

CABINET

10.00 A.M.

24TH JULY 2012

PRESENT:- Councillors Eileen Blamire (Chairman), Jon Barry, Abbott Bryning, Tim Hamilton-Cox, Karen Leytham, Ron Sands and David Smith

Apologies for Absence:-

Councillor Janice Hanson (Vice-Chairman)

Officers in attendance:-

Mark Cullinan	Chief Executive
Nadine Muschamp	Head of Resources and Section 151 Officer
Mark Davies	Head of Environmental Services (Minutes 35 & 37)
Richard Tulej	Head of Community Engagement (Minute 35)
Andrew Dobson	Head of Regeneration & Planning (Minutes 38 & 39)
Nick Howard	Environmental Protection Manager (Minute 34)
Susan Clowes	Senior Environmental Health Officer (Minute 34)
Paul Broadley	Senior Regeneration Officer (Minute 38)
Paul Rogers	Senior Regeneration Officer (Minute 39)
Liz Bateson	Principal Democratic Support Officer

30 MINUTES

The minutes of the meeting held on Tuesday 3 July 2012 were approved as a correct record.

31 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

The Chairman advised that there were no items of urgent business.

32 DECLARATIONS OF INTEREST

No declarations were made at this point.

33 PUBLIC SPEAKING

Members were advised that there had been a request to speak at the meeting from a member of the public in accordance with Cabinet's agreed procedure, as set out in Cabinet Procedure Rule 2.7, with regard to Adoption of Dog Control Orders (Minute 34 refers).

34 ADOPTION OF DOG CONTROL ORDERS

(Cabinet Member with Special Responsibility Councillor Leytham)

Mr Adam Hanlon who had registered to speak in accordance with the City Council's agreed procedure and Cabinet Procedure Rule 2.7 addressed the meeting on this item and responded to questions raised by Cabinet Members.

Cabinet received a report from the Head of Health & Housing to seek approval to make Dog Control Orders.

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

Three straightforward options reflecting responses received during public consultation were presented in the table below. Officers advised against Option 3. Members might make DCOs on any other basis than the recommendations contained in the report. However there might be complications and it would be necessary to address legal, financial and practical implications before finalising any DCO formulated differently than either Option 1 or 2.

	Option 1: Adopt the DCOs as proposed in the consultation document, including amendments so that the Dogs on Leads DCO does not apply to cycle ways or to quiet rural lanes with speed limits of 40mph or higher	Option 2: Adopting the DCOs as originally proposed, retaining control under the Dogs on Leads DCO for cycle ways and all highways	Option 3: Do not adopt the DCOs
Advantages	<ul style="list-style-type: none"> • Reflects the majority of representations made during the public consultation. • Enables less able-bodied people to continue to exercise dogs off leads on the flat hard surfaces of 'cycle ways'. • More consistent and less confusing enforcement. • More rapid, effective and efficient enforcement using Fixed Penalty Notices, compared to the majority current method of prosecuting through the court system. • Supportive of Dogs on Leads under Direction DCO in areas not included in a Dogs on 	<ul style="list-style-type: none"> • More consistent and less confusing enforcement. • More rapid, effective and efficient enforcement using Fixed Penalty Notices, compared to the majority current method of prosecuting through the court system. • Supportive of Dogs on Leads under Direction DCO in areas not included in a Dogs on Leads DCO. 	<ul style="list-style-type: none"> • Saving on staff time to implement new Dog Control Orders, and advertising or signage costs.

	Leads DCO.		
Disadvantages	<ul style="list-style-type: none"> None identified 	<ul style="list-style-type: none"> Unpopularity within local communities of applying Dogs on Leads DCO to cycle ways and roads with a speed limit over 40mph. Reduced availability of off-lead dog exercise areas, particularly in areas where there are few alternatives. Need for additional enforcement compared to Option 1. 	<ul style="list-style-type: none"> Continuation of the current enforcement system which is inconsistent and confusing for the public. Unnecessary expense and complications in having to prosecute for offences instead of applying fixed penalty notices available under option 1 or 2, leading to delays and lower efficiency and cost-effectiveness. The extent of land within the district on which regulatory dog controls apply would remain limited.
Risks	<ul style="list-style-type: none"> The decision concerning Dogs on Leads would not reflect the views of a minority of consultees 	<ul style="list-style-type: none"> The decision to go against the majority opinion of consultees could lead to some public dissatisfaction. 	<ul style="list-style-type: none"> The decision not to introduce available dog-related regulatory measures for public protection would lead to criticism, particularly given the strength of public feeling about aspects of irresponsible dog ownership

Option 1 to adopt the DCOs as proposed in the consultation document, with the exception that the Dogs on Leads DCO does not apply to cycle ways or to quiet rural lanes with a 40mph speed limit or higher was the officer preferred option. This option addressed the need for public protection, supported future enforcement and most closely reflected the majority of public comment arising from the consultation.

Councillor Leytham proposed, seconded by Councillor Barry-

“(1) That the recommendations, as set out in the report, be approved.”

Councillors then voted:-

Resolved unanimously:

- (1) That four Dog Control Orders be made, to include provisions as set out in the report attached to the agenda.
- (2) That the Leader, in accordance with Rule 1.4 of the Cabinet Procedure Rules amends the Officer Scheme of Delegation, (which forms part of the executive arrangements), to delegate to the Head of Health and Housing authority to designate in writing authorised officers for the purposes of Part 6 of the Clean Neighbourhoods and Environment Act 2005.

Officers responsible for effecting the decision:

Head of Health & Housing

Reasons for making the decision:

Dog Control Orders were an important component of maintaining the statutory minimum level of dog-related enforcement in future. Adoption of the proposed DCOs as revised would lead to more effective dog control and enforcement in the district. The purpose of the public consultation had been to bring proposals to the attention of local communities and to consider all representations made. This particular consultation resulted in a high volume of responses, particularly relating to cycleway proposals, and the proposals had been amended to take public opinion into account.

35 WASTE/ RECYCLING COLLECTION- UPDATED POLICIES FOR HOUSEHOLDERS
(Pages 1 - 6)

(Cabinet Member with Special Responsibility Councillor Smith)

Cabinet received a report from the Head of Environmental Services to seek approval for a set of updated policies for household waste collection / recycling.

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

	Option 1: To adopt the set of policies outlines	Option 2: To adopt only parts of the policies outlined	Option 3: Not to adopt the policy outlined
Advantages	<p>Clear guidelines for officers to work to.</p> <p>Consistent service to householders.</p> <p>Encourages householders to maximise recycling.</p>	<p>Clear guidelines for officers and consistent service to householders where parts of the draft Policy have been adopted.</p>	

	<p>Achieve the success measures set out in the corporate priority Clean, Green & Safe Places.</p> <p>Continue to deliver the objectives of the Lancashire Waste Strategy 2008-2020</p> <p>Supports the control measures for monitoring costs of replacing wheeled bins and recycling boxes .</p> <p>Can be delivered within existing budgets.</p> <p>Tried and tested and adapted to local needs.</p>		
<p>Disadvantages</p>		<p>Lack of clarity and consistency, where parts of the draft Policy have not been adopted.</p> <p>Potential of not achieving all the objectives of Clean, Green & Safe Places.</p> <p>May not be possible to deliver within existing budgets.</p> <p>Not tried and tested</p>	<p>No clear guidelines for officers to work to.</p> <p>No consistency in service to householders.</p> <p>No restraint to grey bin capacity to householders.</p>
<p>Risks</p>	<p>Dissatisfaction of some householders that the quality of the service falls below their level of expectation</p>		<p>Dissatisfaction of some householders at perceived differences in level of service</p> <p>The potential to</p>

			lead to continued budget requests, through the budget process, if requests for replacements continue to rise.
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Option 1 – to formally agree the tried and tested set of policies as set out above was the officer preferred option. The adoption of these would provide clear and consistent guidelines for both officers and householders, encourage householders to maximise recycling and make the most efficient use of limited Council resources.

Councillor Smith proposed, seconded by Councillor Hamilton-Cox:

“(1) That Cabinet approves the waste / recycling collection updated policies for householders as appended to the minutes.”

Councillors then voted:-

Resolved unanimously:

(1) That Cabinet approves the waste / recycling collection updated policies for householders as appended to the minutes.

Officers responsible for effecting the decision:

Head of Environmental Services

Reasons for making the decision:

The decision will enable the waste/recycling collection policies, which have been designed to take account of the diverse needs of the residents of the district, to be applied consistently throughout the district. The policies have evolved over a long period of time and have been reviewed and updated to take into account feedback from residents, elected members, staff and best practice from other areas.

36 SECOND HOMES FUNDING 2012-13

(Cabinet Member with Special Responsibility Councillor Blamire)

Cabinet received a report from the Head of Community Engagement to consider and confirm arrangements for application and decision making processes for Second Homes Funding for 2012 – 2013.

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

	Advantages	Disadvantages	Risks
<p>Option 1</p> <p>A two fold process to include smaller and larger grants with indicative allocations</p>	<p>Flexible approach that allows funds to be steered towards projects of all sizes</p> <p>Inclusive and accessible for organisations of all sizes and varying capacity</p> <p>Allows investment in both larger, collaborative initiatives with longer term benefits and also specific initiatives assisting individual organisations and the services they deliver</p> <p>Likely to promote good value for money by encouraging applications for funding at levels appropriate to the size and scope of the project</p>	<p>Range of proposals likely to be broader making decision making processes more complex</p>	<p>Categories will need to be treated separately to ensure fair consideration of bids</p>
<p>Option 2</p> <p>All grants limited to £10,000, or agreed alternative ceiling, to support individual bids to support development and sustainability</p>	<p>Easier to access for all eligible organisations</p> <p>Possible to approve more individual applications</p>	<p>Larger initiatives creating higher, longer term benefits would not be eligible.</p> <p>No scope to underpin support structures which are required by many organisations</p> <p>Lost chance to increase sustainability, develop sector wide opportunities and achieve efficiencies in relation to VCF and Arts organisations for the future</p> <p>Administrative costs likely to increase</p>	<p>None specifically noted</p>
<p>Option 3</p>	<p>All funds focused on larger initiatives with</p>	<p>Likely to exclude smaller</p>	<p>None specifically noted</p>

All grants limited to £50,000 or agreed alternative ceiling, to support larger collaborative bids to create longer term sustainable benefits across organisations	wider and longer term benefits	organisations Likely to preclude specific, smaller scale but useful initiatives	
Option 4 Carnforth Local Information Centre is funded, at this stage, within Options 1 and 2	This would provide the funding to allow the Information Centre to continue for a further two years	No means of assessing the proposal against scheme criteria No current arrangements in place to assist other organisations facing immediate difficulty.	No clear business plan has been submitted and assessed so no way to ascertain whether the Information Centre will be able to operate at a sustainable level after funding has ceased

The officer preferred option was Option 1. This approach was accessible to more potential applicants and encouraged a broader range of proposals. Any additional complexity arising from this was likely to be very manageable within the processes proposed.

Cabinet members views were sought on Option 4, which could be considered alongside the funding arrangements described in Option 1 or 2.

Councillor Barry proposed, seconded by Councillor Blamire:-

- “(1) Cabinet approves the proposed arrangements to allocate £294,808 of Second Homes Funding through an open bidding process to Voluntary, Community, Faith and Arts organisations including Friends Groups.
- (2) That the fund is promoted as the *Take Pride* Community Fund.
- (3) That an advisory panel is established to consider funding applications, recommend allocations and oversee progress with final funding allocations being determined by Cabinet.
- (4) That Cabinet appoints Councillors Barry and Blamire as the relevant city council portfolio holders to act as members of the advisory panel and requests that Lancashire County Council nominate the relevant county council portfolio holder to the advisory panel.
- (5) That applications are now invited for investment grants leading to development of the Voluntary, Community and Faith sector and the Arts sector in line with the options agreed by Cabinet in May 2012 (Minute 8 refers).
- (6) That the specific request for funding support from Carnforth Local Information Centre is not approved at this time, but Cabinet invites the Carnforth Local information Centre to bid for the investment grants through the bidding process.

- (7) That the remaining £13,847 of unallocated Second Homes funding from 2011 – 2012 is used to provide the necessary administration resources to ensure the funds are managed and monitored in line with the council's role as accountable body and county council requirements."

Councillors then voted:-

Resolved:

(6 Members (Councillors Barry, Blamire, Bryning, Leytham, Sands and Smith) voted in favour, and 1 Member (Councillor Hamilton-Cox) abstained.)

- (1) Cabinet approves the proposed arrangements to allocate £294,808 of Second Homes Funding through an open bidding process to Voluntary, Community, Faith and Arts organisations including Friends Groups.
- (2) That the fund is promoted as the *Take Pride* Community Fund.
- (3) That an advisory panel is established to consider funding applications, recommend allocations and oversee progress with final funding allocations being determined by Cabinet.
- (4) That Cabinet appoints Councillors Barry and Blamire as the relevant city council portfolio holders to act as members of the advisory panel and requests that Lancashire County Council nominate the relevant county council portfolio holder to the advisory panel.
- (5) That applications are now invited for investment grants leading to development of the Voluntary, Community and Faith sector and the Arts sector in line with the options agreed by Cabinet in May 2012 (Minute 8 refers).
- (6) That the specific request for funding support from Carnforth Local Information Centre is not approved at this time, but Cabinet invites the Carnforth Local information Centre to bid for the investment grants through the bidding process.
- (7) That the remaining £13,847 of unallocated Second Homes funding from 2011 – 2012 is used to provide the necessary administration resources to ensure the funds are managed and monitored in line with the council's role as accountable body and county council requirements.

Officers responsible for effecting the decision:

Head of Community Engagement

Reasons for making the decision:

Requirements for the use of the available Second Homes funding were entirely consistent with the Priorities, Outcomes, Success Measures and Actions identified in the Council's Corporate Plan 2012 – 15. The VCF and Arts sectors were important to the local economy and also in terms of the valuable services they deliver. However, both sectors were affected by the impact of funding cuts and other economic factors. The funding available provided an invaluable opportunity to generate new ideas, promote cooperation and deliver benefits for the district. Key themes of the proposed bidding

arrangements were longer term sustainability and building on collaboration, to create the resilience needed for the future so that services and benefits for the district were protected.

37 ACCEPTANCE OF EXTERNAL FUNDING FOR LANCASTER DISTRICT CSP

(Cabinet Member with Special Responsibility Councillor Smith)

Cabinet received a report from the Head of Environmental Services to agree to the acceptance of external funding and act as accountable body, on behalf of Lancaster District CSP.

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

	Option 1: Accept the funding	Option 2: Reject the funding
Advantages	The CSP projects can go ahead as planned	None
Disadvantages	None	Another accountable body would need to be found.
Risks	Council resources are required to investigate and put right any issues identified in the running of the planned projects	A delay in agreeing the funding arrangements for these projects could jeopardise their implementation

The Officer preferred option was Option 1. The Council has acted as accountable body for CSP funds for a number of years and has overseen the successful delivery of many projects that meet the aims and objectives of the Council and its partners. It was therefore requested that the Cabinet authorised the acceptance of funds on the CSP's behalf.

Councillor Smith proposed, seconded by Councillor Hamilton-Cox:-

“(1) That the recommendation, as set out in the report, be approved.”

Councillors then voted:-

Resolved unanimously:

- (1) That the City Council accept £47,000 of external funding during 2012/13 on behalf of Lancaster District CSP, and that as in previous years acts as accountable body for that funding.

Officers responsible for effecting the decision:

Head of Environmental Services
Head of Resources

Reasons for making the decision:

The decision to accept and act as accountable body for this funding will provide a

positive impact on the issue of community safety across the District. The Community Safety Action Plan forms part of the Council's Policy Framework, and as well as the overarching theme of partnership working, the projects these funds will deliver will impact on the Council's corporate priorities of:

- Clean and Safe Streets
- Community Leadership

38 EMPTY HOMES ENFORCED SALE PROCEDURE

(Cabinet Member with Special Responsibility Councillor Hanson)

Cabinet received a report from the Head of Regeneration & Planning to seek approval for the adoption of an Enforced Sale Procedure as a mechanism to bring problematical long-term empty dwellings in the private sector back into habitable use in cases where Council debts have been registered as a local land charge against the property and not discharged.

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

	Option 1: Adopt enforced sales procedure	Option 2: Do not adopt enforced sales procedure
Advantages	Will bring long term empty properties back into use. Help regenerate the area, provide accommodation and recoup outstanding debts. It signals the council's commitment to addressing the empty property issues.	None. Officer time will be relocated to other projects
Disadvantages	There will be some additional burden on the authority's legal resources	These properties will continue to deteriorate, be detrimental to the community, may detract from private investment and will be a waste of a valuable asset.
Risks	Risk of bad publicity if the process is not managed correctly.	These dilapidated properties will continue to have an adverse effect on the area they are located in.

Option 1 was the officer preferred option because it would remove and/or regenerate long term empty properties, provide valuable accommodation, recoup outstanding debts and indicate the Council's commitment to addressing the empty property issue.

The use of the Enforced Sale Procedure should be seen as a last resort. It was expected that all informal and formal action would have been taken and exhausted by the Council in order to resolve the existence of the empty dilapidated property and its associated problems. The Council was committed to carrying out its duties in a fair and consistent manner. This policy would be applied having regard to the Council's Public Protection Enforcement Policy and the Enforcement Concordat in the regulation of private sector housing.

Councillor Leytham proposed, seconded by Councillor Hamilton-Cox:-

“(1) That the recommendations, as set out in the report, be approved.”

Councillors then voted:-

Resolved unanimously:

- (1) That Cabinet agrees to adopt the Enforced Sales Procedure appended to the report in the agenda.
- (2) That Cabinet authorises Officers to implement the adopted Enforced Sale procedure in appropriate cases.

Officers responsible for effecting the decision:

Head of Regeneration & Planning

Reasons for making the decision:

Bringing empty properties back into use is one of the key actions in delivering the Council’s health and well being priorities as set out in the Corporate Plan and has significant community safety and sustainability benefits.

39 PROPOSED INTRODUCTION OF FEES FOR PRE-PLANNING APPLICATION AND HOUSEHOLDER DEVELOPMENT ADVICE

(Cabinet Member with Special Responsibility Councillor Hanson)

Cabinet received a report from the Head of Regeneration & Planning to seek to introduce fees for currently free householder development advice and pre-planning application advice.

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

	Option 1: To introduce charges for both Householder Questionnaire Advice and Pre-Application Advice	Option 2: To introduce a charge solely for Householder Questionnaire Advice	Option 3: To introduce a charge solely for Pre-Application Advice	Option 4: To not introduce charges for either activity
Advantages	This would allow for a more formal and	This would allow a fee to be levied for permitted	This would require a new, formal and transparent process to	No advantages to the Service. Although the activities would

	<p>transparent process to the pre-planning application regimes and would provide added certainty for developers pursuing development projects. It would also provide an income stream based on cost recovery which aims to cover the cost of service demands.</p>	<p>development enquiries which are time-consuming and are not a statutory function, also providing an income stream which could potentially support existing service provision for this element.</p>	<p>responding to pre-application enquiries which would assist Officers and would provide added certainty for developers pursuing their development projects. Again this could provide an income stream which could potentially support existing service provision for this element.</p>	<p>remain free of charge to the user, this free service would need to continue to be limited and this is unlikely to provide any improvements in service provision.</p>
<p>Disadvantages</p>	<p>The new system could potentially be more resource-intensive than the current informal system, dependent upon developer interest. The introduction of fees for Householder Development advice may be off-putting to some householders, who may choose to continue with a development project irrespective of whether they require permission or not (although with lenders often demanding</p>	<p>The introduction of fees for Householder Development advice may be off-putting to some householders, who may choose to continue with a development project irrespective of whether they require permission or not.</p> <p>Introducing a fee for this service activity alone would not respond to the demand for pre-application advice from developers.</p>	<p>The new system could potentially be more resource-intensive, dependent upon developer interest.</p>	<p>This would not assist in addressing the capacity issues and ongoing modernisation of the Development Management Service.</p>

	evidence of PD rights this is unlikely).			
Risks	The process would require annual review to be certain that staffing capacity and fee levels are commensurate with the service being offered.	This is a service that is currently provided free of charge and so it is anticipated that it would not result in an increase in workload which would create staffing capacity issues.	The process would require annual revision to be certain that staffing capacity and fee levels are commensurate with the service being offered.	Service provision would continue in accordance with current priorities, with little capacity for pre-application discussions.

Option 1 was the officer preferred option. This would allow appropriate and commensurate fees to be levied regarding the existing Householder Questionnaire service and the proposed new Pre-Application Advice service. The setting of fees for these activities would allow the Development Management Service to formalise its current arrangements. A formal, chargeable process would put greater onus upon applicants and developers to provide quality, written information to the Development Management Service at the earliest opportunity, thus allowing for a considered, formal, written response from Planning Officers. The clarity offered by the new arrangement would be a significant improvement to the quality of service. The potential income stream arising from the introduction of charges could potentially be redirected to ensure that permanent staffing capacity remains commensurate with the service's pre-planning application workload.

Councillor Blamire proposed, seconded by Councillor Leytham:-

“(1) That the recommendations, as set out in the report, be approved.”

Councillors then voted:-

Resolved unanimously:

- (1) That the principle of charging for householder development advice and pre-planning application advice be agreed.
- (2) That responsibility for determining the precise fees in each case each year is delegated to Cabinet, working in conjunction with Financial Services and that the General Fund Revenue Budget is updated to reflect the estimated additional income for 2012/13 during the Revised Budget process.
- (3) That future years' fees are incorporated into the council's Fees and Charges policy for review thereafter as part of the annual budget and planning process, taking into account service demands.

Officers responsible for effecting the decision:

Head of Regeneration & Planning
 Head of Resources

Reasons for making the decision:

The proposals would improve the quality of service being offered to potential planning applicants and would lead to greater consideration of development proposals by all parties, thus resulting in a more transparent, usable and sustainable local planning system. The proposals had the potential to deliver a new income stream for the Regeneration & Planning Service, which in turn increased its ability to cover the cost of existing service provision. This was an in principle decision with further details brought back to Cabinet in due course.

40 LANCASTER BUSINESS IMPROVEMENT DISTRICT (BID) DRAFT PROPOSAL

(Cabinet Member with Special Responsibility Councillor Hanson)

Cabinet received a report from the Head of Regeneration & Planning to provide information to enable a decision on endorsing the draft proposals for the Lancaster Business Improvement District, to enable progression to a ballot with the aim of formally establishing the BID. The report updated Members on potential pre- and post- ballot issues and resource implications in relation to the role of the City Council in the BID development/implementation.

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

	Advantages	Disadvantages	Risks
Option 1: Do nothing	No advantages.	Loss of credibility with business community. No contribution to council's Corporate objectives.	Council may be in breach of statutory duties to support BID proposer as defined in BID legislation.
Option 2: Endorse the draft BID proposals reserving formal approval decision on Final Proposals to an appropriate delegated authority.	Gives early indication that the council believes the BID proposal will benefit the business community. Clear message to the business community that the direction of proposals to date is sound and final document is likely to be compatible with BID regulations and council policy.	Reputational implications for council and other statutory services of "committing" to a baseline service provision over BID lifetime, even though this is not a legal commitment. Allocated resource for BID proposer/partnership to move to 'BID readiness' will need	Council officer resources required pre and post ballot. No guarantee that BID ballot will ultimately be successful.

	<p>Allows for scrutiny of final proposals to ensure clarifications and changes are compatible with BID Regulations and policy framework.</p> <p>Allows the Steering Group to develop its pre-election canvassing strategy and marketing/publishing activities around the BID proposals with confidence.</p>	<p>to be supplemented by council officer resources.</p> <p>Relatively long lead in period to ballot to ensure best possible chance of success.</p>	
<p>Option 3: Reject the draft proposals</p>	<p>Avoids wasted effort and expense for the Steering Group if Members are of a mind that based on the content of the draft, a final proposal would be vetoed.</p> <p>Allows for revised proposals to come forward more compatible with council policy and regulatory requirements</p>	<p>Reputational implications for council if proposals are not endorsed without good reason.</p> <p>Ballot date will probably be put back. Assuming an approval is secured at some stage, it may cause the council operational difficulties in trying to develop its systems in time for 2013/14 billing year assuming a vote in favour.</p>	<p>Risks for the council will mainly be around timing of the ballot and the ability to implement systems the later in the year a ballot takes place. The onus would be on the Steering Group to 'turn around' any issues in preparing a revised proposal.</p>

On submission of a final proposal unless it failed the regulatory and policy tests outlined in paragraph 2.2 of the report the local authority was effectively obliged to endorse the BID proposal and approve it to go forward to a ballot. The draft proposals provided a good indication of whether it was likely the Council would need to use its veto powers.

The draft proposals did not conflict to a material extent with any published policies and a successful BID should actively support the Council's corporate objectives particularly in the areas of Economic Growth, Clean Green & Safe Places and Community Leadership. The informal work of the Steering Group in canvassing opinion and consultation appeared to show a good level of support for the way the BID proposals had been shaped, particularly around the development of broad objectives with some specific highlighted actions.

The proposals clarified the structure of the proposed BID levy and how the financial

burden of the BID was to be distributed among ratepayers. An approach which targets hereditaments over £10K might appear to place a burden on higher payers, but the vast majority of the rateable value in the town centre area was attributable to these hereditaments in any case. While there were numerous hereditaments below £10K the actual total RV, and therefore potential levy take, from these properties was not significant.

The amount of prior discussion between the BID proposer and the local authority before submitting the BID draft proposals to the authority had been sufficient and it was expected consultation would continue up to the submission of final proposals. The costs incurred and due in developing BID proposals, canvassing and balloting have been budgeted for within the Council's grant award to the Lancaster Chamber.

The draft proposals did not fully meet the core documentation requirements and there were outstanding matters to be resolved in the final proposal document. But these were either minor issues of content or technical matters around levy collection, distribution and operations which need to be arranged between the Council and the final BID body (likely to be either the Lancaster Chamber or North West Chamber) who would receive and use the BID levy monies

The preferred Option was therefore Option 2, to endorse the draft proposals and associated draft baseline document. It followed that an appropriate level of delegated authority was required to ensure outstanding matters were addressed and final proposals could be approved to move forward to ballot. As these issues were mainly technical and operational it was appropriate for this to be undertaken through an officer report by the Chief Executive in consultation with Management Team.

Councillor Smith proposed, seconded by Councillor Sands:-

- "(1) That the draft proposals for the Lancaster Business Improvement District (BID) are endorsed as being in compliance with statutory regulatory requirements.
- (2) That approval of Final BID Proposals and the issuing of instructions to proceed to ballot are delegated to the Chief Executive.
- (3) That the content of the draft Operating Agreement (Appendix 3a to the report) and subsidiary draft Baseline Agreement (Appendix 3b to the report) is noted and final approval of the formal BID implementation framework is delegated to the Chief Executive.
- (4) That the contents of the initial baseline statement (Appendix 4 to the report) are noted and approved for use in pre- ballot consultation and marketing alongside final BID Proposals."
- (5) That Councilor Hanson be advised of concerns specifically regarding:
 - Financial implications including 3 year funding commitment
 - Duties of street ambassadors including possible duplication
 - Free parking on Events daysand be requested to table these issues in forthcoming discussions with the BID group."

Councillors then voted:-

Resolved:

(6 Members (Councillors Barry, Blamire, Bryning, Leytham, Sands, and Smith) voted in favour, and 1 Member (Councillor Hamilton-Cox) abstained.)

- (1) That the draft proposals for the Lancaster Business Improvement District (BID) are endorsed as being in compliance with statutory regulatory requirements.
- (2) That approval of Final BID Proposals and the issuing of instructions to proceed to ballot are delegated to the Chief Executive.
- (3) That the content of the draft Operating Agreement (Appendix 3a to the report) and subsidiary draft Baseline Agreement (Appendix 3b to the report) is noted and final approval of the formal BID implementation framework is delegated to the Chief Executive.
- (4) That the contents of the initial baseline statement (Appendix 4 to the report) are noted and approved for use in pre- ballot consultation and marketing alongside final BID Proposals.
- (5) That Councilor Hanson be advised of concerns specifically regarding:
 - Financial implications including 3 year funding commitment
 - Duties of street ambassadors including possible duplication
 - Free parking on Events daysand be requested to table these issues in forthcoming discussions with the BID group.

Officers responsible for effecting the decision:

Chief Executive
Head of Regeneration & Planning

Reasons for making the decision:

The decision enables the Final Proposal and approval process to be undertaken in the autumn and progression to a ballot with the aim of formally establishing the BID should follow towards the end of 2012. In working towards implementation of Business Improvement Districts the Council will be achieving and/or reviewing and improving upon a number of its corporate objectives/outcomes as defined in the Corporate Plan 2011-14. The draft BID proposals will actively support Economic Growth, Clean Green & Safe Places and Community Leadership outcomes, success, measures and actions. Support for development of a BID in Lancaster is a Priority Action in the Lancaster Cultural Heritage Strategy.

Chairman

(The meeting ended at 11.25 a.m.)

**Any queries regarding these Minutes, please contact
Liz Bateson, Democratic Services - telephone (01524) 582047, or email
ebateson@lancaster.gov.uk**

MINUTES PUBLISHED ON FRIDAY 27 JULY, 2012.

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
MONDAY 6 AUGUST, 2012.**

WASTE / RECYCLING COLLECTION- UPDATED POLICIES FOR HOUSEHOLDERS

<p>1</p>	<p>Households Requiring Additional Residual Containers (grey bins)</p>	<p>Residents are not automatically entitled to additional containers for non-recyclable waste (grey bins). If a resident requests an additional grey bin, a questionnaire will be issued to the householder for their completion and return.</p> <p>Following receipt of the completed questionnaire a waste audit will be arranged. The purpose of the audit is to ensure that the householder is recycling fully and to allow Council officers to provide waste minimisation advice.</p> <p>If the request is approved, the householder will be issued with an additional 140L container.</p> <p>If the request is declined, the householder will be sent a letter setting out the reasons why.</p>
<p>2</p>	<p>Replacement of Wheeled Bins</p>	<p>Replacement wheeled bins will only be provided after investigating the loss of the container.</p> <p>In the first instance requests for replacements would be made via Customer Services.</p> <p>A maximum number of three containers will be replaced per household.</p> <p>If it is found that bins are being misused, they will be removed and the household will instead be provided with orange sacks. Household waste produced by the property will then be monitored to ensure that bags are being left out on the appropriate day etc (in line with the council's enforcement procedures).</p> <p>For damaged bins, if the cause of the damage is found to be due to neglect/abuse of the container, householders will be charged the cost of the replacement container.</p> <p>If the Council has caused the loss or damage, the Council will provide the replacement free of charge.</p>
<p>3</p>	<p>Misuse of Grey Wheeled Bins</p>	<p>It is important that householders make full use of the recycling facilities provided by the Council and that householders don't misuse grey bins by trying to dispose of types of waste that the Council doesn't collect.</p> <p>If the grey bin is continually contaminated with non-</p>

		<p>residual waste (eg chemicals, batteries, paint, oil) or contains waste that could be recycled / composted every effort will be made to help the householder rectify this situation.</p> <p>These efforts will be made through education and if appropriate enforcement to help the householder rectify the situation</p> <p>It is recognised that in most cases educating the householder will be all that is required.</p> <p>Where continued efforts fail to work a strict rule of 'three strikes and you are out' will apply; (giving the householder two chances to improve the situation).</p> <p>If no effort is made to improve, on the third 'strike', the bin will be removed.</p> <p>The bin will be replaced with orange sacks and waste from the property will be monitored to ensure that bags are being left out on the appropriate day etc (in line with the council's enforcement procedures).</p> <p>The bin will only be replaced subject to the householder providing, in writing, an undertaking that future misuse does not occur.</p>
<p>4</p>	<p>Misuse of Green Wheeled Bins</p>	<p>If the green bin is continually contaminated with non-compostable waste (this includes household waste) bin tags will be left on the bin to inform the residents the reason why the bin has not been emptied.</p> <p>Efforts will be made through education and if appropriate enforcement to help the householder rectify the situation.</p> <p>It is recognised that in most cases educating the householder will be all that is required.</p> <p>Where these efforts fail to work a strict rule of 'three strikes and you are out' will apply; (giving the householder two chances to improve the situation).</p> <p>If no effort is made to improve, on the third 'strike', the bin will be removed</p> <p>The bin will be replaced with compostable bags and waste from the property will be monitored to ensure that bags are being left out on the appropriate day etc (in line with the council's enforcement procedures).</p> <p>The bin will only be replaced subject to the householder confirming, in writing, an undertaking ensuring future abuse does not occur.</p>

<p>5</p>	<p>Misuse of Recycling Boxes</p>	<p>If householders do not use the boxes for their intended use (the storage of appropriate recyclables) efforts will be made through education and if appropriate enforcement to help the householder rectify the situation.</p> <p>It is recognised that in most cases educating the householder will be all that is required.</p> <p>Where these efforts fail to work a strict rule of ‘three strikes and you are out’ will apply; (giving the householder two chances to improve the situation).</p> <p>If no effort is made to improve, on the third ‘strike’, the recycling boxes will be removed.</p> <p>Officers will continue to work with the householder to help them recycle before enforcement action is taken against them.</p> <p>Box cards will be used to inform the residents the reason why the box has not been emptied.</p>
<p>6</p>	<p>Misuse of Food Waste Caddies.</p>	<p>For the benefit of the health and safety of the collection staff, food waste must be presented for collection in a solid form and not liquid.</p> <p>If food waste is not presented appropriately a bin tag will be left for the householder to inform them of why it has not been collected.</p> <p>Officers will educate and support the householders to improve the situation.</p>
<p>7</p>	<p>Side Waste</p>	<p>In order to encourage householders to minimise and segregate their waste into recyclable and non-recyclable waste, side waste <i>will not</i> be collected.</p> <p>Education of householders to minimise and manage their waste will continue.</p> <p>Enforcement action will be considered once all other options have been exhausted.</p> <p>This will be relaxed for two weeks following the Christmas holiday period when a limited amount of side waste will be removed. To avoid abuse, this will not be widely advertised.</p>

8	Side Recyclables	<p>The purpose of the waste and recycling scheme is to maximise recycling.</p> <p>Therefore, additional recycling <i>will</i> be taken.</p> <p>Householders can have their additional recycle alongside their recycling boxes in carrier bags or bundled for collection.</p> <p>For safety reasons glass should be only be left for collection in the recycling boxes.</p>
9	Side Green Waste	<p>It is expected that green waste will be contained in a wheeled bin or compostable sacks.</p> <p>Exceptions may be made on an individual basis and if the capacity of the vehicle is deemed sufficient.</p> <p>A maximum of 3 green 240L containers will be provided per property.</p>
10	Assisted Collections	<p>Criterion will be applied to point of storage collections that are offered to elderly and disabled residents.</p> <p>The householders will receive the usual wheeled bins and recycling boxes.</p> <p>Following collection the containers will be returned back to the point of storage.</p> <p>Before qualifying for this service a questionnaire will be signed by the occupant to declare they do require assistance.</p> <p>A list of properties requiring assisted collections will be maintained and reviewed on a regular basis.</p> <p>Assistance <i>will not</i> be provided if there is an able bodied person in the property to put out the bins and boxes.</p>
11	Small Bin Collections	<p>140 litre bins will be issued on request to properties where there is narrow access or lack of storage and where an assisted collection is unnecessary.</p> <p>140 litre containers will be issued to households who have qualified for an additional container.</p> <p>140 Litre containers have been issued to the area within West End of Morecambe known as Zone 3</p>

		(approx 770 properties) where on-street recycling facilities are provided.
12	Medical Waste Collections	<p>Additional 140L bins will be provided to households where there is a requirement for medical waste collections that falls outside the clinical waste collection service.</p> <p>A questionnaire will be completed by the householder and reviewed on an annual basis.</p> <p>A waste audit will take place to ensure that the residents are recycling fully.</p>
13	Sack Collection	<p>Every effort will be made to allow people to use wheelie bins and recycling boxes.</p> <p>In flats this will include communal waste and recycling areas.</p> <p>Special collection systems are provided for areas (eg within the West End of Morecambe and in Lancaster city centre) where it is difficult to provide containers due to access issues.</p> <p>Sacks containing residual waste are collected on a weekly basis in some specific areas. Weekly collections will only be available once other collection methods have been determined to be unfeasible.</p> <p>Every effort will be made to reduce the number of properties on weekly sack collections.</p> <p>Residents who refuse to use the other aspects of the waste management system (eg recycling) would not be provided with a weekly collection.</p>
14	Private Drives	<p>Householders will be expected to pull their bins and boxes out to the end of private drives to the edge of their property at the nearest point to the highway.</p> <p>Assistance will be provided as necessary according to certain criteria (see point 10).</p>
15	Composite Dwellings (A shop/business with residence above).	<p>An allowance will be made for composite dwellings whereby a proportion of payments will be made as per existing arrangements. Recycling boxes will be provided.</p> <p>Payments will be made to cover the business</p>

		element of the waste.
16	Missed Bins	<p>Drivers will provide at the end of each day a list of properties where grey/green bins were not presented for collection.</p> <p>Should a resident contact us to inform of a missed collection and their property is on the list, we will not return to the property for the container.</p> <p>We aim to collect genuine missed collections within 72 working hours.</p>
17	Enforcement of Unauthorised Containers	<p>Unauthorised containers will be removed from properties.</p> <p>Removal of unauthorised containers will be ad-hoc, as and when we come across them or through targeted enforcement action.</p> <p>Contact via letter or face-to-face will inform the residents of the procedure for approving additional containers.</p>