement to the highway. Unless this relates to a new lane being created as part of a development, (in which case I consider the point is already covered by clause 4), I fail to see how this requirement could be enforced. It appears to relate more to advisory signage etc. to reinforce the hierarchy of users as the lanes offer little opportunity to introduce physical measures. AWSPC was asked as part of the Examiner’s clarifying questions to clarify the intention and their response at Appendix 1 seems to confirm that it will principally be achieved through advisory signage. As this is already covered by proposed Parish Council Actions 1 and 2 it can be deleted from the Policy.

6.33 With these clarifications, Basic Condition a) would be met. The Policy would be in general conformity with the LPLD-PT1 at Policy SP9 which seeks to maintain strong communities including promoting the role of sustainable transport modes amongst other things. Through Policy T2 LCC will promote more walking and cycling and the AWSNP is therefore in general conformity. It also conforms with Policies DM60 and DM61 of the LPLD-PT2 which seek to enhance accessibility and transport linkage and promote walking and cycling respectively. Again these LPLD-PT2 policies are more detailed but I am satisfied that Policy AS2 adds to the strategic policies by being locally specific. By securing more sustainable modes of transport for new development the Policy would contribute to the achievement of sustainable development. Basic Conditions d) and e) are therefore also met.

Recommendation 5	
5A	In paragraph 1 of Policy AS2 delete the words ‘wherever possible’ in line 2.
5B	Delete clause 2 from the Policy and ensure that the point regarding signage is covered by the Parish Council Actions 1 and 2.
5C	<p>Relocate the Parish Council actions to revised Appendix 2 (see Recommendation 1).</p> <p>Add new paragraph 5.36 to page 28 stating:</p> <p><i>“The actions for the Parish Council and community aspirations relating to transport are set out in Appendix 2 to the plan.”</i></p>

Section 6 – Landscape and Built Character

6.34 This section of the AWSNP includes two policies designed to ensure development is appropriate to local landscape and settlement character and is underpinned by the *Aldcliffe with Stodday Design Code 2021* (AWSDC). Whilst Appendix 4 of the Neighbourhood Plan

includes a summary of the character analysis carried out in preparing the AWSDC it does not include the design codes themselves. The PPG in its advice on design states that:

“Non-strategic policies are important for providing a clear indication of the types of development that will be allowed in an area, especially where they provide a hook for more detailed local design guides, masterplans or codes”.

6.35 If Policies AS3 and AS4 (and indeed AS7 - see below) are to provide this ‘hook’ by referencing the AWSDC and offer clear and unambiguous advice, as required by the NPPF and PPG, a developer needs to be clear how the policies relate to the Design Code and for the codes to be accessible.

6.36 The most appropriate way to do that is for the text relating to the 13 design codes to be incorporated in Appendix 4.

Recommendation 6	
6A	Incorporate the text relating to the 13 design codes from the Aldcliffe with Stodday Design Code 2021 into Appendix 4 of the AWSNP
6B	In Policies AS3 and AS4 reference each subtitled section with the relevant Design Code reference number eg: “Green Spaces Views and Character (<i>Design Code 4</i>)”

Policy AS3 – Protecting and Enhancing Local Character and Landscape

6.37 Policy AS3 seeks to ensure that development contributes in a positive way to the quality of the local character and landscape. It has been informed by the Aldcliffe with Stodday Design Code carried out by AECOM for the Parish Council which as set out above has developed 13 design codes to ensure development within the neighbourhood area is of a high quality.

6.38 In as much as the NPPF at section 12 sets out similar policy objectives regarding quality of design, and encourages the use of design guides and codes, Policy AS3 has regard to national policy.

6.39 In respect of the relevant strategic policies, LPLD-PT1 Policies SP7 and SP8 seek to proactively manage and protect the built and natural heritage respectively. In addition, Policy DM29 of the LPLD-PT2 sets out the key design principles which will apply to development in the district. Although these principles are comprehensive, they remain broad brush and therefore Policy AS3, although overlapping to a degree, sets out locally specific principles and is complementary to Policy DM29. Policy AS3 therefore generally conforms to these strategic policies and develops design guidance to be applied locally. Moreover, the outcome of applying the Policy will secure more sustainable development. As such the principle of the Policy meets Basic Conditions a), d) and e).

6.40 The PPG in respect of neighbourhood plans requires that policies are clear and unambiguous and with Policy AS3, as with other policies, I have some minor concerns in this regard. First the introductory paragraph in referencing the Design Code should use the correct title of the document and reference Appendix 4 as the location where the codes can be confirmed. Secondly, in lines 2/3 the policy requires new buildings to be in harmony without stating in harmony with what. AWSPC was asked as part of the Examiner's clarifying questions if this was intended to mean in harmony with their setting. The Council has replied confirming and suggesting this is rephrased as '*... in harmony with their setting (except where buildings are less attractive)*'. Given that setting is not just about buildings and given the rest of the policy I am not persuaded that the bracketed caveat adds anything and I recommend the addition of the words '*with their setting*' only. Thirdly, in the last sentence of the introductory paragraph the Policy requires developers to ensure design is sensitive to the character of nearby heritage assets including non-designated heritage assets. The emphasis of the NPPF in section 16 both in respect of designated and non-designated heritage assets (NDHA) is that proposals should not harm the **significance** of the asset. Therefore, the Policy AS3 reference to heritage assets should at least refer to **significance** rather than just character. Fourthly, in clause 8 the requirement is unclear in using the text 'where appropriate'. In fact, Design Code 5 itself is much clearer, indicating that walls or hedges should be included **whichever is appropriate to the street or lane concerned**. The Policy needs to be modified accordingly. Similarly, in clause 15 the phrase 'where possible' is used, failing to give clear guidance and again watered down from what is set out in Design Code 11.

6.41 Finally, this section of the plan also considers the matter of conserving and enhancing heritage assets. Given that the NPPF and LPLD policies provide effective control in respect of heritage assets, the Plan does not seek to replicate this but does acknowledge that there are locally important NDHA in the Parish that should be afforded protection and looks to identify these. The identification of local heritage assets as set out in the plan and detailed at Appendix 5 is advantageous and has regard to the NPPF at section 16 giving local property owners and developers (who are often oblivious to any heritage value) advance notice of the significance of the assets and assisting decision makers to understand impacts of development on the assets.

6.42 What is not clear at all from the AWSNP is how this activity at Parish level relates to LCC's list of local heritage assets: for example whether the selection criteria used have been informed by LCC's approach and whether the identified assets in Appendix 5 will be added to the City Council's local list. In view of this uncertainty as part of the Examiner's clarifying questions I asked both Councils to clarify the position.

6.43 LCC has confirmed that the selection criteria used were consistent with those used by the City Council and that it agrees with the properties identified as NDHA. It stated that the intention however was not to add the NDHA identified in the AWSNP to the local list. In respect of this last point the proposal to retain the Parish identified NDHA separate to LCC's own list is at odds with the practice in some other authorities and will potentially result in confusion as to what weight may be attached to the NDHA identified in the

AWSNP and should be resolved. However, as the matter does not directly involve a conflict with the Basic Conditions, I make no formal recommendation in this regard. What is required though is an amendment to the supporting text in section 6 of the AWSNP at paragraph 6.8 to make clear that the selection criteria are consistent with those used by LCC and that the buildings and structures identified are agreed by the Council.

Recommendation 7	
7A	<p>Rephrase the start of Policy AS3 to read:</p> <p>“Development should demonstrate how <i>the design codes in the Aldcliffe with Stodday Design Code 2021 as set out at Appendix 4</i> have been incorporated into designs.”</p> <p>In paragraph 6.14 of the supporting text make a similar correction to refer in the first line to the <i>Aldcliffe with Stodday Design Code 2021</i> rather than ‘Design Guidelines’.</p>
7B	<p>Add after the word ‘harmony’ in line 3 of paragraph 1 of Policy AS3 the words “<i>with their setting</i>”</p>
7C	<p>Rephrase the last sentence of the introductory paragraph to Policy AS3 to start:</p> <p>“Designs should be sensitive to the character <i>and significance</i> of any nearby heritage assets.....”</p>
7D	<p>Rephrase clause 8 of Policy AS3 to read:</p> <p>“<i>Walls or hedgerows, whichever is appropriate to the character of the particular lane, should be used in boundary treatments to enclose and define the lane</i>”</p>
7E	<p>Rephrase clause 15 of Policy AS3 to delete the words ‘where possible’ in the first sentence.</p>
7F	<p>In the supporting text to policies AS3 and AS4 at paragraph 6.8 line 3 after the word ‘criteria’ add the following text:</p> <p>“... <i>which are consistent with the selection criteria used by Lancaster City Council in identifying non-designated heritage assets</i>”.</p> <p>Add at the end of Paragraph 6.8 the words:</p> <p>“...<i>and the identification of these assets is supported by Lancaster City Council.</i>”</p>

6.44 Policy AS3 as modified would meet Basic Conditions a), d) and e).

Policy AS4 – Promoting High Quality and Detailed Design

6.45 Policy AS4 is designed to work in tandem with Policy AS3 seeking to ensure high quality in specific and detailed elements of a development's design. As with Policy AS3 it has been informed by the AWSDC and the design codes.

6.46 Again given the focus of the NPPF at section 12 seeking a high quality of design, and encouraging the use of design guides and codes, Policy AS4 has regard to national policy.

6.47 The relevant strategic policies in the LPLD-PT1 and LPLD-PT2 are broadly as for Policy AS3 and the policy is in generally conformity with them and adds local guidance. Again, the outcome of applying the Policy will secure more sustainable development. As such the principle of the Policy meets Basic Conditions a), d) and e).

6.48 As with Policy AS3 and in order to ensure the policy is clear and unambiguous as required by the NPPF and PPG there are similar modifications that need to be made. The introductory paragraph in referencing the Design Code should use the correct title of the document and reference Appendix 4 as the location where the codes can be confirmed.

6.49 I note that clause 3 of Policy AS4 supports the use of dormers with neither the policy nor the related Design Code 8 giving any real guidance as to what is intended. Dormers are notoriously an area of poor design and, whilst I will make no formal recommendation as there is no conflict with Basic Conditions, the Councils may wish to consider whether clause 3 should carry a caveat relating to an appropriate scale of dormer.

Recommendation 8	
8A	<p>Rephrase the start of policy AS4 to read:</p> <p><i>“Development should incorporate the design codes in the Aldcliffe with Stodday Design Code 2021 as set out at Appendix 4.”</i></p>

6.50 With this modification in place Policy AS4 will meet the Basic Conditions.

Section 7 – Housing and Community Infrastructure

Policy AS5 - Housing

6.51 Given the strategic policy background in LPLD-PT1 Policy SP2 and LPLD-PT2 Policy DM4 where Aldcliffe and Stodday are not identified as sustainable rural settlements, housing development, where it takes place, should be to meet local housing need only. That being the case no allocation for housing is proposed in the plan and Policy AS5 instead sets out the circumstances where small-scale development to meet local housing

need would be supported. Specifically, the policy also looks to secure a mix of housing that reflects the latest evidence in respect of size and type of housing needed. The evidence base and particularly the housing needs assessment and survey identifies a need for smaller dwellings and Policy AS5 addresses this. Some concern has been expressed in the Regulation 16 representation on behalf of Aldcliffe Hall Estates regarding what is considered a further restriction on housing. Controlling housing mix needs to be done flexibly but I am satisfied that the policy is based on evidence, is advisory and does not set out fixed targets to be met. The Policy states that in particular smaller format housing will be supported. It does not preclude other types. Moreover, it acknowledges that although the current evidence is from the 2019 assessments, in applying the policy the most up-to-date housing needs assessment will be considered.

6.52 The Policy has regard to the NPPF objective in section 5 to secure an appropriate mix of housing and housing choice. LPLD-PT1 Policy H2 on rural housing and its supporting text at paragraph 20.6 allows for neighbourhood plans to make provision where they are required to meet housing supply but in Aldcliffe with Stodday's case the strategic policies make no requirement of the parish other than to meet local housing need. LPLD-PT2 Policy DM4 sets out the approach to housing in rural areas and, whilst there is some overlap by Policy AS5 in its introductory paragraph, the rest of the Policy sets out locally specific criteria complementing Policy DM4. As Policies DM3 and DM5 of the LPLD-PT2 set out in detail arrangements in respect of affordable housing and rural exception sites respectively the AWSNP considers there is no need for policy coverage in this respect in the neighbourhood plan. Policy AS5 is in general conformity with this strategic policy background and ensuring a mix of housing provision targeted at meeting local housing needs will help achieve a sustainable community and therefore in principle the Policy meets Basic Conditions a), d) and e).

6.53 There are, however, two minor issues with the Policy in terms of it being clear and unambiguous as required by the NPPF and PPG and therefore the ability to fully meet Basic Condition a). Clause 5) requires design to adhere to guidance set out in the 'Housing Design Codes' but it is unclear to the reader what these are or where they can be accessed. Accordingly, as part of the Examiner's clarifying questions, the Parish Council was asked to clarify the intention. In response AWSPC have stated that the text in the Policy does refer to the Aldcliffe with Stodday Design Code 2021. This needs to be clarified in the Policy.

6.54 In clause 8 Policy AS5 uses the term 'where appropriate' which is imprecise and unclear to a developer. It should be replaced with a more positive wording that 'development should take opportunities to...'

Recommendation 9	
9A	In Policy AS5 clause 5 replace the words 'Housing Design Codes' with the words "<i>the Aldcliffe with Stodday Design Code 2021</i>".

9B	<p>In Policy AS5 Clause 8 reword to read:</p> <p><i>“Development should take opportunities to support the provision....actions”</i></p>
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6.55 With these modifications, Policy AS5 would meet the Basic Conditions.

Community Facilities and Open Space

6.56 There are no formal community facilities within the neighbourhood area and the AWSNP recognises that direct provision would probably not be feasible for a parish of the size of Aldcliffe with Stodday. The plan therefore proposes that opportunities will be taken through external funding sources and developer contributions where available to progress community action projects designed to deliver small scale community facilities. This approach is realistic for the parish and has regard to section 8 of the NPPF. It is also in general conformity with LPLD-PT1 Policies SP9 and SC5 which look to maintain strong communities and provide open space in areas of deficiency respectively. Policy SC5 identifies the Marsh area which is within the Parish as a recreation opportunity area. Policy DM27 of the LPLD-PT2 also supports the provision of open space in areas of deficiency.

6.57 The AWSNP also considers communications networks as part of community facilities and approaches the need to secure improvements in the communications network in a similar manner to the other community facilities namely that external and developer funding will be applied to deliver Parish community action projects. Again this is in general conformity with Policies DM58 and DM 59 of the LPLD-PT2.

6.58 The improvement of community facilities and networks will contribute to the achievement of sustainable development and as a result the plan approach meets the basic conditions a), d) and e).

6.59 However, given Recommendation 1 to relocate the community actions from the body of the plan into a revised Appendix 2 it is necessary to modify the wording in paragraph 7.35.

Recommendation 10	
10	<p>Reword paragraph 7.35 to read:</p> <p><i>“The Steering Group has identified a number of Parish Council actions and community aspirations to respond to these issues and to establish the local priorities for infrastructure provision. These are set out in Appendix 2.”</i></p> <p>(See also Recommendation 1)</p>

Section 8 – Climate Change and Sustainability

6.60 Section 8 of the plan includes a suite of 3 policies designed to ensure development in the neighbourhood area responds to climate change by demonstrating sustainable design. As stated in section 5 of the examination report above LCC has already commenced a review of the LPLD in response to the climate emergency. The AWSNP in anticipation of the emerging LPLD wishes to ensure that development in Aldcliffe with Stodday is as sustainable as possible through the application of these three policies.

Policy AS6 - Community Energy Schemes

Policy AS6 is a policy simply supporting development of small community based renewable energy schemes provided they do not harm the natural environment.

Policy AS7 – Sustainable Design

Policy AS7, as with Policies AS3 and AS4, is intended to require development to accord with the Aldcliffe with Stodday Design Code - Design Code 1 on sustainable design.

Policy AS8 – Surface Water Drainage

Policy AS8 was added as a result of concern raised by United Utilities at the Regulation 14 pre-submission consultation stage and seeks to ensure development in the parish adopts a sustainable approach to surface water drainage.

6.61 Section 14 of the NPPF seeks to meet the challenge of Climate Change including making the transition to a low carbon future and protecting from flood risk. Paragraph 155 encourages plans to increase the use and supply of renewable energy and at 156 to encourage community led initiatives. Policy AS6 therefore has had regard to this national policy.

6.62 Section 12 and 14 of the NPPF together require development to achieve sustainable design with section 12 encouraging the development of design guidance and codes. Accordingly, Policy AS7 has regard to national policy.

6.63 Section 14 of the NPPF sets out in detail the approach to minimising flood risk and there is therefore no need for the AWSNP to repeat it. Surface water flooding as a result of inappropriate design of surface water drainage can however aggravate flooding problems even where development is located in accordance with a Flood Risk Assessment and Policy AS8 responds to this risk. It therefore also has regard to national policy.

6.64 Policy SP8 of the LPLD-PT1 seeks to protect the environment from climate change amongst other things while Policy DM30 of the LPLD-PT2 sets out principles to ensure development is sustainable including the reduction of energy consumption and the use of renewables and community led energy schemes. As with Policy DM29 in respect of policies

AS3 and 4 the principles in DM30 are comprehensive but are again broad brush and therefore Policies AS6- 8, although overlapping to a degree, set out locally specific principles and are complementary to Policy DM30. Finally, Policy DM34 of the LPLD-PT2 sets out the approach in regard to surface water drainage and SuDS.

6.65 As recommended to be modified as below Policies AS6, AS7 and AS8 taken together generally conform to these strategic policies and include locally specific guidance. Policy AS8 on surface water drainage will also be in general conformity with the reviewed policy DM34 in the emerging Climate Emergency Local Plan Review. Moreover, the outcome of applying the three policies together will deliver more sustainable development.

6.66 Whilst the principle of the Policies meets the Basic Conditions, in respect of Policy AS7 the requirement of the NPPF and PPG for policies to be clear and unambiguous is not wholly met. As with Policies AS3 and AS4 there is a lack of clarity with respect to the relationship to the Aldcliffe with Stodday Design Code 2021. The Policy and supporting text at paragraph 8.13 and 8.14 needs to correctly identify the title of the document and the specific design code (in this case Code 1).

6.67 With respect to clause 1 of Policy AS7 the text is worded in a confusing manner. As the detail is set out in Design Code 1 the Policy can be simplified so that it is clear and unambiguous. However, in respect of this clause LCC has also made a representation at the Regulation 16 stage. Because the Climate Emergency Local Plan Review is underway the Council is alert to the fact that policy in the review relating to sustainable design may diverge from the current government standard. To ensure the AWSNP remains in conformity, LCC suggests that the words "*or any other standards required by the Local Plan*" are added to Clause 1 after the reference to government standards. The suggested addition is reasonable given the speed of change in respect to the climate emergency and to ensure continued relevance of the Policy once the Local Plan Review is found to be sound and adopted.

6.68 In respect of clause 2 of Policy AS7 and Policy AS8, Regulation 16 representations from Lancashire County Council as LLFA and from United Utilities also express concern regarding how the plan approaches surface water drainage and Sustainable Drainage Systems (SuDS). The LLFA proposes that the policy is updated to align with the equivalent policy in the emerging Climate Emergency Local Plan Review Part 2 (DM34) and proposes text to do so. However, the NPPF and PPG make it clear that it is neither necessary nor desirable to repeat policy at different levels of the planning policy hierarchy and changing Policy AS8 in the manner proposed by the LLFA (largely a replication of the emerging reviewed policy DM34 set out in the Regulation 19 document) would be inappropriate.

6.69 However, the LLFA make the point that the Surface Water Sustainable Drainage Hierarchy has moved away from emphasising underground components, including soakaways, with greater emphasis given to above ground components. That being the case the hierarchy set out in Policy AS8 is potentially misleading and, I accept, should be revised. The LLFA also propose an alteration to clause 2 of policy AS7. However, as this clause is largely replicated by the new Policy AS8 it is potentially confusing and unclear to

retain both. The clause should be deleted from Policy AS7 and relocated to form the introduction to a revised Policy AS8. Finally, in respect of Policy AS8 the last paragraph starts with the words ‘where appropriate’ which again is not a clear and unambiguous policy statement as required by the NPPF and PPG and the last paragraph accordingly needs to be modified.

6.70 Although these modifications involve considerable textual change to Policy AS8 I am satisfied that the essential purpose and objective of the policy remains the same.

Recommendation 11	
11A	<p>Reword introductory paragraph to policy AS7 to read:</p> <p><i>“New housing should be designed to reflect the guidelines for sustainability and energy and resource efficiency in the Aldcliffe with Stodday Design Code 2021 at Design Code 1 as set out at Appendix 4.”</i></p>
11B	<p>Reword the first sentence of clause 1 of policy AS7 to read:</p> <p><i>“The design of buildings should minimise heat and energy loss and developers should seek to incorporate the highest recognised government standards of insulation and energy efficiency applying at the time or any other such standards required by the Local Plan.”</i></p>
11C	<p>Delete Clause 2 in its entirety. It will be replaced by wording in Policy AS8 (see Recommendation 11E below).</p>
11D	<p>In paragraph 8.13 line 1 – replace the words ‘Design Guidelines for the parish’ and replace with “Aldcliffe with Stodday Design Code 2021 (Design Code 1) has....”</p> <p>In paragraph 8.13 In Line 4 – delete the word Guidelines and replace with the word “Code”</p> <p>In paragraph 8.14 replace the last sentence with the following: <i>“If a developer cannot reach the standards in respect of sustainability and energy with respect to Design Code 1 they should demonstrate why.</i></p>
11E	<p>Reword Policy AS8 to read:</p> <p><i>“Surface water from new development must be managed through a Sustainable Drainage System (SuDS) in accordance with the following Surface Water Sustainable Drainage Hierarchy and should not increase pressure on existing wastewater and natural drainage systems.</i></p> <ul style="list-style-type: none"> <i>i. Re-use and reduce surface water run-off including measures such as rainwater harvesting and use of green walls and roofs,</i> <i>ii. Infiltration using surface components such as permeable surfaces, infiltration basins, swales and trenches, wetlands etc.</i> <i>iii. Attenuation above ground in ponds or water features for gradual release into infiltration features and if this is not possible to a water course,</i>

	<p>iv. Attenuate surface water via soakaways or storage in tanks or sealed water features for gradual release into infiltration features and if this is not possible a water course,</p> <p>v. In exceptional cases, controlled discharge to a sewer or other drainage system, via above ground attenuation, and if this is not possible underground attenuation.</p> <p>Applicants wishing to discharge to the public sewer will need to submit clear evidence demonstrating why alternative options are not available as part of the determination of their application.</p> <p>The development should avoid all non-permeable surfaces and deliver a water management system which minimises surface water run-off and ensures that all surface water is addressed within the site boundary. Every option should be investigated before discharging surface water into a public sewerage network, in line with the Surface Water Sustainable Drainage Hierarchy.”</p>
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6.71 With these modifications, Policies AS6, AS7 and AS8 and their supporting text will meet Basic Conditions a), d) and e).

Section 9 and 10 – Next Steps and Monitoring and Review.

6.72 Section 9 of the plan sets out the next steps in preparing the plan. The text raises no issues in respect of the Basic Conditions and the only change needed is to update the text to reflect the stage reached.

6.73 Section 10 sets out a table of monitoring indicators for each policy and a commitment to review the AWSNP within 2 years of the adoption of the LPLD review. One of the Regulation 16 representations raised a concern regarding the second indicator for Policy AS5 which they argue is unclear. I agree that the way in which the indicator is worded is not clear but the intention has been confirmed with AWSPC as part of the Examiner’s Clarifying Questions that the target is intended to be that 100% of any housing delivered through the grant of planning permission should be smaller 1-3 bedroom dwellings. Given the findings of the evidence base the target is reasonable and the monitoring indicator just needs to be clarified.

Recommendation 12	
12	<p>Reword the text in the monitoring data column in Row 7 of the monitoring table as follows:</p> <p>“Percentage of houses granted planning permission which are smaller 1-3 bedroom dwellings – Target 100%.”</p>

7 Other Matters

Other housing proposals put forward in Regulation 16 representations

7.1 Two representations from developers at the Regulation 16 stage raised concerns that no additional housing land is allocated through the AWSNP. They propose that land in the Parish should be brought forward now to meet identified local need. Aldcliffe Hall estates representation in particular proposes that, as they consider there are no infill, or previously developed sites or sites suitable for conversion in the Parish, land on the edge of Aldcliffe within Estates land would be available and could be developed.

7.2 In view of these representations seeking additional housing supply through the AWSNP, and as part of the examiner's clarifying questions, I asked AWSPC to confirm whether they had carried out a call for sites to identify suitable land and whether they agreed with the respondent's view that there were no sites falling into the categories set out in the Policy. LCC was also asked whether it was on track to deliver housing to target. LCC's reply at Appendix 1 below confirms that, at the time the LPLD was adopted, sufficient provision was made through allocations in the LPLD-PT1 to meet the requirement up to 2031. However, partly as a result of the pandemic, delivery has slowed and currently the Council does not have a 5 year supply of available and deliverable housing land.

7.3 Notwithstanding this, given the strategic policies of the LPLD-PT1 and the LPLD-PT2 relating to the development strategy, (which do not identify Aldcliffe or Stodday as sustainable rural settlements), it would be inappropriate to allocate land in the Parish and only development to meet a local housing need should be brought forward. This being the situation also applying when the AWSNP was being prepared, the Parish Council has confirmed that no call for sites was made and the preferred approach was to include a criteria-based policy (AS5) that would allow housing in the event of a local housing need and a suitable site being put forward.

7.4 The Parish Council disagrees with the respondent's view that there are no sites falling within the categories set out in Policy AS5. From my observations on the site visit whilst I accept opportunities for new housing compliant with Policy AS5 would clearly be very limited, there were some that would be compliant.

7.5 In any event, if there proved to be evidence that, additional housing was required and could not be accommodated as envisaged in clause 1 of Policy AS5, exceptionally, Policy DM5 of the LPLD-PT2 would allow for the possibility of development adjacent to the settlement as a rural exception site provided all requirements of that policy were met.

7.6 Finally, it would be procedurally impossible at this stage to recommend the allocation of additional sites without the current AWSNP being withdrawn and revised proposals, as well as a Strategic Environmental Assessment Report and Appropriate Assessment, being taken back through pre-submission consultation. As there is no other reason to warrant this course of action it would be entirely unjustified.

7.7 Accordingly, for the reasons stated I do not recommend any change to the AWSNP now in response to these representations requesting the allocation of housing sites.

Marine Maritime Organisation - Regulation 16 representation

7.8 The MMO in their Regulation 16 representation advise that the North West Marine Plan (NWMP) should be referenced in the AWSNP together with the duty to cooperate. The NWMP jurisdiction is from the Mean High Water Springs Mark and includes inshore and offshore waters and the tidal extent of the River Lune within the Neighbourhood Area. Whilst it is unlikely that development would take place within this zone, development within the parish and close to this zone may impact on it. Although the MMO suggested an addition in section 1 of the plan this is not appropriate as that section is referring to the Basic Conditions. A more appropriate reference point is a new paragraph following paragraph 5.11 where the plan is considering conservation of the natural environment.

Recommendation 13	
13	<p>Add new paragraph following paragraph 5.11 on Page 18 to read:</p> <p><i>“Where development is likely to impact on the foreshore and marine environment below the Mean High Water Springs Mark there is a duty to cooperate with the Marine Management Organisation and the North West Marine Plan will also be a relevant consideration.”</i></p>

United Utilities - Regulation 16 representation

7.9 As part of its Regulation 16 representation United Utilities propose that two additional policies are added to the AWSNP. The first of these relates to control over the impact of development on existing businesses and community facilities and in particular on strategic infrastructure such as the Waste Water Treatment Facility. The second suggested addition is in respect of water efficiency. There is not the policy content in the AWSNP that would allow minor additions to be made to cover these matters. Adding entirely new policy content at this stage in the AWSNP is not possible without the current plan being withdrawn, put through a further consultation process and resubmitted for examination. In any event as both policy areas are largely covered in the Climate Emergency Local Plan Review now at an advanced Regulation 19 stage and in view of advice in the NPPF and the PPG that it is not necessary for policy to be repeated at different levels of the planning policy hierarchy it would be inappropriate to duplicate policy coverage. It would however be possible to add a reference in the supporting text of the plan at paragraph 3.3 to emphasise the strategic importance of the waste water treatment facility and the fact that it needs to be considered in planning development.

7.10 The United Utilities representation at the Regulation 16 stage also sought clarification with regard to the proposed community action to create a wildlife haven on land adjacent to

the satellite sewage pumping station. In response to the Examiner's clarifying questions AWSPC has confirmed that the land is not within United Utilities' ownership but that in any event the landowner has expressed a wish that this proposal is not pursued and the Parish has agreed. As changes to the community actions (other than to relocate them in an Appendix and make text adjustments to facilitate that) are not within my purview I make no formal recommendation to delete the proposed action.

Recommendation 14	
14	<p>Reword paragraph 3.3 as follows:</p> <p><i>“There is strategic infrastructure within the neighbourhood area in the form of a large waste water treatment works to the west of Stoddayand to increase capacity. This strategic infrastructure will be a consideration in planning new development in the plan area.”</i></p> <p>Delete the last two sentences of the paragraph.</p>

Typographical and formatting corrections

7.11 There are a number of typographical/grammatical errors in the Plan which ought to be corrected. In addition to proposing modifications to ensure the Plan meets the Basic Conditions the only other area of amendment that is open to me as the examiner is to correct such errors. I have identified these in Appendix 2, and, in modifying the Plan as set out above and finalising it for the referendum, these typographical amendments should be made.

Recommendation 15	
15	<p>Make typographical and grammatical corrections as set out in Appendix 2 at the end of this report.</p>

8 Referendum

8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Aldcliffe with Stodday Neighbourhood Plan should proceed to a referendum.

8.2 I am required to consider whether the Referendum Area should be synonymous with the Aldcliffe with Stodday Neighbourhood Area or extended beyond it.

8.3 The neighbourhood area covers the administrative area of Aldcliffe with Stodday Parish. The AWSNP policies and proposals themselves will not affect surrounding areas to

any degree and therefore I do not consider that extension of the area would be warranted.

8.4 Accordingly, I consider that it is unnecessary to recommend any other Referendum Area than the neighbourhood area and no representations have been submitted seeking an alternative approach.

Recommendation 16	
16	I recommend to Lancaster City Council that the Aldcliffe with Stodday Neighbourhood Plan, modified as specified above, should proceed to a referendum based on the Aldcliffe with Stodday Neighbourhood Area as approved by the City Council on 10 December 2018.

Peter D Biggers MRTPI AIHBC - Independent Examiner – 9 March 2022

Appendix 1 - Examiner's Clarifying Questions and Information Requests put to Aldcliffe with Stodday Parish Council and Lancaster City Council

Questions and Information Requests to Parish Council (February 2022)

Question PC1:

In respect of Policy AS1 how is it envisaged that Biodiversity net gain maintenance over 30 years will be enforced?

PC Response

Through the Environment Bill it is envisaged that habitat (biodiversity net gain) will be secured for at least 30 years via planning obligations or conservation covenants. Planning applications subject to mandatory BNG will be required to submit a biodiversity gain plan for authority approval, and it is expected that further detail as to what these biodiversity gain plans will entail (for example, addressing issues around maintenance) will come through the secondary legislation (BNG consultation currently underway). If it is provided onsite, details will be required via a management and maintenance plan (potentially part of the biodiversity gain plan). LCC is currently exploring off site provision, as there isn't currently a mechanism in place (as explained in response to Question PC/LCC1 below). Secondary legislation is awaited for clarification.

Question PC2

In respect of Policy AS1(2)ii – Should this refer to 'Fairfield Association rather than 'Fauna'?

PC Response

This should say 'the Flora and Fauna Nature Reserve managed by the Fairfield Association....'

Question PC3

In Policy AS2(2) if this clause is intended to relate to lanes that are public highways – how is it intended the objective will be achieved?

PC Response

During the preparation of the NDP the SG researched the possibility of identifying and incorporating 'Quiet Lanes' in the NDP in recognition of the area's important local role for recreation - walking, cycling and horse-riding. However there were no plans at the time of discussion for rolling out such a scheme in Lancashire.

Highway Code para 218 sets out that 'these are places where people could be using the whole of the road for a range of activities such as children playing or for a community event. [Drivers] should drive slowly and carefully ... be prepared to stop to allow people extra time to make space to pass them in safety.'

Where such lanes are public highways, then signage could be provided to advise motor vehicle users that they are entering a stretch of road where they should drive slowly and carefully to ensure the safety of other users such as walkers and cyclists.

Refer also to Parish Council Actions p28, particularly 1 which refers to improvements to prioritise non car users and provide a safer environment and 2 which refers to signage.

Ideally the Parish Council would like to see a reduction in the speed limit across the Parish.

Question PC4

In Policy AS3 paragraph 1 – is it the intention that new buildings are to be in harmony ‘with their setting’? Currently the policy just says to be in harmony but without saying with what.

PC Response

Yes. This would read better as ‘... in harmony with their setting (except where buildings are less attractive) ...’.

Question PC5

In the data column for monitoring policies AS4, AS5 and AS8 the text appears to have just been copied across from the entry for policy AS3 as it refers to ‘landscape’. Is this a mistake should it read ‘design grounds’ for AS4 and ‘sustainability grounds’ for AS7 for example?

PC Response

Yes – this was a drafting error.

AS4 should read: ‘Applications refused/approved on ~~landscape~~ design grounds where policy AS4 of the Aldcliffe with Stodday Neighbourhood Plan is cited as a reason for decision.’

AS5 should read: ‘Applications refused/approved on ~~landscape~~ house type grounds where policy AS5 of the Aldcliffe with Stodday Neighbourhood Plan is cited as a reason for decision.’

AS7 should read: ‘Applications refused/approved on ~~landscape~~ sustainability grounds where Policy AS7 of the Aldcliffe with Stodday Neighbourhood Plan is cited as a reason for decision.’

Question PC6

In response to United Utilities Reg 16 Representation – where are the Biodiversity Net Gain proposals intended to be located relative to the satellite sewage pumping station referred to in Appendix 2?

PC Response

Please refer to the Table, ‘Aldcliffe with Stodday Neighbourhood Plan Responses to Regulation 16 Consultation and Parish Council Consideration Final Version, February 2022’.

Refer to reference 7.3 pp12-13. This sets out that this area of land is not in UU ownership. The proposal has been discussed with the landowner again and the landowner would prefer it if it was deleted from the Plan. The PC is happy to do this.

Question PC7

Regarding the JWPC comment in their Reg 16 representation what assessment, if any, did the Parish Council and Steering Group make of small sites that could come forward?

PC Response

Please refer to Ref 6.4 pp8-9 in the Table 'Aldcliffe with Stodday Neighbourhood Plan Responses to Regulation 16 Consultation and Parish Council Consideration Final Version, February 2022'.

The Parish Council have not undertaken an assessment of possible small sites in the parish. However, development schemes have come forward from time to time in Aldcliffe with Stodday and the NDP provides a robust and positive planning policy framework to help guide decisions about development in the future. Small scale schemes are considered to be more appropriate to the rural context than large scale major developments which could have significant adverse impacts on local character, as noted in recent appeal decisions.

Question PC8

In respect of policy AS5 JWPC argue that no sites exist in the neighbourhood area that would be infill/conversion/or previously developed sites. Is this a view shared by the Parish Council in respect of the current situation in the parish?

PC Response

No this is not accepted

Question PC9

JWPC in their reg 16 representation appear to have a difficulty with the monitoring target proposed for policy AS5. I read this that the Parish want 100% of **any** new housing to be smaller units ie less than 3 bedroom – is that correct?

PC Response

The PC wants 100% of any new housing to be smaller units ie 3 bedrooms or fewer.

Please refer to Ref 6.6 pp9-10 in the Table 'Aldcliffe with Stodday Neighbourhood Plan Responses to Regulation 16 Consultation and Parish Council Consideration Final Version, February 2022'.

Additional Question PC10 (Posed subsequent to the above):

Policy AS5 (5) refers to designs adhering to the guidance set out in Housing Design Codes – Is this intended to be the Aldcliffe with Stodday Design Code or something different eg the National Design Guide or Building for Life 12 or similar.

PC Response:

This relates to the Aldcliffe with Stodday design codes. The design codes document does not have a specific code just for 'housing' so perhaps the word 'Housing' should be deleted from AS5 (5) to improve clarity.

Questions to Lancaster City Council (February 2022)

Question LCC1:

With respect to the text at Paragraph 5.18 has the application to designate Aldcliffe Hall Drive as a PROW been confirmed?

LCC Response

Lancashire County Council administer PROWs. This is an application which led to an Order being made and there were objections to the Order when it was advertised. This now has to be submitted to the Secretary of State for a decision but hasn't been sent. It is Lancashire County Council's view that the route does carry public rights, however, a final decision will not be made until the process has run its course including either a public inquiry or exchange of representations. A timescale is not available but it will be some time away.

Question LCC2

In paragraph 5.26 has the Movement Strategy referred to been completed yet?

LCC Response

No work is still ongoing

Question LCC3

What stage has Bailrigg Garden Village reached and is there actually any development proposed within the parish? If so, should a specific statement be made in ASNP recognizing the position and that policy AS5 relates to the 'rest of the parish'?

LCC Response

Bailrigg Garden Village is expected to be located within the Broad Location for Growth identified by policy SG1 in the adopted local plan. The Broad Location for Growth abuts but does not include land within Aldcliffe with Stodday Parish. LCC has commenced progress on an Area Action Plan which will allocate land for development within the Broad Location for Growth but is not yet at a stage where defined areas are available.

A supplementary question was asked of LCC after the examination report fact check stage as follows:

Question LCC4

Whether the district housing requirement will be met through existing commitments and sites allocated in the LPLD PT1 and whether a 5 year supply exists.

LCC Response

The Local Plan for Lancaster District was adopted on 29th July 2020 and allocated a sufficient range of sites to meet the district's housing requirements over the plan period. The strategic approach taken in the Local Plan towards the delivery of housing (in terms of scale and distribution) was accepted by the Planning Inspector during the Public Examination process. Following the adoption of the Local Plan the Council has

experienced a delay in the anticipated delivery of sites. This has in part been due to the impacts of the pandemic which has resulted in delays in delivery. This has meant that the Council has had to readjust its housing trajectory and at present is unable to demonstrate a 5 year supply. The Authority will continue to review, at a strategic level, the implications of low housing delivery.

Questions for Both Councils

Question PC/LCC1

In Policy AS1(2) how will contributions be secured – will this be by S106? Has Natural England asked Lancaster City Council to secure contributions to the management of Morecambe Bay from all residential development within a certain radius as has been agreed with many other Councils in respect of European sites?

LCC Response

Any contribution to deliver BNG off-site would need to be secured through a S106 Agreement. At present there is no mechanism in place at LCC to manage the delivery of off-site biodiversity. This will be prepared as part of the LCC's work on BNG over the coming months and in preparation for when BNG will be mandatory from November 2023. In the absence of this work this would need to be managed on a case-by-case basis with opportunities for off-site provision explored.

The potential for an increase in recreational pressure upon Morecambe Bay as a result of housing developments within 3.5 km and employment sites within 1.5 km of the European sites was considered within the Appropriate Assessment for the adopted Local Plan. A range of mitigation measures were identified through the Local Plan to address this. This included the preparation of home owner packs for sites falling within this radius.

No contributions are presently required or have been requested by Natural England.

LCC continue to have discussions with Natural England regarding this issue and are investigating the preparation of a joint document with neighbouring authorities which would provide a more joined up approach to the management of recreational pressure across the Bay area. The requirement for any contributions would be investigated through this work and would need to be viability tested.

Question PC/LCC2

In Paragraph 6.8 has LCC been involved in agreeing the basis for the identification of non-designated heritage assets and does LCC agree with those assets 'listed' in the appendix to the neighbourhood plan?

LCC Response

The basis for the identification of non-designated heritage assets is the same as the criteria used by LCC and LCC agrees with the assets 'listed' in the appendix.

A supplementary question was asked of LCC whether it was the intention to add the non-designated heritage assets identified to Lancaster City's Local List

LCC Response

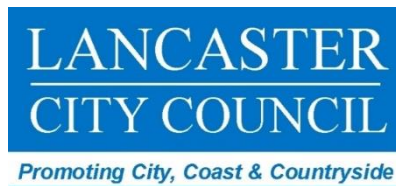
No the intention is that they would remain a Parish list of NDHA.

February 2022

Examiners Footnote - *At the time the questions above were prepared and submitted to the Parish Council the examiner was unaware that the Parish Council had prepared its own response to the Regulation 16 Representations and which answer in part some of the questions that arose as a result of the representations.*

Appendix 2 - Recommendation 15 - Typographical Corrections

Page	Location	Correction
8	Paragraph 3.1 Line 5	Delete the word 'within'. Reason – to make grammatical sense.
10/11	Vision Line 4	Replace the word 'to' with " <i>in</i> ". Reason – to make grammatical sense.
21	Policy AS1(1) Line 2	Delete the word 'by'. Reason – to make grammatical sense.
21	Policy AS1(2ii) Line 1	Delete the word 'Fauna' and replace with " <i>the Flora and Fauna Local Nature Reserve managed by the Fairfield Association....</i> " Reason - Title for the LNR is incorrect.
27	Policy AS2(4) Line 1	Replace the words 'choice or' with the words " <i>choice of</i> ". Reason – to make grammatical sense.
28	Actions Table – Action 2 Line 6	Delete the repetition of the words 'improved signs'. Reason – duplication of text.
39	Para 7.6 Contd Lines 3-5	Delete the sentence beginning 'Barn conversions....' Reason - duplication of text.
54	Monitoring Table Policy AS4 Line 2	In the monitoring Data column – change the word 'landscape' for " <i>design</i> ". Reason - text has been copied across incorrectly.
54	Monitoring Table Policy AS5 Line 2	In the monitoring Data column – delete the word 'landscape' and replace with the words " <i>house type</i> ". Reason - text has been copied across incorrectly.
54	Monitoring Table Policy AS7 Line 2	In the monitoring Data column – change the word 'landscape' for " <i>sustainability</i> ". Reason - text has been copied across incorrectly.
59	Appendix 4 – Pattern and Layout of Buildings – Line 4	Replace the word 'the' with the word " <i>that</i> ". Reason - to make grammatical sense.
	Throughout Plan	General updating of references to procedure and stage reached as plan moves forward to referendum



ALDCLIFFE WITH STODDAY NEIGHBOURHOOD PLAN

Regulation 19 (Final) Decision Statement

Statement published in October 2020, pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012/637.

Lancaster City Council decided by resolution of Full Council on 28th September 2022 to make the Aldcliffe with Stodday Neighbourhood Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Aldcliffe with Stodday Neighbourhood Plan now forms part of the Development Plan for Lancaster District.

1.0 Summary

- 1.1** This document is the Decision Statement required to be prepared under Section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended). It sets out the Council's considerations and formal decision in bringing the Aldcliffe with Stodday Neighbourhood Plan into legal force.
- 1.2** Following an independent examination and positive referendum result, held on 21st July 2022, Lancaster City Council decided to make the Aldcliffe with Stodday Neighbourhood Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended).

2.0 Background

- 2.1** On 8th August 2018, Aldcliffe with Stodday Parish Council, as the appropriate qualifying body for their area, submitted proposals to Lancaster City Council to designate the boundary of the Aldcliffe with Stodday Neighbourhood Plan Area.
- 2.2** Lancaster City Council (the Council) approved the Neighbourhood Area application on the 10th December 2018 in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.3** Following initial consultation stages, a Draft Plan was publicised and representations were invited in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) between 25th January and 12th March 2021.

- 2.4** The finalised version of the Aldcliffe with Stodday Neighbourhood Plan was submitted to Lancaster City Council on 14th September 2021. A final, formal, stage of publicity was undertaken over a 6-week period in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended), between 15th October 2021 and 26th November 2021 to determine if there were any unresolved objections to the plan.
- 2.5** Lancaster City Council, with the agreement of Aldcliffe with Stodday Parish Council, appointed an independent Examiner, to review whether the Plan met the 'Basic Conditions' of plan-making required by legislation and could proceed to referendum.
- 2.6** An Independent Examiner (Peter Biggers) was appointed in December 2021 to undertake the examination of the Submission version of the Aldcliffe with Stodday Neighbourhood Plan and this was completed with the final examination report sent to both the Parish Council and District Council on 9th March 2022.
- 3.0 Decisions and Reasons**
- 3.1** With the Examiner's recommended modifications the Aldcliffe with Stodday Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provision made by or under Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended).
- 3.2** A local referendum was held in Aldcliffe with Stodday on 21st July 2022 to decide whether the local community were in favour of the Aldcliffe with Stodday Neighbourhood Plan. From the votes recorded, 90 of the 95 votes received were in favour of the Aldcliffe with Stodday Neighbourhood Plan. The turnout of electors was 42%.
- 3.3** Section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Council must 'make' the neighbourhood plan if more than half of those voting have voted in favour of the plan.
- 3.4** Lancaster City Council has assessed that the plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).
- 3.5** In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), Aldcliffe with Stodday Neighbourhood Development Plan is 'made' and planning applications in the Parish must be considered against the Aldcliffe with Stodday Neighbourhood Plan, as well as existing national planning policy, such as the Local Development Plan and the National Planning Policy Framework.
- 3.6** The adopted version of the Neighbourhood Plan (as approved by Full Council) was published on the Council website, alongside the Aldcliffe Neighbourhood Plan Decision Statement, on ?? 2022.

Jason Syers, Director of Economic Growth and Regeneration

COUNCIL

Annual Treasury Management Outturn Report 2021/22

28 September 2022

Report of Chief Finance Officer

PURPOSE OF REPORT

This report seeks Council's consideration of various matters in connection with the annual Treasury Management outturn report for 2021/22.

This report is public.

RECOMMENDATIONS

It is recommended that Council:

- (1) **Notes the Annual Treasury Management 2021/22 outturn report and Prudential Indicators as set out at Appendix A.**

1.0 INTRODUCTION

- 1.1 The Council's Treasury Management Activities are regulated the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) issued under the Local Government Act 2003.
- 1.2 The Council is required to receive and approve, as a minimum, three main reports each year, which incorporate a variety of policies, estimates and actuals. During 2021/22 the minimum reporting requirements are that the Full Council should receive the following reports:
 - an annual treasury strategy in advance of the year (24 February 2021)
 - a mid-year (minimum) treasury update report (15 December 2021)
 - an annual review following the end of the year describing the activity compared to the strategy (This Report)
- 1.3 At the Cabinet meeting held on 13 September and Budget & Performance Panel 21 September 2022, Members noted the annual Treasury Management outturn report for 2021/22.

2.0 TREASURY MANAGEMENT & PRUDENTIAL INDICATORS

2.1 The report sets out the performance of treasury operations for 2021/22 in terms of long- and short-term borrowing, investment activities and relevant borrowing limits and prudential indicators. Under CIPFA's Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) it is a requirement that an information report on these matters be presented to full Council as well as Cabinet.

3.0 DETAILS OF CONSULTATION

3.1 As noted in previously in accordance with the Code requirements both Cabinet and Budget and Performance Panel have considered this report, the minutes of these meetings are available on the Council's website. In addition, officers have liaised with Link Asset Services, the Council's Treasury Advisors, throughout the year.

4.0 OPTIONS AND OPTIONS ANALYSIS

4.1 As the report is for noting no additional options are presented.

5.0 CONCLUSION

4.1 In considering the Treasury Management outturn position, the Council will have met its statutory and regularity requirements for the 2021/22 financial year.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):
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None associated with this report

LEGAL IMPLICATIONS

There are no legal implications arising from this report.

FINANCIAL IMPLICATIONS

As set out in Appendix A.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces
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None associated with this report

SECTION 151 OFFICER'S COMMENTS

This report forms part of the Chief Finance Officer's responsibilities, under his role as s151 Officer.

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

None

Contact Officer: Paul Thompson

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Email: pthompson@lancaster.gov.uk

Ref: N/A

Annual Treasury Management Report

2021/22

Noted by	Cabinet	13 September 2022
	B&PP	21 September 2022
	Council	28 September 2022

Annual Treasury Management Review 2021/22

Purpose

The Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2021/22. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

During 2021/22 the minimum reporting requirements were that the full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Council 24 February 2021)
- a mid-year (minimum) treasury update report
- an annual review following the end of the year describing the activity compared to the strategy (this report).

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

The Council confirms that it has complied with the requirement under the Code to give prior scrutiny (by Budget and Performance Panel) to all of the above treasury management reports before they were reported to the full Council.

Introduction and Background

This report summarises the following:-

- Capital activity during the year;
 - Impact of this activity on the Council's underlying indebtedness (the Capital Financing Requirement);
 - The actual prudential and treasury indicators;
 - Overall treasury position identifying how the Council has borrowed in relation to this indebtedness, and the impact on investment balances;
 - Summary of interest rate movements in the year;
 - Detailed debt activity; and
 - Detailed investment activity.
-

1. The Council's Capital Expenditure and Financing 2021/22

The Council undertakes capital expenditure on long-term assets. These activities may either be:

- financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
- if insufficient financing is available from the above sources, or a decision is taken not to apply such resources, the capital expenditure will give rise to a borrowing need (also referred to as "unfinanced", within the tables and sections below).

The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

There is a significant difference between the level of capital expenditure estimated in the 2021/22 Treasury Management Strategy and the actual level of expenditure incurred. General Fund expenditure is £51.69m lower than expected whilst HRA is £1.02m lower. A very ambitious Capital Programme was agreed for General Fund for the year with schemes in the Development Pool of £50.15m. During the year these were reviewed and rationalised down to a more achievable level realising savings for the revenue budget. The delivery of the HRA Capital Programme was impacted by the Covid 19 pandemic.

General Fund (GF) £M	2020/21 Actual	2021/22 Estimate	2021/22 Actual
Capital expenditure	19.03	62.91	11.22
Financed in year	(7.97)	(20.68)	(7.73)
Unfinanced capital expenditure (i.e. reliant on an increase in underlying borrowing need)	11.06	42.23	3.49

HRA £M	2020/21 Actual	2021/22 Estimate	2021/22 Actual
Capital expenditure	3.04	4.78	3.76
Financed in year	(3.04)	(4.78)	(3.76)
Unfinanced capital expenditure (i.e. reliant on an increase in underlying borrowing need)	0.00	0.00	0.00

2. The Council's Capital Financing Requirement 2021/22

The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's indebtedness. The CFR results from the capital activity of the Council and resources used to pay for the capital spend. It represents the 2021/22 unfinanced capital expenditure (see above table), and prior years' net or unfinanced capital expenditure which has not yet been paid for by revenue or other resources.

Part of the Council's treasury activities is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury function organises the Council's cash position to ensure that sufficient cash is available

to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies (such as the Government, through the Public Works Loan Board [PWLB] or the money markets), or utilising temporary cash resources within the Council.

Reducing the CFR – the Council's (non HRA) underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The Council is required to make an annual revenue charge, called the Minimum Revenue Provision – MRP, to reduce the CFR. This is effectively a repayment of the non-Housing Revenue Account (HRA) borrowing need (there is no statutory requirement to reduce the HRA CFR). This differs in purpose from other treasury management arrangements, which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.

The total CFR can also be reduced by:

- the application of additional capital financing resources (such as unapplied capital receipts); or
- charging more than the statutory revenue charge (MRP) each year through a Voluntary Revenue Provision (VRP).

The Council's 2021/22 MRP Policy (as required by CLG Guidance) was approved as part of the Treasury Management Strategy Report for 2021/22 on 24 February 2021.

The Council's CFR for the year is shown below, and represents a key prudential indicator. There is a difference of £39.64m between the CFR estimated in the 2021/22 Treasury Management Strategy and the actual closing CFR. As outlined in section 1 this is due to the rationalisation of the General Fund Capital Programme to a more achievable level.

No borrowing has actually been required against these schemes, however, as cash supporting the Council's reserves, balances and cash flow has been used as an interim measure. The disjoint between the forecast and actual levels of capital expenditure during the first eight months of the year made the timing of potential borrowing and cash flow decisions more challenging than it might have otherwise been.

CFR (£M): General Fund	31 March 2021 Actual	31 March 2022 Estimate	31 March 2022 Actual
Opening balance	48.43	58.63	57.73
Add unfinanced capital expenditure (as above)	11.06	42.23	3.49
Less MRP	(1.76)	(2.17)	(2.16)
Less finance lease repayments	0.00	0.00	0.00
Closing balance	57.73	98.69	59.06

CFR (£M): HRA	31 March 2021 Actual	31 March 2022 Estimate	31 March 2022 Actual
Opening balance	38.28	37.23	37.23
Add unfinanced capital expenditure (as above)	0.00	0.00	0.00
Less Debt Repayment	(1.05)	(1.04)	(1.05)
Closing balance	37.23	36.19	36.18

CFR (£M): Combined	31 March 2021 Actual	31 March 2022 Estimate	31 March 2022 Actual
Opening balance	86.71	95.86	94.96
Add unfinanced capital expenditure (as above)	11.06	42.23	3.49
Less Debt Repayment, Finance Leases and MRP	(2.81)	(3.21)	(3.21)
Closing balance	94.95	134.88	95.24

Borrowing activity is constrained by prudential indicators for net borrowing and the CFR, and by the authorised limit.

Gross borrowing and the CFR - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2020/21) plus the estimates of any additional capital financing requirement for the current (2021/22) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2021/22. The table below highlights the Council's gross borrowing position against the CFR. The Treasury Management Strategy for 2021/22 estimated that some borrowing in advance may be undertaken but was within the forecast CFR for the next two years. The Council has, therefore, complied with this prudential indicator.

£M	31 March 2021 Actual	31 March 2022 Estimate	31 March 2022 Actual
Gross borrowing position	61.08	101.05	60.05
CFR	94.95	95.87	95.24

The authorised limit - the authorised limit is the “affordable borrowing limit” required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2021/22 the Council has maintained gross borrowing within its authorised limit.

The operational boundary – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.

Actual financing costs as a proportion of net revenue stream - this indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

	2021/22 Actual
Authorised limit	£111.00M
Maximum gross borrowing position	£61.09M
Operational boundary	£95.24M
Average gross borrowing position	£60.74M
Financing costs as a proportion of net revenue stream - GF	18.50%
Financing costs as a proportion of net revenue stream - HRA	19.87%

3. Treasury Position as at 31 March 2022

The Council's debt and investment position is administered to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices. At the end of 2021/22 the Council's treasury position was as follows:

DEBT PORTFOLIO	31 March 2021 Principal £M	Average Rate %	Average Life yrs	31 March 2022 Principal £M	Average Rate %	Average Life yrs
Fixed rate funding:						
PWLB	61.08	4.72	32	60.05	4.75	31
Total debt	61.08			60.05		
CFR	94.95			95.24		
Over / (under) borrowing	(22.86)			(35.19)		

The loan repayment schedule is as follows:

	31 March 2021 Actual £M
Under 12 months	1.04
12 months and within 24 months	1.04
24 months and within 5 years	3.12
5 years and within 10 years	5.21
10 years and within 20 years	10.41
20 years and within 30 years	0.02
More than 30 years	39.20

All investments were placed for under one year.

INVESTMENT PORTFOLIO	31 March 2021 £M	31 March 2021 %	31 March 2022 £M	31 March 2022 %
Money Market Funds	0.00	0.00	14.70	34.00
Other Local Authorities	22.00	100.00	28.00	66.00
Total investments	22.00		42.70	

The average rate of interest payable on PWLB debt in 2021/22 was 4.75%. A total of £2.88M interest was incurred during the year, of which £1.75M was recharged to the HRA.

Interest Payable

	2021/22
Estimate	£2.88M
Actual	£2.88M

4. The Strategy for 2021/22

The expectation for interest rates within the treasury management strategy for 2021/22 was that Bank Rate would remain at 0.1% until it was clear to the Bank of England that the emergency level of rates introduced at the start of the Covid-19 pandemic were no longer necessitated.

5. The Economy and Interest Rates (supplied by Link Asset Services)

Investment returns remained close to zero for much of 2021/22. Most local authority lending managed to avoid negative rates and one feature of the year was the continued growth of inter local authority lending.

The Bank of England and the Government also maintained various monetary and fiscal measures, supplying the banking system and the economy with massive amounts of cheap credit so that banks could help cash-starved businesses to survive the various lockdowns/negative impact on their cashflow. The Government also supplied huge amounts of finance to local authorities to pass on to businesses. This meant that for most of the year there was much more liquidity in financial markets than there was demand to borrow, with the consequent effect that investment earnings rates remained low until towards the turn of the year when inflation concerns indicated central banks, not just the Bank of England, would need to lift interest rates to combat the second-round effects of growing levels of inflation.

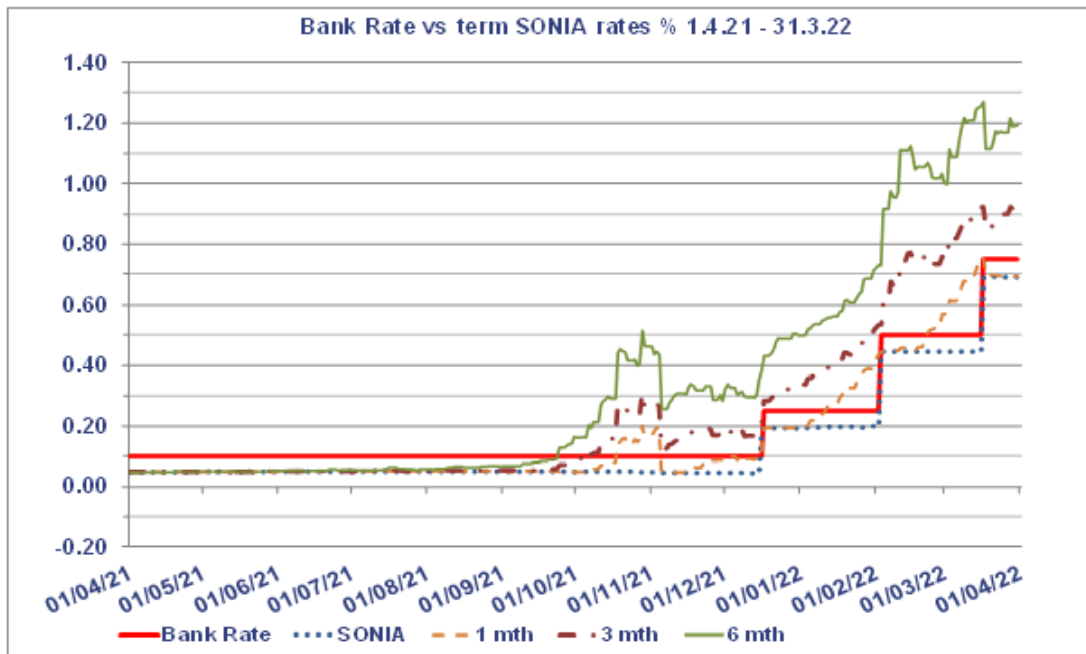
Investment balances have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates.. Such an approach has also provided benefits in terms of reducing the counterparty risk exposure, by having fewer investments placed in the financial markets.

Over the last two years, the coronavirus outbreak has done huge economic damage to the UK and to economies around the world. After the Bank of England took emergency action in March 2020 to cut Bank Rate to 0.10%, it left Bank Rate unchanged at its subsequent meetings until raising it to 0.25% at its meeting on 16th December 2021, 0.50% at its meeting of 4th February 2022 and then to 0.75% in March 2022.

The UK economy has endured several false dawns through 2021/22, but with most of the economy now opened up and nearly back to business-as-usual, the GDP numbers have been robust (9% y/y Q1 2022) and sufficient for the MPC to focus on tackling the second-round effects of inflation.

However, the squeeze on real household disposable incomes arising from the 54% leap in April utilities prices as well as rises in council tax, water prices and many phone contract prices, are strong headwinds for any economy to deal with. In addition, from 1st April 2022, employees also pay 1.25% more in National Insurance tax. Consequently, inflation will be a bigger drag on real incomes in 2022 than in any year since records began in 1955

Investment Benchmarking Data – Sterling Overnight Index Average 2021/22



6. Borrowing Strategy and Control of Interest Rate Risk

During 2021/22, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement set out in paragraph 2), was not fully funded with loan debt. This strategy was prudent as investment returns were low and minimising counterparty risk on placing investments also needed to be considered.

The policy of avoiding new borrowing by running down spare cash balances, has served well over the last few years. However, this was kept under review to avoid incurring higher borrowing costs in the future when the authority may not be able to avoid new borrowing to finance capital expenditure

Against this background and the risks within the economic forecast, caution was adopted with the treasury operations. The Section 151 Officer therefore monitored interest rates in

financial markets and adopted a pragmatic strategy based upon the following principles to manage interest rate risk:

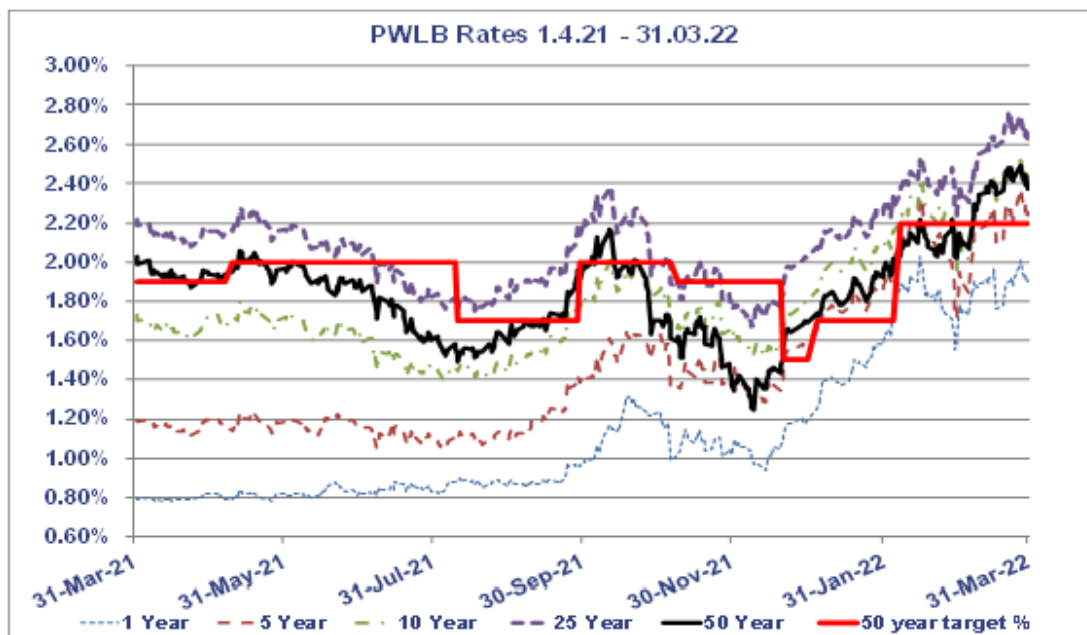
- if it had been felt that there was a significant risk of a sharp FALL in long and short term rates, (e.g. due to a marked increase of risks around relapse into recession or of risks of deflation), then long term borrowings would have been postponed, and potential rescheduling from fixed rate funding into short term borrowing would have been considered.
- if it had been felt that there was a significant risk of a much sharper RISE in long and short term rates than initially expected, perhaps arising from an acceleration in the start date and in the rate of increase in central rates in the USA and UK, an increase in world economic activity or a sudden increase in inflation risks, then the portfolio position would have been re-appraised. Most likely, fixed rate funding would have been drawn whilst interest rates were lower than they were projected to be in the next few years.

Interest rate forecasts expected only gradual rises in medium and longer term fixed borrowing rates during 2021/22 and the two subsequent financial years until the turn of the year, when inflation concerns increased significantly. Variable, or short-term rates, were expected to be the cheaper form of borrowing until well into the second half of 2021/22.

Forecasts at the time of approval of the treasury management strategy report for 2021/22 were as follows:

	Mar-21	Mar-22	Mar-23	Mar-24
Bank Rate	0.10	0.10	0.10	0.10
3 Month average earnings	0.10	0.10	0.10	0.10
6 Month average earnings	0.10	0.10	0.10	0.10
12 Month average earnings	0.20	0.20	0.20	0.20
5yr PWLB rate	0.80	0.90	0.90	1.00
10yr PWLB rate	1.10	1.20	1.20	1.30
25yr PWLB rate	1.50	1.60	1.70	1.80
50yr PWLB rate	1.30	1.40	1.50	1.60

PWLB borrowing rates - the graph and table for PWLB rates below show, for a selection of maturity periods, the average borrowing rates, the high and low points in rates, spreads and individual rates at the start and the end of the financial year:



	1 Year	5 Year	10 Year	25 Year	50 Year
01/04/2021	0.80%	1.20%	1.73%	2.22%	2.03%
31/03/2022	1.91%	2.25%	2.43%	2.64%	2.39%
Low	0.78%	1.05%	1.39%	1.67%	1.25%
Low date	08/04/2021	08/07/2021	05/08/2021	08/12/2021	09/12/2021
High	2.03%	2.37%	2.52%	2.75%	2.49%
High date	15/02/2022	28/03/2022	28/03/2022	23/03/2022	28/03/2022
Average	1.13%	1.45%	1.78%	2.10%	1.85%
Spread	1.25%	1.32%	1.13%	1.08%	1.24%

7. Borrowing Outturn for 2021/22

Borrowing

No long-term borrowing was undertaken during the year.

Borrowing in advance of need

The Council has not borrowed more than, or in advance of its needs, purely in order to profit from the investment of the extra sums borrowed.

Rescheduling

No rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

8. Investment Outturn for 2021/22

Investment Policy – the Council’s investment policy is governed by MHCLG investment guidance, which has been implemented in the annual investment strategy approved by the Council on 24 February 2021. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

Resources – the Council's cash balances comprise revenue and capital resources and cash flow monies. The Council's core cash resources comprised as follows:

Balance Sheet Resources (£M)	General Fund		HRA		TOTAL	
	31/03/21	31/03/22	31/03/21	31/03/22	31/03/21	31/03/22
Balances	7.81	6.03	3.29	2.55	11.10	8.58
Earmarked reserves	25.74	22.96	11.59	12.33	37.33	35.29
Provisions	7.14	6.66	0.00	0.00	7.14	6.66
Working Capital	11.81	28.73	4.48	4.13	16.29	32.85
Total	52.50	64.38	19.36	19.01	71.86	83.38
Amount Over/(Under) Borrowed						(35.19)
Baseline Investment Balances						48.19

Investments held by the Council - the Council maintained an average investment balance of £45.0M of internally managed funds. The average rate of interest earned for the year was 0.07%. The weighted average rate of interest being earned on the investment portfolio at the end of the year is also given. These rates are compared to the average base rate and average 7- day SONIA (Sterling Overnight Index Average).

	2021/22
Lancaster CC Investments full year	0.07
Lancaster CC Investments weighted average at 31 March	0.48
Base Rate	0.19
7 day SONIA rate	0.14

The actual interest earned in 2021/22 was £33K.

10. Other Risk Management Issues

Many of the risks in relation to treasury management are managed through the setting and monitoring of performance against the relevant Prudential and Treasury Indicators and the approved Investment Strategy, as discussed above.

The Authority's Investment Strategy is designed to engineer risk management into investment activity by reference to credit ratings and the length of deposit to generate a pool of counterparties, together with consideration of other creditworthiness information to refine investment decisions. The Council is required to have a strategy under the CIPFA Treasury Management Code, the adoption of which is another Prudential Indicator. The strategy for 2021/22 complied with the latest Code of Practice and relevant Government investment guidance.

LANCASTER CITY COUNCIL
TREASURY MANAGEMENT POLICY STATEMENT

Last reported to Council on 23 February 2022

This reflects the revised CIPFA Treasury Management Code of Practice

1. This organisation defines its treasury management activities as:

“The management of the authority’s investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks”.

 2. This organisation regards the successful identification, monitoring and control of risk to be the prime criteria by which the effectiveness of its treasury management activities will be measured. Accordingly, the analysis and reporting of treasury management activities will focus on their risk implications for the organisation and any financial instruments entered into to manage these risks.

 3. This organisation acknowledges that effective treasury management will provide support towards the achievement of its business and service objectives. It is therefore committed to the principles of achieving value for money in treasury management, and to employing suitable comprehensive performance measurement techniques, within the context of effective risk management.
-

Treasury Management Glossary of Terms

- **Annuity** – method of repaying a loan where the payment amount remains uniform throughout the life of the loan, therefore the split varies such that the proportion of the payment relating to the principal increases as the amount of interest decreases.
- **CIPFA** – the Chartered Institute of Public Finance and Accountancy, is the professional body for accountants working in Local Government and other public sector organisations, also the standard setting organisation for Local Government Finance.
- **Call account** – instant access deposit account.
- **Counterparty** – an institution (e.g. a bank) with whom a borrowing or investment transaction is made.
- **Credit Rating** – is an opinion on the credit-worthiness of an institution, based on judgements about the future status of that institution. It is based on any information available regarding the institution: published results, Shareholders' reports, reports from trading partners, and also an analysis of the environment in which the institution operates (e.g. its home economy, and its market sector). The main rating agencies are Fitch, Standard and Poor's, and Moody's. They currently analyse credit worthiness under four headings (but see changes referred to in the strategy):
 - **Short Term Rating** – the perceived ability of the organisation to meet its obligations in the short term, this will be based on measures of liquidity.
 - **Long Term Rating** – the ability of the organisation to repay its debts in the long term, based on opinions regarding future stability, e.g. its exposure to 'risky' markets.
 - **Individual/Financial Strength Rating** – a measure of an institution's soundness on a stand-alone basis based on its structure, past performance and credit profile.
 - **Legal Support Rating** – a view of the likelihood, in the case of a financial institution failing, that its obligations would be met, in whole or part, by its shareholders, central bank, or national government.

The rating agencies constantly monitor information received regarding financial institutions, and will amend the credit ratings assigned as necessary.

- **DMADF and the DMO** – The DMADF is the 'Debt Management Account Deposit Facility'; this is highly secure fixed term deposit account with the Debt Management Office (DMO), part of Her Majesty's Treasury.
 - **EIP** – Equal Instalments of Principal, a type of loan where each payment includes an equal amount in respect of loan principal, therefore the interest due with each payment reduces as the principal is eroded, and so the total amount reduces with each instalment.
 - **Gilts** – the name given to bonds issued by the U K Government. Gilts are issued bearing interest at a specified rate, however they are then traded on the markets like shares and their value rises or falls accordingly. The Yield on a gilt is the interest paid divided by the Market Value of that gilt.
-

E.g. a 30 year gilt is issued in 1994 at £1, bearing interest of 8%. In 1999 the market value of the gilt is £1.45. The yield on that gilt is calculated as $8\%/1.45 = 5.5\%$.

See also PWLB.

- **LIBID** – The London Inter-Bank Bid Rate, the rate which banks would have to bid to borrow funds from other banks for a given period. The official rate is published by the Bank of England at 11am each day based on trades up to that time.
- **LIBOR** – The London Inter-Bank Offer Rate, the rate at which banks with surplus funds are offering to lend them to other banks, again published at 11am each day.
- **Liquidity** – Relates to the amount of readily available or short term investment money which can be used for either day to day or unforeseen expenses. For example Call Accounts allow instant daily access to invested funds.
- **Maturity** – Type of loan where only payments of interest are made during the life of the loan, with the total amount of principal falling due at the end of the loan period.
- **Money Market Fund (MMF)** – Type of investment where the Council purchases a share of a cash fund that makes short term deposits with a broad range of high quality counterparties. These are highly regulated in terms of average length of deposit and counterparty quality, to ensure AAA rated status.
- **Policy and Strategy Documents** – documents required by the CIPFA Code of Practice on Treasury Management in Local Authorities. These set out the framework for treasury management operations during the year.
- **Public Works Loans Board (PWLB)** – a central government agency providing long and short term loans to Local Authorities. Rates are set daily at a margin over the Gilt yield (see Gilts above). Loans may be taken at fixed or variable rates and as Annuity, Maturity, or EIP loans (see separate definitions) over periods of up to fifty years. Financing is also available from the money markets, however because of its nature the PWLB is generally able to offer better terms.
- **Link Asset Services** – Link Asset Services are the City Council's Treasury Management advisors. They provide advice on borrowing strategy, investment strategy, and vetting of investment counterparties, in addition to ad hoc guidance throughout the year.
- **Yield** – see Gilts

Members may also wish to make reference to *The Councillor's Guide to Local Government Finance*.



Allocation of Seats to Political Groups

28 September 2022

Report of the Head of Democratic Services

PURPOSE OF REPORT

To advise Council of the calculations relating to the allocation of seats in accordance with the Local Government and Housing Act 1989 following a change to the political composition of the Council.

This report is public.

RECOMMENDATIONS

- 1) That in accordance with Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations, 1990, the City Council approves the calculations and allocation of seats set out in this report, including the adjustments set out in the table in 2.3 of the report.

1.0 Introduction.

- 1.1 There have been changes since the calculation was agreed at the July Council meeting as a result of the sad passing of Councillor Merv Evans, the resignation of Councillor Whearty on 1 September 2022 and a recent by-election.
- 1.2 The by-election for Warton Ward of the City Council was held on 8 September 2022. Councillor Sue Tyldesley was elected for the Green Party and joins the Green and Independent Group on the Council.

2.0 Change in Composition of the Council

- 2.1 The make-up of the Council is now:

Labour	16
Green and Independent Group	15
Conservative	9
MBIs	6
Independent Group	4
Liberal Democrats	4
Bay Independent Group	4
	<hr/> <hr/> 58

There are also two vacant seats; one in Westgate Ward, the other in University and Scotforth Rural Ward.

- 2.2 The table below shows the changes required across all 78 committee seats based upon the revised political composition of the Council.

- 2.3 The figures for the July Council meeting were based upon a pro rata share of 78 seats across 58 Councillors using roundings (due to the vacant seat in Warton Ward and one non-aligned independent Councillors). The figures for this meeting are based on a pro rata share of 78 seats across 58 councillors using roundings (due to two vacant seats).

3.0 Political Balance on Committees

- 3.1 If political balance was calculated separately on each committee the figure would be as set out below for each size of committee:-

- $\frac{2}{3}$
3.2 15 Member Committee (Planning Regulatory)

Labour	16/58x15	4.1379	4
Green and Independents	15/58x15	3.8793	4
Conservatives	9/58x15	2.3276	2
MBIs	6/58x15	1.5517	2
Independent Group	4/58x15	1.0345	1
Liberal Democrats	4/58x15	1.0345	1
Bay Independents	4/58x15	1.0345	1
			15

10 Member Committee (Licensing)

Labour	16/58x10	2.7586	3
Green and Independents	15/58x10	2.5862	2*
Conservatives	9/58x10	1.5517	1*
MBIs	6/58x10	1.0345	1
Independent Group	4/58x10	0.6897	1
Liberal Democrats	4/58x10	0.6897	1
Bay Independents	4/58x10	0.6897	1
			10

*Rounding up would result in 11 seats and there are only 10 available. As the groups with the lowest residual, the Conservative and Green and Independent groups are rounded down instead of up.

9 Member Committees x 2 (Overview and Scrutiny, Budget and Performance)

Labour	16/58x9	2.4828	2
Green and Independents	15/58x9	2.3276	2
Conservatives	9/58x9	1.3966	1
MBIs	6/58x9	0.9310	1
Independent Group	4/58x9	0.6207	1
Liberal Democrats	4/58x9	0.6207	1
Bay Independents	4/58x9	0.6207	1
			9

7 Member Committees x 5 (Personnel, Audit, CBC, Appeals, Standards)

Labour	16/58x7	1.9310	2
Green and Independents	15/58x7	1.8103	2
Conservatives	9/58x7	1.0862	1
MBIs	6/58x7	0.7241	1
Independent Group	4/58x7	0.4828	$\frac{1^*}{3}$
Liberal Democrats	4/58x7	0.4828	$\frac{1^*}{3}$
Bay Independents	4/58x7	0.4828	$\frac{1^*}{3}$

*Rounding up would result in 6 seats and there 7 seats to fill. As the groups with the highest residuals, the Independent/Lib Dem and Bay Independents tie for the last seat.

- 3.3 If all the Committees could be calculated individually, as shown above, the result for the 78 places would be:

Labour	21
Green and Independents	20
Conservatives	10
MBIs	10
Independent Group	$5\frac{2}{3}$
Liberal Democrats	$5\frac{2}{3}$
Bay Independents	$5\frac{2}{3}$
TOTAL	78

- 3.4 However, the individual committee calculations are a guide only to the balanced composition of each committee. The calculation of the 78 committee places on all standing committees **must** be undertaken using rules A-E, set out in s. 15(5) of the Local Government and Housing Act 1989. Those rules are explained in **Appendix A** and the aggregate calculation is as shown on the table below under the column "September 2022". The necessary adjustments are shown in the highlighted right-hand column of that same table.

	July 2022	Rounded	Sept 2022	Actual	Rounded	Change
Labour	16/58x78	22	16/58x78	21.5172	22	-
Green and Independent	14/58x78	19	15/58x78	20.1724	20	+1
Conservative	9/58x78	12	9/58x78	12.1034	12	-
MBIs	6/58x78	8	6/58x78	8.0690	8	-
Independent Group	5/58x78	7	4/58x78	5.3793	5	$-1\frac{2}{3}$
Liberal Democrats	4/58x78	5	4/58x78	5.3793	5	$+\frac{1}{3}$
Bay Independents	4/58x78	5	4/58x78	5.3793	5	$+\frac{1}{3}$
	TOTAL	78	TOTAL		78*	

**When rounded, the number of places totals 77, so the groups with the largest residuals have been rounded up (the Independent, Liberal Democrat and Bay Independent Groups) to receive the last place.*

4.0 Conclusion

- 4.1 Members are requested to agree the new calculation so that the appropriate adjustments can be made – the Independent Group passing one seat to the Green and Independent Group and there being a tie for a seat currently held by the Independent Group between the Independent, Liberal Democrat and Bay Independent Groups – following a change to the political composition of the Council.
- 4.2 **NB:** *Democratic Services have been informed by the Independent Group Leader that, should the calculation shown above be accepted, their group would give up a seat on the Personnel Committee to the Green and Independent Group. Also, the Liberal Democrat and Bay Independent Group Leaders have advised that they would not seek to draw lots for the last seat, allowing that last seat to stay with the Independent Group. The necessary changes will be made later in the agenda under the Item “Changes to Committee Memberships”.*

CONCLUSION OF IMPACT ASSESSMENT

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

There are no direct implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a direct result of this report.

SECTION 151 OFFICER’S COMMENTS

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

LEGAL IMPLICATIONS

This report has been prepared in accordance with the provisions of Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations 1990.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments.

BACKGROUND PAPERS

Contact Officer: Debbie Chambers
Telephone: 01524 582057
E-mail: dchambers@lancaster.gov.uk

THE RULES

The main rules are set out in s. 15(5) LGHA, and they are to be applied sequentially. So Rule B cannot override Rule A; Rule C cannot override Rules A and B; and Rule D cannot override Rules A, B or C. An additional rule is set out in s. 16.

Rule A: all the seats on a committee or sub-committee may not be allocated to members of the same political Group. Note that this does not require that each political Group needs to be represented on each committee or sub-committee.

Rule B: where a majority of the members of Council are members of the same political Group, a majority of the seats on each committee and sub-committee must be allocated to that political Group. So, where there is a majority Group, it must be allocated a minimum of 2 seats on each committee or sub-committee of 3 members, 3 seats on each committee or sub-committee of 4 members, and so on. This means that, where a political Group enjoys a narrow majority on Council, that majority Group will be allocated significantly more seats than would result from simple proportionality. Incidentally, the combination of Rules A and B reinforces the point that the minimum size of a committee or sub-committee ought to be 3.

Rule C: deals with the aggregate of seats on all committees, taken together. [It does not apply to sub-committees, joint committees or outside bodies (see later)]. It provides that, subject to Rules A and B, the relationship between the total number of committee seats allocated to each Group and the total number of seats on all committees must, as near as possible, be the same as the relationship between the number of members of the Group as a proportion of the total number of members of Council. This is subject to Rules A and B.

Rule D: Having worked out how many committee seats are to be allocated to each political Group, Rule D then determines which committees those seats relate to. Rule D now says that, taking each committee separately, the seats on that committee must be allocated as close to proportionately as possible, without offending Rules A, B or C.

There is also a "**Rule E**", inserted into s.16 by reg. 16(3), which provides that, where appointments to seats are to be made other than in accordance with Rules A to D (i.e. to seats which are not allocated to a political Group) then the Council or the committee must appoint members to those seats who are not members of a political Group. The exact wording is:

“(2A) Where appointments fall to be made to seats on a body to which section 15 applies otherwise than in accordance with a determination under that section, it shall be the duty of the authority or the committee, as the case may be, so to exercise their power to make appointments as to secure that the persons appointed to those seats are not members of any political Group.”

CABINET

6.00 P.M.

12TH JULY 2022

PRESENT:- Councillors Caroline Jackson (Chair), Kevin Frea (Vice-Chair),
 Dave Brookes, Gina Dowding, Tim Hamilton-Cox, Tricia Heath,
 Anne Whitehead and Jason Wood

Apologies for Absence:-

Councillors Cary Matthews and Sandra Thornberry

Officers in attendance:-

Mark Davies	Chief Executive
Luke Gorst	Head of Legal Services and Monitoring Officer
Joanne Wilkinson	Head of Housing
Debbie Chambers	Head of Democratic Services

9 MINUTES

The minutes of the meeting held on Tuesday 7 June 2022 were approved as a correct record.

10 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

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

11 DECLARATIONS OF INTEREST

No declarations of interest were made.

12 PUBLIC SPEAKING

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

13 UK SHARED PROSPERITY FUND**(Cabinet Member with Special Responsibility Councillor Caroline Jackson)**

Cabinet received a report from the Chief Executive to set out the Council's approach to developing an Investment Plan for the UK Shared Prosperity Fund (UKSPF), ahead of a subsequent Cabinet meeting to approve the Investment Plan itself on Tuesday 26 July 2022. The Lancaster district has been allocated one of the highest levels of funding for a district authority in England and the report set out the key elements of the proposed robust, comprehensive and collaborative approach to developing and delivering a local Investment Plan.

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

	Option 1: Approve the recommendations set out in the report	Option 2: Propose amendments to the suggested approach set out in the report
Advantages	Officers and members will be well-placed to continue and finalise a robust, inclusive and comprehensive Investment Plan development process.	With Cabinet as the responsible body for approving the Investment Plan, the views of Cabinet members are highly valuable to shaping the process. As such, the perspectives of members are welcomed in shaping the Investment Plan throughout its development.
Disadvantages	No specific disadvantages to this approach, other than officer and member time and input required to deliver a comprehensive process.	Adjustments to the proposed approach can be accommodated to a certain extent, depending on the level of disruption to the process and the fulfilment of the Investment Plan criteria set by government.
Risks	The timescales for developing and submitting an Investment Plan provide limited time for deliberation both within the council and across the Local Partnership Group. A proactive, transparent and engaging approach is required from all parties to deliver a really successful and transformation Investment Plan.	Any significant disruption to the process could compromise the council's ability to develop and submit an Investment Plan that fulfils and exceeds the criteria set out by government in the UKSPF Prospectus.

The officer preferred option was Option 1. However, as set out in section 7 of the report, the views of Cabinet members were integral to developing and signing off a successful Investment Plan and officers would accommodate the perspectives of members in shaping the Investment Plan wherever possible.

Councillor Jackson proposed the recommendations as set out in the report, seconded by Councillor Heath:-

- “(1) That Cabinet approve the development of a UK Shared Prosperity Fund (UKSPF) Investment Plan with the theme of “addressing the Climate Emergency”, seeking to utilise UKSPF investment to support initiatives that will contribute to the district’s environmental and decarbonisation goals.
- (2) That Cabinet approve a structure for evaluating UKSPF investments based on the Critical Success Factors set out in section 4 of the report.
- (3) That Cabinet consider in principle the possible inclusion of a blend of local

investments alongside collaborative initiatives across Lancashire and Morecambe Bay in the Investment Plan, as set out in section 5 of the report.”

After some discussion regarding wording and by way of amendment, Councillor Wood proposed and Councillor Whitehead seconded that two changes be made to recommendation (1) of the report as follows:

“That the word ‘main’ be inserted between the words ‘the’ and ‘theme’. That the words “and/or other corporate priorities” be added to the end.”

Councillors then debated the amendment before voting unanimously in favour of the amendment.

With the amendment then becoming the substantive motion, there was no further debate. Cabinet voted again.

Resolved unanimously:

- (1) That Cabinet approve the development of a UK Shared Prosperity Fund (UKSPF) Investment Plan with the main theme of “addressing the Climate Emergency”, seeking to utilise UKSPF investment to support initiatives that will contribute to the district’s environmental and decarbonisation goals and/or other corporate priorities.
- (2) That Cabinet approve a structure for evaluating UKSPF investments based on the Critical Success Factors set out in section 4 of the report.
- (3) That Cabinet consider in principle the possible inclusion of a blend of local investments alongside collaborative initiatives across Lancashire and Morecambe Bay in the Investment Plan, as set out in section 5 of the report.

Officer responsible for effecting the decision:

Chief Executive

Reasons for making the decision:

The UKSPF presents a clear opportunity for the Council and its partners to contribute to shaping the future of the district’s environment, economy, and society. The Fund’s criteria are strongly aligned with the Council’s Plan 2030 priorities and focusing the Investment Plan on initiatives that will contribute to addressing the Climate Emergency provides an opportunity to create significant local impact beyond that which the Council could achieve otherwise.

The three priorities of the UKSPF – community and place, supporting local business, and people and skills – are closely aligned to the Council’s economic and social priorities in its Core Plan 2030. The proposed approach to developing a UKSPF Investment Plan that contributes to addressing the Climate Emergency provides further strategic alignment. The partnership-based Investment Plan development and delivery process supports the Council’s goals of partnership and enabling.

ROOF/CLADDING REFURBISHMENT AND OTHER PLANNED LANDLORD WORKS

(This item had been postponed to the meeting on 26 July 2022)

15 APPOINTMENT OF CHAIR FOR SHAREHOLDERS' COMMITTEE

Cabinet received a report from the Head of Housing that sought to appoint a Chair of the Shareholders' Committee for Morehomes for the Bay (Developments) Limited and Morehomes for the Bay (Investments) Limited.

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

	Option 1: Appoint a Chair of the Shareholders' Committee (Morehomes for the Bay (Investments) Limited and Morehomes for the Bay (Developments) Limited).	Option 2: Do not appoint a Chair of the Shareholders' Committee (Morehomes for the Bay (Investments) Limited and Morehomes for the Bay (Developments) Limited).
Advantages	The Morehomes for the Bay companies will be able to proceed in bringing forward future related items of business to the Shareholders' Committee and Cabinet.	None known.
Disadvantages	None known.	Not appointing a Chair of the Shareholders' Committee will result in business of the Companies not being able to be progressed.
Risks	No specific risks known.	Not appointing a Chair of the Shareholders' Committee will result in business of the Companies not being able to be progressed, this will effectively result in the Companies being unable to perform its required functions and being unable to progress any of its intended work.

The officer preferred option was Option 1. Appointing a Chair of the Shareholders' Committee would result in meetings of the Shareholders' Committee being able to be convened and undertaken and items of required business being able to be brought forward and discussed.

Councillor Brookes proposed, seconded by Councillor Wood:-

“That the Leader of the Council be appointed as the Chair of the Shareholders’ Committee.”

Councillors then voted:-

Resolved unanimously:

- (1) That the Leader of the Council be appointed as the Chair of the Shareholders’ Committee.

Officer responsible for effecting the decision:

Head of Housing

Reasons for making the decision:

The decision is consistent with the terms of reference of the Shareholder Committee and enables a Chair to be appointed prior to the first meeting of the Shareholder Committee.

Chair

(The meeting ended at 6.57 p.m.)

**Any queries regarding these minutes, please contact
Liz Bateson, Democratic Services - email ebateson@lancaster.gov.uk**

MINUTES PUBLISHED ON 13 July, 2022.

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
21 July, 2022.**

CABINET

6.00 P.M.

26TH JULY 2022

PRESENT:- Councillors Caroline Jackson (Chair), Kevin Frea (Vice-Chair),
Dave Brookes, Gina Dowding, Tim Hamilton-Cox, Tricia Heath,
Cary Matthews, Sandra Thornberry, Anne Whitehead and Jason Wood

Officers in attendance:

Mark Davies	Chief Executive
Luke Gorst	Head of Legal Services and Monitoring Officer
Paul Thompson	Chief Financial Officer (Head of Finance & Section 151 Officer)
Liz Bateson	Principal Democratic Support Officer

16 MINUTES

The minutes of the meeting held on Tuesday 12 July 2022 were approved as a correct record.

17 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

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

18 DECLARATIONS OF INTEREST

No declarations were made at this point.

19 PUBLIC SPEAKING

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

20 UK SHARED PROSPERITY FUND: INVESTMENT PLAN**Cabinet Member with Special Responsibility Councillor Caroline Jackson)**

Cabinet received a report from the Chief Executive which set out the core elements of the UK Shared Prosperity Fund (UKSPF) Investment Plan, to be finalised and submitted to government by the deadline of Monday 1 August 2022. In accordance with Part 3, Section 3, Rule 17 (Call-in and Urgency) the Chief Executive consulted with the Chair of the Overview & Scrutiny Committee prior to the meeting as he was minded to waive call-in on this decision in order to meet the submission deadline.

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

	Option 1: Approve the recommendations set out in the report	Option 2: Propose amendments to the suggested approach set out in the report
Advantages	The UKSPF Investment	The views of Cabinet members

	Plan can be finalised and submitted, with officers and partners moving into the development and design of projects that will successfully deliver on the Interventions selected.	are integral to the successful delivery of the UKSPF. Any proposed amendments to the balance of funds, Interventions selected or funding allocated to each Intervention can be integrated into a redrafted Investment Plan ahead of its submission.
Disadvantages	None specifically identified, on the basis that Cabinet will have reached a consensus on the proposed Investment Plan structure in selecting this option.	With limited time available before the submission deadline, the implications of making significant amendments at this stage and their knock-on effect on the overall balance of funding should be carefully considered.
Risks	As with any medium- to long-term funding, a degree of uncertainty exists as to the accuracy of funding allocations made at this stage for projects to take place over the next three years. The Fund has a built-in degree of flexibility that should allow for appropriate changes to be made.	As set out above, proposing significant amendments at this stage could put the coherence of the Investment Plan at risk. Nonetheless, the flexibility within the UKSPF guidance indicates that amendments can be accommodated where possible.

The officer preferred option is Option 1, given that the highest possible dialogue has taken place in reaching the recommendations set out in this report. The degree of flexibility inherent in the Investment Plan process must also be considered in reaching a decision on the recommendation. However, it is recognised that members are ultimately responsible for the content and delivery of the UKSPF Investment Plan. As such, reaching a consensus at this stage and accommodating any proposed amendments is of fundamental importance to moving into successful delivery of the UKSPF.

Councillor Caroline Jackson proposed, seconded by Councillor Heath:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That Cabinet approve the following key elements of the UK Shared Prosperity Investment Plan, set out in this report:
- The proposed balance of funds to be allocated across the three Investment Priorities, set out in section 2 of the report.
 - The proposed shortlist of Interventions to be pursued in relation to each of the Investment Priorities, set out in section 3 of the report.

- The proposed allocation of funds in respect of each Intervention, set out in Appendices 1 and 2 of the report.
- (2) That Cabinet delegate the Chief Executive to finalise and submit the relevant documentation relating to the UK Shared Prosperity Fund Investment Plan, on the basis of the key elements set out in recommendation (1).
 - (3) That Cabinet agrees in principle to convene local partnership groups to plan, commission and deliver UKSPF Interventions through a collaborative approach where appropriate.

Officer responsible for effecting the decision:

Chief Executive

Reasons for making the decision:

The UKSPF presents a clear opportunity for the council and its partners to contribute to shaping the future of the district's environment, economy and society. The Fund's criteria are strongly aligned with the council's Plan 2030 priorities; focusing the Investment Plan on local priorities will provide an opportunity to create significant local impact beyond that which the council could achieve otherwise.

The proposed partnership approach to delivering the Fund also supports the council's core objectives of Partnership and Enabling and the recommendations in the report provide an opportunity to develop new ways of working together across the Lancaster district to achieve widespread local success.

Chair

(The meeting ended at 6.07 p.m.)

**Any queries regarding these Minutes, please contact
Liz Bateson, Democratic Services - email ebateson@lancaster.gov.uk**

MINUTES PUBLISHED ON THURSDAY 28 JULY 2022.

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
IMMEDIATE – CALL-IN WAIVED ON MINUTE 20.**

AUDIT COMMITTEE

6.10 P.M.

25TH MAY 2022

PRESENT:- Councillors Paul Stubbins (Chair), Gerry Blaikie, Abbott Bryning, Darren Clifford, Geoff Knight and Peter Yates

Officers in attendance:

Paul Thompson	Chief Financial Officer (Head of Finance & Section 151 Officer)
Jayne Wainwright	Engagement Manager
Haley Garstang	Corporate Fraud Manager
Sarah Moorghen	Democratic Support Officer
Phillip Abel	Democratic Support Officer

Also in attendance:

Paul Hewitson	Deloitte LLP
Caroline Jaimeson	Deloitte LLP

1 APPOINTMENT OF VICE-CHAIR

The Chair requested nominations for the position of Vice-Chair of the Audit Committee for the municipal year 2022/23.

It was proposed by Councillor Darren Clifford and seconded by Councillor Peter Yates:

“That Councillor Oliver Robinson be appointed Vice-Chair of the Audit Committee for the municipal year 2022/23”.

There being no further nominations, the Chair declared the proposal to be carried.

Resolved:

That Councillor Oliver Robinson be appointed Vice-Chair of the Audit Committee for the municipal year 2022/23.

2 MINUTES

The minutes of the meeting held on 23rd March 2022 were signed by the Chair as a correct record.

3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 INTERNAL AUDIT PROGRESS REPORT

The Engagement Manager presented a report which advised Members of the latest

monitoring position regarding the 2021/22 Internal Audit plan.

The progress report covered the period from March 2022 to May 2022.

The progress report provided a summary of Internal Audit activity and complied with the requirements of the Public Sector Internal Audit Standards.

Resolved:

That the latest monitoring position in relation to the 2021/22 Audit plan be noted.

6 COUNTER FRAUD – ANNUAL REPORT 2021/22

The Corporate Fraud Manager presented a report which informed the Committee of the extent and outcome of counter fraud work during the 2021/22 financial year.

The Committee was informed that from 1st April 2021 to 31st March 2022 the Corporate Enquiry Team had identified overpayments of £142,066.09.

Members asked a number of questions in relation to training on money laundering and the Whistle Blowing Policy and in particular the support offered to whistle blowers.

Resolved:

That the report be noted.

7 REVIEW OF THE COUNCIL'S COUNTER FRAUD POLICIES

The Chief Finance Officer advised the Committee that after discussions more work was required on this item to ensure it was ready to be presented to the Committee. Members were advised that this report would therefore be presented to the next Audit Committee meeting.

Resolved:

That the item be deferred to the next meeting of the Audit Committee.

8 AUDIT COMMITTEE ASSURANCES IN RELATION TO THE FINANCIAL REPORTING PROCESS

The Chief Finance Officer presented a report which summarised how the Audit Committee gained assurance, as 'those charged with governance', from management in order to fulfil its responsibilities in relation to the financial reporting process.

A table of self-assessment questions and responses, which covered both financial years 2020/21 and 2021/22, was appended to the report for the Committee's consideration.

Members were advised that the responses demonstrated that the Committee could gain assurance from management in order to fulfil its responsibility in respect of the financial reporting process.

Resolved:

That the report and appendices be noted.

9 RISK MANAGEMENT UPDATE

The Chief Finance Officer presented a report which updated the Committee on the progress made in relation to both strategic and operational risk management.

The Committee was advised that the last report to the Committee on Risk Management had been on 24th March 2021. Since then, the Council had purchased risk management software called GRACE.

At the request of the Chair of Audit Committee the s.151 Officer and the Internal Auditors (MIAA) were currently undertaking a review of the Council's Risk Management arrangements which would consider areas such as;

- Strategic Policy and Documentation;
- Corporate ownership and responsibility throughout the Council;
- How we identify, record, assess, score, moderate, monitor, escalate and close risks;
- Governance and reporting arrangements.

Members asked a number of questions about process and structural deficits as well as key risks and how Councillor's could be involved at an earlier stage of decision making.

Resolved:

The Audit Committee noted the progress made in relation to the Council's strategic and operational risk management arrangements.

10 STATEMENT OF ACCOUNTS UPDATE

The Chief Finance Officer presented a report which provided the Committee with an updated position regarding the conclusion of the audit of the 2019/20 and 2020/21 Statement of Accounts and detailed progress in the preparation of the Statement of Accounts for the year ended 31st March 2022.

The Committee was reminded that the only significant matter that remained outstanding on the 2019/20 Statement of Accounts was in regard to Note 42: Contingent Liabilities, which was subject to 2 formal objections by local Council Taxpayers.

In order to finally conclude the audit, the External Auditors had requested that the Council sought assurance from a number of external 3rd parties. Unfortunately, due to illness and leave commitments this would not be available until June 2022.

The Committee was also advised on the position of the 2020/21 Statement of Accounts. Although a significant body of audit work had been performed, one area highlighted in the audit plan which appeared to have yet been commenced was the audit of the significant risk in relation to Property Valuations.

The Committee was also already aware that similarly to the 2019/20 statements Note 42: Contingent Liabilities, was subject to formal objections by local Council Taxpayers. The External Auditor was still considering the objections in accordance with regulatory guidance, but it was hoped that the 3rd party information requested would assist in resolving both the 2019/20 and 2020/21 matters.

The Committee was informed of a national issue, on the replacement, or enhancement of existing infrastructure assets and the potential impact on the Council

The CFO also advised the Committee that the unresolved issues currently surrounding infrastructure assets and the yet unaudited balances within the 2020/21 accounts creates several significant issues for the Council.

Firstly, as CIPFA have advised the issues with infrastructure asset apply to all open, or unsigned Statement of Accounts. As both the 2019/20 and 2020/21 Statement of Accounts remain open there is the potential for even further delay, or even qualification.

Secondly, operationally the finance team are unable to close our asset register and prepare the capital entries for the 2021/22 Financial Statements until both the issues around infrastructure assets and the auditors work on its 2020/21 significant property valuation risks have been concluded.

Given delay and potential complexity and volume of these transactions there is a risk that without timely resolution officers will **NOT** be able to produce of the Council's draft 2021/22 Financial Statements by the 31 July deadline.

Resolved:

The Audit Committee noted;

- (1) The progress of the audit of the 2019/20 & 2020/21 Statement of Accounts, and;
- (2) The preparation of the Statement of Accounts for the year ended 31st March 2022.

11 WORK PROGRAMME

The Chief Finance Officer presented a report on the Audit Committee Proposed Work Programme for 2022/23.

The proposed Work Programme was appended to the report for the Committee's consideration.

The Committee was advised that this was a working document, so subject to change it was also proposed that some Member Training would be organised especially around Treasury Management.

Resolved:

That the Audit Committee noted to proposed Work Programme.

Chair

(The meeting ended at 7.20 p.m.)

**Any queries regarding these Minutes, please contact
Sarah Moorghen, Democratic Services - email smoorghen@lancaster.gov.uk**

LICENSING COMMITTEE**1.00 P.M.****30TH JUNE 2022**

PRESENT:- Councillors Mel Guilding (Vice-Chair), Gerry Blaikie, Roger Cleet, Andrew Gardiner, Mike Greenall and Sally Maddocks

NB: following publication of the agenda the membership of the Committee changed with Councillor Jason Wood being replaced by Councillor Gerry Blaikie.

Apologies for Absence

Councillors Colin Hartley (Chair), Roger Dennison and Tim Hamilton-Cox

Officers in attendance:

Jennifer Curtis	Licensing Manager
Daniel Spencer	Solicitor
Sarah Jones	Licensing Officer
Mark Woodhead	Community Health and Protection Officer
Sarah Moorghen	Democratic Support Officer
Phillip Abel	Democratic Support Officer

13 MINUTES

The minutes of the meeting held on the 9th June 2022 were signed by the Vice-Chair as a correct record.

14 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

15 DECLARATIONS OF INTEREST

There were no declarations of interest.

16 EXEMPT ITEM

The Vice-Chair advised Members that it had been recommended to exclude the press and public from the meeting for the following item of business on the grounds that it could involve the possible disclosure of exempt information.

It was moved by Councillor Andrew Gardiner and seconded by Councillor Mike Greenall:

“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 of business, on the grounds that it could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act.”

A vote was taken and unanimously carried.

Resolved:

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 of business, on the grounds they could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act.

17 EXISTING DUAL DRIVERS LICENCE HOLDER (PAGES 6 - 7)

The Committee received the report of the Licensing Officer for the purpose of determining a review of Hackney Carriage Driver Licence.

Details of the individual case and the Chair's summary of the decision are set out in Exempt Minute No. 17 in accordance with Section 100A(4) of the Local Government Act 1972.

Decision of the Committee:

The decision of the Committee is set out in Exempt Minute No 17.

The press and public were readmitted to the meeting at this point.

18 INTRODUCTION OF TAXIS AND PRIVATE HIRE VEHICLES (SAFEGUARDING AND ROAD SAFETY) ACT 2022

The Licensing Manager presented a report which informed the Committee of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, and the current measures applied by the licensing department to meet the requirements set out in legislation.

The Committee was advised that from 31st May 2022, if any licensing authority in England had information about a taxi or private hire vehicle driver licensed by another authority that was relevant to safeguarding or road safety concerns in its area, it must be shared with the authority who issued that driver's licence. Any licensing authority provided with such information by another authority must then consider whether to suspend or revoke the driver's licence and inform the authority that shared the information of its decision.

The Act would also require licensing authorities in England to input, into a central database, instances when the authority had refused, suspended, chosen not to renew or revoked a taxi or private hire vehicle driver's licence based wholly or in part on information related to the driver concerning safeguarding or road safety.

The Committee was advised that members of the trade would be made aware of the legislative requirements via updates to the council's website and application forms/privacy notices.

It was also reported that the other duties of the Act relating to refusals, suspensions, and revocations database, would come into effect, at a later date, once commenced via legislation. Guidance on these aspects would be made available in due course.

The Committee was advised that Lancaster City Council was already an active user of the National Register of Taxi Licence Revocations and Refusals (NR3).

Members asks questions about examples of when the legislation would be applied and opportunities to work with Lancashire County Council.

Resolved:

The Committee noted the report and current measures applied by licensing to meet the requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

Councillor Mike Greenall briefly left the meeting at this point and returned during the following item.

19 TAXIS AND PRIVATE HIRE VEHICLES (DISABLED PERSONS) ACT 2022

The Licensing Manager presented a report which informed the Committee of the commencement of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. The report also brought to the Committee's attention a letter from Ruth Harper, Deputy Director of the Accessible and Inclusive Travel Team in the Department for Transport. The letter set out recommendations on the actions that Local Licensing Authorities could take to prepare for the changes introduced through the legislation. A copy of the letter was appended to the report for members information.

It was reported that from the 28th June 2022 all licensing authorities must maintain and publish a list of licensed hackney carriage and private hire vehicles which they designated as being wheelchair accessible. In addition, all licenced drivers and private hire operators would be subject to duties under the Equalities Act meaning;

Taxi and private hire vehicle drivers would be required to:

- Accept the carriage of any disabled person, provided them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
- Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.

Private Hire Vehicle operators would be required to:

- Accept bookings for or on behalf of any disabled person if they have a suitable vehicle available.

The Committee was advised that all taxi and private hire vehicle drivers could apply for a exemption certificate and notice on medical grounds or where their physical condition prevented them from performing the mobility assistance duties.

Members asked questions relating to mystery shopping, incentives for drivers to have accessible vehicle's, assistance dogs, promotion of the NHS transport services and agree to add an item to the agenda of the next Taxi Working Group to discuss the application of the Act with the Trade.

Resolved:

The Committee noted the contents of the report and current measures applied by the licensing service to meet the requirements set out in the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.

With the agreement of the Committee the Chair brought forward item 11, Pedicabs - Update

20 PEDICABS - UPDATE

The Licensing Manager presented a report on the licensing of pedicabs.

At a meeting of Licensing Committee on 9th June 2022, members had considered licensing pedicabs as hackney carriages. The Committee had agreed to the licensing of such vehicles in principle but requested further research into pedicabs and benchmarking from other licensing authorities. Additionally, they had requested officers set out a plan for public/trade consultation to ascertain public opinion of use of pedicabs in the district.

It was reported that an article published on the Institute of Licensing website had suggested legislation could be introduced as the matter was raised during a Government Transport Committee meeting. On 27th April 2022, Grant Shapps MP, Secretary of State at the Department for Transport, had made a commitment about the introduction of licensing legislation for pedicabs, though it was not clear if the legislation would be specific to London or Country wide, and timescales were not discussed.

The Committee was advised that, through the Lancashire Licensing Officer Group, the Licensing Manager had requested that successful implementation of local policies, standards or guidance be shared, similarly if any problems had occurred or if they had any knowledge of the safety of such vehicle's for public hire use. No positive feedback was obtained. In addition to this York Council and South Lakeland District Council had been approached. Both authorities had shared information but neither had any pedicabs licenced or any ongoing applications to determine.

The Committee was advised that feedback from the public would be sought via the Council's website and social media platforms. Additionally, throughout the consultation period, licensing staff would engage with users of the promenade face to face to obtain their views. Licenced hackney carriage proprietors would also be contacted directly to measure their views.

It was also noted that pedicabs would be an item for discussion at the next Taxi Working Group.

It was proposed that the consultation would run for up to 4 weeks from 1st July 2022 to 1st August 2022.

Members asked a number of questions in relation to pedicabs playing music, and whether they were classed as motorised. Members also agreed that it would be useful if they and members of the public could see one as part of the public consultation.

Resolved:

- (1) That members note the contents of the report, and;
- (2) Approved the consultation proposals set out in the report.

The meeting adjourned at 3.05pm and reconvened at 3.10pm for a comfort break

21 URGENT BUSINESS - DECISION TAKEN IN RESPECT OF A REVIEW OF A DOG BREEDERS LICENCE

The Community Health and Protection Officer presented a report which advised the Committee of a decision that had been taken by the Director of Communities and Environment, in consultation with the Chair of the Licensing Committee under the Council's Urgent Business Procedure.

Resolved:

- (1) That the report be noted.

22 URGENT BUSINESS - DECISION TAKEN IN RESPECT OF A REVIEW OF A DOG BREEDERS LICENCE

The Community Health and Protection Officer presented a report which advised the Committee of a decision that had been taken by the Director of Communities and Environment, in consultation with the Vice-Chair of the Licensing Committee under the Council's Urgent Business Procedure.

Resolved:

- (1) That the report be noted.

Chair

(The meeting ended at 3.15 p.m.)

**Any queries regarding these Minutes, please contact
Sarah Moorghen, Democratic Services - email smoorghen@lancaster.gov.uk**

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**BUDGET AND
PERFORMANCE PANEL**

6.00 P.M.

6TH JULY 2022

PRESENT:- Councillors Phillip Black, Tim Dant, Roger Dennison, Joan Jackson, Geoff Knight and Sally Maddocks

Also Present:

Caroline Jackson, Leader of the Council, Councillor Anne Whitehead, Cabinet Member with responsibility for Finance and Resources

Councillors Mandy Bannon, Dave Brookes, Gina Dowding, Tim Hamilton-Cox, Joyce Pritchard and Paul Stubbins

Officers in attendance:

Mark Davies	Chief Executive
Paul Thompson	Chief Financial Officer (Head of Finance & Section 151 Officer)
Stephen Metcalfe	Principal Democratic Support Officer
Phillip Abel	Democratic Support Officer

1 APPOINTMENT OF VICE-CHAIR

It was proposed by Councillor Black, seconded by Councillor Dennison and unanimously agreed:-

“That Councillor Joan Jackson be appointed Vice-Chair of the Budget and Performance Panel for the Municipal Year.”

Resolved:-

That Councillor Joan Jackson be appointed Vice-Chair of the Budget and Performance Panel for the Municipal Year.

The Vice-Chair took the Chair.

2 MINUTES

The Minutes of the Meeting held on 17th March 2022 were signed by the Vice-Chair as a correct record.

3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

4 DECLARATION OF INTERESTS

There were no declarations of interest made at this point.

5 FINANCIAL OVERVIEW AND STRATEGIC DIRECTION

Councillor Caroline Jackson, the Leader of the Council and Councillor Anne Whitehead, the Cabinet Member with particular responsibility for Finance and Resources had been invited to this meeting to address the panel concerning the outcomes of Cabinet's established priorities and intentions. Mark Davies, Chief Executive, had also been invited together with Paul Thompson, Head of Finance and Section 151 Officer who was also invited to give a presentation. All elected members had been invited to the meeting for this item.

Councillor Caroline Jackson addressed the panel and provided an update on progress made towards the goals that were reported the previous year at this panel. The following subjects were reported:-

- The Revenue and Capital Budgets.
- Outcomes Based Resourcing and Performance Monitoring.
- Large-scale ongoing projects including Mainway, the Canal Quarter and the Frontierland site.
- The Eden Project
- Asset Management

The Section 151 Officer then gave his presentation on the Financial Overview and Strategic Direction of the City Council.

Members were presented with information concerning the current budget and the financial pressures faced by the City Council and the financial resilience measures and projects being undertaken to guide the strategic direction of the Council in the years to come.

Members then asked questions on the following subjects:-

- Existing and proposed measures to reduce gas and electricity usage at Council properties.
- The potential for a review of planned spending and a freeze on reserves.
- Business rates associated with Heysham Power Station and the proposed Eden Project site.
- The impact of smaller projects on the wider Corporate Programmes of which they form a part.
- The provision of a SWOT analysis to provide a broader overview of the Council's financial and strategic position.

Councillor Anne Whitehead highlighted the budgetary difficulties faced by the City Council and drew a comparison to the start of the COVID-19 pandemic where budget revisions were required in short order. She spoke of the increasing difficulty of delivering balanced budgets but stressed the importance of moving forward to ensure the City Council remains financially viable while providing the required statutory services and the need to work more closely with partners and the community to achieve the Council's outcomes.

The Vice-Chair, on behalf of the Panel, thanked Cabinet Members and officers for their attendance, for the presentation and information provided.

6 DELIVERING OUR PRIORITIES: Q4 AND END OF YEAR 2021-22

The panel received a report from the Chief Executive that provided an update on performance and projects during quarter 4 of 2021/22 (January-March 2022) and some annual measures covering April-March 2022.

Mark Davies, Chief Executive, introduced the report. Councillor Whitehead provided an update on current Corporate Programmes and the work done to make information on each project available for Members to view. She also spoke to the panel about the Q4 21/22 performance reporting and the impact of the COVID-19 pandemic on some of the reported figures as well as how the Outcomes Based Resourcing project will improve performance monitoring.

Resolved: -

That the report be noted.

7 DATE OF THE NEXT MEETING

Members were advised that next meeting of the Panel is scheduled for 29th September.

It was noted that the former Chair of the Panel had previously requested additional meetings to provide an overview of each Directorate in terms of service units and their subjective budgets. The dates of these meetings were now to be agreed after consultation between the Vice-Chair of the Panel and relevant Officers.

Chair

(The meeting ended at 7.37 p.m.)

**Any queries regarding these Minutes, please contact
Stephen Metcalfe, Democratic Services - email sjmetcalfe@lancaster.gov.uk**

6.00 P.M.

13TH JULY 2022

PRESENT:- Councillors Richard Austen-Baker (Chair), Darren Clifford (Vice-Chair), Alan Biddulph, Roger Dennison, Mandy King, Abi Mills, Joyce Pritchard and Alistair Sinclair

Apologies for Absence:-

Councillor Jack Lenox

Officers in attendance:-

Suzanne Lodge
Stephen Metcalfe
Phillip Abel

Interim Director for Communities and the Environment
Principal Democratic Support Officer
Democratic Support Officer

7 MINUTES

The Minutes of the Meeting held on 8th June, 2022 were signed by the Chair as a correct record.

8 DECLARATIONS OF INTEREST

There were no declarations of interest made at this point.

9 WORK PROGRAMME ITEMS

The Committee was requested to consider the list of suggestions for the Committee's Work Programme that had been received from members of the public and Councillors. It was reported that the Chair of the Committee and the Pre-Scrutiny Champion had met with the Council's Executive Team to discuss and prioritise the outstanding Work Programme items and the suggestions that had been submitted for the forthcoming year.

The Committee considered the suggestions and agreed to the following being included in the Committee's Work Programme:-

Resolved :-

7th September 2022 –

- Public Realm issues, in particular for this Council's bins and benches in public places and bin collection.
- Request for a County Council representative to discuss weeds on the highways within the district, in particular what are the county council's plans for the future, the use of chemicals and if/when the use of chemicals is going to cease.
- Chair of Recycling Working Group to attend to provide an update on the work of the Group.

26th October 2022 – Priorities (A Sustainable District) *

16th November 2022 – Crime and Disorder Meeting. 1 meeting required each year.

7th December 2022 – Priorities (An Inclusive and Prosperous Local Economy) *

18th January 2023 – Health care meeting – Integrated Care Bodies etc. Previously requested by Council.

8th February 2023 – Priorities (Healthy and Happy Communities) *

8th March 2023 - Priorities (A Co-operative, Kind and Responsible Council) *

***Note: Four priorities**

The Committee to look at the 4 Corporate Plan priorities for 2030, with a meeting being arranged for each priority. To add value by considering to what extent the Council has delivered on the outcomes. Relevant officers and partners to be invited to attend meetings.

- A Sustainable District
- An Inclusive and Prosperous Local Economy
- Healthy and Happy Communities
- A Co-operative, Kind and Responsible Council

Task Groups/Working Groups to be prioritised

- Ethical and Sustainable Investment Policy Formal Task Group , consisting of 9 members on proportionality. Previously requested by Council.
- Planning Informal Task Group. To consider the findings of the LGA Peer Challenge Review regarding Planning. To meet in November and consider the findings of the Review when available with a pre-briefing to be arranged for October. To help look at key issues and feed into the work of the Committee.
- Recycling Working Group. Previously requested by Council.

Task Group – In Reserve

- Revitalising Key Centres Informal Task Group. Re-commencement of the Task Group dependent on the conclusion of the work of the Recycling Working Group.

10 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

The Chair advised of an item being treated as a matter of urgency to be reported to an additional meeting of Cabinet on 26th July, with the deadline for a submission of 1st August, regarding the UK Shared Prosperity Fund. The Chair advised that he had waived the right to call-in this issue in accordance with Overview and Scrutiny Committee Procedure Rule 17(a). When informing the Committee, the Chair advised of his concern regarding the regularity and number of items that he was being consulted on and that the process was not sufficiently planned if Members wished to call this and other items of business in. The Chair advised that he had raised his concern through channels to the Council's Chief Executive.

It was suggested that on future agenda a record of key decisions for which call-in has been waived by the Chair of Overview and Scrutiny be included.

Chair

(The meeting ended at 7.00 p.m.)

**PLANNING REGULATORY
COMMITTEE**

10.30 A.M.

18TH JULY 2022

PRESENT:- Councillors Sandra Thornberry (Chair), Keith Budden (Vice-Chair), Dave Brookes, Abbott Bryning, Roger Cleet, Tim Dant, Kevin Frea, June Greenwell, Mel Guilding, Mandy King, Jack Lenox, Robert Redfern and Malcolm Thomas

Apologies for Absence:-
Councillor Roger Dennison

Officers in attendance:-

Mark Potts	Service Manager – Development Management
Rephael Walmsley	Solicitor
Eleanor Fawcett	Senior Planning Officer
Charlotte Greenhow	Planning Assistant
Sam Robinson	Planning Assistant
Eric Marsden	Democratic Support Officer

Applications were determined as indicated below (the numbers denote the schedule numbers of the applications).

Except where stated below, the applications were subject to the relevant conditions and advice notes, as outlined in the Schedule of Planning Applications.

Except where stated below, the reasons for refusal were those as outlined in the Schedule of Planning Applications.

A	-	Approved
R	-	Refused
D	-	Deferred
A(C)	-	Approved with additional conditions
A(P)	-	Approved in principle
A(106)	-	Approved following completion of a Section 106 Agreement
W	-	Withdrawn
NO	-	No objections
O	-	Objections
SD	-	Split Decision

22 MINUTES

The minutes of 20th June 2022 were agreed as a true record and signed by the Chair.

23 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

24 DECLARATIONS OF INTEREST

There were no declarations of interest.

**APPLICATIONS A11 22/00417/CU, A9 22/00284/FUL AND A10 21/01588/LB
WERE BROUGHT FORWARD IN THE AGENDA BY THE CHAIR.**

APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION:

25 17 PATERDALE ROAD LANCASTER LANCASHIRE LA1 3HN

A11 22/00417/CU Change of use of dwelling Bulk Ward A
(C3) to small HMO (C4).

Under the scheme of public participation, Ward Councillor Tim Hamilton-Cox spoke against the application.

It was proposed by Councillor Tim Dant and seconded by Councillor Jack Lenox, contrary to the officer's report:

"That the change of use be refused."

Upon being put to the vote, 3 Councillors voted in favour of the proposal, 7 against, and 3 abstained, whereupon the Chair declared the proposal to have been rejected.

It was proposed by Councillor Keith Budden and seconded by Councillor Robert Redfern:

"That the application be approved subject to the conditions set out in the Committee Report."

Upon being put to the vote, 6 Councillors voted in favour of the proposal, with 2 against and 5 abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the conditions set out in the Committee Report:

1. Standard Planning Permission Timescale.
2. Development in accordance with approved plans.

**26 SUNDERLAND POINT MISSION HERITAGE CENTRE THE LANE SUNDERLAND
POINT MORECAMBE LANCASHIRE LA3 3HS**

A9 22/00284/FUL Installation of sewage Overton Ward A
treatment plant.

Under the scheme of public participation, Michael Hesketh and Stephen Loxam spoke against the application; Edward Levey and Councillor Paul Anderton responded in favour; and Ward Councillor Andrew Gardiner spoke against.

It was proposed by Councillor Dave Brookes and seconded by Councillor June Greenwell:

"That the application be approved subject to the conditions in the Committee Report."

Upon being put to the vote, 11 Councillors voted in favour of the proposal with 2 against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the conditions in the Committee Report:

1. Timescales.
2. Development to accord with plans.
3. Prior to installation details of finish/colour.
4. Prior to installation details of foul drainage system.
5. Protected species mitigation measures.

**THE CHAIR ADJOURNED THE MEETING AT 11:47 AND RECONVENED
AT 11:55 A.M.**

**27 SUNDERLAND POINT MISSION HERITAGE CENTRE THE LANE SUNDERLAND
POINT MORECAMBE LANCASHIRE LA3 3HS**

A10	21/01588/LB	Listed Building application for internal alterations to provide kitchen and wc's including new treatment plant, reset floor levels, works to the ceiling, insulation, new partition doors, architraves, skirting and relocation of wall panel.	Overton Ward	D
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Under the scheme of public participation, Janie Hesketh, Michael Hesketh, Stephen Loxam and Stephanie Smith spoke against the application; Edward Levey responded in favour; and Ward Councillor Andrew Gardiner spoke against.

It was proposed by Councillor Kevin Frea and seconded by Councillor Dave Brookes, contrary to the officer's recommendation in the report:

"That the application be deferred subject to a site visit by the Planning Committee."

Upon being put to the vote, Councillors voted unanimously in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be deferred subject to a site visit by the Planning Committee.

**THE CHAIR ADJOURNED THE MEETING AT 12:40 AND RECONVENED
AT 13:10 P.M.**

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION:

28 LAND NORTH OF 17 MAIN STREET

A5 22/00235/REM Reserved matters application Warton Ward A
for the erection of nine
dwellings.

It was proposed by Councillor Robert Redfern and seconded by Councillor Keith Budden:

“That the application be approved subject to the conditions in the Committee Report.”

Upon being put to the vote, Councillors unanimously voted in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the conditions in the Committee Report:

1. Standard reserved matters timescale.
2. Approved plans.
3. Details of materials – including stone, slate, render, cladding, finish to dormers, finish to flue and metal column, windows and doors, surfacing material, boundary treatments, eaves, verge and ridge details, rainwater goods, external lighting.
4. Landscaping scheme including maintenance.
5. Provision of parking prior to occupation.

29 LAND AT GRID REFERENCE 350900 470170 LEAPERS WOOD ROAD OVER KELLET LANCASHIRE

A6 22/00562/VCN Hybrid application comprising Kellet Ward A(C)
a full application for proposed
alterations to land levels and
associated access, and
outline application for up to
8,400sqm of employment
floor space (Use Classes
B1(c), B2 and B8) with
associated access (pursuant
to the removal of conditions
7,8,9 and 12 on outline
planning permission
19/00545/HYB in relation to
site access and off-site
highway works and variation
of condition 24 in relation to
BREEAM standards).

It was proposed by Councillor Keith Budden and seconded by Councillor Malcolm Thomas:

“That the application be approved subject to an additional condition associated with the protection of visibility splays and subject the conditions in the Committee Report.”

Upon being put to the vote, 10 Councillors voted in favour of the proposal with none against and 3 abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to an additional condition associated with the protection of visibility splays and subject the conditions in the Committee Report:

1. Submission of reserved matters prior to commencement of the relevant phase of development.
2. Submission of all reserved matters no later than 3 years from 9 January 2020 or 2 years from the approval of the last reserved matters to be approved.
3. In accordance with approved plans.
4. Submission of a drainage strategy.
5. Details of buildings and car parking and restriction of floorspace to 8,400 square metres.
6. A scheme for renewable energy measures.
7. Details of finished floor and site levels.
8. Details of foul drainage.
9. Submission of a travel plan.
10. Lighting details.
11. Provision of car parking.
12. No vegetation clearance, or site activity shall occur from 1st March to 31st July (inclusive) unless survey undertaken.
13. Unforeseen contamination.
14. Removal of permitted development rights.
15. Management and maintenance plan for sustainable drainage.
16. Development in accordance with the Arboricultural Implications assessment.
17. Scheme for ecological enhancement measures.
18. Submission of a Construction Environmental Management Plan.
19. Scheme for electric vehicle charging points.
20. Scheme for sustainability measures to achieve at least a BREEAM standard of 'Good' or equivalent.
21. Details of covered and secure cycle storage.
22. Submission of a delivery, servicing and waste collection and maintenance scheme.
23. Protection of visibility splays.

30 3 AND 4 DALTON SQUARE LANCASTER LANCASHIRE LA1 1PP

A7	21/01230/FUL	Change of use of the rear of 4 Dalton Square to form extension to existing beer garden, erection of external cold store, and creation of opening in boundary wall plus regularisation of an external flue.	Castle Ward	A
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It was proposed by Councillor Keith Budden and seconded by Councillor Mel Guilding:

“That the application be approved subject to the conditions in the Committee Report.”

Upon being put to the vote, Councillors voted unanimously in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the conditions in the Committee Report:

1. Time limit for commencement.
2. Approved plans list.
3. Paint flue.
4. Tree protection measures.
5. Details of stone lintel.
6. Archaeological investigation if ground excavated (not wall removal).
7. Finish cold store in matching external materials.
8. Acoustic details of cold store and any mitigation.
9. Hours of operation for beer garden.

31 3 AND 4 DALTON SQUARE

A8	21/01231/LB	Listed building consent for erection of cold store, creation of external doorway, creation of opening in boundary wall, erection of timber fencing, extension of external seating area, relocation of gas barrel, repairs to existing roof and internal alterations, including alterations to internal room layout and the removal/installation of internal walls within the basement plus regularisation of an external flue.	Castle Ward	A
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It was proposed by Councillor Keith Budden and seconded by Councillor Robert Redfern:

“That the application be approved subject to the conditions in the Committee Report.”

Upon being put to the vote, Councillors voted unanimously in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the conditions in the Committee Report:

1. Time limit for commencement.

2. Approved plans list.
3. Paint flue.
4. Details of stone lintel and internal cold store door.
5. Archaeological investigation if ground excavated (not wall removal).
6. Finish cold store in matching external materials.
7. Roof repair details.

32 THE OLD STABLES AND CHARTER HOUSE CAR PARK BULK STREET LANCASTER LANCASHIRE LA1 1PU

A12	22/00626/CU	Change of use of a mixed use building comprising a ground floor office (E) and first floor bar with micro-brewery (sui generis) to bar with micro-brewery (sui generis) on both floors and change of use of 4 parking spaces to beer garden area.	Castle Ward	A
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It was proposed by Councillor Jack Lenox and seconded by Councillor Mel Guiding:

“That the application be approved subject to the conditions in the Committee Report.”

Upon being put to the vote, Councillors voted unanimously in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the conditions in the Committee Report:

1. Standard 3 Year Timescale.
2. Development in accordance with approved plans.

33 136 HIGH ROAD HALTON LANCASTER LANCASHIRE LA2 6QA

A13	22/00596/FUL	Erection of a two storey side extension, single storey rear extension, and front porch extension, construction of a dormer extension to the rear, and creation of an access, dropped kerb and driveway.	Halton-with-Aughton Ward	A
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It was proposed by Councillor Keith Budden and seconded by Councillor Mel Guiding:

“That the application be approved subject to the conditions in the Committee Report.”

Upon being put to the vote, Councillors voted unanimously in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the conditions in the Committee Report:

1. Standard three year timescale.
2. Development in accordance with plans and details.
3. Materials to match.
4. Parking areas, driveway and surfacing.

34 DELEGATED LIST

The Service Head for Planning and Place submitted a Schedule of Planning Applications dealt with under the Scheme of Delegation of Planning Functions to Officers.

Resolved:

That the report be noted.

Chair

(The meeting ended at 2.00 p.m.)

**Any queries regarding these Minutes, please contact
Eric Marsden - Democratic Services: email emarsden@lancaster.gov.uk**

LICENSING COMMITTEE

1.00 P.M.

28TH JULY 2022

PRESENT:- Councillors Colin Hartley (Chair), Fabiha Askari, Gerry Blaikie, Andrew Gardiner, Mike Greenall, Tim Hamilton-Cox and Jason Wood

Apologies for Absence

Cllrs Roger Cleet, Jake Goodwin and Sally Maddocks

Officers in attendance:

Jennifer Curtis	Licensing Manager
Tom Mitchell	Civil Lawyer
Mark Woodhead	Community Health and Protection Officer
Sarah Jones	Dog Warden & Animal Licensing Officer
Sarah Hayland	Dog Warden & Animal Licensing Officer
Sarah Moorghen	Democratic Support Officer

23 MINUTES

The minutes of the meeting held on the 30th June 2022 were signed by the Chair as a correct record.

24 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

25 DECLARATIONS OF INTEREST

Councillor Gardiner declared a non-pecuniary interest in item 7 that he had recently booked his dog into the licensing premises.

26 APPOINTMENT OF ADDITIONAL SUB-COMMITTEE CHAIR

It was proposed by Councillor Jason Wood and seconded by Councillor Andrew Gardiner that:

“That the appointment of an additional Licensing Sub-Committee be deferred to the next meeting of the Licensing Committee”

Upon being put to the vote, Councillors voted unanimously in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the appointment of an additional Licensing Sub-Committee be deferred to the next meeting of the Licensing Committee.

27 EXEMPT ITEM

The Vice-Chair advised Members that it had been recommended to exclude the press and public from the meeting for the following item of business on the grounds that it could involve the possible disclosure of exempt information.

It was moved by Councillor Mike Greenall and seconded by Councillor Fabiha Askri:

“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 of business, on the grounds that it could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act.”

A vote was taken and unanimously carried.

Resolved:

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 of business, on the grounds they could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act.

28 REVOCATION OF ANIMAL ACTIVITIES LICENCES (PAGES 4 - 6)

The Committee received the report of the Director of Communities and the Environment for the purpose of determining the Revocation of and Animal Activities Licences.

Whilst the press and public were excluded from the meeting the Monitoring Officer determined that there was a public interest in publishing the decision notice following the Licensing Committee’s consideration of the item.

Details of the individual case and the Chair’s summary of the decision are attached to the Minutes.

Decision of the Committee:

- (1) That all the Licences held by Mr Jayousi, because of finding that the general conditions of the licence have been breached, as detailed above be varied as follows
 - a. dogs under 1 year old are to be kept separate from other dogs
 - b. stock dogs and boarding dogs are not to be mixed with day care dogs
- (2) Renewal of Mr Jayousi’s Licences are to go to Committee for determination
- (3) Warning letter be sent to Mr Jayousi
- (4) Over the next 12 months officers are to make an unannounced visit of Herenswood every three months to ensure that the licensing conditions are being complied with.

Chair

(The meeting ended at 4.55 p.m.)

**Any queries regarding these Minutes, please contact
Sarah Moorghen, Democratic Services - email smoorghen@lancaster.gov.uk**

DECISION NOTICE IN RELATION TO REVOCATION OF ANIMAL ACTIVITIES LICENCE

The Committee was held to consider whether Mr Jayousi should remain a licence holder for the commercial provision of day care for dogs; commercial provision of boarding for dogs and selling animals as pets. This was following an investigation surrounding the death of a dog, Taylor, in the animal day care facility at Herenswood Canine Retreat on 27 January 2022.

The Committee had before them and gave careful consideration to the following documentation in advance of and during the hearing

- The report of the Licensing Manager, along with the attached witness statements (130 pages)
- The Defendant's bundle of supporting documentation which contained Mr Jayousi's response to the Committee report and supporting documentation (286 pages)
- Investigating Officer comments on Mr Jayousi's response to the Committee report (12 pages)

The Committee heard from the Licensing Manager, who presented the report and the Investigating Officers who assisted in answering questions put to them by the Committee and Mr Jayousi's Solicitor. Tarik Jayousi attended and answered questions put to him by the Committee and officers. Mr Jayousi was represented by Martin Stafford, Solicitor who made representations, asked questions, and made submission on Mr Jayousi's behalf.

The Committee were informed that the matter had come before them to consider whether, based on the allegations as set out in the report, the licences held by Mr Jayousi should be revoked, varied suspended or whether no action be taken.

Regulation 15 of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 state

A local authority may, without any requirement for the licence holder's consent, decide to suspend, vary, or revoke a licence at any time on being satisfied that—

- (a) the licence conditions are not being complied with,*
- (b) there has been a breach of these Regulations,*
- (c) information supplied by the licence holder is false or misleading, or*
- (d) it is necessary to protect the welfare of an animal.*

After making representations and responding to questions from the Committee, Mr Jayousi his representative, Mr Martin Stafford, the Licensing Manager and the Investigating Officers left the meeting to enable the Committee to deliberate in private.

Breach of Licence ConditionsGeneral Condition 3(2) [5.1(i)]

The Committee was of the view that on a balance of probabilities, that the staff to animal ratio was exceeded on the date of the incident, in that there were not enough available members of staff within the vicinity to act quickly enough in the circumstances and therefore a dog died and so there was a breach of this condition. There is corroborating evidence from two different witnesses.

General Condition 4(3) [5.1(ii)]

The Committee decided that they were satisfied that training documents exist now but were not convinced that they existed or if they did, that they were provided to staff members on all occasions and so the committee found this condition to have been breached.

General Condition 7(3) [5.1(iii)]

The Committee were unable to reach a conclusion on this issue based on the evidence available.

General Condition 7(5) [5.1(iv)(v)]

The Committee decided that there had been a breach of this condition and noted that Mr Jayousi had accepted that this was the case in his submissions.

General Condition 8(2) [5.1(vi)]

The Committee were not satisfied that at the time of the incident there were sufficient safeguards in place and so on a balance of probabilities they considered that this condition had been breached. The Committee noted that they were satisfied that safeguards are now in place.

General Condition 9(6) and 9(14) [5.1(vii)]

The Committee were not satisfied that there had been a breach of this condition.

Specific Condition 23(1) [5.1(viii)]

The Committee were not satisfied that there was a breach based on the evidence available.

Specific Condition [5.1(ix)]

The Committee were not satisfied that there had been a breach based on the evidence presented to it.

Specific Condition 3(2), 3(3), 3(5) [5.1(x)]

The Committee were of the view that the puppy was sold as seen and did not accept that there was a breach of the regulations.

Other General Breaches

The Committee did not find that these breaches were proven.

Information Supplied by the Licence Holder False or Misleading

The Committee found that Mr Jayousi had provided false or misleading information and noted that Mr Jayousi had admitted this in relation to the information supplied to the vet. The Committee considered Mr Jayousi's mitigation and admission and whilst the Committee considers this to be a serious matter, they did not consider it serious enough to warrant revocation or suspension.

Protecting the welfare of an animal

The Committee found that on the day of Taylor's death there were insufficient staffing to animal ratios to protect Taylor, this led to Taylor suffering from pain, suffering and distress. Due to lack of staffing Mr Jayousi had failed to take reasonable steps to ensure that the welfare needs of the animals were met. However, the Committee were not satisfied that there were several other instances where Mr Jayousi had failed to protect the welfare of animals in his care.

Fit and Proper Persons Test

The Committee noted that it had concerns regarding Mr Jayousi being a fit and proper person.

Conclusion

After careful consideration, the Committee found that some of the conditions of licences had been breached, but for others they found no breach, some of which findings were due to insufficient evidence to support the allegation being made.

The Committee notes and welcomes Mr Jayousi's statement that he is willing to work with the licensing authority to ensure no reoccurrence. The Committee also noted Mr Jayousi's submissions that how the business operates has improved since January 2022. Of the breaches/issues that the Committee found to be proven, whilst serious the Committee did not consider them sufficient to justify a revocation or suspension of the licence.

The Committee decided the following:

1. That all the Licences held by Mr Jayousi, because of finding that the general conditions of the licence have been breached, as detailed above be varied as follows
 - a. dogs under 1 year old are to be kept separate from other dogs
 - b. stock dogs and boarding dogs are not to be mixed with day care dogs
2. Renewal of Mr Jayousi's Licences are to go to Committee for determination
3. Warning letter be sent to Mr Jayousi
4. Over the next 12 months officers are to make an unannounced visit of Herenswood every three months to ensure that the licensing conditions are being complied with

In accordance with Regulation 16 of the Regulations the variation is to take effect within 7 working days beginning with the date on which notice of the decision is issued to the licence holder, or if that is a none-working day, the next working day. Mr Jayousi may make written representations which must be received by the Council within 7 working days beginning with the date of the issue of notice of variation of the licence, any written representations should be sent to licensing@lancaster.gov.uk

Resolved unanimously:

- (1) That all the Licences held by Mr Jayousi, because of finding that the general conditions of the licence have been breached, as detailed above be varied as follows
 - a. dogs under 1 year old are to be kept separate from other dogs
 - b. stock dogs and boarding dogs are not to be mixed with day care dogs
- (2) Renewal of Mr Jayousi's Licences are to go to Committee for determination
- (3) Warning letter be sent to Mr Jayousi
- (4) Over the next 12 months officers are to make an unannounced visit of Herenswood every three months to ensure that the licensing conditions are being complied with

**PLANNING REGULATORY
COMMITTEE**

10.30 A.M.

15TH AUGUST 2022

PRESENT:- Councillors Sandra Thornberry (Chair), Keith Budden (Vice-Chair), Victoria Boyd-Power, Dave Brookes, Abbott Bryning, Roger Dennison, June Greenwell, Mel Guilding, Tim Hamilton-Cox (substitute for Cllr Tim Dant), Mandy King, Sally Maddocks (substitute for Cllr Jack Lenox), Robert Redfern and Peter Yates (substitute for Cllr Malcolm Thomas).

Apologies for Absence:-

Councillors Roger Cleet, Tim Dant, Kevin Frea, Jack Lenox, and Malcolm Thomas.

Officers in attendance:-

Eleanor Fawcett	Principal Planning Officer
Petra Williams	Planning Officer
Charlotte Greenhow	Planning Assistant
Rephael Walmsley	Solicitor
Hannah Little	Trainee Solicitor
Eric Marsden	Democratic Support Officer
Phil Abel	Democratic Support Officer

Applications were determined as indicated below (the numbers denote the schedule numbers of the applications).

Except where stated below, the applications were subject to the relevant conditions and advice notes, as outlined in the Schedule of Planning Applications.

Except where stated below, the reasons for refusal were those as outlined in the Schedule of Planning Applications.

A	-	Approved
R	-	Refused
D	-	Deferred
A(C)	-	Approved with additional conditions
A(P)	-	Approved in principle
A(106)	-	Approved following completion of a Section 106 Agreement
W	-	Withdrawn
NO	-	No objections
O	-	Objections
SD	-	Split Decision

35 MINUTES

The minutes of 18th July 2022 were agreed as a true record and signed by the Chair.

36 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

37 DECLARATIONS OF INTEREST

Councillor Roger Dennison declared an interest in agenda item A5 21/01588/LB Sunderland Point Mission Heritage Centre. The reason being a personal connection. Councillor Dennison would recuse himself from the meeting for the duration of consideration of the item.

There were no other declarations of interest.

**COUNCILLOR DENNISON LEFT THE MEETING AT 10:35 A.M.
FOLLOWING HIS DECLARATION.**

APPLICATIONS SUBJECT TO PUBLIC PARTICIPATION:

38 SUNDERLAND POINT MISSION HERITAGE CENTRE THE LANE SUNDERLAND POINT MORECAMBE

A5	21/01588/LB	Listed Building application for internal alterations to provide kitchen and wc`s including new treatment plant, reset floor levels, works to ceiling, insulation, new partition doors, architraves, skirting and relocation of wall panel.	Overton Ward	A(C)
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A site visit was held in respect of this application on Monday 8th August 2022 by Councillors Dave Brookes, Keith Budden, Roger Cleet, Mel Guilding, Mandy King, Robert Redfern, Malcolm Thomas and Sandra Thornberry. In attendance were Officers Mark Potts, Charlotte Greenhow and Eric Marsden.

Under the scheme of public participation, David Andrew, Hazel Parkinson and Brendan Smith spoke against the application; Brian Holmes (applicant) responded in favour.

It was proposed by Councillor Peter Yates and seconded by Councillor Mel Guilding, contrary to the officer's recommendation:

"That the application be refused on the grounds that the harm to a listed building in a conservation area did not outweigh the public benefits"

Upon being put to the vote, 3 Councillors voted in favour of the proposal with 9 against and no abstentions, whereupon the Chair declared the proposal to have been rejected.

It was proposed by Councillor Sandra Thornberry and seconded by Councillor June Greenwell:

"That the application be approved subject to the conditions in the officer's report and subject to an additional condition requiring details and location of the rails to be removed from the altar, and relocated within the building, and those to be retained on the altar"

Upon being put to the vote, 7 Councillors voted in favour of the proposal with 3 against and 2 abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the conditions in the officer's report and subject to an additional condition requiring details and location of the rails to be removed from the altar, and relocated within the building, and those to be retained on the altar:

1. Standard LB timescale.
2. In accordance with amended plans.
3. Prior to their installation, submission of large-scale details of new oak panelling and oak doors.
4. Details and location of the rails to be removed from the altar, and relocated within the building, and those to be retained on the altar.

THE CHAIR ADJOURNED THE MEETING AT 11:43 A.M. AND RECONVENED AT 11:49 A.M.

COUNCILLOR ROGER DENNISON REJOINED THE MEETING AT 11:49 A.M.

APPLICATIONS NOT SUBJECT TO PUBLIC PARTICIPATION:

39 MELLISHAW PARK MELLISHAW LANE HEATON WITH OXCLIFFE

A6	22/00519/FUL	Demolition of existing buildings, reconfiguration of existing 19 pitch traveller site to continue to provide 19 traveller pitches, erection of 9 semi-detached amenity buildings and a landlord/caretaker building, associated internal roads, amenity area, foul drainage infrastructure, a flood ramp at the site entrance and boundary fencing.	Overton Ward	A(C)
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It was proposed by Councillor Robert Redfern and seconded by Councillor Mandy King:

“That the application be approved subject to the conditions in the Committee Report and subject to an additional condition regarding noise mitigation.”

Upon being put to the vote, the 13 Councillors voted unanimously in favour of the proposal with none against and no abstentions, whereupon the Chair declared the proposal to have been carried.

Resolved:

That the application be approved subject to the conditions in the Committee Report and subject to an additional condition regarding noise mitigation:

1. Time limit for commencement.

2. Approved plans list.
3. Precise details and samples of materials to be submitted for approval for elevations and fencing.
4. Surface Water Sustainable Drainage Strategy and Maintenance.
5. Asbestos survey.
6. Construction Surface Water Management Plan.
7. Flood emergency evacuation plan.
8. Details of bin storage and external lighting.
9. Submission of details and location of bat boxes.
10. Development in accordance with Tree Protection Plan.
11. Development in accordance with the Preliminary Ecological Appraisal.
12. Development in accordance with Flood Risk Assessment.
13. Implementation of landscape scheme.
14. Use of the site limited to Gypsies and Travellers.
15. Noise mitigation.

40 DELEGATED LIST

The Service Head for Planning and Place submitted a Schedule of Planning Applications dealt with under the Scheme of Delegation of Planning Functions to Officers.

Resolved:

That the report be noted.

Chair

(The meeting ended at 12.15 p.m.)

**Any queries regarding these Minutes, please contact
Eric Marsden - Democratic Services: email emarsden@lancaster.gov.uk**