



Committee: COUNCIL BUSINESS COMMITTEE

Date: THURSDAY, 6 MARCH 2008

Venue: MORECAMBE TOWN HALL

Time: 4.30 P.M.

A G E N D A

1. Apologies for Absence

2. Minutes

Minutes of meeting held on 17th January 2008 (previously circulated).

3. Items of Urgent Business Authorised by the Chairman

- a)** Lancaster District Local Strategic Partnership Appointments and Constitution (Pages 1 - 22)

Report of Chief Executive

- b)** Lancashire Fire and rescue Service Draft Risk Management Plan 2008/11 - Consultation Response (Pages 23 - 26)

Report of Head of Democratic Services

4. Declarations of Interest

5. Special Council Meeting 2008 (Pages 27 - 29)

Report of Head of Democratic Services

6. Consultation Paper on new Planning Policy Statement 4: Planning for Sustainable Economic Development (Pages 30 - 33)

Report of Head of Planning Services

7. Consultation on Review of Planning Call in Directions (Pages 34 - 36)

Report of Head of Planning Services

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Susan Bray (Chairman), Morgwn Trolinger (Vice-Chairman), Shirley Burns, Geoff Knight, Karen Leytham, Joyce Pritchard and Rob Smith

(ii) Substitute Membership

Councillors June Ashworth, Abbott Bryning, Chris Coates, Jean Dent and Janie Kirkman

(iii) Queries regarding this Agenda

Please contact Gillian Noall, Head of Democratic Services - telephone: 01524 582060 or email gnoall@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER LA1 1PJ

Published on 26th February 2008

Council Business Committee

Lancaster District Local Strategic Partnership Appointments and Constitution Partnerships and Boards 6th March 2008

Report of Chief Executive

PURPOSE OF REPORT

This report enables Council Business Committee to note the adopted Lancaster District Local Strategic Partnership constitution and in accordance with the request from the Local Strategic Partnership Executive to determine the basis for appointments to Local Strategic Partnership.

This report is public

RECOMMENDATIONS

- (1) That Council Business Committee note the adopted Lancaster District Local Strategic Partnership constitution as set out at appendix A.
- (2) That Council Business Committee agree that Cabinet should appoint the member and substitute member for the Lancaster District Local Strategic Partnership Board and Management Group from among their number.
- (3) That it be agreed that Cabinet should make future appointments to Lancaster District Local Strategic Partnership Thematic Groups, as requested.

1.0 Introduction

- 1.1 In October 2003 it was agreed that Council would determine the basis on which all appointments to outside bodies and partnerships are made. Unless otherwise requested by the outside body concerned, appointments are made to the date of the next City Council elections, subject to confirmation at each Annual Council meeting.
- 1.2 Council has the option to make any appointment on a PR basis or by virtue of a Councillor's position, such as a Cabinet Member, Committee Chairman or Ward Councillor. Where an appointment is made on the basis of PR, the appointing Group(s) may notify the Head of Democratic Services in writing of their appointment without the need for further Council approval. Where necessary, Cabinet or other Committee representatives are referred to the relevant body for appointment.
- 1.3 The Lancaster District Local Strategic Partnership has recently been reviewed to ensure that it is better placed to effectively deliver the Sustainable Community Strategy. As part of this process a new constitution has been adopted which will take effect from the agreed appointed day 1st June 2008. In order to enable the Board and Management Group to operate on a shadow basis to manage the transition, organisations that make up the board and management group have been requested

to appoint representatives. Therefore to enable Cabinet to appoint at its meeting on 18th March 2008, Council Business Committee is requested to consider this in accordance with the process for urgent business, where it is deemed impractical to convene a meeting of full Council.

2.0 Proposals

2.1 Lancaster District Local Strategic Partnership Board and Management Group

2.1.1 As part of the newly adopted governance arrangements for the Lancaster District Local Strategic Partnership, the City Council has been requested to appoint representatives to the new Lancaster District Local Strategic Partnership Board and Management Group.

2.1.2 It is left to the appointing authority to decide who should most appropriately represent their organisation. As part of the proposed changes to the Lancaster District Local Strategic Partnership, the Partnership has acknowledged the role of Overview and Scrutiny in carrying out scrutiny of partnerships and to avoid a conflict of interest Overview and Scrutiny have indicated that they should not be members of Lancaster District Local Strategic Partnership but should have observer status. It is therefore recommended that Cabinet is best placed to appoint to the Partnership Board and Management Group. It is envisaged that there will be requests for the City Council to appoint to Lancaster District Local Strategic Partnership Thematic Groups and once again, it is believed Cabinet are best placed to appoint to these bodies.

3.0 Details of Consultation

3.1 Not applicable

4.0 Options and Options Analysis (including risk assessment)

4.1 As referred to in paragraph 1.3 above Council has the option to decide whether any appointment should be made on a PR basis or by virtue of a Councillor's position, such as a Cabinet Member, Committee Chairman or Ward Councillor and the most appropriate form of representative should be considered in each case.

4.2 Unless there is a statutory duty to participate, Council may also determine that there is no benefit to be gained from representation and decline the invitation. There is no statutory duty in respect of the invitations presented to Council in this report.

5.0 Conclusion

5.1 Annual Council agreed the basis of all appointments to Outside Bodies, Partnerships and Boards using a combination of proportional representation and in line with a Member's role such as Ward Councillor, Cabinet member, Overview & Scrutiny member, etc.

5.2 Since then the Council bodies such as Cabinet and Overview & Scrutiny have made their appointments and political groups have forwarded their appointments to the Head of Democratic Services.

5.3 This report sets out a request to make a new appointment.

CONCLUSION OF IMPACT ASSESSMENT	
There are no direct implications as a result of this report	
FINANCIAL IMPLICATIONS	
Members of Outside Bodies are entitled to travel expenses. Any extra costs resulting from these additional appointments are not likely to be significant and may be offset by the discontinuation of other appointments. Any extra costs can therefore be funded from within existing democratic representation budgets.	
SECTION 151 OFFICER'S COMMENTS	
The Section 151 Officer has been consulted and has no further comments.	
LEGAL IMPLICATIONS	
There are no legal implications	
MONITORING OFFICER'S COMMENTS	
The Monitoring Officer has been consulted and has no further comments.	
BACKGROUND PAPERS	Contact Officer: James Doble Telephone: 01524 582057 E-mail: jdoble@lancaster.gov.uk
Letter form Lancaster District Local Strategic Partnership	

Lancaster District Local Strategic Partnership (LDLSP)

Article 1 – Summary, Explanation and Principles

1.1 Introduction and Application of this Constitution

- 1.1.1 This document sets out the Constitution for the Lancaster District Local Strategic Partnership (LDLSP) and acts as a memorandum of understanding between the member entities.
- 1.1.2 Each LDLSP body shall ensure that they act within the framework as set out in this constitution.

1.2 Statement of Purpose

- 1.2.1 The LDLSP is a means of organising the way that public, private, community and voluntary agencies and organisations can work together to respond to the needs of the communities that make up the Lancaster District and in working together maximise their effectiveness. The LDLSP is not a legal entity.
- 1.2.2 The LDLSP is non-political and exists to enable partners to work together with the common aim of improving the quality of life in the District and its communities.
- 1.2.3 The LDLSP will have regard to the function of place shaping in its operation and will have regard to the Local Development Framework and Local Area Agreement, in setting its policy framework.
- 1.2.4 The LDLSP will exercise all its powers and duties in accordance with the law and this constitution. Only bodies which are part of this structure shall be entitled to use the prefix LDLSP. The prefix LDLSP will precede the title of all LDLSP authorised bodies.

1.3 Principles

- 1.3.1 The LDLSP will:
- Focus on the Lancaster District and the needs of its citizens.
 - Champion the Lancaster District by recognising and building on its strengths.
 - Work positively and collaboratively to improve economic, social, and environmental well-being, thereby improving the quality of life for its citizens and reducing inequalities.
 - Endeavour to reduce deprivation and economic disparity and welcome and embrace diversity.
 - Ensure Openness, transparency and honesty at all levels of the LDLSP.
 - Provide a safe, supportive environment that encourages people to participate and contribute.
 - Ensure communication takes place in real time and not based on formal reporting at meetings.

1.4 Membership and Representation

- 1.4.1 Membership of the LDLSP shall be open to interested entities within the Lancaster District that sign up to and agree to abide by this constitution, including the Principles, Code of Conduct and aims and objectives of the LDLSP as set out from time to time in the Sustainable Community Strategy.

- 1.4.2 Members of a LDLSP Thematic Group will become members of the wider LDLSP, however it is not a requirement that members of the LDLSP shall belong to a LDLSP Thematic Group.
- 1.4.3 There shall be equity of representation between members of the LDLSP. Each member entity will determine who should represent them on the various levels of the LDLSP as appropriate and representatives must have the appropriate authority to act at the level to which they are appointed.
- 1.4.4 Where organisations have appointed 'member level' representation, it is accepted they may be accompanied or supported by officers from the appointing organisation.
- 1.4.5 The membership process and membership lists of all LDLSP bodies shall be maintained by the LDLSP Manager, this shall constitute the definitive record of LDLSP members. All members of the LDLSP will receive an induction pack and an invitation to an LDLSP induction event to be held at intervals in the year.
- 1.4.6 The LDLSP recognises the potential for significant contribution by the Voluntary, Community and Faith Sectors and will work with them to help facilitate and support their contribution and involvement on the LDLSP.

1.5 Structure

1.5.1 The LDLSP shall consist of:

- LDLSP Board – exists to act as guardian of the LDLSP, ensure its continued existence and to agree the constitution and policy framework.
- LDLSP Management Group – responsible for the co-ordination and performance management of the LDLSP and the delivery of the Sustainable Community Strategy.
- LDLSP Thematic Groups – created by the LDLSP Management Group as required in order to deliver the Sustainable Community Strategy and reviewed along with the Sustainable Community Strategy.
- LDLSP Work Groups – created by LDLSP Thematic Groups as required in order to deliver a specific element of the Sustainable Community Strategy and reviewed accordingly.
- LDLSP in Conference – called as and when required or there is a need to involve or consult the wider LDLSP. The LDLSP in conference may be held as a meeting, electronically or other forum as required.

1.6 LDLSP Accountable Bodies

The LDLSP Board shall ensure there is an appropriate accountable body for all funding made available to the LDLSP.

1.7 LDLSP Year

The LDLSP year shall commence on 1st April.

1.8 Scrutiny

The LDLSP shall be subject to scrutiny through the local authority scrutiny process, from both Lancaster City Council and Lancashire County Council, however efforts will be made to prevent duplication. Representatives of the Lancaster City Council and Lancashire

County Council scrutiny processes may attend meetings of LDLSP bodies as observers subject to agreement of the Chairperson.

1.9 Reporting and Communication

1.9.1 Upward reporting in the LDLSP will be exception based.

1.9.2 Communication throughout the LSP will take place in real time and will not be based on formal reporting through the organisation at meetings. As part of the Policy Framework, the LDLSP Board will adopt a communication and community engagement to enable this.

1.10 Joint Arrangements

Upon a request from an LDLSP Thematic Group or on their own initiative the LDLSP Management Group may decide to set up joint arrangements for commissioning with another Local Strategic Body or other body as appropriate. Such arrangements shall be considered as LDLSP bodies for the purposes of scrutiny and performance management as set out in this constitution. In such cases the LDLSP Management Group shall approve the representation of the LDLSP on the joint body after consultation with the relevant accountable body, if one has been appointed.

Article 2 - Procedure Rules

2.1 Chairperson

Each LDLSP Body shall appoint annually, at the first meeting of the financial year a Chairperson and Vice-Chairperson from among their number. In the event that neither the Chairperson or Vice-Chairperson is present, the meeting will appoint a Chairperson for the duration of that meeting only from among their number. In the absence of the Chairperson, the Vice-Chairperson shall be able to carry out the duties of Chairperson.

2.2 Removal of Chairperson, Vice-Chairperson and representative appointments of the LDLSP

The Chairperson, Vice-Chairperson and appointments made by the LDLSP bodies may be removed from office by a two thirds majority of the body voting on the matter where notice has been given in accordance with this constitution.

2.3 Notice of Meetings and Agendas

2.3.1 The Chairperson of LDLSP bodies shall give or arrange to be given at least 7 days notice of a meeting in writing to all members of that body and also on the LDLSP website.

Where possible LDLSP bodies will agree a schedule of meetings in advance for the year.

Meetings may also be called by the Chairperson, or will be called by the Chairperson upon request of one third or three voting members of the LDLSP body whichever is higher.

2.3.2 The Chairperson will ensure for meetings of LDLSP bodies to have an agenda circulated to all members of that body and made available in accordance with the LDLSP Communication strategy, 7 days prior to the meeting. Agendas shall include the day, date, time, venue and matters for discussion.

2.3.3 Any member of the LDLSP body or representative of the LDLSP body shall be entitled to require an agenda item to be added to the next agenda of the LDLSP body, which is within their Terms of Reference. Such requests must be received by the Chairperson of the body, or the designated administrator in writing at least 8 days prior to the meeting.

In the case that a matter arises after the publication of the agenda and requires consideration before the next scheduled meeting of the LDLSP body, the Chairperson shall have the discretion to allow the matter to be discussed by the LDLSP body. The reason for urgency shall be stated in the minutes..

Agendas shall be in the format as determined by the LDLSP Management Group.

2.4 Motions and Voting

2.4.1 All motions to be put to the vote at LDLSP meetings must have a proposer and seconder,

2.4.2 In a discussion of the motion all representatives of members of the LDLSP body present (including the proposer and seconder) shall be entitled to speak once on the issue or more at the discretion of the Chairperson.

2.4.3 Any amendments to the motion will require a proposer and seconder, only one amendment may be dealt with at a time and voted on to determine whether they shall be allowed to amend the motion. An amendment may not negate the original motion.

- 2.4.4 Before the substantive motion is put to the vote the proposer may sum up their reasons for their proposal.
- 2.4.5 Each member of LDLSP bodies will have one vote in the event of decisions requiring a ballot.
- 2.4.6 In the event of a tied vote, the Chairperson of the meeting will have a second or casting vote.
- 2.4.7 A member may request that their vote be recorded in the minutes.

2.5 Quorum

The quorum of any LDLSP body shall be one third or three voting members, whichever is higher. The meeting will be declared inquorate if after 15 minutes from the scheduled start time a quorum is not present.

2.6 Membership and Substitutes

- 2.6.1 On appointment to an LDLSP body each member entity is entitled to appoint one voting representative and a single, named substitute to attend and vote in their place if they are unable to attend. The Chairperson of the LDLSP body will ensure that the LDLSP Manager is notified of the names of representatives and will make this available on the LDLSP website.
- 2.6.2 This will be notified to the LDLSP Manager and made available on the LDLSP website.

2.7 Attendance at Meetings

- 2.7.1 Representatives of LDLSP members will be expected to regularly attend the bodies to which they have been appointed. At the discretion of the body, any member organisation that has failed to be represented at three consecutive meetings without reasonable explanation may be asked to appoint a replacement representative.
- 2.7.2 Any member entity of the LDLSP or non-member may be invited by the relevant LDLSP body or Chairperson to attend and contribute at LDLSP meetings but may not vote. The Chairperson shall have the power to exclude any person from a meeting of an LDLSP body if they continue to behave improperly following a warning a warning from the Chairperson.

2.8 Press and Public

Meetings of LDLSP bodies are 'private' meetings and as such are normally closed to the press and public. If the press or public wish to attend a meeting they should make a request in writing to the Chairperson, who shall have the sole discretion to determine the request.

2.9 Confidential Items

Whilst the LDLSP will ensure openness and transparency wherever possible, certain items may be considered as 'confidential' and these will not be considered whilst the press or public are present. Confidential items shall be defined as:

- a) Information relating to an individual or that is likely to reveal the identity of an individual
- b) Information relating to the financial or business affairs of LDLSP or any particular person or entity
- c) Information relating to legal proceedings or advice

- d) Information relating to the prevention, investigation or prosecution of a crime
- e) Information that is provided to the LDLSP in confidence

2.10 Minutes

- 2.10.1 The Chairperson of LDLSP bodies will or will arrange for minutes to be circulated to all members of that body and made widely available in accordance with the LDLSP Communication strategy, as soon as is practical following the meeting.
- 2.10.2 Minutes are a record of the decisions taken, not an account of what was said and shall be in the format as determined by the LDLSP Management Group.

2.11 Dissolution

The LDLSP Board may resolve to dissolve the LDLSP at a meeting, by a simple majority at a meeting specially convened for that purpose. In the event of dissolution the LDLSP Board will ensure that any assets held by the LDLSP are either retained by the principal local authorities or disposed of and used for the benefit of the Lancaster District and its residents.

2.12 Chairperson

The Chairperson of the LDLSP Management Group shall be the figurehead and spokesperson for the LDLSP, in their absence the Vice-Chairperson shall carry out this role.

2.13 Delegation

An LDLSP body may delegate a specific decision or function within its Terms of Reference to an officer of the LDLSP, an officer of the LDLSP in consultation with the Chairperson of that body, a member of the LDLSP in consultation with the Chairperson of that body, a representative of a member of the LDLSP in consultation with the Chairperson of that body. All such decisions shall be reported at the next meeting of that body.

2.14 Urgent Business

- 2.14.1 If an urgent decision is required between meetings of the LDLSP which cannot wait until the next meeting of the LDLSP body . The LDLSP Manager will liaise with the Chairperson of the LDLSP Management Group, who has delegated authority to reach a decision.
- 2.14.2 The Chairperson of the LDLSP Management Group will make their decision in consultation with the Chairperson of the relevant LDLSP body (or Vice-Chairperson in the case of the LDLSP Management Group).
- 2.14.3 The decision shall be reported to the next ordinary meeting of the relevant LDLSP body.
- 2.14.4 The powers of the LDLSP Board may not be executed through this mechanism.

Article 3 - Code of Conduct

3.1 The Code

Members of the LDLSP agree that they and their representatives will:

- Value and respect the contribution of all members
- Promote equality by not discriminating unlawfully against any person.
- Treat others with dignity and respect.
- Ensure they do not disclose confidential information.
- Conduct themselves in a way so as not to bring themselves, their entity or the LDLSP in to disrepute.
- Work to ensure that they do not use their capacity on the LDLSP to secure or convey advantage or disadvantage to themselves, their entity or any other person or entity.
- Speak with the authority, mandate and support of their entity.
- Act as a link to their entity helping to influence the decision making of their own organisation to where possible commit resources, adjust priorities and align service delivery to meet the goals of the Sustainable Community Strategy.

3.2 Personal Interests

3.2.1 Representatives of member entities must regard themselves or their appointing entity as having an interest if the issue being discussed in the meeting affects the well-being or finances of them, their family, their close associates or their appointing entity more than it affects most other people who are located in the Lancaster District.

3.2.2 If the representatives of a member entity has a personal interest they must declare that personal interest, state what the personal interest is prior to discussion and only be allowed to take part in the discussion for the purposes of explanation only. This shall be recorded in the Minutes.

3.3 Prejudicial Interests

3.3.1 A representative of a member entity that has an interest in a matter may also have a prejudicial interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the representative's judgement of the public interest. This definition includes the proposed allocation of funds to their entity or to a project submitted or to be provided by their entity.

3.3.2 If the representative of a member entity has a prejudicial interest they must declare that interest, state what the interest is prior to discussion and leave the meeting whilst the issue is discussed. This shall be recorded in the Minutes.

3.3.3 Clarification and interpretation on the meaning of the above can be found in the Local Authorities Model Code of Conduct for the time being.

3.4 Appeals Against Refusal of Membership

In the case that an LDLSP Thematic Group refuses membership of the LDLSP to an entity, the entity shall have a right of appeal to the LDLSP Management Group, who shall decide whether the refusal stands. Appeals shall be conducted in accordance with the procedure for appeals and hearings as set out in the Policy Framework.

3.5 Suspension of Members

- 3.5.1 Matters relating to the conduct of a representative of a member entity are a matter for that member entity to resolve.
- 3.5.2 In the case that a member entity is alleged to have not acted in accordance with this constitution or acted in a way that brings or could be perceived as bringing the LDLSP in to disrepute they may be referred to the LDLSP Management Group for a hearing to consider whether or not to uphold the allegation and to consider whether, given the significance of the incident they be suspended from the LDLSP permanently or for a stated period of time or other reasonable sanction as determined by the LDLSP Management Group. The membership of the LDLSP Management Group for consideration of the appeal shall not consist of representatives of entities who have made the initial decision.
- 3.5.3 In case of suspension or a sanction being proposed the entity shall have a right of appeal to the LDLSP Board, whose membership for consideration of the appeal shall not consist of representatives of entities who have heard the initial hearing. Appeals and hearings shall be conducted in accordance with the procedure for appeals and hearings as set out in the Policy Framework.

Article 4 - Terms of Reference

4.1 LDLSP Board

Membership

The membership of the LDLSP Board shall comprise one representative of the following entities

- Lancaster City Council
- Lancashire County Council
- North Lancashire Primary Care Trust
- Lancashire Constabulary
- Lancaster District CVS, who shall act as a gateway to the continued involvement of the Voluntary, Community and Faith Sectors.
- Economic Stakeholder, the Board will appoint through open advertisement an Economic Stakeholder representative and selection process to be agreed by the LDLSP Board.

Chair

Each member entity of the LDLSP Board shall hold the Chair for one year in rotation in the order as set out above.

Administration

The LDLSP Board shall be administered and supported by the LDLSP Manager and clerked by the Accountable Body.

Frequency of Meetings

The LDLSP Board shall meet at least annually.

Responsibilities

- 1) To ensure the operation, existence and guardianship of the Lancaster District Local Strategic Partnership.
- 2) Approval and amendment of the Constitution, Sustainable Community Strategy, Communication and Community Engagement Framework and Performance Management Framework.
- 3) To hear all appeals against the removal of membership of the LDLSP
- 4) Dissolution of the LDLSP

4.2 LDLSP Management Group

Membership

The membership of the LDLSP Management Group shall comprise of one representative of the entities that make up the LSP Board and the Chair of each LDLSP Thematic Group. Members of the LDLSP Management Group will represent the group that appointed them and act as a communication channel to that group.

Chair

The LDLSP Management Group shall appoint a Chair from among their number at the first meeting following adoption of the Sustainable Community Strategy. The Chair shall hold office for the lifetime of the Sustainable Community Strategy. The Chair shall have specific responsibility for outputs, performance and delivery of the Sustainable Community Strategy.

Vice-Chair

The LDLSP Management Group shall appoint a Vice-Chair from among their number at the first meeting following adoption of the Sustainable Community Strategy. The Vice-Chair shall hold office for the lifetime of the Sustainable Community Strategy. The Vice-Chair shall have specific responsibility for strategy, policy and development.

Administration

The LDLSP Board shall be administered and supported by the LDLSP Manager and clerked by the Accountable Body.

Frequency of Meetings

The LDLSP Management Group shall meet at least quarterly.

Responsibilities

- 1) To allocate resources to LDLSP bodies as appropriate to support the delivery of the Sustainable Community Strategy.
- 2) To performance manage the delivery of the Sustainable Community Strategy through operating the LDLSP Performance Management Framework.
- 3) To receive regular written 'exception' based performance monitoring reports from the Chairs of LDLSP Thematic Groups.
- 4) To co-ordinate, arrange and manage the LDLSP Sustainable Community Strategy refresh process and to agree a draft Sustainable Community Strategy for recommendation to the LDLSP Board for adoption.
- 5) To review, create and dissolve LDLSP Thematic Groups as required in order to ensure the efficient and effective delivery of the Sustainable Community Strategy.
- 6) To ensure effective community engagement by the LDLSP Thematic Groups through performance managing the LDLSP Community Engagement Framework.
- 7) To ensure effective engagement in and influence of the Local Area Agreement and encourage effective engagement and reporting to and from the relevant thematic groups of the Lancashire Partnership.

- 8) To hear all appeals against the refusal of membership of the LDLSP and LDLSP Thematic Groups.
- 9) To represent or arrange the representation of the LDLSP on external bodies and appoint representatives as appropriate.
- 10) To do all things required by law of a Local Strategic Partnership and to facilitate the efficient and effective delivery of the Sustainable Community Strategy, unless reserved to another LDLSP body in this constitution.

4.3 LDLSP Thematic Groups

Membership

The membership of LDLSP Thematic Groups shall comprise of a core membership to be determined by the LDLSP Management Group through a stakeholder analysis to include the voluntary, community, faith and community governance sectors and additional members of LDLSP as agreed by the LDLSP Thematic Group, up to any maximum number as established by LDLSP Management Group.

Principal local authorities, acting in their community leadership roles may assign a relevant Councillor, such as a Cabinet Member to attend and work with a Thematic Group as a non-voting co-optee (in addition to the representative of their entity). Their purpose is to help connect the LDLSP Thematic Group with the functions of the local government and vice-versa.

Administration

LDLSP Thematic Groups shall arrange their own administration.

Frequency of Meetings

LDLSP Thematic Groups shall meet at least quarterly.

Responsibilities

- 1) Delivery and management of the Sustainable Community Strategy within their remit, as determined by LDLSP Management Group.
- 2) Ensuring Community Engagement within their remit, as determined by LDLSP Management Group.
- 3) To assist the LDLSP in developing the Sustainable Community Strategy within their work area during any refresh process.
- 4) Carrying out project appraisals in accordance with this constitution.

4.4 Existing Statutory Partnerships

The LDLSP Management Group may where appropriate adopt an existing or statutory partnership as an LDLSP Thematic Group. It is accepted that where the Partnership is operating as a Thematic Group it shall be constituted according to and shall abide by this constitution and be performance managed in delivering the Sustainable Community Strategy accordingly. In carrying out its other functions it shall not be bound by this constitution, within the exception of ensuring adherence to the Principles and Code of Conduct.

4.5 LDLSP Work Groups

Membership

Members of the LDLSP as determined by the LDLSP Thematic Group Work Groups may co-opt any organisation/individuals who are not part of the LDLSP who have interest in the Work Group and can add value to its work. Co-optees shall be non-voting.

Administration

LDLSP Work Groups shall be administered and clerked by the LDLSP Work Group.

Responsibility

Set up by and responsible to the creating LDLSP Thematic Group for delivering a specific element of the Sustainable Community Strategy within their agreed Terms of Reference as determined by the LDLSP Thematic Group.

Frequency of Meetings

LDLSP Work Groups shall meet at least quarterly.

Existing Bodies

LDLSP Thematic Groups may where appropriate adopt an existing body as an LDLSP Work Group. It is accepted that where this body is operating as a Work Group it shall be constituted according to and shall abide by this constitution and be performance managed in delivering the Sustainable Community Strategy accordingly. In carrying out its other functions it shall not be bound by this constitution, within the exception of ensuring adherence to the Principles and Code of Conduct.

4.6 LDLSP in Conference

Membership

All LDLSP members

Administration

The LDLSP Conference shall be administered and supported by the LDLSP Manager and clerked by the Accountable Body.

Responsibility

Held as and when required there is a need to involve or consult the wider LDLSP. The LDLSP in conference may be held as a meeting, electronically or other forum as required.

Article 5 – LDLSP Policy Framework

The following documents comprise the LDLSP Policy Framework. The LDLSP Board has responsibility for agreeing the LDLSP Policy Framework.

5.1 Sustainable Community Strategy

The Sustainable Community Strategy is a fundamental document which sets out the strategic priorities for the whole of the Lancaster District and delivery rests with all appropriate and relevant statutory, professional and voluntary, community and faith sector agencies and partnerships associated with the LDLSP.

The Sustainable Community Strategy:

- will reflect the collective vision of the LDLSP
- and the duty to prepare (and not just deliver) the Sustainable Community Strategy is placed upon the local authority, in consultation with others.
- will be the 'over arching' Strategy for the district. Strategic partners must adopt the principles within the Strategy and contribute to the delivery of the Strategy. This will include having regard to the Strategy when developing and delivering strategic aims within their own organisations and partnerships. Responsibility for implementing plans and driving delivery of outcomes is the role of strategic partners, Building Blocks and sub groups.

5.2 Performance Management Framework

The LDLSP Management Group shall ensure that the work of all elements of the LDLSP operate within the LDLSP Performance Management framework.

The LDLSP Management Group shall performance manage the performance of LDLSP Thematic Groups.

LDLDP Thematic Groups shall performance manage the performance of Work Groups and projects within their area of responsibility.

5.6 Communication and Community Engagement Framework

The LDLSP will produce, execute and take ultimate responsibility for the Communication and Community engagement framework which describes its approach and actions towards engaging the community in its work.

The Communications and Community Engagement Framework sets out the principles and approach to communicating, consulting and encouraging active participation of the full range of LDLSP stakeholders.

5.7 Procedure for Appeals and Hearings

The Procedure for Appeals and Hearings sets out the procedure to be followed in the case of all hearings and appeals held under this constitution.

Article 6 – LDLSP Support

From time to time the LDLSP may arrange for the employment of such staff, as are required to manage and operate the LDLSP subject to the availability of funding and the identification and agreement of a suitable host entity who will be the employer.

The LDLSP may also appoint Officers of the LDLSP for the purposes of transacting business.

6.1 LDLSP Manager Job Description

Where funds permit the LDLSP shall seek to obtain the services of an LDLSP Manager with the following job description:

The LDLSP Manager shall have responsibility for providing support and administering the LDLSP at Board and Management Group level and as time permits provide advice and guidance to LDLSP Thematic Groups.

The LDLSP Manager shall be responsible for co-ordinating the development and implementation of the LDLSP Policy Framework including the Sustainable Community Strategy, Communication and Community Engagement Framework and Performance Management Framework.

The LDLSP Manager shall have delegated authority from the LDLSP to allocate issues to the most appropriate LDLSP body as they arise and in accordance with this constitution.

Specifically the LDLSP Manager will:

Support the LDLSP Board and Management Group in carrying out its functions, including acting as co-ordinator, monitoring performance, arranging events, development of an LSP web information, attending meetings, and carrying out other duties as allocated.

Facilitate partnership working, prevent duplication and improve communication between the LDLSP Thematic Groups.

Support the the LDLSP in developing a Policy Framework, in particular a Sustainable Community Strategy for the district with meaningful performance targets and self-assessment measures.

Support partnership organisations, as directed, to enable them to maximise their contribution to the LDLSP and development and implementation of the Sustainable Community Strategy.

Support the development and implementation of the Communication and Community Engagement Framework and performance manage this on behalf of the LDLSP Management Group.

Manage funding allocated to the LDLSP in conjunction with the Accountable Body; including management and monitoring of all funding.

Prepare and present reports to internal and external meetings and meetings of partner organisations within the LDLSP as required.

To do all other reasonable things necessary to facilitate the efficient and effective operation of the LDLSP as requested by the LDLSP Board and Management Group commensurate at the grade of this post.

Article 7 - Resources, Finance Procedure Rules, Project Appraisals and Accountable Body

In an environment of scarce resources the LDLSP will target resources that will deliver agreed objectives. Whilst this does not affect the Work Groups or areas of work that Thematic Groups may set up, it will affect the resources, time and priority allocated to it by partners.

Funding made available to the LDLSP shall be used for the development and management of the LDSP and delivering the Sustainable Community Strategy. The LDLSP Management Group shall apportion such funding as appropriate and allocate funding to Thematic Groups to aid the achievement of agreed work programmes in accordance with the Sustainable Community Strategy.

Thematic Groups will ensure that all projects that are presented for funding are assessed by an appraisal panel of three members of the Thematic Group (not containing the deliverer) according to the criteria as set out below. Projects will require approval of the LDLSP Thematic Group.

Accountable Bodies and Finance Procedure Rules

All funding made available will require the LDLSP Management Group to ensure that there is an appropriate Accountable Body that has agreed to take on that role. The LDLSP Manager will maintain a register of appointed Accountable Bodies and their acceptance of this role and the funding which this role relates to.

The responsibilities of Accountable Bodies in conjunction with the LDLSP Manager relation to the LDLSP grant monies will include: -

- Management of the LDLSP programme and liaison with relevant funding bodies providing LDLSP grant monies and for which the Accountable Body is accountable for.
- Ensuring that the requirements set out in the relevant grant offer letters to project partners are met.
- Establishing and using effective management, project appraisal, monitoring and financial systems (including procurement) which meet all the requirements set out by the relevant funding bodies and also the Accountable Body and its Financial Regulations and Standing Orders.
- Collection and collation of grant claims where relevant (including appropriate evidence of expenditure) from Partner organisations.
- Issuing of annual grant offers in accordance with the agreed LSP Programme.
- Ensuring that grant payments are made only on the basis of expenditure properly incurred and defrayed on projects that have been approved (by the LDLSP according to the constitution and where appropriate relevant funding bodies).
- To implement systems which ensure regularity, propriety and value for money.
- Monitoring of Expenditure of the LDLSP and where relevant matching funding.
- Ensuring that at the end of each financial year, a final statement of expenditure on the approved scheme is prepared, signed of and where relevant audited by the Accountable Body's external auditor.
- Monitoring regularly progress of output achievements and milestones, and keeping records of the same.
- Submission of quarterly claims to the Accountable Body on behalf of the funding bodies where relevant, accompanied by a report of progress against key indicators.
- To ensure that all projects claiming grant support are the subject of a formal application and project appraisal, and that no grant is paid unless a project is approved and appraised.
- To prepare and monitor a register of assets acquired wholly or partly using LDLSP funding.
- Notifying relevant funding bodies of any financial irregularities suspected in the use of LDLSP grant and the actions proposed.
- Providing access and documents for ad hoc inspections and audits.

- Agreeing any changes in capital/revenue split originally agreed with relevant funding bodies.
- Notifying the relevant funding bodies of any income, profit or unexpected receipt in excess of the amount taken into account in determining the level of grant requirement which accrues from a project or scheme funded in whole or in part from LDLSP grant monies.
- Where relevant Identifying who will take responsibility for continuing commitments after LDLSP payments end

Project Appraisals

The LDLSP shall have a project appraisal process as set out in the Performance Management Framework.

Glossary

Community Governance - Contains but is not limited to organisations acting at the third tier of local or neighbourhood governance or representative organisations for organisations acting at the third tier of local governance. This includes Parish and Town Councils, LAPTIC, Neighbourhood Councils and Neighbourhood Management.

Economic Stakeholder – an entity paying business rates within the Lancaster City Council Area that does not receive its main funding from public funds.

Entity – organisation, agency, company or incorporated body operating or located within the Lancaster City Council district that consists of more than one person and has some form of incorporation or association, with the exception of political parties which are excluded from being members of the LDLSP.

Lancaster District – the administrative area served by Lancaster City Council as defined from time to time by the Boundary Commission for England and agreed by parliament.

LDLSP Body – Any one of the bodies as set out below

LDLSP Bodies - LDLSP Board, Management Group, Thematic Groups and Work Groups as formulated and composed according to this constitution.

Officer of the LDLSP – Appointed by LDLSP bodies from time to time and held on a list maintained by the LDLSP Manager in order for the LDLSP to transact urgent business in line with this constitution.

Principal Local Authority – This definition as set out in the Local Government Act 1972, in the Lancaster District this refers to Lancashire County Council, Lancaster City Council but excludes Town and Parish Councils.

Stakeholder Analysis – Mapping exercise conducted to determine the stakeholders given a particular issue. Stakeholders are people or organisations or communities that have an interest in the issues that the LDLSP is looking at or the LDLSP has an interest in the issues they are interested in.

COUNCIL BUSINESS COMMITTEE**Lancashire Fire and rescue Service Draft Risk Management
Plan 2008/11 – Consultation Response
6th March 2008****Report of the Head of Democratic Services****PURPOSE OF REPORT**

To allow Members the opportunity to comment on a proposed consultation response relating to the Lancashire Fire and rescue Service Draft Risk Management Plan 2008/11.

This report is public

RECOMMENDATIONS

- (1) **That the draft consultation response attached at Appendix A be approved for submission as the Council's response to the consultation.**

1.0 Report

- 1.1 The Lancashire Fire and Rescue Service has consulted the Council on their Draft Risk Management Plan 2008/11. A copy of the consultation document is available for Members to view at www.lancsfire.gov.uk.
- 1.2 The Lancashire Fire and rescue Service Draft Risk Management Plan 2008/11 has been written to reflect their revised ambitions, to replace and build on the success of their current integrated risk management plan and to set clear direction and ensure that all with an interest can understand their aims.
- 1.3 The Lancashire Fire and Rescue Service is requesting specific feedback and comments on it by no later than **7th March 2008** for consideration by the Fire Authority with a final version of the plan published in April.

2.0 Options

- 2.1 The Terms of Reference of the Council Business Committee provide for this committee to determine the method of response and where necessary ratify responses on behalf of full Council to consultations.
- 2.2 The agreed process delegates to the Chief Executive the decision on whether or not the Council should respond to a consultation and the method of agreeing that response.

- 2.3 On this occasion it has been decided that a draft response be prepared by Officers for comments by this Committee.
- 2.4 Options available to the Committee are to approve or amend the proposed response attached at Appendix A.

3.0 Conclusion

- 3.1 Officers have prepared a draft response for approval or amendment to enable a response to be submitted to Lancashire Fire and rescue Service Draft Risk Management Plan 2008/11 by the deadline of 7th March 2008.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

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

FINANCIAL IMPLICATIONS

None as a direct result of this report. If any indirect financial implications become apparent following the preparation of a draft response these will be included in a supplementary report

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no further comments at this stage. Consideration will be given to any additional further financial implications highlighted if necessary.

LEGAL IMPLICATIONS

None as a direct result of this report.

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

Lancashire Fire and rescue Service Draft Risk Management Plan 2008/11

Contact Officer: James Doble
Telephone: 01524 582057
E-mail: jdoble@lancaster.gov.uk

Contact: Mark Cullinan
Telephone: (01524) 582011
Fax: (01524) 582042
Minicom: (01524) 582175
E-mail: chiefexecutive@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: CE/ES/
Your Ref:

Chief Executive

**Station Manager John Buck
Integrated Risk Management
Lancashire Fire and Rescue Service
Garstang Road
Fulwood
Preston
PR2 3LH**

**Mark Cullinan
Chief Executive**

Town Hall
Dalton Square
LANCASTER LA1 1PJ

DX63531 Lancaster

07 March 2008

Dear Mr Buck

Lancashire Fire and Rescue Service Draft Risk Management Plan 2008 / 11

Thank you for the opportunity to comment on your 2008/11 Risk Management Plan.

Generally we support the approach you are taking but there are a number of comments that we would wish to make:-

On Page 9, Planning for Further Improvement, the issue of economic migrant workers is included as a new challenge. The impact of migrant workers in the County present challenges to many organisations and agencies not least within Lancaster District with an influx of migrant workers into Morecambe. Whilst you identify this issue as a risk you do not set out the nature of that risk nor within your action plan do you seem to have identified any actions aimed at mitigating this particular risk.

On page 14, I congratulate you and your colleagues in achieving reductions in levels of deaths and injuries resulting from accidental dwelling fires and deliberate primary and secondary fires but note that levels remain high in Lancashire in comparison with other fire authorities. I do not see specifically within the plan how you intend to "narrow the gap" other than possibly through the new Lancashire Local Area Agreement.

Your Action Plan links well generally to the strategic objectives you have set yourselves and I do agree with your view that SMART local key performance indicators should be developed. In developing these indicators I would recommend that wherever possible 'cross cutting indicators' be developed that support the objectives of other partners.

[2]

With regard to the longer term, I note your comments on Page 9 with regard to partnerships and the duty to co-operate in the LAA. The Fire and Rescue Service is also a statutory partner in Crime and Reduction Disorder Partnerships and in light of the many changes being planned for future inspection regimes and the emergence of Comprehensive Area Assessments, I would wish to see the Service explicitly acknowledge the strategic importance of these partnerships and the maximise its allocation of resources to them.

Yours sincerely

DRAFT

MARK CULLINAN
CHIEF EXECUTIVE

COUNCIL BUSINESS COMMITTEE

**Special Council Meeting 2008
6th March 2008**

Report of Head of Democratic Services

PURPOSE OF REPORT

That Members consider the process for the Special Council Meeting 2008.

This report is public

RECOMMENDATIONS

- (1) That Members consider the options and authorise the Head of Democratic Services to commence arrangements and develop proposals for this year's Special Council meeting.
- (2) That Members agree the date of the Special Council meeting for 2008.
- (3) That a progress report be submitted to the next meeting of Council Business Committee setting out proposals for the event and any financial implications.

1.0 Introduction

- 1.1 As part of the democratic modernisation proposals, Council has agreed that one meeting a year shall be designated as a special council meeting with the following remit:

That one of the existing autumn meetings of Council, shall be selected by the Council Business Committee and re-designated as a 'Special' Council meeting for any of the following purposes:

- Consideration of a single topic
- Hearing of an external speaker
- Meeting in assembly or forum
- Consideration of a local, regional or national issue
- Or other purpose to be determined by the Council Business Committee

Members may recall that in October 2007, the Special Council meeting was held at the Platform in Morecambe with the theme 'Celebrating our Culture, City, Coast and Countryside' which incorporated the launch of the review of the Council's Cultural Strategy.

The event was held in conjunction with Cultural Services with officers from Neighbourhood Management, Tourism and Corporate Strategy assisting. Representatives from partner organisations such as the Dukes, Williamson Park and Lancashire & Blackpool Tourist Board attended the event and had stalls.

The event was advertised in the local press and attracted Members of the public providing a good basis for future improvement.

A survey of Members to assess the success of the event was undertaken and the results were positive. 80% of Councillors found the event useful in terms of a consultation event, with 58% agreeing that it was successful as a Special Council meeting. 100% of Councillors who had attended the Special Council meeting in 2006 had found the 2007 meeting more useful.

With regard to the format of the event, 88% of Councillors felt it worked and 95% of Councillors who responded to the survey found the event to be enjoyable.

It is clear therefore that the interactive format of this event was more successful than the more traditional format of presentations to an audience utilised in 2006 and it is suggested that whatever theme or topic is chosen for 2008 the format of the event follow the pattern established in 2007.

2.0 Proposal Details

The Committee is requested to consider a suitable theme for Special Council 2008 to enable the planning to commence as soon as possible.

Since the format of last year's Special Council meeting worked well Members may wish to continue with an event in a similar format at the Platform which was felt to be an ideal venue.

A theme could be determined by contacting Service Heads to obtain information on any topics for consultation later this year or suggestions for other items of particular interest to Council taxpayers. In choosing a topic Members should have in mind the Council's priorities for the forthcoming year and ensure that the Special meeting is relevant in that context.

3.0 Options and Options Analysis (including risk assessment)

- (1)
 - (a) To agree to follow a similar format to 2007 on a topic to be determined.
 - (b) To experiment with a different format, inviting a speaker or holding a public assembly for example.
- (2) Members are requested to consider the most appropriate date for the Special Council meeting taking into account Council business. The dates available for this year's Special Council meeting are:

17th September
22nd October
19th November

4.0 Officer Preferred Option

Following the relative success of the event in 2007 the officer preferred option is Option 1(a), subject to a suitable topic being identified which is relevant in the context of the Council's priorities. This would enable the event to be run on similar lines but with improvements in light of lessons learnt in 2007.

5.0 Conclusion

Work will need to be done to ensure that the event is sufficiently focussed and relates to the Corporate Plan.

CONCLUSION OF IMPACT ASSESSMENT

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

Whilst there are no implications arising directly from this report, there are clearly issues relating to diversity, sustainability and rural proofing that will need to be addressed in both planning the event and the topic under consideration.

FINANCIAL IMPLICATIONS

At this conceptual stage costings have not been obtained. Subject to approval at this meeting officers will fully cost the event, however it is believed that the event as envisaged is achievable within existing budgets.

SECTION 151 OFFICER'S COMMENTS

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

LEGAL IMPLICATIONS

There are no legal implications arising from this report.

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

None

Contact Officer: Jenny Kay

Telephone: 01524 582065

E-mail: jkay@lancaster.gov.uk

Ref:

COUNCIL BUSINESS COMMITTEE**Consultation Paper on new Planning Policy Statement 4:
Planning for Sustainable Economic Development****6 March 2008****Report of Head of Planning Services****PURPOSE OF REPORT**

To allow Members the opportunity to comment on a proposed consultation response relating to the Department of Community and Local Government consultation on new Planning Policy Statement 4: Planning for Sustainable Economic Development.

This report is public.

RECOMMENDATIONS

- (1) That the City Council generally welcomes the new PPS on Sustainable Economic Development. It requests, however, that any reference to live-work developments should include clear requirements for conditions to ensure that the work element remains available in perpetuity even if this requires sale of units after business occupation ceases. This aspect of the policy should also highlight the potential for abuse of planning policy in rural areas and support Local Authorities in firm enforcement action where appropriate to prevent it.

1.0 Introduction

- 1.1 This is a long awaited consultation on the document which is intended to replace Planning Policy Guidance Note 4 (Industrial, Commercial Development and Small Firms). That document was published in 1992 and is now somewhat out of date as a statement of national planning policy.
- 1.2 The Government are asking for comments on the revised policy and require a response by 17th March 2008.

2.0 Proposal Details

- 2.1 Economic growth is seen as vital to creating a sustainable society. The new policy position recognises, however, that it is not always possible to predict the nature of potential growth in every area and that growth must be responsive to market forces. To modernise this aspect of policy it is made clear that a commitment to sustainable development responding to climate change is a key policy objective.
- 2.2 Economic development is defined in the document as now covering a wide range of economic activities. Far more than the traditional industrial and commercial use classes. It now includes retail, waste management and telecommunications activities, creative and tourism related activity, transport nodes such as ports and airports, freight terminals and energy production. Mineral extraction, housing and agriculture are also identified as coming within the scope of the policy.
- 2.3 Thankfully there are clear requirements for high quality design, the promotion of sustainable travel and the mitigation of adverse impacts arising from development.
- 2.4 The first main thrust of the policy is to require regional planning bodies and local planning authorities to use a wide evidence base to understand the needs of business in their areas and to adapt local policy to support those needs. Evidence of this type is now needed to support Local Development Frameworks so the requirements are nothing new or duplicating. Such evidence will also need to look at potential forces for change and help to develop policies to deal with new expanding sectors, such as knowledge and technology based industries.
- 2.5 Adapting land use policies to recognise the specific benefits of uses locating adjacent to each other is specifically mentioned. This is an important feature for Lancaster District in that it recognises and gives policy support to the need for Bailrigg Science Park to be physically located adjoining the university campus. Such interrelationships are a key locational factor for knowledge based developments.
- 2.6 The need for flexibility within Development Plans is also emphasised. Land allocation for restricted use classes will be discouraged, as will continually rolling over land allocations for traditional employment purposes where no take up has taken place in a single plan period.
- 2.7 There is encouragement for the use of vacant or derelict buildings, including historic buildings in rural areas to encourage positive economic regeneration. There is however a worrying level of support for live-work units which does not reflect this Authority's experiences with dealing with such developments.
- 2.8 Funding bodies are reluctant to agree conditions and restraints to prevent live-work units becoming permanent residences after business occupiers retire. Without such controls units will house an operating business for only one relatively short period then lose the business use in perpetuity, as it would be unlikely that any future purchaser would be prepared to reinstate a business use.
- 2.9 Without strict controls over live/work units in perpetuity, the concept is capable of being used as a means to abuse genuine planning controls over sporadic development in rural areas and this has implications for all local authorities.

- 2.10 Where appropriate local authorities are encouraged to develop specific policies about tall buildings, and are guided to develop car parking policies which clearly relate to local circumstances. This means differentiating between urban and rural areas, and identifies hospitals as having particular access and parking needs.
- 2.11 Telecommunications development is unusually mentioned. Encouragement for mast sharing and safeguarding locations from telecommunications development because of their impact on the built, natural and historic environment is introduced as a specific aim. This is very positive and may assist Members in their desire to introduce a locations policy for telecommunications masts in the District.
- 2.12 Finally, the draft PPS concludes with a requirement for positive development control. This suggests a presumption in favour of economic development unless there are good reasons in social, economic, or environmental terms to resist it.
- 2.13 There is an emphasis on practicality such as recognising that some schemes may not be predictable through the LDF process but should still be considered positively on the basis of supporting evidence. In rural area it is made clear that an urban approach to sustainable travel patterns will not be appropriate.

Comments to be Forwarded

- 3.14 Overall the new policy position is to be welcomed. It introduces nothing particularly radical and merely aligns policy on sustainable economic development with most other recent reforms.

The taking of a more pragmatic view about accessibility and development in rural areas is entirely sensible and will help in this district to encourage diversification away from the main urban centres.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

This is a matter of national planning policy formulation which will influence the determination of planning applications and the preparation of the Local Development Framework for Lancaster District. It will enable the Local Authorities responsible for sustainable economic development to adapt national policy to local circumstances, especially those reflecting the districts diverse character between urban and rural issues.

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report although in future, preparation of policies and proposals in line with this guidance may help the City Council in being well placed to bid for external funding for sustainable economic development .

SECTION 151 OFFICER'S COMMENTS

The s151 officer has been consulted and has no further comments to add.

LEGAL IMPLICATIONS

The comments made in respect of the problems with enforcing conditions relating to live-work accommodation are derived from real cases in this district. Failure of the Government to react positively to these comments may mean that live-work conditions will be unenforceable in practical terms.

MONITORING OFFICER'S COMMENTS

The monitoring officer has been consulted and has no further comments.

BACKGROUND PAPERS

Consultation Paper on a new Planning Policy Statement 4 ; Planning for Sustainable Economic Development. December 2007

Contact Officer: Andrew Andrew Dobson

Telephone: 01524 582303

E-mail: adobson@lancaster.gov.uk

Ref: ASD/D

COUNCIL BUSINESS COMMITTEE**CONSULTATION ON REVIEW OF PLANNING CALL IN DIRECTIONS****6TH MARCH 2008****Report of Head of Planning Services****PURPOSE OF REPORT**

To respond to the Government's consultation paper on simplifying directions relating to planning applications which should be referred to the Secretary of State.

This report is public

RECOMMENDATIONS

That in responding to the consultation paper on the review of planning call in directions, the Department for Communities and Local Government be advised that Lancaster City Council agrees that all of the call in criteria should be contained in a single direction, and accepts the proposed content and wording of the direction.

1.0 Introduction

Whilst Parliament has granted powers to Local Planning Authorities to make Development Plans, and to determine planning applications, there are provisions to ensure that certain types of planning application must be referred to the Secretary of State before planning permission can be granted.

The purpose of referring an application is to give the Secretary of State the opportunity to "call in" the application formally to determine herself if it is considered that the application raises issues of regional or national importance.

The Planning White Paper of May 2007 gave a commitment to reduce the amount of cases which had to be referred to the Secretary of State. In reality there is a wide gulf between the number of cases referred, and those actually called in for the Secretary of State to determine (in 2006/7 786 cases were referred and only 36 actually called in).

The consultation document proposes to significantly simplify the criteria for reference to the Secretary of State, but will at the same time retain those criteria considered to be of national and regional importance.

2.0 Proposal Details

- 2.1 Currently the call in provisions are contained in no less than five separate directions issued between 1993 and 2007. It is proposed to withdraw these and to replace them with one single direction. The administration of the Development Control process has become increasingly complicated in recent years. This move is welcome and will help those involved in validating and administering applications to find a single source of reference for the directions.
- 2.2 There are no proposals to amend the terms for reference to the Secretary of State in relation to three categories of development:-
- Loss of playing fields where Sport England object to the proposal.
 - Proposals to approve buildings of over 1000 sq m, or proposals with a significant impact on openness in the Greenbelt.
 - Proposals in a flood risk area where the Environment Agency maintains an objection.
- 2.3 There are four categories which are proposed to be withdrawn because they result in the referral of a significant number of cases which do not ultimately result in call in :-
- Proposals for shopping floor space over 20,000 sq m or cases adding up to this when aggregated with recent developments.
 - Proposals for more than 150 houses or flats.
 - Proposals for more than 5,000 sq m of mixed use floor space (retail, office, leisure).

In the case of the retail and mixed use criteria however, there will be a replacement category which requires reference to the Secretary of State for proposals which are departures from an up to date Development Plan in edge or out of town locations.

- 2.4 Finally there is a new category for referral proposed for significant development which has an adverse impact on a World Heritage Site and to which English Heritage objects.

3.0 Comments

- 3.1 The Government wants to know whether consultees favour the consolidation of the referral requirements into a single new direction, and whether consultees agree with the content and wording of the new direction.
- 3.2 Officers believe that the content and the wording of the direction are straightforward and logical.

CONCLUSION OF IMPACT ASSESSMENT

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

Call- in directions ensure that applications raising unusual issues of national or regional importance may be scrutinised by the Secretary of State in those rare cases where proposals justified for approval by a Local Planning Authority might conflict with a national policy position. This is an important safeguard for public confidence in the planning system. The proposals will seek to reduce the number of cases referred for scrutiny in those categories which rarely have cause to be called in. They should not however reduce the number of actual call in cases, because applications of that nature and importance remain covered by the new direction proposals.

FINANCIAL IMPLICATIONS

Indirectly the ability to determine more major applications without reference to the Government Office can reduce delays and improve performance on major applications. Where Planning Delivery Grant or any future grant regime depends on maintaining performance, the measures can do nothing but help the City Council to maintain grant income.

The issues referred to in Legal Implications might involve greater legal costs for the City Council to defend challenges to decisions in such cases.

SECTION 151 OFFICER'S COMMENTS

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

LEGAL IMPLICATIONS

Third parties often see the call in provisions as a means of trying to influence the Secretary of State to overturn the Local Planning Authority's decision. With fewer applications having to be referred, there may be more legal challenges by third parties disaffected by the Council's decisions.

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

DCLG : Review of Call in Directions
January 2008

Contact Officer: Andrew Dobson

Telephone: 01524 582303

E-mail: adobson@lancaster.gov.uk

Ref: ASD/DH