

## CABINET

10.00 A.M.

15TH APRIL 2014

**PRESENT:-** Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Jon Barry, Abbott Bryning, Tim Hamilton-Cox, Ron Sands and David Smith

Apologies for Absence:-

Councillor Karen Leytham

Officers in attendance:-

Mark Cullinan	Chief Executive
Nadine Muschamp	Chief Officer (Resources) and Section 151 Officer
Mark Davies	Chief Officer (Environment)
Andrew Dobson	Chief Officer (Regeneration and Planning)
Liz Bateson	Principal Democratic Support Officer

### 99 MINUTES

The minutes of the meeting held on Tuesday 11 March 2014 were approved as a correct record.

### 100 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

No declarations were made at this point.

### 101 DECLARATIONS OF INTEREST

No declarations were made at this point.

### 102 PUBLIC SPEAKING

Members were advised that there had been no requests to speak at the meeting in accordance with Cabinet's agreed procedure.

### 103 FUNDING FOR WAVE REFLECTION WALL REPLACEMENT

**(Cabinet Member with Special Responsibility Councillor Hanson)**

Cabinet received a report from the Chief Officer (Regeneration & Planning) to consider the acceptance of grant offers from the Environment Agency (EA) to replace the existing Wave Reflection Wall, and the establishment of an additional engineering post.

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

	<b>Option 1:</b> Accept the funding from The EA and create new Engineer post	<b>Option 2:</b> Do Not accept the funding. Do not create no Engineer post.
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Advantages	<ol style="list-style-type: none"> <li>1. The project will replace the deteriorating wave reflection wall.</li> <li>2. Maintain the current standard of flood protection to 12,000 properties in Morecambe</li> <li>3. Enhance the aesthetics of the promenade and flood protection structure</li> </ol>	<ol style="list-style-type: none"> <li>1. None</li> </ol>
Disadvantages	<ol style="list-style-type: none"> <li>1. Temporary disruption to the promenade as work is carried out.</li> <li>2. Ineligible costs will have an impact on the councils capital programme, offset by additional revenue grant income</li> </ol>	<ol style="list-style-type: none"> <li>1. The existing wave reflection wall will continue to deteriorate.</li> <li>2. The risk of failure during a flood event will increase.</li> <li>3. Properties will have a higher risk of flooding.</li> <li>4. The wall will become an eyesore as it deteriorates and patch up repairs are carried out.</li> <li>5. The lack of positive action will damage the reputation of the city council.</li> </ol>
Risks	<ol style="list-style-type: none"> <li>3. Insufficient capacity in Engineering Team to implement works. Addressed through proposed new posts.</li> </ol>	<ol style="list-style-type: none"> <li>1. Will expose properties in Morecambe to a higher flood risk as wall deteriorates.</li> </ol>

Option 1 is the preferred option, to maintain the flood protection for Morecambe whilst taking the opportunity to improve the aesthetics of the promenade.

Councillor Hanson proposed, seconded by Councillor Smith:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That delegated authority be given to the Chief Officer (Resources) to accept the grant offer from the Environment Agency (EA) to enable reconstruction of the Wave Reflection Wall (WRW) from Happy Mount Park to the Town Hall when received.
- (2) That delegated authority be given to the Chief Officer (Resources) to accept further grant offers from the EA for future phases of WRW reconstruction as and when received.

- (3) That the Chief Officer (Resources) be authorised to make the necessary adjustments to the General Fund Capital Programme and General Fund Revenue Budget, subject to there being a nil impact on the Council’s resources.
- (4) That existing resources be redirected to fund an additional engineering post as set out in the report.

**Officers responsible for effecting the decision:**

Chief Officer (Regeneration & Planning)  
 Chief Officer (Resources)

**Reasons for making the decision:**

The decision is consistent with two Corporate Priorities namely; Health and Wellbeing and Clean, Green and Safe Places. The offer of funding from the EA enables the City Council to maintain an extremely important asset which provides flood protection to approximately 12,000 properties within the town. The proactive maintenance of this important infrastructure shows the City Councils commitment to regeneration in Morecambe.

**104 SALE OF ELECTRONIC CIGARETTES ON COUNCIL MARKETS**

**(Cabinet Member with Special Responsibility Councillor Barry)**

Cabinet received a report from the Chief Officer (Environment) to consider whether the sale of electronic cigarettes should be allowed on Council markets.

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

	<b>Option 1:</b> Allow the sale of e-cigs on Council markets	<b>Option 2:</b> Continue to ban the sale of e-cigs on Council markets
Advantages	<ul style="list-style-type: none"> <li>• Provides choice to consumers.</li> <li>• Allows potential for existing traders to diversify (subject to license changes being agreed).</li> <li>• Allows potential for new traders to apply to sell e-cigs</li> </ul>	<ul style="list-style-type: none"> <li>• Maintains the status quo.</li> <li>• Consistent with Council’s ‘Smoke Free Policy’</li> <li>• Consistent with advice from Lancashire’s Director of Public Health.</li> <li>• Consistent with other Council ‘wellbeing’ initiatives.</li> <li>• Consistent with other Council partners ‘wellbeing’ initiatives.</li> <li>• Avoids any mixed messages.</li> <li>• Avoids any reputational</li> </ul>

		risks of sales to under 18s
Disadvantages	<ul style="list-style-type: none"> <li>• Conflicts with Council’s ‘Smoke Free Policy’</li> <li>• Conflicts with advice from Lancashire’s Director of Public Health.</li> <li>• Conflicts with other Council ‘wellbeing’ initiatives.</li> <li>• Conflicts with other Council partners ‘wellbeing’ initiatives (e.g. smoking cessation)</li> </ul>	<ul style="list-style-type: none"> <li>• Reduces choice for consumers</li> </ul>
Risks	<ul style="list-style-type: none"> <li>• When the ban on sales to under 18s is enforced in the autumn there is a potential reputational risk to the Council if e-cigs were then sold by an unscrupulous trader to an under 18.</li> <li>• Once further work has taken place to establish the safety of e-cigs it may be that they are only available for sale from specified outlets which means that existing traders would have to cease the sale of e-cigs.</li> </ul>	<ul style="list-style-type: none"> <li>• Would be traders in e-cigs will go to other markets that allow the sale of e-cigs</li> <li>• Existing traders who want to sell e-cigs will take their trade to markets the allow the sale of e-cigs</li> </ul>

The Officer preferred option is option 2: continue to ban the sale of electronic cigarettess on Council markets.

Councillor Barry proposed, seconded by Councillor Blamire:-

“That the sale of electronic cigarettes continues to be banned in Council Markets and Cabinet be requested to reconsider this issue in 2016, when they become licensed and regulated.”

Councillors then voted:-

***Resolved unanimously:***

- (1) That the sale of electronic cigarettes continues to be banned in Council Markets and Cabinet be requested to reconsider this issue in 2016, when they become licensed and regulated.

**Officer responsible for effecting the decision:**

Chief Officer (Environment)

**Reasons for making the decision:**

The Council has in place a 'Smoke Free Policy' which categorises e-cigs the same as tobacco based products. Health and Wellbeing is one of the four priorities in the corporate plan and the Council has committed to working with partners as part of the Health and Wellbeing Partnership to improve the health outcomes of our citizens.

**105 URGENT BUSINESS REPORT****(Cabinet Member with Special Responsibility Councillor Blamire)**

Cabinet received a report from the Chief Officer (Governance) to advise members of actions taken by the Chief Executive, in consultation with the relevant Cabinet Members.

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

"That the recommendation, as set out in the report, be approved."

Councillors then voted:-

***Resolved unanimously:***

- (1) That the actions taken by the Chief Executive, in consultation with the relevant Cabinet Members in accordance with the Scheme of Delegation, in respect of the following, be noted:-

**CAR PARKING OBJECTION**

- (1) In considering this issue Cabinet is conscious that the Council already supports the city centre through providing a clean and improving environment.
- (2) That Cabinet, having today received a programme of events from the Business Improvement District (BID), which was not available when the previous decision was made, have decided that free parking should be retained on public holidays to support the development of these events.
- (3) That Cabinet agree that for the purposes of the parking order this change does not represent a substantial change. Therefore, officers are requested to continue the process of implementing the overall decision previously made by

Cabinet.

- (4) Cabinet extends an invitation to the Chamber and BID to discuss matters of mutual concern.

**Officer responsible for effecting the decision:**

Chief Officer (Governance)

**Reasons for making the decision:**

The decision fulfils the requirements of the City Council's Constitution in advising Cabinet of urgent decisions taken by the Chief Executive in accordance with the City Council's Scheme of Delegation.

**106 CORPORATE PLAN 2014-16**

The leader advised the meeting that it would be best if the draft Corporate Plan report would be deferred to a later meeting to enable consideration of additional information which had now been received.

Councillor Blamire proposed, seconded by Councillor Hanson:-

"That consideration of the Corporate Plan 2014-16 be deferred to a later meeting to enable consideration of additional information which had now been received."

Councillors then voted:-

***Resolved unanimously:***

- (1) That consideration of the Corporate Plan 2014-16 be deferred to a later meeting to enable consideration of additional information which had now been received.

**Officers responsible for effecting the decision:**

Chief Executive

**Reasons for making the decision:**

The Corporate Plan is a central part of the City Council's Budget and Policy Framework stating the key priorities, outcomes and measures that the City Council hopes to achieve for the district. The decision enables additional information to be considered prior to referring the draft Plan to full Council.

**107 EXCLUSION OF THE PRESS AND PUBLIC**

It was moved by Councillor Hamilton-Cox and seconded by Councillor Hanson:-

"That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the

grounds that it could involve the possible disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.”

Members then voted as follows:-

***Resolved unanimously:***

- (1) That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.

**108 SITES OFF BAILRIGG LANE, SCOTFORTH, LANCASTER**

**Cabinet Member with Special Responsibility Councillor Hamilton-Cox)**

Cabinet received a joint report from the Chief Officer (Regeneration & Planning) and Chief Officer (Resources) in order to facilitate development of the land north and south of Bailrigg Lane, Scotforth, Lancaster. The report was exempt from publication by virtue of paragraph 3, Schedule 12A of the Local Government Act 1972.

The options, options analysis, including risk assessment and officer preferred option, were set out in the exempt report.

Councillor Hanson proposed, seconded by Councillor Bryning:-

“That the recommendations, as set out in the exempt report, be approved.”

By way of an addendum which was agreed by the proposer and seconder of the original proposition, Councillor Barry proposed and Councillor Hamilton-Cox seconded:

“That officers consider whether the negotiations can be used to facilitate Lancaster City Council’s aspirations for social housing and high environmental standards for building construction.”

Councillors then voted on the recommendation and addendum.

***Resolved unanimously:***

- (1) That Cabinet approves Option 1, as outlined in the exempt report.
- (2) That officers report back on and seek approval to the terms and conditions for the disposal of the two areas of land once negotiations have been concluded and terms provisionally agreed.
- (3) That officers consider whether the negotiations can be used to facilitate Lancaster City Council’s aspirations for social housing and high environmental standards for building construction.

**Officers responsible for effecting the decision:**

Chief Officer (Regeneration & Planning)  
Chief Officer (Resources)

**Reasons for making the decision:**

In making this decision Cabinet is mindful that the memorandum of understanding is not legally binding and will not commit the City Council to pursue a particular course of action. The decision is consistent with the Corporate Property Strategy which requires that the City Council review its asset base and only retain those assets required to meet its agreed objectives and priorities. Where assets are not required for this purpose they should be disposed of at best value. This is an opportunistic sale, allowing the City Council to improve the management of its assets.

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Chairman

(The meeting ended at 10.48 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 THURSDAY 17 APRIL, 2014.**

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:  
TUESDAY 29 APRIL, 2014.**