



**LANCASTER  
CITY COUNCIL**

*Promoting City, Coast & Countryside*

**INDIVIDUAL CABINET MEMBER AND OFFICER DELEGATED DECISIONS**

**WEDNESDAY, 8 AUGUST 2018**

Please find enclosed Decision Notices in connection with the following:

**ICMD2 Coastal Road, BLS, Public Open Space Section 106 Monies (Pages 1 - 7)**

**ICMD3 Fly the Emergency Services Day Flag (Pages 8 - 11)**

Please note that these are subject to call-in.

**Queries regarding these documents**

Please contact Tessa Mott, Democratic Services - telephone 01524 582074, or e-mail [tmott@lancaster.gov.uk](mailto:tmott@lancaster.gov.uk).

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Published on WEDNESDAY, 8 AUGUST 2018

# LANCASTER CITY COUNCIL

*Promoting City, Coast & Countryside*

## EXECUTIVE DECISIONS TAKEN BY DELEGATED OFFICER NOTICE OF DECISION

*THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER*

<b>TITLE OF DECISION:</b>			
<b>COASTAL ROAD, BOLTON LE SANDS, PUBLIC OPEN SPACE SECTION 106 MONIES</b>			
<b>NAME OF DECISION TAKER:</b>	<b>COUNCILLOR BRENDAN HUGHES</b>		
<b>POSITION AND RESPONSIBILITY HELD:</b>	<b>CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR COMMUNITY SAFETY AND CLEAN AND GREEN</b>		
<b>CONTACT OFFICER:</b>	<b>HELEN RYAN</b>		
<b>TELEPHONE:</b>	01524 582822		
<b>E-MAIL:</b>	hryan@lancaster.gov.uk		
<b>Details of Decision:</b>			
For the Oakmere, Coastal Road residential development, Bolton Le Sands, Public Open Space Section 106 contributions to be spent on the following;			
(1) <b>Approval of £9,276 for parks and gardens to be spent at Happy Mount Park towards the delivery of the masterplan.</b>			
(2) <b>Approval of £14,920 for young people's facilities be spend by Bolton Le Sands Parish council on the project approved by officers.</b>			
<b>Reasons for the decision:</b>			
This decision meets the requirements of the section 106 legal agreement for the development and the National Planning Policy Framework tests for planning contributions and obligations.			
Further information is provided in the ICMD associated report.			
<b>IS THE DECISION URGENT</b>			
<b>No</b>			
<b>PLEASE DELETE AS APPROPRIATE AND GIVE REASONS FOR URGENCY BELOW:</b>			
<b>N/A</b>			
<b>I CONFIRM THAT I HAVE BEEN CONSULTED ON THE ABOVE DECISION AND THAT IT IS URGENT AND REASONABLE IN ALL THE CIRCUMSTANCES. (IN ACCORDANCE WITH SECTION 17 OF THE OVERVIEW &amp; SCRUTINY PROCEDURE RULES)</b>			
<b>SIGNATURE OF THE OVERVIEW &amp; SCRUTINY CHAIRMAN: N/A</b>			
<b>SIGNATURE OF DECISION TAKER:</b> Councillor Brendan Hughes			
<b>DATE:</b> 08.08.18			
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			<b>REF NO.</b>
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			ICMD2
<b>DATE DECISION TAKEN:</b>	08.08.18	<b>DATE RECEIVED BY DEMOCRATIC SERVICES:</b>	08.08.18
<b>DATE DECISION PUBLISHED:</b>	08.08.18	<b>IMPLEMENTATION DATE ( publication day + 5 working days):</b>	16.08.18

**CABINET**

**Coastal Road, BLS, Public Open Space Section 106  
Monies  
August 2018**

**Individual Cabinet Member Decision (Cllr Hughes)  
Report of Public Realm Development Manager**

<b>PURPOSE OF REPORT</b>				
To seek approval from the Cabinet Member for the allocation of section 106 monies received from the Coastal Road residential development, for parks and gardens; and young people's facilities.				
<b>Key Decision</b>	<input type="checkbox"/>	<b>Non-Key Decision</b>	<input checked="" type="checkbox"/>	<b>Referral from Cabinet Member</b>
<b>Date of notice of forthcoming key decision</b>	N/A			

**RECOMMENDATIONS OF Cllr Hughes**

- (1) That the Cabinet Member approves £9,276 Section 106 monies for parks and gardens to be spent at Happy Mount Park towards the delivery of the masterplan and that the General Fund Revenue Budget is updated accordingly.
- (2) That the Cabinet Member approves £14,920 Section 106 monies for young people's facilities to be spent by Bolton-le-Sands Parish Council as detailed in the report and that the General Fund Capital Programme is updated accordingly.

**1.0 Introduction**

- 1.1 When Planning applications for residential developments are submitted for approval they are assessed to ensure they meet planning policy and requirements. This includes the requirements for public open space as set out in Development Management Policy DM26 and Lancaster Open Space Provision within New Residential Developments, Planning Advisory Note.
- 1.2 Where required monies can be used to contribute to off-site provision through a legal section 106 agreement where the National Planning Policy Framework

tests for planning conditions and obligations are met (see appendix A);

- 1.3 Oakmere Homes, Coastal Road, Bolton-le-Sands; were required to provide two public open space off site section 106 contributions - £14,920 towards young people's facilities and £9,276 towards parks and gardens. These contributions have been paid to Lancaster City Council.
- 1.4 As the legal agreement did not specify a specific project or delivery organisation a decision is required to ensure the monies are spent in accordance with requirements.
- 1.5 Parks and Gardens; £9,276 this is proposed to be spent at Happy Mount Park on works towards the implementation of the masterplan for the park, currently expected to be undertaken during the next financial year, i.e. 2019/20. The new development falls within the catchment area for Happy Mount Park and the proposed works will help mitigate any additional demand which the new development may bring.
- 1.6 Young People Facilities £14,920; as the new housing development is situated within the Village of Bolton-le-Sands, officers have been working with the parish council to approve an appropriate scheme. The parish have proposed a nine piece fitness trail with safety matting and signage around the village football pitch. Quotes have been received and this comes to a value of £14,365.50. The parish has also agreed to replace the popular large basket swing and wet pour safety surfacing using remaining s106 monies and the remainder from their own funds.

### **2.0 Proposal Details**

- 2.1 That approval be given for the £9,276 parks and gardens to be spent at Happy mount Park towards the delivery of the masterplan.
- 2.2 That approval be given for £14,920 Young people's facilities monies be spent by Bolton-le-Sands (BLS) Parish Council on the project approved by officers.

### **3.0 Details of Consultation**

- 3.1 Officers have consulted with BLS Parish Council.

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

	<b>Option 1:</b> Approve the recommendations	<b>Option 2:</b> Reject the recommendations	<b>Option 3:</b> Approve only one of the recommendations
Advantages	The recommendations have met the planning obligations tests and meet identified deficits within the public open space typologies.	Existing staff resources can be utilised elsewhere.	Existing staff resources can be utilised elsewhere.
Disadvantages	Some staff time involved in administering the s106 monies, albeit manageable within existing resources.	Not meeting any of the identified need.  Negative impact with parish council and S106 funder.  Future project may not meet planning obligation tests.	May not meet identified need in full.  Negative impact with parish council and s106 funder.  Future project may not meet planning obligation tests.
Risks	Potential challenge to proposal, mitigated by proposed sites being closest in proximity to the new housing development in terms of best fit with identified space needs for the area.	Developer can reclaim the funds if they are not spent within five years.  Reputational risk with public and potential future s106 negotiations.	Developer can reclaim the funds if they are not spent within five years.  Reputational risk with public and potential future s106 negotiations.

#### 5.0 Officer Preferred Option (and comments)

- 5.1 That approval be given for the £9,276 parks and gardens to be spent at Happy Mount Park towards the delivery of the masterplan.
- 5.2 That approval be given for £14,920 young people's facilities monies to be spent by BLS Parish Council on the project approved by officers.

#### 6.0 Conclusion

- 6.1 The report seeks a decision from the Cabinet Member for the allocation of section 106 monies received from the Coastal Road residential development, for parks and gardens; and young people's facilities.

**RELATIONSHIP TO POLICY FRAMEWORK**

Community Leadership and Clean and Green Places – Community group leading on the future of a green space;

**CONCLUSION OF IMPACT ASSESSMENT**

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

None

**LEGAL IMPLICATIONS**

Legal have been consulted and have no comments to make

**FINANCIAL IMPLICATIONS**

There are no additional financial implications arising directly from this report as the grant payment to BLS Parish Council (2018/19) and improvements to HMP (expected during 2019/20) will be 100% funded from external monies held in the s106 reserve.

It is not expected that there will be any ongoing liabilities falling on the City Council for the 'young people's facilities' as the Parish Council will be wholly responsible for the new facility in terms of future maintenance / replacement cycles, etc., noting that as it's in close proximity to the current play area for which the City Council already undertakes maintenance inspections for, this will also be included within existing resources going forward.

Ongoing maintenance liabilities for the 'parks and gardens' falling upon the City Council will be managed from within existing resources / proposals for the HMP master plan overall.

It should be further noted that the income from Oakmere Homes was invoiced for and fully paid by them in 2017/18 as per the s106 Agreement dated 31<sup>st</sup> March 2016.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

The young people facilities will help to address a deficit within the area. They will be maintained by BLS Parish Council

The monies for parks and gardens will be used to enhance and develop Happy Mount Park as identified within the masterplan.

**SECTION 151 OFFICER'S COMMENTS**

The S151 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**

Section 106 agreement

POS assessment of planning application

Equipment quote X 2

**Contact Officer:** Helen Ryan

**Telephone:** 01524 582822

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

**Ref:**

## Appendix A

### **NPPF: Planning conditions and obligations**

203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Related guidance:

- [Determining a planning application](#)
- [Use of planning conditions](#)

204. Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development

205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

206. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.





*Promoting City, Coast & Countryside*

**EXECUTIVE DECISIONS TAKEN BY CABINET PORTFOLIO HOLDER  
NOTICE OF DECISION**

*THIS SECTION TO BE COMPLETED BY THE PORTFOLIO HOLDER AND CONTACT OFFICER*

<b>TITLE OF DECISION: FLY THE EMERGENCY SERVICES DAY FLAG</b>			
<b>NAME OF DECISION TAKER:</b>	COUNCILLOR EILEEN BLAMIRE		
<b>POSITION AND RESPONSIBILITY HELD:</b>	LEADER OF THE COUNCIL		
<b>CONTACT OFFICER:</b>	CIVIC & CEREMONIAL DEMOCRATIC SUPPORT OFFICER		
<b>TELEPHONE:</b>	01524 582065		
<b>E-MAIL:</b>	jkay@lancaster.gov.uk		
<b>Details of Decision:</b>			
That the Council approves the flying of the Emergency Services Flag at both Town Halls each year on Emergency Services Day - 9 <sup>th</sup> September.			
<b>Reasons for the decision:</b>			
To show the City Council's support of our Emergency Services.  Further information is contained in the ICMD report.			
<b>IS THE DECISION URGENT</b>			
No			
<b>PLEASE DELETE AS APPROPRIATE AND GIVE REASONS FOR URGENCY BELOW:</b>			
N/A			
I confirm that I have taken account of the options proposed by officers, the various implications set out in the report and the comments of the Monitoring and Section 151 Officers and am authorising the decision as set out above.			
<b>SIGNATURE OF DECISION TAKER:</b>	Councillor Eileen Blamire		
<b>DATE:</b>	08.08.18		
<i>THIS SECTION TO BE COMPLETED BY DEMOCRATIC SERVICES</i>			<b>REF NO.</b>
			ICMD3
<b>DATE DECISION TAKEN:</b>	08.08.18	<b>DATE RECEIVED BY DEMOCRATIC SERVICES:</b>	08.08.18
<b>DATE DECISION PUBLISHED:</b>	08.08.18	<b>IMPLEMENTATION DATE (publication day + 5 working days):</b>	16.08.18

## Fly the Emergency Services Day Flag

### Individual Cabinet Member Decision (Councillor M E Blamire)

#### Report of Chief Executive

<b>PURPOSE OF REPORT</b>			
To seek formal approval to fly the Emergency Services Flag at both Town Halls each year on Emergency Services Day - 9 <sup>th</sup> September, as detailed in the report.			
<b>Key Decision</b>	<input type="checkbox"/>	<b>Non-Key Decision</b>	<input checked="" type="checkbox"/>
<b>Date of notice of forthcoming key decision</b>		NA	
<b>This report is public</b>			

#### RECOMMENDATIONS

**That the Council approves the flying of the Emergency Services Flag at both Town Halls each year on Emergency Services Day - 9<sup>th</sup> September.**

#### 1 Introduction

The Council has been approached by North West Ambulance Service NHS Trust to request the Council's support of Emergency Services Day by flying the Emergency Services flag at both Town Halls on 9<sup>th</sup> September each year.

#### 2 Background

The day is been organised by The National Emergency Service Memorial Charity to mark the first Emergency Services Day and recognise the work done by our emergency services and voluntary emergency response services across Great Britain. (Please see attached poster.)

The Emergency Services Day will begin at 9.00am on 9th September annually (9th hour of the 9th day of the 9th month). The first 999 day will be marked by an event taking place in Heaton Park, Manchester.

Local Council's are being requested to purchase flags at a cost of £10.00 each to fly on Council buildings on 9<sup>th</sup> September.

**3 Proposal Details**

The Council is asked to take part in Emergency Services Day by flying the Emergency Services flag on 9<sup>th</sup> September each year at both Town Halls.

**4 Officer Preferred Option (and comments)**

That the responsible Cabinet Member agrees to this request.

<b>RELATIONSHIP TO POLICY FRAMEWORK</b>	
This is consistent with the City Council's Corporate Priorities,: Community Leadership	
<b>CONCLUSION OF IMPACT ASSESSMENT (including Health &amp; Safety, Equality &amp; Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)</b>	
None.	
<b>LEGAL IMPLICATIONS</b>	
There are no legal implications arising out of this report.	
<b>FINANCIAL IMPLICATIONS</b>	
The Council will have to purchase 2 Red Ensign flags at a cost of £10 each. This can be funded from the Civic Budget.	
<b>OTHER RESOURCE IMPLICATIONS</b>	
<b>Human Resources:</b>	
None	
<b>Information Services:</b>	
None	
<b>Property:</b>	
As outlined the report	
<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 been consulted and has no further comments.	
<b>BACKGROUND PAPERS</b>	<b>Contact Officer: Jenny Kay</b>
None	<b>Telephone: 01524 582065</b>
	<b>E-mail: jkay@lancaster.gov.uk</b>
	<b>Ref JKK</b>



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**REGISTERED CHARITY IN ENGLAND AND WALES (1172996)**

**WWW.999DAY.ORG.UK**

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# **EMERGENCY SERVICES DAY**

**BACKED BY THE PRIME MINISTER, THE OFFICIAL 999 DAY WILL TAKE PLACE EVERY YEAR ON 9TH SEPTEMBER STARTING AT 9AM. (9TH HOUR, 9TH DAY, 9TH MONTH).**

- SAY THANKS TO THE EMERGENCY SERVICES FOR THE WORK THEY DO.**
- TWEET YOUR SUPPORT #999DAYUK**
- COME ALONG TO 999 DAY EVENTS.**
- LEARN ABOUT 999 VOLUNTEERING ROLES AVAILABLE AND MORE!**