

CABINET

6.00 P.M.

5TH MARCH 2019

PRESENT:- Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Nathan Burns, Darren Clifford, Brendan Hughes, Margaret Pattison, Andrew Warriner and Anne Whitehead

Officers in attendance:

Kieran Keane	Chief Executive
Daniel Bates	Director of Corporate Services
Jason Syers	Director for Economic Growth and Regeneration
Paul Thompson	Chief Financial Officer (Head of Finance & Section 151 Officer)
Rephael Walmsley	Acting Head of Legal Services
Richard Crompton	Interim Regeneration Manager
Liz Bateson	Principal Democratic Support Officer

91 MINUTES

The minutes of the meeting held on Tuesday 12 February 2019 were approved as a correct record.

92 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

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

93 DECLARATIONS OF INTEREST

Councillor Whitehead declared a non-prejudicial interest with regard to Agenda Item 11 in view of her being a patron of the Dukes.

94 PUBLIC SPEAKING

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

95 WRAY-WITH-BOTTON NEIGHBOURHOOD PLAN DECISION TO PROCEED TO REFERENDUM

(Cabinet Member with Special Responsibility Councillor Hanson)

Cabinet received a report from the Director of Economic Growth and Regeneration, which sought approval for the Wray-with-Botton Neighbourhood Plan to proceed to referendum at the earliest possible opportunity.

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

	Option 1: Accept the modifications of the	Option 2: Reject some of the modifications of	Option 3: Reject all of the
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	Examiner, issue a decision statement to this effect and approve the Neighbourhood Plan to go forward to referendum.	the Examiner and delegate authority to the Planning Manager to publish the decision.	modifications of the Examiner.
Advantages	This would be to the benefit of adopting localism within the district, enabling communities to shape their area. It would enable the community as a whole to decide if the plan should be sued by the Council for determining planning applications.	That the plan could be prepared in line with (or closer in line with) the original intentions of the Neighbourhood Plan sub group.	None known. Rejection of all the modifications would mean rejection of the plan on the basis that the Council could not be satisfied that the Plan could meet the basic conditions required by Schedule 4B Town and Country Planning Act 1990.
Disadvantages	None known	Officers and the Neighbourhood Plan sub group have agreed the modifications are acceptable and that the plan is suitable to be the subject of a referendum. Rejecting modifications may remove clarity, factual correctness or compatibility with other local authority plans or policies. It could also lead to the Basic Conditions requirement not being met. Rejecting modification will require further consideration by officers as to the suitability of the plan and further consideration by Council.	The Neighbourhood Plan would not be made.
Risks	None known	Removal of some of the modification may lead	The Plan, with the Examiners'

		<p>to the Plan not meeting the basic conditions and to the ultimate decision that the plan should not be progressed.</p> <p>Removal of some of the Examiner's recommendations may also create ambiguity and uncertainty in the application of the Plan. This could lead to legal challenge and difficulty in the application of planning policy to planning decisions.</p>	<p>recommendations, is agreeable to the Neighbourhood group. To reject the Plan by not accepting the modifications could be suggest to public law challenge.</p>
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The preferred option is Option 1. Given the level of work undertaken by the Neighbourhood Plan Sub Group alongside the extensive consultation that took place prior to the Examination of the plan it is considered that subject to the outcome of the referendum that it is the will of the community of the Parish of Wray-with-Botton for a neighbourhood plan to be prepared. The independent Examiner has scrutinised the plan in making an assessment as to whether it meets the Basic Conditions and subject to modification is of the view that the plan is ready to proceed to Referendum.

In conclusion it is the opinion of the Planning Manager that the Wray-with-Botton Neighbourhood Plan is ready to proceed to referendum, subject to modifications as recommended by the Examiner being made.

Councillor Hanson proposed, seconded by Councillor Warriner:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That the proposed changes to the Neighbourhood Plan, as set out in Appendix C to the report be endorsed and a decision statement be issued to inform interested parties that the modified Neighbourhood Plan should proceed to Referendum as soon as reasonably possible.
- (2) That Cabinet agrees to the advance funding of the Referendum, which will be claimed back from the Government in due course.

Officers responsible for effecting the decision:

Director of Economic Growth and Regeneration
Director for Corporate Services

Reasons for making the decision:

The aim of the referendum is to give the people of Wray-with-Botton community a vote on whether they support the Neighbourhood Plan. Neighbourhood Planning contributes to the Council's corporate plan priorities, in particular, sustainable economic growth. Once adopted, neighbourhood plans will form part of the Council's Lancaster District Local Plan.

96 ARTS AND CULTURE POLICY FRAMEWORK**(Cabinet Member with Special Responsibility Councillor Clifford)**

Cabinet received a report from the Director of Economic Growth and Regeneration, which sought approval of the Arts and Culture Policy for consultation. The policy framework was designed to provide a means by which the Council's support for arts and culture could be evaluated against corporate priorities and key quality criteria.

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

Continuing without a policy in place offers no identified benefits. The lack of policy risks public funds being used to promote activities that either do not provide value for money or offer no material benefit. Introducing a policy based on evidence will ensure fairness and consistency in terms of allocation of funds and resources and will align the delivery of services with the Council's priorities.

The officer preferred option is to agree the draft Arts and Culture Policy for consultation.

Councillor Clifford proposed, seconded by Councillor Hanson:-

"That the recommendation, as set out in the report, be approved."

Councillors then voted:-

Resolved unanimously:

(1) That the draft Arts and Culture Policy be approved for consultation.

Officer responsible for effecting the decision:

Director of Economic Growth and Regeneration

Reasons for making the decision:

The City Council invests and uses its resources to support arts and culture in the district. The decision will enable the Council to establish the arrangements necessary to ensure the best possible results from its contributions in a way that is fair and transparent.

97 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor Hughes and seconded by Councillor Pattison:-

“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 items 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 then voted as follows:-

Resolved unanimously:

- (1) 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 items 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.

98 DISPOSAL OF LAND, HEYSHAM BUSINESS PARK

(Cabinet Member with Special Responsibility Councillor Hanson)

Cabinet received a report from the Director of Economic Growth and Regeneration to report on the terms agreed in relation to disposal of land at the former Shell ICI site and as required under the Cabinet agreement to the disposal dated 12 February 2013. Whilst the report was public, Appendices B & C were exempt from publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972.

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

	Option 1: proceed with the legal completion of the transaction with Lancaster Power	Option 2: do not proceed with the transaction to Lancaster Power
Advantages	Opportunity for the council to receive a capital receipt. Accords with the councils' corporate objectives and stated aims for the regeneration and growth of the Heysham gateway area	The potential to pursue other opportunities in relation to the site
Disadvantages	The loss of opportunity to pursue other opportunities in relation to the site.	Lost opportunity for capital receipt Ongoing liability for this parcel of land Possibility of legal challenge by not adhering to the terms of the legally binding option agreement between the parties
Risks	None specifically identified	Strong probability of legal action against council and a possible direction to pay compensation

The officer preferred option is Option 1 as it accords with the legal obligations contained within the option agreement between the parties.

- It retains 'surplus' land for future alternative uses.
- It secures the councils future position as to compliance with S123 of the Local Government act and provides the ability to 'control' the nature of uses across the Heysham Gateway area.
- The proposed use accords with the Councils stated development aspirations for the area as outlined in the emerging local plan and Heysham Gateway Vision Document.

Councillor Hanson proposed, seconded by Councillor Clifford:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That the terms of sale be agreed, following exercise of the Option to purchase a lease by Clifton Marsh Power (now trading as Lancaster Power) and Lancaster City Council arising from an agreement dated 30th July 2014.
- (2) That delegated authority to complete the transaction be granted to the Director of Economic Growth and Regeneration.

Officer responsible for effecting the decision:

Director for Economic Growth and Regeneration

Reasons for making the decision:

The proposal supports the Councils Corporate plan, local Plan and Vision document for the area, in its priority of economic growth and key themes of environmental sustainability and effective management of the Councils resources. The transaction will provide a certain capital receipt to the council, allow the redevelopment of this brownfield site for energy related uses, attract valuable inward investment into the district, create immediate jobs during the construction phase and a lesser number of long terms jobs during the plants operational phase. It concludes the council's original decision to dispose of the land dating back to 2012.

99 APPLICATION FOR GRANT FUNDING FROM THE COMMUNITY HOUSING FUND

(Cabinet Member with Special Responsibility Councillor Warriner)

Cabinet received a report from the Director of Economic Growth and Regeneration, to approve a grant application to fund the pre-development costs to support a community led development being brought forward by Halton Senior Co-Housing Group Ltd.

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

	Option 1: Approve the grant funding	Option 2: Do not approve the grant funding
Advantages	<p>The grant will enable the community group to advance their proposals and get to a point where they have a deliverable scheme. The principle of a scheme of this type being supported has already been established through pre-application advice which was positive. The group have already been directly involved in the original Co-Housing Scheme and have the skills and experience to bring this project to fruition.</p> <p>It will increase the housing options for older people providing a full range of tenures and help balance housing markets.</p> <p>It will encourage other community groups to take projects forward.</p> <p>The units will achieve Passivhaus standards.</p> <p>The council can demonstrate to MHCLG/Homes England the funding has been used for the purpose it was intended.</p>	<p>The funding could be used to support other projects.</p>
Disadvantages	<p>The funding could be spent on other projects.</p>	<p>It will not deliver a community led scheme or any of the associated benefits.</p> <p>If the group were to seek funding through Homes England, their bid may be unsuccessful at a point where the council has unallocated Community Housing Fund reserves.</p> <p>The outstanding matters outlined in Appendix 1 will remain unresolved</p>
Risks	<p>There is always uncertainty with any</p>	<p>Loss of opportunity</p>

	<p>development that it will be viable, deliverable and will obtain planning permission which could result in abortive costs. However, pre-application planning advice has been positive. The group will be required to enter into an option agreement on the land before any grant is paid, this should be minimised. The grant payments will also be made in phased payments, again to reduce the risk of abortive costs being incurred.</p>	<p>Other than the grant payment, there are no further risks upon the council.</p> <p>Reputational damage</p>
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The officer preferred option is Option 1.

Whilst recognising the level of grant required to fund the pre-development costs is considerable, in construction terms this represents a small proportion of the overall scheme costs. Halton Senior Co-Housing Limited is already positioning itself to take this scheme forward, and has obtained an in principle approval for the necessary development finance to fund the project.

Councillor Warriner proposed, seconded by Councillor Hughes:-

“That recommendations (1) and (2), as set out in the report, be approved with the following revision to recommendation (3):

- *That the Section 151 Officer be authorised to update the General Fund Revenue Budget to reflect any decision taken under recommendation 1 to be funded from the Revenue Grants Unapplied, and subject to the Section 151 Officer being satisfied on appropriate grant conditions being provided or agreed and there being a nil impact, (and no clawback) on the Council's resources and full recovery of any extant sums.”*

Councillors then voted:-

Resolved unanimously:

- (1) That up to £160,000 grant towards the pre-development costs of a new community led development (as detailed in exempt Appendix 1 to the report) be set aside from the Community Housing Fund.
- (2) That, subject to requirements from Lancashire County Council Highways Authority, Cabinet authorise officers to bid for Homes England – Community Housing Fund Phase 1 Infrastructure costs (as detailed in exempt Appendix 1 to the report) should this be required.
- (3) That the Section 151 Officer be authorised to update the General Fund Revenue Budget to reflect any decision taken under recommendation 1 to be

funded from the Revenue Grants Unapplied, and subject to the Section 151 Officer being satisfied on appropriate grant conditions being provided or agreed and there being a nil impact, (and no clawback) on the Council's resources and full recovery of any extant sums.

Officers responsible for effecting the decision:

Director of Economic Growth and Regeneration
Director of Corporate Services

Reasons for making the decision:

The proposal seeks to provide an exemplar residential development. This will offer a number of added values and benefits and positively contribute to delivery of the council's Housing Strategy by providing 20 new homes suitable to meet the needs of older people, which will be of high quality and design and will also increase the provision of affordable housing in the local area. The decision is consistent with the Corporate Plan and links directly with improving the quality and availability of housing.

100 THE DUKES FUTURE BUSINESS MODEL

(Cabinet Member with Special Responsibility Councillor Clifford)

Cabinet received an exempt report from the Director of Economic Growth and Regeneration to determine the Council's position with regard to the Dukes new business model. The report was exempt from publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972.

The options, options analysis, including risk assessment and officer preferred option, were set out in the exempt report.

Councillor Clifford proposed, seconded by Councillor Pattison:-

"That the recommendations, as set out in the exempt report, be approved."

Councillors then voted:-

Councillor Whitehead having declared a non prejudicial interest in view of her being a patron of the Dukes, did not take part in the discussions or vote.

Resolved:

(7 Members (Councillors Blamire, Burns, Clifford, Hanson, Hughes, Pattison and Warriner) voted in favour).

- (1) That support measures that could potentially be used to support the development and delivery of the Dukes new business plan, as detailed in the exempt report, be approved.
- (2) That support for the Dukes is approved, in principle, with final decisions to be delegated to the Director for Economic Growth and Regeneration, in consultation with the Portfolio Holder. Any funding or service support is subject to the fiduciary

duty of the statutory officers and reasonable conditions to protect the Council's investment.

- (3) That the current annual grant to the Dukes is maintained at its current level for 2019/20, noting that future funding is subject to review as part of the usual annual budget processes.

Officer responsible for effecting the decision:

Director of Economic Growth and Regeneration

Reasons for making the decision:

Culture and the services delivered by the Dukes directly contribute to the Council Plan under a Thriving and Prosperous Economy and Health and Happy Communities. A number of cultural organisations in the country are currently facing financial challenges as public funding reduces and it is clear that protecting and developing cultural services, and all of the outcomes that they deliver, will require solutions that go beyond simple public funding. The focus of the Dukes, working with ACE and the Council has been to tackle the current difficulties but in a way that will allow the Dukes to develop its role and programme again in the future, with a focus on the many benefits that can be delivered for this area and its communities.

Chairman

(The meeting ended at 6.35 p.m.)

**Any queries regarding these Minutes, please contact
Liz Bateson, Democratic Services - telephone (01524) 582047 or email
ebateson@lancaster.gov.uk**

MINUTES PUBLISHED ON TUESDAY 12 MARCH, 2019.

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
WEDNESDAY 20 MARCH, 2019.**