

CABINET

6.00 P.M.

11TH APRIL 2023

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

Apologies for Absence:-

Councillor Kevin Frea (Vice-Chair)

Also in attendance: Councillors Austen-Baker & Colin Hartley

Officers in attendance:-

Mark Davies	Chief Executive
Paul Thompson	Chief Officer - Resources and Section 151 Officer
Mark Cassidy	Chief Officer - Planning and Climate Change
Jonathan Noad	Chief Officer - Sustainable Growth
Richard Hammond	Cultural Development Manager
Rephael Walmsley	Senior Solicitor and Deputy Monitoring Officer
Jennifer Curtis	Licensing Manager
Liz Bateson	Principal Democratic Support Officer

93 MINUTES

The minutes of the meeting held on Tuesday 14 March 2023 were approved as a correct record.

94 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

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

95 DECLARATIONS OF INTEREST

No declarations were made at this point.

96 PUBLIC SPEAKING

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

97 MORECAMBE FUTURE HIGH STREET BID INFORMAL TASK GROUP

The Chair of the Overview and Scrutiny Committee introduced a report in order that Cabinet could consider the recommendations of the Overview Scrutiny Committee regarding the Morecambe Future High Streets bid. A Task Group had been set up following the unsuccessful Morecambe Future High Street bid to make recommendations to increase the City Council's chances in the future.

In introducing the report Councillor Austen-Baker, Chair of Overview & Scrutiny advised

the meeting that the recommendations had been agreed by the Overview & Scrutiny Committee but rejected when initially presented to Cabinet in 2021 unaccompanied by a report. Councillor Austen-Baker had not been a member of Overview & Scrutiny at that time but had written the report based on the recommendations agreed two years ago. The Leader thanked Councillor Austen-Baker and the task group for their efforts in undertaking this work.

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

Option 1: To accept the recommendations as set out in the report.

Option 2: Not to accept the recommendations as set out in the report.

Option 3: To make alternative proposals to those recommended by the Overview and Scrutiny Committee.

The Overview and Scrutiny Committee's Preferred Option was Option 1. To accept the recommendations set out in the report.

The recommendations were as follows:

RECOMMENDATION 1

That Officers ensure in future bids that consultants have a local knowledge base, and that use is made of expertise available in the area, including nearby universities.

RECOMMENDATION 2

That comparisons with other locales should be like-for-like: there is no benefit in comparing a seaside-based, seasonal tourist town with major city yields and operations.

RECOMMENDATION 3

That a Capital Strategy policy be developed to include the purchase of land in Morecambe.

RECOMMENDATION 4:

That any future bids (whether for Morecambe or other parts of the district or the district as a whole) involve consultation with a wider base of stakeholders, with a broader scope of interests, and further that all councillors in the affected area are invited to participate, from Town, City and County councils.

RECOMMENDATION 5

That full consultation takes place with County highways, rail and Eden North to ensure a whole structured, environmentally-friendly transport plan is conceived for the area.

RECOMMENDATION 6

That more sustainable regeneration proposals are developed following wider consultation.

RECOMMENDATION 7

That conversion of empty business premises and new build of housing should be undertaken throughout the town centre, to bring back the community feel of the whole central area.

RECOMMENDATION 8:

That the Winter Gardens is an essential part of Morecambe's future and should be a part of any future bid of a similar nature.

RECOMMENDATION 9:

That the Council tries to source other funding for hyperfast broadband in Morecambe.

RECOMMENDATION 10:

- (i) That this bid is not reused/recycled in the future, as it is outdated and no longer fit for purpose post-COVID.
- (ii) That a new Morecambe Area Action Plan is drafted with full participation of all Morecambe councillors and with business representatives.
- (iii) That for clarity, an Executive Summary be attached to officers' reports on, which also defines the original Council brief, tasks undertaken, personnel involved and third party outsourcing responsibilities.

RECOMMENDATION 11

That, as a rule, final bids (which ultimately involve spending commitments by the Council) should be signed off by the Departmental Head, the Chief Executive, the portfolio-holder and the Leader of the Council.

Councillor Heath as Cabinet Member with Special Responsibility, and Chair of Overview and Scrutiny at the time that the recommendations of the Task Group were agreed, confirmed she proposed to take each recommendation separately with the exception of recommendations (1) & (2) which were taken together.

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

"That recommendations 1 and 2 be accepted; recommendation 3 be rejected; recommendation 4 be accepted; recommendation 5 be noted and forwarded to Lancashire County Council as part of the input to the Lancashire transport plan; recommendation 6 be rejected, recommendation 7 be accepted with the following additional wording added at the end; *"these elements to inform the Morecambe Regeneration Plan"*; recommendation 8 be accepted; recommendation 9 be noted as it was currently being implemented; recommendation 10 (i) be accepted; 10 (ii) amended to *'consideration is given to providing a Monitoring Report for evaluating the impact of the existing Morecambe Area Action Plan. The update will then inform any future new Morecambe Area Action Plan, which if produced would be taken forward via the usual democratic planning process. Additionally, Morecambe's Neighbourhood Plan, which is being prepared by Morecambe Town Council could have a design code.'* 10(iii) be rejected; recommendation 11 be revised to "That Cabinet consider the protocol for expressions of interests and Bids as soon as possible."

Councillors then voted:-

Resolved unanimously:

- (1) That the following recommendations from the Morecambe Future High Street Bid Informal Task Group be accepted:

- That Officers ensure in future bids that consultants have a local knowledge base, and that use is made of expertise available in the area, including nearby universities. (Recommendation 1 as set out in the report)
- That comparisons with other locales should be like-for-like: there is no benefit in comparing a seaside-based, seasonal tourist town with major city yields and operations. (Recommendation 2 as set out in the report)
- That any future bids (whether for Morecambe or other parts of the district or the district as a whole) involve consultation with a wider base of stakeholders, with a broader scope of interests, and further that all councillors in the affected area are invited to participate, from Town, City and County councils. (Recommendation 4 as set out in the report)
- That Recommendation 5 as set out in the report be noted and forwarded to County Council as part of the input into the Lancashire Transport Plan.
- That conversion of empty business premises and new build of housing should be undertaken throughout the town centre, to bring back the community feel of the whole central area. These elements to inform the Morecambe Regeneration Plan (Recommendation 7, amended)
- That the Winter Gardens is an essential part of Morecambe's future and should be a part of any future bid of a similar nature. (Recommendation 8 as set out in the report)
- That recommendation 9 as set out in the report be noted as it was currently being undertaken.
- That this bid is not reused/recycled in the future, as it is outdated and no longer fit for purpose post-COVID. (Recommendation 10(i))
- That consideration is given to providing a Monitoring Report for evaluating the impact of the existing Morecambe Area Action Plan. The update will then inform any future new Morecambe Area Action Plan, which if produced would be taken forward via the usual democratic planning process. Additionally, Morecambe's Neighbourhood Plan, which is being prepared by Morecambe Town Council could have a design code. (Recommendation 10 (ii) amended)
- That Cabinet consider the protocol for expressions of interests and Bids as soon as possible. (Recommendation 11, revised).

Officers responsible for effecting the decision:

Chief Executive
Head of Sustainable Growth

Reasons for making the decision:

It is important that Overview & Scrutiny should act as a 'critical friend' to Cabinet.

The report contributes to the Council's priorities, most notably those associated with an Inclusive and Prosperous Local Economy.

The recommendations that were rejected were not approved for the following reasons:

Recommendation 3 was rejected as this was considered out of date as there was now a Capital Strategy Group.

Recommendation 6 was rejected as more clarity was required. It was part of the Council Plan to look at regeneration in the future.

Recommendation 10(iii) was rejected as it was now considered to be superfluous.

98 PLANNING INFORMAL TASK GROUP

The Chair of the Overview & Scrutiny Committee presented a report and recommendations of the Planning Informal Task Group that had been established to review service delivery of the Council's planning functions. In introducing the report Councillor Austen-Baker advised the meeting that the report needed to be read in conjunction with the LGA Planning Peer Review report.

Cabinet was requested to consider the recommendations of the Overview & Scrutiny Committee.

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

Option 1: To accept the recommendations as set out in the report.

Option 2: Not to accept the recommendations as set out in the report.

Option 3: To make alternative proposals to those recommended by the Overview and Scrutiny Committee.

The recommendations of Overview & Scrutiny were as follows:

- (1) More (and more regular) training for members of Planning Regulatory Committee, including both planning law and on the respective roles of officers and members.
- (2) More guidance for residents wishing to speak at Committee meetings, in order to make the best of the available time, and more guidance for residents wishing to make written submissions.
- (3) That Council Business Committee, in the new municipal year, be requested to seek the views of the new Chair of the Planning Regulatory Committee as to the most suitable location for meetings of that Committee.
- (4) There should be no change to the system of calling-in applications: the suggestion that there are too many is not supported by evidence from members.
- (5) No substantial change to the scheme of delegation, but if a way could be found to streamline decisions in cases where the application is only coming to committee because of a connexion between the applicant and a council officer, this might be helpful.
- (6) Presentations by officers at Committee should be made shorter. Members can be expected to read the papers beforehand, so the presenting officer only needs to make a brief introduction, draw attention to any particular 'highlights' and then answer questions from members.
- (7) Officers should be encouraged to avoid advocacy of their recommendations.

Non-delegated decisions are made by the Committee and officer recommendations are just that: professional recommendations. The role of officers is to advise the Committee, not push a particular view. If the Committee refuses permission where officers had recommended approval, then officers should be prepared to assist the Council in arguing its own planning grounds for refusal against the applicant's position in the event of an appeal to the extent that this can be done within the rules and codes of conduct of the Royal Town Planning Institute, or other relevant professional body.

- (8) When officers are determining matters of detail after the granting of outline planning permission, they should work co-operatively and proactively with applicants to settle details. The current practice of rejecting detailed plans in relation to specific points, e.g., positioning of the building within the site, and then leaving it to the applicant to come up with new plans, which might also be rejected is wasteful of the time and other resources both of applicants and officers. Officers should be prepared to state what would be acceptable to them, to enable applicants to submit or revise detailed plans accordingly.
- (9) It should be easier for applicants to secure a site visit by an officer – for a reasonable fee (if permitted by law).
- (10) With consistency being vital to public confidence in the planning system, the Task Group strongly urges that there should be constant review of the question of how to secure maximum consistency of approach amongst officers.
- (11) Pre-application advice should follow the application throughout the process, so that officers determining or making recommendations on an application will be aware of what advice was given to the applicant and seek to avoid taking views contrary to the advice where the applicant has adopted the advice given at pre-application stage.
- (12) Effective and prompt enforcement is vital to public confidence, and failure in this area might result in negative ombudsman findings as well as general reputational damage. Accordingly, it is recommended that the Council should lift the freeze on recruitment in respect of the post in enforcement left vacant by the appointee pulling out. It would also be helpful if elected members could receive periodic briefings as to priorities and application of the enforcement process, to enable them to deal most effectively with residents' queries.

The Chair of the Overview & Scrutiny Committee responded to questions on the report.

As Cabinet Member with Special Responsibility Councillor Dowding referred to the recent Planning Peer Review and thanked Councillor Austen-Baker, as the Chair of Overview and Scrutiny and the Informal Task Group for the report which added gloss to some of the recommendations of the Peer Review.

Councillor Dowding proposed, seconded by Councillor Wood:-

“That recommendations 1 to 6 be accepted, recommendation 7 be rejected; the contents of recommendations 8, 9 & 10 be noted but rejected; recommendation 11 be accepted and recommendation 12 be noted”.

Councillors then voted:-

Resolved unanimously:

- (1) That the following recommendations of the Planning Informal Task Group be accepted.
 - More (and more regular) training for members of Planning Regulatory Committee, including both planning law and on the respective roles of officers and members. (Recommendation 1 as set out in the report)
 - More guidance for residents wishing to speak at Committee meetings, in order to make the best of the available time, and more guidance for residents wishing to make written submissions. (Recommendation 2 as set out in the report)
 - That Council Business Committee, in the new municipal year, be requested to seek the views of the new Chair of the Planning Regulatory Committee as to the most suitable location for meetings of that Committee. (Recommendation 3 as set out in the report)
 - There should be no change to the system of calling-in applications: the suggestion that there are too many is not supported by evidence from members. (Recommendation 4 as set out in the report)
 - No substantial change to the scheme of delegation, but if a way could be found to streamline decisions in cases where the application is only coming to committee because of a connexion between the applicant and a council officer, this might be helpful. (Recommendation 5 as set out in the report)
 - Presentations by officers at Committee should be made shorter. Members can be expected to read the papers beforehand, so the presenting officer only needs to make a brief introduction, draw attention to any particular 'highlights' and then answer questions from members. (Recommendation 6 as set out in the report)
 - Pre-application advice should follow the application throughout the process, so that officers determining or making recommendations on an application will be aware of what advice was given to the applicant and seek to avoid taking views contrary to the advice where the applicant has adopted the advice given at pre-application stage. (Recommendation 11 as set out in the report)
- (2) That recommendation 7 of the Planning Informal Task Group, as set out in the report, be rejected.
- (3) That the contents of recommendations 8, 9, 10 & 11 of the Planning Informal Task Group be noted but rejected.
- (4) That recommendation 12 of the Planning Informal Task Group, as set out in the report, be noted.

Officer responsible for effecting the decision:

Chief Officer – Planning and Climate Change

Reasons for making the decision

It is important that Overview & Scrutiny acts as a critical friend for Cabinet.
The report contributes to the Council's priorities.

The recommendations of the task group that were not approved were rejected for the following reasons:

Recommendation 7 was rejected as currently worded. It was recognised that officers should not push their views however officers were there to advise and warn members if a prospective decision appeared indefensible.

Recommendations 8, 9 & 10 were noted but rejected as the planning department already works with developers on matters of detail (recommendation 8), recommendation 9 was already in place with the launch of the pre-app advice system, and consistency referred to in recommendation 10 was already part of the decision checking system whereby Managers review draft planning application decisions.

Recommendation 12 was noted as effective and prompt enforcement was vital to public confidence. In terms of a recruitment freeze it was noted that there was no current 'freeze' on posts; all job vacancies proposed for recruitment are considered by Senior Leadership Team. Vacancies were closely reviewed and those imperative to the continuation of services were recruited to; the difficulty was actually being able to recruit to those positions, particularly for senior roles.

99 HACKNEY CARRIAGE FARE REVIEW 2023

(Cabinet Member with Special Responsibility Councillor Brookes)

Cabinet received a report from the Licensing Manager to consider consultation responses as required by s65 Local Government Miscellaneous Provisions act 1976 and set a new Hackney Carriage fare tariff; including determination of the date any such change would take effect. The Chair of the Licensing Committee, Councillor Hartley, was in attendance to listen to the discussion.

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

	Option 1: Maintain current table of fares approved in April 2022.	Option 2: Apply retail price index (RPI) across the tariff. (14%) Rounding down to the nearest 5p.	Option 3: Deregulate fare setting.	Option 4: Increase flagfall by 7% Increase rolling rate by 10% by reducing the increment from 176 yds to 160 yds.
Advantages	Public are aware of expected fares when hiring a hackney carriage.	Drivers income is increased in line with rising cost of living. This was identified as the preferred methodology to the trade	Allows licensed trade to calculate their own fares, they may be best placed to calculate costs	The uplift is consistently applied across the tariff, not disadvantaging service user groups. e.g, those on long/short journeys.

		through consultation. The licensed profession may be perceived as a career option for local people.		
Disadvantages	The current table of fares may not represent current cost of living.	Second increase in quick succession may lead to a decrease in public use.	Licensing Authority has no control on charges passed to the public. May create confusion as fares could vary across the trade.	The changes across the tariff and amending incremental charges may cause public confusion, leading to an increase in complaints.
Risks	Not consistently applying the methodology approved by Cabinet and supported by the trade. Drivers may decide to leave the trade, fares do not meet the demands of the rising costs of living.	Increase too much for service users. Drivers may see reduced income due to lack of public use.	Lack of public confidence in use of Hackney Carriages due to unknown charges. Varying charges between proprietors creating confusion.	Not consistently applying the methodology approved by Cabinet and supported by the licensed trade. Fares will increase earlier in journeys; regular users of taxis may feel penalised by the uplift.

The Licensing Committee had not considered the consultation responses and therefore made no recommendations to Cabinet.

At an earlier meeting of the Council’s Cabinet in February 2023, members approved an updated rate of fares for hackney carriage operating in the and gave approval to the licensing manager to undertake the statutory consultation. As part of the public consultation 2 responses were received from members of the local licensed trade. Both of which objected to the proposed tariff. Currently there were 878 active hackney carriage and private hire licences in the district. These licence holders have had time to consider the proposals and respond within the consultation period and members were requested to determine what weight to place on the responses received balanced with

the number of active licences.

Cabinet was requested to consider the options set out above and determine the hackney carriage table of fares for the coming year (2023/24). Cabinet was also required to set the date of implementation. Legislation dictates that any update must take effect (modified or unmodified) within 2 months of the original date. Officers would recommend a lead time of 5 working days to allow the trade to be sufficiently updated and the service prepared to manage the transition. Officers propose the new table of fares be implemented from Midday on Wednesday 19th April 2023.

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

“That Option 4, (as agreed by Cabinet on 7 February 2023 (Minute 69 refers) be approved without modification with an implementation date of 19th April 2023.”

Councillors then voted:-

Resolved unanimously:

That Option 4, (as agreed by Cabinet on 7 February 2023 (Minute 69 refers) be approved without modification with an implementation date of 19th April 2023.

Officers responsible for effecting the decision:

Licensing Manager

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. Lancaster City Council set the fares for Hackney Carriages operating in the district, in determining the charges for time/distance it must consider the impact on setting fares too low/too high on both the licensed trade and public who use Hackney Carriages, whilst balancing the rising cost of living and building a sustainable trade; one capable of earning a fair salary.

100 LANCASTER CITY COUNCIL'S STRATEGIC VISION FOR CREATIVITY AND CULTURE

(Cabinet Member with Special Responsibility Councillor Thornberry)

Cabinet received a report from the Chief Officer Sustainable Growth which sought views on the draft of the Council's Strategic Vision for Creativity, Culture and Heritage.

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

	Option 1: Cabinet has no amendments to the Strategic Vision and would approve of its use to inform the OBR process once adopted	Option 2: Cabinet would like to see some amendments to the Strategic Vision and would approve of its use to inform the OBR process
--	---	--

Advantages	The Strategic Vision can progress to formal adoption and then Officers can work with partners to deliver the outcomes identified and establish the partnership.	The views of Cabinet members are integral to the successful delivery of the Strategic Vision. Any proposed amendments to the document can be integrated into a redrafted vision ahead of formal approval by Cabinet.
Disadvantages	No disadvantages identified.	Delay the final version of the strategic vision which could have an impact on partner organisations trying to secure funding.
Risks	As with any long-term plan, there are uncertainties about the context in which the strategic vision would be delivered. This will include capacity within the service and the Council's ability to contribute financially to delivery. However, a review mechanism has been built into the delivery planning which will allow these risks to be assessed and the vision amended accordingly.	As with any long-term plan, there are uncertainties about the context in which the strategic vision would be delivered. This will include capacity within the service and the Council's ability to contribute financially to delivery. However, a review mechanism has been built into the delivery planning which will allow these risks to be assessed and the vision amended accordingly.

The officer preferred option is Option 1, given the high level of dialogue that has taken place in reaching the recommendations set out in this report. The degree of flexibility set out within the monitoring and evaluation process contained within the Vision framework must also be considered in reaching a decision on the recommendation.

Councillor Thornberry proposed, seconded by Councillor Heath:-

"That Cabinet accepts the Lancaster City Council's draft Strategic Vision for Creativity, Culture and Heritage and that recommendation (2) as set out in the report, be approved."

By way of an amendment, that was accepted as a friendly amendment by the proposer and seconder, Councillor Wood proposed that recommendation (2) be revised as follows:

"That the draft strategic vision will be used to inform the Council's Outcome Based Resourcing (OBR) process going forward."

Councillors then voted:-

Resolved unanimously:

- (1) That Cabinet accepts the Lancaster City Council's draft Strategic Vision for Creativity, Culture and Heritage.

- (2) That the draft strategic vision be used to inform the Council's Outcome Based Resourcing (OBR) process going forward.

Officer responsible for effecting the decision:

Chief Officer Sustainable Growth

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 a smart and forward thinking council and healthy and happy communities. The strategic vision is based on a robust evidence based and includes a set of specific creative and cultural outcomes that the Council would wish to achieve through the positioning of its support and resources.

Chair

(The meeting ended at 7.55 p.m.)

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

MINUTES PUBLISHED ON MONDAY 17 APRIL ,2023.

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
TUESDAY 25 APRIL, 2023.**