

PROCEEDINGS

A meeting of the Lancaster City Council was held in the Town Hall, Morecambe, at 6.00 p.m. on Wednesday, 27 September 2023, when the following Members were present:-

Roger Dennison (Mayor)	Suhir Abuhajar
Joanne Ainscough	Catherine Armistead
Mandy Bannon	Louise Belcher
Matthew Black	Phillip Black
Phil Bradley	Dave Brookes
Keith Budden	Roger Cleet
Ruth Colbridge	Brett Cooper
Gina Dowding	Tom Fish
Andrew Gardiner	Paul Gardner
Martin Gawith	Alan Greenwell
Erin Hall	Tim Hamilton-Cox
Prof Chris Harris	Paul Hart
Colin Hartley	Ross Hunter
Caroline Jackson	Peter Jackson
Jack Lenox	John Livermore
Sally Maddocks	Sophie Maddocks
Sarah McGowan	Shelagh McGregor
Abi Mills	Hamish Mills
Paul Newton	Jean Parr
Margaret Pattison	Sue Penney
Catherine Potter	Joyce Pritchard
Robert Redfern	Sam Riches
Grace Russell	James Sommerville
Paul Stubbins	Sandra Thornberry
Sue Tyldesley	David Whitaker
John Wild	Nick Wilkinson
Jason Wood	

52 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gerry Blaikie, Claire Cozler, Chris Hanna, John Hanson, Kate Knight, Sarah Punshon and Paul Tynan.

53 MINUTES

The minutes of the meeting held on 19 July 2023 were signed by the Mayor as a correct record.

54 DECLARATIONS OF INTEREST

No declarations of interest were made.

55 QUESTIONS FROM THE PUBLIC UNDER COUNCIL PROCEDURE RULE 11 (Pages 9 - 11)

The Mayor advised that four questions had been received from members of the public in accordance with Council Procedure Rule 11. All the questions were for Councillor Caroline Jackson the Cabinet Member with particular responsibility for Housing and Homelessness.

Full details of all the questions and the responses from Councillor Caroline Jackson together with the supplementary questions and answers are appended to the minutes.

56 PETITIONS AND ADDRESSES - FIREWORKS AT LIGHT UP LANCASTER

(During the following item, the Mayor welcomed Councillor Paul Gardner to his first Council meeting since his election.)

In accordance with Council Procedure Rule 13, Mr Joshua Brandwood addressed Council regarding the reinstatement of the firework display at the end of the Light Up Lancaster festival.

Mr Brandwood's speech was in support of an online petition to Council which he had earlier supplied to Democratic Support, in line with Council Procedure Rule 27. The petition urged the Council "to re-evaluate its decision to stop funding the firework finale which concludes the Light Up Lancaster Festival".

The petition contained more than 500 signatures and, in accordance with the Council's Constitution, a report had been prepared to allow debate by Council. Councillor Potter, the Cabinet Member with particular responsibility for the Visitor Economy, Community Wealth-Building and Culture, introduced the report. She then proposed that:

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

Councillor Sophie Maddocks seconded the proposal.

There was a short debate followed by a vote. The proposal was clearly carried.

Resolved:

- 1) That Council notes that within existing resources and operational constraints it is

not practically possible to directly organise a firework display this year

- 2) That Officers be requested to work with partners to evaluate the wider economic, cultural, environmental and operational impact of the extra day of Light Up Lancaster this year in comparison with previous year arrangements that included a firework display and feedback into the formulation of plans for 2024/ 25, reporting this to Cabinet for inclusion in 2024/25 budget proposals.

57 LEADER'S REPORT

The Leader presented his report updating Members on various issues since his last report to Council. He then responded to a number of questions from Councillors.

Resolved:

That the report be noted.

58 MOTION ON FAIR TAX

Councillor Ainscough proposed the following motion having given the required notice to the Chief Executive in accordance with Council Procedure Rule 15:-

"This Council notes that:

1. The pressure on organisations to pay their fair share of tax has never been stronger.
2. Polling from the Institute for Business Ethics finds that "corporate tax avoidance" has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Two thirds of people (66%) believe the Government and local councils should at least consider a company's ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.

This Council believes that:

1. Paying tax is often presented as a burden, but it shouldn't be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
4. Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned.
5. More action is needed, however, as current and proposed new UK procurement law significantly restricts councils' ability to either penalise poor tax conduct (as exclusion

grounds are rarely triggered) or reward good tax conduct, when buying goods or services.

6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

This Council resolves to:

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure IR35 is implemented robustly, and contract workers pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.
6. Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.
7. Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax.
9. Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.”

Councillor Parr seconded the motion.

An officer briefing note accompanied the motion on the agenda.

Councillor Ainscough responded to questions from Councillors prior to the debate.

An amendment to the motion was moved by Councillor Hamilton-Cox:

“Given the legal and financial risks identified in the officer briefing note and, in particular, those in relation to the Public Contracts Regulations 2015, Council is asked to refer the matter for further, more detailed, consideration by the Overview and Scrutiny Committee.

Council notes that Overview & Scrutiny Committee’s terms of reference include making suggestions on the review and development of policy and requests that any report arising is fed back into Cabinet for its consideration ahead of any final decision by full council; aiming for Cabinet's meeting in January 2024.”

With the agreement of her seconder, Councillor Ainscough accepted this as a friendly amendment.

There was a discussion about resourcing the Overview and Scrutiny inquiry work for this matter, resulting in Councillor Cooper proposing a further amendment:

“That the words “aiming for Cabinet’s meeting in January 2024” be replaced with “as soon as reasonably possible.”

Councillor Ainscough and her seconder accepted this as a friendly amendment.

At the conclusion of a lengthy debate a vote was taken and the motion was clearly carried.

Resolved:

- (1) Given the legal and financial risks identified in the officer briefing note and, in particular, those in relation to the Public Contracts Regulations 2015, Council is asked to refer the matter for further, more detailed, consideration by the Overview and Scrutiny Committee.
- (2) Council notes that Overview & Scrutiny Committee's terms of reference include making suggestions on the review and development of policy and requests that any report arising is fed back into Cabinet for its consideration ahead of any final decision by full council as soon as reasonably possible.

(Council adjourned at 8pm in accordance with Council Procedure Rule 10, reconvening at 8.10pm.)

59 ANNUAL TREASURY MANAGEMENT OUTTURN REPORT 2022/23

The Chief Finance Officer submitted a report to Council to note the Annual Treasury Management 2022/23 outturn report and Prudential Indicators, as set out in an Appendix to the report.

Councillor Hamilton-Cox. Cabinet Member for Finance and Resources, presented the report to Council and responded to a number of questions from Councillors.

The report was for noting.

Resolved:

That the report be noted.

60 SLYNE-WITH-HEST NEIGHBOURHOOD PLAN - ADOPTION (MAKING) OF THE NEIGHBOURHOOD PLAN

The Chief Officer Planning and Climate Change had submitted a report to formally "make" the Slyne-with-Hest Neighbourhood Plan with immediate effect, with the consequence that it would become part of the statutory Development Plan for the area.

Councillor Parr, Cabinet Member for Planning and Placemaking, presented the report before proposing:

"That Lancaster City Council, under section 38A(4) of the Planning and Compulsory Purchase Act 2004, formally makes the Slyne-with-Hest Neighbourhood Plan with immediate effect, with the consequence that it becomes part of the statutory Development Plan for the area."

Councillor Budden seconded the motion. There was no debate and the proposal was carried unanimously when put to the vote.

Resolved unanimously:

- (1) That Lancaster City Council, under section 38A(4) of the Planning and Compulsory Purchase Act 2004, formally makes the Slyne-with-Hest Neighbourhood Plan with immediate effect, with the consequence that it becomes part of the statutory Development Plan for the area.

61 LOCAL PLAN FOR LANCASTER DISTRICT: PUBLICATION OF REVISED LOCAL DEVELOPMENT SCHEME

Councillor Parr, Cabinet Member for Planning and Placemaking, presented a report regarding the publication of a revised Local Development Scheme.

Following resolutions on Future Local Plan Options made by Cabinet on 12 September 2023 the report presented a revised Local Development Scheme (LDS). This described the Local Development Plan ("Local Plan") Documents that the Council would prepare along with a timetable for their preparation. Council was asked to approve the LDS for publication along with a process of delegation for minor updates.

Councillor Andrew Gardiner asked Councillor Parr about the quantity of new housing required in the district and where these would be situated. Councillor Parr agreed to supply a written answer to the question to all Councillors following the meeting. She then proposed the recommendation in the report:

"That the October 2023 Local Development Scheme [LDS], which was attached to the report, and the approach to the publication of subsequent updates to the timetable be approved for publication to come into effect upon the Council's resolution."

The proposal was seconded by Councillor Tyldesley.

Debate followed. At the conclusion of the debate the Mayor called for a vote and the proposition was clearly carried.

Resolved:

That the October 2023 Local Development Scheme [LDS], which was attached to the report, and the approach to the publication of subsequent updates to the timetable be approved for publication to come into effect upon the Council's resolution.

62 DIVERSITY CHAMPION

The Senior Manager, Democratic Support and Elections, had submitted a report to appoint a Diversity Champion following the Council decision on 19 July 2023 to create this new role.

Councillor Phil Black enquired whether the role could be shared. It was clarified that this would be possible if the £250pa Champion's special responsibility allowance were to be shared between the two appointed Councillors.

The Mayor called for nominations.

Councillor Sally Maddocks nominated Councillor Abuhajar seconded by Councillor Dowding.

Councillor Sophie Maddocks nominated Councillor Whitaker, seconded by Councillor Redfern.

Councillor Hunter nominated Councillor Andrew Gardiner, however he subsequently withdrew the nomination.

The Mayor declared Councillors Abuhajar and Whitaker appointed to the shared role of Diversity Champion for the remainder of the four year term of office.

Resolved:

That Councillors Abuhajar and Whitaker be appointed joint Diversity Champions until the next elections in May 2027.

63 APPOINTMENT TO AN OUTSIDE BODY - LANCASHIRE POLICE AND CRIME PANEL

Council considered a report of the Senior Manager, Democratic Support and Elections, informing Council that it had been invited to appoint an additional co-opted member to the Lancashire Police and Crime Panel from the Green Group. This was to assist with political balance of the Panel.

Councillor Brookes reported that Councillor Sally Maddocks would take up the position.

Resolved:

That Councillor Sally Maddocks be appointed as an additional co-opted member of the Lancashire Police and Crime Panel for the remainder of the municipal year 2023/24.

64 APPOINTMENTS AND CHANGES TO COMMITTEE MEMBERSHIP

One change was reported. The Green Group had replaced Councillor Fish on the Planning Regulatory Committee with Councillor Sally Maddocks.

65 QUESTIONS UNDER COUNCIL PROCEDURE RULE 12 (Pages 12 - 14)

The Mayor advised that five questions had been received by the Chief Executive in accordance with Council Procedure Rules as follows:

- (1) Councillor Budden to Councillor Ainscough regarding the cost of clearing fly tipping.
- (2) Councillor Budden to Councillor Ainscough regarding the number of prosecutions for fly tipping.
- (3) Councillor Budden to Councillor Ainscough regarding the splash pool in Happy Mount Park.
- (4) Councillor Newton to Councillor Parr regarding developing the Bailrigg area of the district.
- (5) Councillor Cleet to Councillor Wilkinson regarding St Leonardgate Car Park.

Details of the questions and answers together with any supplementary questions and responses are appended to the minutes.

66 MINUTES OF CABINET

Council considered the Cabinet minutes of the meetings held on 6 June and 11 July 2023.

Resolved:

That the minutes be noted.

Mayor

(The meeting finished at 9.00 p.m.)

**Any queries regarding these minutes,
please contact Debbie Chambers, Democratic Services - email dchambers@lancaster.gov.uk**

Questions from the public about Mainway, Skerton to Councillor Caroline Jackson**1. Question from Mr Jim Michell:**

Has the announced sale of Lune and Derby House gone ahead?

Councillor Caroline Jackson replied:

Yes, the sale has been agreed and is currently going through the official legal process.

Supplementary: *Sold for how much?*

Councillor Caroline Jackson replied:

Unfortunately, this is not something I am able to share, however I can confirm the Council received a couple of competitive offers for the sale and this was the highest priced.

2. Question from Yvonne Garrett:

What is the plan for the rest of the Mainway estate?

Councillor Caroline Jackson replied:

Council Officers have been working hard for a number of years to try and bring forward a plan for the Mainway estate and we have held various engagement events providing updates throughout. The Mainway estate requires significant investment and up until recently we were unable to secure funding from Homes England for this in its existing condition. The recent purchase of the neighbouring Skerton School site has meant that we can open up the opportunity for new energy efficient homes to be built for residents of Mainway to move into, whilst we look at the longer-term options available for the existing blocks, which are no longer fit-for-purpose and have poor energy performance. We have always been clear that this is realistically a seven-year plan for the whole estate.

Supplementary: *Can the council provide residents with a clear outline of the development plans for the estate?*

Councillor Caroline Jackson replied:

Officers have tried to keep residents updated on plans as they progress, through engagement events, meetings, the website and newsletters. The team also have the MyMainway shop available for residents to come and speak with staff as well. In summary the current focus is delivering new homes on the school site and the team expect to put the planning application in for the site later this year, this is likely to consist of a number of new blocks as well as some family housing, as has previously been reported, we are committed to keeping the tree lined cherry tree avenue and bringing the playing fields at the front of the site back up to a usable standard. This area will consist of other new amenity and community space as well for residents to enjoy. In terms of the current Mainway estate - it is a little harder to say at present, but it is expected that work will be done on a phased basis, although the Council cannot yet confirm whether that will involve refurbishment or redevelopment at present.

3. Mr Henry Holburn asked a question submitted by Mr Steve Sparrow, on his behalf.

Can the council guarantee that no one else will be forced to leave their homes?

Councillor Caroline Jackson replied:

As far as I am aware, no Mainway resident has been forced to leave their home. Individual discussions have taken place with some residents, and we have been requested to buy-back a number of properties that had previously been sold under the right to buy which the Council has considered on case-by-case basis.

Supplementary: *Can the council guarantee that there will be no more sell offs of council housing without equivalent or better council homes being made available to people first?*

Councillor Caroline Jackson replied:

Selling Lune and Derby Houses has not been an easy decision to make. The existing Mainway blocks require significant intervention as the buildings have to all intents and purposes become end of life, the properties have very poor energy performance, in some of the blocks water is ingressing through the external wall and for those of you who live in the blocks will know the windows don't provide the best positioning to allow views or light to come in. Through the various consultation with residents, it's clear that they would like their own outdoor space. The City Council is listening to these concerns and wants to provide better quality housing for residents. With regards to the two blocks which we have sold, there were unique reasons why a decision to sell them was brought forward, inflationary costs were having a significant impact, however these two blocks also sit within the flood zone meaning we wouldn't have been allowed to knock them down and re-build them and even if we had refurbished them we would still have been required to reconfigure the properties and would likely have lost a couple of properties in doing this, because we would not have been allowed from a flood risk perspective to have accommodation on the ground floor. The Mainway plan has always been to look at introducing different tenures into the scheme and therefore this has just been brought forwards to an earlier point. The City Council is seeking to develop new homes on both the Skerton School site as well as Canal Quarter for social rent, so that new housing can be provided to residents of Mainway as and when other decisions about other blocks are made.

4. Mr Pdraig Mailey asked a question submitted by Mr Joe Rigby, on his behalf.

We acknowledge that the council aspires to develop more social housing in the district, but in the meantime residents on Mainway are uncertain about the security of their homes. If future developments are intended to replace housing on Mainway, can the council guarantee that there will be as many or more council rented properties available in the future, with tenancy agreements and rents comparable to those on Mainway?

Councillor Caroline Jackson replied:

The City Council as a social housing landlord can only end a tenancy under certain circumstances such as in cases of serious rent arrears or anti-social behaviour, or other serious breaches of tenancy, residents of Mainway should not be concerned about the security of their tenure linked to these plans and where residents move into another Lancaster City Council home their security will continue. Where residents do move into another homes as part of the plans support will be provided dependent on the individual's needs, including financial support for any costs incurred. Similarly, as already mentioned the Council is seeking to provide new homes for social rent and therefore rents will be calculated on that basis. The Council's ambition is that we will provide at least the same if not more social homes as currently exists on Mainway across the site of what is expected to be over 400 homes in total. We are acutely aware of the housing shortage in all types of tenures though,

so introducing different forms of tenures within the other properties through partners can also help meet the District's wider housing needs.

I know that residents may feel that this is the 'thin end of the wedge' or the beginning of the end of Council housing, but that is not the case at all. We as a Council own our own Council housing and want to have more of it. We do understand and we want people to continue to have quality Council housing.

QUESTIONS UNDER COUNCIL PROCEDURE RULE 12**1. Councillor Budden to Councillor Ainscough**

Councillor Budden asked:

What has been the cost over the last 5 years to the city council for clearing fly tipping?

Councillor Ainscough replied:

There are many Councillors who do a lot of work clearing litter and we are all keen to see fly tipping reduced.

The base budget for street cleansing annual is £1.85M for the 2023/2024 financial year. Due to the street cleansing operation delivering on a number of work streams, it is not easy to breakdown an accurate figure purely for one operational element such as fly tipping.

However, operational areas for Street Cleansing involve street bins, mechanical sweeping, fly tipping, graffiti removal, fly posting, litter picking.

The cost of Street Cleaning for the last 5 years is outlined below:

2023/2024 FY - £1.85M
2022/2023 FY - £1.686M
2021/2022 FY - £1.5M
2020/2021 FY - £1.55M
2019/2020 FY - £1.872M

Please note that the above costs include capital charges. However, they no longer incur support service recharges (management costs) which are now absorbed within overall service areas.

2. Councillor Budden to Councillor Ainscough

Councillor Budden asked:

How many successful prosecutions have taken place over that period of time?

Councillor Ainscough replied:

Since 2018, there have been 11 successful prosecutions. During the same time period, there was also 39 Fixed Penalty Notices issued which would have potential led to prosecution, but fines were paid prior to escalation.

Lancaster City Council is committed to reducing the issue of fly tipping across its district and sees illegally dumped waste as its number one environmental challenge faced.

In the past 12 months, the city council has teamed up with leading national environmental charity, Keep Britain Tidy, to work together to achieve positive impacts for our communities.

Schemes and interventions trialled in the last year saw a reduction of incidents in hot spots and this work will feed into future strategies and action plans for tackling this issue.

It is important to note that enforcement is not the sole answer to tackling the issue and comes in many forms, not just prosecutions. The Council use many different methods including formal letters, community protection warnings, fixed penalty notices, and others under the Environmental Protection Act. Evidence suggests that education, policy and community cohesion are much more powerful tools in reducing an issue that is a blight on our communities.

The Council is currently continuing its proactive work with Keep Britain Tidy and is building a district strategy on how to face a national challenge, which is due for completion in early 2024.

Councillor Budden did not ask a supplementary question as he felt it had been covered by Councillor Ainscough's response.

3. Councillor Budden to Councillor Ainscough

Councillor Budden asked:

June was the warmest month of this year so far, how many days was the splash pool in Happy Mount Park open then?

Councillor Ainscough replied:

14 days

By way of a supplementary question, Councillor Budden asked if the park could be more reactive to weather conditions so that Council tax payers would not be left at the gates with disappointed children.

Councillor Ainscough responded:

The opening of the splash park takes place on weekends and school holidays to maximise the visitor numbers to each session and reduce the cost burden of the operation, including staffing, water, chemicals and energy. This strategy has been in place a number of years. The staff work really hard from May to September and the majority do not take breaks during that time.

4. Councillor Newton to Councillor Parr

Councillor Newton asked:

With the City Council failing to achieve its housing targets, when will the Council encourage developers to start submitting plans for developing the Bailrigg area of the district, which is part of the local plan, and to stop developers taking advantage of the opportunity to build in rural villages, which creates stress on the village infrastructure?

Councillor Parr replied:

The City Council adopted its Local Plan in July 2020. The Plan contains a policy regarding development in South Lancaster. That policy allows for housing development to come forward in advance of an Area Action Plan for the South Lancaster area, on the proviso that any proposed development satisfies the criteria that is set out in the Policy. Therefore since July 2020, developers have always been able to submit housing proposals for the South

Lancaster area, and can still do so, providing that those proposals satisfy the adopted policy.

At a Meeting earlier this month, the Cabinet agreed to not proceed with an Area Action Plan for South Lancaster, and to commence a Local Plan Review of the whole District. This decision was made in the wake of Lancashire County Council's announcement regarding the Housing Infrastructure Fund. The full Local Plan Review will commence shortly, and it will consider development needs throughout the district including in our towns and villages. For the avoidance of doubt, until a new Local Plan is formally adopted, the policies in the current, adopted Local Plan remain relevant and will continue to be used to determine planning applications, including those in South Lancaster.

5. Councillor Cleet to Councillor Wilkinson

Councillor Cleet asked:

I see that a contract has been awarded to Eric Wright Construction for 30 million pounds to build 139 affordable homes (which works out at a not affordable 200,000 pounds each) this development is to be called Coopers Field. Am I right in thinking that Coopers Field will be built on the existing council owned lower and upper car parks at St Leonardgate?

Thank you for your question Councillor Cleet. I can confirm that the St. Leonardgate car parks are planned as the site for the Coopersfield development. There appears to be a bit of confusion around the award of the contract and the costs of the scheme, which have not yet been finalised. The ground works element of the contract was let to Eric Wright construction using a framework agreement which allows for the council to use Eric Wright for works up to the value of £30million. Eric Wright are currently only undertaking the investigatory work on the site to help inform the design work.

Councillor Cleet's supplementary question was:

Taking into consideration that the lower car park has 63 spaces and the upper car park has 125 spaces where do you expect shoppers and theatre-goers to park?

Councillor Wilkinson replied:

Work has been completed on a draft parking strategy for Lancaster and, as a part of the master plan approvals, Cabinet agreed that this work would be developed further and completed by the end of January. It is also important to note that as a part of each project taken forward within the Canal Quarter programme a transport assessment would be required as a part of the planning process. This would assess any impact the project has on the local transport system and identify what measures are to be put into place to mitigate issues.