

## CABINET

10.00 A.M.

22ND APRIL 2008

**PRESENT:-** Councillors Roger Mace (Chairman), Evelyn Archer, Jon Barry, Eileen Blamire, Abbott Bryning, John Gilbert, Tony Johnson, David Kerr and Maia Whitelegg

Apologies for Absence:-

Councillor June Ashworth

Officers in attendance:-

Mark Cullinan	Chief Executive
Peter Loker	Corporate Director (Community Services) (part)
Heather McManus	Corporate Director (Regeneration)
Graham Cox	Head of Property Services
Nadine Muschamp	Head of Financial Services and Section 151 Officer
Stephen Metcalfe	Principal Democratic Support Officer

### 138 CHAIRMAN'S REMARKS

At the commencement of the meeting the Chairman welcomed representatives of St. Bernadette's Catholic Primary School Council.

He also welcomed the newly appointed Corporate Director (Regeneration), Heather McManus to her first meeting of Cabinet.

### 139 MINUTES

The Minutes of the meeting held on Tuesday, 18<sup>th</sup> March, 2008 were approved as a correct record.

### 140 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

The Chairman advised that there were no items of Urgent Business.

### 141 DECLARATIONS OF INTEREST

Councillor Evelyn Archer declared a prejudicial interest as a member of the Poulton Neighbourhood Management Board and Councillor David Kerr declared a personal interest, as an observer at the West End Partnership and also being a member of the Poulton Residents' Association, with regard to Area Based Grant Allocations 2008/09 (Minute 144 refers). Councillor Roger Mace declared a personal interest with regard to the Auction Mart Car Park in his capacity as Deputy Chairman of the Vision Board (Minute 143 refers).

**142 PUBLIC SPEAKING**

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

**143 AUCTION MART CAR PARK, THURNHAM STREET, LANCASTER**

**(Cabinet Member with Special Responsibility Councillor Evelyn Archer)**

***(It was noted that Councillor Roger Mace had previously declared a personal interest in this item).***

The Head of Property Services submitted a report that informed Members of the proposals received to date for the Auction Mart car park and sought direction on how to proceed with the site.

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

The schemes were outlined as follows:

- Option 1 – 91 space public car park and 25 space private car park along with 80 one and two bedroomed retirement apartments over 4 floors with 1<sup>st</sup> floor amenity space. Alternatively, they proposed ground floor retail unit with 1<sup>st</sup> and 2<sup>nd</sup> floor office / leisure space with 131 public car parking spaces. Proposed access from the north western end of the site.
- Option 2 – Ground floor 1286m<sup>2</sup> food retail with 40 dedicated spaces and 225 public car parking spaces provided in a 3 floor multi storey car park above. Proposed access to the car park to be at the north western end of the site and access to the food supermarket at the southern end of the site. The developer had identified and been in discussions with an operator for the food supermarket. The developer has offered 3 separate financial options for the site including (a) the City Council disposing of the freehold in the site; (b) the City Council retains freehold but is responsible for the construction and related costs of the scheme, paying the developer one years income as a fee, but the City Council would gain the supermarket and the car park as an investment; (c) The City Council grant the developer a long lease of the car park but continue to manage the car park, providing the developer with 55.5% of the income from the enlarged car park and the City Council continues to receive a proportion of the income equating to 44.5% of the car park income.
- Option 3 – 6327m<sup>2</sup> of health centre and related accommodation over 6 storeys in a V shaped building with a central pedestrian plaza, with 212 car parking spaces on 3 decks below the building with a yet undefined number of spaces required for the medical centre. The proposed access to the development will be from the north western end of the site.
- Option 4 – As an alternative version of option 3, the City Council could work with the North Lancashire Teaching Primary Care Trust to identify a developer who

could provide a health facility and car park which would meet the needs of both the PCT and potential occupiers and the City Council.

- Option 5 - The Vision Board and the County Council, as previously mentioned, have jointly commissioned a report with transport consultants Faber Maunsell. The final report is due in April, but the initial feedback outlined sees the need for a southern interceptor car park which could require up to 750 – 800 spaces without causing increased queuing on the gyratory system.
- Option 6 – Retain the car park in its existing format but re-surface it to provide necessary improvements for customers.

Consultation had taken place with a number of interested parties including the Vision Board, Property Services parking section and Planning Services on the concept and on individual schemes.

	<b>Pros</b>	<b>Cons</b>
Option 1	Developer has good track record working with Local Authorities and on difficult sites. Improved car park access would be provided. The Council would retain its income stream from parking fees.	The retirement scheme provides less public car parking spaces than on the current car park, although the office leisure use would provide a marginal increase. The developer has not shown market demand for their scheme. No formal consultation on the scheme with Planning Services.
Option 2	The scheme would be developed to provide 225 public car park spaces. Improved car park access would be provided for the public car park. Developer has identified an end user for the retail unit. Developer has a good track record.	No formal consultation on the scheme with Planning Services. A range of financial proposals have been made which involve either obtaining a capital receipt but losing all future income; the Council paying for the construction of the car park and losing a year's income, but retaining all future income; or retaining a percentage of future income equivalent to the current income.
Option 3	The scheme would produce in the region of 200 public car parking spaces with increased fee income for the Council. Developer has shown market demand for the use and has been in discussion with both the Primary Care Trust and possible occupiers. Developer highlights the good public transport and	The massing of the building may need to be addressed in planning terms and they are in discussions with Planning Officers about this matter.

	cycle links to the site to promote a healthier lifestyle.	
Option 4	Details as per option 3 with the opportunity to include competition between developers to drive down costs.	Details as per option 3 with potential for increased parking spaces from competition between developers. Developer still to be identified so no consultation with Planning Services.
Option 5	Large interceptor multi storey car park proposed at the southern end of the City to take cars out of the gyratory system. Potential for increased fee income to the Council from this site (see also "Cons" box adjoining).	A park and ride facility has also been identified as a possible solution to reducing the number of vehicles entering the City centre. If such a facility was to be provided, this interceptor car park proposal may be inappropriate. The timing of this scheme is crucial, either taking place pre 2010 or after 2012 so as not to cause too many spaces to be lost to visitors and shoppers when the Canal Corridor scheme takes place. The financial cost of providing a multi storey car park is high and funding sources would need to be identified (e.g. prudential borrowing). The City Council would find it difficult to sell off other car parks to fund any building of a multi storey car park and still provide adequate car parking spaces to meet the demand that exists. This proposal is very much in its infancy compared to all other options put forward.
Option 6	Simplest option with income potential retained although potentially in reduced amounts.	It is likely that there would be less capacity when formal spaces are marked out and, therefore, income would reduce. A capital cost of approximately £175,000 would be required. Any development opportunity for the site is likely to be lost.

At this stage, assessment of the financial options put forward in the various options was not possible without entering into detailed discussions with the various parties involved. In particular the proposal from the Vision Board had no detail attached to it to understand the viability of the option.

In terms of option 4, if the City Council were to work with the Primary Care Trust (PCT) to provide a medical centre, then a marketing exercise would be initiated to identify a

suitable developer. This would create and enhance the working relationship between the City Council and external agencies such as the PCT potentially provide a scheme, which would be beneficial and produce best value for both parties.

The preferred officer option was for Members to consider the proposals outlined in the report and indicate their preferred option(s) for the site in order that further negotiations could be undertaken with parties interested in this site.

It was moved by Councillor Roger Mace and seconded by Councillor Evelyn Archer: -

- “(1) That Cabinet notes (a) the expressions of interest received in respect of the Auction Mart Car Park and (b) the parking requirements in the city centre during the construction phase of the proposed Canal Corridor Scheme.
- (2) Cabinet recognises that reducing congestion in Lancaster City Centre is a significant priority for the District and requests a further options report when information is available about the possible use of the site as an interceptor car park.
- (3) Cabinet resolves to retain the car park in its existing format pending the further options report requested above.”

By way of amendment it was moved by Councillor Jon Barry and seconded by Councillor Maia Whitelegg: -

“That the following wording be added to resolution (2):

and this could include use of part of the site for one of the options considered or for another use such as affordable housing.”

3 Members (Councillors Jon Barry, John Gilbert and Maia Whitelegg) voted in favour of the amendment and 6 Members (Councillors Evelyn Archer, Eileen Blamire, Abbott Bryning, Tony Johnson, David Kerr and Roger Mace) voted against, whereupon the Chariman declared the amendment lost.

Members then voted as follows on the original proposition.

**Resolved:**

***(7 Members voted in favour (Councillors Evelyn Archer, Eileen Blamire, Abbott Bryning, John Gilbert, Tony Johnson, David Kerr and Roger Mace) and 2 Members (Councillors Jon Barry and Maia Whitelegg) abstained from voting):***

- (1) That Cabinet notes (a) the expressions of interest received in respect of the Auction Mart Car Park and (b) the parking requirements in the city centre during the construction phase of the proposed Canal Corridor Scheme.
- (2) Cabinet recognises that reducing congestion in Lancaster City Centre is a significant priority for the District and requests a further options report when information is available about the possible use of the site as an interceptor car park.
- (3) Cabinet resolves to retain the car park in its existing format pending the further options report requested above.

**Officers responsible for effecting the decision:**

Corporate Director (Regeneration).  
Head of Property Services.

**Reason for making the decision:**

The decision ensures that the options, as set out in the report, are left open for further consideration, pending further information regarding the interceptor car park. It also enables Cabinet to consider this matter further once the results of the Faber Maunsell report are published and Lancashire County Council, the Vision Board and the City Council have considered the report.

**144 AREA BASED GRANT ALLOCATIONS 2008/09**

**(Cabinet Member with Special Responsibility Councillor Roger Mace)**

*(Councillor Evelyn Archer declared a prejudicial interest in the following item due to her being a member of the Poulton Neighbourhood Management Board and left the meeting. It was noted that Councillor David Kerr had previously declared a personal interest in this item).*

The Corporate Director (Community Services) submitted a report that sought approval for the allocation of the City Council's Area Based Grant (ABG) for 2008/09, in particular to provide continuing support for Neighbourhood Management commitments in Poulton and the West End of Morecambe.

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

**Option 1:** Use the ABG allocation to continue to fund Neighbourhood Management in Poulton and the West End as outlined in Appendix B.

**Option 2:** Allocate the ABG for other purposes, and develop an exit strategy for the existing Neighbourhood Management Project. Realistically, existing commitments could equate to the amount of ABG, but a full analysis would be needed to determine this.

**Option 3:** To top slice the ABG sufficient to pay any redundancy costs at the end of the Poulton Neighbourhood Management project, to use the ABG to fund existing commitments to Poulton and West End Neighbourhood Management, and to identify the opportunities to use uncommitted ABG to develop options for Neighbourhood Management across the District.

The key risks and opportunities of not using the ABG for continuation of Neighbourhood Management are :

- Limited savings potential in 2008/09, as funds are already committed. This would mean that there may be little left for allocating to alternative initiatives for that year, although it would give greater choice and flexibility for 2009/10 onwards.

- Other works in Poulton and West End would be unfinished, and this could have an adverse impact on the perceived success of the projects to date. There may be reputational risks for the Council in this regard, although this will depend also on the perceived value of the works not completed.
- Work to roll out Neighbourhood Management to other parts of the district would not be finished and lessons learned/best practices may not be maximised.
- There could be an adverse effect on local communities in Poulton and West End which are now showing signs of cohesion (especially in Poulton). Funding (either in 2008/09 or future years) would be freed up, however, giving the opportunity to provide or safeguard other services, in either the same or alternative communities.

The preferred officer option was option 3. This ensured that existing commitments are met with further options for sustaining Neighbourhood Management and for determining the future use of ABG being brought back to Cabinet as part of the further report requested by Cabinet on 18<sup>th</sup> March 2008.

It was moved by Councillor Roger Mace and seconded by Councillor David Kerr: -

- “(1) That Cabinet notes that Area Based Grant (ABG) is no longer ring-fenced.
- (2) That Cabinet approves the allocations for Winning Back Morecambe’s West End in 2008-09 and subject to the 2009-10 budget and planning process, the allocations for 2009-10, both being set out in Appendix B to the report.”

Upon being put to the vote Members voted unanimously in favour of the proposal.

It was moved by Councillor Roger Mace and seconded by Councillor David Kerr: -

- “(3) That for May and June 2008, ABG be used to continue existing arrangements for Neighbourhood Management in Poulton and that a detailed and orderly exit strategy be drawn up and reported to Cabinet based on (a) a full analysis of existing commitments and (b) avoidance of the need for a growth item in the 2009-10 budget to pay any redundancy costs at the end of the Poulton Neighbourhood Management project and that any resulting savings be added to balances.”

By way of amendment it was moved by Councillor Eileen Blamire and seconded by Councillor Abbott Bryning: -

“That the following wording be added to (3):

and any resulting savings be used in the West End of Morecambe.”

Upon being put to the vote 3 Members voted in favour (Councillors Eileen Blamire, Abbott Bryning and John Gilbert) and 5 Members voted against (Councillors Jon Barry, Tony Johnson, David Kerr, Roger Mace and Maia Whitelegg), whereupon the Chairman declared the amendment to be lost.

By way of further amendment it was moved by Councillor John Gilbert and seconded by Councillor Eileen Blamire: -

“That the words “added to balances” be deleted and the following wording be added to (3):

be used to promote further work on Neighbourhood Management in the whole district.”

Upon being put to the vote 4 Members voted in favour (Councillors Jon Barry, Eileen Blamire, Abbott Bryning and John Gilbert), 2 Members voted against (Councillors Tony Johnson and David Kerr) and 2 Members abstained from voting (Councillors Roger Mace and Maia Whitelegg), whereupon the Chairman declared the amendment to be carried. Members then voted unanimously in favour of the substantive motion with regard to (3).

It was moved by Councillor Roger Mace and seconded by Councillor David Kerr: -

“(4) That the General Fund Revenue Budget in 2008/09 be updated accordingly.

(5) That allocation of future years’ provisional allocation be considered further as part of the 2009/10 budget and planning process.”

Upon being put to the vote Members voted unanimously in favour of the proposal.

***Resolved unanimously:***

- (1) That Cabinet notes that Area Based Grant (ABG) is no longer ring-fenced.
- (2) That Cabinet approves the allocations for Winning Back Morecambe’s West End in 2008-09 and subject to the 2009-10 budget and planning process, the allocations for 2009-10, both being set out in Appendix B to the report.
- (3) That for May and June 2008, ABG be used to continue existing arrangements for Neighbourhood Management in Poulton and that a detailed and orderly exit strategy be drawn up and reported to Cabinet based on (a) a full analysis of existing commitments and (b) avoidance of the need for a growth item in the 2009-10 budget to pay any redundancy costs at the end of the Poulton Neighbourhood Management project and that any resulting savings be used to promote further work on Neighbourhood Management in the whole district.
- (4) That the General Fund Revenue Budget in 2008/09 be updated accordingly.
- (5) That allocation of future years’ provisional allocation be considered further as part of the 2009/10 budget and planning process.

**Officers responsible for effecting the decision:**

Corporate Director (Community Services).  
Head of Financial Services.

**Reason for making the decision:**

The decision ensures that existing commitments are met with further options for priority Neighbourhood Management and for determining the allocation of ABG being brought back to Cabinet as part of the budget for 2009/10.



The two Neighbourhood Management projects in Poulton and West End have been successful in reducing levels of deprivation. The ABG allocation is the only available source of funding for these projects to continue in 2008/09. If the ABG is not allocated to the Neighbourhood Management projects existing commitments must still be met.

## 145 URGENT BUSINESS REPORT

### **(Cabinet Member with Special Responsibility Councillor Roger Mace)**

Cabinet considered a report that advised Members of action taken by the Chief Executive, in consultation with the Leader and relevant Cabinet Members.

Members then voted as follows.

***Resolved (6 Members (Councillors Eileen Blamire, Abbott Bryning, John Gilbert, Tony Johnson, Roger Mace and Maia Whitelegg) voted in favour and 1 Member abstained from voting (Councillor Evelyn Archer):***

That the action taken by the Chief Executive, in consultation with the Leader, the relevant Cabinet Member and the Chairman of the Overview and Scrutiny Committee in accordance with the Scheme of Delegation, in relation to the following matters, be noted:

#### **(1) Traffic Management Act 2004 Penalty Charge Notices – Charging Levels**

- (a) That the adoption of Band 2 Penalty Charges of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 as laid down in Statutory Instruments 2007 No 3487 be approved
- (b) That a new Off Street Parking Places Order be made to reflect the requirements of the Traffic Management Act 2004 and the amended penalty charge levels with effect from 31<sup>st</sup> March 2008.
- (c) That in order to implement the decision as a matter of urgency it be recommended that the call-in procedure be waived in accordance with Overview & Scrutiny Procedure Rule 17 (a).

#### **(2) 2008 Maritime Festival**

That the organisation of the 2008 Maritime Festival go ahead with funding being found from other budgets.

#### **(3) Concessionary Travel**

- (a) That the City Council notes the national amended concessionary travel scheme which allows free travel between 0930 hours and 2300 hours for people aged 60 and over and people who are disabled and agrees to retain free travel concessions after 2300hrs up to and including the last bus on weekdays on journeys taken within the Lancaster City area.
- (b) That a report be brought back to Cabinet during autumn 2008 on the outcome of the review of Community Transport, in order that recommendations

regarding the service can be fed into the 2009/10 budget and planning process.

- (c) That the City Council enters into pooling arrangements for concessionary transport costs with other local authorities within the county, and that the Chief Executive be given delegated authority to agree the detailed arrangements on behalf of the authority, subject to estimated costs being within the budget framework.
- (d) That in order to implement the decision as a matter of urgency it be recommended that the call-in procedure be waived in accordance with Overview and Scrutiny Procedure Rule 17 (a).

**Note:** Councillors Jon Barry and David Kerr were not in attendance when the vote was taken.

**Officers responsible for effecting the decision:**

Chief Executive.  
Head of Democratic Services.

**Reason for making the decision:**

The decision fulfils the requirements of the City Council's Constitution in advising Cabinet of urgent decisions taken by the Chief Executive in accordance with the City Council's Constitution.

**146 MORECAMBE FOOTBALL CLUB**

**(Cabinet Member with Special Responsibility Councillor Evelyn Archer)**

The Corporate Director (Finance and Performance) submitted a report that considered the details for the land transactions associated with proposals by Morecambe Football Club (MFC) to redevelop land at Westgate, Morecambe for a new stadium and ancillary facilities. It was noted that Appendix A to the report was exempt from publication by virtue of paragraph 3, of Schedule 12A of the Local Government Act 1972 (as amended).

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

Option 1 – To approve the completion of a Development Agreement. This will enable the disposal of land to take place at Westgate to facilitate the construction of a new stadium for MFC, whilst also providing updated facilities for Westgate Wanderers Football Club (WWFC). The proposals would still be subject to various planning permissions being obtained and whilst this is a risk, it is reflected in the Development Agreement so that if permission is not obtained the Westgate land would remain with the City Council. In addition there remains the need to receive written confirmation of the proposals from the National Playing Field Association. This option does however potentially secure the futures of both Morecambe FC and Westgate Wanderers, and would result in a capital receipt to the Council.

Option 2 – do nothing. This would result in MFC remaining in their current facilities at Christie Park and the reduction of benefits to the local community. As in option 1, this would leave the Council with the potential for a future capital receipt, but in the meantime, Westgate Wanderers would be unaffected and the Council's rental income would remain.

The preferred officer option was option 1 as this would give the opportunity to improve the futures of both Morecambe FC and Westgate Wanderers whilst also providing the Council with a capital receipt.

It was moved by Councillor Roger Mace and seconded by Councillor David Kerr: -

- “(1) Cabinet recognises that decisions about the financing of the Club, its location, and all other aspects of the future of the Club are the responsibility of the Club and are in some respects the responsibility of the Club in conjunction with the Christie trustees.
- (2) Cabinet does not seek to influence the decisions of the Club or Christie trustees but confirms its decision at Cabinet on 24<sup>th</sup> July, 2007, including the requirement that an area of public open space be incorporated into the scheme at Westgate.
- (3) Cabinet notes the intention of the Christie trustees to apply to the High Court and (a) subject to the approval of the High Court to the transactions that are proposed to be entered into by the Christie trustees, and (b) subject also to the confirmation by the National Playing Fields Association of the proposals for the relocation of Westgate Wanderers, Cabinet agrees to recommendations (4), (5) and (6) below.
- (4) As Officer recommendation (1) on the supplementary agenda, as follows:  
  
That approval is given to the Heads of Terms for the land transactions involved in a Development Agreement for the disposal of land at Westgate, Morecambe, to Morecambe Football Club.
- (5) That approval is given to the proposed relocation of Westgate Wanderers to King Georges Playing Field, Heysham.
- (6) As Officer recommendation (3) on the supplementary agenda, as follows:  
  
That Officers be authorised to continue discussions with Lancashire County Council/Heysham High School to bring land at Lordsome Road into playing field use to provide further football pitches for use in the community, subject to there being no additional costs to the City Council over and above those identified in the report.”

It was moved by Councillor Jon Barry and seconded by Councillor Tony Johnson: -

“That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the information contained on Appendix A to the report on the ground 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 item of business on the ground that it could involve the possible disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.

Members then considered the Heads of Terms set out in Appendix A to the report.

It was moved by Councillor Jon Barry and seconded by Councillor Evelyn Archer: -

“That the meeting stand adjourned.”

Upon being put to the vote Members voted unanimously in favour, whereupon the Chairman declared the proposition to be carried.

(The meeting adjourned at 12.55 p.m. and re-convened at 1.10 p.m.)

**Note:** At this point members of the public and press were re-admitted to the meeting.

Councillor Roger Mace, with the agreement of his seconder and the meeting, moved the following: -

“That recommendations (1) and (2) of the original proposition be approved, with the wording after “2007” being deleted from (2) and recommendations (3) to (6) of the original proposition be withdrawn and that the following wording be added to (2):

and requests detailed information about access to public open space and community facilities as soon as possible.”

Members then voted as follows.

***Resolved unanimously:***

- (1) Cabinet recognises that decisions about the financing of the Club, its location, and all other aspects of the future of the Club are the responsibility of the Club and are in some respects the responsibility of the Club in conjunction with the Christie trustees.
- (2) Cabinet does not seek to influence the decisions of the Club or Christie trustees but confirms its decision at Cabinet on 24<sup>th</sup> July, 2007 and requests detailed information about access to public open space and community facilities as soon as possible.

**Note:** Councillor John Gilbert was not present when the vote was taken.

**Officers responsible for effecting the decision:**

Corporate Director (Regeneration).  
Head of Property Services.

**Reason for making the decision:**

The decision notes the responsibilities of the Club in conjunction with the Christie trustees. Cabinet also confirms its previous decision of 24<sup>th</sup> July, 2007 and enables Cabinet to consider more detailed information about access to public open space and community facilities as soon as possible.

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Chairman

(The meeting ended at 1.15 p.m.)

**Any queries regarding these Minutes, please contact  
Stephen Metcalfe, Democratic Services, telephone 01524 582073 or email  
smetcalfe@lancaster.gov.uk**

**MINUTES PUBLISHED ON: THURSDAY, 24<sup>th</sup> APRIL, 2008.**

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:  
FRIDAY, 2<sup>nd</sup> MAY, 2008.**