



**LANCASTER**  
**CITY COUNCIL**

*Promoting City, Coast & Countryside*

# **COUNCIL MEETING**

**Wednesday, 23 September 2015 -  
6.00 p.m.  
Morecambe Town Hall**

Mark Cullinan,  
Chief Executive,  
Town Hall,  
Dalton Square,  
LANCASTER,  
LA1 1PJ



# LANCASTER CITY COUNCIL

*Promoting City, Coast & Countryside*

Sir/Madam,

You are hereby summoned to attend a meeting of the Lancaster City Council to be held in the Town Hall, Morecambe on Wednesday, 23 September 2015 commencing at 6.00 p.m. for the following purposes:

1. **APOLOGIES FOR ABSENCE**

2. **MINUTES**

To receive as a correct record the Minutes of the Meetings of the City Council held on 15 July 2015 (previously circulated).

3. **DECLARATIONS OF INTEREST**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

4. **ITEMS OF URGENT BUSINESS**

5. **ANNOUNCEMENTS**

To receive any announcements which may be submitted by the Mayor or Chief Executive.

6. **QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11**

To receive questions in accordance with the provisions of Council Procedure Rules 11.1 and 11.3 which require members of the public to give at least 3 days' notice in writing of questions to a Member of Cabinet or Committee Chairman.

7. **PETITIONS AND ADDRESSES** (Pages 1 - 4)

To receive a Petition and Address from Mr Nick Ward, Chairman of Over Kellet Parish Council, notification of which has been received by the Chief Executive.

The petition contains fewer than 1500 signatures and relates to a matter affecting all rural wards in the district. Therefore, in accordance with the Petition Scheme in the Council's Constitution, the petition would not qualify for debate by Council, but would be referred to Cabinet. However, there is a related motion on the agenda of this meeting for debate (please see Item 12).

8. **LEADER'S REPORT** (Pages 5 - 8)

To receive the Cabinet Leader's report on proceedings since the last meeting of Council.

**MOTIONS ON NOTICE**

9. **NOTICE OF MOTION - RIGHT TO BUY** (Pages 9 - 10)

To consider the following motion submitted by Councillors Karen Leytham, Janet Hall, Colin Hartley, Ronnie Kershaw and Richard Newman-Thompson:

*"There is a growing demand and insufficient provision of social and council housing for rent in the Lancaster District and the Right To Buy scheme in its current format presents difficulties to Lancaster City Council to provide new appropriate housing on a replacement basis when a dwelling is sold, so:*

*Lancaster City Council proposes the following:*

- *That our Government follows the leadership of the Scottish Government in reversing the Right To Buy scheme for council houses.*
- *That the proposal to extend the Right To Buy scheme to housing associations be abolished.*
- *That the proposal to manage welfare spending by controlling council house rents be abolished as this goes against the move in 2012 to relinquish central government control and allow councils more freedom to manage their housing portfolios.*
- *That the Chief Executive of Lancaster City Council sends this resolution to the Secretary and Shadow Secretary of State for DCLG, the Housing and Shadow Housing Minister, the district's 2 MP's, housing associations that operate in our district, Lancashire County Council and all Lancashire councils."*

An officer briefing note is attached on pages 9 and 10.

10. **NOTICE OF MOTION - TO WELCOME, SUPPORT AND ACCOMMODATE OUR FAIR SHARE OF REFUGEES BOTH LOCALLY AND NATIONALLY** (Pages 11 - 12)

To consider the following motion submitted by Councillors Rebecca Novell and Sam Armstrong.

*"This Council notes that:*

*Conflicts in the Middle East and Africa are driving men, women and children in their*

*millions to seek safety in the West.*

*This summer has seen the largest displacement of people since the Second World War. In July, more than 100,000 individuals crossed into European Union countries - a record figure.*

*Thousands of people have died this year alone, trying to cross the Mediterranean sea; many of them were children.*

*Responding to the movement of so many desperate people is not straightforward. Yet it is clear that many of Europe's existing policies are inadequate.*

*A large number of refugees can become much less daunting to the public and less of a drain on resources if each and every county and borough council agrees to house refugee families. 10 families per authority would house approximately 10,000 families.*

*This Council believes:*

- We have a duty to prevent the deaths of innocent people seeking refuge;*
- That this crisis will be better managed if incoming refugees are accommodated around the whole country;*
- The UK must welcome its fair share of refugees to ease this crisis.*

*This Council resolves to:*

- Call on the Government to work with Europe in order to establish and accept Britain's fair share of refugees fleeing war-torn countries.*
- Call on the Government to allocate resources to Local Councils so that they may accommodate and integrate refugees in to the local community.*
- Commit to ensuring that refugees are welcomed in this district and help facilitate this process in Lancaster, by working with local services to ensure housing, legal advice, trauma-recovery support and careers advice, amongst other things.*
- Formally express interest in both the UN Gateway Programme and the Government's VPR to the Home Office by 1st November 2015."*

An officer briefing note is attached on pages 11 and 12.

11. **NOTICE OF MOTION - CONCERN THAT LANCASTER CITY COUNCIL DOES NOT HEAR THE RURAL VOICE** (Pages 13 - 16)

To consider the following motion submitted by Councillors Roger Mace and Mel Guilding.

*"We are residents of villages in the Halton and Kellet Wards of Lancaster District. Our villages are rural in character and have been sustained as communities separate from the urban centre of Lancaster - in some cases for over one thousand years. Under the section headed "Improving the Rural Environment", in the Lancaster City Council Planning Handbook 2000, published by Burrows Communications Ltd., it says "In responding to pressures for new development the City Council will look to guard against inappropriate change and protect the character of villages". We are unaware of any change to this commitment by the City Council.*

*We expect the City Council to;*

- safeguard the sense of identity of village communities*
- protect and enhance the social, economic, and environmental sustainability*

- required by current and future rural residents*
- *respect the visual amenity associated with the landscapes surrounding rural settlements*
- *conserve the quality and character of village landscapes and the setting of rural villages*
- *recognise that landscape containing green spaces is an irreplaceable community asset*
- *ensure that local rural opinion informs City Council decisions that have an impact on local village communities*
- *promote city coast and countryside - without sidelining the countryside*

*We observe recent symptoms of neglect of the rural voice locally, in that;*

- *the executive of this Council does not include elected representatives from rural wards in the District, and*
- *unlike the situation in 2005, there is no longer a Cabinet member with a portfolio for "Rural Affairs" and*
- *recent new brand identities for Lancaster and for Morecambe make no reference to the countryside of the District*
- *there is no adequate forum in which issues of major importance to rural communities, such as the preparation of the Local Plan, can be properly debated.*

### **PETITION**

*We (the undersigned) are concerned at the symptoms of neglect of the rural voice locally as set out on the attached sheet, and we call upon Lancaster City Council*

- *to resolve to work with the Parish and Town Councils in the District and fully recognise their contributions in preserving the distinctiveness and aspirations of our local communities and*
- *to set up a working group with Council Officers and representatives of rural parishes and of the City Council to enable rural views to inform the process of preparing component documents in the Local Plan*

### **MOTION**

*In view of the content of the above petition, which has been submitted to the Council with some 360 signatures from residents in Kellet and Halton Wards, and the concerns at the symptoms of neglect of the rural voice as set out by the petitioners in the sheet accompanying the petition, this Council resolves*

- *to work with the Parish and Town Councils in the District and fully recognise their contributions in preserving the distinctiveness and aspirations of our local communities and;*
- *to set up a working group with Council Officers and representatives of rural parishes and of the City Council to enable rural views to inform the process of preparing component documents in the Local Plan."*

An officer briefing note is attached on pages 13 - 16.

12. **NOTICE OF MOTION - FRACKING** (Pages 17 - 18)

To consider the following motion submitted by Cllr Rob Devey, Darren Clifford, Claire Cozler and Janet Hall:

*“Lancaster City Council notes the ongoing consultation which ends on September 29 and could result in licences being granted for oil and gas exploration which could involve fracking in the south of our district. We also note the recent report published by Preston City Council into the process and that council’s subsequent resolution. While we would always respond as a consultee to any individual planning application on a case by case basis on planning grounds and carefully weigh up its merits, we believe considerations when it comes to fracking go above and beyond pure planning grounds. Therefore, this council agrees to:*

*a) Oppose fracking in the Lancaster district, or fracking outside our district which could affect residents within our district, and call upon the Government to re-consider its policy of encouraging fracking because:*

- This council considers the focus across the country ought to be on developing sustainable sources of clean renewable energy, especially including tidal energy given that we are an island, but also including off-shore windfarms, solar power and kinetic energy generated by the movements of people and vehicles.*
- This council considers that fracking has the potential to spoil our countryside and adversely affect wildlife and habitat.*
- This council has doubts as to the safety and impact of the process for reasons including the earthquakes caused by recent fracking investigation works in Lancashire, the release of significant quantities of methane gas and, as recently evidenced in a major study by the United States Environmental Protection Agency, impacts on the integrity of drinking water supplies.*

*b) Urge the Government to scrap proposals to remove responsibility for determining fracking planning applications from local councils (in our area Lancashire County Council) if they are not determined within a 16-week period, and recognise that these are sensitive proposals which should be judged locally and which, if anything, need more time for consideration and public consultation, not less.*

*This motion should be sent in writing to the Department for Energy and Climate Change and the Oil and Gas Authority as part of the ongoing consultation, which ends on September 29, but also to the relevant secretaries of state at the Department for the Environment Food and Rural Affairs and the Department for Communities and Local Government.”*

An officer briefing note is attached on pages 17 and 18.

13. **NOTICE OF MOTION - CANAL CORRIDOR DEVELOPMENT** (Page 19)

To consider the following motion submitted by Cllrs Tim Hamilton-Cox, Caroline Jackson and Dave Brookes:

*“This council notes the question from Cllr Williamson at July full council, and the response from Cllr Hanson, reproduced below.*

*'Question from Councillor Peter Williamson to Councillor Hanson*

*Has the exclusive development agreement with British Land concerning the Canal Corridor development now expired?*

*Councillor Hanson responded to say that the development agreement had not expired. However, because the developer had not submitted a planning application by the 21st November 2014, either the Council or the developer was entitled to give written notice to terminate the agreement. No such notice had yet been given by either party.'*

*Full council further notes that around half of councillors were not in office in July 2012 when full council approved the principle of a development agreement with British Land for the council's landholding in the Canal Corridor and gave delegated authority to the Chief Executive to complete the detail of the agreement.*

*Accordingly full council resolves that the Chief Executive be asked to prepare an options appraisal on the future use of the council's landholding in the Canal Corridor, including the option to withdraw from the development agreement in order to facilitate a housing-led regeneration of the Canal Corridor, and that the options appraisal be presented to October full council."*

An officer briefing note is attached on page 19.

14. **NOTICE OF MOTION - RIGHTS TO INFORMATION** (Pages 20 - 22)

To consider the following motion submitted by Cllrs Tim Hamilton-Cox, Dave Brookes and Caroline Jackson:

*"This council notes the presumption of openness expressed in the council's constitution and that reasonable access to information underpins the ability of members to fulfil their duties effectively.*

*Council also notes the decision by officers following annual council to 'tighten up' on access to information, and that this represents, without reference to full council, a reduction in the scope of members' access to information prevailing in the previous administration (and before).*

*Council further notes the commentary by the Monitoring Officer in an email to Cllr Brookes dated 31st August (which was copied to the leader and chair of Overview and Scrutiny) that:*

*'...The legislation and the common law set out "rights" to information – rights which cannot be reduced. However, my understanding is that if the Council wishes to make exempt Cabinet information available to B&PP members or indeed to all members, it can amend the constitution to allow this – there is nothing to stop it giving members access which goes beyond their legal rights. However, in widening access to such information Council would of course have to recognise that there would be a greater risk of it being passed on, resulting in possible breaches of confidentiality and of the Data Protection Act, and possible prejudice to the Council's own business and financial interests.'*

*Weighing this commentary in the balance, this council resolves that:*

*1) All members should be able to attend all meetings of cabinet and committees for all agenda items as of right, except those involving exempt agenda items concerning individual employees of the council (other than chief officers and the Chief Executive) or individual members of the public;*

2) All members should have access to all exempt papers as of right, with the exception of those exempt papers which deal with individual employees of the council (other than chief officers and the Chief Executive) or individual members of the public;

3) All members should have access to both exempt and confidential information on matters concerning their wards, as of right.

4) And that rights to access for members to exempt or confidential information carry proportionate responsibilities about its use.

Council requests that officers bring forward a report which enables the principles on access to information identified in resolutions 1-4 to be incorporated into the constitution and that the report is submitted to December full council for final decision by members.”

An officer briefing note is attached on pages 20 - 22.

## **OTHER BUSINESS**

15. **AUDIT COMMITTEE TERMS OF REFERENCE** (Pages 23 - 30)

To consider the report of the Monitoring Officer.

16. **APPOINTMENTS TO OUTSIDE BODIES** (Pages 31 - 33)

To consider the report of the Chief Officer (Governance)

17. **QUESTIONS UNDER COUNCIL PROCEDURE RULE 12**

To receive questions in accordance with the provisions of Council Procedure Rules 12.2 and 12.4 which require a Member to give at least 3 working days' notice, in writing, of the question to the Chief Executive.

18. **MINUTES OF CABINET** (Pages 34 - 55)

To receive the Minutes of the meetings of Cabinet held on 4<sup>th</sup> August and 1<sup>st</sup> September 2015.



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Chief Executive

Town Hall,  
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