

## CABINET

6.00 P.M.

12TH APRIL 2022

**PRESENT:-** Councillors Kevin Frea (Vice-Chair), Dave Brookes, Gina Dowding, Tim Hamilton-Cox, Tricia Heath, Erica Lewis, Sandra Thornberry and Anne Whitehead

Apologies for Absence:-

Councillors Caroline Jackson (Chair) and Cary Matthews

Officers in attendance:-

Mark Davies	Chief Executive
Suzanne Lodge	Interim Director for Communities and the Environment
Paul Thompson	Chief Financial Officer (Head of Finance & Section 151 Officer)
Debbie Chambers	Head of Democratic Services and Deputy Monitoring Officer
Mark Cassidy	Head of Planning and Place
Maurice Brophy	Service Manager - Planning and Housing Strategy
Paul Rogers	Senior Regeneration Officer
Eleanor Huddleston	Planning Officer
Liz Bateson	Principal Democratic Support Officer

***In the absence of the Leader, the Deputy Leader took the Chair***

The Chair invited the Chief Executive to provide a brief update on the current Covid situation within the district as this was still proving to be a significant issue. It was noted that statistics needed to be treated with caution with fewer people testing and reporting test results. Health protection officers were now looking at wider protection control and the meeting were advised of the creative steps that were being taken to help reduce health inequalities and promote healthy behaviour.

**97 MINUTES**

The minutes of the meeting held on Tuesday 1<sup>st</sup> March 2022 were approved as a correct record.

**98 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER**

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

**99 DECLARATIONS OF INTEREST**

No declarations were made at this point.

**100 PUBLIC SPEAKING**

Members were advised that there had been no requests to speak at the meeting in

accordance with Cabinet’s agreed procedure.

At this point, with the agreement of the meeting, the Chair suspended standing orders (Rule 18) to enable other members present to participate in the meeting.

**101 HACKNEY CARRIAGE FARE REVIEW 2022**

**(Cabinet Member with Special Responsibility Councillor Brookes)**

Cabinet received a report from the Licensing Committee to approve the recommendations agreed by the Licensing Committee on 7 April 2022 regarding setting a new Hackney Carriage Fare Tariff. Consideration of the Hackney Carriage Fare Review had been deferred from February’s Cabinet (Minute 75 refers) to allow for a consultation exercise with hackney carriage drivers before the item was reconsidered by the Licensing Committee and referred to Cabinet for endorsement.

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

	Option 1: Uplift of 50p to flagfall across 3 tariffs and apply 10p uplift to waiting charges as set out in Appendix 4	Option 2: Increase to flag fall, rolling rate and amend yardage applied as proposed by the licencing trade and set out in Appendix 4	Option 3: Applying Retail Price Index (RPI) at the current rate 7.8% as set out in Appendix 4	Option 4: Applying baseline Retail Price Index (RPI) at 22.25% as set out in Appendix 4
Advantages	Passengers are aware of the maximum increase to journey	Represents rising fuel/insurance costs Widely supported by the trade (82%	Minimal uplift for public across the tariff.	Represents baseline position, sets out what the tariff would look like if policy to apply RPI had been applied since adoption of the policy in Nov 2104.
Disadvantages	No increase to rolling rate – minimal uplift for trade. Trade unresponsive of this tariff	Increase for public too great, uplifting flag-fall, rolling rate and waiting times. Amending yardage may confuse or	Applying 7.8% does not represent true RPI rate as changes monthly; consistent approach needed. eg,	Increase for public too great uplifting flag-fall, rolling rate and waiting times Drivers need to carry pennies or

		alarm passengers as metre will change every 1/10 mile	use Nov RPI rate. Drivers need to carry pennies or round down fares	round down fares Most expensive for first 2-mile when comparing with Lancashire/Cumbrian authorities
Risks	Tariff does not represent rising fuel/insurance costs Drivers may leave the trade to find alternative employment	Public use alternative public transport	Tariff does not represent rising fuel/insurance costs	Public use alternative public transport

Members of Licensing Committee considered the 4 tariff options, the advantages, disadvantages and risks associated with each both in terms of public perception and how it would affect the licensed trade at a time of increased fuel costs and rising cost of living. Members considered the consultation responses and preferred tariff of the licensed trade and recommended that option 2 was approved as the Hackney Carriage Fare Tariff for the year, along with commitment to an annual review of the tariff by way of application of retail price index (RPI) to both flag fall and rolling rate, rounding down figures to the nearest 5p.

Future reviews should be considered by the taxi working party before any amended tariff was presented to Licensing Committee. This would allow for consultation with representatives of the licensed trade. There has been an exceptional response to the survey; it had proved useful to gauge the opinion of many licence holders.

Councillor Brookes proposed, seconded by Councillor Hamilton-Cox:-

"That Option 2, as set out in the appendix to the report, be adopted as the Hackney Carriage Fare Tariff 2022/23."

Councillors then voted:-

***Resolved unanimously:***

- (1) That Option 2, as set out in the appendix to the report, be adopted as the Hackney Carriage Fare Tariff 2022/23."

**Officer responsible for effecting the decision:**

Interim Director for Communities & the Environment

**Reasons for making the decision:**

The setting of fares is an Executive function as it is not one that is listed in the Local Authorities (Function and Responsibilities) (England) Regulations 2000 and therefore falls to the Cabinet to make the decision. In its capacity as an advisory Committee to Cabinet, the Licensing Committee were required to refer any decision to Cabinet for approval.

## 102 SUPPLEMENTARY PLANNING DOCUMENTS TO SUPPORT THE CLIMATE EMERGENCY LOCAL PLAN REVIEW

### (Cabinet Member with Special Responsibility Councillor Dowding)

Cabinet received a report from the Director for Economic Growth & Regeneration the purpose of which was for Members to consider the draft Flood Risk and Sustainable Drainage Supplementary Planning Document, the draft Flood Risk – Sequential Test and Exception Test Supplementary Planning Document and the draft Provision of Electric Vehicles Charging Infrastructure Supplementary Planning Document and seek authorisation for the Service Manager – Planning and Housing Strategy to proceed with informal and statutory consultation.

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

#### **Option 1: Progress the draft SPDs through informal and statutorily defined consultation process.**

**Advantages:** The consultation process will provide engagement with stakeholders and allow them to influence the content of the draft SPDs. Consultation and appropriate consideration of the responses will ensure that the SPDs can be afforded weight when determining planning applications. On adoption the SPDs will support the Council's aspirations to address the climate emergency, mitigate risks to our community from climate change and support an inclusive transition to zero carbon living.

**Disadvantages:**  
No disadvantages.

**Risks:** No risks.

#### **Option 2: Do not progress the draft SPDs through informal and statutorily defined consultation process.**

**Advantages:** No advantages.

**Disadvantages:** Additional guidance about the criteria within planning policies will not be available for prospective applicants or as a decision-making tool. The SPDs will not be available to support the Council's aspirations to address the climate emergency, mitigate risks to our community from climate change and support an inclusive transition to zero carbon living.

**Risks:** Processing the draft SPDs without the necessary consultation will reduce any weight which could be attached to it in the decision-making process.

The officer preferred option is Option 1 - Progress the draft SPDs through informal and statutorily defined consultation process to ensure that if adopted it can be given weight in decision making.

Councillor Dowding proposed, seconded by Councillor Lewis:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That Cabinet approve the draft SPDs and delegate authority to the Service Manager – Planning and Housing Strategy to advance the draft SPDs through informal and statutory defined consultation processes.
- (2) That the SPDs will then be adopted unless the consultation results in any significant changes, in which case the amended SPD will be reported back to Cabinet for final endorsement.

**Officer responsible for effecting the decision:**

Director for Economic Growth & Regeneration

**Reasons for making the decision:**

The Corporate Plan and Priorities (January 2022) includes a priority to create a sustainable district by taking action to meet the challenges of the climate emergency and transitioning to a low carbon transport system and to provide for healthy and happy Communities by supporting wellbeing. The CERLP includes policies which seek to address flood risk and provide for electric vehicle charging infrastructure. The draft SPDs will support the implementation of policies within the CERLP.

## 103 THE COUNCIL TAX ENERGY REBATE SCHEME

**(Cabinet Member with Special Responsibility Councillor Whitehead)**

Cabinet received a report from the Head of Shared Services that sought approval to implement a Council Tax Energy Rebate Scheme, following the recent introduction by Government of a package of support measures to offer help with rising energy bills, worth £9.1b nationally in 2022/23. The Council is tasked with implementing both a statutory and discretionary rebate as part of the new scheme, following the latest Government guidance and details of the Discretionary Energy Rebate Scheme and how it will work in practice can be found under Appendix A to the report.

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

In response to the energy crisis the Government has allocated funds to local Councils to support households financially in the form of Council Tax Energy Rebates awarded to those that meet the statutory criteria. At the same time the Government has allocated funds to local Councils to determine a discretionary scheme in support those households

that don't necessarily meet the statutory criteria, or to provide a top-up in existing statutory support.

**Option 1 – Agree to the proposal as recommended**

The Council Tax Energy Rebate scheme sets out a formal approach to awarding relief and follows government guidance to determine eligibility under both the statutory and discretionary schemes. The approach adopted seeks to maximise use of funds to support the most vulnerable households in an open and equitable way given the limited funds available.

**Option 2 – Refuse to access government funds on behalf of vulnerable households**

Whilst the statutory scheme would be administered as instructed the Council would not access the Discretionary Fund and no relief would be awarded under that scheme. Subsequently, vulnerable households that do not meet the statutory scheme criteria would not receive much needed support towards their energy bills.

It is recommended that Option 1 be approved. The scheme enables a formal approach to eligibility, with criteria in line with Council priorities, offering financial support in the form of an energy rebate to those households that are considered vulnerable in relation to the rise in energy costs.

Councillor Whitehead proposed, seconded by Councillor Heath:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That Cabinet approves the Council Tax Energy Rebate Scheme, including the discretionary scheme principles as set out under Appendix A to the report; and
- (2) That Cabinet authorises the S151 Officer to make final amendments to the scheme to accommodate evolving guidance and any technical issues in relation to the scheme and to make all other necessary arrangements for its implementation with immediate effect.

**Officers responsible for effecting the decision:**

Director of Corporate Services

**Reasons for making the decision:**

The scheme principles are in line with Council priorities, with the fund:

- supporting households at a difficult time as they struggle to pay energy bills
- helping to build a sustainable and just local economy for residents and communities.

The scheme principles are considered a good use of limited discretionary funds to achieve the greatest benefit for a range of vulnerable households suffering financial hardship in relation to the energy crisis.

**104 MORECAMBE VISION CABINET ADVISORY GROUP****(Cabinet Member with Special Responsibility Councillor Heath)**

Cabinet received a report from the Director for Economic Growth & Regeneration that proposed that Cabinet form an Advisory Group to engage with stakeholders and partners to consider future regeneration and economic development work in Morecambe Town Centre and the adjoining neighbourhoods.

To assist the council to achieve the 2030 Priorities it is proposed to establish an advisory group to take a consultative and non-decision making role to consider how the council and local partners can help shape, influence and inform regeneration and economic development work in Morecambe Town Centre and the adjoining neighbourhoods. Membership of the group is at the discretion of the Chair and will be established as part of the group's formation; it is envisaged that membership will include a mix of elected members, partners, stakeholder businesses and other cross-sector partners.

Councillor Heath proposed, seconded by Councillor Dowding:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That Cabinet establishes a Morecambe Vision Advisory Group.
- (2) That the Advisory Group be established based on the Terms of Reference proposed in Appendix A to the report, recognising that the Advisory Group itself will have a role in shaping its specific activities.

**Officer responsible for effecting the decision:**

Director for Economic Growth & Regeneration

**Reasons for making the decision:**

The proposal is entirely consistent with and supports Lancaster City Council's policy. It contributes to the Plan 2030 Priorities for an inclusive and prosperous local economy and a cooperative, kind and responsible council. The proposal makes a strong contribution to the strategic objective of Community Wealth Building – building a sustainable and just local economy that benefits people and organisations.

**105 GATEWAY, NO. 1 GATEWAY, WHITE LUND INDUSTRIAL ESTATE, MORECAMBE: FIRE DAMAGE REINSTATEMENT AND INSURANCE MATTERS****(Cabinet Member with Special Responsibility Councillor Hamilton-Cox )**

Cabinet received a report from the Director for Economic Growth & Regeneration that sought authority for the Chief Executive to accept construction tenders for the insured reinstatement works following damage from a fire within tenanted units at the city council's property at Gateway, Southgate, Morecambe.

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

**Option 1: Delegated authority is given to the Chief Executive to issue and accept construction tenders for the insured reinstatement works.**

**Advantages:** Allows the insured fire damage reinstatement works to progress and for the industrial unit to be brought back into commercial use at the earliest opportunity.

**Disadvantages:** No disadvantages identified.

**Risks:** There is a minor residual financial risk arising from progression of insured works as the insurer may not finally agree pay for all reinstatement works. The insurer will not pay for additional works over and above reinstatement as this is classed as betterment. However, it is considered that all designed reinstatement works will fall under the remit of the insurance policy.

**Option 2: No authority is given to officers to issue and accept construction tenders for the insured reinstatement works.**

**Advantages:** No advantages identified.

**Disadvantages:** The insured fire damage reinstatement works cannot progress, and the industrial unit is not brought back into commercial use.

**Risks:** Leaving the unit in a fire damaged state will have a detrimental effect on the council's commercial property income and the council's financial position.

The officer preferred option is Option 1.

Councillor Hamilton-Cox proposed, seconded by Councillor Whitehead:-

"That recommendations (1) & (2), as set out in the report, be approved with a revised recommendation (3): "the mechanism for contractor payments direct from the insurance company and handling of VAT is noted;" and an additional recommendation (4): "the cost of any residual financial risk arising from progression of insured works is approved in line with constitutional requirements ."

Councillors then voted:-

***Resolved unanimously:***

- (1) That Officers tender the insured reinstatement works via the Chest procurement portal.
- (2) That authority to accept the preferred tender and contract the works is delegated to the Chief Executive.
- (3) That the mechanism for contractor payments direct from the insurance company and handling of VAT is noted.



- (4) That the cost of any residual financial risk arising from progression of insured works is approved in line with constitutional requirements .

**Officer responsible for effecting the decision:**

Director for Economic Growth & Regeneration

**Reasons for making the decision:**

Lancaster City Council is the contracting body for the repair works on this occasion. While insurance is covering the repair costs, the city council needs to abide by its Contract Procedure Rules, initiate a formal / compliant tender process, and secure an appointment for the reinstatement contract value. The decision is consistent with prudent management of the City Council's commercial property portfolio.

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Chair

(The meeting ended at 6.45 p.m.)

**Any queries regarding these Minutes, please contact  
Liz Bateson, Democratic Services - email [ebateson@lancaster.gov.uk](mailto:ebateson@lancaster.gov.uk)**

**MINUTES PUBLISHED ON TUESDAY 19 APRIL ,2022.**

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:  
WEDNESDAY 26 APRIL, 2022.**