



Committee: COUNCIL BUSINESS COMMITTEE

Date: THURSDAY, 14 JANUARY 2010

Venue: MORECAMBE TOWN HALL

Time: 5.00 P.M.

A G E N D A

1. Apologies for Absence

2. Minutes

Minutes of meeting held on 12th November 2009 (previously circulated).

3. Items of Urgent Business Authorised by the Chairman

4. Declarations of Interest

**5. Lancaster District Local Strategic Partnership Community Engagement Framework
(Pages 1 - 12)**

Report of Corporate Director (Finance and Performance)

**6. Consultation - Nationally Significant Infrastructure Projects and Draft National
Planning Statements (Pages 13 - 38)**

Report of Head of Planning Services

**7. Consultation - Lakes to Dales Landscape Designation Project: Proposed
Extensions to Lake District and North Yorkshire National Parks (Pages 39 - 43)**

Report of Head of Planning Services

8. Consultation - The Future of Lancashire Locals (Pages 44 - 54)

Report of the Head of Democratic Services

9. Consultation - Draft Guidance on the Duty to Respond to Petitions (Pages 55 - 62)

Report of the Head of Democratic Services

**10. Member Development Strategy 2009-2011 Review - Key Members' Roles and
Responsibilities (Pages 63 - 69)**

Report of Head of Democratic Services

11. Civic Review Implementation Plan - Progress Report (Pages 70 - 75)

Report of Head of Democratic Services

12. **City Council Meetings Timetable & Meeting Times 2010/11** (Pages 76 - 81)

Report of the Chief Executive

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Roger Dennison (Chairman), Morgwn Trolinger (Vice-Chairman), Susan Bray, Geoff Knight, Karen Leytham, Joyce Pritchard and Ron Sands

(ii) Substitute Membership

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

(iii) Queries regarding this Agenda

Please contact Jenny Kay, Democratic Services - 01524 582065 - jkay@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 6th January 2010

COUNCIL BUSINESS COMMITTEE

Lancaster District Local Strategic Partnership Community Engagement Framework 14 January 2010

Report of the Corporate Director (Finance and Performance)

PURPOSE OF REPORT

To seek the Committee's support for the revised version of the Lancaster District Local Strategic Partnership's (LDLSP) Community Engagement Framework and recommend to full Council that it is formally adopted as guidance for all the council's future community engagement work.

RECOMMENDATION

- (1) **That the Committee support the LDLSP's revised Community Engagement Framework and recommend that the Framework be adopted by Council and that all future engagement work undertaken by the Council follows the principles of engagement set out in the document.**

1.0 Introduction

- 1.1 The Lancaster District Local Strategic Partnership (LDLSP) includes as part of its Policy Framework the development of a Community Engagement Framework (CEF) which will enable partner engagement with communities within the Lancaster district so that improvements in social, economic and environmental well being can be achieved.
- 1.2 Council Business Committee, at its meeting on the 3rd September 2009, considered an urgent business report regarding a consultation being carried out by the Lancaster District Local Strategic Partnership in respect of its draft Community Engagement Framework.
- 1.3 Following consideration of the report, the Committee agreed a draft response to the consultation and further agreed :-

"That the Committee recommends that the Community Engagement Framework be adopted by Council, subject to the outcome of the consultation exercise not significantly changing the draft documents, and that all future engagement work undertaken by the Council follows the principles of engagement set out in the document." (min. No. 9 refers)

- 1.4 The Committee's decision was referred to Council on the 16 September 2009 however at the time of writing the Council report, it was not envisaged that there would be a need for a significant change to the CEF documents. However, the LDLSP Project Group that had been set up to draft the CEF received a number of

responses, that needed further consideration and they agreed that the CEF should be redrafted with changes in both presentation and format.

As a consequence, Council was advised not to formally adopt the CEF at that time but to await the outcome of the redraft exercise.

Council resolved that

“That Council note the content of the draft Lancaster District Local Strategic Partnership Community Engagement Framework at this stage and await the amended Framework as result of comments received as part of the consultation exercise before considering the formal adoption of the Framework.” (Min No 46) refers.

2.0 Proposal Details

- 2.1 The revised Community Engagement Framework (CEF) document is attached as an appendix to this report and has been designed from the start in partnership and builds upon the experience of the work of partners within the LDLSP, individual community members, small groups and organisations and their responses to the LDLSP’s consultation exercise on its first draft of the CEF.
- 2.2 The CEF comprises a charter setting out the principles of community engagement. It sets out the strategic vision and guiding principles for community engagement within the Lancaster district. This framework will be used as the starting point for the delivery of all community engagement by the LDLSP and its constituent organisations and is designed to supplement and support our statutory responsibilities in this area.
- 2.3 Advice and guidance notes have been developed which build on research, experience, and best practice and will help members of the LDLSP to use methods of engagement that are consistent with the principles of this framework and will provide partners with a ‘menu of opportunities’ which will enable them to tailor their engagement around the needs of particular individuals/communities. It will also enable the LDLSP and its partners to develop an annual consultation and engagement strategies and plans.

3.0 Options and Options Analysis (including risk assessment)

Option 1

To recommend to Council adoption of the LDLSP’s Community Engagement Framework and that all future engagement work undertaken by the Council follows the principles of engagement set out in the document.

Option 2

Not to recommend to Council adoption of the Framework

Officer Preferred Option (and comments)

Option 1 is the preferred option in that it would satisfy the council’s Corporate Plan priority to adopt the LDLSP Community Engagement framework. The Council’s own

Consultation Policy and procedures will be reviewed to ensure that they are aligned with the engagement framework.

4.0 Conclusion

Formally adopting the framework will demonstrate the community leadership role required of the Council in leading its communities. It will enable the full range of business benefits set out the report to be fully realised and improve working relationships between partners and the relationship between partners and their service users.

The implementation of the Community Engagement Framework will deliver tangible business benefits to the LDLSP and its partners and by working together rather than individually place community engagement at the heart of service determination, planning and delivery.

<p>RELATIONSHIP TO POLICY FRAMEWORK</p> <p>The Sustainable Community Strategy forms a part of the Council's Policy Framework. The Community Engagement Framework forms a part of the LDLSP's policy framework.</p>	
<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>The adoption of the Community Engagement Framework will have positive benefits in support of all aspects of equality impact assessment.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>There are no new budget implications arising from the adoption of the CEF. The costs of implementing the CEF will be met from individual services consultation budgets. Ultimately, the commissioning (or de-commissioning) of services should be influenced by community engagement, and this supports achieving better value for money in service delivery.</p>	
<p>SECTION 151 OFFICER'S COMMENTS</p> <p>The Section 151 officer has been consulted and has nothing further to add.</p>	
<p>LEGAL IMPLICATIONS</p> <p>The Local Government and Public Involvement in Health Act places a statutory duty on members of Local Strategic Partnerships to ensure that community engagement informs decision making at all levels.</p>	
<p>MONITORING OFFICER'S COMMENTS</p> <p>The Monitoring Officer has been consulted and has nothing further to add.</p>	
<p>BACKGROUND PAPERS The Local Government and Public Involvement in Health Act 2009</p>	<p>Contact Officer: Richard Tulej Telephone: 01524 582079 E-mail: rtulej@lancaster.gov.uk Ref:</p>

WORKING TOGETHER WE WILL IMPROVE THE QUALITY OF LIFE FOR EVERYONE IN OUR DISTRICT



Our Place • Our People
Our Future



Community Engagement Framework

framework

Jacqui Thompson, Chair of Lancaster District Local Strategic Partnership.

Foreword

Our promise to you is that we will listen to you, consider your ideas, report our findings and tell you how you have helped to shape our decisions.

The Lancaster District Local Strategic Partnership (LDLSP) strongly believes that local people know best what needs to be done to improve their quality of life. This places engagement with local communities and their involvement in decision making at the very heart of our existence. We want all those who live, work, study visit and play in the Lancaster district to share their views, influence our decisions and ultimately play an active role in shaping future service delivery.

We launched the Sustainable Community Strategy, our long term plan for the future of the district in 2008, with a promise to promote involvement and ensure strong engagement with our communities. This will be a guiding fundamental principle of everything we do and will form an integral part of our future working practice rather than a token gesture or single activity.

We have considered how to work across all the organisations which together make up the LDLSP to engage with you, our communities, in a more co-ordinated and efficient way. We know that some organisations within the partnership have more experience in this area than others – we will seek to share expertise where it exists for the benefit of all. We know you do not want to give the same message again and again to different organisations - we want to reduce this duplication. We know that you are more interested in some issues than others – we want to target those people most likely to be affected. We know that some people experience disadvantage, inequality or discrimination – we will take particular care to involve those people we often fail to reach.

This Community Engagement Strategy sets out our commitment to you, explains what we mean by engagement and how we plan to take this forward. It seeks to ensure that opportunities to engage are comprehensive and appropriate for all sections of the community. This work will change and adapt as our communities and local circumstances change and adapt. We will keep it constantly under review to ensure that it continues to deliver its key aims and objectives. I am excited by this development and the opportunities for ever closer working that it brings, and I look forward to reporting the future success which I am sure will follow.

Introduction

Our Sustainable Community Strategy is a shared vision of how the area could look in 2022.

It states:

Working together we will improve the quality of life for everyone in the Lancaster District.

To achieve this vision, communities within the Lancaster district need to be engaged to ensure that improvements reflect their needs and desires.

Only by genuinely engaging with our communities can Lancaster District Local Strategic Partnership (LDLSP) improve and develop services which truly meet local need and aspiration, and ultimately contribute to the realisation of the shared vision.

What is community engagement?

Community engagement can mean different things to different people. However, the LDLSP has defined community engagement as:

‘The involvement of citizens, through locally based representative bodies and individually, in influencing and shaping those decisions which directly impact on their local environment and the quality of their daily life’.

Aim of Community Engagement Strategy

The aim of this Strategy is to set out clear principles for community engagement in the Lancaster district to provide guidance for all organisations that form the LDLSP so they can engage collaboratively with communities, to use results of this engagement to develop more responsive policies and to deliver improvements in services.

Objectives

Through the Community Engagement Framework, there should be:

1. A clear understanding of and commitment to community engagement;
2. Opportunities for communities to shape and influence the development and delivery of quality services, and policies that reflect local needs and priorities;
3. Tools in this Strategy for the LDLSP to use as good practice in community engagement activities;
4. Community engagement is carried out in a way that is timely, transparent, honest, and accessible to all, and is carried out in a co-ordinated and consistent approach;
5. Relevant engagement proportionate to issues and likely benefits;
6. Sufficient information provided to the communities to enable them to participate meaningfully in the community engagement;
7. Feedback provided to the communities about the way their participation shaped the decisions made.

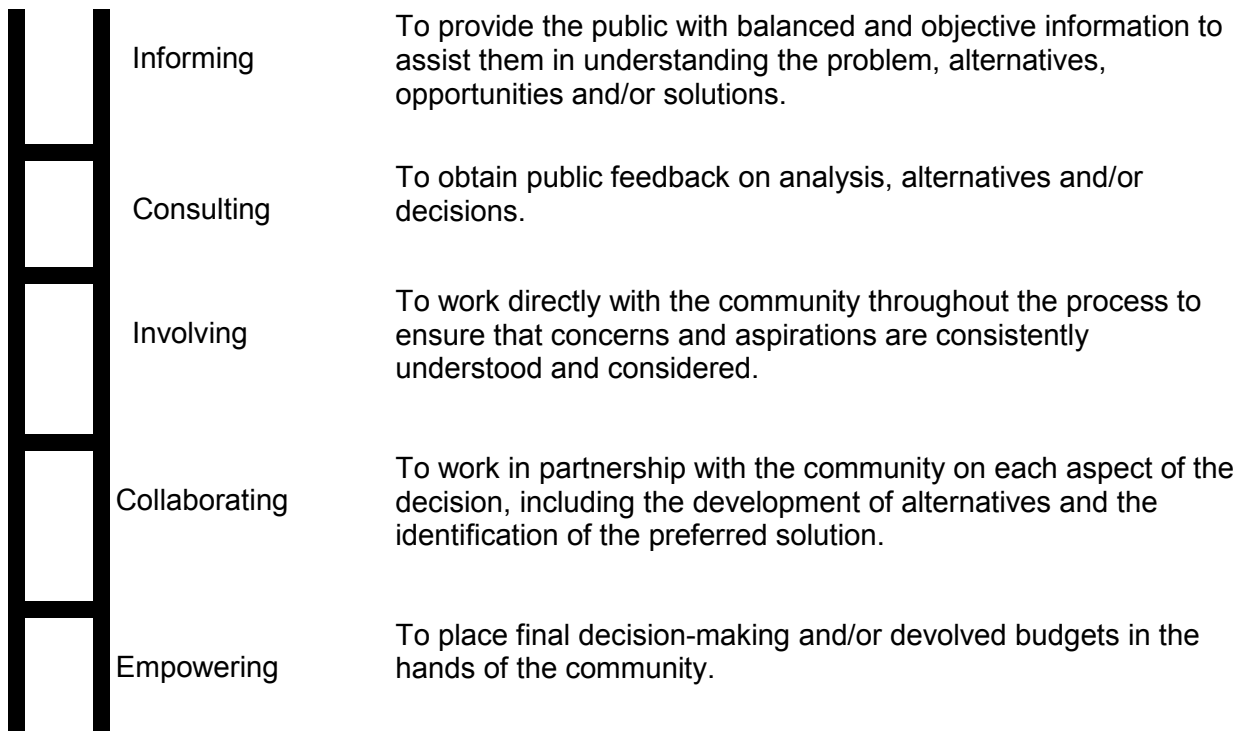
Types of community engagement

There are many different words used to describe community engagement – ‘participation’, ‘involvement’, ‘consultation’ and ‘research’ are just a few and they are often used interchangeably.

Within this framework the word ‘participation’ means that the community is actively taking part in one of the five engagement activities described below.

When planning and carrying out engagement activities in the Lancaster district, LDLSP partners will include one or more of following types of engagement from the below described ladder of participation and provide necessary support to enable engagement.

The ‘**ladder of participation**’ model suggests that there are different engagement levels.



(www.peopleandparticipation.net, 2009)

Why is engagement important?

- The community has the right to influence and participate in the planning and delivery of services and decisions that affect them;
- Community engagement can improve working relationships between partners, and the relationship between partners and their service users;
- LSP partners and the VCFS sector can strengthen their role in community leadership;
- Potential issues arising from proposed changes to services can be identified and addressed;
- User satisfaction with services can be monitored over time;
- Services can be targeted more closely on providing what people want and need; and
- Supports better equality and diversity.

Results of community engagement

- A clearer picture of need and aspirations of Lancaster district communities:
- By having a clearer picture the right approach can be used to engage the whole community:
- Community engagement can promote civic pride, pride of place and good relationships which all contribute to community cohesion:
- People will be able to transfer the skills and experience they gain from participating in community engagement activities to other aspects of their life:
- When people feel they are involved and listened to, health and well being can improve particularly mental health and happiness:
- Local people will know how they can get involved and will feel that the LDLSP is listening; and
- If knowledge is power then informing communities is an empowering activity.

Measuring success

The following National Indicators (NI) will help to measure the success of our Community Engagement Framework. They are:

- Percentage of people who feel they can influence local decision making (National Indicator 4)
- Percentage of people who believe that people from different backgrounds get on well together in their local area (National Indicator number 1)

What is a community?

Communities can be best defined as groups of people with something in common. These can be:

Community of place

People living in a neighbourhood and localities such as housing estates or villages. These locations will usually have defined physical boundaries.

Community of interest

A group of people with a shared interest or experience, which might cut across other communities. A community of interest includes service users (for example, people interested in climate change, members of a disability support group, patients registered with a particular GP, library users, pupils of a school).

Community of identity

A group of people with something in common - how people identify themselves or how they are identified by society, usually by demographic characteristics (age; disability; ethnicity; faith; gender; sexual orientation and transgender).

A person will usually see themselves as belonging to a number of communities. This means that communities can be very diverse and consideration must be given when approaching different communities. Some people may feel that they are not part of a community regardless of sharing some of the above characteristics. A lack of identity with a particular community should not result in exclusion from the decision making process affecting that community.

In summary, the commitment by LDLSP partners is to engage with all people:

- Regardless of the communities they belong to
- Wherever such engagement has the potential, subject to cost considerations, to improve the social, economic and environmental well-being of the district.

Lancaster District Local Strategic Partnership Community Engagement Principles

A number of community engagement commitments have been developed to make sure all community engagement and consultation activity follows good practice. LDLSP partners should follow these when conducting all consultation/community engagement work.

Clarity of Purpose	Before beginning any engagement activity, it will be clear why it is happening, what it will achieve, who is involved, what the community can and cannot influence, and how the information gathered through the engagement activity is going to be used.
Evidence Base	Relevant available research, knowledge and community intelligence will be used to help plan engagement activities. Engagement activities won't be carried out if the information is already available.
Proportionate	The approach to engagement and resources will be proportionate to the issue and likely benefits within the resources that partner services have.
Communication	Communication will be tailored by using a variety of accessible and inclusive ways to promote and provide information on engagement opportunities to communities.
Timing	Sufficient time will be allowed to design and carry out engagement activities that are inclusive and encourage participation from all relevant communities. How the information shapes the future of services must also have a realistic time frame.
Partnership	There will be a co-ordinated approach to information provision, consultation, involvement, shared relevant information and intelligence. This will avoid duplication of effort and reduce consultation fatigue.
Integrity	There will be a culture of openness, honesty and accountability when engaging with communities, it is important not to raise unrealistic expectations.
Inclusive	The best and most appropriate methods of engaging with communities will be used to make sure as many people as possible are involved. No one must be left out by design.
Action	Where possible action will be taken on the results of engaging communities. Where it is not possible sound reasons will be fed back to communities.
Feedback	Inclusive and accessible feedback to the community will be provided about the engagement activities carried out and will explain how the community's input contributed to the decision-making process. Feedback will be built into the whole process from the start.
Monitoring & Review	Engagement activities will be monitored and reviewed and reported on periodically to the community.

The **Lancaster District Local Strategic Partnership (LDLSP)** co-ordinates activities to promote the social, economic and environmental well-being of the District and its communities.

Our Current Partners:

Age Concern	Lancaster District Sustainability Partnership
Arnside and Silverdale Area of Outstanding Natural Beauty Partnership	Vision Board
Lancaster & District YMCA	Lancashire Local – Lancaster District
Forest of Bowland Area of Outstanding Natural Beauty	Lancaster & Morecambe Citizens Advice Bureaux
Equality and Diversity Engagement Network (EDEN)	Lancaster & Morecambe College
Environment Agency	Lancaster Parish and Town Councils
Furniture Matters	Lancaster University
Help Direct	Lonsdale Carers
Job Centre Plus	National Coalition Building Institute
Lancashire Association of Local Councils	NHS North Lancashire
Lancashire Constabulary	North West Learning & Skills Council
Lancashire County Council	One Voice Disability Services
Lancashire Fire and Rescue Service	Signposts
Lancaster City Council	University of Cumbria
Lancashire Community Cohesion Partnership	
Lancaster District Community Safety Partnership	
Lancaster District Children’s Trust Partnership	
Lancaster District Community Leaders Group	
Lancaster District Council for Voluntary Services	
Lancaster District Older Persons Partnership	

Acknowledgements

The Lancaster District Local Strategic Partnership would like to thank North East Lincolnshire District Council for allowing the partnership to use their framework as a template.

The partnership would also like to thank Chief Inspector Tracie O’Gara and Jennifer Williams for leading and managing the project, Andrew Woods from CN Research, and Jez Hall for carrying out the research stages of the project (stage 1a and 1b).

Most of all, the partnership would like to thank everyone who has taken part in the research including partners, individual members of community, various community groups, parish councils, businesses etc.

For further copies and information please contact:

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For further information on the project and background information and papers, please visit www.lancaster.gov.uk/council-and-democracy/council-priorities-and-key-documents/local-strategic-partnership/ldsp-communications-community-engagement-fram/

COUNCIL BUSINESS COMMITTEE**Nationally Significant Infrastructure Projects and
Draft National Planning Statements****14th January 2009****Report of Head of Planning Services****PURPOSE OF REPORT**

To advise members of the publication of draft National Planning Statements and give members the opportunity to formulate a response to the consultation.

This report is public

RECOMMENDATIONS

- (1) That the Report be noted and that the responses to the consultation questions submitted as Appendix 1 be submitted as the Council's corporate response to the Consultation.
- (2) That individual groups be advised to submit their own representations if they so wish.

1.0 Background

- 1.1 The Government has made some major changes to the planning regime for major development, with the intention of delivering quicker decisions. Under the 2008 Planning Act, planning applications and other consents for nationally significant infrastructure in England and Wales are to be determined by an Independent Planning Commission appointed by the Government.
- 1.2 Government is currently consulting on a suite of **draft National Policy Statements on development related to energy** which set out the key national policy criteria against which applications for major new infrastructure will be considered. One of these, NPS EN-6 deals with nuclear power generation and identifies a site for nuclear energy generation at Heysham. This report explains the new system for major infrastructure planning which is the background to the consultation, describes the new NPSs which are most relevant to Lancaster District and recommends an appropriate response.

Background

Nationally Significant Infrastructure

- 1.3 The types of development to which these provisions apply are:
- **Power stations** with a capacity of more than 50 megawatts (MW) onshore and 100 MW offshore. (*the Heysham stations are 1,150- 1,250 MW, existing Caton Moor about 16 MW and Barrow wind farm about 90 MW*).
 - Above ground **electricity lines** with a voltage of 132 kilovolts (kV) or more. (*This covers most large power lines*);
 - Underground **gas** storage facilities, LNG (liquid natural gas) facilities or gas reception facilities and gas and other pipelines;
 - Development related to **motorways** and trunk roads; (*currently only the M6 and Carnforth spurs in Lancaster District*);
 - **airport**-related development resulting in capacity increases of 10 million passengers per annum (mppa) or 10,000 air freight movements pa; (*Manchester currently has terminal capacity for around 23 mppa. Liverpool has around 4.5 mppa and Blackpool around 2 mppa*);
 - **Harbour** facilities with a capacity of at least 500,000 containers, 250,000 ro-ro units or 5 million tonnes of other cargo per annum.
 - **Railways** and Rail Freight interchanges;
 - **Dams and reservoirs** with a capacity of 10m cubic metres (m³) or more; (*Thirlmere is around 37m m³. Stocks Reservoir around 13m m³*). and development related to the transfer of water resources;
 - **waste water treatment plants** with a capacity of 500,000 or more population equivalent.
 - the construction or alteration of a **hazardous waste facility**.
- 1.4 The Act provides for the Secretary of State to amend the type and scale of development defined as Nationally Significant Infrastructure.

The Infrastructure Planning Commission (IPC)

- 1.5 The **Infrastructure Planning Commission (IPC)** is a new body created by the Secretary of State for Communities and Local Government. Bodies proposing major infrastructure development must apply to the IPC for **Development Consent** which overrides the need for planning permission and other statutory consents. The IPC will ultimately employ 30-40 **commissioners**, appointed by the Secretary of State supported by a secretariat of 80 staff. The IPC commissioners will examine and determine the applications. As part of the process, the IPC will conduct **Examinations** into schemes at which representations can be made, either orally or in writing.

How will the Development Consent Process work?

- 1.6 Like planning applications, development proposals for major infrastructure development will be initiated by the body that proposes to carry out the development. This may be a private company such as a power company or a public body such as the Highways Agency.
- 1.7 Before submitting an application, the Infrastructure Provider must;
- Apply to the Infrastructure Planning Commission for an Environmental Appraisal screening opinion;

- In consultation with Local Authorities, prepare a Statement of Community Consultation (SOCC) setting out an agreed set of consultation proposals;
 - Carry out community consultation in line with the SOCC including consultation with local authorities, Government departments and agencies, statutory consultees, landowners and neighbours, the general public and other relevant organisations;
 - take account of relevant representations in finalising the application;
- 1.8 A submitted application will consist of a Draft Order granting Development Consent including;
- A full description of the development;
 - Provisions needed to carry out the project such as compulsory purchase, the stopping up of highways and extinguishing rights of way;
 - Other necessary provisions such as changes to legislation, modifying agreements or protecting the interests of persons potentially affected by compulsory land acquisition;
 - The requirements (similar to planning conditions) to be attached to the consent.
- 1.9 Applications must be accompanied by an extensive range of supporting information including an Environmental Statement and details on flood risk, nature conservation, landscape, built heritage and archaeological impacts and land and property interests. If the application is valid, the IPC will notify the applicant that the application is accepted. Once this is done, the applicant has to publicise the application and advise consultees how to make initial representations.
- 1.10 Once the application has been submitted and publicised, the IPC takes over the leading role. At this point, the IPC will require Local Authorities to submit a **Local Impact Report** setting out the likely impacts of the project on their area. The application may be determined by a single commissioner, a panel of commissioners or by the Secretary of State advised by IPC commissioners. The Commissioner will convene a Pre-Examination Meeting setting out ground rules, key issues and timetables for hearings and evidence submission. The intention is that the basic mode of operation for the examination should be consideration of written representations although affected persons have a right to an oral hearing. After the conclusion of the examination process the Infrastructure Planning Commission may refuse the proposal, or it may grant a development consent order which may contain a list of requirements with which the development must comply.

What is the role of Local Authorities?

- 1.11 Although the IPC and/or the Secretary of State will be the decision maker, Local Planning Authorities will have a significant role in the process. These include
- Before submission – making representations as a consultee on the applicant's Statement of Community Consultation;
 - On submission - Advising the IPC on the adequacy of community consultation measures undertaken by the applicant as part of the IPC's application validation process;
 - On acceptance – preparing a Local Impact Report setting out the impacts of the proposal in the area;
 - During the examination – as a key participant;

- Following approval – having responsibility for any necessary planning enforcement.

How does the IPC make its decisions?

- 1.12 Decisions on major infrastructure proposals will have regard to:-
- Any relevant **National Planning Statement (NPS)** (see below);
 - Any local impact report from a local authority;
 - Relevant matters contained in regulations;
 - Any other matters thought to be both important and relevant to its decision.
- 1.13 As a general principle, the Act requires the IPC (or the Secretary of State) to decide an application in accordance with the relevant National Planning Statement unless there are compelling reasons for not doing so. The Act allows for the decision maker to disregard representations considered to be ‘vexatious or frivolous’.

National Planning Statements

- 1.14 National Planning Statements are statements of national Government Policy on major infrastructure and, as can be seen above, will be the central consideration against which proposals for new national infrastructure will be determined. The Government has published seven draft National Policy Statements as follows;
- EN1 - Overarching National Policy Statement for Energy;
 - EN2 - Fossil Fuel Electricity Generating Infrastructure;
 - EN3 - Renewable Energy – including wind farms, waste and biomass plants;
 - EN4 - Gas Supply Infrastructure and Gas and Oil Pipelines
 - EN5 - Electricity Networks Infrastructure – e.g. power lines and substations
 - EN6 - Nuclear Power Generation;
 - Ports.
- 1.15 Future NPSs will cover;
- National networks – e.g. strategic roads and railways, including strategic rail freight
 - Waste Water – e.g. sewage treatment infrastructure
 - Hazardous Waste – e.g. high temperature incineration
 - Water Supply – e.g. reservoirs and
 - Airports.
- 1.16 The following links give access to the consultation documents and also contains details of consultation measures being undertaken;
- [Overarching Energy NPS Policy EN1;](#)
 - [EN 2-5, Fossil Fuels, Renewables and Gas and Oil Networks;](#)
 - [EN 6 Nuclear Power Generation](#)
 - [Ports NPS](#)

- 1.17 All draft NPSs have been subject to Sustainability Appraisal and Habitat regulations assessment and sustainability appraisal reports are available to read with the consultation documentation.
- 1.18 The consultation closes on 15th February 2010. The rest of this report considers the draft NPS's most relevant to Lancaster District. Members may be aware that the Government has held consultation events in Lancaster District on EN6 which is concerned with Nuclear Power Generation and, amongst other things, proposes the allocation of a site at Heysham for Nuclear Power Generation.

National Policy Statement EN1 - Energy

- 1.19 The starting point for the NPG on Energy is the Government's target to reduce CO2 emissions to 80% of their 1990 levels by the year 2050. At the same time there is a need to maintain security of supply in the light of increased reliance on diminishing oil and gas reserves and the need for major investment in power stations and other infrastructure. It states that;
- Demand for electricity in 2020 is likely to be at or above current levels (around 60 GW). Additional electricity generating infrastructure will also be needed to ensure adequate supplies because of the changes in the nature of generating capacity. Specifically around 43 GW net of new capacity will be needed by 2020 and about 60 GW by 2025;
 - around 30% of electricity generation will be from renewable sources by 2020 primarily from large amounts of onshore and offshore wind generation;
 - The Government expects that a significant proportion of remaining the 25 GW will in practice be filled by nuclear power;
- 1.20 The NPS contains the strong statement that consent should normally be given for development which is in line with this (the overarching) NPS and the other (subject specific) NPSs. The consideration of alternative sites should have regard to the urgency of the need, the realistic prospects of alternative sites delivering the infrastructure and the possibility that all suitable sites may be needed. Alternative proposals which are not commercially viable or physically suitable, or vague or inchoate may be excluded. Where third parties put forward alternatives, they may be required to provide the evidence for to support them and the IPC should not necessarily expect the applicant to have assessed them.
- 1.21 Key considerations for all major new energy development which will be considered by the IPC include;
- Good design
 - Sustainability
 - The scope for Combined Heat and Power
 - Carbon capture readiness;
 - Climate change adaptability including extreme weather;
 - Means of connection to the National Grid;
 - Safety – The IPC to be advised by the Health and Safety Executive.
 - Hazardous substances (advised by HSE);
 - Health;
 - Nuisance;
 - Security.
 - Air quality;
 - Biodiversity;
 - Aviation and Defence interests;

- Coastal Change
- Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation;
- Flood Risk;
- Impact on the Historic Environment;
- Landscape and visual impact;
- Land-use, Green Infrastructure and Green Belt;
- Noise
- Socio-Economic factors
- Traffic and Transport
- Waste Management
- Water quality and water resources;

1.22 The overall principles set out in EN 1 are enlarged upon in specific NPSs dealing with, amongst other things, Fossil Fuels, Renewable Energy and Nuclear power. In all of these cases the specific EDS describe the technology involved, the key technical requirements and the issues to be considered by the IPC in determining applications. The most relevant NPSs are described below.

National Policy Statement EN2 – Fossil Fuels

1.23 This document is concerned primarily with the impacts of major coal fired generating stations. The key locational requirements for these are the availability of a very large site, good transport links, availability of suitable water resources and a suitable grid connection. The Government wishes to see new fossil fuel proposals have full regard to the potential for Combined Heat and Power. In relation to Carbon Capture The IPC should impose conditions on any consent, requiring developers to:

- retain control over sufficient additional space (whether on or near the site) for the carbon capture equipment;
- retain their ability to build carbon capture equipment on this space (whether on or near the site) in the future; and
- submit update reports on the technical aspects of its CCR status to the Secretary of State for DECC. These reports should be required within 3 months of the date on which a consented station first begins to supply electricity to the grid and every two years thereafter until the plant moves to retrofit CCS.

1.24 The NPS also contains specific guidance on managing impacts of fossil fuel stations on

- Air Emissions;
- Landscape and Visual;
- Noise;
- Release of Dust by Coal-fired Generating Stations;
- Residue Management for Coal-fired Generating Stations; and
- Water Quality and Resources.

EN3 – Renewable Energy

- 1.25 EN3 deals with major renewable energy proposals including biomass and on and offshore wind generation.

Biomass

- 1.26 Biomass stations use waste (possibly including non-renewable sources of waste) as a fuel. Fuels include forestry waste, biomass from agricultural crops, whether grown specifically for fuel or waste products such as straw and biodegradable waste such as sewage sludge, animal manure and food waste. There are many different technologies but most stations are likely to consist of a combustion and generation unit with a chimney and buildings for fuel reception. Key factors in locating biomass stations include the feasibility of exporting the power to the grid, the need to accommodate considerable transport movements and the scope to incorporate Combined Heat and Power. Biomass plants of more than 300 mW will be required to be capable of accommodating carbon capture.
- 1.27 The key assessment criteria include impacts on national designations (Sites of Special Scientific Interest, National Nature Reserves, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts, Scheduled Monuments, Conservation Areas, Listed Buildings, Registered Historic Battlefields and Registered Parks and Gardens). There is also a presumption against biomass stations in the Green Belt except in very special circumstances. The NPG states that the IPC should not use a sequential approach favouring previously developed land for renewable technology development. Other criteria include air quality impacts, landscape and visual impacts, impacts on local and regional waste management including impact on local and regional waste management targets and the management of residues.

Offshore Wind Generation

- 1.28 The sea bed and rights to use its resources are owned by the crown. The Crown Estate issues leases for offshore wind farms. Key locational issues for offshore wind generation are water depth and bathymetry (underwater topography), geology for foundations, connections to the Grid and interactions with other offshore infrastructure and activities such as oil and gas. Flexibility is important for offshore wind as details of siting, turbine height and cable routing may not be known at the time an application is made.
- 1.29 Key assessment criteria include impacts on national designations, biodiversity including impacts on the sea bed, the intertidal zone, marine mammals, birds and fish, impact on commercial fisheries, impact on marine archaeology, impact on navigation and shipping, impacts on oil and gas infrastructure, impacts on the physical environment such as water quality, waves and tides, sedimentation, scouring and seabed erosion, seascape and visual impacts.

Onshore Wind

- 1.30 The PPS notes that onshore wind farms are the most established, large-scale source of renewable energy in the UK and will continue to play an important role in meeting renewable energy targets. It notes that onshore wind farm proposals are currently likely to involve turbines from around 2 megawatts (MW) of generating capacity and currently range up to 3.5MW, but as technology develops, this could increase.

1.31 Key factors influencing the location of onshore wind farms are;

- **Predicted wind speed** - Wind speed increases with height above ground level and the amount of electricity generated increases disproportionately with increases in the wind speed. This in turn affects the carbon emission savings and the commercial viability of the site.
- **Proximity to dwellings** - Commercial scale wind turbines are 100m-130m high and larger machines may be developed. All wind turbines generate sound during their operation and appropriate distances should be maintained to protect residential amenity.
- **Site capacity** – to be efficient, the turbines must be spaced from one another normally by 6 rotor diameters to the prevailing wind and 4 rotor diameters perpendicular to it.
- **Grid connections** - The capacity of the local grid network to accept the likely output from a proposed wind farm is critical to the technical feasibility of a development. The connection voltage and the distance from the wind farm to the existing network can have a significant effect on the commercial feasibility of a development proposal.
- **Access** – particularly for construction and in particular the delivery of turbine components in rural areas.

1.32 In considering wind farm proposals, the IPC will take the following into account;

- **Technical considerations** including the layout of access tracks, siting flexibility the project lifetime and arrangements for decommissioning. (a 25 year lifespan is typical);
- In sites with **nationally recognised designations** (Sites of Special Scientific Interest, National Nature Reserves, National Parks, Areas of Outstanding Natural Beauty, Heritage Coasts, Scheduled Monuments, Conservation Areas, Listed Buildings, Registered Historic Battlefields and Registered Parks and Gardens) consent for renewable energy projects should only be granted
 - where it can be demonstrated that **the objectives of designation of the area will not be compromised by the development**, and
 - any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits.
- In the **green belt**, many renewable energy projects will comprise inappropriate development. Developers will need to demonstrate very special circumstances that clearly outweigh any harm.
- **Biodiversity** including the risk of bat and bird strikes and impacts on peat and the effectiveness of measures to mitigate impacts including the impacts of construction and associated infrastructure and arrangements where appropriate for the future monitoring of biodiversity impacts;
- Impacts on the **historic environment** and archaeology;
- **Visual impacts** - there will always be significant landscape and visual effects from construction and operation for a number of kilometres around a site. The arrangement of wind turbines should be carefully designed within a site to minimise effects on the landscape.

- **Noise** – The NPS requires the IPC to assess noise in accordance with limits set out in the report, 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97).
- **Shadow Flicker** - The effect on a building when the shadow of the rotating blades falls over the dwelling causing the light intensity within rooms to fluctuate. This normally occurs within 10 rotor diameters. The IPC should be satisfied that shadow flicker is effectively controlled.
- **Traffic and Transport** – including routes for construction traffic, the suitability of local roads and bridges to accommodate the size and weight of turbine components, and the scope for co-operation where there are multiple developments.

National Policy Statement EN6 – Nuclear Power Generation

- 1.33 This is the most directly relevant NPS as it identifies land adjacent to Heysham Power Station as one of ten sites suitable for new nuclear power generation. A plan of the identified site is attached as Appendix 1. The details of this are considered later.

The need for Nuclear Power

- 1.34 According to the NPS, Nuclear power has the following advantages;
- Nuclear power is **low carbon**. - The White Paper on Nuclear Power concluded that the lifecycle CO₂ emissions from nuclear power were similar to wind power and much less than fossil fuelled plants.
 - Nuclear power contributes to **energy security** by ensuring a **diverse mix** of technology and fuel sources, increasing the resilience of the energy system, reducing exposure to the risks of supply interruptions and sudden and large spikes in electricity prices. It has very different characteristics from fossil fuel or renewables. The presence of nuclear power in the mix allows extra scope in managing risks to energy security. The International Energy Authority (IEA) has concluded that there are adequate uranium resources to supply the expected global expansion of nuclear power. The supply chains for nuclear fuel, gas and coal are not interdependent. An interruption in the supply of gas or coal is unlikely to affect the supply of uranium. Fluctuations of fuel prices do not significantly affect the cost of electricity.
 - Nuclear power is **proven technology** that can be deployed on a large scale. This is important because energy companies will seek to minimise long term business risk by investing in technologies which have been proven to be reliable and capable of generating sufficient returns.
- 1.35 For these reasons, the Government believes that in the interests of decarbonising the power sector as soon as possible....
- it is in the public interest for sites that can have new nuclear power stations constructed on them significantly earlier than 2025 to make a contribution in displacing CO₂ as soon as possible
 - All ten sites in this NPS are needed.
 - The IPC should start its examination of development consent applications for new nuclear power stations on the basis that need has been demonstrated and should, give this need, and the benefits of meeting it, substantial weight in determining the applications.

The Strategic Sites Assessment and the Consideration of Alternatives

- 1.36 The Government has already carried out a Strategic Sites Assessment (SSA) which produced the list of 10 sites of which Heysham is one. The NPS only relates to proposals on the identified sites. Proposals for nuclear stations on unallocated sites will not be considered by the IPC. Part 5 of the NPS explains how the sites were chosen in depth.
- 1.37 Where an alternative site is put forward as part of the process, It is Government policy that a development consent application or alternative proposal for a site not listed in this draft NPS would need to demonstrate that the site is suitable for the deployment of a new nuclear power station by the end of 2025 and that it has met the criteria set out SSA criteria.

Consideration of Combined Heat and Power (CHP)

- 1.38 The Government requires applications for thermal generating stations to either include CHP or contain evidence that the possibilities for CHP have been fully explored. The potential for delivering CHP from a nuclear power station is constrained by the need to minimise the radiological consequences to the public in the unlikely event of a serious nuclear accident. In keeping with applications for other thermal generating stations, evidence should be presented to the IPC that demonstrates the applicant has fully considered the opportunities for CHP. However when considering a development consent application for a new nuclear power station, the IPC should note that the presumption is that CHP opportunities will be limited.

Climate change adaptation

- 1.39 The 2008 Planning Act requires the Secretary of State to have regard to the desirability of mitigating, and adapting to, climate change. New nuclear power stations are long-term investments which will remain operational for many decades. Applicants must consider the effects of climate change on the planning, design, operation and decommissioning of the station.
- 1.40 As the sites listed in the NPS are all either coastal or estuarine, applicants should in particular set out how they would take account of climate change adaptation measures in response to;
- coastal erosion and increased risk from storm surge and rising sea levels;
 - effects of higher temperatures, including higher temperatures of cooling water;
 - increased risk of drought leading to a lack of available cooling water.

Waste Management

- 1.41 Having considered the waste issue, the Government is satisfied that effective arrangements will exist to manage and dispose of the waste that will be produced from new nuclear power stations. As a result the IPC need not consider this question. Issues such as the availability of sites, the achievability of the technology and arrangements for interim storage are considered in depth in Paras 3.8.6-3.8.22 of the NPS.

Safety

- 1.42 The IPC is also required to make its decisions on the assumption that the relevant licensing and permitting regimes will be properly applied and enforced. It is not required to consider matters that are within the remit of the nuclear regulators. In

addition, it should not delay a decision on whether to grant consent until completion of the licensing or permitting process.

Key Issues for Consideration in Determining Applications

1.43 The Government identifies the following issues as nuclear specific impacts for consideration by the IPC.

- **flood risk** (including tsunami and storm surge) applicants should identify the potential effects of the credible maximum scenario in the most recent projections of marine and coastal flooding. The applicants must then be able to demonstrate that they could achieve where necessary future measures for adaptation and flood management at the site. Where possible, safety and operational critical installations should be sited in the areas at least risk of flooding.
- Effects on **water resources** including coastal processes, hydrodynamics and sediment transport and the thermal impact of cooling water discharges.
- The impact of new coastal and river defences, jetties and docks on **coastal processes**, such as erosion and accretion (build-up), submerged banks and marine ecology;
- Implications for **biodiversity** resulting from water discharge, abstraction and quality issues, habitat (and species) loss and fragmentation, disturbance due to noise light and visual intrusion and air quality.
- Landscape and **visual impacts**;
- **Socio-economic impacts** including the impact of an influx of workers on local population dynamics, job opportunities, labour shortages in the local construction industry;
- Impact on **human health** including risks associated with radiation release in the event of an incident associated with construction, operation or decommissioning.

Locally Specific Issues

1.44 Locally specific issues which will require specific consideration include;

- **Proximity to civil and military aircraft movements** given the specific security arrangements in relation to air movements around nuclear sites, and the potential impact that new nuclear power stations may have on existing aerodromes;
- **Access to Transmission Networks**;
- **Impact on Locally Significant Infrastructure and Resources** including motorways and major highways, the strategic rail network, gas and electricity networks, ports, airports and water source protection zones.
- **Emergency Planning** including ensuring that members of the public are properly informed and prepared, in advance, about what to do in emergency, communication if a radiation emergency actually occurs and an up to date assessment of evacuation routes.
- **Demographics**; The population characteristics of the proposed site and specific details of the reactor design in order to establish the acceptability of the risks posed by the proposed nuclear power station to the local population and constraints on residential, industrial and commercial development around the site.

The Heysham Site

- 1.45 The NPS identifies a 115 ha site adjacent to the existing Heysham Power Station which includes land within the existing power station boundary, Heysham Golf Course and Ocean Edge Caravan Park. A grid connection agreement is in place with National Grid which will come on stream in the year 2022 and the degree of knowledge of the existing stations means that it is the Governments view that deployment by the year 2025 is credible.

NPS on Ports

- 1.46 Government policy on Ports is to encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exporters cost effectively and in a timely manner. It seeks to allow judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment; and ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations.
- 1.47 In addition, in order to help meet the requirements of the Government's policies on sustainable development, new port infrastructure should also:
- preserve, protect and where possible improve marine and terrestrial biodiversity;
 - minimise emissions of greenhouse gases from port related development;
 - be well designed, functionally and environmentally;
 - be adapted to the impacts of climate change;
 - minimise use of greenfield land;
 - contribute to local/regional employment, regeneration and development;
 - ensure competition and security of supply;
 - provide high standards of protection for the natural environment;
 - ensure that access to and condition of heritage assets are maintained and improved where necessary;
 - and enhance access to ports and the jobs, services and social networks they create, including for the most disadvantaged.
- 1.48 At the same time, the Government wishes to see port development wherever possible:
- supporting sustainable transport by offering more efficient transport links with lower environmental disbenefits;
 - providing a basis for trans-modal shifts from road transport to shipping and rail, which are generally more sustainable;
 - supporting sustainable development by providing additional capacity for the development of renewable energy; and
 - supporting economic and social cohesion.
- 1.49 The NPS states that demand for new port facilities is likely to continue to grow. In considering proposals for new port development, the IPC will need to balance the

benefits – environmental, social and economic – including national, regional and longer term benefits against adverse impacts including multiple and cumulative impacts of projects, and the decision maker must take these into account in reaching the decision. The precise nature of the impact will, however, vary depending on a number of factors including matters such as, for example, the type of infrastructure, the specific location of the proposed project, heritage assets and the local geology or biodiversity.

1.50 The PPS contains a variety of detailed criteria for the assessment of major Port expansion proposals.

2.0 Proposal Details

2.1 On the whole, the suite of documents represent a comprehensive body of policies which set out the key considerations in determining proposals for major development. The Government has raised a number of consultation questions and suggested responses to these are set out in Appendix 1. Key concerns are;

- the approach to new fossil fuel capacity which requires permissions for new coal fired stations to be capable of being fitted with carbon capture and storage in the future;
- The need for additional guidance on tidal energy;

2.2 As noted above, although the IPC and/or the Secretary of State will be the decision maker, Local Planning Authorities will have a significant role in the process. These include;

- Making representations on the applicant's Statement of Community Consultation;
- Advising the IPC on the adequacy of community consultation measures undertaken;
- Local Impact Report setting out the impacts of the proposal in the area;
- Participating in the examination – as a key participant;
- Following approval – having responsibility for any necessary planning enforcement.
- Formulating planning policy through the Local Development Framework which will need to deal with downstream effects.
- Dealing with non-IPC planning applications affecting the site.

2.3 Once the new provisions are finalised, consideration will need to be given as to the internal processes by which these new responsibilities are discharged and whether changes are necessary to the Council's scheme of delegation.

2.4 NPS 6, if published in its current form, will identify 115 ha in Heysham for Nuclear Power Generation. Any proposals for new generating stations within this area will be brought forward by an electricity company who will submit an application for Development Consent to the IPC who will determine the application in accordance with the NPS.

2.5 As noted above, if, NPS 6 is adopted, **and** an operator makes an application to build it **and** that application is approved **and** implemented, there will be

- significant installed non-CO2 emitting energy capacity;
- significant local and regional employment in construction, operation and decommissioning as well as upskilling of the local labour force, opportunities for

skilled workers following decommissioning of existing stations, associated employment elsewhere in the local economy.

- 2.6 NPS 6 does not allow waste disposal issues to be taken into consideration and assumes that the design and operation of any new plant will be competently regulated by will be regulated by the the Environment Agency (EA), the Nuclear Installations Inspectorate (NII) and the Office for Civil Nuclear Security (OCNS)..
- 2.7 If NPS 6 is adopted, it will raise issues such as if how and whether the site is to be identified for purposes such as local searches and the LDF Proposals Map. As noted above, the site incorporates existing uses such as Heysham Golf Club and the Ocean Edge Caravan site. Another important issue is how development proposals which might prejudice electricity generation development should be treated by the Local Planning Authority. There is no guidance on these issues at the present time.

3.0 Details of Consultation

- 3.1 As noted above, the Government is carrying out formal consultation on the draft NPSs. Consultation on the Energy Related NPSs is being carried out by the Department for Energy and Climate Change. Consultation on the Port NPS is being carried out by the Department of Transport.
- 3.2 The following links give access to the consultation documents including sustainability appraisal reports and also contains details of consultation measures being undertaken;
- [Overarching Energy NPS Policy EN1;](#)
 - [EN 2-5, Fossil Fuels, Renewables and Gas and Oil Networks;](#)
 - [EN 6 Nuclear Power Generation](#)
 - [Ports NPS](#)
- 3.3 The consultation closes on 15th February 2010. Members may be aware that in November the Government held consultation events in Lancaster District on EN6 which is concerned with Nuclear Power Generation and, amongst other things, proposes the allocation of a site at Heysham for Nuclear Power Generation.

4.0 Options and Options Analysis (including risk assessment)

OPTION 1 – DO NOT RESPOND

- 4.1 If the Council makes no response to the consultation, the views of a Local Authority which is potentially affected by major infrastructure proposals and contains an identified site for new nuclear generating capacity will not be taken into account in formulating national policy.

OPTION 2 - RESPOND WITH THE COMMENTS SET OUT IN APPENDIX 1

- 4.2 The response set out in Appendix 1 sets out the key technical issues associated with the suite of NPSs and is considered to be reasonable.

OPTION 3 - MAKE A DIFFERENT OR ADDITIONAL RESPONSE

- 4.3 Members may choose to take a corporate view on the balance between the positive and negative impacts of the Draft National Policy Statements.

OPTION 4 – MEMBERS DIFFERENT GROUPS WITHIN THE COUNCIL TO RESPOND INDIVIDUALLY

- 4.4 It is acknowledged that this is a highly controversial issue on which different groupings on the Council and different members may have very different but sincerely held views and concerns. The option exists for members or groups to respond individually.

OPTIONS APPRAISAL

- 4.5 If the Council chooses not to respond, its views will not be taken into account in the formulation of the final National Planning Policy Guidance documents. Comments will carry greater weight as a single corporate view. The response set out in Appendix 1 seeks to recognise benefits whilst articulating reasonable concerns and is considered to be an appropriate response.

5.0 Conclusion

- 4.6 The provisions set out in this report will have a major impact on planning for nationally significant infrastructure in this Country. They bring in new procedures which, if they function as intended, will significantly accelerate decision making processes for major projects. Lancaster District contains significant existing infrastructure of national importance including electricity generation, ports, national road and rail networks and gas, electricity and water distribution networks. The new regime set out in this report will have a significant impact on the way in which changes to these are planned and implemented.
- 4.7 As noted above, although the IPC and/or the Secretary of State will be the decision maker, Local Planning Authorities will have a significant role in the process. These include
- Making representations on the applicant’s Statement of Community Consultation;
 - Advising the IPC on the adequacy of community consultation measures undertaken;
 - Local Impact Report setting out the impacts of the proposal in the area;
 - Participating in the examination – as a key participant;
 - Following approval – having responsibility for any necessary planning enforcement.
- 4.8 Once the new provisions are finalised, consideration will need to be given as to the internal processes by which these new responsibilities are discharged and whether changes are necessary to the Council’s scheme of delegation.
- 4.9 The responses set out in Appendix 2 set out an appropriate response to the consultation.

CONCLUSION OF IMPACT ASSESSMENT

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

This is a consultation response and, as such, has no impact on the Council or the District in itself. If the NPSs are adopted and the system functions as planned, the principal impacts will be on the timing of the implementation of new infrastructure projects. The draft NPS requires the consideration of issues such as equality and diversity, community safety and sustainability through the sustainability appraisal process and the consideration of major infrastructure projects by the IPC.

The new processes will have an impact on the Council in terms of advising applicants on consultation, preparing impact statements on new infrastructure proposals and participation in examinations.

FINANCIAL IMPLICATIONS

Responding to the Government consultation has no financial implications in itself. The financial and organisational impact of the new arrangements for infrastructure planning are unknown at this stage. Requirements for advising applicants on consultation, preparing impact statements on new infrastructure proposals and participation in examinations are unclear but the new system may pose additional requirements on the Council. These will be the subject of a future report

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments

LEGAL IMPLICATIONS

The report is a suggested response to a Government consultation on national planning policy and has no significant legal implications in itself. If the consultation documents are formally adopted however, the identification of sites for nuclear generation in an adopted NPG may have implications for the LDF proposals map, for hazards mapping and for local searches. These are aspects on which clarification is being sought through the recommended consultation response.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments

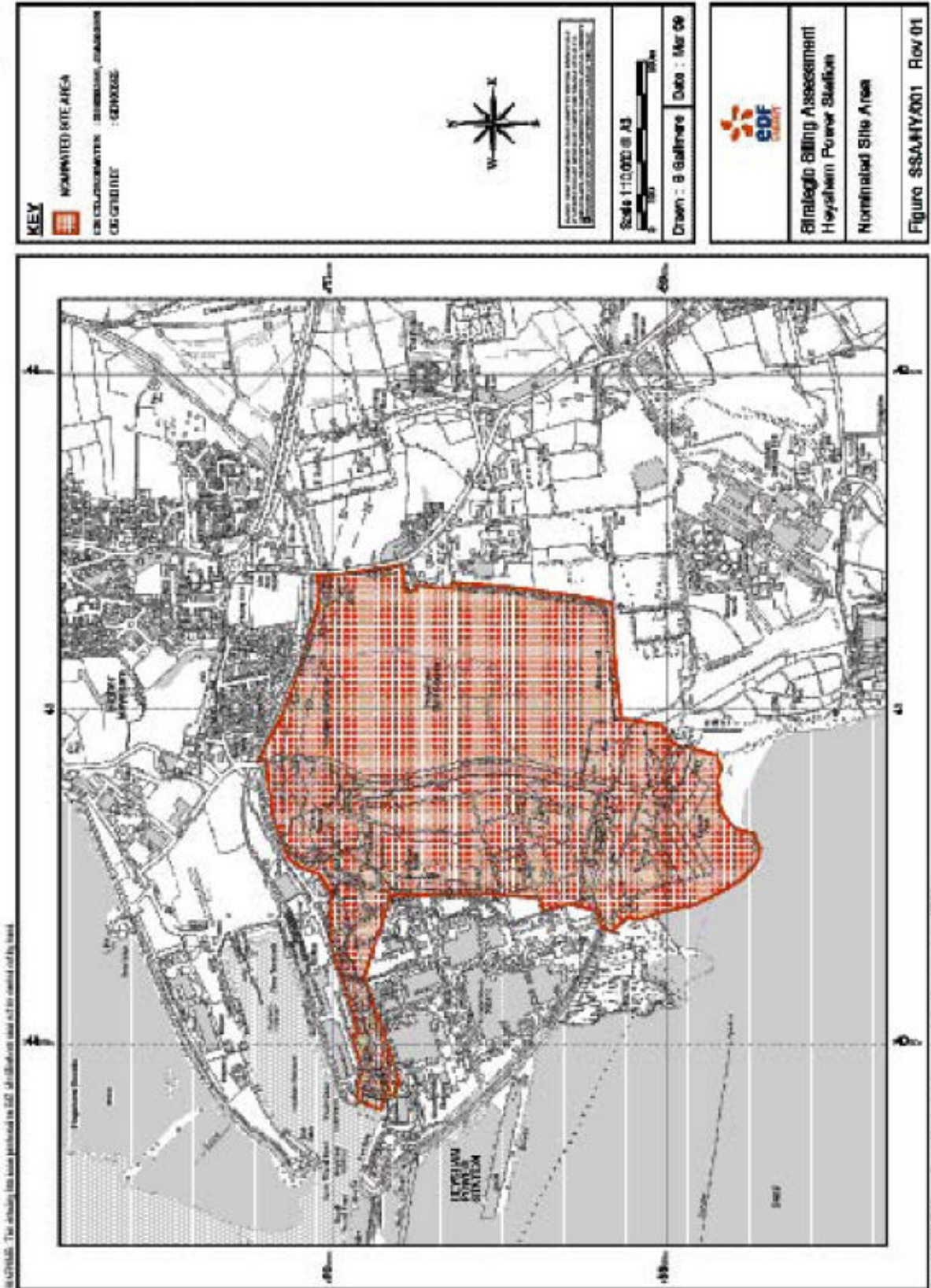
BACKGROUND PAPERS

Planning Act 2008 HMSO (Nov 2008)
Infrastructure Planning Commission
Guide to its Role and Operation
(Working Draft – October 2009) IPC (Oct 2009)

Draft Overarching Energy National Policy
Statement (EN-1) DECC (Nov 2009)
Draft National Policy Statement for Fossil Fuel
Electricity Generating Infrastructure (EN-2) DECC
(Nov 2009)
Draft National Policy Statement for
Renewable Energy (EN-3) DECC (Nov 2009)
Draft National Policy Statement for
Nuclear Power Generation (EN-6) DECC (Nov
2009)
draft Ports National Policy Statement DFT (Nov
2009)
Appraisal of Sustainability:
Site Report for Heysham

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Ref:

APPENDIX 1 – PROPOSED SITE



APPENDIX 2

GOVERNMENT CONSULTATION QUESTIONS AND SUGGESTED RESPONSE

1. Do you think that the Government should formally approve ('designate') the draft Overarching Energy National Policy Statement?

Whilst there are some questionable aspects of the NPS, such as the limited consideration of demand management, the uncertainty over carbon capture and storage technology and the strong balance of weight in the decision making process in favour of the applicant, the NPS overall is a welcome clear statement of Government energy policy, which recognises the urgency of tackling climate change and energy security, the importance of a diverse energy mix and a comprehensive and demanding list of issues which need to be taken into account by renewable energy proposals.

The requirement for new generation capacity to examine the scope for Combined Heat and Power is particularly important.

Thus subject to more demanding requirements on carbon sequestration for new coal stations and assurance that the potential of demand management has been fully explored, it is considered that the draft NPS should be approved.

2. Does the draft Overarching Energy National Policy Statement provide the Infrastructure Planning Commission with the information it needs to reach a decision on whether or not to grant development consent?

YES

As noted above, the NPS, together with the subject specific NPSs, provides a clear statement of direction and a comprehensive list of issues. It retains sufficient flexibility for issues to be debated meaningfully based on the specifics of the proposal.

3. Does the draft Overarching Energy National Policy Statement provide suitable information to the Infrastructure Planning Commission on the Government's energy and climate policy?

YES

The proposed future balance of electricity generation and the role and potential of different technologies is set out.

4. Does the draft Overarching Energy National Policy Statement provide suitable direction to the Infrastructure Planning Commission on the need and urgency for new energy infrastructure?

YES

The NPS gives strong emphasis to the urgency of addressing energy policy including Climate Change and energy security issues.

5. Do the assessment principles in the draft Overarching Energy National Policy Statement provide suitable direction to the Infrastructure Planning Commission to inform its decision-making?

YES

The list of considerations is comprehensive.

6. Does the draft Overarching Energy National Policy Statement appropriately cover the generic impacts of new energy infrastructure and potential options to mitigate those impacts?

YES

The list of mitigation measures is comprehensive and pitched at a reasonable level. Detailed mitigation measures will depend strongly on the specifics of the site and proposal and there are dangers in an over-prescriptive approach.

7. Do you have any comments on any aspect of the draft Overarching Energy National Policy Statement not covered by the previous questions?

YES

There are concerns in relation to the overall analysis of need, that the potential to manage demand through improved insulation, micro-generation, more efficient appliances etc is not as fully explored as might be.

The commitment to requiring consideration of combined heat and power is to be welcomed. The key barrier is the high capital cost of the pipes which will require significant resources. There is no commitment to a large scale rollout of CHP which could have a significant impact on both CO2 emissions and energy needs.

8. Do you think that the Government should formally approve ('designate'):

a. The draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

NO

There is a strong concern that if controlling CO2 emissions is to be the dominant influence on energy policy, new fossil fuel stations should be CCS fitted not just CCS ready.

b. The draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

YES

The NPS provides strong support for renewable energy whilst retaining protection for nationally protected sites such as National Parks, AONB and nationally and internationally important nature conservation sites.

c. The draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

NO VIEW

d. The draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

NO VIEW

9. Do the following draft National Policy Statements provide the Infrastructure Planning Commission with the information it needs to reach a decision on whether or not to grant development consent:

a. The draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

NO – Requirements on Carbon Capture and Storage are weak.

b. The draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

NO – No consideration of tidal or hydro generation;

c. The draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

NO VIEW

d. The draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

NO VIEW

10. Do the following draft National Policy Statements appropriately cover the impacts of the specific types of new energy infrastructure covered in them, and potential options to mitigate those impacts:

a. The draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

NO – Treatment of CO2 emissions is inadequate – see above.

b. The draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

YES – Appropriate balance between safeguarding Nationally Protected areas and meeting energy generation needs.

- c. ***The draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?***

NO VIEW

- d. ***The draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?***

NO VIEW

11. Do you have any comments on any aspect of the following draft National Policy Statements not covered by the previous questions:

- a. ***The draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?***

None

- b. ***The draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?***

Would be useful for planning at a lower level, if the opportunity were taken to clarify whether biomass generation constituted a waste treatment use (and therefore a County Matter). The current distinction based on fuel source is a serious ambiguity at present and creates delays and inflexibility.

- c. ***The draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?***

- d. ***The draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?***

To respond to this question please go to **How to respond**

12. Do you agree with the findings from the following Appraisal of Sustainability reports:

- e. ***Appraisal of Sustainability report for the draft Overarching Energy National Policy Statement (EN-1)?***

NO

Whilst the SA objectives are sound, the scoping of the appraisal is limited to the comparison of existing and proposed consent arrangements. Matters such as the overall energy mix are scoped out meaning that the SA does not consider the wider sustainability impacts of energy policy choices.

- f. ***Appraisal of Sustainability report for the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?***

NO

Because of the restricted scope of the SA, it identifies impacts on CO₂ as uncertain whilst placing a high degree of reliance on Carbon Capture and Storage. New coal stations without CCS will inevitably be major CO₂ emissions sources.

Appraisal of Sustainability report for the draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

YES

The SA identifies the key impacts of new renewable capacity including major positive impacts on CO2 emissions, resource use and economic development through the development of environmental technologies.

g. Appraisal of Sustainability report for the draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

NO VIEW

h. Appraisal of Sustainability report for the draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

NO VIEW

13. Do you think that any findings from the following Appraisal of Sustainability reports have not been taken account of properly in the relevant draft National Policy Statements:

i. Appraisal of Sustainability report for the draft Overarching Energy National Policy Statement (EN-1)?

NO – Concerns raised in the SA about landscape impacts other than in protected areas are not addressed.

j. Appraisal of Sustainability report for the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

YES – Key areas raised in SA are taken into account.

k. Appraisal of Sustainability report for the draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

YES – Key areas raised in SA are taken into account. There is a future undertaking to prepare a further NPS on tidal generation although no timescale is set.

l. Appraisal of Sustainability report for the draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

NO VIEW

m. Appraisal of Sustainability report for the draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

NO VIEW

14. Do you have any comments on any aspect of the following Appraisal of Sustainability reports not covered by the previous questions:

n. Appraisal of Sustainability report for the draft Overarching Energy National Policy Statement (EN-1)?

None

o. Appraisal of Sustainability report for the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

None

p. Appraisal of Sustainability report for the draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

None

q. Appraisal of Sustainability report for the draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

None

r. Appraisal of Sustainability report for the draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

None

15. Do you have any comments on the Habitats Regulations Assessment reports for the following draft National Policy Statements:

s. Habitats Regulations Assessment report for the draft Overarching Energy National Policy Statement (EN-1)?

None

Habitats Regulations Assessment report for the draft National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)?

None

t. Habitats Regulations Assessment report for the draft National Policy Statement for Renewable Energy Infrastructure (EN-3)?

None

u. Habitats Regulations Assessment report for the draft National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)?

None

v. Habitats Regulations Assessment report for the draft National Policy Statement for Electricity Networks Infrastructure (EN-5)?

None

16. Do you think that the Government should formally approve ('designate') the draft Nuclear National Policy Statement?

The effect of the formal approval will effectively be to identify a site for nuclear energy in South Heysham. This effectively means that if at a future point, an application is made to the IPC for a new power station, there is a strong likelihood that it will be approved provided that the detailed criteria are met.

The Sustainability Appraisal concludes that construction of a new nuclear power station is likely to bring significant benefits in terms of employment, the economy and communities at the local level and that it would have positive effects on Climate Change.

In relation to health the rigorous system of regulation of routine discharges from the proposed nuclear power station at Heysham should ensure that there are no unacceptable risks to the health of the local population when the plant is operating normally but that there is also a very small risk of adverse health impacts arising from an accidental release of radiation but the multiple safety features within modern nuclear plants makes such an event exceedingly unlikely.

If the SA conclusions are accepted, then strong economic and sustainability benefits need to be weighed against a small risk.

17. Does the draft Nuclear National Policy Statement provide the Infrastructure Planning Commission with the information it needs to reach a decision on whether or not to grant development consent?

The NPS provides a comprehensive framework of issues to be considered in relation to new nuclear stations. It does however explicitly exclude the IPC from considering the question of management and disposal of nuclear waste. The NPS states that the Government is satisfied that effective arrangements will exist to manage and dispose of the waste that will be produced from new nuclear power stations.

The IPC is also required to make its decisions on the assumption that

- the relevant licensing and permitting regimes will be properly applied and enforced;
- it does not need to consider matters that are within the remit of the nuclear regulators; and that
- it should not delay a decision on whether to grant consent until completion of the licensing or permitting process.

18. Does the draft Nuclear National Policy Statement provide suitable direction to the Infrastructure Planning Commission on the need and urgency for new nuclear power stations?

YES

The NPS makes a strong case for new nuclear generation being needed on sustainability and energy security grounds.

19. Do you agree with the Government's preliminary conclusion that effective arrangements will exist to manage and dispose of the waste that will be produced by new nuclear power stations in the UK?

This question requires specialised knowledge to answer meaningfully.

20. Does the draft Nuclear National Policy Statement appropriately cover the impacts of new nuclear power stations and potential options to mitigate those impacts?

See answers to 17

21. Do you agree with the Government's preliminary conclusion on the potential suitability of sites nominated into the Strategic Siting Assessment, as set out below? You can respond in general terms on the assessment as a whole, or against one or more specific sites....

Heysham

The assessment of suitability is reasonable in terms of the parameters set by the NPS. With the exception of waste disposal and issues which the Government sees as being the responsibility of UKAEA, it provides for the key impacts to be robustly assessed through the Development Consent process.

Other Sites

No view

23. Do you agree with the findings from the Appraisal of Sustainability reports for the draft Nuclear National Policy Statement?

Question requires specialist knowledge to respond to meaningfully

24. Do you think that any findings from the Appraisal of Sustainability reports for the draft Nuclear National Policy Statement have not been taken account of properly in the draft Nuclear National Policy Statement?

Question requires specialist knowledge to respond to meaningfully

25. Do you have any comments on the Habitats Regulations Assessment reports for the draft Nuclear National Policy Statement?

Yes – Morecambe Bay is a Natura 2000 site and impacts will require very careful scrutiny.

26. Do you have any comments on any aspect of the draft Nuclear National Policy Statement or its associated documents not covered by the previous questions?

No

27. Do you have any comments on the Impact Assessment report for the draft energy National Policy Statements?

NO

A number of key questions for Local Authorities are not addressed.

- i) Is the identification of a site by the NPS equivalent to a formal allocation in the Development Plan;
- ii) Should it be identified on the LDF Proposals Map;
- iii) How is it to be addressed for the purposes of Local Searches;
- iv) How is the issue of blight to be treated;
- v) How does the Local Planning Authority respond to development proposals within the identified area which might prejudice the implementation of a power station?

28. Does this package of draft energy National Policy Statements provide a useful reference for those wishing to engage in the process for development consent for nationally significant energy infrastructure, particularly for applicants?

NO

The role of applicants and the IPC is clear. There is however little guidance for third parties on how to engage in the process and a number of important questions on the role of local authorities are not answered (see above).

Council Business Committee**Consultation – Lakes to Dales Landscape Designation
Project: Proposed extensions to Lake District and North
Yorkshire National Parks****14th January 2010****Report of Head of Planning Services****PURPOSE OF REPORT**

To respond to the Lakes to Dales Landscape Designation Project consultation by Natural England on proposals to include parts of Lancaster District within the Yorkshire Dales National Park.

This report is public

RECOMMENDATIONS

- (1) That subject to the submission of comments relating to the preparation of a future Local Development Framework for the Yorkshire Dales National Park, that no objections be raised to the assessment process or the proposal to designate Leck Fells as part of the Yorkshire Dales National Park.

1.0 Introduction

- 1.1 Natural England began studying parts of Eastern Cumbria and Northern Lancashire in 2004 to assess whether parts of the existing landscapes around the fringes of the existing Lake District and Yorkshire Dales National Parks meet the essential criteria which might justify them being designated as extensions to those national parks. Following initial analysis they concluded that there were eleven areas which could be considered as candidates for consideration and further work was commissioned from landscape consultants to examine the detailed landscape and socio economic criteria which must apply to justify designation as part of a national park.
- 1.2 Alongside the landscape consultants commissioned by Natural England to undertake this work, Natural England formed a Technical Advisory Group to assist them. The group was made up of a panel of experts from a variety of local authorities and statutory bodies affected by the proposals to provide Natural England with detailed local knowledge about the areas under consideration and information about localised constraints and impacts. The Head of Planning Services was a member of that panel.

- 1.3 There was a period of delay in continuing the project whilst a legal challenge was heard into a designation issue relating to one of the new generation of National Parks in the south of England. Momentum returned however in early 2009 and Natural England are now in a position to undertake formal consultations with the public, statutory bodies, and local authorities about their conclusions before considering whether to make formal designations.

2.0 Proposal Details

- 2.1 National Parks are extensive areas that have been designated (ie given legal protection) because their natural beauty and the opportunities they provide for recreation are of national significance. The two main national parks in the North West region are the Lake District and the Yorkshire Dales. National Parks have their own National Park Authorities which among many other nature conservation and land/recreational management duties, act as the sole planning authority and are responsible for preparing the Local Development Frameworks for the areas within the national park, and determining all planning applications within the boundaries.

- 2.2 After considering eleven individual areas initially the Lakes to Dales Landscape Designation Project proposes five proposed extensions to the existing national parks:-

- A proposed southern extension to the Lake District around the Lyth Valley and Sizergh Fell.
- An eastern extension to the Lake District (Birbeck fells to Whinfell) bounding the M6.
- A northern extension to the Yorkshire Dales to include the northern Howgills.
- A western extension to the Yorkshire Dales which includes the Barbon and Leck Fells.
- A designation for Orton Fells to the north east of Tebay as either a Lake District or Yorkshire Dales extension.

The areas under consideration are shown on the map appended to this report. It is the proposed western extension to the Yorkshire Dales National Park which affects Lancaster District directly as the area covering Leck Fell, and the villages of Leck, Ireby, and Hipping Hall would be included in the extended national park.

- 2.2 There are implications for the local authorities who administer these areas arising from designation. These implications do not by any means remove all the statutory duties from the local authorities and transfer them to the national park authority. They do however transfer a number of significant duties, and at the same time provide the local authorities with membership of the national park authority. If the Leck Fell area were to be designated, Lancaster City Council would be entitled to have one Member represent its interests on the National Park Board.

- 2.3 The duties which would be transferred to the Yorkshire Dales National Park Authority would be the preparation of the Local Development Framework, Development Control, Minerals and Waste plans and planning applications (Currently a Lancashire County Council function), access and public rights of way, and traffic regulation orders relating to green lanes. The national park authority also prepares a National Park Management Plan for its area. The National Park authority is funded directly by the Government and the implications of adding these extra areas to the parks will be accounted for in future grant awards. There is no expectation that Lancaster City Council will have to provide funding directly to the national park authority. Equally the area proposed to be taken into the national park generates relatively few planning

applications, and includes a very small population hence it is not anticipated that the transfer of the largely planning related functions as proposed would make a significant difference to operational or revenue grant related expenditure.

3.0 Details of Consultation

- 3.1 The City Council is being consulted as part of Natural England's formal consultation process. The Parish Councils who represent the areas covered by the proposed extensions will also be part of the consultation process as will individual households. The City Council has not undertaken a separate consultation exercise and is content with the arrangements being properly undertaken by Natural England. After the consultation exercise Natural England will consider any responses and decide whether to proceed with the National Park designations. They will then make Designation Variation Orders to the Secretary of State who, at the time he considers them will also consider any further representations and potentially could call for a public inquiry or informal hearing to consider representations before reaching a final decision.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 **Option 1** To agree that project has properly assessed the Leck Fell areas natural beauty and its opportunity for outdoor recreation, that it is appropriate for designation as part of the Yorkshire Dales National Park, and that the boundaries suggested for the national park extension are correct.
- 4.2 **Option 2** To disagree that the project has properly assessed the Leck Fell area as an area of natural beauty with opportunities for outdoor recreation and to object to the proposal to designate it as national park. This option would also require an objection to be raised to the proposed boundaries as new boundaries excluding the area within Lancaster District would be required.

5.0 Officer Preferred Option (and comments)

- 5.1 The preferred option is Option 1. By being represented on the Technical Advisory Group the City Council's representative has been able to be satisfied by the quality of the landscape and socio economic information that has been used to assess whether the area meets the criteria for designation. The area within Lancaster District forms a seamless landscape with that adjoining it in South Lakeland District which is also within the proposed extension. The extension area also blends seamlessly with those fells already within the national park designation and it makes no sense in landscape terms for the current designation boundary to divide them. The sensible boundary between the Yorkshire Dales National Park and the Lune Valley should be along the A65 and this is largely the boundary chosen for the new designation. There are considerable advantages for the landscape and communities proposed to be designated in terms of a higher level of protection from inappropriate developments. (The fells in this location have been scrutinised by potential wind farm operators in recent years). There are also advantages for the City Council in securing representation on the National Park Board given the importance of national park designation to tourism in the upper Lune Valley and neighbouring Bowland.
- 5.2 There appear to be very few disadvantages to the City Council from the loss of planning controls, with the exception of concerns your officers have about the logic of how Local Development Frameworks apply to national parks. A Local Development

Framework is a spatial plan which is among other things has to consider how settlements and rural hinterlands inter-react with each other. A national park is an artificial landscape and conservation designation which doesn't often coincide with one single spatial geographical area. It might, like the Lake District, include several areas which spatially relate (in terms of travel to work, social and cultural links) to other areas outside the park. This reality means that a single Local Development Framework for a national park contradicts the main purpose of LDF's which is to understand and enhance spatial relationships between places and communities.

- 5.3 There is already evidence (with South Lakeland District, and the Lake District National Park) of LDF preparation failing to properly consider the relationship between place and communities within and outside the national park. If part of Lancaster District and its existing communities is to become part of that designation, then it should be a requirement that the Yorkshire Dales National Park Authority prepares its Local Development Framework to spatially align with the Lancaster District Local Development Framework Core Strategy where appropriate to do so. This should ensure that the national parks LDF recognises that the communities in Leck and Ireby spatially relate to Lancaster, Kendal and Kirby Lonsdale.

6.0 Conclusion

- 6.1 That subject to the submission of comments relating to the preparation of a future Local Development Framework for the Yorkshire Dales National Park, that no objections be raised to the assessment process or the proposal to designate Leck Fells as part of the Yorkshire Dales National Park.

RELATIONSHIP TO POLICY FRAMEWORK

The proposed designation fits well with the aspirations in the Corporate Plan and the Local Development Framework to protect and enhance the districts high quality landscapes, and to secure improved economic and social benefits from an enhanced tourism and outdoor recreation offer. Representation on the National Park Board could also be advantageous for the City Council for the reasons highlighted in the report.

CONCLUSION OF IMPACT ASSESSMENT

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

It is considered that the rural communities in this remote area of the district will benefit from the support and additional access to funding for rural land management afforded by national park designation.

FINANCIAL IMPLICATIONS

As the National Parks Authorities have the power to levy, potentially this could have implications for the Council's budget, but it is understood that they are very unlikely to use such powers as this would have other implications for the Park Authority itself. (If any levy was ever raised, it would form part of the overall Council Tax for the district; it would *not* be chargeable just to that part of the district included within the Park's boundaries.)

At this time therefore, there appear to be no significant financial implications arising from the proposal for the City Council itself, i.e. it is expected to be cost neutral.

As referred to within the main body of the report the City Council will require the Yorkshire Dales National Park Authority to prepare its local Development Framework to spatially align with the Lancaster District Local Development Framework Core Strategy and is likely to object if they do not do so. The benefits of extending the boundary far outweigh any potential weaknesses of any future LDF, however.

It is assumed that responsibility for allowances and expenses for any Member designated to sit on the National Park Board will be paid by the National Park Authority in line with their current normal practice. There may also be occasions where Council Officers have to carry out site visits to consider views as consultees on planning applications made to the National Park Authority, but as this is already common practice for the areas involved within current boundaries there should be no additional costs associated with this.

SECTION 151 OFFICER'S COMMENTS

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

LEGAL IMPLICATIONS

There are no legal implications directly arising from this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments

BACKGROUND PAPERS

Lakes to Dales Landscape Designation
Project consultation document Dec 09

Assessment of landscape criteria for
designation by Alison Farmer Associates.

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Ref: ASD/Review of Nat Parks

COUNCIL BUSINESS COMMITTEE**Consultation - The Future of Lancashire Locals
14 January 2010****Report of the Head of Democratic Services****PURPOSE OF REPORT**

To advise Members of a request for comments by the Leader of Lancashire County Council regarding the future of Lancashire Locals and to determine a response from this District.

This report is public

RECOMMENDATIONS

That the Committee consider the draft paper from the Leader of Lancashire County Council and determine a response from this District.

1.0 Report

- 1.1 The Leader of Lancashire County Council, County Councillor Geoff Driver, is currently in the process of reviewing the County Council's approach to working with District Councils to deliver local priorities.
- 1.2 He is preparing a paper setting out the conclusions of this review and suggestions for a new approach. He has forwarded a draft paper, attached at Appendix A, which includes the view that Lancashire Locals are not a sufficiently cost effective vehicle for delivering what local people need and states that he is minded to recommend the County Council to disestablish them with effect from 31 March 2010.
- 1.3 His intention is that this would achieve financial savings and free up time and energy to develop more locally-focussed and flexible approaches to localism. He summarises his administration's approach as having the following four elements:
 - further strengthening relationships at leadership level to enable us to make step changes in determining and implementing shared priorities
 - devolving a range of decisions, services and budgets, which are most sensibly decided locally, direct to the district councils and
 - strengthening the role of County Councillors in representing their local constituents
 - building on existing local mechanisms for engaging with local people and communities
- 1.4 Comments have been requested both on the disestablishment of the Joint Lancashire Local Committees and on any ideas on how to further improve a joint approach to locality working.

- 1.5 Comments must be received by 29 January 2010 in order to allow a report to the County Council's Cabinet on 4 February, with a final decision on disestablishing Lancashire Locals by the County Council on 25 February.

2.0 Background

- 2.1 Early in 2006, Lancashire County Council put forward proposals to establish Joint Committees with each of the District Councils in Lancashire, to be known as 'Lancashire Locals'. This Council resolved in February 2006 to participate in the proposed Lancashire Local in the District and that the basis of its delegation would be proportional representation with at least one member of Cabinet included.
- 2.2 In March 2006 the City Council formally resolved to establish the Joint Committee and adopted the proposed Constitution.
- 2.3 The meetings are held at different venues throughout the district and at different times of day. The Committees comprise the 10 County Councillors and 10 City Councillors appointed on PR.
- 2.4 The initiative is lead by the County Council who carry out the role of servicing the Committee – organising meetings, putting together the agenda and publishing the minutes. Being a Joint Committee however means that the City Council is obliged to keep records in the same way as for any other City Council Committees in order to comply with Access to Information legislation and any decisions on the Constitution of the Joint Committee require approval of both Councils.
- 2.5 The County Council delegated a number of powers to the Joint Committee in relation to Highways, Waste, Libraries, Museums, Youth and Community expenditure and a local Grants Scheme, in addition to using the Committee in a consultative role. The City Council has not agreed any delegations but does occasionally submit reports for consultation purposes.
- 2.6 In early 2009, the County Council embarked on a review of each of the Lancashire Locals with a view to enabling each one to be more flexible and responsive to local needs. A review of the constitution was undertaken to ensure that it offers, from their perspective, as wide a range of local government service delegations as possible at this moment in time to the district level, without undermining the standard of those services, and secondly they looked at strengthening the role of the Lancashire Local Committees and considering how Lancashire Locals are able to shape and influence all County Council Services delivered in their area.
- 2.7 A consultation exercise was undertaken which allowed the Lancashire Local Joint Committee to formally respond: 'That the consultation paper on developing the Lancashire Locals be welcomed as a basis for more integrated working between the County Council and the City Council to enable initiatives to be taken forward which will be of benefit to the people of the Lancaster District.
- 2.8 Further comments were also expressed at the meeting as follows:-
- the relationship with the Local Strategic Partnership would be of significant importance, but more work was required to ensure complementary working and linkage;
 - the imbalance on agendas between County and City Council business needed to be addressed and it was important that the City Council was encouraged to submit issues for consideration;

- the approach described in the consultation paper was welcomed and the need for more integrated/joint working was recognised.

2.9 In addition the City Council submitted the following response, approved by the Council Business Committee:

‘The principles described in the consultation paper reflect the national and regional trends to more localism and community engagement in accordance with priorities identified by the LSP. Although the main thrust of the proposals are around delegation of County powers, there are clear indications that Districts as well may be expected to delegate powers to Lancashire Locals and to provide more support to those arrangements. For Lancaster District our Community Engagement/Neighbourhood Management proposals are still developing and more detailed consideration needs to be given as to how they will align with the proposed development of the Lancashire Locals model.’

2.10 Following the conclusion of the consultation exercise a revised Constitution was approved by the County Council on 11th December 2008 which provided for additional delegations from the County Council and a simplified approach to future amendments to allow the future development of Constitutions more tailored to the requirements of individual districts. The new Constitution was endorsed by the City Council. There have been no delegated functions from the City Council.

3.0 Options and Options Appraisal

3.1 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.

3.2 The Committee is therefore requested to consider the following options:

3.2.1 Option 1 – to formulate a response to the County Council on the disestablishment of the Joint Committee including any views on how to further improve a joint approach to locality working as set out in the draft paper.

3.2.2 Option 2 – not to respond to the consultation and await any formal notification of the County Council’s intentions.

3.2.3 Option 3 – to allow each political group to respond individually to the proposal. Since the proposal has arisen as a result of a change in the political administration at County Hall, Members may consider that the different political groups on this Council will have differing views which would best be expressed individually.

CONCLUSION OF IMPACT ASSESSMENT

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

None directly as a result of this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications to the City Council as a result of this report.

The Joint Committee is managed by the County Council and requires minimal City Council officer time to support it. It would result in one less Committee for Members to attend although it is likely to be replaced by other methods of meeting and working together as partners.

SECTION 151 OFFICER'S COMMENTS

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

LEGAL IMPLICATIONS

The Joint Committee has been established under the Local Government Act 1972 and any changes will need to be endorsed by Council and reflected in the Constitution.

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

Letter from the Leader of Lancashire County Council dated 22 December 2009

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Beyond Lancashire Locals?

1 Introduction

The County Council introduced a programme of locality working in 2001-02. This was aimed at making the Council more locally responsive, developing closer joint working and a better shared view of local priorities with the district councils and other local partners and enhancing the local representational role of local County Councillors.

As a new administration, we are examining all areas of existing County Council policy to ensure that it meets our priorities and the promises we made to the electorate. This includes a review of the Council's existing approach to locality working and localism.

2 Background

Undoubtedly, relationships between the County and district councils have improved considerably over the years. They have moved on particularly rapidly under new officer leadership at the County Council, and have also included better joint working with the two unitaries. The preparation of the MAAs and the establishment of the cluster-based Leaders' Boards have helped develop better understanding of shared priorities and the beginning of new ways of working. There is a shared focus emerging on the fundamental importance of economic development and the role the different tiers of local government can play alongside the private sector.

Similarly, the county-wide Lancashire Leaders Group is becoming better established and is developing into a forum where we can air potentially difficult issues and discuss shared priorities. Again, the need for collective action on stimulating the Lancashire economy and punching above our weight regionally and beyond is providing a major stimulus for joint working. Discussions around public realm and support for local children's trusts are strengthening the one to one relationships between the county and district councils. The "Team Lancashire" brand has helped engender a spirit of co-operative working and improve the reputation of Lancashire local government locally, regionally and nationally.

However, the financial climate means that the need for hard-edged joint working and collective tough decisions has never been greater. The public don't distinguish between the tiers of local government – nor should they have to. We all serve the same people and they have a right to expect us collectively to deliver high quality, locally focused and relevant services in the most efficient and effective way possible.

3 Establishing our principles for locality working and localism

As a new administration, we have sought to define our own principles for locality working and localism and now wish to ensure that we have mechanisms in place to help us deliver them. We have been very clear that we want to listen to and work with local people and communities. Everyone has a part to play and something to contribute to their community and we want to tap into and support that potential – empowering people to take responsibility for their own lives and make a contribution to the communities in which they live. We want to do that in as streamlined and efficient a way as possible, working with partners and stripping out unnecessary meetings and duplication.

Our priorities include:

- Developing a shared sense of direction and priorities with the District Councils
- Listening and responding to local communities and providing the services they need in a cost effective way
- Empowering local county councillors to take an active role in their communities
- Reducing bureaucracy and unnecessary meetings
- Helping to stimulate active and engaged town and parish councils

4 The Lancashire Locals

Lancashire Locals were developed as part of the County Council's overall locality programme. They were introduced on a pilot basis in 2004 and rolled out across the county in 2006.

They have had some successes eg brokering complex public consultation exercises and bringing local knowledge and public opinion to bear on some local highways issues – for example the work done via the Hyndburn Local to build a major new roundabout at Britannia Crossroads and the use of the £5 million additional funding we made available when we took control to deal with longstanding pot holes and other highway maintenance issues.

However, the Locals have also tended to slow down decision making – we have seen big delays recently in making decisions on things as relatively straightforward as disabled parking bays and in Clitheroe it has taken over two years to decide on a town centre parking issue. The Locals still focus almost exclusively on county council issues, with few district council issues on the table and few examples of innovative joint working emerging.

Furthermore, the Locals are a very expensive way of doing county-district business. They cost well over £100,000 in direct servicing costs alone, excluding all the officer and member time taken up in preparing reports and attending meetings. As an administration, we believe that the broader development of locality working and county-district relationships has been overshadowed by the time, energy and resource that has gone into the Lancashire Locals in recent years.

5 Measuring the Lancashire Locals against our priorities

How do the Locals measure up against our emerging priorities for locality working and localism set out in section 3 above?

Developing a shared sense of direction and priorities with Districts

- Not constituted or established to achieve proper strategic change
- In general, the focus is on very local, operational decisions
- Not a forum for big decisions that drive out efficiencies, establish shared services or move forward on strategic economic, social or environmental priorities

Listening and responding to local communities and providing the services they need in a cost effective way

- Some Locals have had some success in attracting the local community, but mainly around specific agenda items
- A committee format, with agendas, reports and debates, is not really a format that engages members of the community
- The Locals operate to a common scheme of delegation, so it is relatively difficult to "flex" for local priorities
- The Locals are making specific operational decisions, not looking at patterns of service provision, opportunities for rationalisation, efficiencies etc

Empowering local county councillors to take an active role in their communities

- Some local decision making, but tends to be very low level
- A very formal setting, often with little real community involvement
- Largely invisible, therefore not really engaging local county councillors directly with local communities in their divisions
- The Locals have provided an opportunity to bring local knowledge and expertise to bear and tapped into the potential of local member knowledge and contacts. But this has been for a relatively limited range of services and it is an expensive and inflexible way of doing it
- Local member grants have provided a useful tool for supporting very local community priorities, but the requirement to go through the Lancashire Locals can slow things down and be a barrier
- The Locals have improved elected member involvement with service areas that traditionally have engaged less with councillors (eg social

care), but there is often information overload and a lack of clarity as to how and where members can influence these services

Reducing bureaucracy and unnecessary meetings

- As outlined above, the Locals are expensive to administer and consume a lot of officer and member time. Many of them also have a number of sub-committees and working groups which adds to the costs
- There are lots of other groups and meetings operating on district and sub-district footprints – LSPs, Children's Trusts, CDRPs
- There are lots of other ways to engage with the public via existing mechanisms – eg district area forums, boards, PACT meetings

Helping to stimulate active and engaged town and parish councils

- The relationship between the Lancashire Locals and town and parish councils has always been unclear and, on occasions, a source of tension. There are more effective ways of improving our engagement with parish and town councils, for example, by how we support parish plans and through delivering our commitments in the Parish Charter

6 Moving Forward

We do not feel that the Lancashire Locals reflect our priorities as an administration for relationships with the other tiers of local government or with local communities. We are minded to abolish them with effect from 31 March 2010. It is our belief that abolishing the Locals would generate cash savings and free up time and energy to reinvest in new priorities for locality working and localism.

We will explore opportunities for strengthening relationships and developing real joint working by some re-investment in stimulating existing and new structures of joint community engagement and enhancing the funding available to local county councillors.

We want to redefine our engagement with district and town and parish councils and also the role of and support to local county councillors. Our initial thinking is set out below.

7 Strengthening the relationship between County and District leadership

The Lancashire Leaders group and the newly established MAA Leaders Boards are beginning to strengthen the levels of trust and co-operation between the various leaderships and to lead to a better focus on shared priorities. Lancashire Locals add nothing to this concept and could potentially hinder its development.

Focused Leader to Leader discussions are key to relationship building and defining priorities. Lancashire Locals were never really designed for this

purpose. Building trust and co-operation at Leader level is essential if we are to change policy and move resources.

Therefore, we should build on direct Leader-Leader/Cabinet-Cabinet relationships.

Options (not mutually exclusive) include:

- Direct Leader-to-Leader meetings as now
- Joint meetings between LCC Cabinet and individual DC Cabinets
- Joint meetings between individual LCC Cabinet members and relevant DC Cabinet members
- Cabinet members to have a "champion" relationship for individual districts

As a Council, we will take a more proactive approach to this relationship, rather than acting as passive responders as tended to happen in the past. We will take a clearer view of LCC's desired outcomes and priorities and seek to reach a shared set of priorities for each district. Areas for exploration include:

- Delivering the shared aspirations in the MAAs, LAA, Ambition Lancashire and district community strategies
- Opportunities for building a stronger and more resilient economy – locally, within the clusters and pan-Lancashire
- Opportunities for shared back office services and efficiencies
- Opportunities for better linkages between front line services, leading to improved citizen experiences (eg trading standards and environmental health, social services and housing)
- Joint locality plans
- Joint public realm strategies
- Joint approaches to voluntary sector funding
- Joint approaches to community engagement and local "problem solving"

We would expect this to be a two-way process though. As a general rule, our discussions – whether individually, on a cluster basis or Lancashire-wide - should be on a "something for something" basis.

We would put mechanisms in place to consult local county councillors on key local issues to ensure that our responses are locally responsive and reflect local views.

8 Devolution to District Councils

We also wish to explore the potential for some services, decisions and budgets to be devolved to district councils where decisions are most sensibly taken locally. Several of the services and decisions that currently go through Lancashire Locals would be amenable to this approach. The development of

the new approach to the public realm will offer significant opportunities for improved joint service outcomes as well as efficiency and effectiveness improvements going forward.

Where sensible, we also want to explore using existing area forum and similar structures for further devolved local decision making.

9 Empowering local county councillors to take an active role in their communities

Local county councillors have a key role to play in reinvigorating local democracy. They have a wealth of local knowledge and contacts that we need to tap into and use to inform decisions and policy direction. They need access to timely, high quality information about County Council activities in their division and mechanisms to feed back local views and concerns.

This too needs to be done in a non-bureaucratic way which stimulates local councillors to be proactive in their communities. Technology will have much to offer.

Options include:

- Reinforcing the "councillor first" protocol with officers across the County Council
- Radically re-shaping the councillor portal on the intranet
- Seeking local councillors' views electronically on issues affecting their division and/or on wider district priorities
- Defining more clearly the role of local county councillors as LCC's representatives on local bodies eg CDRPs, PACTs etc
- Negotiating with district councils and other partners to secure full local county councillor involvement in existing community engagement mechanisms eg area boards and committees, PACTs etc.
- Enhancing local member grants to give local members more autonomy and accountability for their decisions

10 Conclusion

Effective relationships with the other tiers of local government remain key to our approach to localism. However, we believe that the mechanisms for achieving this need an overhaul. The abolition of the Lancashire Locals would generate significant financial savings and would free up time and energy to develop new approaches. We would further strengthen relationships at leadership level to make step changes in determining and implementing shared priorities, devolve those decisions, services and budgets most sensibly decided locally to the district councils and strengthen the role of County Councillors in representing their local constituents.

Geoff Driver, Leader, Lancashire County Council

Summary

The "offer" to the district councils

- Improved access to key decision makers
- More focused discussions around shared priorities, shared services etc
- Direct delegation of decisions/budgets (within an LCC policy framework)
- Bespoke public realm arrangements
- Efficiencies in the use of member and (for some) officer time
- Opportunities to agree joint approaches to community engagement, consultation etc

The "offer" to local county councillors

- Improved local information
- Consultation on key issues affecting their division
- Continued support from DPOs, particularly where issues cut across departments/partners and members can't resolve them themselves
- Directly delegated budgets without Lancashire Locals acting as a filter
- An overt recognition of the role of the local county councillor in division-based meetings
- An opportunity for a higher profile in the local area
- More productive use of time

The "offer" to the public

- More efficient use of public resources
- The three tiers working more effectively together, and with other agencies
- A less confusing "landscape" through which to raise local issues
- A clearer role for their local county councillor

December 2009

COUNCIL BUSINESS COMMITTEE

**Consultation – Draft Guidance on the Duty to
Respond to Petitions
14 January 2010**

Report of the Head of Democratic Services

PURPOSE OF REPORT
To advise Members of draft guidance on implementing the duty to respond to petitions and suggest a response to the consultation paper.
This report is public

RECOMMENDATIONS

That the Committee approve or amend the draft response to the Government's consultation paper on the draft guidance on the duty to respond to petitions to enable a response to be submitted by the deadline of 24 February 2009.

1.0 Report

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) contains a duty on local authorities to respond to petitions.
- 1.2 The Government has now produced draft statutory guidance and secondary legislation to underpin this duty and is consulting on this guidance.
- 1.3 The consultation asks whether the guidance adequately explains the key principles and requirements of the duty, whether it is clear and easily understood with an appropriate level of detail. It also asks views on the matters to be excluded from the duty and on suitable timetables for implementation.
- 1.4 The consultation document, draft model scheme and draft petitions order can be viewed at www.communities.gov.uk. Specific questions have been posed and a draft response has therefore been prepared on the basis of responding to these questions.
- 1.5 The newly formed professional association, the Association of Democratic Services Officers has prepared a response to this consultation from a national perspective. The content of this has been referred to in preparing a draft response from the more specific viewpoint of Lancaster City Council.

2.0 Background

- 2.1 The purpose of the 2009 Act is to reinvigorate local democracy, and of this particular provision to allow citizens a way of expressing their concerns and priorities to their

local authority. The Citizenship Survey of 2007/08 showed that signing petitions was a popular and recognised form of civic action and whilst it has been recognised that some local authorities already have well developed processes for responding to petitions and approach them as an opportunity to listen to the community and demonstrate strong local leadership, this is not universally the case. In particular the DCLG found that on examining Local Authority websites in April 2008 only one in five councils made details about how to submit a petition publicly available. It is in this climate that the DCLG has included this new duty to respond to petitions and the guidance on implementing this to ensure that people can easily find out how to send their views on public services to local decision makers and encourage them to do so.

- 2.2 This duty in relation to petitions should be seen in combination with the duty to promote democracy also in that Act.

3. Position at Lancaster City Council

- 3.1 The proposal to include this duty in a future piece of legislation was highlighted by officers in a report to Audit Committee on Democratic Renewal Phase 2 earlier this year. As a result the Audit Committee recommended that it would be more appropriate for the Overview and Scrutiny to consider such petitions. Following consideration of the report, amongst other things, the Council Business Committee resolved: -

That the Council Procedure Rules in the Constitution be amended to state that petitions should be passed to Overview and Scrutiny Committee to consider and carry out any inquiry work, as appropriate, before reporting back to Cabinet or the relevant decision-making body.

Council Procedure Rules have now been amended - Rule 13.8 is set out below:

When a petition is received it shall be referred to Overview and Scrutiny Committee to consider and carry out any inquiry work as appropriate before reporting back to Cabinet or the relevant decision-making body.

- 3.2 It was also noted that there was an expectation that this duty would include a requirement for Councils to provide facilities for making petitions in electronic form and a duty to have a scheme for handling valid petitions. Enquiries have been made in anticipation and facilities for producing electronic petitions can be made available via the Modern.gov Committee Management System on the Council's website.
- 3.3 This guidance and draft model scheme on which the Council is being consulted will provide the parameters for establishing such a scheme and once approved Council will be required to finalise and then publicise its scheme.

4.0 Options and Options Appraisal

- 4.1 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.

- 4.2 The Committee is therefore requested to consider the following options:

Option 1 – to approve the suggested response set out in appendix A to the report as the Council's response to the consultation on the implementation of the duty to respond to petitions.

Option 2 – to make any amendments or additions to the draft response.

Option 3 – to decide not to respond to the consultation.

Option 4 – if no agreement can be reached on the content of a response, Members may consider that no corporate response should be made, but that individual Groups should be asked to respond individually if they wish.

5.0 Officer Preferred Option

5.1 The Officer preference is option 1. The suggested response has been drafted to take into account the current position at Lancaster City Council and the previous views of Members as reflected in the Constitution as well as any potential problems which have been identified with implementing the proposals.

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

None directly as a result of this report.

FINANCIAL IMPLICATIONS

It is acknowledged by the Department of Communities and Local Government that the proposals set out in the consultation will impose costs on local authorities, although it also points out that they may deliver savings. In line with the Government's new burdens doctrine, the consultation document states that any net additional cost will be fully and properly funded by the DCLG so that no additional pressure is placed on council tax bills.

The proposed response refers to this and stresses the need for Government to take this into account.

SECTION 151 OFFICER'S COMMENTS

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

LEGAL IMPLICATIONS

The draft response considers the implementation of new legislation relating to the Council's duty to respond to petitions. In due course the Council will be required to produce a Petitions Scheme and this will be subject to checking by Legal Services to ensure that it complies with the legislation and regulations.

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

Listening to communities: consultation on draft statutory guidance on the duty to respond to petitions - December 2009

Contact Officer: Gillian Noall
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**DRAFT RESPONSE TO CONSULTATION ON GUIDANCE ON THE
DUTY TO RESPOND TO PETITIONS**

GENERAL

Lancaster City Council has had in place since 2001 a system of allowing petitions and addresses from a single elector to be presented to full Council with a referral to an appropriate body to consider the issue raised. For the past few years this has included the facility for a relevant senior Councillor to respond at the meeting to the individual present to explain the Council's position and what will happen next. More recently the Council's Constitution has been refined to direct such matters for debate by the Overview & Scrutiny function in the first instance.

Whilst initially this facility may not have been well advertised or promoted, in line with other improvements in community engagement and promotion of democracy, leaflets are now available and information is on the Council website explaining how residents can make their views heard.

The requirement therefore to establish a scheme for handling petitions in the way outlined, whilst focussing the minds of Councillors and Officers on the need to respond to petitions will largely result in an added level of bureaucracy and paperwork without necessarily improving the actual level of response by the Council to its citizens.

Indeed there is a fear that the over prescription of what constitutes a petition and how this will be dealt with may result in a worsening of the level of response and engagement with small groups or individuals who have views they wish to be heard.

In the introduction it is acknowledged that the proposals set out in the consultation will impose costs on local authorities, although it also points out that they may deliver savings. It is also stated that any net additional cost will be fully and properly funded by the DCLG so that no additional pressure is placed on council tax bills. This Council would be interested to know how the Government feels that savings can be delivered given the additional layer of response which it clearly feels is currently lacking and should be provided. Furthermore it must be stressed that additional expenditure may be necessary in terms of publicity and promotion and particularly in the development of an on-line e-petition facility and further details of how this will be funded would be welcome.

Question 1:

Does the guidance clearly set out the key principles and requirements of the petitions duty?

It may be useful to include a definition of a 'petition' as referred to in the Scheme – that it is for example a communication in writing or using an electronic facility which is "signed" by at least the appropriate number of qualifying persons as may have been determined for the purpose by the authority concerned.

It would also be helpful if the guidance emphasised that 'petitions' that do not meet the qualifying standard for the 'Scheme' will still be valid petitions and Councils should make it clear that they will still receive appropriate consideration.

The Guidance refers to anyone living, working or studying in a local authority area, but does not refer to visitors – for areas when tourism is a relevant consideration, visitors are key stakeholders and their views on some issues should not be discounted.

The list of steps to be taken on receipt of a petition should include “referring the petition to the Executive, or other decision maker, for consideration and response” (see point below).

Question 2:

Are there any existing areas in the guidance which require further clarification?

The draft Guidance appears to focus on the need for debate at full Council and referral to Overview & Scrutiny. Where a matter is for Executive decision no decision can be made at full Council and indeed if the matter is one which is already before the Executive for consideration, waiting for a Council meeting to debate the issue could even cause a delay. The Scheme should be able to include an option to present a petition to Cabinet in appropriate circumstances, thus allowing for debate and immediate decision on the matter.

Furthermore the insistence that every petition be debated at full Council for 15 minutes raises concerns at the time which could be spent at council meetings debating issues on which no decisions can be made in that forum. The Scheme could allow that where full Council is not able to make a decision the matter be referred elsewhere for debate, as is currently the case at Lancaster City Council.

The scheme should make it very clear that the full council has limited powers and therefore the chance that the council will be able to resolve the issue on the day the petition is presented is remote so that public expectation is not raised too high.

The suggestion in paragraph 19 that local authorities might set different signature thresholds for different subject matters, including lower thresholds for “very local issues” (however such matters might be defined) demonstrates the difficulties of translating the general principle behind the legislation into a simple and practical set of rules. The danger is that the petition scheme becomes so complicated that it frustrates its overall purpose of providing the public with simple access to decision making on matters of general concern and a forum in which to have their views heard.

The idea of Councils debating matters which are functions of partner authorities, potentially resulting in the Council lobbying another body on behalf of petitioners raises some concerns and the guidance needs to be clearer in this respect. At the very least, a representative of the body concerned needs to be invited to contribute to the debate so that the Council is fully informed of the issues.

The Review of petitions could be an onerous duty on Overview & Scrutiny and Council and a simpler process of review is suggested, whereby there is a first stage review to consider if there is a case to answer, which could be assessed by the Monitoring Officer for example or Head of Democratic Services, possibly in consultation with the Chairman of Overview & Scrutiny and following a checklist of criteria against which to assess the handling of the petition. Only if at this point is it determined that there is a case to answer should a full scale review be launched.

Question 3:

Are there any additional areas which you feel this statutory guidance should cover? If so, please state what they are and why you feel they should be included.

The model petition scheme suggests that the petition organiser should be given 5 minutes to present the petition and that the petition will then be discussed by councillors for 15 minutes. This would mean that 3 “petitions requiring debate” would take up a full hour, and 6 relevant petitions would take up 2 hours. Given the time available and the number of matters actually requiring decision at Council meetings, this could cause problems. It would therefore be

helpful if the regulations could provide for councils to specify a maximum period at any meeting to be taken up by petitions within their petition scheme (and the constitution), and that petitions which cannot be dealt with in the time available can then be dealt with in some other way specified within the scheme.

The draft Guidance does not suggest a minimum threshold number of signatures for 'petitions'. Whilst it is accepted that this should be for determination by each authority, it would be useful if the Guidance suggested that authorities should ensure that they provide for a minimum number within their schemes - otherwise to set a very low threshold (say, below 25) would risk having to deal with an excessive number of petitions under the procedure laid down in their petition scheme, rather than responding more rapidly and flexibly as might be possible in respect of ordinary correspondence. Notwithstanding this, authorities must be free to accept petitions from a very small number of local residents (e.g. a cluster of houses experiencing a particular problem) and have in place acknowledged processes for considering these.

The Guidance should state that where a "petition requiring debate" is received, this should not preclude consideration of the subject matter of the petition by the Cabinet, a Cabinet Member, a Committee or Sub-Committee with responsibility for the matter, in advance of the Council meeting. Where such a person or body is able to take a decision on the matter in advance of the debate in Council, and the petition organiser agrees that the matter has now been satisfactorily resolved, there should no longer be a requirement for a 20-minute debate in Council. Where however the decision maker is unable to resolve the matter to the satisfaction of the petition organiser then the views of the decision maker, should be considered alongside the petitioners' views at the meeting of the council.

The Guidance might usefully suggest that, where a "higher tier authority" receives a "petition requiring debate" relating to a matter which is within the statutory responsibility of a partner authority, it might usefully invite a representative of the partner authority to attend and speak at Council in response to the petition.

The Guidance could usefully cover the position where an authority receives two or more petitions on the same issue, and advise that where the import of such petitions are similar, the authority should treat those petitions as if they in aggregate amounted to a "petition requiring debate".

Question 4:

Are there any additional areas which, while not appropriate for statutory guidance, you would like to see covered by the expert practitioners in their sector-led guidance?

The decision as to whether the petition qualifies under section 14 could be contentious and could be politically sensitive. It is suggested that given the high profile that Government expects local authorities to afford to the broad concept of community engagement, there must be an identifiable office holder to act as a designated "Proper Officer" for the receipt and management of petitions and of the web-based access route. The Chief Executive, Head of Democratic Services or the Monitoring Officer could fulfil this role and determine objectively whether the petition falls within the exclusions provided.

There needs to be recognition that for petitions to be properly debated and considered, officer time will be needed to prepare background information and evidence. In terms of natural justice, opposition to the petition must also be permitted. The model scheme suggests that petitioners can contact the council up to 5 working days in advance of the meeting. This short timescale will not work and any scheme needs to make it clear that far more notice will be required. Lancaster City Council currently requires 10 working days

notice for presentation of a petition or address to Council and anything less would not be workable.

The provisions in relation to Officers giving evidence at Council require further thought. Firstly it might be more appropriate that a petition containing the required number of signatures and requiring officers to give evidence maybe better considered by another body – one that can make the necessary decision. Secondly, the petitioner's ability to suggest questions that maybe asked by the chairman seems quite weak. It surely would be more appropriate for the petitioner to present the petition and present evidence to support it. The scheme would also seem to cut across most Council's current public participation provisions. Furthermore there is no provision for a senior Councillor to be required to give evidence – where a petition refers to a Council policy or decision, this may well have been politically motivated and will not necessarily be totally defensible by an officer.

Lastly, safeguards need to be put in place to ensure that the outcome from the consideration of these petitions by Scrutiny is evidence based. This is not a performance review of the officer's competence and guidelines for the management of these meetings need to be agreed by both councillors and officers. It might also be helpful if the model schemes were required to include the outcomes from a petition debate at Overview & Scrutiny such as a report back to council.

Question 5:

Are there any areas covered in this statutory guidance which you feel would be more appropriately covered by the expert practitioners in their sector-led guidance? If so, please state what they are and why you feel they should be addressed in this way.

No comment.

Model scheme

Question 6:

Do you think the model scheme is clearly expressed and easy for people to use? Please explain your reasons.

There is an automatic assumption that petitions of a certain size will be referred to the full council for debate. The scheme should provide for the petition organiser in consultation with the proper officer, to agree how best to deal with the petition including to which body it should be referred.

The model scheme clearly states that the council may "...take the action the petition requests" or..."commission further investigation..." . This is misleading and wrong in the context of executive decision making powers.

Question 7:

Do you think the standards set out in the model scheme are achievable and appropriate to citizens' expectations?

Reference is made in the model scheme to monthly council meetings and Overview & Scrutiny Committees dealing with reviews within 30 days. Councils need to have the flexibility to produce a Scheme which includes deadlines which are achievable within their current decision making structure rather than adding any additional burden or creating too high a level of public expectation.

Question 8:

Do you think there is anything that should be added to the model scheme?

Provisions to deal with issues outlined above.

Question 9:

Do you agree with the categories we have excluded in the order? If you do not agree with the categories please explain why you do not think they should be excluded.

No comment.

Question 10:

Do you think there should be additional categories excluded? If so, please state what they are and why you feel they should be excluded

Petitions in response to statutory consultation such as on traffic orders or compulsory purchase orders should be excluded as these will be dealt with as part of dealing with any objections or support in accordance with the relevant legislation.

Exclusions could include matters which are currently under consideration by Cabinet, thereby resolving the point raised earlier about potential delays if the matter must be debated by Council prior to a Cabinet decision. The Scheme can include how such matters would be dealt with having been excluded from the requirement to be debated at Council.

Additional questions – Next steps

Question 11:

Following on from this consultation, what do you consider the most appropriate timescale for bringing the petitions duty into force? Please explain your reasons.

Ideally, such new provisions should be introduced after allowing for proper consideration by the Government of any responses received, further stakeholder consultation on a revised draft order, and to take effect so as to enable Councils sufficient time to consider a draft petition scheme properly and then adopt a new petition scheme at or immediately following its Annual Meeting in May/June. In practice, this makes it very tight to implement for May 2010. There would also be merit in enabling authorities to introduce both the petition scheme and e-petition facility at the same time, rather than the e-petition facility being a later 'add-on'. So there is merit in publishing the final order and Guidance if possible before May 2010, but not bringing in the requirement to implement until May 2011. The implementation of a petition scheme in 2011 will tie in neatly with the commencement of new strong leader decision making structures in District Councils and provide sufficient time for Councils to develop their Scheme and make any necessary changes to their Constitution at the same time as other changes that will be required.

Question 12:

Initial discussions with both the local government and technology sector indicate that it would be wise to stagger the implementation of the e-petition element of the duty, bringing the e-petition requirements into force 12 months after the other elements of the duty are commenced. Do you agree? Please explain your reasons.

There is at least one working commercial solution currently available, which Lancaster City Council is in a position to access but this could benefit from some practical development, and it is in principle better that more than one commercial solution should be available. No statutory e-petition scheme could be finalised until after fine-tuning following the publication of the final order and Guidance and a 12-month gap between such publication and implementation would be sensible as suggested above.

COUNCIL BUSINESS COMMITTEE**Member Development Strategy 2009-2011 Review -
Key Members' Roles and Responsibilities
14 January 2010****Report of Head of Democratic Services****PURPOSE OF REPORT**

The report recommends an additional section for inclusion in the current Member Development Strategy, outlining the roles and responsibilities of Key Members, in response to the action agreed with Internal Audit.

This report is public

1.0 RECOMMENDATIONS

That the Committee consider for approval the additional section for the Member Development Strategy 2009-11 at Appendix 1, outlining the roles and responsibilities of Cabinet Members and how these link to the Corporate Plan.

2.0 Introduction

2.1 Members will recall that, at the meeting on 25 June 2009 the Committee was asked to review the Member Development Strategy. A revised strategy was subsequently approved by the Committee at its meeting on 3 September 2009.

2.2 At the June meeting, the Committee also considered the outcome of an internal audit of Members Expenses and Civic Functions which included an audit of Member Development. Members considered the resulting actions, which included "*Revision of the Member Development Strategy to set out the roles and responsibilities of key Members and how they link to Corporate Plan priorities.*" At the September meeting it was noted that a report on this action would be considered by the Committee at a future meeting and the Strategy amended as appropriate, in line with the action agreed with Internal Audit.

3.0 Proposal

3.1 The suggested wording for insertion into the Strategy is shown at Appendix 1. The roles and responsibilities of Cabinet Members are clearly linked to Corporate Plan priorities.

3.2 When the Committee discussed this issue at the meeting on 25 June 2009, other "Key Members" were considered to include Committee Chairmen and Group Administrators although it was recognised that their responsibilities could not be directly aligned to Corporate Plan priorities in the same way as Cabinet Members.

3.3 Members may be aware that other local authorities have adopted 'job descriptions' for key Members which set out the duties of the job and the key skills and abilities that individuals will find useful in carrying out the duties. These linkages, of the skills and abilities to the different tasks, can be useful in preparing Personal Development Plans for Councillors.

4.0 Options and Options Analysis

4.1 The options open to the Committee regarding amending the Strategy are:

- (a) to approve the proposed amendment only
- (b) to approve the proposed amendment and/or suggest other amendments and the inclusion of "job descriptions" for other Key Members such as Committee Chairmen and Group Administrators stating the skills and abilities that are useful to the role.
- (c) not to approve the inclusion of any additional information about Key Members' roles and responsibilities in the Strategy.

4.2 Option (a) would immediately address the issue raised by internal audit about the strategy clearly showing the links between the Corporate Plan priorities and Elected Members. If the Committee wishes to consider option (b) above, further work would need to be done by Democratic Services to prepare draft 'job descriptions' and consult with relevant Council Members on the content. If considering option (c) Members are reminded that inclusion of the information was suggested by Internal Audit to improve the content of the Strategy document.

5.0 Conclusion

5.1 Council Business Committee is requested to consider for approval the additional wording for the Member Development Strategy 2009-11 at Appendix 1, outlining the roles and responsibilities of Cabinet Members and how these link to the Corporate Plan, in line with the actions agreed with Internal Audit.

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

None arising from this report.

FINANCIAL IMPLICATIONS

None directly arising from this report.

SECTION 151 OFFICER'S COMMENTS

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

LEGAL IMPLICATIONS

None directly arising from this report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments

BACKGROUND PAPERS

Council Business committee agenda and minutes from 25 June and 3 September 2009 meetings.

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(To be inserted at Section 9 of the Strategy.)

Members Roles and Responsibilities and the Corporate Plan

The Council sets out its corporate goals and priorities for the coming year in its Corporate Plan. The Corporate Plan approved by Council on 18 May 2009 sets out 4 priorities:-

- Support our local economy
- Clean and green places
- Safe and healthy communities
- Support our local communities

The Leader of the Council, Councillor Stuart Langhorn, is responsible for:

- Relationships with other Councils
- Community Planning (Lancaster District LSP)
- Community engagement and consultation
- Neighbourhood Management/Community Leadership
- Performance Management

The Leader's areas of responsibility relate to Corporate Priority "Support our Local Communities" and support the following Corporate Plan Key Actions and Corporate Health Performance Indicators (**CHPIs**)

7.2 Support the LDLSP's development of a Community Engagement Framework for the district where this is a priority for the Council.

7.4 Continue to work with Lancashire County Council and the district's parish and town councils to ensure the three tiers of local government work more effectively (includes development of a district Parish Charter).

CHPI 6. % of residents rate their local area as a very good or fairly good place to live – baseline and target to be established from Place Survey.

CHPI 7. % of residents agree that the City Council provides value for money (Place Survey).

Maintain Level 1 of the Member Development Charter.

There are nine other Cabinet Members and each holds responsibility for a specific portfolio. For 2009/10 these are shown below with their link to the Corporate Plan:-

Children and Young People – Councillor June Ashworth

Councillor Ashworth's portfolio relates to Corporate Priorities "Safe and Healthy Communities" and "Support our Local Communities" and supports the following Corporate Plan Key Actions:

- 4.3** Implement Sports and Arts Project (works with targeted young people to divert them away from crime through free access to sports and arts facilities).
- 5.2** Maintain children and young people participation in sports and physical activities.
- 5.5** Implement Sports and Physical Activities Alliance (SPAA) projects.
- 7.3** Deliver the Council's actions in the LDLSP's Children & Young People Thematic Group Action Plan – Implement Lancaster City Council's own C&YP action plan and maintain the range of opportunities for children and young people to take part in positive activities

The Economy - Councillor Evelyn Archer

Councillor Archer's portfolio relates to Corporate Priority "Support our Local Economy" and supports the following Corporate Plan Key Actions:

- 1.1** Develop and implement with partner organisations a sustainable economic regeneration programme for the District based upon the LDLSP Economy Thematic Group Economy Action Plan and our own Tourism Strategy.
- 1.2** Complete Economic Investment Strategy by developing projects around each of the following 5 Vision Themes and apply for funding support for each.
- Knowledge Economy
 - Heysham to M6 Employment Corridor
 - Re-inventing Morecambe
 - Lancaster City and Riverside
 - Carnforth Northern Gateway

Education, Skills and Opportunities – Councillor Abbott Bryning

Councillor Bryning's portfolio relates to Corporate Priority "Support our Local Economy" and supports the following Corporate Plan Key Actions:

- 1.3** Deliver the council's actions in the LDLSP's Education, Skills, and Opportunities Thematic Group Action plan
- Prepare Local Employment Skills Plan
 - Develop Employer Engagement Action Plan
 - Prepare (workless groups and individuals) Outreach and Engagement Action Plans

Health and Wellbeing – Councillor David Kerr

Councillor Kerr's portfolio relates to Corporate Priorities "Clean and Green Places" and "Safe and Healthy Communities" and supports the following Corporate Plan Key Actions:

- 3.5** Improve the energy efficiency of our council housing stock.
- 5.1** Deliver the Council's actions in the LDLSP's Health and Well Being Thematic Group Action Plan.
- 6.1** Deliver the council's actions in the LDLSP's Health & Well Being Thematic Group action plan - Provide affordable housing in accordance with the Housing Strategy and Local Development Framework.
- 6.2** Reduce the number of households living in temporary accommodation.
- 6.3** Refresh Housing Strategy 2009-2012.
- 6.4** Implement Homeless Strategy Action Plan - Reduce the levels of homelessness

within the district.

6.5 Deliver 2009/10 council housing Capital programme.

The Environment – Councillor Jon Barry

Councillor Barry’s portfolio relates to Corporate Priorities “Clean and Green Places” and “Safe and Healthy Communities” and supports the following Corporate Plan Key Actions:

- 2.1** Deliver the Council’s actions in the LDLSP’s Environment Thematic Group Action plan.
- 2.2** Maintain the cleanliness of our streets and public spaces through a combination of education, enforcement and service delivery.
- 2.3** Work with other organisations / stakeholders to deliver joint projects - Clean Sweep and Street Pride initiatives.
- 2.4** Implement Lancashire Waste Strategy by :-
 - Introducing food waste recycling in 2010/11
 - offering commercial waste recycling
 - using education and enforcement to increase domestic waste recycling
 - increasing the amount of cleansing waster recycled.
- 3.1** Deliver the Council’s actions in the LDLSP’s Environment Thematic Group Action Plan.
- 3.2** Implement the Council’s In House Climate Strategy.
- 3.3** Promote energy efficiency initiatives for local homeowners (specifically Strategic Housing initiatives).
- 3.4** Improve the energy efficiency of our public buildings.
- 3.6** Develop Management Plans for the district’s AONB’s.
- 5.3** Implement Cycling Demonstration Town programme.
- 5.4** Prepare effective air quality solutions through implementation of the LSP Environment thematic group Stage 2 action plans for air quality.

Safety – Councillor Eileen Blamire

Councillor Blamire’s portfolio relates to Corporate Priority “Safe and Healthy Communities” and supports the following Corporate Plan Key Actions:

- 4.1** Deliver the Council’s actions in the LDLSP’s Community Safety Thematic Group Action Plan.
- 4.2** Deliver the Council’s actions in the LDLSP’s Valuing People Thematic Group (part).

Valuing People – Councillor Jane Fletcher

Councillor Fletcher’s portfolio relates to Corporate Priorities “Support our Local Communities” and supports the following Corporate Plan Key Action and Corporate Health Performance Indicator:

- 7.1** Deliver the Council’s actions in the LDLSP’s Valuing People Thematic Group Action Plan – develop and implement a Community Cohesion Strategy.
- CHPI 9.** Level of Equality Standard for Local Government.

Finance – Councillor Malcolm Thomas

Councillor Thomas' portfolio supports the following Corporate Plan Corporate Health Performance Indicators:

- CHPI 1.** Keep the city Council element of Council Tax increases to acceptable levels being 4% or less in 2009/10 and in 2010/11 and 2011/12.
- CHPI 2.** NI179 – Value for money – total net value of ongoing cash releasing value for money gains (Efficiency/MTFS targets).
- CHPI 3.** % of property marketed to achieve asset sales to generate agreed capital receipts.
- CHPI 10.** Use of Resources judgements. Assess targets following 2008/09 judgement.

Internal – Roger Mace

Councillor Mace's portfolio supports the following Corporate Plan Corporate Health Performance Indicators:

- CHPI 4.** % of services where initial access via Customer Service Centres can be either face to face, telephone or web - 2009/10 40%.
- CHPI 5.** NI14 – Avoidable contact – reduce from 52% (2008/09) to 40% (2009/10).
- CHPI 8.** Reduce the number of days lost to sickness absence from 9.98 (2007/08) to 9.50 (2009/10).
- Income collection
- CHPI 12.** - % of in year Council Tax collected
- 2009/10 96.6%
- 2010/11 96.8%
- 2011/12 97.0%
- CHPI 13.** - % of NNDR collected
- 2009/10 98.0%
- 2010/11 98.4%
- 2011/12 98.5%
- CHPI 14.** NI180 – Changes to Housing Benefit/Council Tax Benefit entitlements within the year:
- 2009/10 12,500
- 2010/11 12,600
- 2011/12 12,700
- CHPI 15.** NI181 – Time taken to process Housing Benefit/Council Tax Benefit new claims and change events:
- 2009/10 14 days
- 2010/11 14 days
- 2011/12 14 days

COUNCIL BUSINESS COMMITTEE

**Civic Review Implementation Plan – Progress Report
14 January 2010**

Report of Head of Democratic Services

PURPOSE OF REPORT

This report provides a final update on progress to implement the decisions of Council made in December 2006.

This report is public.

RECOMMENDATIONS

- (1) That progress and the action taken to date be noted.
- (2) That in respect of the item relating to Freemen, a further report be submitted to Council once the implications of the Borough Freedom Act have been properly explored and viable options can be considered.
- (3) That in respect of the Town Crier, the services of existing Town Criers be sought for future Civic events if appropriate should budget provision allow and no further action be taken with regard to establishing a new post of Town Crier at the present time.

1.0 Introduction

1.1 At its meeting on 06 December 2006 Council made a number of recommendations designed to review and update the civic function of the City Council. Council Business Committee has regularly been updated on the progress of the plan, the last report being submitted in September 2008.

2.0 Proposal Details

2.1 With the agreement of the Council Business Committee in September 2008 only five items remained on the list and these are shown in the attached schedule. From these only two remain pending.

2.2 The City Council fully intends to modernise the application criteria for Freemen of the City and in addition look to change this criteria to enable people from across the District to apply. The Borough Freedom Bill has been making its way slowly through the Parliamentary process and regular updates are received from the Freemen of England and Wales who are supportive of this legislative change for the benefit of all Guilds of Freemen. The Act has recently been passed and is now being scrutinised to assess what changes will be permitted. A full report on the options will be brought back to this Committee in due course for recommendation to Council.

2.3 The City Council also asked that a Town Crier be re-established and recruited. The costs associated with the recruitment process for a Town Crier and the provision of a uniform will cost the Council over £2,000. Should the Council express a desire to employ the services of a Town Crier for a particular event or campaign, the services of an existing Town Crier could be purchased per event provided funding was available and Members are recommended to agree to this course of action rather than pursuing any establishment of new post of Town Crier at this time.

3.0 Options and Options Analysis (including risk assessment)

3.1 As previously, the options available to members are to note the actions taken to date, to accept progress made or to suggest modifications in relation to the proposals outlined above.

4.0 Conclusion

4.1 The civic function is under constant review and the practices and events taking place throughout the year are under constant scrutiny. Some of the proposals have proved popular, where others have struggled to take off and have been abandoned at this stage. However, work remains not only to maintain the traditions of the Mayoralty but also to modernise it particularly in the context of community engagement at a time when funding is at its lowest level.

4.2 Feedback is continually sought on every event in the Civic Programme with a view to making improvements, especially striving to obtain value for money.

CONCLUSION OF IMPACT ASSESSMENT

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

None.

FINANCIAL IMPLICATIONS

The total budget available to the Mayoralty for all aspects of expenditure during this year is £13,000 reducing to £8,400 in 2010/2011. This budget is allocated to events as required with the agreement of the Mayor in office who effectively provides the decision on how that budget will be spent. Quotes continue to be obtained to ensure that value for money is received.

Costs associated with any decisions made as a result of this report must be contained within this existing budget and if additional expenditure is proposed it may be necessary to identify matching savings.

A number of the decisions may therefore require further reports into the feasibility of their implementation and the financial implications of such proposals would be included in any subsequent reports prior to implementation. Should any additional costs be identified Members will need to consider these as potential growth items in considering future budgets.

SECTION 151 OFFICER'S COMMENTS

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

LEGAL IMPLICATIONS

This report has no direct legal implications. Where specific actions have legal implications these will be highlighted and considered as part of subsequent implementation reports where appropriate.

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

None.

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Ref:

CIVIC REVIEW IMPLEMENTATION PLAN

	ORIGINAL COUNCIL DECISION	ACTION AND SUBSEQUENT COUNCIL BUSINESS COMMITTEE DECISION	CURRENT POSITION
2	<p>Twinning</p> <p>(a) That the council encourage local organisations such as the Brownies, Scouts, sports groups etc to be in contact with their twinned counterpart.</p> <p>(b) That the Council strengthen links with all local ethnic minority communities.</p> <p>(c) That further business links be encouraged with Lancaster's Twin Towns.</p>	<p><i>Action:</i></p> <p>Liaise with the Lancaster International Twinning Society to ensure that this is done as part of the Service Level Agreement with the City Council.</p> <p>This is a diversity issue to be addressed as part of the Council's Community Cohesion Strategy.</p> <p>To be considered.</p>	<p><i>Proposed implementation:</i></p> <p>The City Council no longer provide grant support to the Twinning Society.</p> <p>Complete</p>
5	<p>Mayoral At Home That an additional Mayor's At Home be held in the Mayor's Ward.</p>	<p>Council Business Committee on 13th September agreed:</p> <p>(a) no further action be taken with regard to the proposal to arrange an additional Mayoral At Home.</p> <p>(b) commencing in 2008/09, 2 Mayoral At Homes be held in the existing Council venues towards the end of the Mayoral Year, with one of the events being held on a Saturday on an experimental basis by agreement with the Mayor.</p>	<p>The first year of change saw the same number of attendees as in previous years events, and it was felt that the Saturday morning would lend better to the Lancaster event. Dates for 2010 have been booked to tie in with the Centenary Celebrations of the Town Hall. They will take place on 20 January 2010 at the Platform, Morecambe from 3pm to 6.00pm and at the Town Hall, Lancaster on Saturday 23 January 2010 from 10am to 1pm. Tours of the Town Hall have been arranged with a "Lord Ashton" lookalike who will undertake the tours.</p> <p>Complete.</p>

CIVIC REVIEW IMPLEMENTATION PLAN

<p>6</p> <p>Community Festival - That consideration be given to holding a Mayor's Day Community Festival and Parade on the Saturday of Mayor Making replacing the Mayor's Sunday parade but maintaining the tradition with floats, local organisations e.g. Scouts, Brownies etc, bands – a similar to the carnival parades that used to take place in Morecambe and Lancaster.</p>	<p>Council Business Committee on 13th September agreed:</p> <p>That the Head of Democratic Services be authorised to continue investigating the possibility of a civic presence at the Community Festival currently held in Williamsons Park and a similar event in Happy Mount Park with a view to developing this as an alternative to a Community Festival and Parade on the Saturday of Mayor-making.</p> <p><i>Action:</i></p>	<p>The Lancaster Community Festival did not take place in 2009 so no event was attended. There may be opportunities to attend events or encourage community involvement during the 2010 Mayoral Year should there be sufficient funds to do so.</p> <p>Complete.</p>
<p>13</p> <p>Freemen</p> <p>(a) That the criteria for Freemen be amended to include the admission of women as Freemen and the extension of the geographical boundary to include the whole area of the district.</p> <p>(b) that the Freeman's Oath be revised to include the following elements of the Respect agenda:</p> <ul style="list-style-type: none"> • Promoting respect, leading by example • Promoting respect in the community • Showing tolerance, acceptance and decency to those around us – our family, friends and peers, people who are older or younger, people from different walks of life or who follow different cultures or religions. 	<p>Correspondence received from Department for Communities and Local Government. Consideration needs to be given to how the legislation can be changed which will impact on the implementation date. Included in the Democratic Services Business Plan</p>	<p><i>Proposed implementation:</i></p> <p>Pending – The Borough Freedom Bill finally became an act at the end of November 2009 and this is now being studied to ascertain how the criteria for admission can be changed.</p> <p>A report on options to do this will be submitted to the Committee for recommendation to Council as soon as possible.</p>

CIVIC REVIEW IMPLEMENTATION PLAN

<p>15</p>	<p>Town Crier - That the Council re-establish the office of Town Crier and recruit to this post through a public competition.</p>	<p><i>Action:</i></p> <p>Report required on the feasibility and cost of the establishment of this post against the cost of a Freelance Town Crier employed as needed, together with identification of the events at which such a post would be required.</p>	<p><i>Proposed implementation:</i></p> <p>There are a two options which can be considered:</p> <ol style="list-style-type: none"> 1. A recruitment exercise could be undertaken to identify a suitable person to fulfil the role of Town Crier. This will inevitably incur a cost, but the Council would also have to consider purchasing a suitable uniform, currently in the region of £2,100. The Council would also have to consider the payment of expenses for attending events. 2. There is already an established Town Crier residing in the district whose services could be bought in for events. Any cost could be accommodated would be considered on a case by case basis as funding would allow. <p>Taking into account the current budget constraints facing the Council, option two would be the most cost effective at the present time.</p>
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COUNCIL BUSINESS COMMITTEE

**City Council Meetings Timetable
and Meeting Times - 2010/11**

14th January 2010

Report of the Chief Executive

PURPOSE OF REPORT

To consider and agree a timetable of meetings and meeting times for the year 2010/11 for publication purposes.

This report is public.

RECOMMENDATIONS

- (1) That consideration be given to the dates, venues and start times of meetings in order that a timetable of meetings for 2010/11 can be recommended to Council for approval, as set out in the Appendices of the report.
- (2) That Members re-consider the commencement times of the first meetings of Overview and Scrutiny Task Groups (as set out in paragraph 1.7 of the report) and consider the consultations undertaken with Committee Chairmen regarding commencement times of meetings (Section 2.0).
- (3) That Members note the scheduling of the Annual Meeting and of the possible need to re-schedule this if a General Election is called at this time.

1.0 Timetable

1.1 The timetable of meetings for 2010/11 has been prepared following the same principles as last year in terms of frequency of meetings with a recess over August and a short break at Christmas. Minor alterations to the dates of some meetings have been made where external deadlines have to be met. The number of meetings for each Committee is as follows:

<u>Committee</u>	<u>Number of meetings per year</u>
Audit	5
Full Council	11 (including Annual, Budget and Special Councils)
Council Business Committee	6
Cabinet	11
Personnel	4 (with additional meetings called as required)
JCC	4
Planning Regulatory	13

Licensing Regulatory	8
Licensing Act	6 (with Sub-committees called as required)
Overview & Scrutiny Committee	9
Budget & Performance Panel	9
Standards	4 (with additional meetings called as required)
Williamson Park Board	4 (please see paragraph 1.9 below).

- 1.2 The number of meetings for Council set out in paragraph 1.1 includes the Special Council Meeting to be held during Local Democracy Week in line with the Constitution and as previously determined by this Committee. As in the previous year it is also suggested that the date for the 2010/11 Annual Council be fixed at this stage to enable advance arrangements and publicity to commence. Members are advised that Annual Council, in accordance with legislation, must be held in either March, April or May once a year, but not beyond these months. If a General Election was to be called there is the possibility that the Annual Council meeting would need to be re-arranged, but, as stated above, there is the requirement to hold this meeting prior to the end of May, but not beyond. The Committee is advised that the last possible date for a General Election is 3rd June 2010. If an Election was to be called and it was felt that this was either on the date of the Annual Council meeting or felt too close to it to be held Members would be consulted and an alternative date sought. Further, as in previous years, there will be a need to suspend a number of meetings which may have been scheduled close to the date called for the General Election. Members will be advised of any meetings that may need to be re-arranged.
- 1.3 The Budget Council has for many years been held during the last week of February. However, this was moved to a later date last year following receipt of information that the Police Authority's precept would not have been received in time for a February tax setting meeting and in view of this the meeting has been scheduled again at the later date in 2010.
- 1.4 Efforts have been made to avoid school holidays wherever possible, although on occasions, due to the need to arrange meetings to report to each other and the requirements of the budget setting process, this is not always the case.
- 1.5 The Budget and Performance Panel and Overview and Scrutiny Committee have been timetabled so that the Panel meets prior to Overview and Scrutiny meetings on the Meetings Timetable for 2010/11. Further, meetings of the Budget and Performance Panel have been arranged to tie in with the quarterly monitoring cycle.
- 1.6 With regard to Audit Committee Members should note that the meeting scheduled for the end of June has been included as it is required to approve the closure of accounts by the deadline of 30th June each year. Members are advised that the Audit Committee, at its meeting held on 30th June 2009, resolved "That the timetabling of the Audit Committee meeting be looked at with a view to increasing the number of Audit Committee meetings to 6 in a Municipal Year." In view of this an additional meeting has been included in the timetable for this Committee in November 2010 making the total number 5. If any more meetings are needed then these can be arranged as required.
- 1.7 With regard to Overview and Scrutiny Task Groups Members previously recommended that the first meeting of all Task Groups should take place at 6.00 p.m., unless there are special circumstances. The start time of future

meetings and the frequency of these meetings would then be agreed at the first meeting. The Committee is advised that there have been difficulties in making arrangements for first meetings of Task Groups due to commitments to other meetings and events. In view of this the Committee is asked to re-consider its previous recommendation and it is suggested that meetings be arranged by Democratic Services based on the availability of Task Group Members and other organisations, or expert witnesses who maybe required to attend.

- 1.8 Members are advised that an additional meeting of the Planning Committee has been included at the beginning of May 2011, prior to the date of the elections, to ensure that planning applications are considered on a regular basis.
- 1.9 With regard to Williamson Park Board Members are advised that a report on the latest position with regard to the current and future operation of Williamson Park will be considered by Cabinet on 19th January 2010 and a decision on the future operation may have an impact on the meetings timetable.
- 1.10 The Committee is requested to consider the timetable and times of meetings for 2010/11, as set out in the Appendices to the report.

2.0 Consultation

- 2.1 The Chairmen of Committees which had their commencement time amended last year have been consulted in order to obtain their views on how this has impacted on the workings of those meetings. Comments received are set out below: -

Council Business Committee:

Councillor Dennison has advised that there seems to be a problem particularly at meetings in Lancaster with a 4.30 p.m. start, with problems associated with traffic delays which could affect members attendance at the start and also impacting on their time at the finish of meetings, unless it is an inordinately long meeting. Members can also be late arriving if they have to travel a significant distance. It seems less severe with a 6.00 p.m. start. Living in Morecambe other changes have not been a problem to Councillor Dennison, but may be to others.

Councillor Smith, former Chairman, has advised that he is happy with the commencement times of meetings.

Standards Committee:

Mr Lamley has advised that he does not mind when the commencement time is and he has not been informed by other members of the Committee of any problems encountered with the start time of the meeting.

- 2.2 Any further comments received after the publication of the Agenda will be reported at the meeting.
- 2.3 Officers have also been consulted to ensure that meetings are held on appropriate dates to ensure that external deadlines are met.

3.0 Conclusions

- 3.1 The timetable of meetings for 2010/11 has been prepared and incorporates the resolutions of Council last year and follows the same principles in terms of frequency of meetings. Members are requested to consider the proposed timetable.
- 3.2 Whilst this Committee has delegated power to agree the timetable and related issues on behalf of full Council it is suggested that the Committee's recommendations be referred to full Council to ensure that all Members have every opportunity to make their views known on this matter.

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

None.

FINANCIAL IMPLICATIONS

There are no additional financial implications to the retention of the meetings timetable as set out in this report. The cost of holding the meetings included in this timetable can be met from the existing Democratic Representation budgets.

However, there may be some additional resource and financial implications involved in increasing the number of evening meetings. It is not possible to quantify these with any great certainty, and a further report may be required if substantial amendments were made to the Meetings Timetable.

SECTION 151 OFFICER'S COMMENTS

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

LEGAL IMPLICATIONS

It is a legal requirement that the Council publishes its timetable of meetings by the commencement of each Municipal Year. Amendments can be made throughout the year provided at least 5 days notice is given.

If changes were to be made to the start times of meetings consideration may need to be given, in some circumstances, to amendments to other elements of the Constitution, particularly where a given timescale is set out for the production of Minutes (i.e. Cabinet minutes etc).

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

None.

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APPENDIX A

Venues and Start Times of Meetings

Meeting	Start Time	Venue
Annual Council (Ceremonial)	12 noon	LTH
Annual Council (Business)	6.00 p.m.	MTH
Council	2.00 p.m.	MTH
Council Business Committee	5.00 p.m.	MTH
Audit Committee	6.00 p.m.	MTH
Budget and Performance Panel	6.00 p.m.	LTH
Cabinet	10.00 a.m.	LTH/MTH alternating
Licensing Regulatory Committee	1.00 p.m.	LTH
Licensing Act Committee	4.30 p.m.	LTH
Overview and Scrutiny Committee	6.00 p.m.	MTH
Personnel Committee	4.30 p.m.	LTH
Planning and Highways Regulatory Committee	10.30 a.m.	LTH (The meeting will return to MTH once works to enhance the Council Chamber have been undertaken).
Standards Committee	10.00 a.m.	LTH

