



**LANCASTER**  
**CITY COUNCIL**

*Promoting City, Coast & Countryside*

# **COUNCIL MEETING**

**Wednesday, 28 September 2016 -  
6.00 p.m.  
Morecambe Town Hall**

Susan Parsonage,  
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, 28 September 2016 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 Meeting of the City Council held on 13 July 2016 (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**

To receive any petitions and/or addresses from members of the public which have been notified to the Chief Executive in accordance with the Council's Constitution.

8. **PETITION - RYELANDS PARK (Pages 1 - 10)**

To receive a petition and address to Council, notification of which has been received by the Chief Executive in accordance with the Council's Constitution.

Members are advised that the petition has in excess of 200 signatures and relates to a local matter which affects no more than two wards. It has been scheduled for debate at this meeting and a report of the Chief Officer (Environment) is attached, in accordance with the Council's Petition Scheme.

9. **LEADER'S REPORT (Pages 11 - 13)**

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

**MOTIONS ON NOTICE**

10. **MOTION ON NOTICE - DECISION BY LANCASHIRE COUNTY COUNCIL TO CLOSE FIRBANK CHILDREN'S CENTRE ON THE RIDGE ESTATE IN LANCASTER (Pages 14 - 15)**

To consider the following motion submitted by Councillors Tim Hamilton-Cox, Abi Mills and Andrew Kay:-

This council notes:

That the level of deprivation on education and health measures in the lower super output area (LSOA) covering part of the Ridge and Newton places the LSOA in the bottom 10% in England;

That the latest (2012) OFSTED report on Firbank said of the staff: 'Their extremely caring, respectful attitudes and dedication to improving the lives of the most disadvantaged families is a seam of gold influencing all of this centre's work, inspiring loyalty, confidence and cooperation among professional partnerships and parents. Consequently, provision and outcomes are good.'

And further, that the OFSTED report underlined the symbiotic relationship between centre, nursery and school: 'The onsite nursery, the centre and the adjacent school sensibly share the assessment and support systems for children. This eases the children's movement between settings, which is particularly important for children who are receiving additional support...The centre is becoming a real hub of the local community';

That closure is likely to impact on the viability of the nursery currently co-located in the building and which offers the only nursery provision in the area;

That closure is contrary to the statutory role of Lancashire County Council 'to secure sufficient children's centres which are accessible to all families with young children, and targeted evidence-based interventions for those families in greatest need of support';

That the proposed alternative provision at Lune Park (in Ryelands Park) is not accessible to much of Bulk ward in the 30-minute pram-pushing time set as the accessibility criterion in the County Property Strategy, and that it is a pedestrian-averse route;

That closure contradicts the leader of Lancashire County Council's comment (May 2016) on the Property Strategy which has occasioned closure: that, "We are not cutting services but reducing the number of expensive buildings..."

This council acknowledges the unprecedented squeeze on council budgets caused by government funding cuts but calls on Lancashire County Council to prioritise services to families in greatest social need in order to prevent future, more intensive and expensive intervention by children's social care services.

Accordingly, this council mandates the Chief Executive to write to Lancashire County Council calling on it to reverse its decision to close Firbank Children's Centre at its next Cabinet meeting on 6<sup>th</sup> October for the reasons set out above.

An officer briefing note is attached.

## **OTHER BUSINESS**

11. **ALLOCATION OF SEATS TO POLITICAL GROUPS** (Pages 16 - 22)

To consider the report of the Chief Executive.

12. **REVIEW OF PARLIAMENTARY CONSTITUENCIES** (Pages 23 - 26)

To consider the report of the Chief Executive.

13. **CABINET APPOINTMENT** (Pages 27 - 28)

To consider the report of the Leader.

14. **AMENDMENT OF THE EXECUTIVE SCHEME OF DELEGATION TO OFFICERS – FOOD SAFETY AND HYGIENE REGULATIONS 2008 AND ENVIRONMENTAL PROTECTION ACT 1990** (Pages 29 - 33)

To consider the report of the Monitoring Officer.

15. **CHANGES TO COMMITTEE MEMBERSHIPS**

To consider any changes to committee membership or chairmanships.

16. **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.

17. **MINUTES OF CABINET** (Pages 34 - 39)

To receive the Minutes of Meeting of Cabinet held on 6<sup>th</sup> September, 2016.

A handwritten signature in black ink, appearing to read 'W. Parnell', is positioned in the upper right quadrant of the page.

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Chief Executive

Town Hall,  
Dalton Square,  
LANCASTER,  
LA1 1PJ

Published on 20 September, 2016.

<b>COUNCIL</b>
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## Response to Ryelands Park Petition 28<sup>th</sup> September 2016

### Report of Chief Officer (Environment)

<b>PURPOSE OF REPORT</b>
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To set out an officer response to the petition that will be presented regarding Ryelands Park
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<b>This report is public</b>
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#### RECOMMENDATIONS OF CHIEF OFFICER (Environment)

- (1) That the report and appendices are noted

#### 1.0 Introduction

- 1.1 A petition relating to Ryelands Park has been presented to the Council and will be accompanied by an address. The Council's petition scheme states that any petition with 200 signatures or more, where it relates to a local matter which affects no more than two wards, will schedule a debate at Council. The petition does have in excess of 200 signatures and the debate has been scheduled for the meeting today. This report provides Members with information to inform the debate.
- 1.2 Clean and Green Places are priority for the Council. The Council also recognises that in order to achieve this there is a need to increase involvement of local communities in improving local areas, parks and open spaces. Ryelands Park, like many of our parks, has an active 'friends of' group that works with the Council to improve the park.
- 1.3 The efforts made by volunteers who work hard to help improve the District as whole are very much recognised and appreciated by the Council.
- 1.4 What is also recognised is that on occasion the views of citizens who care very much about the District will sometimes conflict with how the Council manages in this case its open space.
- 1.5 This is very much a case in point. As the 'steward' of the District the Council now has the role of considering the issues raised by the petition and determining the best way forward.
- 1.6 The purpose of this report is to provide an officer response in order for Council to consider the matter in a balanced way. The Officer response is set within the context of the Council's Corporate Plan, budget and the agreed masterplan for Ryelands Park.
- 1.7 As will become clear the management of Ryelands Park provides an excellent example of the Council engaging with communities to develop a plan for how the park should be used and developed.

- 1.8 It is recognised though that on occasions there will be specific things that occur that will cause concern. This petition was sparked following an event in 2015. As will be seen in the report measures have been put in place to resolve the concerns raised.
- 1.9 In terms of background 'Connecting Communities' in 2010 (led by Lancaster City Council) focused on making Skerton an even better place to work and live.
- 1.10 Ryelands park was identified as having great potential to provide space for people to come together to socialise, be active, enjoy the green space and recreation/community facilities and provide things for young people to do.
- 1.11 The park also plays a key role as a community park for the whole district, providing valuable football pitch provision and hosting events that are enjoyed by our communities such as circuses, fairgrounds and car boot sales.
- 1.12 In response to the Connecting Communities exercise Lancaster City Council initiated the Ryelands Park Community Regeneration Project in 2011 and in 2012 a Friends of Ryelands Park was established. Since then partners have worked together to develop a vision and a masterplan for the park. This masterplan was approved by Cabinet in December 2015. The outline of the masterplan is attached in the appendices. (Especially relevant to this is that Cabinet agreed that a specific area of the park should be allocated for use for fairgrounds and circuses).
- 1.13 The vision for the park is;

**To restore Ryelands Park as a focal point for the community and to provide a safe, attractive environment which everyone can enjoy.**

The main aim of the park is provision of -

**A sustainable community space that is flexible enough for events, and for people to simply appreciate the beauty of the park**

The following key Objectives for the park and masterplan were identified as;

- *Create a community hub, radiating from the historic buildings in the centre of the park* (café, toilets, community spaces, enterprising communities/ training, gardens and landscaping).
- *Community Sport and Active Lifestyle hub for all generations* – large scale BMX facilities to meet district wide need and aspiration for such a facility, walks and fitness (mark out walks, fitness equipment, digital apps to facilitate walking, games, fitness and active lifestyle activities); new pavilion for changing/ toilets and kiosk/ income generation.
- *Community led, facilities and activities to encourage participation and action.* A dedicated performance space with the flexibility for other uses.(extend and improve existing play facilities, seating and cohesion, landscaping and design)
- *Develop infrastructure, make the park work and accommodate a significant increase in visitor numbers* (both local and some destination, e.g. the BMX

facilities) – streamlined and improved parking, new access and routes (vehicular and pedestrian).

- *Protect and enhance the natural assets.* Maintain the open space ‘feeling’ to the park, Preserve and enhance the trees and other natural assets encouraging wildlife.

1.14 Significant work has already taken place to deliver some of the above. The ‘Friends of’ Group has been able to access funds from a variety of sources that have enhanced the park. Furthermore the use of the park for commercial events such as circuses and funfairs has increased significantly in the last year or so. This in turn has generated a valuable source of income for the Council, some of which has been reinvested in improving the park (eg drainage).

**2.0 Proposal Details**

2.1 The response to the points made in the petition is attached at Appendix A.

**3.0 Details of Consultation**

3.1 The masterplan for Ryelands Park was developed following extensive consultation.

**RELATIONSHIP TO POLICY FRAMEWORK**

The provision of ‘Clean and Green Places’ are one of the priorities of the Council’s Corporate Plan.

**CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)**

As outlined in the report and appendices

**LEGAL IMPLICATIONS**

Any commercial enterprise wishing to use council owned land is subject to terms and conditions of use

**FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

For information, the park generates annual income of £10K from events and a further £4K from football pitch hire.

The associated grounds maintenance cost with the park is £38K per annum which includes mowing, tree pruning, daily bin emptying and weekly inspection of the play area.

Recent one-off investment of over £100K has taken place in 2013/14 through the installation of a new play area and in 2015/16 a £10K programme of works to address the drainage problems at the park.



**OTHER RESOURCE IMPLICATIONS**

**Human Resources:**

NA

**Information Services:**

NA

**Property:**

NA

**Open Spaces:**

As detailed in the report and appendices

**SECTION 151 OFFICER'S COMMENTS**

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

**MONITORING OFFICER'S COMMENTS**

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

**BACKGROUND PAPERS**

None

**Contact Officer:** Mark Davies

**Telephone:** 01524 582401

**E-mail:** mdavies@lancaster.gov.uk

APPENDIX A –Officer Response to ‘Parks for the People Petition Explanation’

**The park is for the people:** Commercial entertainment events disrupt normal use of the park: limit the days on which they are held to 5 in a 30-day period and 20 per year.

**OFFICER RESPONSE-**Ryelands Park has a long standing tradition of hosting events like circuses and funfairs. In 2015 there were a total of 7 events held in the park, 5 of which were commercial. This covered a total of 26 days in the year, with no less than a month between each event. In 2016, there will be a total of 4 events, only 2 of which are commercial. This will cover a total of 11 days. The planned Lancaster Mega Value Fun Park event was cancelled in April 2016 due to poor ground conditions after the heavy rain earlier in the year. This highlights the responsiveness of our event procedures and the close working relationship with event organisers, who were involved with us in the making the decision to cancel the event.

These events attract thousands of visitors (7300 people on Facebook alone said they visited the Lancaster Mega Value Fun Park in 2015). As far as the District’s parks go the topography of Ryelands park is unique in the fact that it offers a large flat open space, has good access and egress for emergency services and public, and is able to offer good car parking and public transport links including bus, cycling and pedestrian routes. It should be noted that Morecambe Promenade is also used for events like this.

The space in the park allocated for funfairs, etc, does not significantly conflict with any other activities that take place on the park. The space has been selected to be as far as away from properties on Torrisholme Road as is practically possible. Furthermore, the allocated area was approved by Cabinet as part of the Ryelands Park masterplan.

**Keep our park green:** Stop for-profit vandalism of Ryelands Park: ban vendors using heavy equipment and HGVs that damage park vegetation. *(Note: We do not seek to ban circuses and fairs, only to ensure that they are an appropriate size and weight for the park.)*

**OFFICER RESPONSE-**Ongoing management and maintenance of the park is an important factor in deciding whether to allow a commercial event to take place. On acceptance of the event a bond is taken (in the region of £1000) and held to cover any that damage occurs or waste management plans have not been adhered to.

In 2015, some damage to the grounds was caused by vehicles following a particular wet period of weather. Following this, reinstatement work was undertaken, using the bond, and within a number of weeks the parks grounds were again at the standard expected. Afterwards, it was decided that the event operator would not be granted permission for an event again in the park unless the organiser used different vehicles in the future. Since then, the City Council has also invested in the region of £10,000 in drainage of the area which is allocated to these event. Officers closely monitor factors such as inclement weather which could contribute to the land being unsuitable at certain times of the year, and as stated above reserve the right to cancel events if ground conditions are unsuitable.

It should be noted that tyre tracks left by vehicles can usually be easily repaired by rolling and seeding funded by the bond.

**Keep our park peaceful:** Make park vendors keep the laws you require citizens and local businesses to keep. Where sound from events can be heard throughout the park or beyond park borders, put sound limiters on PA systems that conform to government decibel levels for residential areas. Enforce the law; staff events with officers authorized to enforce it.

**OFFICER RESPONSE-** HSE guidelines apply to volume levels in the workplace and there are guidelines for events like concerts but not events where music is incidental. Clearly however there is a need for organisers to act in a reasonable way.

The most straightforward way to deal with this issue is for the Council to check that event providers are complying with the requirement to monitor noise and where the Council considers that noise is excessive then they should be able to demand that it is reduced.

As part of the booking system for events in Ryelands Park, it is now a condition of acceptance that organisers submit a noise management plan. Furthermore organisers are required to monitor and test noise levels between their event and the closest noise sensitive property on the boundary of the site.

The introduction of a noise management plan was introduced following the feedback which we received from the Petition organiser back in 2015.

In relation to noise at the time of writing this report the Council received only 2 x complaints about noise on 24.07.15 and 24.08.15, both from residents on St Georges Quay. The first was contacted for further information, however the complainant never returned the call. The second resident complained after the event had ceased and therefore was de-prioritised due to there being no current/on-going issues.

It is important to note that the complaint on the 24.07.15 was during the Mega Value Fun Park Event. The complaint a month later did not coincide with any event at the time at Ryelands Park.

A complaint from Torrisholme Road about the noise from a funfair on 10-11Sept 2016 has also been received and is being investigated.

Whilst the requirement to provide a noise management plan is positive it is only of use if the organiser sticks to it. The petitioner suggests that an officer should be on site to ensure this. At this point based on the number of reports and the mitigations in place this would seem be a disproportionate response. However, Elected Members may wish to instruct Officers to look at whether, if this became an ongoing problem, there may be a means of achieving this, at the cost of the organiser.

We have received no information or reports of either violence or anti-social behaviour in relation to this event booking. Officers contacted the Police, who also have no record of reported incidents.

**Keep our park safe and nuisance free:** Provide staff to ensure safe parking, monitor decibel levels, and enforce end times for all events attracting 250+ attendees. Circuses, fairs, and other vendors do not provide staff to monitor these issues, and have no reason to keep the terms of their contracts without enforcement if they can profit by breaking them. Ban vendors who break their contracts or local laws from future use of the park.

**OFFICER RESPONSE-** In planning events on the public land the Council has ongoing dialogue with event organisers, from the point they show an interest in booking land. Similarly other agencies such as County Council, Police, Fire and Rescue also need to be satisfied that the organiser can manage the event safely, otherwise it will not be allowed to go ahead.

There has been a close working relationship between the authority and the repeat event owners to ensure that professional standards and terms of acceptance are met. There is no evidence to demonstrate that terms of condition are not met and that further intervention from the authority is warranted. Aside from what is referred to in the petition as the land owner, we have received no complaints, accidents or incidents in relation to the health and safety of such events or matters surrounding them e.g. car parking.

There has been occasions in the past where, if an event owner does not comply with documentation or terms of contract, that they are refused permission to use Council land in future years. The organiser of the event that sparked this petition would not be granted access again, unless significant changes were made to the delivery and management of the event, particularly in relation to size of vehicles.

**Make our park equal:** Give the same care to Ryelands Park and its neighbourhood that you give to award-winning parks in wealthier neighbourhoods. End class discrimination in our parks.

**OFFICER RESPONSE-** Within the District there are a number of parks that all have diverse characteristics. The fact is that all the parks in the District can be enjoyed by whoever chooses to use them.

The assertion that parks in 'wealthier' neighbourhoods are somehow favoured is not the case. It is a fact that Williamson park and Happy Mount park are green flag award winning parks but that is something that the District as a whole can be proud of. In actual fact work is taking place to gain green flag status for Ryelands Park.

All of our parks are for the whole community, no matter where in the district people may live. Each has certain characteristics that means they are more suitable for particular uses.

As has already been stated the range of events that take place in Ryelands Park would simply not be possible on any other piece of council land within Lancaster and we know that they are enjoyed by very many people.

It is however recognised that we need to be a 'good neighbour' to those living nearby and take all possible steps to reduce the level of disruption that may occur. The information already provided demonstrates this.

Throughout the year Officers work closely with the Friends of Ryelands Park to identify where further improvements can be made and this has led to the creation of a masterplan to ensure future development of the park takes place in a planned way.

Council staff have worked extremely closely with the community surrounding Ryelands Park, and especially the Friends group, to ensure the park is very much at the heart of the community. Over the last twelve months this has seen a fantastic amount of joint working with the Council and other partners such as the Probation Service to improve the facilities and grounds.

Play provision has been improved and the demolition of the old derelict Pavilion has improved the area and offered less space for unwanted gatherings and anti-social behaviour.

The Friends group continue to make improvements by attending events to raise awareness of their work and also by investing time in monthly work days. The Council is continuing to support the Friends group in the aim of achieving Green Flag status for Ryelands Park for 2017. A sub group has been set up and are well on the way to outlining the positive work which has been undertaken to achieve this goal.

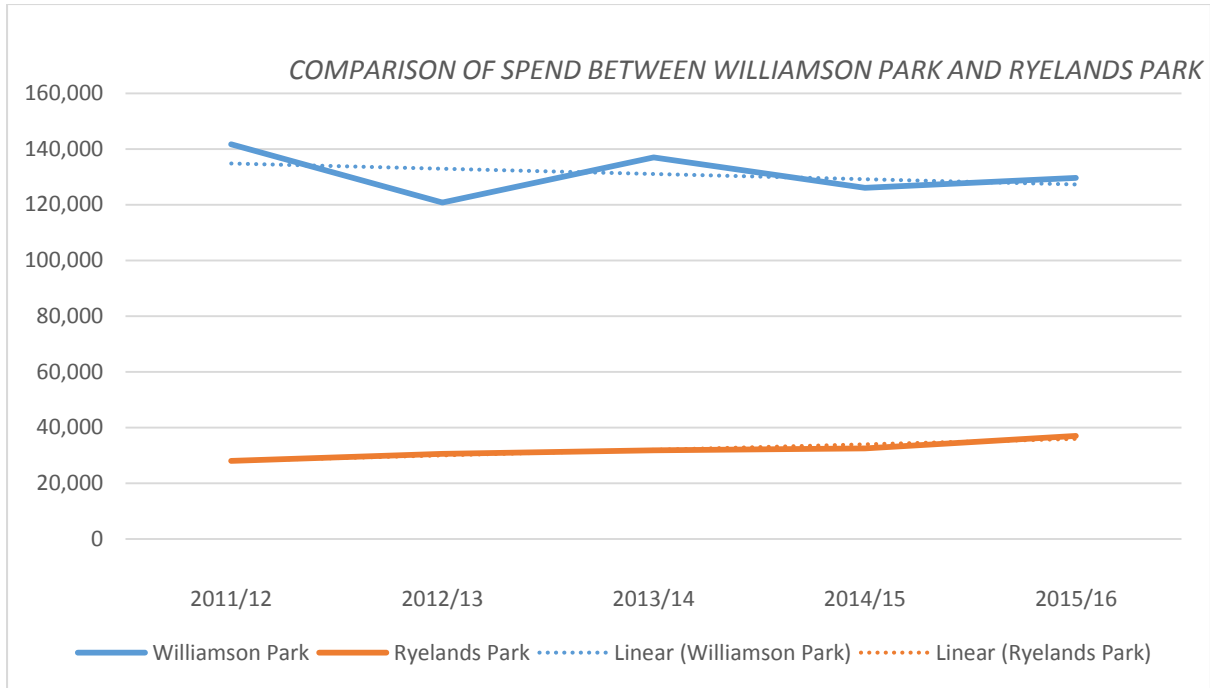
As with all parks in the district, it important to understand the unique selling points each one has and move away from a one size fits all approach. Making direct comparisons between Williamson Park, Happy Mount Park and Ryelands Park is like comparing apples, pears and oranges.

Other council facilities such as Williamson and Happy Mount parks are unable to offer certain activities such as football provision which is important to the community's health and wellbeing. In essence, Ryelands Park is special for its own reasons. It should not be competing with, or compared to, other parks in the district.

Expenditure increases in other facilities are not evidence of permanent increases but reflect one off investments e.g. drainage at Ryelands Park, lake at Williamson Park. Taking this out of the equation, there has been little to no increase, other than inflation, across any Park or Open Space.

The chart below highlights that approximate spend in Williamson Park compared with Ryelands Park.

Clearly it shows that more is spent in Williamson Park. But Williamson Park is much bigger and has a different range of facilities. The main point of the graph though is to demonstrate that over the years the spend in both parks has neither significantly increased or decreased. Levels of maintenance have not decreased in the last few years.



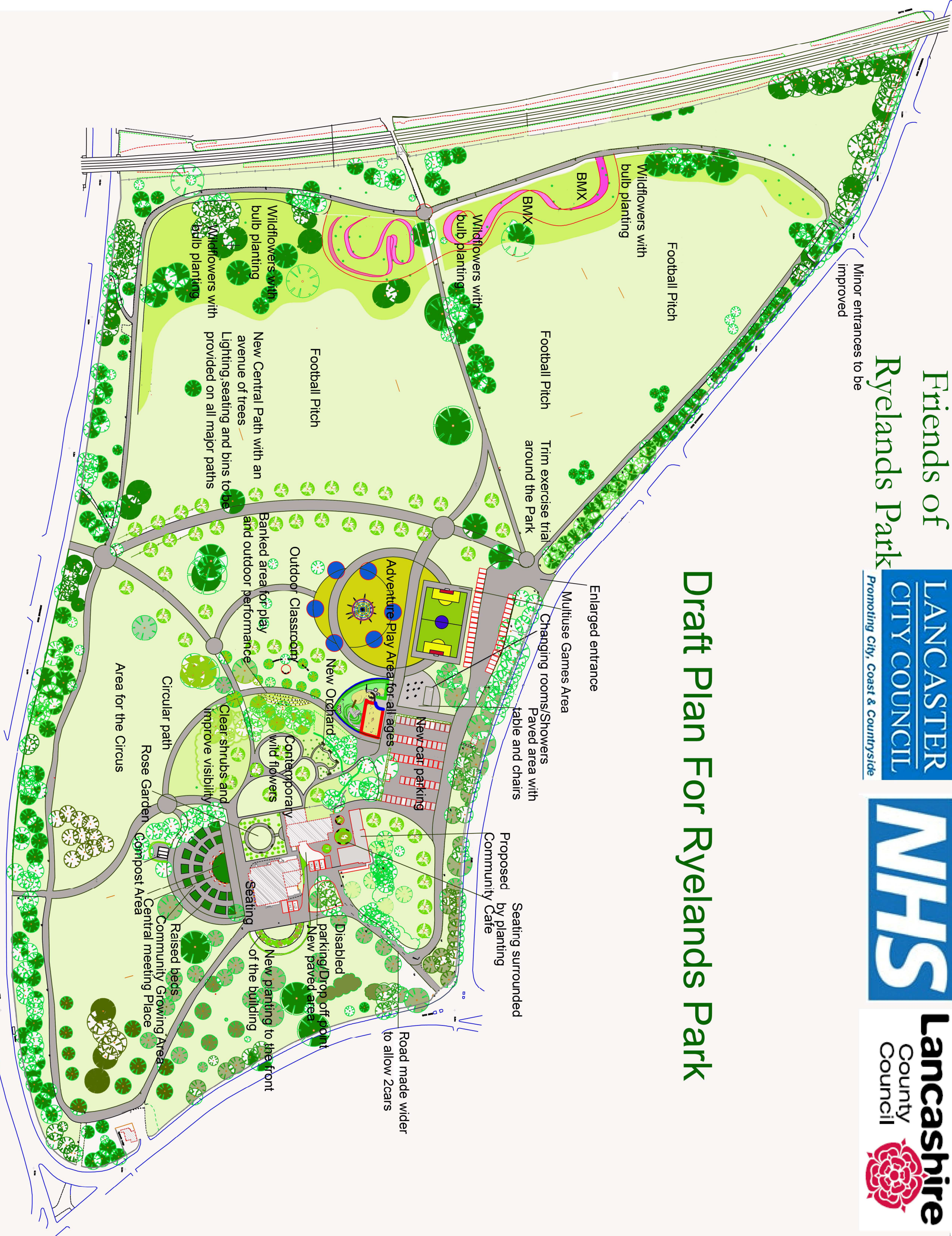
The petitioner also highlighted the number of bins available in different parks. It is again important to highlight that further bins will not necessarily result in less litter. Each space is allocated bins on a need basis. Ryelands Park is currently not in a position to require more bins or more schedules of collection. Following a review of bins, we believe the issue to be the volume of litter dropped and not the number of bins. This is an educational issue which will not be solved by adding additional bins.

The petitioner highlights that Ryelands Park doesn't benefit from a Café, toilets or a play area for older children. The petition organiser is aware of the approval masterplan for Ryelands Park which highlights these areas and the future plans for such facilities should funding become available. The play area at Ryelands was completed in 2013/14 at a project cost of over £100,000.

# Friends of Ryelands Park



## Draft Plan For Ryelands Park



Minor entrances to be improved

Football Pitch

Wildflowers with bulb planting

Football Pitch

Trim exercise trail around the Park

Wildflowers with bulb planting

Football Pitch

New Central Path with an avenue of trees  
Lighting, seating and bins to be provided on all major paths

Banked area for play and outdoor performance

Outdoor Classroom

Adventure Play Area for all ages

New Orchard

Clear shrubs and improve visibility

Contemporary wild flowers

Area for the Circus

Circular path

Rose Garden

Compost Area

Central meeting Place

Raised beds

Community Growing Area

Seating

New planting to the front of the building

Disabled parking/Drop off point

New paved area

Road made wider to allow 2cars

Enlarged entrance

Multituse Games Area

Changing rooms/Showers  
Paved area with table and chairs

Seating surrounded by planting  
Proposed Community Cafe

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

**28 September 2016**

### Report of the Leader of the Council

<b>PURPOSE OF REPORT</b>
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To present the Leader's report to Council.
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This report is public.
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#### 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 6 September 2016, later in this agenda.

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

There are no decisions to report since the last Leader's Report on 13 July 2016.

##### 3.0 Leader's Comments

It seems a very long time since I attended a service at Blackburn Cathedral to celebrate the Queen's 90<sup>th</sup> birthday. It was held on the 12 June and I was pleased to be able to speak to the MP for Blackburn and to many other local representatives, including Harsha Shukla who was honoured by the Queen last year. The Mayor and Mayoress represented the council at the very imposing Cathedral and Councillor Hanson represented the County Council.

On the 20 June, Councillor Anne Whitehead and I attended a meeting of our shared Revenues and Benefits service with Preston. We were pleased to hear that this service, which has received outside commendations, is still working very well and provides substantial savings for both councils.



A meeting held at County Hall on the 21 June was attended by Edwin Booth, the Chair of the Lancashire Enterprise Partnership (LEP). The agenda included items on Health and Care Integration and that this should be an agenda item for a future Combined Authority meeting. We received an update on progress of the Combined Authority. Devolution negotiation strategy discussions are running alongside the Combined Authority discussions and positive consultation has taken place. Lancashire is on track to formally form a Combined Authority by April 2017.

One of the purposes of the 11 July meeting was to elect a Chair and Vice Chair of the Shadow Authority. Councillor Simon Blackburn, Leader of Blackpool Council, was elected Chair and Councillor Alastair Bradley of Chorley Council was elected a Vice-Chair. The Draft Constitution was agreed and the working relationship with the LEP was discussed and agreed. The intention is that the Combined Authority and the LEP will work together on key themes and governance arrangements. The key change, in terms of accountability, is the transfer of Transport for Lancashire to the Combined Authority. There was also an update on the Growth Deal and the intention to involve Lancashire MPs. I recently received a letter from Sajid Javid, the Minister for Local Authority Affairs, thanking Lancashire Leaders for our submission for a Combined Authority and one from Chris Grayling assuring us that the Northern Powerhouse is still in being.

On the 29 June, Councillor Darren Clifford and I met a County Working Group on Museums at which we gave notice of our withdrawal from the management agreement with County from next year and the County accepted the request.

A Destination Management meeting was held at The Storey on the 30 June at which we discussed the draft document that has been produced. The city council has proposed some amendments and the final document has not yet been produced.

The 30 June also marked the retirement of Mark Cullinan. This was a very well attended event with many sincere congratulations and expressions of thanks. On the 01 July I met with our new Chief Executive, Susan Parsonage, to welcome her to Lancaster and to talk about the future.

A meeting with representatives of the Canal Towpath Regeneration Group on the 07 July led to the Planning Service agreeing to meet with them soon in Lancaster to talk about improving the towpath and making it possible to cycle between Lancaster and Kendal with information signs and stop off points along the way to encourage rural tourism.

The new Leader of South Lakeland District Council and their Chief Executive came to meet our new Chief Executive and myself on the 07 September. We were asked if we wanted to contribute to research from Lancaster University into the economy round Morecambe Bay. Barrow are also taking part. We thought that it would be worthwhile. They asked about the Combined Authority and mayors. They are also concerned about the NHS Trust and its objectives. Of interest to us is their new "Customer Connect" Service which is a digital project IT programme that will work in the geographic area, not just from the Town Hall. It is starting now and is a four year investment. They gave us the name and promised to send information.

## **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 6 September 2016:

- (1) Coastal Communities Teams
- (2) Bold Street Housing Regeneration – Preferred Development Partner

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

- (1) Contract for the Supply of Gas
- (2) The Platform Phase 2

## **Background Papers**

Cabinet agenda and minutes of the meeting held on 6 September 2016.

## **COUNCIL 28<sup>TH</sup> SEPTEMBER 2016**

### **MOTION ON NOTICE - DECISION BY LANCASHIRE COUNTY COUNCIL TO CLOSE FIRBANK CHILDREN'S CENTRE ON THE RIDGE ESTATE IN LANCASTER**

To consider the following motion submitted by Councillors Tim Hamilton-Cox, Abi Mills and Andrew Kay:-

*This council notes:*

*That the level of deprivation on education and health measures in the lower super output area (LSOA) covering part of the Ridge and Newton places the LSOA in the bottom 10% in England;*

*the latest (2012) OFSTED report on Firbank which said of the staff: 'Their extremely caring, respectful attitudes and dedication to improving the lives of the most disadvantaged families is a seam of gold influencing all of this centre's work, inspiring loyalty, confidence and cooperation among professional partnerships and parents. Consequently, provision and outcomes are good.'*

*And further that the OFSTED report underlined the symbiotic relationship between centre, nursery and school: 'The onsite nursery, the centre and the adjacent school sensibly share the assessment and support systems for children. This eases the children's movement between settings, which is particularly important for children who are receiving additional support...The centre is becoming a real hub of the local community';*

*That closure is likely to impact on the viability of the nursery currently co-located in the building and which offers the only nursery provision in the area;*

*That closure is contrary to the statutory role of Lancashire county council 'to secure sufficient children's centres which are accessible to all families with young children, and targeted evidence-based interventions for those families in greatest need of support';*

*that the proposed alternative provision at Lune Park (in Ryelands Park) is not accessible to much of Bulk ward in the 30-minute pram-pushing time set as the accessibility criterion in the County property strategy, and that it is a pedestrian-adversive route;*

*That closure contradicts the leader of Lancashire county council's comment (May 2016) on the property strategy which has occasioned closure: that, "We are not cutting services but reducing the number of expensive buildings..."*

*This council acknowledges the unprecedented squeeze on council budgets caused by government funding cuts but calls on Lancashire county council to prioritise services to families in greatest social need in order to prevent future, more intensive and expensive intervention by children's social care services.*

*Accordingly, this council mandates the chief executive to write to Lancashire county council calling on it to reverse its decision to close Firbank children's centre at its next cabinet meeting on 6<sup>th</sup> October for the reasons set out above.*

*An officer briefing note is attached.*

## Officer briefing note

Lancashire County Council's Cabinet on 8<sup>th</sup> September 2016 approved a series of recommendations concerning property disposals and arrangements for some services that operated from those buildings. At the time of producing this briefing note, officers have been made aware that the decision has been called in and due to be heard by county's scrutiny committee on Thursday 22<sup>nd</sup> September. The terms of the call in are that "both the consultation and the Cabinet decision were based on incorrect financial information and the decision does not meet the Council's own priorities to support the needs of the residents of Lancashire, particularly the more deprived communities." In addition there is a specific point relating to Adlington Library.

Notwithstanding the outcome of this call in, in terms of the private nursery operating out of Firbank children's centre, officers understand that a Tenancy at Will has been granted for a further 6 months to allow the nursery to remain in occupation so the nursery is in no imminent danger of losing its premises. The most important development however is that the County's Schools Planning Team who estimate future school pupil place provision has identified a potential requirement for additional pupil places in the area and has requested ownership of the site be retained. This means that the County Council may decide to retain its freehold interest in case future development / expansion of the school site is required and instead could choose to lease the Firbank building to retain overall control of the site.

During the consultation, the Schools Forum expressed concerns about children's centres attached to schools and the potentially detrimental impacts this may have on school finances. As a result of this, Cabinet resolved to "note the request from the Schools Forum for transition funding for schools with attached children's centres and that this will be the subject of future discussion between officers and the Schools Forum".

## Deputy Section 151 Officer comments:-

The Deputy 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.

**COUNCIL**

**Allocation of Seats to Political Groups  
28 September 2016**

**Report of Chief Executive**

**PURPOSE OF REPORT**

To advise Council of the calculations relating to the allocation of seats in accordance with the Local Government and Housing Act 1989 and the Council's agreed protocol, following the recent resignation of a Councillor.

This report is public

**RECOMMENDATIONS**

- (1) That in accordance with Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations, 1990, the City Council approves the calculations and allocation of seats set out in Appendices B and C of the report.
- (2) That the adjustments required to the Overview and Scrutiny Grouping of committees, detailed in paragraph 3 and Appendix C of the report, be approved.

**1.0 Introduction**

- 1.1 Members will be aware that Labour Group Councillor David Smith resigned from the Council on 6 September 2016, to move back to Yorkshire. There is currently a vacant seat on the Council, causing a change to the number and political grouping of Members. This requires a report on the recalculation of the proportional representation arrangements to the first available Council meeting in accordance with the Local Government and Housing Act 1989.
- 1.2 Members are requested to approve the calculation in order to make the necessary adjustments to the Overview and Scrutiny bodies, which reflect the revised make-up of the Council.

**2.0 Political Composition of the Council**

- 2.1 Following the resignation, the Council has 59 Members, with the PR balance as shown overleaf:-

Labour	29
Conservatives	18
Green	8
Independent	2
Free Independent	1
Non-aligned Independent	1
	<hr/>
	59
	<hr/>

2.2 Attached appendices give full details of the calculations: **Appendix A** shows the methodology of Council's agreed calculation of PR; the calculations in relation to numbers from 1 to 20 are attached at **Appendix B** and **Appendix C** gives the grouping calculations used in this report.

### 3.0 Adjustments

3.1 The only adjustments necessary are to the Overview and Scrutiny grouping. The regulatory and other standing committee grouping is unchanged by the new calculation.

3.2 Appendix C sets out the rationale for the adjustments necessary as a result of the calculation. In short, these are:

- The Green Group should pass a seat on the Budget and Performance Panel to the Conservative Group
- The Labour Group should have four members on the Overview and Scrutiny Committee instead of five; and five members on the Budget and Performance Panel instead of four
- The Conservative group should have three members on each of the Overview and Scrutiny Committee and Budget and Performance Panel.

### 4.0 Conclusion

4.1 Members are requested to approve the calculations to enable the necessary adjustments set out in 3.2 to be made at this meeting.

#### **CONCLUSION OF IMPACT ASSESSMENT**

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

There are no direct implications as a result of this report.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications as a direct result of this report.

#### **LEGAL IMPLICATIONS**

This report has been prepared in accordance with the provisions of Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations 1990.

**SECTION 151 OFFICER'S COMMENTS**

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

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has drafted this report in her role as Democratic Services Manager.

**BACKGROUND PAPERS**

**Contact Officer:** Debbie Chambers

**Telephone:** 01524 582057

**E-mail:** [dchambers@lancaster.gov.uk](mailto:dchambers@lancaster.gov.uk)

Appendix A

**METHOD OF CALCULATION**

- 1 The following is provided as a reminder for Members of the method used to calculate proportional representation (PR) at Lancaster City Council:-
- 2 At its meeting on 11<sup>th</sup> May 2006 Council agreed the following protocol and groupings for the calculation of PR on the Council's Cabinet\*, Overview & Scrutiny and Committees:
  - (i) the calculation be undertaken using 4 decimal places;
  - (ii) the allocation of a final seat to a Group with the same residual be to the largest under-represented Group provided that this does not result in the largest over-representation; and
  - (iii) In the event that the foregoing rules do not resolve the situation, either because of a tie, or because the allocation would result in the largest over-representation, the seat be allocated by drawing lots under the supervision of the Mayor.
  - (iv) the calculation should be undertaken in relation to the following groupings:
    - Overview and Scrutiny (2 x 9)
    - Regulatory and other timetabled Committees (1 x 20(Planning)\*, 1 x 15 (Licensing Act), 1 x 9 (Licensing Regulatory) and 2 x 7 (Personnel and Audit)
    - Remaining Standing and Joint Committees to be calculated separately and individually.

*\*The Cabinet is no longer a PR Cabinet, and the composition of the Planning Committee has since reduced to 15 Members.*



## Appendix B

## PR CALCULATION

		Labour	Conservative	Green	Independent	Free Independent (Cllr Woodruff)	Non-aligned Independent (Cllr Scott)
1	=	1	-	-	-	-	-
2	=	1	1	-	-	-	-
3	=	2	1	-	-	-	-
4	=	2	1	1	-	-	-
5	=	2	2	1	-	-	-
6	=	3	2	1	-	-	-
7	=	4	2	1	-	-	-
8	=	4	3	1	-	-	-
9	=	5	3	1	-	-	-
10	=	5	3	2	-	-	-
11	=	6	3	2	-	-	-
12	=	6	4	2	-	-	-
13	=	7	4	2	-	-	-
14	=	7	4	2	1	-	-
15	=	7	5	2	1	-	-
16	=	8	5	2	1	-	-
17	=	9	5	2	1	-	-
18	=	9	6	2	1	-	-
19	=	9	6	3	1	-	-
20	=	10	6	3	1	-	-

Labour	29
Conservative	18
Green	8
Independent	2
Free Independent	1
Non-aligned Independent	1
<b>TOTAL</b>	<b>59</b>

As at 7 September 2016

## COMMITTEE GROUPING CALCULATIONS

### 1 OVERVIEW AND SCRUTINY GROUPING

The PR Calculation for a single 9 Member Committee is 5:3:1:0:0:0 and the grouping of Overview & Scrutiny Committee and Budget & Performance Panel is as follows:-

$9 + 9 = 18$  (-: - 59) = 0.3050 seats per Member.

L	29 x 0.3050	=	8.845	=	9
C	18 x 0.3050	=	5.49	=	5
G	8 x 0.3050	=	2.44	=	2
I	2 x 0.3050	=	0.61	=	1
FI	1 x 0.3050	=	0.305	=	0
NAI	1 x 0.3050	=	0.305	=	0

Using the PR calculation for two single 9 Member Committees, the Labour Group would have had 10 seats overall. The grouping gives the Labour Group 9 seats overall so the Labour Group “give up” one seat as a result of the grouping. This was also the position at the Annual Council meeting in May 2016 and the Labour Group chose to give up a seat on the Budget and Performance Panel. At that meeting in May 2016, there was a tie for the place on the Budget and Performance Panel between the Conservative and the Green groups because both had the same residual of .4. The final seat was allocated by drawing lots under the supervision of the Mayor and the Green Group won the seat. However, the two groups no longer have the same residual – as shown on the calculation above – therefore **the seat on the Budget and Performance Panel given to the Green Group now needs to be passed to the Conservative Group** who have a larger residual than the Green Group.

The Conservative Group would have had 6 seats overall using the PR calculation for two single 9 Member Committees. However, the grouping gives the Conservative Group 5 seats overall and, in May 2016 those were taken as two on the Overview and Scrutiny Committee and three on the Budget and Performance Panel. Since the Conservative Group will now receive a place from the Green Group on the Budget and Performance Panel (see explanation in the paragraph above) the Conservative Group will have four members on the Budget and Performance Panel and two members on the Overview and Scrutiny Panel. Since that would create an imbalance of PR on each Committee, **the Labour Group is asked to reduce its membership of the Overview and Scrutiny Committee by one member and to increase its membership of the Budget and Performance Panel by one member and the Conservative Group is asked to take up three places on each of the Overview and Scrutiny bodies**, to achieve a PR balance on each committee.

In May 2016, the Independent Group received one seat on the Overview and Scrutiny grouping and, by arrangement with the other Groups, a place was given on the Overview and Scrutiny Committee (to Councillor Ashworth). This is unchanged by the new calculation.

### 2 REGULATORY AND STANDING COMMITTEES OF COUNCIL GROUPING

The PR calculation for 15 Member Committees (Planning and Highways Regulatory and Licensing Act) is 7:5:2:1:0:0. The 9 Member Licensing Regulatory Committee is

5:3:1:0:0:0 and the 7 Member Committee calculation (for Personnel and Audit) is 4:2:1:0:0:0. The total seats to be allocated for the grouping comprising Planning and Highways Regulatory, Licensing Act, Licensing Regulatory, Personnel and Audit Committees is:-

15 + 15 + 9 + 7 + 7 = 53 (-:- 59) = 0.8983 seats per Member.

L	29	x 0.8983	=	26.0507	=	26
C	18	x 0.8983	=	16.1694	=	16
G	8	x 0.8983	=	7.1864	=	7
I	2	x 0.8983	=	1.7966	=	2
FI	1	x 0.8983	=	0.8983	=	1
NAI	1	x 0.8983	=	0.8983	=	1
						<b><u>53</u></b>

PR for this group of committees, if calculated on the basis of single committees, would give the Labour Group 27 Members and the Conservative Group 17 Members. However, when grouped, the Labour Group receive 26 seats and the Conservative Group receive 16 seats, requiring the Labour Group and the Conservative Group to “give up” one seat each in this grouping. This was the case at the Annual Council meeting in May 2016 when Councillor Woodruff and Councillor Scott received one seat each on the Licensing Act Committee and the Audit Committee respectively as a result. This grouping remains unchanged.

### 3 OTHER COMMITTEES/PANELS

Remaining Standing Committees currently constituted with a PR of 7 are the Appeals, Council Business and Standards Committees. The PR calculation for these is unchanged at 4:2:1:0:0:0.

The Appraisal Panel is a member panel of seven members appointed on a PR basis, although not a formal Committee of Council. The PR calculation for the Panel is unchanged at 4:2:1:0:0:0.

**COUNCIL****Review of Parliamentary Constituencies****28 September 2016****Report of the Chief Executive****PURPOSE OF REPORT**

To consider the method of responding to the Boundary Commission for England's Review of Parliamentary Constituencies.

**This report is public**

**RECOMMENDATION**

- (1) That Council designates Council Business Committee as the body to respond in writing on behalf of the Council to the Boundary Commission for England (BCE) regarding its Review of Parliamentary Constituencies at each stage of the consultation process.**
- (2) That Councillors note that political groups, individual Councillors and any individuals or organisation have been invited by the BCE to submit their views throughout the process either by writing or orally at public hearings.**

**1.0 Background**

- 1.1 In February 2016, the Boundary Commission for England (BCE) announced the start of its review of the Parliamentary Constituencies in England. The review must, according to rules laid down by Parliament, result in a significant reduction in the number of constituencies in England (from 533 to 502). The BCE is required to report to Parliament in September 2018 and has published the Guide for its review, which can be found on the website here: <http://boundarycommissionforengland.independent.gov.uk/guide-to-the-2018-review-published/>

**2.0 Consultation Process: Initial Stage**

- 2.1 Initial Proposals for new boundaries were published by the BCE on 14 September 2016 and a twelve week period of consultation is in progress. A summary of the effect of the proposals on the two constituencies covered by Lancaster City Council (Morecambe and Lunesdale and Lancaster and Fleetwood) is appended.
- 2.2 A new statutory framework has resulted in a significant change to the BCE's consultation process. The 2018 review is being carried out under a new

procedure that relies on a combination of written representations and oral representations at public hearings. There will be public hearings in Lancaster at the Auditorium at The Storey on 24 and 25 October 2016. These meetings are not inquiries, public meetings or debates but are there to provide an opportunity for the BCE to explain its initial proposals and for people to give their views on those proposals. The BCE has stated that it will attach just as much significance to representations made in writing through its website as to those made orally at public hearings and that the content of the representation is more important than the form it takes. Most importantly, objectors to the BCE's proposals are strongly advised to say what they propose in place of their proposals.

### **3.0 Consultation Process: Second – and Possible Third - Stage**

- 3.1 As soon as possible after the initial consultation the BCE will publish all of the representations, and records of public hearings, on its website. After that, there is a further statutory four week period during which people can submit written comments on the representations. There are no public hearings at this stage.
- 3.2 The BCE will then publish a report for each region stating whether or not revisions have been made to the initial proposals. If there are revisions, there will be a further eight week period of consultation on the revised proposals for the region and publication of any representations made will take place when the final report is published. The BCE will submit a formal written report to the Government and that will conclude the review process. The procedure to implement new constituencies is the responsibility of Government and Parliament.

### **4.0 Options**

- 4.1 Some of the options open to Council are shown below:-
  - a) **Not to make a response at all as a Council but leave it to political groups and individual Councillors to respond as they wish and for the Returning Officer to respond on the practicalities of the proposals for administering elections.**  
*An opportunity to raise issues as a Council would be missed with this option.*
  - b) **To make a written response as a Council on the administrative issues that arise for delivering elections on the proposed boundaries. (Political groups and individual Councillors can still make their own responses as they wish.)**  
*This option would allow Members to flag up particular issues as a Council, which may pose practical difficulties at election time. It would also allow groups and individual councillors to raise any political issues in their own responses.*
  - c) **To make a written response as a Council on the proposals in general. (Political groups and individual Councillors can still make their own responses as they wish.)**  
*The Council's political composition may mean that a response under this option would be difficult to agree, since there are bound to be political ramifications with any proposals for boundary changes.*

The officer recommended option is b) and that Council Business Committee, the Committee authorised to make consultation responses on behalf of the

Council, be asked to agree the responses at each stage.

<b>CONCLUSION OF IMPACT ASSESSMENT</b> (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) None directly arising from this report.	
<b>LEGAL IMPLICATIONS</b> None directly arising from this report.	
<b>FINANCIAL IMPLICATIONS</b> None directly arising from this report.	
<b>OTHER RESOURCE IMPLICATIONS</b>  <b>Human Resources:</b> None  <b>Information Services:</b> None  <b>Property:</b> None  <b>Open Spaces:</b> None	
<b>SECTION 151 OFFICER'S COMMENTS</b> The Section 151 Officer has been consulted and has no further comments.	
<b>MONITORING OFFICER'S COMMENTS</b> The Monitoring Officer has drafted this report in her role as Democratic Services Manager.	
<b>BACKGROUND PAPERS</b>  None	<b>Contact Officer:</b> Debbie Chambers <b>Telephone:</b> 01524 582057 <b>E-mail:</b> dchambers@lancaster.gov.uk <b>Ref:</b>

**REVIEW OF PARIAMENTARY CONSTITUENCIES**

The effect of the proposals on the two constituencies currently covered by Lancaster City Council (Morecambe and Lunesdale and Lancaster and Fleetwood) is discussed below.

The proposals published by the Boundary Commission for England on 13 September 2016 seek the reduction of the number of constituencies in Lancashire from 16 to 14.

Morecambe and Lunesdale and Lancaster and Fleetwood Constituencies would cease to exist in their current form.

The proposal looks to create a Lancaster and Morecambe Constituency which will comprise the following City Council wards:

Bare, Bolton & Slyne, Bulk, Castle, Harbour, Heysham Central, Heysham North, Heysham South, John O’Gaunt, Marsh, Overton, Poulton, Scotforth East, Scotforth West, Skerton East, Skerton West, Torrisholme, Westgate.

The remaining City Council wards will form part of a new North Lancashire Constituency. As well as 2 wards from Preston, 10 from Ribble Valley and 8 from Wyre, the following wards would be included:

Carnforth and Millhead, Ellel, Halton-with-Aughton, Kellet, Lower Lune Valley, Silverdale, University and Scotforth Rural, Upper Lune Valley, Warton.

Constituencies are proposed on the basis of electorate. Constituencies should have no fewer than 71,031 electors and no more than 78,507. The electorate for the proposed constituencies would be

Lancaster and Morecambe – 74,361  
North Lancashire – 71,284

Although it is expected that Lancaster City Council would administer the Lancaster and Morecambe Constituency, it is unclear at this stage which of the four local authorities within the new North Lancashire Constituency would have responsibility for administering elections for that constituency.

**COUNCIL****Cabinet Appointment****28 September 2016****Report of the Leader****PURPOSE OF REPORT**

To inform Council of Councillor Brendan Hughes' appointment to Cabinet.

**This report is public****RECOMMENDATIONS**

(1) **That the report be noted.**

**1.0 Introduction**

Members will be aware that, since Cabinet Portfolios were reported to Council by the Leader at the Annual Council meeting (as required by Rule 1.2 of the Cabinet Procedure Rules in the Council's Constitution) Councillor David Smith has resigned from the Council. David Smith held the Cabinet Portfolio for Community Safety and Clean and Green. This report informs Council of a new appointment to Cabinet to take over that portfolio.

**2.0 New Portfolio Holder**

2.1 Councillor Brendan Hughes has been appointed to Cabinet. He has taken on the portfolio of Community Safety and Clean and Green which was formerly the responsibility of David Smith.

**3.0 Conclusion**

3.1 This report is for noting.



**CONCLUSION OF IMPACT ASSESSMENT**  
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

**LEGAL IMPLICATIONS**

There are no direct financial implications arising from this report.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

**OTHER RESOURCE IMPLICATIONS**

**Human Resources:**

None

**Information Services:**

None

**Property:**

None

**Open Spaces:**

None

**SECTION 151 OFFICER'S COMMENTS**

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

**MONITORING OFFICER'S COMMENTS**

The report has been prepared by the Monitoring Officer.

**BACKGROUND PAPERS**

None

**Contact Officer:** Debbie Chambers

**Telephone:** 01524 582057

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**COUNCIL****Amendment of the Executive Scheme of Delegation to Officers – Food Safety and Hygiene Regulations 2008 and Environmental Protection Act 1990****28 September 2016****Report of the Monitoring Officer****PURPOSE OF REPORT**

To give notice of two amendments made by the Leader to the Scheme of Delegation to Officers.

**This report is public**

**RECOMMENDATIONS**

**(1) That the report be noted.**

**1.0 Introduction**

1.1 The current delegations of Executive functions to officers were approved by Council in May 2016, and are set out in Part 3 of the Constitution.

1.2 Rule 1.4(b) of the Cabinet Procedure Rules provides as follows:

“The Leader may amend the Scheme of Delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.”

1.3 This report informs Council of the following amendments made to Executive delegations.

**2.0 Amendments**

- 2.1 Executive functions under the Food Safety and Hygiene Regulations 2008 have been given, by the Leader, to the Chief Officer (Health and Housing), and accordingly have been added to the Scheme of Delegation (pages 35/36 of Part 3, Responsibility for Functions Section 14, Scheme of Delegation to Officers). Further, there has been a slight amendment to the wording to make it explicit that executive functions include those provided for under secondary legislation. The amendments are shown in bold and underlined on Appendix 1, attached.
- 2.2 In relation to notices served pursuant to the Environmental Protection Act 1990 (EPA 1990) a footnote has been added to clarify that external contractors and staff are authorised to issue fixed penalty notices under the EPA 1990. The footnote is shown on Appendix 2, attached.

**4.0 Details of Consultation**

- 4.1 There has been no consultation.

**5.0 Conclusion**

- 5.1 The report is for noting

**CONCLUSION OF IMPACT ASSESSMENT  
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The delegations authorised by the Leader will ensure that appropriate action can be taken under the regulations, where necessary.

**LEGAL IMPLICATIONS**

Legal Services have brought these issues to the attention of the Monitoring Officer for inclusion in the Constitution.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

**OTHER RESOURCE IMPLICATIONS**

**Human Resources:**

None

**Information Services:**

None

**Property:**

None

**Open Spaces:**

None

**SECTION 151 OFFICER'S COMMENTS**

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

**MONITORING OFFICER'S COMMENTS**

The report has been prepared by the Monitoring Officer.

**BACKGROUND PAPERS**

None

**Contact Officer:** Debbie Chambers

**Telephone:** 01524 582057

**E-mail:** dchambers@lancaster.gov.uk

APPENDIX 1  
Amendments to Pages 35/36 of Part 3, Section 14

**TO THE CHIEF OFFICER (HEALTH AND HOUSING)**

To serve notices and to act on behalf of the Council under the following legislation (**and any subordinate legislation, regulations or orders made under the primary acts**), and to designate authorised officers who may then act on behalf of the Council under the following legislation (**including any subordinate legislation, regulations or orders made under the primary acts**) in accordance with their designation as authorised officer:

Animal Welfare Act 2006  
Building Act 1984  
Caravan Sites and Control of development Act 1960  
Caravan Sites Act 1960  
Civil Contingencies Act 2004  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Control of Pollution Act 1974  
County of Lancashire Act 1984  
Criminal Justice and Public Order Act 1994  
Dangerous Dogs Act 1991  
Dogs Act 1871  
Dogs (Fouling of Land) Act 1996  
Environment Act 1995  
Environmental Protection Act 1990  
European Communities Act 1972  
Food and Environmental Protection Act 1985  
Food Safety Act 1990  
**Food Safety and Hygiene Regulations 2008**  
General Food regulations 2004  
Health Act 2006  
Housing Acts 1985, 1996 and 2004  
Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
Mobile Homes Act 2013  
National Assistance Act 1948  
Pollution Prevention and Control Act 1999  
Pollution Prevention and Control (England and Wales) Regulations 2000  
Prevention of Damage by Pests Act 1949  
Private Water Supplies Regulations 2009  
Product of Animal Origin (Import and Export) Regulations 1996  
Products of Animal Origin (Third Country Imports)(England) Regulations 2002  
Public Health Acts 1936 and 1961  
Public Health (Control of Disease) Act 1984  
Road Traffic (Vehicle Emissions)(Fixed Penalty)(England) Regulations 2002  
Sunbeds (Regulation) Act 2010  
Sunday Trading Act 1994  
Water Industry Act 1991

## APPENDIX 2 Amendment to Page 34 of Part 3, Section 14

### **TO THE CHIEF OFFICER (ENVIRONMENT) AND ANY STAFF DESIGNATED BY HIM/HER IN WRITING**

To serve notices on behalf of the Council under the Environmental Protection Act 1990\*, Clean Neighbourhoods and Environment Act 2005 and the Refuse Disposal (Amenity) Act 1978.

To act on behalf of the Council as consultee under section 1E of the Crime and Disorder Act 1998 in respect of applications for Anti-Social Behaviour Orders.

Under the Anti-Social Behaviour, Crime and Policing Act 2014:

- (a) to be authorised persons for the purposes of section 53, with authority to issue a Community Protection Notice (Section 43), and/or a Fixed Penalty Notice for breach of a Community Protection Notice (Section 48);
- (b) to be authorised to issue notices under Section 47(3), Section 47(6) and 49 (6) in respect of Community Protection Notice works in default;
- (c) to have authority to authorise Community Protection Notice work in default to be carried out under sections 47(2) and (3);
- (d) to be authorised persons for the purposes of Section 63 and Section 68 (enforcement of Public Spaces Protection Orders); and
- (e) to be authorised to issue a Closure Notice for a period of up to 24 hours.

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\* For the avoidance of doubt the Chief Officer (Environment) can designate persons who have entered into a contract with the Council for the provision of litter services as authorised officers under Section 88(10) of the Environmental Protection Act 1990, subject to satisfactory safeguards being set out in the contract to ensure notices are issued in accordance with the law and the Council is covered by a suitable indemnity.

## CABINET

6.00 P.M.

6TH SEPTEMBER 2016

**PRESENT:-** Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Margaret Pattison and Anne Whitehead

Apologies for Absence:-

Councillor Darren Clifford, James Leyshon and Karen Leytham

Officers in attendance:-

Susan Parsonage	Chief Executive
Nadine Muschamp	Chief Officer (Resources) and Section 151 Officer
Mark Davies	Chief Officer (Environment)
Andrew Dobson	Chief Officer (Regeneration and Planning)
Suzanne Lodge	Chief Officer (Health and Housing)
Anne Marie Harrison	Economic Development Manager
Paul Rogers	Senior Regeneration Officer
Liz Bateson	Principal Democratic Support Officer

### 10 MINUTES

The minutes of the meeting held on Tuesday 28 June 2016 were approved as a correct record.

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

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

### 12 DECLARATIONS OF INTEREST

No declarations were made at this point.

### 13 PUBLIC SPEAKING

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

### 14 CORPORATE FINANCIAL MONITORING QUARTER 1 2016/17

#### **(Cabinet Members with Special Responsibility Councillors Blamire & Whitehead)**

Cabinet received a report from the Chief Officer (Resources) which provided an overview of the Council's financial position for Quarter 1 of the 2016/17 monitoring cycle and the supporting actions underway.

The report was for comments and noting.

Councillor Whitehead proposed, seconded by Councillor Blamire:-

“That the recommendation, as set out in the report, be noted and that an updated version of Appendix A, General Fund – 2016/17 Approved Savings and Growth Monitoring, be provided for each Cabinet meeting.”

Councillors then voted:-

***Resolved unanimously:***

That the Corporate Financial Monitoring report and appendices be noted and that an updated version of Appendix A, General Fund – 2016/17 Approved Savings and Growth Monitoring, be provided for each Cabinet meeting.

**Officer responsible for effecting the decision:**

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.

**15 COASTAL COMMUNITIES TEAMS**

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

Cabinet received a report from the Chief Officer (Regeneration & Planning) to obtain agreement for the City Council to bid for Coastal Communities Team (CCT) status for an area based around the central areas of Morecambe and Heysham, and to act as accountable body for funds in the event of a successful bid. Members were also asked to support Morecambe Bay Partnership’s proposal for a Morecambe Bay CCT for the smaller settlements along the coastline.

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

	<b>Option 1: Do nothing – decline to submit a CCT bid.</b>	<b>Option 2: Agree to submit a bid for CCT status and act as accountable body.</b>
Advantages	No officer resources required to administer and support a partnership forum.	Consistent with the council’s and partner’s regeneration and economic development objectives for Morecambe.  Complementary to delivery of Morecambe Area Action Plan.  An advantage in terms of Government’s view of the area as a place in which to deliver policy attention and resources,



		<p>particularly around future external funding opportunities such as Coastal Communities Fund.</p> <p>Availability of £10K resources to put towards investigations into economic development priorities.</p>
Disadvantages	<p>A potential disadvantage in terms of Government's view of the area as a place in which to deliver policy attention, resources and funding</p> <p>Lost opportunity to develop a cohesive local economic plan for the area</p>	<p>Commits the council to supporting a local partner forum and meeting the community consultation and reporting requirements of a CCT.</p> <p>Definition of geographical area of interest needs careful consideration.</p> <p>Potential of partnership 'fatigue'.</p>
Risks	<p>The risks are mainly around Government's view of the area as a place to engage with, if there is no CCT.</p>	<p>The risks are mainly around the governance and management of a new partnership forum, in the context of the council's accountable body role, seeking the relevant strategic stakeholders and ensuring appropriate terms of reference which add value.</p>

The preferred option is Option 2: Agree to submit a bid for CCT status and act as accountable body. The implications of declining to bid for CCT status are mainly around the potentially negative view of the area's ability to engage with Government. Progress with other CCTs has clearly made an impact on DCLG who see them as critical in providing support to build strong coastal economies.

Under Option 2 there is a danger of partnership fatigue in the area and potentially a range of overlapping policy plans. Morecambe Town Team's focus is still finishing off and winding up Portas Pilot funding (including their street art initiative which has been hampered by poor weather). The Town Team has not expressed a formal view on whether or not they want to continue but it is clear they see the Morecambe Business Improvement District body as the substantive legacy body arising out of the Portas initiative.

Morecambe Town Council have also undertaken initial investigations into the development of a Neighbourhood Plan – although under the statutory definition this is meant to add value and complement the councils' current approved planning policy framework (the Local Plan and Morecambe Area Action Plan - which covers much the

same area and issues). The West End Millions Partnership have also undertaken significant capacity building and prioritising in that area of Morecambe. Heysham currently has a Neighbourhood Council that would be well placed to act as a partner within a CCT for Morecambe and Heysham.

In terms of the Council taking on the accountable body role for the CCT, the Council has significant experience in this area and given the initial funds involved, risks are very small. That said, there will be the need to establish sound governance arrangements for the future operation of the Team, including decision-making and future-proofing to cater for any subsequent funding opportunities.

A CCT, with the right Terms of Reference, membership and sound overall governance, would create a productive partnership in terms of facing towards Government policy/funding. It would also sit well with and add value to Morecambe Bay destination branding/marketing activity, regeneration efforts in Central Morecambe and Heysham.

A successful CCT application would formalise arrangements being discussed to take forward and assist strategic MAAP implementation and add value to the ambitions of Heysham's local stakeholders. It is also clear that, while not compulsory, having CCT status would be an advantage in future access to Government funding and ministerial attention.

Councillor Hanson proposed, seconded by Councillor Whitehead:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That approval be given to the City Council bidding for Coastal Communities Team status for central Morecambe and Heysham and to act as the accountable body for the £10K resources should the application be successful.
- (2) That the revenue budget be updated accordingly in the event that the application for Coastal Communities status is successful.
- (3) That the City Council formally supports Morecambe Bay Partnership's proposal for a Morecambe Bay CCT for the smaller settlements along the coastline, subject to confirmation that relevant local partners in these areas support this approach.

**Officers responsible for effecting the decision:**

Chief Officer (Regeneration & Planning)

Chief Officer (Resources)

**Reasons for making the decision:**

The decision is consistent with the Council's 2016-20 Corporate Plan which refers to the Council's Vision for Morecambe and Heysham as 'a confident community with a

regenerated living, working and leisure environment, acting as a focal point on Morecambe Bay to enjoy and interact with the wider landscape.’ Regenerating Morecambe is a long-standing corporate priority, and contributes to the Council’s Health and Well-being and economic growth aspirations.

## 16 EXCLUSION OF THE PRESS AND PUBLIC

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

“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.

## 17 BOLD STREET HOUSING REGENERATION - PREFERRED DEVELOPMENT PARTNER

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

Cabinet received a report from the Chief Officer (Regeneration & Planning) to consider the outcome of the developer tender exercises for the Bold Street site, the preferred development scenario and delivery partner.

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 Hanson proposed, seconded by Councillor Pattison:-

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

Councillors then voted:-

### ***Resolved unanimously:***

- (1) That PlaceFirstbe approved as the Council’s preferred developer for the Bold Street site to secure a scheme for new homes for market rent, subject to:
  - the satisfactory completion of due diligence and any appropriate negotiations, to help ensure deliverability, suitability and financial viability of the proposed scheme;
  - no further site assembly/clearance costs falling on the Council.

- (2) That subject to a satisfactory outcome of (1) above:
- the site as shown in Appendix 1 to the exempt report be disposed of to PlaceFirst (as set out in recommendation (2) of the report), recognising that this action is in support of improving the economic, social and environmental wellbeing of the area given the scheme benefits to be gained (as set out in section 6.7 of the exempt report);
  - Officers be authorised to conclude and complete all contractual matters for the scheme, to protect the Council's interests and to secure timely development of the site.
- (3) That in the event that (1) above cannot be achieved, then a further report be brought back to Cabinet for due consideration.

**Officer responsible for effecting the decision:**

Chief Officer (Regeneration & Planning)

**Reasons for making the decision:**

The decision is consistent with the Council's 2016-20 Corporate Plan which states that the Council's Vision for Morecambe and Heysham is: a confident community with a regenerated living, working and leisure environment, acting as a focal point on Morecambe Bay to enjoy and interact with the wider landscape. Regenerating the West End of Morecambe is a long-standing corporate priority and the proposal will also have local community safety benefits by removing derelict properties which are susceptible to illegal and anti-social activities.

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Chairman

(The meeting ended at 6.20 p.m.)

**Any queries regarding these Minutes, please contact  
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**MINUTES PUBLISHED ON MONDAY 12 SEPTEMBER, 2016.**

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:  
TUESDAY 20 SEPTEMBER, 2016.**