

## CABINET

6.00 P.M.

26TH JUNE 2017

**PRESENT:-** Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Darren Clifford, Brendan Hughes, James Leyshon, Margaret Pattison, Andrew Warriner and Anne Whitehead

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)                |
| Liz Bateson     | Principal Democratic Support Officer              |

### 1 MINUTES

The minutes of the meeting held on Tuesday 21<sup>st</sup> March 2017 were approved as a correct record.

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

The Chairman advised that there was one item of urgent business. This was an exempt report regarding a funding request towards a feasibility study and would be considered in the private part of the meeting. (Minute 13 refers.)

### 3 DECLARATIONS OF INTEREST

No declarations were made at this point.

### 4 PUBLIC SPEAKING

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

### 5 REPORTS FROM OVERVIEW AND SCRUTINY - LATE NIGHT ECONOMY IN THE LANCASTER DISTRICT TASK GROUP REPORT

Cabinet received a report from the Overview and Scrutiny Committee to consider the recommendations of the Late Night Economy in the Lancaster District Informal Task Group.

The options were set out in the report as follows:

1. To accept the recommendations of Overview and Scrutiny.
2. Not to accept the recommendations of Overview and Scrutiny.
3. To make alternative proposals to those recommended by Overview and Scrutiny.

Councillor Hughes proposed, seconded by Councillor Leyshon:-

“That recommendations 1 to 4 be approved and it be noted that recommendations 5 and 6 will be referred to Council.”

Councillors then voted:-

*Resolved unanimously:*

- (1) That Recommendations 1 to 4 of the Late Night Economy in the Lancaster District Task Group be approved:-

*Recommendation 1*

- (a) *That the Community Safety Partnership be requested to establish a Sub-Group to continue the work of the Scrutiny Informal Task Group with the membership mirroring the existing Task Group, including Pubwatch.*
- (b) *That the Community Safety Partnership Sub-Group consider appropriate levels of training of licensed premises staff and receive updates provided by Pubwatch representatives of Lancaster and Morecambe.*
- (c) *That the newly formed Sub-Group consider the city centre’s ability to gain Purple Flag Status and also investigate the introduction of a rewards system for well-run licensed premises.*

*Recommendation 2*

- (a) *That based on the evidence heard, the Task Group recommends to Council that it continues to give its full support to the Public Space Protection Order (PSPO) covering the central area of Lancaster.*
- (b) *That updates on the use of the PSPOs be reported to the annual Community Safety meeting of the City Council’s Overview and Scrutiny Committee.*
- (c) *That the feasibility of the PSPO for Morecambe Town Centre and Promenade be assessed by Lancaster City Council and the Police and be reported to the City Council’s Overview and Scrutiny Committee.*

*Recommendation 3*

*That, after considering the evidence provided, it be recommended that CCTV is vital to the infrastructure of Lancaster city centre and Morecambe. The Task Group agrees that public CCTV is a vital community asset which provides reassurance, deterrence and response.*

*Further to this, it is recommended that work continues with all of the potential partnership participants on building a business case for how a partnership approach to the delivery of a repurposed CCTV system might operate and that a report on this is quickly developed and presented to the Cabinet for consideration.*

*Recommendation 4*

- (a) *That the proposed Community Safety Partnership Sub-Group meet with Lancaster University and the University of Cumbria's senior management and the Student Unions regarding policy and practice on alcohol education, consent, health and safety, alongside the annual consideration regarding student admissions to A & E and calls upon the Emergency Services, in liaison with the University Hospital of Morecambe Bay Trust (UHMBT) and the Clinical Commissioning Group (CCG).*
- (b) *That the proposed Community Safety Partnership Sub-Group examine the Universities' Codes of Conduct regarding off-campus behaviour and the use of sanctions for anti-social behaviour relating to alcohol and put forward any recommendations to the Universities for consideration.*
- (2) That it be noted that Recommendations 5 and 6 will be referred to Council:

Recommendation 5

*That all Members of the Licensing Act Committee take part in an annual early hours visit with the Licensing Team as part of their mandatory training.*

Recommendation 6

*That the City Council's Policy on the training of staff in licensed premises be reviewed.*

Officers responsible for effecting the decision:

Chief Officer (Health & Housing)  
Chief Officer (Environment)

Reasons for making the decision:

Implementing the recommendations within the report will assist the City Council in meeting the Corporate Plan priority for Clean and Green Places, improve communication between organisations operating within the late night economy and improve relations between residents of the Town/City Centres and those visiting the centres to utilise the facilities of the late night economy.

**6 CABINET LIAISON GROUPS AND APPOINTMENTS TO OUTSIDE BODIES, PARTNERSHIPS AND BOARDS (Page 12)**

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

Cabinet received a report from the Chief Executive to consider the Cabinet Liaison Groups currently constituted and Cabinet appointments to Outside Bodies, Partnerships and Boards.

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

The options regarding Cabinet Liaison Groups were:

- To note existing arrangements and make no amendments.
- To consider and approve, where appropriate, any proposals from Cabinet Members.

With regard to Outside Bodies, Partnerships and Boards, Cabinet was requested to make appointments, as set out in Appendix C to the report.

It was recommended that appointments be aligned as closely as possible to individual Cabinet Members' portfolios.

It was further recommended that the Cabinet Liaison Groups be reviewed once the Corporate Plan has been completed.

Councillor Pattison proposed, seconded by Councillor Clifford:-

"That the recommendations, as set out in the report, be approved with the establishment of a Property Review Cabinet Liaison Group being agreed in principle, the terms of reference of which would be tabled at a later Cabinet meeting."

Councillors then voted.

***Resolved unanimously***

- (1) That the Cabinet Liaison Groups as set out in Appendix B to the report be re-constituted, with the establishment of a Property Review Cabinet Liaison Group, the terms of reference of which will be agreed at a future Cabinet meeting.
- (2) That the Lead Cabinet Member of each Cabinet Liaison Group be requested to inform the Chief Executive of the participants he/she wishes to invite to such meetings.
- (3) That appointments to Outside Bodies, Partnerships and Boards as set out in Appendix C, appended to the minutes, be approved.

**Officer responsible for effecting the decision:**

Chief Executive

**Reasons for making the decision:**

The establishment of Cabinet Committees and Cabinet Liaison Groups assists the Cabinet in the discharge of executive functions. Representation on Outside Bodies is part of the City Council's community leadership role.

**7 VARIATION OF CENTRAL LANCASTER'S AIR QUALITY MANAGEMENT AREA TO INCLUDE THE 1 HOUR AIR QUALITY OBJECTIVE FOR NITROGEN DIOXIDE**

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

Cabinet received a report from the Chief Officer (Health & Housing) which sought approval for varying the current Air Quality Management Area (City of Lancaster) (No.1) Order 2004 by replacing it with a new Air Quality Management Area (City of Lancaster) (No.2) Order 2017.

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

|               | <b>Option 1:</b> Vary the City of Lancaster AQMA (No.1) Order to include likely exceedance of 1 hour objective for nitrogen dioxide | <b>Option 2:</b> To not vary the City of Lancaster AQMA (No.1) Order   |
|---------------|---|--|
| Advantages    | Meet administrative requirements for local air quality management   | None identified  |
| Disadvantages | None identified   | Would not meet administrative requirements for local air quality management  |
| Risks         | None identified   | Powers under Section 85 of the Environment Act 1995 allow the Secretary of State to intervene to make a new Order. |

The Council needs to vary the Air Quality Management Area order for the City of Lancaster and Option 1 is recommended. This carries no disadvantages. No advantages have been identified in making any wider changes to the existing Order. Arrangements are in hand to monitor and review the impact of several key pollution-influencing actions (the Bay Gateway road opening, and pending passenger bus technology modifications) however these will take some time.

The proposed variation to the Air Quality Management Area order for the City of Lancaster addresses an important administrative update about air pollution levels in parts of central Lancaster, serving the interests of residents living in areas close to busy roads and highest concentrations of air pollution from road traffic.

Councillor Warriner proposed, seconded by Councillor Clifford:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the current Air Quality Management Area (City of Lancaster) (No 1) Order 2004 be revoked.
- (2) That an Air Quality Management Area be re-designated as proposed in the draft Air Quality Management Area (City of Lancaster) (No 2) Order 2017, attached to the report.

**Officer responsible for effecting the decision:**

Chief Officer (Health & Housing)

**Reasons for making the decision:**

Air quality review and assessment forms an important part of the Council's protection of the community's health. Air pollution poses particular threats to the elderly, young children and people with heart and breathing difficulties. It is essential that the potential air quality problems highlighted to date by Air Quality Review and Assessment are resolved and this proposal serves that objective.

**8 PROVISIONAL REVENUE, CAPITAL AND TREASURY MANAGEMENT OUTTURN 2016/17****(Cabinet Member with Special Responsibility Councillor Whitehead)**

Cabinet received a report from the Chief Officer (Resources) which provided summary information regarding the provisional outturn for 2016/17, including Treasury Management.

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

The City Council has a legal requirement to ensure that its expenditure is fully funded and to produce accounts in accordance with proper accounting practice. In addition, the Prudential Indicators are a statutory requirement linked to the budgetary framework. For these aspects, therefore, there are no alternative options for Cabinet to consider. Members are being asked to endorse certain actions taken by the Chief Officer (Resources), and Cabinet should consider whether it has sufficient information to do so or whether it requires any further justification.

The report requests Cabinet to consider a number of revenue overspending, capital slippage and other budget adjustment matters. The framework for considering these is set out in the report but basically Cabinet may:

- Endorse any number of the items / requests, in full or part.
- Refuse various requests and if commitments have already been incurred, require alternative funding options to be identified. Cabinet should note, however, that this may impact on other areas of service delivery.
- Request further information regarding them, if appropriate.

The Officer preferred options are as set out in the recommendations, on the assumption that Members continue to support their previously approved spending plans.

Councillor Whitehead proposed, seconded by Councillor Clifford:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the provisional outturn for 2016/17 be endorsed, including the transfers to Provisions, Reserves and Balances actioned by the Chief Officer (Resources), and the position regarding overspendings.

- (2) That the requests for capital slippage and the adjustments to reflect accelerated capital spending on projects as set out at Appendix G to the report be endorsed, with the Capital Programme being updated accordingly.
- (3) That the Annual Treasury Management report and Prudential Indicators as set out at Appendix H to the report be noted and referred on to Council for information.
- (4) That the implications of business rate growth be noted, with them being fed into the next update of the Council's Medium Term Financial Strategy (MTFS).

**Officer responsible for effecting the decision:**

Chief Officer (Resources)

**Reasons for making the decision:**

The Outturn and Statement of Accounts report on all the financial resources generated and/or used by the Council in providing services or undertaking other activities under the Policy Framework.

**9 EXCLUSION OF THE PRESS AND PUBLIC**

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

"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 items 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 items 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.

**10 SALT AYRE LEISURE CENTRE INCOME SHARE ARRANGEMENT**

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

Cabinet received a report from the Chief Officer (Health & Housing) which sought approval from Cabinet to enter into an income share arrangement between the Council and Alliance Leisure Services Limited. The report was exempt from publication by virtue of Paragraph 3, 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 Clifford proposed, seconded by Councillor Warriner:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That approval be given for the Council to enter into an income share arrangement (including the Spa) with Alliance Leisure Services Limited, on the basis as set out in Option 2 of the exempt report.
- (2) That progress on the income share arrangement be reported through normal quarterly performance and financial monitoring arrangements.
- (3) That income and expenditure budgets for the Spa be updated for current and future years on a cost neutral basis.

**Officer responsible for effecting the decision:**

Chief Officer (Health & Housing)

**Reasons for making the decision:**

An income share arrangement will provide an opportunity for the Council to maximise income using the skills and capacity of Alliance Leisure Services which the Council currently does not have. Income generation is a specific initiative for helping to balance the budget. Maximising uptake at the leisure centre means more people participating in physical activity, contributing to improving the health and wellbeing of our citizens, which is a corporate priority.

**11 LAND AT THE FORMER SHELL ICI SITE (HEYSHAM GATEWAY) - - OPTION AGREEMENT FOR SALE**

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

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. The report was exempt from publication by virtue of Paragraph 3, 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:

Councillor Leyshon proposed, seconded by Councillor Clifford:

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That Option 1 be approved, with the Option Agreement as set out in the exempt report being extended for a further period to 2<sup>nd</sup> April, 2018.



**Officer responsible for effecting the decision:**

Chief Officer (Resources)

**Reasons for making the decision:**

Extending the option period would represent a reasonable way forward and supports the Council's Corporate Plan, in particular the priority of economic growth and key themes of environmental sustainability and managing the Council's resources.

**12 LAND AT THE SUPERBOWL, MARINE ROAD, MORECAMBE****(Cabinet Member with Special Responsibility Councillor Leyshon)**

Cabinet received a report from the Chief Officer (Resources) which sought approval for amendments to be made (by way of deed of variation) to the restrictive covenant imposed by the Council on the sale of property back in 1998, and for the approval of the transfer of three small parcels of land around the edge of the site. The report was exempt from publication by virtue of Paragraph 3, 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 Leyshon proposed, seconded by Councillor Pattison:

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That Option 1 be approved, and the amendments to the restrictive covenant for the land and building known as the Superbowl, Marine Road West, Morecambe be agreed.
- (2) That the transfer of the freehold interest in three small parcels of land extending to approximately 295m<sup>2</sup> around the periphery of the site be approved.

**Officer responsible for effecting the decision:**

Chief Officer (Resources)

**Reasons for making the decision:**

The decision will enable the City Council to receive a capital receipt and rationalise its land holdings in the area and is consistent with the principles of good asset management, disposing of assets which have no operational value or requirement.

**13 ITEM OF URGENT BUSINESS - DEVELOPMENT PROJECT - FUNDING REQUEST TOWARDS FEASIBILITY STUDY****(Cabinet Member with Special Responsibility Councillor Hanson)**

In accordance with Part 4, Section 7, Urgent Business Procedure Rules and S100 (B) of the Local Government Act 1972, Cabinet received a report from the Chief Officer (Regeneration & Planning) which sought approval to allocate funding from the Economic Growth Reserve towards a feasibility study. The reason for the urgency was that commissioning of the feasibility works needed to commence on the 1<sup>st</sup> July 2017. The Chairman of Overview and Scrutiny Committee had been consulted and agreed to the item being treated as a matter of urgency in accordance with Overview and Scrutiny Procedure Rule 17 (a) and therefore not subject to call-in.

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

Councillor Hanson proposed, seconded by Councillor Clifford:

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That on behalf of the Council, Cabinet expresses its support for the project and the potential opportunities it presents.
- (2) That Cabinet approves a financial contribution towards the detailed feasibility work to be undertaken for the project as set out in sections 2.5 and 2.6 of the exempt report, to be financed from the Economic Growth Reserve.
- (3) That it be noted that the Chairman of Overview and Scrutiny Committee has agreed to waive the call-in period regarding implementation of the decision.

**Officers responsible for effecting the decision:**

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

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Chairman

(The meeting ended at 7.10 p.m.)

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

**MINUTES PUBLISHED ON THURSDAY 28<sup>TH</sup> JUNE, 2017.**

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:**

**FRIDAY 7<sup>TH</sup> JULY, 2017 WITH THE EXCEPTION OF MINUTE 13 - ITEM OF URGENT BUSINESS - DEVELOPMENT PROJECT - FUNDING REQUEST TOWARDS FEASIBILITY STUDY WHICH CAN BE IMPLEMENTED WITH IMMEDIATE EFFECT AS CALL-IN HAS BEEN WAIVED.**

**APPOINTMENTS MADE BY CABINET**

| <b>ORGANISATION</b>   |
|---|
| Lancaster Community Fund Grants Panel (Cabinet Member and 1 member of Council)<br>Cllr Margaret Pattison                                    |
| Lancashire Leaders Meeting (Leader of the Council)<br>Cllr Eileen Blamire   |
| LGA Coastal Issues Special Interest Group<br>Cllr Darren Clifford   |
| Morecambe Bay Partnership<br>Cllr Janice Hanson   |
| Museums Advisory Panel Cabinet Member (and 1 member of O/S)<br>Cllr Darren Clifford   |
| Lancashire Waste Partnership :<br>Cllr Brendan Hughes   |
| Community Safety Partnership Cabinet Member (+ Cabinet Member substitute):<br>Cllr Brendan Hughes (Cllr Eileen Blamire substitute)          |
| Health and Wellbeing Partnership Cabinet Member (+ Cabinet Member substitute) :<br>Cllr Andrew Warriner (Cllr Margaret Pattison substitute) |
| BID Company Ltd - (Cabinet Member for Economic Regeneration)<br>Cllr Janice Hanson  |
| Yorkshire Dales National Park Board – Cabinet Member with responsibility for Rural<br>Affairs – Cllr Margaret Pattison                      |