



INDIVIDUAL CABINET MEMBER AND OFFICER DELEGATED DECISIONS

THURSDAY, 24 SEPTEMBER 2009

Please find enclosed Decision Notices in connection with the following:

Officer Delegated Decisions:-

1. **Kitchen/Bathroom Refurbishments - Ridge Estate** (Page 1)
2. **Electrical Inspections 2009.10- Branksome, Westgate and Trumacar-Heysham Estates** (Page 2)

Individual Cabinet Member Decisions:-

3. **Platform Kiosk Bar** (Pages 3 - 9)
4. **Applications for Discretionary Rate Relief** (Pages 10 - 21)
5. **To Approve the Declaration of an Air Quality Management Area for Galgate** (Pages 22 - 29)

Please note that these are subject to call-in.

Queries regarding these documents

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

Gillian Noall,
Head of Democratic Services,
Town Hall,
Dalton Square,
Lancaster LA1 1PJ

Published on Thursday, 24 September 2009

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

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

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

TITLE OF DECISION:			
KITCHEN AND BATHROOM RENEWALS AT RIDGE ESTATE			
NAME OF DECISION TAKER:	MARK CULLINAN		
POSITION AND RESPONSIBILITY HELD:	CHIEF EXECUTIVE		
CONTACT OFFICER:	TOM GREENWOOD		
TELEPHONE:	01524 582456		
E-MAIL:	tgreenwood@lancaster.gov.uk		
Details of Decision:			
That Rogerson Group Ltd be appointed to carry out kitchen and bathroom renewals at Ridge Estate.			
Reasons for the decision			
The kitchen/bathroom refurbishments on the Ridge Estate forms part of the 2009/10 Council Housing Capital Programme. In undertaking this work the properties on the Ridge Estate will continue to meet the Decent Homes Standard. This is in line with the Corporate Objective to Support Our Local Communities Objective 6 To improve the standard, availability and affordability of housing in the district to meet local needs. The tender received from the Rogerson Group was the most economically advantageous tender received based on price/quality.			
IS THE DECISION URGENT Yes/NO PLEASE DELETE AS APPROPRIATE AND GIVE REASONS FOR URGENCY BELOW:			
N/A			
I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW & SCRUTINY PROCEDURE RULES)			
SIGNATURE OF THE OVERVIEW & SCRUTINY CHAIRMAN:	N/A		
I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.			
SIGNATURE OF DECISION TAKER:	Mark Cullinan		
DATE:	9 September 2009		
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			
		REF NO.	OD64
DATE DECISION TAKEN:	09/09/09	DATE RECEIVED BY DEMOCRATIC SERVICES:	09/09/09
DATE DECISION PUBLISHED:	24/09/09	IMPLEMENTATION DATE (publication day + 5 working days):	02/10/09

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



Promoting City, Coast & Countryside

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

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

TITLE OF DECISION: ELECTRICAL INSPECTIONS 2009/10 BRANKSOME-WESTGATE AND TRUMACAR/HEYSHAM ESTATES			
NAME OF DECISION TAKER:	MARK CULLINAN		
POSITION AND RESPONSIBILITY HELD:	CHIEF EXECUTIVE		
CONTACT OFFICER:	STEPHEN HALL		
TELEPHONE:	01524 582458		
E-MAIL:	Shall2@lancaster.gov.uk		
Details of Decision: That Robt Briggs & Son (Lancaster) be appointed to carry out electrical inspections in Branksome-Westgate and Trumacar/Heysham Estates.			
Reasons for the decision The electrical inspections on the Branksome, Westgate and Trumacar Estates forms part of the 2009/10 Council Housing Revenue Planned Maintenance Programme. This is in line with the Corporate Objective to Support Our Local Communities Objective 6 To improve the standard, availability and affordability of housing in the district to meet local needs. The tender received from Robert Briggs & Son (Lancaster) was the lowest tender received.			
IS THE DECISION URGENT Yes/NO PLEASE DELETE AS APPROPRIATE AND GIVE REASONS FOR URGENCY BELOW: N/A			
I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW & SCRUTINY PROCEDURE RULES) SIGNATURE OF THE OVERVIEW & SCRUTINY CHAIRMAN: N/A			
I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.			
SIGNATURE OF DECISION TAKER:	Mark Cullinan		
DATE:	22 September 2009		
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			
		REF NO.	OD65
DATE DECISION TAKEN:	22/09/09	DATE RECEIVED BY DEMOCRATIC SERVICES:	22/09/09
DATE DECISION PUBLISHED:	24/09/09	IMPLEMENTATION DATE (publication day + 5 working days):	02/10/09

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

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

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

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

TITLE OF DECISION	
PLATFORM KIOSK BAR	
NAME OF DECISION TAKER:	COUNCILLOR JUNE ASHWORTH
POSITION AND RESPONSIBILITY HELD:	CABINET PORTFOLIO HOLDER FOR CULTURAL SERVICES.
CONTACT OFFICER:	DAVID OWEN
TELEPHONE:	(01524) 582820
E-MAIL:	dowen@lancaster.gov.uk
Details of Decision:	
<p>(1) That approval be given to a Deed of Variation being attached to the 999 year lease to the Station public house to remove a right of way through the Platform.</p> <p>(2) That approval be given for Cultural Services to formally run the Platform kiosk bar and take ownership of the existing facilities from the current operator, and that the outstanding rent arrears be offset in full accordingly.</p> <p>(3) That the Head of Financial Services be authorised to update the General Fund Revenue Budget and Capital Programme to reflect associated additional expenditure and income, subject to there being a nil impact on the Council's net budget and this being kept under regular review.</p>	
Reasons for the decision (continue on separate sheet or append relevant papers as necessary):	
<p>The current operator of the Platform Kiosk bar has given up their operating lease, which has effectively left and potentially still leaves the Platform as a venue without refreshment facilities for audiences attending shows and events, which causes problems both in terms of customer expectations, but also income to the City Council. This decision removes the restrictive right of way across the Platform and provides a bar facility to be operated by staff from Cultural Services, bringing the operation within the overall management of the Platform.</p>	
Is the decision URGENT Yes/NO Please delete as appropriate and give reasons for urgency below:	
NO	
<i>*To be completed in the case of URGENT decisions</i>	
I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES)	
SIGNATURE OF THE OVERVIEW AND SCRUTINY COMMITTEE CHAIRMAN:	N/A

I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.			
SIGNATURE OF DECISION TAKER:		June Ashworth	
DATE:		23 September 2009	
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			REF NO.
			PD247
DATE DECISION TAKEN:	23/09/09	DATE RECEIVED BY DEMOCRATIC SERVICES:	23/09/09
DATE DECISION PUBLISHED:	24/09/09	IMPLEMENTATION DATE (publication day + 5 working days):	02/10/09

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted



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

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

TITLE OF DECISION:	
AWARDS OF DISCRETIONARY RATE RELIEF	
NAME OF DECISION TAKER:	COUNCILLOR ROGER MACE
POSITION AND RESPONSIBILITY HELD:	CABINET PORTFOLIO HOLDER FOR REVENUE SERVICES
CONTACT OFFICER:	GRAHAM SAYERS
TELEPHONE:	01524 582203
E-MAIL:	gsayers@lancaster.gov.uk
Details of Decision:	
<p>(1) That having considered each of the cases on merit :</p> <ul style="list-style-type: none"> (a) Application A from Lancaster & District Women’s Aid be awarded 20% “top up” discretionary rate relief from the 1 May 2009 – 31st March 2010. (b) Application B from The Stroke Association be refused 20% “top up” discretionary rate relief from the 1st July 2009 – 31st March 2010 as the services provided by this welfare group do not solely benefit the local community. (c) Application C from Ascentis be refused 20% “top up” discretionary relief in line with other national educational organisations where no additional discretionary relief is granted. (d) Application D from Westgate Wanderers FC be awarded 100% discretionary relief until such time as the application for CASC status has been approved by Her Majesty’s Revenues & Customs (HMRC) when 80% mandatory relief will be awarded .The remaining balance of 20% will then be subsequently granted as “top-up” relief. 	
Reasons for the decision (continue on separate sheet or append relevant papers as necessary):	
Having considered each case on its merits, the decisions are in line with previous decisions made in respect of similar applications.	
Is the decision URGENT Yes/NO Please delete as appropriate and give reasons for urgency below:	
<u>No</u>	
<i>*To be completed in the case of URGENT decisions</i>	
I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW & SCRUTINY PROCEDURE RULES)	
SIGNATURE OF THE OVERVIEW & SCRUTINY CHAIRMAN:	N/A
I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.	
SIGNATURE OF DECISION TAKER:	Roger Mace
DATE:	22 September 2009

LANCASTER CITY COUNCIL

Promoting City, Coast & Countryside

<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>		REF NO.	PD246
DATE DECISION TAKEN:	22/09/09	DATE RECEIVED BY DEMOCRATIC SERVICES:	22/09/09
DATE DECISION PUBLISHED:	24/09/09	IMPLEMENTATION DATE (publication day + 5 working days):	02/10/09

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Applications for Discretionary Rate Relief

Individual Cabinet Member Decision (Councillor Roger Mace) Report of Head of Revenue Services

PURPOSE OF REPORT			
<p>The Council has a discretionary power to award rate relief to Business ratepayers in specified circumstances.</p> <p>This report requests the Cabinet Member to consider:</p> <p>3 new applications for 20% top-up relief (A, B & C) 1 new application for 100% discretionary relief (D)</p>			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>
Date Included in Forward Plan		Not Applicable	
This report is public			

RECOMMENDATIONS:

It is recommended that after taking in to account the merits of each case and previous decisions to ensure consistency of treatment:

Application A is granted 20% top-up relief

Applications B & C are refused 20% top-up relief

Application D is granted 100% discretionary relief, until such time as the application for Community Amateur Sports Club Status is approved.

1. Introduction

1.1 Under Section 43 of the Local Government Finance Act 1988, where a property is occupied by a registered charity or trustees for a charity, liability to Non-Domestic Rate is reduced by 80%.

Under Section 47 of the Act, the Council has discretion to 'top-up' to 100%, the relief given to any organisation receiving mandatory relief.

In addition, further discretion is available to grant up to 100% rate relief to other non-profit making organisations.

Because of the legal requirements for the length of notice to be given to an organisation when varying or cancelling relief, it is the Council's policy to grant discretionary relief for one year only rendering each case subject to an annual review. If it is determined that relief should be granted, it will be awarded to 31st March 2010

Attached as **Appendix 1** to this report is a guidance note, which the Cabinet Member may wish to use as a basis for their decision in granting relief.

Shown below is a summary of the current criteria used to judge various applications when considering claims for mandatory or discretionary rate relief under each particular category.

1. **Scouts, Guides, etc.**
80% mandatory relief and 20% discretionary relief normally given.
2. **Sports Organisations**
100% discretionary relief or 80% mandatory and 20% 'top-up' where there is no bar.
50% discretionary relief where there is a bar.
3. **Recreational Organisations**
80% mandatory relief and 20% discretionary relief or 100% discretionary relief, if no mandatory relief.
4. **Village Halls/Community Centre**
80% mandatory relief and 20% discretionary relief, or 100% discretionary relief if no mandatory relief.
5. **Educational Organisations**
80% mandatory relief but no additional discretionary relief.
6. **Charity Shops**
80% mandatory relief but no additional discretionary relief unless the charity solely or mainly benefits local residents.
7. **Welfare Groups**
80% mandatory relief but no additional discretionary relief unless the organisation solely or mainly benefits local residents.
8. **Miscellaneous Organisations**
Playgroups have been given 80% mandatory relief and 20% discretionary relief, or 100% discretionary relief where appropriate. Other organisations falling within this category have been treated according to the merits of their case.

2.0 Proposal Details

New Applications:

A. Name	Lancaster & District Women's Aid
<i>Situation</i>	B24 St Leonards House
<i>Description</i>	Offices & premises – Category 7
<i>Rateable Value</i>	£450

Application for 20% top up Discretionary Rate Relief (Recommendation to grant relief)

Rate Charge after Mandatory Relief		Cost to General Fund of agreeing recommendation	
2009/10	40.06●		30.05
TOTAL	40.06		30.05

● **With effect from 1 May 2009**

This application relates to additional office space used by the Lancaster and District Branch of the Women's Aid National charity, used for counselling and meeting with clients and their families who are victims of domestic violence. The object is to relieve the distress and suffering experienced by women within the Lancaster and Morecambe area who are, or have suffered physical or mental abuse.

B. Name	The Stroke Association
<i>Situation</i>	7:0:4 Cameron House
<i>Description</i>	Offices & Premises – Category 7
<i>Rateable Value</i>	£2250

Application for 20% top up Discretionary Rate Relief (Recommendation to refuse relief)

Rate Charge after Mandatory Relief		Cost to General Fund of agreeing recommendation	
2009/10	163.84●		122.88
TOTAL	163.84		122.88

● **With effect from 1 July 2009**

The Stroke Association is a welfare group which offers support to people with aphasia, which is a condition which can lead to isolation and depression. Although locally based it is a national charity and the Lancaster branch is for administrative purposes only, administering to all areas of Lancashire.

C. Name	Ascentis
<i>Situation</i>	West Lodge, Quernmore Road, Lancaster
<i>Description</i>	Offices & Premises – Category 5
<i>Rateable Value</i>	£3650

**Application for 20% top up Discretionary Rate Relief
(Recommendation to refuse relief)**

Rate Charge after Mandatory Relief		Cost to General Fund of agreeing recommendation	
2009/10	235.71●		176.78
TOTAL	235.71		176.78

● With effect from 1 August 2009

This is the office base for the charity Ascentis which is a National Educational Awarding Body Organisation whose objects are to promote and advance education and training of young persons and adults.

D. Name	Westgate Wanderers FC
<i>Situation</i>	King Georges Playing Field
<i>Description</i>	Changing rooms & premises - Category 2
<i>Rateable Value</i>	£3550

**Application for Discretionary Rate Relief
(Recommendation to grant 100% relief until the application for Community Amateur Sports Club status has been approved)**

Rate Charge after Small Business Rate Relief (SBRR)		Cost to General Fund of agreeing recommendation	
2009/10	704.07●		176.02
TOTAL	704.07		176.02

● With effect from 4 June 2009

The above football club was granted 100% discretionary relief on its' former changing rooms in Westgate which burnt down. The secretary of the club has now applied for Community Amateur Sports Club relief (CASC) which would entitle the club to 80% mandatory relief. In the meantime an application for discretionary relief has been made until such time as CASC status is approved by H M Revenue & Customs (HMRC).

3.0 Details of Consultation

3.1 No consultation has taken place.

4.0 Options and Options Analysis (including risk assessment)

4.1 There are two options available for consideration in respect of all applications.

4.2 Option 1-

To grant discretionary rate relief in respect of the new applications, each individually on their merits, based on the guidelines provided in this report and with reference to previous decisions made in respect of similar organisations.

4.3 Option 2-

To refuse discretionary rate relief in individual cases, based on the facts of each one and providing the reasons for refusal.

5.0 Officer Preferred Option (and comments)

Option 1 is the preferred option in respect of Applications A and D granting discretionary relief in accordance with officer recommendations and Council guidelines.

Option 2 is the preferred option in respect of Applications B & C which is to refuse the award of discretionary relief in accordance with officer recommendations.

6.0 Conclusion

6.1 The decision should be made in accordance with Officer Recommendations.

RELATIONSHIP TO POLICY FRAMEWORK

The proposals within this report link to the strategy within our existing Corporate Plan whereby we aim to provide and improve upon Lancaster City Council services in the most effective and efficient way.

In addition, the report displays our commitment to joint working with voluntary organisations and recognises the positive contribution that voluntary and community groups play in the provision and prioritisation of service delivery.

CONCLUSION OF IMPACT ASSESSMENT

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

This report raises no implications.

FINANCIAL IMPLICATIONS

Appendix 2 sets out the details of the financial implications of granting relief for the new applications as shown in the recommendations.

The Council has discretion to 'top-up' to 100%, the relief given to an organisation receiving mandatory relief. In addition, further discretion is available to grant up to 100% rate relief for other non-profit making organisations.

The account arrangements for discretionary relief are somewhat unusual in that the awards for a particular financial year are not accounted for until the following year. As a consequence, relief awarded in 2009/10 will be included in the 2010/11 revenue estimates. It is expected that the total annual cost to General fund of continuing relief to these organisations will be around £67,900 in 2009/10.

The council currently works on the basis that the budget will be driven by the policy for granting mandatory/discretionary relief, rather than the budget (and therefore the granting of relief) being cash limited. If the recommendations are agreed the budget for the cost of relief for 2010/11 will be increased by £200 and by the same amount in future years. It should be noted that it is intended to review the Council's policy for Discretionary Rate Relief (including hardship) during this financial year.

SECTION 151 OFFICER'S COMMENTS

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

LEGAL IMPLICATIONS

Legal Services have been consulted and have no observations to make on this report.

MONITORING OFFICER'S COMMENTS

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

BACKGROUND PAPERS

Exempt under Paragraph 3 of Schedule 12a
Local Government Act 1972

Contact Officer: Melanie Cragg

Telephone: 01524 582215

E-mail: mcragg@lancaster.gov.uk

Ref:

DISCRETIONARY RATE RELIEF

Under Section 47, Local Government Finance Act 1988 a charging authority may grant relief from all or part of the amount payable by way of National Non-Domestic Rate in respect of hereditaments occupied by a charity for charitable purposes, by certain voluntary bodies of a philanthropic nature, for recreation or by clubs and societies not established or conducted for profit.

Considerations

The notes shown below have been prepared to provide the Cabinet Member with guidance when considering applications for discretionary rate relief.

Due to the wide range of bodies eligible for discretionary rate relief, not all of the criteria shown below will be applicable in each case, therefore each case should be considered on its own merits, taking into account the contribution the organisation makes to the amenities of the area. Guidance is also provided for certain organisations where the Cabinet Member has previously considered applications and in an attempt to provide a consistent approach, the decision of the Cabinet Member has been provided.

When considering an application, the following points should be considered.

i. Access

A Is membership open to all sections of the community?

There may be legitimate restrictions placed on membership which relate for example to ability in a sport or to the achievement of a standard in the field covered by the organisation or where the capacity of the facility is limited. Clubs or organisations should not be considered if they have membership rates set at such a high level as to exclude the general community.

B Does the organisation actively encourage membership from particular groups in the community, e.g. young people, women, older age groups, persons with a disability, etc?

An organisation, which encourages such membership, might expect more sympathetic consideration than one, which makes no effort to attract members from groups, which the authority considered to be particularly deserving of support.

C Are the facilities made available to people other than members, e.g. schools, casual public sessions, etc?

The wider use of facilities should be encouraged and rate relief might be one form of recognition that an organisation was promoting its facilities more widely.

ii. Provision of Facilities

A Does the organisation provide training or education for its members?

Are there schemes for particular groups to develop their skills, e.g. young people, the disabled, retired people?

An organisation providing such facilities might deserve more support than one, which does not.

- B Have the facilities available been provided by self-help or grant aid?

The fact that a club uses or has used self-help for construction or maintenance or had facilities funded by grant aid might be an indicator that they were more deserving of relief.

- C Does the organisation run a bar?

The mere existence of a bar should not in itself be a reason for not granting relief. The Committee has, in all cases where the organisation operates a bar, limited the relief to a maximum of 50%.

The Authority should look at the main purpose of the organisation. In sports clubs, for example, the balance between playing and non-playing members might provide a useful guide as to whether the main purpose of the club is sporting or social activities. A social club whose main aim is to bring together people with similar interests should not be excluded from relief just because of the existence of a licensed bar.

- D Does the organisation provide facilities which indirectly relieve the authority of the need to do so, or enhance and supplement those which it does provide?

Authorities should not refuse relief on the grounds that an organisation is in competition with the Authority itself, but should look at the broader context of the needs of the community as a whole. Provision of facilities to meet a new need, not being provided by the Authority itself, but identified, as a priority for action, might be particularly deserving of support.

iii. **Other Considerations**

- A Is the organisation affiliated to local or national organisations, e.g. local sports or arts councils, national representative bodies?
- B Is membership drawn from people mainly resident in the billing authority's area?
- C Do the facilities provided benefit the Authority's area as a whole?

The Cabinet Member should be aware that for any application granted, 25% of the total granted will be borne by the taxpayers.

If the facilities provided do not benefit the area as a whole, the taxpayers may be financing a national organisation that is locally based.

The Cabinet Member has previously refused applications if the organisation does not benefit the area as a whole.

iv. **Charity Shops**

- A If the charity does not solely or mainly benefit local residents the Committee has previously *limited the total relief granted to the organisation to 80%* (this includes the 80% mandatory relief that is granted to registered charities).
- B Is the organisation used wholly or mainly for the sale of goods donated to a charity and are the proceeds of sale applied to the purposes of the charity?

Charity shops, which wholly or mainly sell goods bought under normal trading conditions, are not entitled to relief (this arose from the decision in Oxfam v Birmingham City Council (1975)).

Decisions and Determinations

For all applications for discretionary relief, the Authority must send written notification of the outcome of the application. The notification must state:

- i. Where relief is awarded –
 - (a) The first day to which the decision operates;
 - (b) If in respect of a particular period, the last day to which the decision operates;
and
 - (c) the amount chargeable.
- ii. Where relief is refused –
 - (a) The reasons for refusing the application.
- iii. Where relief is revoked or varied –
 - (a) The day on which the revocation or variation takes place;
 - (b) the amount chargeable;
and
 - (c) the reasons for the revocation/variation.

Summary

- i. **When considering an application for discretionary relief, the Cabinet Member should consider the points mentioned above.**
- ii. **The Cabinet Member should try to ensure that there is consistency in the level of relief granted to organisations of a similar nature.**
- iii. **25% of the total value of discretionary relief granted will be borne by the taxpayers. However, in cases where mandatory relief has been granted and the Cabinet Member grants the additional 20% 'top-up' relief, 75% of any additional relief granted will be borne by the taxpayers.**
- iv. **If an application for relief is refused, the Cabinet Member must give reasons for his decision.**

APPENDIX 2

PROPERTY ELIGIBLE FOR RATE RELIEF	TYPE OF RELIEF	AMOUNT OF RELIEF	FINANCIAL IMPLICATIONS			
			Proportion offset against payments into NDR Pool	Proportion borne locally by Council Taxpayers 2008/09 2009/10		
Property wholly or mainly used for charitable purposes which is occupied by a Registered, Excepted or Exempt Charity.	Mandatory	80%	100%	--	£ --	£ --
	Discretionary	Up to a further 20%	25%	75%	--	30.05
Property, all or part of which is occupied for the purposes of a non-profit making:					£	£
(a) institution or other organisation, whose main objects are philanthropic or religious or concerned with social welfare, science, literature or the fine arts, or;	Discretionary	Up to 100%	75%	25%	-	-
(b) club, society or other organisation and is used for the purposes of recreation or sport	Discretionary	Up to 100%	75%	25%	-	176.02
Property, all or part of which is occupied, other than as a trustee, by a charging or precepting authority.	None	None	--	--	--	--



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

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

TITLE OF DECISION: TO APPROVE THE DECLARATION OF AN AIR QUALITY MANAGEMENT AREA FOR GALGATE			
NAME OF DECISION TAKER:	COUNCILLOR JON BARRY		
POSITION AND RESPONSIBILITY HELD:	CABINET MEMBER WITH RESPONSIBILITY FOR THE ENVIRONMENT		
CONTACT OFFICER:	N HOWARD		
TELEPHONE:	01524 582734		
E-MAIL:	NHOWARD@LANCASTER.GOV.UK		
Details of Decision:			
That an Air Quality Management Area (AQMA) for Galgate be declared under Section 83(1) of the Environment Act 1995 as set out in Appendix 1 to the report.			
Reasons for the decision (continue on separate sheet or append relevant papers as necessary):			
A statutory air quality objective (nitrogen dioxide annual average concentrations at residential locations) is being exceeded. Declaration of an AQMA is mandatory in these circumstances and carrying out a formal Detailed Assessment at this stage will incur unnecessary additional expense and cause a delay.			
Is the decision URGENT - NO			
<i>*To be completed in the case of URGENT decisions</i>			
I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES)			
SIGNATURE OF THE OVERVIEW AND SCRUTINY COMMITTEE CHAIRMAN:	N/A		
I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.			
SIGNATURE OF DECISION TAKER:	Jon Barry		
DATE:	23 September 2009		
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			REF NO.
			PD248
DATE DECISION TAKEN:	23/09/09	DATE RECEIVED BY DEMOCRATIC SERVICES:	23/09/09
DATE DECISION PUBLISHED:	24/09/09	IMPLEMENTATION DATE (publication day + 5 working days):	02/10/09

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

CABINET

**To seek approval for the Declaration of an Air Quality
Management Area for Galgate
Individual Cabinet Member Decision**

Report of Head of Health & Strategic Housing

PURPOSE OF REPORT			
To seek approval for the declaration of an Air Quality Management Area for Galgate.			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>
		X	Referral from Cabinet Member
Date Included in Forward Plan		N/A	
This report is public.			

RECOMMENDATION OF HEAD OF HEALTH AND STRATEGIC HOUSING

That an Air Quality Management Area for Galgate be declared as set out at Appendix 1.

1.0 Introduction

1.1 The council has a statutory duty to manage local air quality under the Environment Act 1995 Part 4 and has previously declared two Air Quality Management Areas (AQMAs) in central Lancaster and central Carnforth. Both the AQMAs were declared because one of the national air quality objectives (nitrogen dioxide annual average concentrations at residential locations) was likely to be exceeded.

1.2 The council measures nitrogen dioxide concentrations at various outdoor locations to examine air pollution levels and enable comparisons with air quality objectives. As part of a continuing review of the effectiveness and appropriateness of its monitoring programme officers identified Galgate as an area of possible concern and began monitoring at one location in 2006, followed by a further five sites in 2008 and an extra site in 2009. The results of the monitoring show an exceedence of the nitrogen dioxide annual average air quality objective.

2.0 Proposal Details

2.1 Having confirmed that the annual air quality objective for nitrogen dioxide is being exceeded at 'relevant locations', the council would normally be expected to conduct a formal Detailed Assessment in accordance with national statutory guidance. Ultimately that would lead to a decision whether to declare an Air Quality Management Area (AQMA) for possible exceedence of the annual objective.

However the council has already undertaken enough monitoring to achieve the technical objectives of a Detailed Assessment and to determine that it will be necessary to declare an Air Quality Management Area in Galgate. The Department for the Environment Food and Rural Affairs (DEFRA) has agreed to a departure from statutory guidance whereby the council may proceed to declare an AQMA without undertaking a Detailed Assessment.

- 2.2 The council has a statutory duty, under section 83(1) of the Environment Act 1995, to declare an AQMA where it is satisfied that air quality objectives are not being met. New air quality management areas are declared by Order. The proposed Air Quality Management Area Order, including a map, forms Appendix 1 of this report. The boundaries of the Air Quality Management Area are based upon relevant locations where the annual average nitrogen dioxide concentration is likely to be exceeded, with the boundary taken as 20 metres from the edge of the kerb. This is in common with the existing air quality management areas already declared for Lancaster and Carnforth.

3.0 Details of Consultation

- 3.1 Details of the proposed Air Quality Management Area have been discussed and agreed with Lancashire County Council, North Lancashire PCT and the Environment Agency through an officer level steering group. The County Council has also been consulted formally as a statutory requirement.
- 3.2 The declaration of an Air Quality Management Area is the starting point of a process of assessment and refinement prior to the production of Air Quality Action Plans. Formal public consultation will follow as required as part of that process.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 The council has a statutory duty to declare an Air Quality Management Area where the annual average nitrogen dioxide objective has been exceeded at relevant locations.
- 4.2 Option 1 is to declare an Air Quality Management Area without the unnecessary expense and delay incurred by conducting a formal Detailed Assessment. This would be an efficient use of resources and, whilst it departs from the statutory guidance, DEFRA has confirmed its agreement to this approach. No adverse implications have been identified given that work to monitor nitrogen dioxide levels and ascertain the scale and geographical extents of exceedences of the annual objective is accommodated within existing work plans for 2009-10.
- 4.3 Option 2 is to undertake a formal Detailed Assessment. This would inevitably lead to the declaration of an Air Quality Management Area but would incur additional expenditure and cause a delay
- 4.4 The Council does not have the option not to declare an AQMA in Galgate since this would contravene the council's statutory duty under section 83(1) of the Environment Act 1995.

5.0 Officer Preferred Option (and comments)

- 5.1 The officer preferred option is Option 1.

6.0 Conclusion

6.1 Either option will require declaration of an Air Quality Management Area in Galgate. Given the level of activity already underway in Galgate, the formality of conducting a Detailed Assessment is not necessary and the Council should proceed directly to declaration of the AQMA.

RELATIONSHIP TO POLICY FRAMEWORK

This decision is a mandatory statutory requirement. Local air quality management is a corporate priority and a key focus of the Local Strategic Partnership (stage two action plan ENV2.2B).

CONCLUSION OF IMPACT ASSESSMENT

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

This decision is in the interests of protecting human health from unacceptable air pollution. No adverse impacts have been identified.

FINANCIAL IMPLICATIONS

The decision to declare an air quality management area for Galgate, would lead to the requirement for a technical assessment at a cost of up to £5000. This cost can be accommodated from within the existing Air Quality Management budget of £21800.

If option 2 were to be approved there would be an additional expenditure of between £4,000 and £5,000.

SECTION 151 OFFICER'S COMMENTS

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

LEGAL IMPLICATIONS

There are no legal implications arising from this report.

MONITORING OFFICER'S COMMENTS

Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

1. Environment Act 1995.
2. Updating & Screening Assessment 2009.
3. Local Air Quality Management: Technical Guidance LAQM.TG(09).

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Ref: C83

**Appendix 1
Proposed Air Quality Management Area Galgate**

SECTION 83(1) ENVIRONMENT ACT 1995

**AIR QUALITY MANAGEMENT AREA
(GALGATE)(NO.1) ORDER 2009**

Lancaster City Council in exercise of the powers conferred on it by Section 83(1) of the Environment Act 1995 hereby makes the following Order.

This Order may be cited as the Air Quality Management Area (Galgate) (No.1) Order 2009 and shall come into effect on **DATE T.B.C.**

The effect of the Order is to designate as an Air Quality Management Area the area comprising the roads listed in Schedule 1 and the area which extends twenty metres in either direction measured from the kerb of each of those roads. Where this designated area includes any part of a property, it shall be taken to include the whole of that property (building and associated open space) within the same curtilage. The area subject to this Order is indicated as shaded on the plan in Schedule 2.

This Area is designated in relation to a likely breach of the Nitrogen Dioxide (annual mean) objective contained in the Air Quality (England) Regulations 2000 as amended.

This Order shall remain in force until it is varied or revoked by a subsequent order.

The COMMON SEAL of the LANCASTER CITY COUNCIL was hereunto affixed in the presence of:

CORPORATE DIRECTOR

Date:

Schedule 1

Roads associated with the Air Quality Management Area

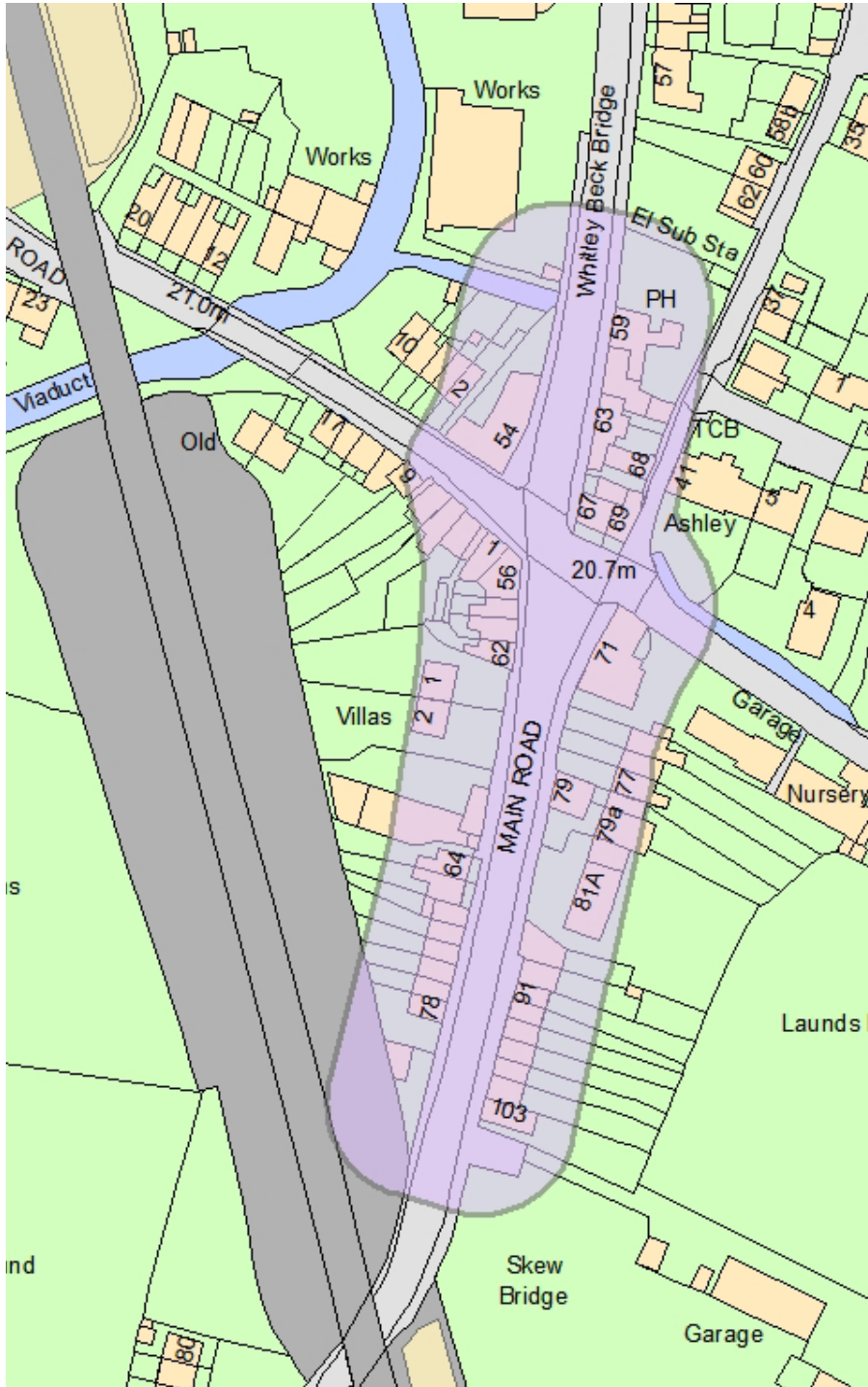
- The road associated with this Order is the section of Main Road, Galgate between numbers 59 and 103.

--- End of Schedule 1 ---

Schedule 2

The area subject to this Order is shaded (coloured purple on original copies)

Note: on the plan below railway land is shaded dark grey.



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--- End of Schedule 2 ---

Notes (these do not form part of the Order)

A copy of the Order and its associated plan have been deposited and may be seen, free of charge, at the undermentioned offices during normal office hours and at Lancaster Central Library, Market Square, Lancaster during normal opening hours. Copies of the order and map may be purchased at the price of £2.00.

This Order may be viewed at:

Town Hall, Dalton Square
Lancaster LA1 1PJ

or

Town Hall, Marine Road East
Morecambe LA4 5AF

and on the Council's website:

<http://www.lancaster.gov.uk/airquality>

Enquiries should be directed to:

Environmental Health Services

Telephone: 01524 582935

Email: airquality@lancaster.gov.uk