

## CABINET

6.00 P.M.

4TH DECEMBER 2018

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

Apologies for Absence:-

Councillors Brendan Hughes and Andrew Warriner

Officers in attendance:-

Kieran Keane	Assistant Chief Executive
Mark Davies	Director for Communities and the Environment
Daniel Bates	Interim Financial Services Manager/Section 151 Officer
David Brown	Interim Head of Legal and Democratic Services and Monitoring Officer
Suzanne Lodge	Deputy Director for Communities and the Environment
Mark Cassidy	Planning Manager (part)
Richard Crompton	Interim Regeneration Manager
Rephael Walmsley	Acting Head of Legal Services
Liz Bateson	Principal Democratic Support Officer

### 49 MINUTES

The minutes of the meeting held on Tuesday 6 November 2018 were approved as a correct record.

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

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

### 51 DECLARATIONS OF INTEREST

No declarations were made at this point.

### 52 PUBLIC SPEAKING

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

### 53 EDEN PROJECT NORTH

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

Cabinet received a report from the Assistant Chief Executive to refer to Full Council the consideration of a request to contribute £250,000 to the development of the Eden Project North proposal.

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

	<b>Option 1:</b> Agree to refer the decision to Full Council	<b>Option 2:</b> Do not refer the decision to Full Council
Advantages	Provides opportunity to contribute and be part of a significant major infrastructure development likely to benefit not just the immediate community but the wider economic prosperity of the area	Retain £250,000 within the local authority.
Disadvantages	Reduces the available finance for other projects with no guaranteed return.	The land remains unused, undeveloped and provides no return.
Risks	The project does not proceed and there is no return for the expenditure	The area remains stagnated.

The Officer Preferred Option was to refer the request for funding to Full Council who may agree the contribution to the next stage of the project development.

Councillor Hanson proposed, seconded by Councillor Pattison:-

“That the recommendations, as set out in the report, be approved and that consideration be given to establishing a budget reserve for the Eden North Project.”

Councillors then voted:-

***Resolved unanimously:***

- (1) That consideration of the request to contribute £250,000 to the Eden Project North detailed design and planning proposal be referred to Full Council for consideration on 19 December 2018 and that consideration be given to establishing a budget reserve for the Eden North Project.
- (2) That the Overview & Scrutiny Committee be requested to consider the Eden (North) proposals as part of their work programme.

**Officers responsible for effecting the decision:**

Assistant Chief Executive  
Interim Head of Financial Services

**Reasons for making the decision:**

The request sits outside the policy framework proposals. Prior to full Council considering and making a decision on the requested contribution of £250,000, officers will liaise with Eden and provide an explanation as to why the initial funding is required and what it will be used for. This will be reported to Council on 19 December 2018.

**54 HOUSING STANDARDS ENFORCEMENT POLICY****(Cabinet Member with Special Responsibility Councillor Warriner)**

Cabinet received a report from the Director for Communities and the Environment in order to give consideration to and adopt the Private Sector Housing Enforcement Policy and associated charges.

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

	<b>Option 1:</b> Adopt the policy	<b>Option 2:</b> Do not adopt the policy
Advantages	Provides clarity for the Local Authority and stakeholders.  Assists the Local Authority in meeting its statutory obligations and deliver one of its priorities.	None
Disadvantages	None	The council could be subject to challenge. The authority is obliged to determine the level of penalties to be levied in relation to the legalisation referred to in this report and has to publish a statement of principles in relation to the Smoke and Carbon Monoxide Alarm Regulations.
Risks	None	The council could be subject to challenge and may not be in a good position to meet its statutory obligations.

The officer preferred option was to adopt the Private Sector Housing Enforcement Policy and the specific policies (including the fine matrices contained therein).

Councillor Clifford proposed, seconded by Councillor Hanson:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the overarching Housing standards, Private Sector Housing Enforcement Policy as set out in Appendix 1 to the report be adopted.
- (2) That the specific Housing Standards policies/statement of principles, set out below, together with the fine matrices contained therein be adopted:
  - (a) Housing Standards, Civil Penalties Enforcement Policy as set out in Appendix 2 to the report;
  - (b) Housing Standards, the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 Statement of Principles as set out in Appendix 3 to the report;
  - (c) Housing Standards, The Redress Schemes for letting agency work and property management work (requirement to belong to a scheme, etc.) (England) Order 2014 policy as set out in Appendix 4 to the report.
- (3) That an evaluation of the effectiveness of the policies referred to above, be included in the report back to Cabinet on the implementation of the alternative approach to selective licensing approved by Cabinet in March 2018 (minute 84 refers).

**Officer responsible for effecting the decision:**

Director for Communities and the Environment

**Reasons for making the decision:**

The proposals support the Council's objectives to promote sustainable communities and support the positive health and wellbeing of residents in the district. Adoption of the new policy will assist the Council to provide efficient and effective regulatory enforcement to support the delivery of a statutory function and corporate priority, providing clarity to the local authority and stakeholders.

**55 WENNINGTON NEIGHBOURHOOD PLAN REFERENDUM****(Cabinet Member with Special Responsibility Councillor Hanson)**

Cabinet received a report from the Planning Manager which sought approval for the Wennington Neighbourhood Plan to proceed to referendum at the earliest possible opportunity.

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

	<b>Option 1:</b> Accept the modifications of the Examiner, issue a decision	<b>Option 2:</b> Reject some of the modifications of the Examiner and	<b>Option 3:</b> Reject all of the modifications of the Examiner.
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	statement to this effect and approve the Neighbourhood Plan to go forward to referendum.	delegate authority to the Planning Manager to publish the decision.	
Advantages	This would be to the benefit of adopting localism within the district, enabling communities to shape their area. It would enable the community as a whole to decide if the plan should be sued by the Council for determining planning applications.	That the plan could be prepared in line with (or closer in line with) the original intentions of the Neighbourhood Plan sub group.	None known. Rejection of all the modifications would mean rejection of the plan on the basis that the Council could not be satisfied that the Plan could met the basic conditions required by Schedule 4B Town and Country Planning Act 1990.
Disadvantages	None known	<p>Officers and the Neighbourhood Plan sub group have agreed the modifications are acceptable and that the plan is suitable to be the subject of a referendum.</p> <p>Rejecting modifications may remove clarity, factual correctness or compatibility with other local authority plans or policies. It could also lead to the Basic Conditions requirement not being met.</p> <p>Rejecting modification will require further consideration by officers as to the suitability of the plan and further consideration by Council.</p>	The Neighbourhood Plan would not be made.

Risks	None known	<p>Removal of some of the modification may lead to the Plan not meeting the basic conditions and to the ultimate decision that the plan should not be progressed.</p> <p>Removal of some of the Examiner's recommendations may also create ambiguity and uncertainty in the application of the Plan. This could lead to legal challenge and difficulty in the application of planning policy to planning decisions.</p>	The Plan, with the Examiners' recommendations, is agreeable to the Neighbourhood group. To reject the Plan by not accepting the modifications could be suggest to public law challenge.
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The preferred option is Option 1. Given the level of work undertaken by the Neighbourhood Plan Sub Group alongside the extensive consultation that took place prior to the Examination of the plan it is considered that subject to the outcome of the referendum that it is the will of the community of Wennington for a neighbourhood plan to be prepared. The independent Examiner has scrutinised the plan in making an assessment as to whether it meets the Basic Conditions and subject to modification is of the view that the plan is ready to proceed to Referendum.

In conclusion it is the opinion of the Planning Manager that the Wennington Neighbourhood Plan is ready to proceed to referendum, subject to modifications as recommended by the Examiner being made.

Councillor Hanson proposed, seconded by Councillor Clifford:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the proposed changes to the Neighbourhood Plan, as set out in Appendix C to the report be approved, and that a decision statement be issued to inform interested parties that the modified Neighbourhood Plan should proceed to Referendum as soon as reasonably possible.
- (2) That agreement be given to advance funding of the Referendum, which will be

claimed back from the Government in due course.

**Officer responsible for effecting the decision:**

Planning Manager

**Reasons for making the decision:**

The aim of the referendum is to give the people of Wennington community a vote on whether they support the Neighbourhood Plan. Neighbourhood Planning contributes to the Council's corporate plan priorities, in particular, sustainable economic growth. Once adopted, neighbourhood plans will form part of the Council's Lancaster District Local Plan.

**56 BAILRIGG GARDEN VILLAGE CABINET LIAISON GROUP (Page 12)**

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

Cabinet received a report from the Interim Regeneration Manager to seek approval to establish a Bailrigg Garden Village Cabinet Liaison Group and agree to the proposed terms of reference.

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

The options are essentially to agree to the Terms of Reference, or propose alternatives, subject to Cabinet's desired focus for the Cabinet Liaison Group. As long as any terms fit with the Constitution, there is no Officer preferred option.

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 a Bailrigg Garden Village Cabinet Liaison Group be established.
- (2) That the terms of reference of the Bailrigg Garden Village Cabinet Liaison Group, as appended to the minutes, be approved.

**Officer responsible for effecting the decision:**

Interim Regeneration Manager

**Reasons for making the decision:**

The establishment of Cabinet Liaison Groups assists the Cabinet in the discharge of executive functions. The aims and objectives of the Bailrigg Garden Village Cabinet Liaison Group will be aligned to support the Council Plan to develop the concept of the

garden village with the group meeting in response to progress and key issues on the project.

**57 BUDGET AND POLICY FRAMEWORK UPDATE 2019/20 TO 2023/24**

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

Cabinet received a report from the Interim Head of Financial Services to provide an update on the Council's budget strategy for 2019/20 and financial outlook up to 2023/24 to help inform development of Cabinet's corporate planning and budget proposals and the development of a revised Medium Term Financial Strategy.

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

Regarding the budget strategy, Cabinet may approve the proposals as set out, or require changes to be made to the suggested approach. The overriding aim of any budget setting process is to approve a balanced budget by statutory deadlines, allocating resources to help ensure delivery of the Council's corporate and service objectives. The proposed approach is in line with that broad aim, drawing on various strategic matters. Any changes that Cabinet puts forward should also be framed in that context.

In term of the actual budget position, this report is primarily for information, to assist Cabinet in its budget deliberations. No specific decisions are sought at this time.

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 draft budgetary position for current and future years be noted, accepting that this is an interim update.
- (2) That the approach and timetable in respect of the 2019/20 budget as set out in Section 3 of the report be approved.
- (3) That the approach to updating the Medium Term Financial Strategy set out in Section 4 of the report be approved.
- (4) That the Treasury Management Mid-Year Review attached at Appendix A to the report, be noted and referred to Council for information.

**Officer responsible for effecting the decision:**

Interim Head of Financial Services

**Reasons for making the decision:**



Draft budget proposals will be considered by Cabinet on 15 January 2019 and by the Budget & Performance Panel on 22 January 2019.

## 58 FUNDING THE FUTURE: FINANCIAL SUSTAINABILITY STRATEGY

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

Cabinet received a report from the Assistant Chief Executive, which sought approval to the adoption of an overarching strategy for building financial resilience strategy: 'Funding the Future.'

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

Option 1 is to adopt the strategy.

Option 2 is to maintain the status quo and address deficits through reduced budgets and service cuts.

	<b>Option 1: Adopt the strategy</b>	<b>Option 2: Do not adopt the strategy</b>
Advantages	The prospect of long term financial resilience to help maintain the provision of good quality council services	None
Disadvantages	New ways of working and adapting reasonably quickly to new approaches.	A series of unpalatable decisions will need to be taken on cuts and service reductions.
Risks	A manageable level of commercial risk in terms of trading and investment. degree of financial risk	Potential financial instability delivery of services being reduced. A deteriorating reputation.

The officer-preferred option is Option 1 for the reasons set out in the document attached at Appendix 1 to the report.

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 principles of the overarching financial resilience strategy be approved.
- (2) That the incorporation of the key principles of the strategy within the MTFS be approved.

**Officers responsible for effecting the decision:**

Assistant Chief Executive  
Interim Head of Financial Services

**Reasons for making the decision:**

The Council has developed highly ambitious plans for enhancing the economy, wellbeing and the presence of Lancaster City and District; setting out its priorities and vision for the district to thrive as a vibrant regional centre in the north west of England in its recently published Council Plan. The Council's current projected funding gaps reveals the continuing financial challenge faced by the Council. The proposals put forward within the Funding the Future strategy provide a combination of short, medium and longer term solutions, aligned with the Council's Medium Term Financial Strategy to bridging the funding gaps and building financial resilience within the Council.

**59 INVESTMENT STRATEGY**

The Chairman advised the meeting that this item had been deferred to the next Cabinet meeting on 18 December 2018.

*The Planning Manager left the meeting at this point.*

**60 EXCLUSION OF THE PRESS AND PUBLIC**

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

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

Members then voted as follows:-

***Resolved unanimously:***

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

**61 LAND AT SCOTFORTH (Page 13)****(Cabinet Member with Special Responsibility Councillor Blamire)**

Cabinet received a report from the Assistant Chief Executive, which 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 Blamire proposed, seconded by Councillor Burns:-

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

Councillors then voted:-

***Resolved unanimously:***

The resolution and reason for making the decision is set out in a minute exempt from publication by virtue of Paragraph 3, Schedule 12 of the Local Government Act, 1972.

**Officer responsible for effecting the decision:**

Assistant Chief Executive

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Chairman

(The meeting ended at 6.27 p.m.)

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

**MINUTES PUBLISHED ON MONDAY 10TH DECEMBER, 2018.**

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:  
TUESDAY 18 DECEMBER, 2018.**

**BAILRIGG GARDEN VILLAGE CABINET LIAISON GROUP****TERMS OF REFERENCE APPROVED BY CABINET ON 4 DECEMBER 2018**

- To advise the Cabinet member and Cabinet on the setting of objectives for Bailrigg Garden Village.
- To assist the Cabinet member and Cabinet to ensure the development is of the highest standard and uses best practice in the development and inform the potential content, quality and function of the Garden Village.
- To advise the Cabinet member and Cabinet on the evolution of a concept plan and masterplan for Bailrigg Garden Village
- To provide a public written report each quarter summarising the discussions and recommendations made to the Cabinet member.
- To invite and consider reports from the Councils Officers and agents on the development.
- To invite and consider third party presentations and proposals, and if required to summarise the information in a recommendation to the Cabinet member.
- To monitor and advise the Cabinet Member on the progress of the development of options for the delivery of the project, to consider appropriate delivery mechanisms as required and to advise of progress on the project in accordance with the agreed project plan and its key milestones.
- To advise, facilitate and assist in the expeditious progress of the development.
- To advise, facilitate and assist in the progress of consultations, contribute to the community engagement and to champion the work being undertaken towards the delivery of the Garden Village to the public and wider member forum.

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