



**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.



.....  
Chief Executive

Town Hall,  
Dalton Square,  
LANCASTER,  
LA1 1PJ

Published on Tuesday, 15<sup>th</sup> September 2015.





The Chief Officer (Governance)  
Town Hall  
Lancaster  
LA1 1PJ

2 September 2015

*Dear Chief Officer*

I enclose a paper petition containing in excess of 320 signatures which I submit under Part 10 of Lancaster City Council's Constitution. I have deleted a small number of signatures of those whom I believe do not reside within the wards of Kellet and Halton but that still leaves over 300 signatures of residents who live exclusively in these two wards. Given that the number of signatures exceeds 200 I ask that this petition be submitted to the next meeting of the Council and debated by members in accordance with the provisions of the Council's Constitution.

Although the concerns raised in the petition have been discussed by representatives of the Parish Councils in the two wards, and apply specifically to these wards, the request in the petition is expressed in such a way as to affect all the parishes in the district, rather than restricting it to just these wards. This is because we believe it would be inappropriate to make the request in a form which affected only the parishes in our two wards to the exclusion of the many other third tier councils in the district.

All those who have signed the petition have had sight of our concerns, as set out in the attached papers. It has been organised by Brian Jefferson of Halton Parish Council and myself and one of us would wish to address the meeting of the Council on 23 September in respect of the petition. I confirm that a copy of the speech will be sent to you no later than seven working days before that meeting.

Yours sincerely

*Nick Ward*

N.K.D. Ward  
Chairman of Over Kellet Parish Council  
Petition Organiser

Encl: Petition signed by residents of Kellet and Halton Wards of Lancaster District

*Concerns referred to in the attached letter of 2 September 2015*

**Concern that Lancaster City Council does not hear the Rural Voice.**

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 above and we call upon the 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

**Address in support of petition to Lancaster City Council from Kellet & Halton  
Wards - 23 September 2015**

Under the section headed "Improving the Rural Environment" in the Lancaster City Council Planning Handbook 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". I speak on behalf of residents of villages in the Halton and Kellet Wards of Lancaster District who feel strongly that Lancaster City Council is failing in this commitment.

Our villages are rural in character and in some cases have been sustained as communities separate from the urban centre of Lancaster for over a thousand years. These villages have of course grown and developed over this time and we appreciate they must continue to do so. However any development must always be sympathetic to the intrinsic character of the village and be of a scale so as not to destroy for all time the unique identity of these special rural communities. In this regard when considering developments within the rural environment we expect the City Council to

- safeguard the sense of identity of village communities
- 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 and
- recognise that landscape containing green spaces is an irreplaceable community asset

Sadly, in recent years we have observed 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 there is no longer a Cabinet member with a portfolio for "Rural Affairs" and
- 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.

Of course we appreciate the City Council has full responsibility for many of the decisions affecting rural communities, but we believe it is vitally important that local rural opinion informs the decisions which have an impact on local village communities. Residents in our communities are caused immense unnecessary stress and upset when plans are produced for consultation without prior discussion with the communities that will be directly affected by them. Wouldn't it make so much more sense to involve the representatives of local communities from the outset so that when plans are formulated by the City Council, there is greater likelihood that they will have public support when published for formal consultation?

Present procedures mean that many of us in rural communities have little faith or trust in the way Lancaster City Council transacts its business. Rightly or wrongly, we see the Council as urban centred with little or no interest or understanding of the rural environment. We live in a democracy in which there should be no place for feelings of "them and us". We are all in this together - working for what is best for urban and rural communities alike, but what you - and we - must always remember is that we have an overriding responsibility to future generations as stewards of the rural environment. We are simply passing through it, and once it is gone it has gone forever. We are holding it on trust for future generations: do we really want to take responsibility for north Lancashire children in the future saying "Mummy, daddy, what's a village?"

We ask therefore that

- you promote city, coast and countryside - without sidelining the countryside
- you 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
- you 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.

Having obtained over 360 signatures on the petition in our two wards asking for these things to happen, we had hoped this would have triggered a council debate under section 10 of your constitution. We were disappointed to be told that because we had worded our petition in a way that applied to all Parish and Town Councils in the District, not just ours, we would require 1500 signatures for it to be debated. Although appreciating this is a legalistic way of viewing our petition I believe it is a view that lacks both logic and commonsense. Sadly, by potentially delaying any action to alleviate our concerns in this way, it actually illustrates the point the petition is making – namely that the Council is neglecting the concerns of our rural communities. Judging by the ease with which the initial 360 signatures were achieved, it would not have been a problem to gather another 1140 signatures to bring the total to 1500, but we are grateful to the Councillor for Kellet Ward and to his colleague from Carnforth who have submitted a notice of motion for debate today based on the petition - and have thereby avoided the delay that pursuit of extra signatures would otherwise have caused in bringing the matter to a debate.

Rural residents in the district will be watching the progress of today's debate and will be looking for your approval of the requests in the petition.

*Nick Ward, Chairman Over Kellet Parish Council*

<b>COUNCIL</b>
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## Leader's Report

**23 September 2015**

### Report of the Leader of the Council

<b>PURPOSE OF REPORT</b>
To present the Leader's report to Council.
This report is public.

#### RECOMMENDATIONS

To receive the report of the Leader of Council.

#### REPORT

##### 1.0 Cabinet

Information on Cabinet matters is provided in the minutes from the Cabinet meeting held on 4<sup>th</sup> August 2015 and 1<sup>st</sup> September 2015, later in this agenda.

##### 2.0 Decisions required to be taken urgently

As required by Access to Information Procedure Rule 17 and Part 1 Section 7 (5.1) of the Constitution, set out below is detail of a decision taken under the Urgent Business Procedure.

Details of the decision are as follow:-

#### VISITOR INFORMATION CENTRE – THE PLATFORM, MORECAMBE

The Chief Executive consulted with the Leader and Cabinet Member with responsibility for Property to make a decision in accordance with the City Council's Urgent Business Procedure. The Chairman of the Overview and Scrutiny Committee was consulted and agreed to waive the five day call-in period in accordance with Overview and Scrutiny Procedure 17. The 999-year leasehold of the above property was up for auction and consideration was required as to whether the City Council should seek to acquire it, subject to valuation and due diligence. At the time the decision was taken the report was exempt from

publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972, and the exemption was subsequently lifted by Cabinet on 4<sup>th</sup> August 2015 (minute 15 refers) when it was agreed that the reason for the exemption, i.e. not to prejudice the Council's position at auction, was no longer applicable.

At the Cabinet meeting on 4<sup>th</sup> August 2015 Cabinet made the following resolution with respect to the item of urgent business.

- (1) That the exemption on the Urgent Business Report (Visitor Information Centre – The Platform, Morecambe) dated 4<sup>th</sup> July 2015 be lifted.
- (2) 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:-
  - (1) *That Officers be authorised to acquire the unexpired 999 year lease for the VIC Offices at the Platform, Morecambe, either through pre-auction negotiations or through participation in the auction, subject to a maximum valuation ceiling of £310K.*
  - (2) *That the Capital Support Reserve be used to finance any acquisition, with any additional incidental costs being met from existing revenue budgets.*
  - (3) *That (1) and (2) above be subject to consultation being undertaken with a view to waiving call in, in accordance with Overview and Scrutiny Procedure Rule 17, to enable the decision to be implemented immediately.*

NOTE: The Council's bid was not successful and the premises were sold for £323,000.

### **3.0 Leader's Comments**

Lancaster Museums Joint Steering Group met on Friday 24 July. The new opening hours for the City Museum are now in place and will be monitored to see how the change affects visitor numbers. The City Museum Redevelopment proposals have been agreed and essential works are to start in late September. A new boiler has now been costed and should be in place soon. A feasibility study to assess the potential to connect the Museum and the Lancaster Library is being looked at. We need to develop and approve the vision statement for the proposed redevelopment in line with Lancaster as a heritage city.

Water damage at the Maritime Museum has been attended to. Three boats held externally are deteriorating badly. County Council staff have been successful in gaining some funding through Museums Development North West to undertake some work to develop options for the future of the boats.

The last Accreditation Scheme submission was made to The Arts Council in 2013. The next return is due in December 2016 and it has to be submitted by June 2016. A signed and sealed management agreement has to be in place by then or there is

a risk that full Accreditation cannot be sustained. Funding, loans and acquisitions as well as donations could well be affected. It was agreed to draw up a new management agreement as a matter of urgency.

The Police Commissioner for Lancashire, Clive Grunshaw, came to meet us on the 06 August. Councillor Brendan Hughes and Councillor Janice Hanson were present. Councillor Hughes raised the Morecambe BID survey which put security at the top of their concerns. The loss of Police funding (£21 million) and over 700 PC jobs gone were discussed. By the end of this Parliament they will have lost a third of their staff. Because of this, they have invested heavily in technology including recording devices that can be used in public places rather than back at the office. They are also using social media very successfully. You can sign up to receive messages from the police by means of "In The Know". 25,000 people have already signed up.

Their priorities are: planning ahead, on-line-policing-victim services, consultation to educate the public, child sexual abuse, counter terrorism and visible policing. They are employing mental health workers and family support workers in each division. North West Ambulance workers are now at Hutton. This idea of joined-up working includes the Fire Service helping with break-ins, missing persons and detecting drugs.

We raised the cost of PCSOs and CCTV and warned of our budget problems. There are new ideas on CCTV which include Central Hubs which are monitoring in each division. We will receive more information on this from a specialist policeman.

On the 17 August the Chief Executive of The Duchy of Lancaster, Nathan Thompson, came to meet an officer and myself. He stressed that repairs to the Castle are vital. It has to be made watertight and this is their first priority. A very attractive new brochure has been produced saying that it is affectionately known as The Queen's Second Castle. It includes a timetable of events and offers outdoor productions, opera, music, live cinema etc. Also discussed was a close working with "Visit Lancashire" through Ruth Connor. The vision is to make a truly local and visitor venue and not an elite offer or a boutique hotel.

The Transport Masterplan and its effect on tourism and the need for city centre hotels and parking were also discussed.

A meeting with South Lakeland and Barrow was held on the 07 August. This is a first. We discussed Morecambe Bay Partnerships and cross border relationships. Moving between areas – transport and infrastructure and their problems. There are more jobs and more high quality jobs in Cumbria, but housing growth is more problematical. Authorities around the Grid and the Energy Coast and economic development in Morecambe Bay. In the short term there are skill shortages and special issues around the bay for industries. Asking Lancaster University to look at these issues was suggested.



## 4.0 Other Matters

Cabinet minutes are attached at the end of this agenda

## 5.0 Key Decisions

The following Key Decisions were taken by Cabinet on 4<sup>th</sup> August 2015:

- (1) Lancaster Business Improvement District (BID) Renewal – Draft Proposals
- (2) Accountable Body Authorisation for Community Groups
- (3) Reorganisation of the Office of the Chief Executive (Decision called-in by Overview & Scrutiny Committee – Call-in held on 17.8.15)

The following Key Decisions were taken by Cabinet on 1<sup>st</sup> September 2015

- (1) Request for authority to tender for provision of Building Control Services
- (2) Land at Back Lane, Carnforth
- (3) Land at the former Shell ICI site – option agreements for sale and lease

The following Officer Delegated (Key) Decisions were taken during this period:

- (1) Window and door refurbishment to conservation area
- (2) Corporate Non-Housing Delivery Plan – Williamson Park (Palm House) Butterfly House Phase 1 works
- (3) Award of contract for provision of school swimming transport service
- (4) Corporate Non-Housing Delivery Plan – Lancaster Town Hall Banqueting Suite – ceiling repairs
- (5) Corporate Non-Housing Delivery Plan - Maritime Museum Phase 2

## Background Papers

Cabinet agenda and minutes of the meetings held on 4<sup>th</sup> August 2015 and 1<sup>st</sup> September 2015.

## NOTICE OF MOTION – RIGHT TO BUY

To be proposed by Councillor Karen Leytham. Seconded by Councillors 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.”*

## OFFICER BRIEFING NOTE

### Background

Lancaster district has a total housing stock of just over 60,000 dwellings. Around **78%** is owner-occupied, **12%** is privately rented, **6%** is owned by the local authority and around **4%** is owned by Registered Providers. Lancaster City Council is the largest provider of social housing with around 3,800 dwellings and Registered Providers provide around 2,200.

### Right to Buy

The Right to Buy scheme is a government policy which gives secure tenants of councils and some housing associations the legal right to buy, at discount, the home they are living in. There is also a Right to Acquire for assured tenants of housing association homes built with public subsidy after 1997, at a smaller discount. Individual local authorities have always had the ability to sell council houses to their tenants, but until the early 1970s such sales were extremely rare. The current Right to Buy scheme helps eligible council and housing association tenants in England to buy their home with a discount of up to £77,900 (£103,900 in London).

In March 2012 the government announced changes to the Right to Buy scheme called “Reinvigorating Right to Buy and One for One Replacement” which took effect in April 2012. However, the policy has not delivered the anticipated replacements. The government has now also pledged to extend the principles of the local authority Right to Buy scheme to housing association tenants.

### Proposed Housing Bill

The government is bringing forward a new Housing Bill.

*“The purpose of the Bill is to:*

- *help give more hard-working people the chance to own their own home*
- *increase housing supply and access to home ownership*

The main elements of the Bill are.

- to enable the extension of Right to Buy levels of discount to housing association tenants
- to require local authorities to dispose of high-value vacant council houses which would help fund the Right to Buy extension discounts and the building of more affordable homes in the area
- to provide the necessary statutory framework to support the delivery of Starter Homes
- to take forward the Right to Build, requiring local planning authorities to support custom and self-builders registered in their area in identifying suitable plots of land to build or commission their own home
- to introduce a statutory register for brownfield land, to help achieve the target of getting Local Development Orders in place on 90% of suitable brownfield sites by 2020
- to simplify and speed up the neighbourhood planning system, to support communities that seek to meet local housing and other development needs through neighbourhood planning
- to give effect to other changes to housing and planning legislation that would support housing growth”

### **Summer Budget - housing announcements**

**Rent reductions** - The Summer Budget set out the government’s plans to require councils and housing associations to cut rents by one percent a year for four years from 2016/17. The government has already published a Welfare Bill to introduce these changes. The council’s Housing Revenue Account (HRA) business plan will be hit hard by these rent cuts announced in the Budget together with the impact of the benefit cuts on the ability of many tenants to pay their rent. In April 2012, the government introduced the discipline of self-financing within the HRA to enable the council to take local funding decisions around its council housing stock, and set its own rent levels determined by local conditions. At that time the government required the council to borrow over £30m to pay to the government as part of this new financial settlement. The council will now need to plan for significantly reduced rental income with government taking control again over the levels of rent set for the foreseeable future, and imposing rent reductions.

**Right to buy for housing association tenants** -The government is now looking to extend the format of the Right to Buy for local authority tenants to all Housing Association tenants. The government is proposing to require local authorities to sell their most expensive properties as they become vacant to compensate housing associations for the discounts.

**Pay to stay** - The government is planning that tenant households earning more than £30,000 (£40,000 in London) will be required to pay market or near-market rents through the introduction of a compulsory national Pay to Stay scheme. Councils will be required to pay the additional revenue to central government, while housing associations will be able to invest it in new homes.

The government has announced a series of proposals over the last few months which will be extremely challenging and potentially have significant impact on the council’s ability to meet local housing demand for affordable and social housing within the district. Officers will be working up the detail of the local impacts over the coming weeks and months as more details are announced by government.

### **Section 151 Officer Comments**

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

### **Monitoring Officer Comments**

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

**NOTICE OF MOTION – TO WELCOME, SUPPORT AND ACCOMMODATE OUR FAIR SHARE OF REFUGEES BOTH LOCALLY AND NATIONALLY**

To be proposed by Councillor Novell. Seconded by Councillor 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.”*

**OFFICER BRIEFING NOTE:**

Over the course of the last few weeks, there has been much media and political attention regarding refugees sparked by the emotive images that have been seen from those fleeing violence particularly from Syria. The council has received several media enquiries and contact from some members of the public asking what the council is doing to support refugees. The Local Government Association has issued statements in response to the situation stressing the need for full funding for local authorities to support refugees. A joint statement was issued by the Leader of the Council and the Chief Executive on Tuesday 8<sup>th</sup> September 2015 which stated

“Yesterday (Monday September 7) the Prime Minister announced that the UK will accept 20,000 Syrian refugees between now and 2020.

“We understand that the government will provide financial support from the international aid budget. The council awaits further details on how this will be administered and the number of refugees the district may be asked to accommodate.

“It is, of course, essential that the solution is sustainable and funding is made available in the long term to ensure that those resettled, along with our communities, have the support and resources they need until they are either granted asylum or safely returned to their own country.”

At the time of writing no further details are available about exactly how local authorities will be asked to support and until this detail is known, it is difficult to be precise about the resource and practical implications of this.

Members may be aware that the Home Office is also widening its asylum dispersal programme in the North West and Lancashire authorities are being requested to support this programme. Officers are investigating how we can assist in supporting placement of asylum seekers. This is a separate issue to the resettlement of Syrian refugees and resources required by the council to assist in the asylum dispersal programme (which is coordinated by Serco on behalf of the Government) are minimal and can be met from within existing staffing capacity. In terms of accommodation, we are looking to the private rented sector.

The UN gateway programme and the vulnerable persons relocation scheme are schemes currently operated by central government. If by “to formally express interest in both the UN Gateway Programme and the Government’s VPR to the Home Office by 1st November 2015” is taken to mean that the council wishes to become a place to accept refugees, then at this stage it is impossible to say what the implications for us would be in terms of staffing capacity required, resources, availability of housing stock in the area and support required from other agencies in the district.

It is worth noting that only 10% of our total housing stock is social rented properties compared to 78% owner occupied and 12% private rented. The council housing stock comprises 3,800 properties in total and we currently don’t have a high level of voids. Furthermore, there are approximately 1900 applicants on our housing register (waiting list) who are in need of accommodation (some of these have a high need) and for this reason we don’t intend to use council housing as an option for placing asylum seekers. For the same reason, placement of refugees in council housing would not be a viable option.

Officers would therefore urge any commitment to be in principle on the basis that full funding is provided and further detail is known.

### **Monitoring Officer Comments**

The Monitoring Officer has been consulted and has no further comments

### **Section 151 Officer Comments**

The s151 Officer has been consulted and reiterates the need for any commitment to be in principle, subject to having further details particularly regarding funding and its sustainability.

## **NOTICE OF MOTION - CONCERN THAT LANCASTER CITY COUNCIL DOES NOT HEAR THE RURAL VOICE**

To be proposed by Cllr Roger Mace. Seconded by Cllr 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.”*

## **OFFICER BRIEFING NOTE:**

The suggestion that Lancaster City Council does not consider the rural voice in its district or make provision to consider rural concerns is not accepted for several reasons.

- 1) It is supported by reference to a number of symptoms which are taken entirely out of context.
- 2) It fails entirely to examine documented evidence of the attention and care that is taken by Lancaster City Council to attend to the specific needs and spatial characteristics of its large rural areas; and
- 3) It shows an unawareness of the work undertaken at strategic high level by Lancaster City Council to promote the interests of the rural North West and to ensure that strategic policy decisions do not become over dominated by solely urban and metropolitan considerations.

## **Evidence**

The petitioners provide a quotation from a planning handbook produced during the planning system as it existed 15 years ago. That system has been substantially updated since the introduction of a spatial approach to planning in 2005 with far more emphasis on councils having to prove that they have a sound appreciation of their area's socio-economic needs and can relate them competently to a detailed knowledge of the special geography of their areas.

When many councils initially failed to do so, Lancaster City Council was the first in the North West of England to secure adoption of its Local Development Framework Core Strategy. This is evidential proof of its ability to demonstrate that it understood the needs of its whole area. A core strand of that strategy was urban concentration and a network of vibrant rural communities. It was a plan which had at its heart the need to safeguard the special identity of rural communities and accommodate the bulk of growth within the urban areas.

In the work being undertaken since to replace the Core Strategy, significant attention has been given to the very difficult challenge of having to accommodate significantly different levels of growth whilst still safeguarding the very identities and characteristic which the petitioners allege are being ignored. The choices for strategic growth consultations carried out in 2014 demonstrate this.

The City Council is taking a lead on preparing a Development Plan document for the Arnsdale/Silverdale AONB on behalf of itself and South Lakeland District Council (SLDC) after the Inspector dealing with SLDC's Local Plan required this special rural area to be given more careful consideration.

The City Council is the managing authority for the Arnsdale/ Silverdale AONB, is a partnership member of the Forest of Bowland AONB and is a member of the Morecambe Bay

Partnership. It is also the accountable body for the Morecambe Bay Nature Improvement Area.

Its two new tourist brands were specifically designed to engage with a wide range of partners around Morecambe Bay and linkages with the wider rural areas for tourism purposes. The Lancaster Brand specifically includes the Lune valley and Bowland and the Morecambe Bay brand includes the rural areas around the bay.

On the higher level strategic front the City Council has played a leading role in a partnership of local authorities who have negotiated with National Grid to select a tunnelling option to connect an upgraded grid around Morecambe Bay with substation facilities at Heysham, without having to build new power lines around the special landscapes of North Lancashire and South Lakeland. A result, that if not achieved, would have had a considerable impact on Kellet and Halton.

It was the City Council who negotiated with Lancashire County Council to promote Lancaster District as the first pilot of its rural superfast broadband project to improve connectivity for residents and businesses.

In debates about the Northern Powerhouse it is representatives of Lancaster City Council who are challenging the over concentration of attention on the large metropolitan areas at the expense of the largely rural North West.

These are hardly the actions of a totally urban focussed Local Authority and demonstrate comprehensive evidence of rural focussed activity.

### **Mainstream Considerations**

Consideration of the special needs of this district's rural areas, the problems of rural housing, access to services, skills losses, graduate retention and the custodian responsibilities for protecting some of the nation's most special landscapes is a golden thread through the work of Lancaster City Council.

It has become a mainstream part of its activity which does not need to be reflected by the designation of individual portfolios or forums, primarily because of the national policy requirement to engage in "spatial planning" rather than the older process of land use planning, which didn't have built within it a need to have regard to the special geography of the area.

The Cabinet members for Regeneration and Tourism have, as an inbuilt part of their responsibilities, the requirement to plan and provide services for the rural areas as well as the coastal and urban ones.

Member representation is also provided on the Executive Committees for both Areas of Outstanding Natural Beauty.

Full and comprehensive opportunities for engagement in the Local Plan process have been, and will continue to be, made available for all the communities in the district and the effectiveness of this must be proven to the Planning Inspectorate as part of the eventual examination process.

The City Council is also adhering to its Duty to Co-operate with the preparation of Neighbourhood Plans.



## **Conclusion**

The City Council rebuts entirely the suggestions made by the petitioners that it ignores the rural voice in Lancaster District and has a substantial evidence base to demonstrate its considerable engagement in having regard to and protecting rural communities.

Chief Officer (Regeneration & Planning)

## **S.151 Officer Comments**

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

## **Monitoring Officer Comments**

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

**NOTICE OF MOTION - FRACKING**

To be proposed by Cllr Rob Devey. Seconded by Cllrs 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.”*

**OFFICER BRIEFING NOTE:**

The City Council is not the relevant planning authority in terms of applications for onshore oil and gas explorations and does not duplicate what the County Council is tasked to do. It does not have the specialist expertise or the capacity to engage in consultations outside its own specialist areas of planning.

The consultation referred to is very specific to Habitats Assessment for Oil and Gas exploration, rather than the issue of exploration generally. Whilst it is open to anyone to respond to the consultation, the relevant planning authorities are the County Councils and Unitary Authorities and they, together with national bodies such as Natural England, Wildlife Trusts, the RSPB etc. would have the most relevant expertise to enable them to comment

However, to assist members, it may be worth referring to a piece of work produced recently by Preston City Council which helpfully explains the current position.

The relevant link to the Preston website is set out below. Agenda item 9 is the relevant one.

<http://preston.moderngov.co.uk/ieListDocuments.aspx?CId=145&MId=5067>

### **Monitoring Officer Comments**

This motion falls within Council Procedure Rule 15.4, as it broadly relates to a matter which might affect the district.

To the extent that the motion simply provides for the Council to express its current views, there are no legal implications for the Council should the motion be carried.

As the Council is not the relevant planning authority, it is unlikely that Members will be required to make any decision on this matter in the future. However, individual members should be mindful that any public statement which appears to indicate that they have formed an intractable or uncompromising opinion on the matter could potentially lead to challenge on the grounds of predetermination if they were to be involved in any decision making in the future.

### **Section 151 Officer Comments**

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

**NOTICE OF MOTION – CANAL CORRIDOR DEVELOPMENT**

To be proposed by Cllr Tim Hamilton-Cox. Seconded by Cllrs 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.*

**OFFICER BRIEFING NOTE**

The legal position remains as stated in July, that the development agreement with British Land remains in place, although since the 21<sup>st</sup> November 2014, it has been terminable by either party giving notice to the other. No such notice has yet been given.

Clearly the Council needs to make a clear decision about whether and/or how to continue with the arrangements in the development agreement. However, officers' professional advice is that it would be premature and inappropriate to do so, or indeed to consider other options, as suggested in the motion, before all the relevant advice is available and can be considered. It is intended that a report will be presented to Cabinet as soon as that is the case.

**Monitoring Officer Comments**

The Monitoring Officer has prepared this briefing note.

**Section 151 Officer Comments**

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

## **NOTICE OF MOTION – RIGHTS TO INFORMATION**

To be proposed by Cllr Tim Hamilton-Cox. Seconded by Cllrs 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.*

## **OFFICER BRIEFING NOTE**

As a matter of law, an elected member who is not a member of a particular elected member body, for example Cabinet or a Committee, has only the same rights as a member of the public to access exempt or confidential reports or background papers, or to attend a meeting of that body.

There are some exceptions, in that elected members are by law entitled to access information falling within paragraph 3 of Schedule 12A to the Local Government Act 1972 (information relating to the financial or business affairs of any particular person), except to the extent that the information relates to any terms proposed by or to the authority in the course of negotiations for a contract, and within paragraph 6 (information which reveals that the authority proposes to give a notice under which requirements are placed on a person, or to make an order or direction under any enactment).

The Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012 give additional rights to members of an Overview and Scrutiny Committee to have access to Cabinet papers, but the right to exempt information applies only where the information is relevant to an action or decision that the member is reviewing or scrutinising, or to any review contained in any programme of work of an Overview and Scrutiny Committee.

Further, under the common law “need to know”, a member is permitted to access exempt or confidential information if the member is able to demonstrate that sight of the relevant document is necessary to enable the member to carry out his/her duties as a member.

The case of *R v Hackney London Borough Council ex parte Gamper* in 1985, applied the “need to know” principle to attendance at meetings. Previously it had been thought that a member had only the same right to attend a meeting as a member of the public. However, in the Hackney case, the court took the view that there was no logical distinction between access to documents and access to meetings.

Generally, these legal principles have been applied to access to agendas and attendance at meetings within the City Council. Members and substitute members of this Council’s Overview and Scrutiny Committee have had access to Cabinet exempt reports and are permitted to attend meetings of Cabinet during consideration of exempt information.

However, over the last year or so of the last Council, it came to light that Budget and Performance Panel members and substitutes had, as a matter of custom, also been allowed to access exempt Cabinet reports and to remain in the Cabinet meeting during the consideration of exempt items. Officers looked at the terms of reference of the Budget and Performance Panel, and felt that because, unlike the Overview and Scrutiny Committee, its remit was not to scrutinise and call in Cabinet decisions, members of the Budget and Performance Panel did not have a need to routinely see exempt Cabinet papers in the same way that Overview and Scrutiny members did. Officers took the view that the best time to regularise the position was after the election when the “mod.gov” system access entitlements were being set up for all members. This was the only change that was made at that time.

As referred to in the text of the motion above, there is no reason why the Council’s Constitution should not be amended to permit members to have a wider entitlement to access to information and attendance at meetings than is provided for at law. However, it is important to recognise that information is not lightly designated as “exempt” or “confidential”, and that the purpose of such designation is generally to limit the circulation of information relating to individuals, which is protected under the Data Protection Act 1998, to prevent the Council from being liable for claims of breach of confidence, or to prevent commercial or financial or legal prejudice to the Council itself or to any third party. For example, in any case where a financial or legal settlement were being negotiated, the Council’s bargaining position could be weakened if confidential information were inadvertently disclosed. Any widening of the legal rights would need to take these issues and risks into account.

Indeed it is noted that the motion is expressed not to apply to reports relating to individual officers below the level of Chief Officer (examples would be disciplinary appeals to Personnel

Committee) or relating to members of the public (examples would be consideration of individual licensing applications by the Licensing Regulatory Committee). The Motion appears to recognise that in these situations it would be inappropriate for information to be passed to a wider audience within the Council. Council might also wish to consider whether Standards Committee reports about individual members should be excluded in the same way as reports relating to individual officers.

It is noted that the motion states that, "*all members should have access to both exempt and confidential information on matters concerning their wards, as of right.*" The Protocol on Member/Officer Relations in Part 7 of the Constitution contains at paragraph 10 provisions about the involvement of ward councillors. Paragraph 10.2 states that "if an individual contacts the Council about a general Council service, for example ...taxi licensing or a housing benefit or council tax issue, such contact is unlikely to be a ward issue, as the address of the individual is unlikely to be significant to the particular contact or complaint. In these circumstances officer will not generally involve the ward councillor." Further, paragraph 10.4 provides that "in no circumstances will correspondence from an individual, or from a third party representing an individual, be disclosed to a ward councillor if it is marked confidential or contains personal data. If ..... there is a need for the ward councillor to know of the issue.... then the relevant individual's consent will first be obtained."

On this basis, and in order to ensure the proper protection of personal data, officers would recommend that members' rights to exempt or confidential information on matters concerning their wards should be restricted to property matters or matters relating to a specific location within the ward, and should not extend to personal data about any ward resident.

Another issue that Council may wish to consider is whether there should be specific provision to prevent members from accessing exempt information in situations where they have a disclosable pecuniary interest or other interest in the matter. The Code of Conduct would generally require members to withdraw from a meeting in these circumstances

With those provisos, and on the basis that Council is aware of the risks as referred to above, there is no reason why the Constitution should not be amended to widen members' access to exempt and confidential information. Draft amendments could be put forward to the December meeting of Council, as requested in the motion.

### **Monitoring Officer Comments**

The briefing note has been prepared by the Monitoring Officer

### **Section 151 Comments**

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

**COUNCIL**

## Audit Committee Terms of Reference 23 September 2015

### Report of the Monitoring Officer

#### PURPOSE OF REPORT

To seek Council's approve to revised terms of reference for the Audit Committee.

**This report is public**

#### RECOMMENDATIONS

- (1) That the proposed revisions of the Audit Committee's Terms of Reference, set out in Appendix A, be approved.

#### 1.0 Background

- 1.1 On 17 June 2015 the Audit Committee considered proposals to change its terms of reference to reflect changes to legislation. The full details of the changes, and why they are necessary, are set out in the original report to the Audit Committee, appended to this report. After consideration of the changes, the Committee resolved:

*"That the proposed revisions to the Audit Committee's Terms of Reference be accepted and recommended to full Council for adoption."*

#### 2.0 Proposed Revision

- 2.1 A copy of the current TOR along with the proposed revision are attached as Appendix A to the original report (attached). All of the proposals are relatively minor in nature.

#### 3.0 Conclusion

- 3.1 Council is asked to approve the proposed revisions to the terms of reference for the Audit Committee as detailed in the attached appendix.

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

Not applicable

#### FINANCIAL IMPLICATIONS

None directly arising from this report

#### SECTION 151 OFFICER'S COMMENTS

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



**LEGAL IMPLICATIONS**

None directly arising from this report

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer is presenting this report as the officer responsible for maintaining the Constitution.

**BACKGROUND PAPERS**

**Contact Officer:** Debbie Chambers  
**Telephone:** 01524 582027  
**E-mail:** dchambers@lancaster.gov.uk  
**Ref:**

**AUDIT COMMITTEE**

**Audit Committee Terms of Reference  
17<sup>th</sup> June 2015**

**Report of Internal Audit Manager**

**PURPOSE OF REPORT**

To seek Members' acceptance to revised terms of reference for the Audit Committee, to be recommended to full Council for approval.

**This report is public**

**RECOMMENDATIONS**

- (1) **That the proposed revisions of the Audit Committee's Terms of Reference are accepted and recommended to full Council for adoption.**

**1.0 Background**

- 1.1 No substantive changes have been necessary to the Audit Committee's terms of reference (TOR) for a number of years. Over the past 12 months, two new pieces of legislation, the Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015 have brought in changes to audit arrangements which need to be reflected in the TOR.

**2.0 Proposed Revision**

- 2.1 A copy of the current TOR along with the proposed revision are attached as Appendix A. All of the proposals are relatively minor in nature and at this stage do not change the substantive role and responsibilities of the Committee. In brief the changes are:
- A slight change in the Committee's focus in evaluating the performance of Internal Audit. The previous requirement for an annual evaluation of the effectiveness of Internal Audit is replaced by consideration of Internal Audit's compliance with professional standards. This refers to the Public Sector Internal Auditing Standards (PSIAS) introduced in 2013. A report on compliance with the standards will be included in the wider reporting to Audit Committee concerning the annual review of governance. (paragraph 8.9)
  - With the abolition of the Audit Commission, interim arrangements are in place to deal with the appointment of Councils' external auditors via the Public Sector Audit Appointments Ltd. The Local Audit and Accountability Act provides for the future appointment of external auditors by the body itself, although the exact date at which this will commence is as yet unclear. The proposed revision provides for the Committee to continue to review internal audit arrangements on behalf of full Council in this interim period. (paragraph 8.10)
  - Updating reference to current legislation from the Accounts and Audit (England) Regulations 2011 to the Accounts and Audit Regulations 2015 (paragraph 8.17 and 8.18)

- Deletion of the reference to the Committee having a role in acting “as the mechanism for Members as the mechanism for Members of the Council to liaise with the Independent Remuneration Panel on the Members’ Allowances Scheme of the Council to liaise with the Independent Remuneration Panel on the Members’ Allowances Scheme” Other arrangements are in place to manage this function. (paragraph 8.24)

**3.0 Details of Consultation**

3.1 None specifically regarding this report.

**4.0 Options and Options Analysis (including risk assessment)**

4.1 The options available are to accept the proposed revisions to the terms of reference for recommendation to full Council, or recommend alternatives wording if necessary.

<p><b>CONCLUSION OF IMPACT ASSESSMENT</b>  <b>(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</b></p> <p>Not applicable</p>	
<p><b>FINANCIAL IMPLICATIONS</b></p> <p>None directly arising from this report</p>	
<p><b>SECTION 151 OFFICER’S COMMENTS</b></p> <p>The Section 151 Officer has been consulted and has no further comments</p>	
<p><b>LEGAL IMPLICATIONS</b></p> <p>None directly arising from this report</p>	
<p><b>MONITORING OFFICER’S COMMENTS</b></p> <p>The Monitoring Officer has been consulted and has no further comments</p>	
<p><b>BACKGROUND PAPERS</b></p>	<p><b>Contact Officer:</b> Derek Whiteway  <b>Telephone:</b> 01524 582028  <b>E-mail:</b> dwhiteway@lancaster.gov.uk  <b>Ref:</b> aud/comm/audit/150617TOR</p>

## Current Version

## SECTION 8 – AUDIT COMMITTEE

**Composition:** 7 Members of the Council on a PR basis, Chairman and Members of the Committee appointed by Council annually. The Chairman must not be a member of Cabinet or Overview and Scrutiny. Changes can be made by Council during the course of the year.

## Terms of Reference

- 8.1 To review all matters relating to Internal and External Audit. It will have the right of access to all the information it considers necessary and can consult directly with Internal and External Auditors.
- 8.2 To monitor arrangements for discharging the Council's responsibilities for efficient and effective financial and operational resource management. In pursuing this aim, it will consider:-
- the soundness, adequacy and application of controls;
  - compliance with policies, procedures and statutory requirements;
  - arrangements for safeguarding the Council's assets and interests;
  - the integrity and reliability of management information and financial records;
  - the economic, efficient and effective use of resources.
- 8.3 To approve a Statement of Purpose for the Audit Committee.
- 8.5 To approve Internal Audit plans.
- 8.6 To monitor Internal Audits progress with the annual Audit Plan, evaluating the effectiveness of Internal Audit and the use of audit resources and approving adjustments to the Audit Plan.
- 8.7 To receive and review the findings of both Internal and External Audit examinations and to ensure that management takes appropriate action to implement agreed recommendations and to remedy any internal accounting, organisational or operational control weaknesses identified.
- 8.8 To receive the Internal Audit Annual Report and annual controls assurance statement.
- 8.9 To review internal audit's compliance with 'proper practices' as set out in the Public Sector Internal Audit Standards and perform an annual evaluation of the effectiveness of Internal Audit in accordance with the Accounts and Audit (England) Regulations 2011.
- 8.10 To be consulted as part of the process in agreeing the appointment by the Audit Commission of the Council's external auditor.
- 8.11 To receive and comment upon the External Auditor's Annual Plan, considering the scope and depth of external audit work and to ensure it gives value for money.
- 8.12 To monitor the External Auditor's progress with the Annual Plan.
- 8.13 To receive all scheduled outputs from the External Auditor's work, including the annual Audit Letter.
- 8.14 To review and comment upon liaison arrangements between Internal and External Audit with a view to optimising the effective deployment of Audit resources.

- 8.15 To evaluate the adequacy and effectiveness of the Council's financial and operational policies and procedures including financial and accounting management through discussions with the External Auditors, Internal Auditors and appropriate officers.
  - 8.16 To consider and endorse amendments to the Council's Financial Regulations and Contract Procedure Rules and, on behalf of full Council, give any instructions to the Section 151 Officer as may be appropriate.
  - 8.17 To approve the annual Statement of Accounts on behalf of full Council in accordance with the Accounts and Audit (England) Regulations 2011.
  - 8.18 To monitor the effective development and operation of risk management and corporate governance by considering the effectiveness of the Council's adopted local Code of Governance. Also to oversee the production of the authority's annual Governance Statement in accordance with the Accounts and Audit (England) Regulations 2011 and recommend its adoption.
  - 8.19 To prepare an Annual Report to full Council setting out the committee's work and performance during the year and to refer to Council any matters it shall see fit.
  - 8.20 To review any issue referred to it by the Chief Executive or any Council body.
  - 8.21 To consider any matters referred to it by the Monitoring Officer in accordance with Overview and Scrutiny Procedure Rule 12.
  - 8.22 With the Monitoring Officer to monitor and review the operation of the Constitution to ensure the aims and principles of the Constitution are given full effect.
  - 8.23 With the exception of those parts of the Constitution which are assigned specifically to the Council Business Committee, to consider and propose to Council any other amendments to the Constitution as necessary.
  - 8.24 To act as the mechanism for Members of the Council to liaise with the Independent Remuneration Panel on the Members' Allowances Scheme.
- 

### **Proposed Revision**

#### **SECTION 8 – AUDIT COMMITTEE**

**Composition: 7 Members of the Council on a PR basis, Chairman and Members of the Committee appointed by Council annually. The Chairman must not be a member of Cabinet or Overview and Scrutiny. Changes can be made by Council during the course of the year.**

#### **Terms of Reference**

- 8.1 To review all matters relating to Internal and External Audit. It will have the right of access to all the information it considers necessary and can consult directly with Internal and External Auditors.
- 8.2 To monitor arrangements for discharging the Council's responsibilities for efficient and effective financial and operational resource management. In pursuing this aim, it will consider:-
  - the soundness, adequacy and application of controls;
  - compliance with policies, procedures and statutory requirements;
  - arrangements for safeguarding the Council's assets and interests;
  - the integrity and reliability of management information and financial records;
  - the economic, efficient and effective use of resources.

- 8.3 To approve a Statement of Purpose for the Audit Committee.
- 8.5 To approve Internal Audit plans.
- 8.6 To monitor Internal Audit's progress with the annual Audit Plan, evaluating the effectiveness of Internal Audit and the use of audit resources and approving adjustments to the Audit Plan.
- 8.7 To receive and review the findings of both Internal and External Audit examinations and to ensure that management takes appropriate action to implement agreed recommendations and to remedy any internal accounting, organisational or operational control weaknesses identified.
- 8.8 To receive the Internal Audit Annual Report and annual controls assurance statement.
- 8.9 To review internal audit's compliance with public sector internal auditing standards or guidance, in accordance with the Accounts and Audit Regulations 2015.**
- 8.10 To review and advise full Council on arrangements relating to the appointment of the Council's external auditor under the provisions of the Local Audit and Accountability Act 2014.**
- 8.11 To receive and comment upon the External Auditor's Annual Plan, considering the scope and depth of external audit work and to ensure it gives value for money.
- 8.12 To monitor the External Auditor's progress with the Annual Plan.
- 8.13 To receive all scheduled outputs from the External Auditor's work, including the annual Audit Letter.
- 8.14 To review and comment upon liaison arrangements between Internal and External Audit with a view to optimising the effective deployment of audit resources.
- 8.15 To evaluate the adequacy and effectiveness of the Council's financial and operational policies and procedures including financial and accounting management through discussions with the External Auditors, Internal Auditors and appropriate officers.
- 8.16 To consider and endorse amendments to the Council's Financial Regulations and Contract Procedure Rules and, on behalf of full Council, give any instructions to the Section 151 Officer as may be appropriate.
- 8.17 To approve the annual Statement of Accounts on behalf of full Council in accordance with the Accounts and Audit Regulations 2015.**
- 8.18 To monitor the effective development and operation of risk management and corporate governance by considering the effectiveness of the Council's adopted local Code of Governance. Also to oversee the production of the authority's annual Governance Statement in accordance with the Accounts and Audit Regulations 2015 and recommend its adoption.**
- 8.19 To prepare an Annual Report to full Council setting out the committee's work and performance during the year and to refer to Council any matters it shall see fit.
- 8.20 To review any issue referred to it by the Chief Executive or any Council body.
- 8.21 To consider any matters referred to it by the Monitoring Officer in accordance with Overview and Scrutiny Procedure Rule 12.
- 8.22 With the Monitoring Officer to monitor and review the operation of the Constitution to ensure the aims and principles of the Constitution are given full effect.
- 8.23 With the exception of those parts of the Constitution which are assigned specifically to the Council Business Committee, to consider and propose to Council any other amendments to the Constitution as necessary.

- 8.24 ~~To act as the mechanism for Members of the Council to liaise with the Independent Remuneration Panel on the Members' Allowances Scheme.~~  
Deleted

**COUNCIL**

**Appointments to Outside Bodies  
23<sup>rd</sup> September 2015**

**Report of Chief Officer (Governance)**

**PURPOSE OF REPORT**

To enable Council to consider appointments to the Reserve Forces and Cadets Association, the North Lancashire Citizen's Advice Bureau and the James Bond/Henry Welch Trust.

**This report is public**

**RECOMMENDATIONS**

- (1) **To confirm that the Council's appointment to the Reserve Forces and Cadets Association for North West England and the Isle of Man continue to be made by nomination from full Council, and, if so, to make the appointment at this meeting.**
- (2) **To confirm that the Council's appointments to the North Lancashire Citizen's Advice Bureau continue to be made by nomination from full Council and, if so, to make an appointment to the vacancy at this meeting.**
- (3) **To consider a request from the trustees of the James Bond/Henry Welch Trust for nomination of a councillor to be appointed as a trustee.**

**1.0 Reserve Forces and Cadets Association for North West England and the Isle of Man (NW RFCA)**

- 1.1 At its meeting on the 26<sup>th</sup> May 2015, Council confirmed that appointment to the Reserve Forces and Cadets Association for North West England and the Isle of Man be made by nomination from full Council. At that meeting, Councillor Scott was appointed to represent the Council.
- 1.2 On the 7<sup>th</sup> July 2015, Councillor Scott advised the Chief Officer (Governance) that she had stepped down from this role.
- 1.3 Accordingly, it is necessary for Council to consider appointing another councillor to represent the Council on the Association. If Council is content for the appointment to continue to be made by nomination from full Council, an appointment can be made at this meeting.



- 1.4 Attendance at meetings will comprise the annual general meeting, which is scheduled for 1 July 2016; location yet to be decided. As and when appropriate local events occur the NW RFCA will invite the appointed member to attend, however these events will vary each year and dates and times are not known.

### **2.0 North Lancashire Citizen's Advice Bureau (CAB)**

- 2.1 Council makes three appointments to the North Lancashire CAB. Councillor Hughes was appointed by Council on 26 May but has since resigned from the appointment, due to other commitments and one place is now vacant.

- 2.2 Some background information about the role has been provided below to assist Members:

Once a councillor is appointed by Council the Bureau would require them to fill out an application form and be interviewed to ensure they meet the criteria to become a charity trustee.

- The Trustee board meets on the second Tuesday of every other month at 7pm at the Morecambe office.
- The next meetings are November 10 2015, January 12 2016, March 8 2016, May 10 2016 and July 12 2016.

All the Bureau's trustees are also assigned to one of its sub committees: Finance, Personnel, Development, Health and Safety. These committees meet monthly, dependant on the work allocated to them, at a date and time suitable to the committee members.

### **3.0 James Bond/Henry Welch Trust**

- 3.1 The James Bond/Henry Welch Trust is a charity, administered by the City Council, for the provision of financial assistance for people with diseases of the chest and lung, and for children with disabilities and other special needs living within the district of the Council.

- 3.2 Historically, both the City Council and the County Council have been represented on the board of trustees. However, currently, whilst the Chief Officer (Governance) is the Chief Executive's representative on the trust, and two former city councillors are trustees in their own right, there is no elected member of the City Council on the trust. At its meeting in July, the trustees resolved to invite the City Council to nominate a councillor as a trustee.

- 3.3 The trustees meet quarterly to consider requests for financial assistance. Meetings are generally held at Lancaster Town Hall on the last Friday of January, April, July and October, in the afternoon.

- 3.4 The majority of the requests for assistance are on behalf of children with disabilities and special needs. Before a request is considered, a home visit is undertaken by two of the trustees, who are then able to provide further details when the request is being considered. The trustees have asked that the Council's nominee should be willing to be an active member of the trust, accompanying the Home Visitor on some such visits between meetings. It is difficult to estimate the time commitment, but by way of example, nine requests for assistance were considered at the Trust's July meeting.

3.5 Mindful of the requirements of the role, Council is asked to consider whether the nomination to the Trust should be from full Council, or whether it should be made by virtue of role or position; for example the Champion for Children and Young People. If a nomination is made at this meeting, the trustees will be asked to confirm the appointment at their October meeting.

**4.0 Details of Consultation**

4.1 Council is asked to consider its appointments to these roles.

<p><b>CONCLUSION OF IMPACT ASSESSMENT</b>  <b>(including Health &amp; Safety, Equality &amp; Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</b></p> <p>There are no direct implications arising from this report.</p>	
<p><b>LEGAL IMPLICATIONS</b></p> <p>There are no legal implications as a result of this report.</p>	
<p><b>FINANCIAL IMPLICATIONS</b></p> <p>Members of outside bodies are entitled to travel expenses. Costs resulting from these appointments can be met from democratic representation budgets.</p>	
<p><b>OTHER RESOURCE IMPLICATIONS</b></p> <p><b>Human Resources:</b> None</p> <p><b>Information Services:</b> None</p> <p><b>Property:</b> None</p> <p><b>Open Spaces:</b> None</p>	
<p><b>SECTION 151 OFFICER'S COMMENTS</b></p> <p>The Section 151 Officer has been consulted and has no further comments.</p>	
<p><b>MONITORING OFFICER'S COMMENTS</b></p> <p>The report has been prepared by the Monitoring Officer in her capacity as Chief Officer (Governance)</p>	
<p><b>BACKGROUND PAPERS</b></p> <p>None</p>	<p><b>Contact Officer:</b> Mrs S Taylor  <b>Telephone:</b> 01524 582025  <b>E-mail:</b> STaylor@lancaster.gov.uk  <b>Ref:</b></p>

## CABINET

6.00 P.M.

4TH AUGUST 2015

**PRESENT:-** Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Abbott Bryning, Darren Clifford, Karen Leytham, Richard Newman-Thompson, Margaret Pattison and David Smith

Officers in attendance:-

Mark Cullinan	Chief Executive
Sarah Taylor	Chief Officer (Governance) and Monitoring Officer
Nadine Muschamp	Chief Officer (Resources) and Section 151 Officer
Mark Davies	Chief Officer (Environment)
Paul Rogers	Senior Regeneration Officer (Minute 12)
Liz Bateson	Principal Democratic Support Officer

**8 MINUTES**

The minutes of the meeting held on Tuesday 23rd June 2015 were approved as a correct record.

**9 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER**

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

**10 DECLARATIONS OF INTEREST**

Councillor Hanson declared an interest with regard to the Lancaster Business Improvement District (BID) Renewal Draft Proposal report, in view of her appointment to the BID Management Group. (Minute 11 refers).

**11 PUBLIC SPEAKING**

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

***Councillor Hanson had declared an interest with regard to the following item in view of her appointment to the BID Management Group.***

**12 LANCASTER BUSINESS IMPROVEMENT DISTRICT (BID) RENEWAL - DRAFT PROPOSAL**

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

Cabinet received a report from the Chief Officer (Regeneration and Planning) which provided context and information for the endorsement of proposals for a Lancaster Business Improvement District Renewal Ballot in November 2015, as required by statute. The report updated members on potential pre and post ballot issues and resource implications in relation to the City Council's role in the BID renewal process.

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

	<b>Option 1:</b> : Do nothing (Put off decision until the production of Final Renewal Proposals)	<b>Option 2:</b> Endorse the draft BID Renewal Proposals with endorsement of final BID Renewal Proposals delegated to the Chief Executive.	<b>Option 3:</b> Request material amendments to the draft Renewal Proposal for consideration/ endorsement at a future Cabinet meeting.
Advantages	No advantages.	<p>Early notice that the proposals are technically sound and final document is likely to be compatible with BID Regulations and council policy.</p> <p>Allows for minor and/or non-material technical amendments via officer scrutiny of final document.</p> <p>Allows Lancaster BID to develop its pre-election canvassing strategy and marketing/publishing activities around the BID Renewal Proposals with confidence.</p>	<p>Appropriate if Members consider (based on the draft), a Final Renewal Proposal would be vetoed and that material changes are required.</p> <p>Allows for revised proposals to come forward which are compatible with council policy and regulatory requirements</p>
Disadvantages	<p>Creates uncertainty for Lancaster BID.</p> <p>Creates difficulties for Lancaster BID in developing its pre-ballot canvassing strategy and marketing/publishing activities around the BID Renewal Proposals.</p>	No disadvantages identified.	<p>Reputational implications for council if proposals are not endorsed without good reason. Potential delays Lancaster BID's commitment to pre-ballot canvassing strategy and marketing/publishing activities around the BID Renewal Proposals.</p>
Risks	September Cabinet is the last date proposals can	No guarantee that BID Renewal Ballot will be successful.	The onus would be on Lancaster BID to address any issues

	<p>formally be endorsed for a November ballot to be enacted under statutory notifications.</p> <p>If there are issues with Final Renewal Proposal compliance at this stage a ballot could be delayed with knock on implications for Lancaster BID in terms of canvassing and for the council in terms of dealing with operational matters in the new year arising from a late 'Yes' ballot</p>		<p>and prepare a technically/policy compatible Final Renewal Proposal.</p> <p>Risks are as Option 1 in that September Cabinet is the last date proposals can formally be endorsed for a November ballot to be enacted under statutory notifications.</p>
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On submission of a Final Renewal Proposal the local authority is obliged to endorse the BID proposal and approve it to go forward to a ballot if it meets the regulatory and policy tests mentioned in paragraph 2.3 of the report. The draft proposals provide a good indication of whether it is likely the council will need to use its veto powers.

The draft proposals do not conflict with any published council 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 Lancaster BID in canvassing opinion and consultation appear to show a good level of support for the way the BID proposals have been shaped.

The amount of prior discussion between the BID proposer and the local authority before submitting the BID draft proposals to the authority has been sufficient and it is expected consultation will continue up to the submission of final proposals. The costs incurred and due in developing BID proposals, canvassing and balloting have been allowed for within the BID's current budget.

The decision to incorporate and take on formal accountable body status is a natural progression for Lancaster BID, one which the majority of national BIDs have taken at the outset or at renewal. The current unincorporated body Lancaster BID, while not formally accountable for BID funds, already acts as employer to the paid BID staff. The current Lancaster BID Management Committee believes incorporation will allow it to achieve significant administrative savings, better value for money and greater local control.

There are no advantages in holding over on endorsement pending Final Proposals (Option 1) and officers consider there are no material alterations required (Option 3). The preferred Option is therefore Option 2, to endorse the draft Renewal Proposals. It follows that an appropriate level of delegated authority is required to ensure outstanding matters are addressed and final proposals can be approved to move forward to ballot. As these issues are mainly technical and operational it is recommended this be undertaken through a report and decision by the Chief Executive.

BID legislation allows for the council's administrative costs to be recovered through the BID levy and the councils charging has been made clear to Lancaster BID and will be kept under review. Officers have ensured its administrative charges are appropriate, commensurate with the task, and clear to those who will vote (refer to Financial Implications in the report).

Implementation of BIDs is usually underpinned by formal legal agreements between the billing authority and BID delivery body (refer to Background Papers). An Operating Agreement (OA), the formal contract between the BID body and the local authority, should be entered into setting out the various procedures for the collection, payment, monitoring and enforcement of the BID levy. The current OA between the council and North West Chamber of Trade (Appendix 3a) is regarded as having provided a sound basis for the operational relationship to date and will be redrafted to reflect the new relationship with the proposed stand-alone Lancaster BID body.

A feature of the OA is the 'baseline' – a statement/measure of the existing services provided by the city council to the BID area. Production of a baseline and its formal incorporation under the OA (as a "Baseline Agreement") is useful to assist potential levy payers identify added value of services proposed. For example, if the council is involved in delivering services solely for the improvement or benefit of the BID area (funded using the BID levy or other contributions to the BID body) it provides a benchmark to ensure true additionality for BID resources.

While it is regarded as best practice that these operational matters are agreed in principle prior to a ballot (mainly for clarity and as an additional 'selling point' over the BID election period) - the agreements are formally agreed and signed post-ballot.

The city council will continue to be liable for the levy on rateable property it occupies/holds should a ballot be successful (refer to Financial Implications in the report). As a potential levy payer the council is eligible to vote in a ballot. There are no statutory rules on how individual local authorities treat this part of the process. Members previously escalated the voting decision to Full Council (who considered a report just prior to the voting period) and officers have anticipated that this arrangement will continue.

There is no guarantee that a BID Renewal Ballot will be successful. If there is a 'no' vote any remaining funds from the first BID term will be returned to the council who will distribute it back to levy payers under procedure detailed in the 2004 BID regulations.

Councillor Smith proposed, seconded by Councillor Pattison:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the draft Renewal Proposals for Lancaster Business Improvement District (BID) Renewal Ballot are agreed as being in compliance with statutory requirements.
- (2) That the approval of Lancaster BID final Renewal Proposals and the issue of an instruction to proceed to ballot is delegated to the Chief Executive.
- (3) That the current Operating Agreement and Baseline Agreement are revised to reflect proposed changes to the accountable body and the current council

service provision respectively, with approval and post-ballot sign-off of the final documents delegated to the Chief Executive.

**Officers responsible for effecting the decision:**

Chief Executive  
 Chief Officer (Regeneration & Planning)

**Reasons for making the decision:**

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 2015 -18. The draft BID Renewal Proposals will actively support Sustainable Economic Growth, Clean Green & Safe Places and Community Leadership outcomes, success, measures and actions. Support for a BID in Lancaster is a Priority Action in the Lancaster Cultural Heritage Strategy.

**13 ACCOUNTABLE BODY AUTHORISATION FOR COMMUNITY GROUPS**

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

Cabinet received a report from the Chief Officer (Environment) to consider whether to approve delegated responsibility for the Chief Officers (Environment) and (Resources) to authorise and accept external funding applications and for the Council to act as the accountable body for community bodies working to improve facilities on council owned land.

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

	<b>Option 1: Delegate Responsibilities as outlined</b>	<b>Option 2: Seek Cabinet approval on each individual basis</b>
Advantages	<p>As there are so many projects in this area of work. This will save time, allowing officers to focus on supporting the community and delivery of the corporate objective for green spaces.</p> <p>It will allow groups to respond quickly to opportunities which arise.</p> <p>Projects are usually funded by three or four different funding bodies. Delegated responsibility will provide flexibility when pulling funding packages together.</p> <p>Enables quick applications to go</p>	<p>Allows consideration of specific budgetary pressures and commitment of future budgets as and when bidding opportunities arise.</p>

	in to maintain community interest.	
Disadvantages	Annual commitments against existing budget levels may be incurred, reducing future scope to make savings in those areas.	<p>It does not provide the flexibility and responsiveness which is required for these small scale community projects. Some funding is available at short notice which does not easily fit into council procedures and timescales.</p> <p>Due to the quantity of projects and funding applications – the officer time in complying with these requirements on a project by project basis.</p>
Risks	<p>There will be no immediate risk regarding ongoing maintenance costs as this will be addressed at the start of any project, but would be risk associated with committing future years' budgets, potentially.</p> <p>There is a risk that the group don't fulfil their requirements and the funding is reclaimed – Officers work very closely with groups to ensure this does not happen. Acting as the accountable body also allows us to have more control over funding requirements, procurement procedures, quality of work, etc. that may reduce long term risks to the council.</p>	<p>Loss of funding opportunities due to the required timescales.</p> <p>Loss of community interest due to the required timescales especially when funding has been secured and needs spending by a certain date.</p>

The preferred option is option 1 as it enables the Council to respond more quickly to securing funding for these relatively small scale community projects and the risks and consequences are considered manageable.

Councillor Clifford proposed, seconded by Councillor Leytham:-

“That the recommendations, as set out in the report, be approved with July 2019 revised to July 2017 in recommendation (3)”.

Councillors then voted:-

***Resolved unanimously:***



- (1) That Cabinet delegates authority to the Chief Officer (Environment), in agreement with the Section 151 Officer, to approve the making and acceptance of external funding bids above the key decision threshold where:
  - any such bid is for the purposes of improving public open space in the District; and
  - it can be contained within the budget and policy framework and would not require redirection of resources between service areas, functions or activities on an ongoing basis.
- (2) That Cabinet delegates authority to the Section 151 Officer, in agreement with the Chief Officer (Environment), to adopt the role of “accountable body” where appropriate, in order to support formally constituted ‘Friends of’ and community groups in helping to improve public open space in the District, subject to due diligence and any financial implications being contained within the budget and policy framework.
- (3) That that above delegations remain in place until July 2017 and be subject to review at that time.

**Officers responsible for effecting the decision:**

Chief Officer (Environment)  
Chief Officer (Resources)

**Reasons for making the decision:**

The decision directly relates to the delivery of the Council’s objective for green spaces: *‘the council will encourage local communities and individuals to take pride in their local area and become involved in protecting and improving the quality of local areas, parks and public spaces in a way that is sustainable.’*

The decision will enable officers to respond more quickly to secure external funding for the improvement of outdoor areas. Whilst deeming the delegation to be sensible Cabinet felt that a two year review would be more appropriate than the proposed four year review. Any specific financial implications or sensitivities arising in relation to an individual project or scheme will be reported to Cabinet for consideration in the usual way.

**14 CORPORATE PERFORMANCE MONITORING QUARTER 4 2014/15**

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

Cabinet received a report from the Chief Officer (Governance) which presented the corporate performance monitoring report for Quarter 4 of the 2014/15 performance monitoring cycle and an analysis of the complaints received during 2014/15, as well as providing an update on ongoing business improvement work on corporate business travel and vehicle tracking arrangements.

The report was for comments and noting.

Councillor Hanson proposed, seconded by Councillor Newman-Thompson:-

“That the report be noted.”

Councillors then voted:-

***Resolved unanimously:***

- (1) That the report be noted.

**Officers responsible for effecting the decision:**

Chief Officer (Governance)

**Reasons for making the decision:**

The Council's Performance Management Framework requires the regular reporting of operational, as well as financial performance.

**15 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 and requested Cabinet to consider lifting the exemption on the Urgent Business report dated 4<sup>th</sup> July 2015 with regard to the Visitor Information Centre, The Platform, Morecambe.

It was proposed by Councillor Newman-Thompson, seconded by Councillor Smith and resolved unanimously:-

"That the exemption on the urgent business report be lifted."

It was then proposed by Councillor Bryning, seconded by Councillor Newman-Thompson and resolved unanimously:-

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

***Resolved unanimously:***

- (1) That the exemption on the Urgent Business Report (Visitor Information Centre – The Platform, Morecambe) dated 4<sup>th</sup> July 2015 be lifted.
- (2) 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:-

*(1) That Officers be authorised to acquire the unexpired 999 year lease for the VIC Offices at the Platform, Morecambe, either through pre-auction negotiations or through participation in the auction, subject to a maximum valuation ceiling of £310K.*

*(2) That the Capital Support Reserve be used to finance any acquisition, with*

*any additional incidental costs being met from existing revenue budgets.*

- (3) *That (1) and (2) above be subject to consultation being undertaken with a view to waiving call in, in accordance with Overview and Scrutiny Procedure Rule 17, to enable the decision to be implemented immediately.*

**Officer responsible for effecting the decision:**

Chief Officer (Governance)

**Reasons for making the decision:**

The exemption was lifted because the reason for the exemption, i.e. not to prejudice the Council's position at auction, was no longer applicable. The Council's bid was not successful and the premises were sold for £323,000.

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.

**16 EXCLUSION OF THE PRESS AND PUBLIC**

It was moved by Councillor Hanson and seconded by Councillor Newman-Thompson:-

"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 paragraphs 1 and 2 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 paragraphs 1 and 2 of Schedule 12A of that Act.

***The Chief Officers (Resources), (Environment) (Governance) and the Principal Democratic Support Officer left the meeting at this point and were not present during the discussion of, or the voting on, the following item.***

**17 REORGANISATION OF THE OFFICE OF THE CHIEF EXECUTIVE**

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

Cabinet received a report from the Chief Executive to enable Cabinet to consider a revised structure for the Chief Executive's Office. The report was exempt from publication by virtue of paragraphs 1 and 2 of 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 Leytham:-

“That having considered the content and recommendations within the report, Cabinet resolve to defer consideration of the senior leadership and organisation structure issues set out until after a replacement Chief Executive has been recruited.”

Councillors then voted:-

***Resolved unanimously:***

- (1) That having considered the content and recommendations within the report, Cabinet resolve to defer consideration of the senior leadership and organisation structure issues set out until after a replacement Chief Executive has been recruited.

**Officer responsible for effecting the decision:**

Chief Executive

**Reasons for making the decision:**

Cabinet felt that it would be more appropriate for this to be considered following the appointment of the new Chief Executive.

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Chairman

(The meeting ended at 6.30 p.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 7<sup>TH</sup> AUGUST, 2015.**

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:  
MONDAY 17<sup>TH</sup> AUGUST, 2015.**

CABINET

6.00 P.M.

1ST SEPTEMBER 2015

**PRESENT:-** Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Abbott Bryning, Darren Clifford, Karen Leytham and Margaret Pattison

Apologies for Absence:-

Councillors Richard Newman-Thompson and David Smith

Officers in attendance:-

Mark Cullinan	Chief Executive
Nadine Muschamp	Chief Officer (Resources) and Section 151 Officer
Sarah Taylor	Chief Officer (Governance) and Monitoring Officer
Andrew Dobson	Chief Officer (Regeneration and Planning)
Debbie Chambers	Democratic Services Manager
Liz Bateson	Principal Democratic Support Officer

**18 MINUTES**

The minutes of the meeting held on Tuesday 4<sup>th</sup> August 2015 were approved as a correct record

**19 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER**

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

**20 DECLARATIONS OF INTEREST**

Councillor Hanson declared an interest with regard to the Land at the Former Shell ICI Site report in view of her son's employment and advised the meeting that she would leave the room during consideration of that item.

**21 PUBLIC SPEAKING**

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

***The Chief Officers (Resources), (Governance) and (Regeneration & Planning) left the meeting at this point and returned to the meeting after the following item had been considered.***

**22 CALL-IN REFERRAL REPORT FROM OVERVIEW AND SCRUTINY**

Cabinet received a report from the Overview and Scrutiny Committee to advise Cabinet of the outcome of the call-in of the Cabinet decision with regard to the Reorganisation of the Office of the Chief Executive (Cabinet Minute 17) and to request Cabinet to consider the recommendations of the Overview and Scrutiny Committee in relation to this matter.

The recommendations of the Overview and Scrutiny Committee were as follows:-

- (1) *That Cabinet asks the Chief Executive to make a public report to the Personnel Committee, with an exempt appendix if necessary, on the legal and financial implications of*
- *Replacing the Chief Executive*
  - *Sharing a Chief Executive (as is done by 80 local authorities)*
  - *Operating without a Chief Executive and making alternative arrangements for the Head of Paid Service*
- (2) *That the ad hoc committee set out in the Officer Employment Procedure Rules (Part 4, Section 6, Paragraph 3) in the Constitution considers the issues set out in (1) above.*
- (3) *That Cabinet's decision to defer be re-expressed in terms of a deferral until after this report has been presented to the ad-hoc committee.*

Councillor Hanson proposed, seconded by Councillor Clifford:

"That having considered the recommendations as set out in the Overview and Scrutiny Referral report Cabinet accepts recommendation (1).

Councillors then voted:-

***Resolved unanimously:***

- (1) That Cabinet asks the Chief Executive to make a public report to the Personnel Committee, with an exempt appendix if necessary, on the legal and financial implications of
- Replacing the Chief Executive
  - Sharing a Chief Executive (as is done by 80 local authorities)
  - Operating without a Chief Executive and making alternative arrangements for the Head of Paid Service

**Officer Responsible for effecting the decision:**

Chief Executive

**Reasons for making the decision:**

The decision will enable the Personnel Committee the opportunity to consider the legal and financial implications of three possible options before Council makes a decision regarding the arrangements it wants to put in place when the current Chief Executive retires in June 2016.

**23 LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

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

Cabinet received a report from the Chief Officer (Governance) to enable Cabinet to consider the level of service that should be provided by the Council in relation to the licensing of hackney carriages and private hire vehicles.

Cabinet was asked to consider at this stage whether it wished to consider reductions or enhancements in the levels of service provided for the licensing of hackney carriage and private hire vehicles, and if so, in which aspects, so that these could be further investigated and costed.

Councillor Pattison proposed, seconded by Councillor Clifford:-

“That Cabinet agrees not to explore any options to reduce or increase the level of service provided by the Council with regard to the licensing of hackney carriages and private hire vehicles at this time.”

Councillors then voted:-

***Resolved unanimously:***

- (1) That Cabinet agrees not to explore any options to reduce or increase the level of service provided by the Council with regard to the licensing of hackney carriages and private hire vehicles at this time.

**Officer responsible for effecting the decision:**

Chief Officer (Governance)

**Reasons for making the decision:**

Public Safety is a statutory duty and protecting the most vulnerable in our society is an underlying principle of the Council's corporate plan. Many taxi passengers are vulnerable persons and an effective licensing and enforcement regime is crucial for their protection and the safety of the public in general.

**24 INFORMATION MANAGEMENT AND GOVERNANCE ARRANGEMENTS**

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

Cabinet received a joint report from the Chief Officer (Governance) and the Chief Officer (Resources) which sought confirmation of Cabinet's approval for strengthening the Council's information management and governance arrangements.

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

**Option 1 – Confirm Officer proposals (the original proposal)**

The proposal involves an increase in the establishment of one post. Allowing for overheads, at maximum the annual cost would be approaching £40k per annum. In the current financial year, 2015/16, costs may be in the region of £15k, depending on the recruitment process. These costs can be met from within the £120K budget approved for ICT security and Public Services Network (PSN) compliance in February 2014.

Should Cabinet confirm support for the proposal, a report will be presented to Personnel Committee seeking approval for establishing the posts. It is proposed that managerial responsibility for Information Governance would transfer to Internal Audit.

In the opinion of officers, the two proposed posts will provide the necessary knowledge

and capacity to meet the information governance development needs as outlined in paragraph 2.4 as well as the capacity to deal with the information requests being received by the Council. As mentioned, expectations for the future are such that resources will be required not just in the immediate term, to address the gaps identified and raise standards to an acceptable level, but also to maintain those standards into the future.

**Option 2 –** Do not confirm Officer proposals.

	Option 1 – Confirm approval for Officer proposals to develop functions as proposed	Option 2- Do not confirm proposals.
Advantages	<p>Enable and support better service provision through development of corporate policies, procedures and standards of information governance</p> <p>Enable exploration of options for better use and sharing of information</p> <p>Provision of greater assurance regarding information management and security; reduce the risks of inappropriate disclosure and any associated penalties</p>	No additional costs involved
Disadvantages	Costs associated with additional resources (although these are already budgeted for)	<p>Further delays in improving service areas.</p> <p>Inability to develop standards and respond to future development challenges in the interim.</p> <p>Unable to provide assurance regarding the security and effective management/use of information.</p> <p>No suitable alternatives identified to date.</p>
Risks	Inability to recruit the requisite resources	<p>Increasing risk of information security incidents and associated penalties/adverse publicity</p> <p>Inability to respond to change and to take advantage of opportunities for better information sharing arrangements</p> <p>Risk of wasting time and resources, with no prospect of identifying a better solution for the medium term.</p>

Option 1 is preferred. Dedicated resources are required to provide the expertise, capacity, and guidance necessary to enable the Council to fulfil its information



governance responsibilities.

Councillor Clifford proposed, seconded by Councillor Leytham:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That Cabinet confirms its approval for the development of the corporate information governance function, as outlined in the report attached to the agenda, to be financed from within existing budgets.

**Officers responsible for effecting the decision:**

Chief Officer (Governance)

Chief Officer (Resources)

**Reasons for making the decision:**

A key element in ensuring the successful delivery of the Corporate Plan is to have sound governance arrangements in place. Whilst this is a service area which may not necessarily be visible to and appreciated directly by the public, it is essential for sound governance and to support effective service delivery and the safeguarding of resources. The decision also fits with the Council's ethos.

**25 DORRINGTON ROAD PUBLIC LAND**

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

Cabinet received a report from the Chief Officer (Environment) to inform Cabinet of the situation with regard to unauthorised use of public land on Dorrington Road.

The report had been requested by Councillor Mills in her role as one of the ward councillors for the area in question. No options were presented as the report was for information purposes only. Cabinet were requested to note the report and appendices.

Councillor Bryning proposed, seconded by Councillor Hanson:-

“That the report and appendices be noted.”

Councillors then voted:-

***Resolved unanimously:***

- (1) That the report and appendices be noted.

**Officer responsible for effecting the decision:**

Chief Officer (Environment)

**Reasons for making the decision:**

This is an operational matter and will be dealt with by Officers in accord with the relevant policies and procedures. Responses from householders and requests from ward councillors will be considered by the Cabinet Member with Special Responsibility and every effort will be made to each a solution mutually agreeable to the Council and householders.

**26 REQUEST FOR AUTHORITY TO TENDER FOR THE PROVISION OF PARTNERSHIP BUILDING CONTROL SERVICES**

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

Cabinet received a report from the Chief Officer (Regeneration & Planning) which sought Cabinet approval to tender for the provision of Building Control Services.

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

	<b>Option 1:</b> To maintain and resource the Building Control Service in-house	<b>Option 2:</b> To enter into formal negotiations with another local authority to provide Building Control services	<b>Option 3:</b> To tender the opportunity for another party to assist the council in providing its Building Control services
Advantages	None, other than fitting in part with the council's ethos of being an ensuring council (e.g. retaining core capacity, but conflicts with some aspects such as VFM).	This would fit well with the council's ethics as an ensuring council and potentially keep the work within the local government family.	Still fits with council's ethos – commissioning or procuring services in the most appropriate manner, where retaining in-house capacity is not a viable option.  Private sector organisations have more capacity for marketing services and are now more likely to attract new business.  May lead to reduced costs overall.
Disadvantages	The Council cannot currently provide a viable Building Control service without further investment in staff	All local authorities are facing severe budget restraints in the current environment which can affect business	Ideally, the council may prefer to retain this business within the local government family and this option would be seen as

	resources resulting in a greater draw on the revenue budget as there is no guarantee that this can be recouped through an increase in fee earning income – so option would not deliver VFM and so may not meet the council's statutory obligations.	plans and the ability to adequately resource service provision.	partially outsourcing this activity, so implementation would need carefully managing and communicating.
Risks	The further extension of the deficit in the Building Control Trading Account. Failure to meet statutory obligations for trading position and for securing VFM / continuous improvement.	Shared service being unable to secure more business from the Lancaster area and continuing losses in the Building control Trading Account.  Highly unlikely that another Local Authority will be willing to undertake a shared service provision due to Lancaster's geographical boundary.	The cost of using a private sector provider may be higher than directly employing officers and unable to directly compete with established and emerging providers who are more flexible in responding to market forces.

The officer preference is Option 3. The Council must take steps to continue providing this service without continuing to build the deficit in its own trading account. To do this the best alternative is to achieve economies of scale and changes in market perception by working with another party. Members have expressed the preference to achieve efficiencies by working with other local authorities as part of their ethical role as an Ensuring Council. However, despite best efforts and extensive trials no other local authority nearby has been prepared to enter into a shared service arrangement.

The only other viable alternative for the City Council, which must by statute provide a service, is to now advertise widely for a partner organisation to assist with provision of these services. The aim will be to reduce to a basic cost (subject to increases for inflation) for the City Council's statutory role and provide fee earning services from a partner at cost to the service user. Such an approach may not build business share back towards previous levels, but it will enable the council to comply with statutory requirements to provide a service at cost to those who require it from the City Council and to break even with the Trading Account.

Councillor Hanson proposed, seconded by Councillor Clifford:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That Cabinet notes the position taken by South Lakeland District Council in relation to entering into a formal arrangement to provide Building Control services on behalf of Lancaster City Council.
- (2) That Cabinet agrees that the City Council secure external services to assist with the provision of its Building Control services going forward and authorises the Chief Officer (Regeneration and Planning) and the Chief Officer (Resources) to tender the opportunity for those services to be provided at minimum practical costs to the council with the fee earning element to be provided at cost to the service user.

**Officers responsible for effecting the decision:**

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

**Reasons for making the decision:**

The decision will enable the Council to maintain and resource its statutory Building Control duties.

**27 BUDGET AND PLANNING PROCESS 2016/17 ONWARDS**

**(Cabinet Members with Special Responsibility Councillors Blamire and Newman-Thompson)**

Cabinet received a report from the Chief Officer (Resources) in order for Cabinet to agree a process for reviewing the Council's Budget and Policy Framework for 2016/19 onwards and to update Cabinet on various policy and planning matters.

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

The following options are available to Cabinet.

- (1) Approve the proposals and timetable set out in the report for reviewing and revising the Council's Budget and Policy Framework.
- (2) Approve an amended version of the proposals, drawing on any specific issues that Cabinet have.

Assuming that Cabinet has no other specific issues to address Option 1 is the Officer preferred option, as it sets out a structured but very challenging approach for Cabinet to review the existing Budget and Policy Framework and to bring forward its budget and corporate planning proposals for 2016/17 up to 2019/20, within statutory timescales. The time and effort involved will mean that less is spent on other tasks.

Councillor Hanson proposed, seconded by Councillor Clifford:-

“That the recommendations, as set out in the report, be approved with ‘Cabinet budget briefings’ being revised to ‘Leader’s budget briefings and that the priorities already developed by Cabinet members be included in the review.”

Councillors then voted:-

***Resolved unanimously:***

- (1) That the report be noted and the outline budget and planning timetable set out at Appendix A be approved with Cabinet budget briefings being revised to ‘Leader’s budget briefings’, and that the work involved and its impact be recognised and that the priorities already developed by Cabinet members be included in the review.
- (2) That Cabinet notes that the City Council will not be taking part in any Lancashire business rate pooling arrangement for 2016/17, subject to confirmation of the scheme prospectus and associated arrangements.

**Officer responsible for effecting the decision:**

Chief Executive  
Chief Officer (Resources)

**Reasons for making the decision:**

To put in place robust and structured arrangements for establishing budget and corporate planning proposals for 2016/17 up to 2019/20, in context of the financial outlook.

**28 CORPORATE PERFORMANCE AND FINANCIAL MONITORING 2015/16 - QUARTER 1**

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

Cabinet received a joint report from the Chief Officer (Governance) and Chief Officer (Resources) to present the corporate financial monitoring report for Quarter 1 of the 2015/16 cycle and provide an update on improvements being made in corporate performance management, monitoring and reporting and the effective use of business intelligence to inform decision-making.

The report was for comments and noting.

Councillor Bryning proposed, seconded by Councillor Hanson:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the corporate financial monitoring report and appendices be noted.

- (2) That the adopted Performance Management Framework and developing performance management arrangements and work being undertaken to support operational and strategic decision-making through an improved use of business intelligence and insights be noted.

**Officers responsible for effecting the decision:**

Chief Officer (Governance)  
Chief Officer (Resources)

**Reasons for making the decision:**

The City Council's Performance Management Framework requires the regular reporting of operational, as well as financial performance.

**29 EXCLUSION OF THE PRESS AND PUBLIC**

It was moved by Councillor Pattison and seconded by Councillor Clifford:-

"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.

***Councillor Hanson, having declared an interest in the following item left the room at this point and did not participate in the discussions or vote.***

**30 LAND AT THE FORMER SHELL ICI SITE - OPTION AGREEMENTS FOR SALE AND LEASE**

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

Cabinet received a report from the Chief Officer (Resources) to report and obtain approval to extend the option period in the existing Option Agreement for the sale of land at the former Shell/ICI site as outlined in the exempt report.

The options, options analysis, including risk assessment and officer preferred option, were set out in a report exempt from publication by virtue of paragraph 3, of Schedule 12A of the Local Government Act 1972.

Councillor Bryning proposed, seconded by Councillor Clifford:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the Option Agreement with Clifton Marsh Power be extended beyond the initial two year period by one additional year to 29<sup>th</sup> July 2017.
- (2) That officers cease discussions for an option to lease land to accommodate the erection of one wind turbine as set out in the exempt report.

**Officer responsible for effecting the decision:**

Chief Officer (Resources)

**Reasons for making the decision:**

The decision supports the Council's Corporate Plan, in particular its current priority of economic growth and key themes of environmental sustainability and managing the Council's resources.

***Councillor Hanson returned to the room at this point.***

**31 LAND AT BACK LANE, CARNFORTH**

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

Cabinet received a report from the Chief Officer (Resources) to declare surplus to requirements and consider and approve the freehold disposal of areas of land fronting Back Lane, Carnforth.

The options, options analysis, including risk assessment and officer preferred option, were set out in a report exempt from publication by virtue of paragraph 3, of Schedule 12A of the Local Government Act 1972.

Councillor Bryning proposed, seconded by Councillor Leytham:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the land off Back Lane, Carnforth, as shown edged and hatched red on the plan attached to the exempt report, be declared surplus to requirements and disposed of on the terms and conditions as set out in section 2.2 of the exempt report.
- (2) That Cabinet welcomes the additional capital receipt to be generated from the proposal, together with the resulting reduction in borrowing need and indicative revenue savings.

**Officer responsible for effecting the decision:**

Chief Officer (Resources)

**Reasons for making the decision:**

The Corporate Property Strategy requires that the 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 and it would also facilitate the delivery of additional units of affordable housing supporting the Corporate Plan's Health and Wellbeing priorities.

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Chairman

(The meeting ended at 6.55 p.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 3<sup>RD</sup> SEPTEMBER, 2015.**

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:  
FRIDAY 11<sup>TH</sup> SEPTEMBER, 2015.**