



INDIVIDUAL CABINET MEMBER AND OFFICER DELEGATED DECISIONS

THURSDAY, 19 FEBRUARY 2009

Please find enclosed Decision Notices in connection with the following:

Individual Cabinet Member Decisions:-

1. **Fire Safety in Certain types of Residential Accommodation** (Pages 1 - 5)
2. **Health & Strategic Housing Enforcement Policy** (Pages 6 - 9)
3. **Forest of Bowland AONB Management Plan Review** (Pages 10 - 14)

Please note that these are subject to call-in.

Queries regarding these documents

Please contact Tom Silvani, Democratic Services, Telephone 01524 582132 or e-mail tsilvani@lancaster.gov.uk.

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LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER NOTICE OF DECISION

THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER

TITLE OF DECISION: Fire Safety in Certain types of Residential Accommodation.			
NAME OF DECISION TAKER:	COUNCILLOR DAVID KERR		
POSITION AND RESPONSIBILITY HELD:	CABINET MEMBER: PORTFOLIO HOLDER.		
CONTACT OFFICER:	FIONA MACLEOD		
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Details of Decision:			
That Lancaster City Council adopt the National Standards developed by LACORS entitled "Housing – Fire Safety. Guidance on fire safety provisions for certain types of existing housing", and sign up to the "National Protocol between Local Housing Authorities and Fire and Rescue Authorities to Improve Fire Safety".			
Reasons for the decision (continue on separate sheet or append relevant papers as necessary):			
The decision enables Strategic Housing Services to work with the Lancashire Fire and Rescue Services to most efficiently perform its statutory function and promote fire safety in residential accommodation. It will promote the most efficient use of resources as well as improve transparency and consistency in the Council's approach to fire safety in residential premises.			
Is the decision URGENT NO Please delete as appropriate and give reasons for urgency below:			
*To be completed in the case of URGENT decisions			
I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES)			
SIGNATURE OF THE OVERVIEW AND SCRUTINY COMMITTEE CHAIRMAN:		N/A	
I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.			
SIGNATURE OF DECISION TAKER:	David Kerr		
DATE:	06.02.09		
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			REF NO. PD225
DATE DECISION TAKEN:	06/02/09	DATE RECEIVED BY DEMOCRATIC SERVICES:	09/02/09
DATE DECISION PUBLISHED:	19/02/09	IMPLEMENTATION DATE (publication day + 5 working days):	27/02/09

A copy of the report considered by the decision taker should be appended to this form and forwarded immediately to Democratic Services on completion.



FIRE SAFETY IN CERTAIN TYPES OF RESIDENTIAL ACCOMMODATION

Individual Cabinet Member Decision

Report of Head of Health and Strategic Housing

PURPOSE OF REPORT				
This report seeks agreement to adopt the national Standards developed by LACORS entitled “Housing – Fire Safety. Guidance on fire safety provisions for certain types of existing housing”, and sign up to the “National Protocol between Local Housing Authorities and Fire and Rescue Authorities to Improve Fire Safety”.				
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>	Referral from Cabinet Member
Date Included in Forward Plan	N/A			
This report is public.				

Recommendations of Head of Health and Strategic Housing

To adopt the national Standards developed by LACORS entitled “Housing – Fire Safety. Guidance on fire safety provisions for certain types of existing housing”, and sign up to the “National Protocol between Local Housing Authorities and Fire and Rescue Authorities to Improve Fire Safety”.

1.0 Introduction

1.1 The Housing Act 2004 brought in a new system of regulation for fire safety in existing residential premises for Local Housing Authorities (LHA). This introduced additional enforcement responsibilities by placing a duty on the LHA to identify and if necessary act upon significant hazards including fire in all residential accommodation. Alongside this the Regulatory Reform (Fire Safety) Order 2005 (FSO) was introduced, giving powers to Fire and Rescue Authorities in relation to fire safety in the common areas of some residential accommodation. There is therefore a dual enforcement regime in place.

1.2 To avoid duplication and promote the best use of resources, two documents have been produced nationally. Firstly, the Fire Safety Protocol was developed to provide a framework for joint working arrangements between these two sets of Authorities. In addition, to underpin this protocol and offer practical guidance to enforcing authorities and landlords a single set of national, risk based guidance has been developed by LACORS to inform Housing Authorities, Fire and Rescue Authorities and landlords in their application of fire safety solutions. Such guidance will help simplify the dual enforcement approach and bring some consistency across the Country.

2.0 Proposal Details

2.1 The Protocol

The protocol establishes clear distinctions between different types of properties and introduces a lead authority principle to enforcement responsibility. Although the protocol does not prevent each authority using its full range of powers in all properties, it does require the 'lead' to be taken by a named organisation. The aim is to promote the efficient use of resources so that two agencies are not taking action and offering advice in the same properties, but that their expertise is spread. It also aims to ensure the enforcement process is more transparent and consistent.

The protocol seeks to provide all parties, as far as is reasonably practical, with a measure of confidence that they are discharging their respective duties under legislation. Without it a dual enforcement regime could result in duplication or in some properties being missed.

Local Authorities, and Fire & Rescue Authorities, are now being encouraged by the Government to work together and to adopt the protocol.

2.2 The Fire Safety Guide.

A Cabinet Members decision in 2004 gave Lancaster City Council approval to adopt the Greater Manchester Guide to Fire Safety. This and other regional guides have been replaced by "The Housing – Fire Safety: Guidance on fire safety provisions for certain types of existing housing".

This document contains guidance for fire safety enforcement officers and landlords on how to comply with the legal requirements in relation to fire safety in certain types of residential accommodation. It offers practical advice on risk assessment and contains case studies with suggested fire safety solutions.

3.0 Details of Consultation

3.1 Extensive consultation was carried out nationally in the production of both documents.

4.0 Options and Options Analysis (including risk assessment)

	Sign the Protocol	Not sign the Protocol
Adopt Fire Safety Standards	<p>4.1 This will promote the most efficient use of resources as well as improve transparency and consistency in the Council's approach to fire safety in residential premises.</p>	<p>4.2 This will introduce the risk of confusion between agencies, and the duplication of enforcement work. This is not only a waste of resources, but it could also risk a lack of confidence that the LHA is meeting its statutory obligation under the Housing Act 2004, and could reduce transparency and consistency both regionally and nationally. Regionally, nine Lancashire Authorities have already signed up to the protocol.</p>
Not Adopt Fire Safety Standards	<p>4.3 The LFR have already adopted the new set of fire safety standards so it would be inconsistent if the LHA were working to a different set of standards. This, and the fact that the new fire safety standard has been recognised nationally and endorsed by the Department for Communities and Local Government could leave the Council open to legal challenge.</p>	<p>4.4 This will introduce the risk of confusion between agencies, and the duplication of enforcement work. This is not only a waste of resources, but it could also risk a lack of confidence that the LHA is meeting its statutory obligation under the Housing Act 2004, and could reduce transparency and consistency both regionally and nationally. The Council could potentially be open to legal challenge if it was not adhering to nationally recognised standard endorsed by the Department for Communities and Local Government.</p>

5.0 Officer Preferred Option (and comments)

5.1 Option 4.1 is the preferred option.

6.0 Conclusion

6.1 Approval of the recommendation enables Strategic Housing Services to work with the Lancashire Fire and Rescue Services to most efficiently perform its statutory function and promote fire safety in residential accommodation.

RELATIONSHIP TO POLICY FRAMEWORK

To support sustainable communities and action on climate change.

CONCLUSION OF IMPACT ASSESSMENT

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

None

FINANCIAL IMPLICATIONS

There are no financial implications in signing the protocol and adopting the national Standards developed by LACORS.

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no further comments to add.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no comments to make.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments

BACKGROUND PAPERS

Housing Act 2004
"Housing – Fire Safety. Guidance on fire safety provisions for certain types of existing housing"
"National Protocol between Local Housing Authorities and Fire and Rescue Authorities to Improve Fire Safety".

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Ref: C74



**EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER
NOTICE OF DECISION**

THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER

TITLE OF DECISION: HEALTH AND STRATEGIC HOUSING SERVICE ENFORCEMENT POLICY			
NAME OF DECISION TAKER:	COUNCILLOR DAVID KERR		
POSITION AND RESPONSIBILITY HELD:	CABINET MEMBER WITH RESPONSIBILITY FOR HEALTH & STRATEGIC HOUSING		
CONTACT OFFICER:	SUZANNE LODGE		
TELEPHONE:	01524 582701		
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Details of Decision: That Health and Strategic Housing Services update to enforcement policy be approved			
Reasons for the decision (continue on separate sheet or append relevant papers as necessary): This enables Health and Strategic Housing to operate its enforcement activities in accordance with statutory requirements and best practice.			
Is the decision URGENT NO Please delete as appropriate and give reasons for urgency below: <i>*To be completed in the case of URGENT decisions</i>			
I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES) SIGNATURE OF THE OVERVIEW AND SCRUTINY COMMITTEE CHAIRMAN: N/A			
I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.			
SIGNATURE OF DECISION TAKER:	David Kerr		
DATE:	06.02.09		
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			REF NO. PD226
DATE DECISION TAKEN:	06/02/09	DATE RECEIVED BY DEMOCRATIC SERVICES:	09/02/09
DATE DECISION PUBLISHED:	19/02/09	IMPLEMENTATION DATE (publication day + 5 working days):	27/02/09

A copy of the report considered by the decision taker should be appended to this form and forwarded immediately to Democratic Services on completion.

CABINET

HEALTH AND STRATEGIC HOUSING ENFORCEMENT POLICY INDIVIDUAL CABINET MEMBER DECISION

Report of Head of Health & Strategic Housing

PURPOSE OF REPORT			
This report seeks approval of an updated enforcement policy to take account of the Regulators Compliance Code			
Key Decision		Non-Key Decision	X
			Referral from Cabinet Member
Date Included in Forward Plan	N/A		
This report is public.			

RECOMMENDATIONS OF HEAD OF HEALTH AND STRATEGIC HOUSING

- (1) That Health and Strategic Housing Service's updated enforcement policy be approved.

1.0 Introduction

- 1.1 An enforcement policy for Health and Strategic Housing was approved by Cabinet on 3 September 2002 (minute 97 refers).
- 1.2 The bulk of the Policy approved in 2002 remains valid but needs updating now to include the Regulators Compliance Code which is a statutory requirement and was introduced on 6 April 2008.

2.0 Proposal Details

- 2.1 The Enforcement Policy explains the approach adopted by the Service when carrying out its enforcement duties and is designed to ensure efficient compliance with the legislation whilst, at the same time, minimising the burden on businesses, individuals, organisations and the Council itself.
- 2.2 A change has been made to section 4 of the Policy to incorporate the requirements of the Regulators Compliance Code. The impact of this is that the Service now has a statutory duty to take account of the provisions in the code in their enforcement work.

These provisions relate to risk assessment, proportionality, targeted enforcement and not imposing unreasonable burdens on businesses.

2.3 The Service Head is confident that the Service complies with the code already and adopting it poses no new requirements for us.

3.0 Options and Options Analysis (including risk assessment)

3.1 To approve the updated Enforcement Policy which would ensure the service is operating in accordance with statutory requirements and best practice.

3.2 Not to approve the updated Enforcement Policy which may lead to challenges in court, judicial review and potential loss of reputation.

4.0 Officer Preferred Option (and comments)

4.1 Option 3.1 is the officer preferred option.

5.0 Conclusion

5.1 Approval of the recommendation enables the Service to operate its enforcement activity in accordance with statutory requirements and best practice.

RELATIONSHIP TO POLICY FRAMEWORK

Nil

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

Adoption of the updated policy provides a framework for fair, consistent, open and helpful services for everyone.

FINANCIAL IMPLICATIONS

There are no financial implications directly arising from this report.

SECTION 151 OFFICER'S COMMENTS

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

LEGAL IMPLICATIONS

The legal implications are contained within the report

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

None.

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**EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER OR DELEGATED OFFICER
NOTICE OF DECISION**

THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER

FOREST OF BOWLAND MANAGEMENT PLAN REVIEW			
NAME OF DECISION TAKER:	COUNCILLOR SUSIE CHARLES		
POSITION AND RESPONSIBILITY HELD:	CABINET MEMBER WITH RESPONSIBILITY FOR RURAL AFFAIRS		
CONTACT OFFICER:	ANDREW DOBSON, HEAD OF PLANNING SERVICES		
TELEPHONE:	01524 582303		
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Details of Decision:			
<p>(1) That the City Council adopts the revised Forest of Bowland AONB Management plan</p> <p>(2) That the City Council in cooperation with the partner authorities and guided by the AONB Joint Advisory Committee take the necessary steps to implement the plan.</p>			
Reasons for the decision (continue on separate sheet or append relevant papers as necessary):			
<p>The review of the AONB Management Plan has been successful and will ensure continuity in the continuing management of the Forest of Bowland by its partner Authorities in accordance with national guidelines.</p>			
Is the decision URGENT - NO Please delete as appropriate and give reasons for urgency below:			
<i>*To be completed in the case of URGENT decisions</i>			
I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES)			
SIGNATURE OF THE OVERVIEW AND SCRUTINY COMMITTEE CHAIRMAN:		N/A	
I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.			
SIGNATURE OF DECISION TAKER:	Susie Charles		
DATE:	11/02/09		
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			REF NO.
			PD227
DATE DECISION TAKEN:	11/02/09	DATE RECEIVED BY DEMOCRATIC SERVICES:	12/02/09
DATE DECISION PUBLISHED:	19/02/09	IMPLEMENTATION DATE (publication day + 5 working days):	27/02/09

A copy of the report considered by the decision taker should be appended to this form and forwarded immediately to Democratic Services on completion.

CABINET

FOREST OF BOWLAND MANAGEMENT PLAN REVIEW Individual Cabinet Member Decision

Report of Head of Planning Services

PURPOSE OF REPORT			
To report on the completion of the review of the Forest of Bowland Management Plan and to seek authority to adopt the new plan on behalf of the City Council.			
Key Decision		Non-Key Decision	X
		Referral from Cabinet Member	
Date Included in Forward Plan		N/A	
This report is public			

OFFICER RECOMMENDATIONS

- (1) That the City Council adopts the revised Forest of Bowland AONB Management plan
- (2) That the City Council in cooperation with the partner authorities and guided by the AONB Joint Advisory Committee take the necessary steps to implement the plan.

1.0 Introduction

- 1.1 The Countryside and Rights of Way Act 2000 places a duty on Local Authorities to prepare and implement Management Plans for any parts of their administrative area which are designated as Areas of Outstanding Natural Beauty. About two thirds of the administrative area of Lancaster District is covered by AONB designation in two distinct areas; The Forest of Bowland AONB, and the Arnside/Silverdale AONB.
- 1.2 In both cases there are AONB Partnerships between the various local authorities, both County and District Councils, across which the designation lies. In the case of the Forest of Bowland, Lancashire County Council acts as the lead authority which manages the AONB Unit. For Arnside/Silverdale it is the City Council who acts as lead authority. The AONB Unit prepares and reviews the AONB Management Plans on behalf of the local authorities in the partnership. Funding for the process comes largely from direct grant from Natural England (Formerly the Countryside Agency).

2.0 Proposal Details

- 2.1 The first AONB Management Plan for the Forest of Bowland was prepared in 1995 some years before the current statutory requirement arising from the CRoW Act 2000. The most recent plan produced to meet the requirements of the CRoW Act was adopted in 2004. An AONB Management Plan covers a variety of aspects and is intended to describe the reasons why the area is designated as an AONB, the factors which need to be addressed to keep it special and the actions that various organisations operating in the area need to address to avoid harming it. Management Plans will also pay special attention to the pressures being placed on the landscape and socio economic climate in the AONB's, in order to formulate Action Plans to react to those pressures.
- 2.2 The Management Plan Review has examined the most current issues impacting on the management of this sensitive environment, and the communities that live within it. The review has successfully considered the following impacts:-
- a) Climate change: in particular flood risk, threat from upland fires and erosion.
 - b) Development pressures: including wind farms.
 - c) Recreation pressures: including outdoor sports.
 - d) Agricultural and landscape change: changes in land management styles
 - e) Community needs: loss of traditional skills
 - f) Atmospheric pollution: impact of nitrate levels.
- 2.3 An Action Plan has been prepared from the review and this will be implemented by the members of the partnership of organisations represented on the Joint Advisory Committee, and by the AONB Unit, which for this AONB is managed by Lancashire County Council.
- 2.4 The revised Management Plan is found to contain a sound approach to taking forward the effective management of the Forest of Bowland. It will be effective in guiding the local authorities on the special considerations they must have regard to when providing services which relate to this area. In addition the plan sits appropriately with the aspirations of the Sustainable Community Strategy and the Adopted Lancaster District Local Development Framework.

3.0 Details of Consultation

- 3.1 The review of the Management Plan has been subjected to extensive consultation with the community, statutory bodies, and partnership organisations in accordance with the requirements of the CRoW Act.

4.0 Options and Options Analysis (including risk assessment)

Option 1

To adopt the Management Plan review and to then work in partnership to implement its Action Plan. This will enable it to comply with its statutory obligations. Adoption by all the Local Authorities will also mean that the partnership will secure core funding from Natural England to operate the AONB Unit and its Sustainable Development Fund.

Option 2

Not to adopt the Management Plan review. This would mean that the deadline for submitting the review to the Secretary of State would be missed and could prejudice the future operation of the AONB Unit.

5.0 Officer Preferred Option (and comments)

5.1 The Officer preferred option is option 1 to adopt the Management Plan review.

6.0 Conclusion

6.1 The review of the AONB Management Plan has been successful and will ensure continuity in the continuing management of the Forest of Bowland in accordance with national guidelines.

RELATIONSHIP TO POLICY FRAMEWORK

The appropriate management of the Districts AONB's is a requirement of Regional Spatial Strategy and the Local Development Framework. Maintaining a high quality of environment and landscape also accords with the objectives of the Sustainable Community Strategy and the Corporate Strategy.

CONCLUSION OF IMPACT ASSESSMENT

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

Managing the rural economy through change and conservation is an effective way of ensuring that rural communities can become sustainable and that traditional skills can be retained for the benefit of those who live there, and those who visit for tourism and recreation.

FINANCIAL IMPLICATIONS

The receipt of core funding from Natural England (NE), and funding for giving grants under the Sustainable Development fund scheme, is dependant on the adoption and ongoing review of the Forest of Bowland Management Plan.

In 2008/9 core funding for the Forest of Bowland activities amounted to £244,400 (NE grant offer £180,934 and the remainder coming from the partner authorities) of which Lancaster City Council contributed £6,900 to the operation of this unit.

There are no further financial implications arising (over and above the Council's agreed annual contribution) as a result of the City Council adopting the reviewed Forest of Bowland Management Plan.

SECTION 151 OFFICER'S COMMENTS

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

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

The Forest of Bowland AONB
Management Plan Review 2009

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Ref: ASD/DH/FOB