

CABINET

6.00 P.M.

12TH SEPTEMBER 2023

PRESENT:- Councillors Phillip Black (Chair), Caroline Jackson, Joanne Ainscough, Gina Dowding, Tim Hamilton-Cox, Peter Jackson, Jean Parr, Nick Wilkinson and Jason Wood

Apologies for Absence:-

Councillor Catherine Potter

Officers in attendance:-

Mark Davies	Chief Executive
Luke Gorst	Chief Officer - Governance and Monitoring Officer
Mark Cassidy	Chief Officer - Planning and Climate Change
Paul Thompson	Chief Officer - Resources and Section 151 Officer
Jonathan Noad	Chief Officer - Sustainable Growth
Thomas Brown	Regeneration & Development Project Manager
Elliott Grimshaw	Business Imp & Project Delivery Lead
Liz Bateson	Principal Democratic Support Officer

18 MINUTES

The minutes of the meeting held on Tuesday 11 July 2023 were approved as a correct record.

19 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

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

20 DECLARATIONS OF INTEREST

No declarations were made at this point.

21 PUBLIC SPEAKING

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

22 FUTURE LOCAL PLAN OPTIONS

Cabinet Member with Special Responsibility Councillor Parr)

Cabinet received a report from the Chief Officer – Planning and Climate Change that set out the current Local Plan position within the district, taking into account the recent announcement regarding the Housing Infrastructure Fund. The report also identified a series of options for plan-making and asked that Cabinet indicated their preferred option.

The options, options analysis, including risk assessment and officer preferred option,

were set out in the report as follows:

There were 3 options that are available in terms of plan-making.

These are: Option 1 – Continue to prepare the Lancaster South Area Action Plan; or, Option 2 – Cease work on the Lancaster South Area Action Plan and commence a full district-wide Local Plan Review; or, Option 3 – Pause all plan-making activity pending further certainty regarding the national plan-making system.

Option 1 - Continue to prepare the Lancaster South Area Action Plan

Advantages: During the last 18 months the City Council has published a concept masterplan for Bailrigg Garden Village, which has been formally endorsed by Cabinet. The local planning authority has also continued to compile evidence to support the content and direction of the Lancaster South Area Action Plan, including specialist evidence and advice regarding ecology, landscape, water management, archaeology and sustainable travel. This library of evidence is publicly available on the Council's dedicated Lancaster South Area Action Plan webpages.

Informal engagement has also been taking place, particularly regarding a series of thematic topic papers. The local planning authority has also established a Parish Council Liaison Group with Scotforth, Aldcliffe-with-Stodday, Ellel and Thurnham Parish Councils, and it has participated in an engagement process with young people, hosted by Lancaster University.

Much work has already been undertaken, and a continuation of this work could still result in a new vision for the Lancaster South area that could be potentially less time-intensive than a full Local Plan Review.

Disadvantages: Continuing with the Lancaster South Area Action Plan would maintain the focus on defining a vision for South Lancaster and its' environs only. It would not consider any changing circumstances in Morecambe, Carnforth or other areas that are geographically remote from South Lancaster.

Risks: Even if the Lancaster South Area Action Plan is advanced, it may still be unable to precisely define how strategic infrastructure, including transport infrastructure, will be provided and to what timeline. This uncertainty may affect the adoption of the Lancaster South Area Action Plan. In addition, the proposed changes to national plan-making described earlier in this report might also prevent timely adoption of the Lancaster South Area Action Plan, and as a consequence it might have to be started again under the proposed new plan-making system.

Option 2 – Cease work of the Lancaster South Area Action Plan and commence a full Local Plan Review

Advantages: There are changing circumstances within the district since the Local Plan was adopted. These include the grant of planning permission for Eden Morecambe and the securing of £50m Levelling-Up funding. There is also the recent announcement that a new hospital will be provided on a new site within the district, and that this will replace the Royal Lancaster Infirmary. The new site is yet to be confirmed. The relocation of hospital facilities will also require a comprehensive approach to masterplanning the re-use of the existing Royal Lancaster Infirmary site. A reviewed Local Plan can explore the

opportunities for these developments and review the likely strategic infrastructure needs that are likely to arise. A new Local Plan will also provide a more up-to-date assessment of the likely deliverability and phasing of emerging City Council-driven projects such as the Canal Quarter and the Mainway/Skerton School development.

The work undertaken to date on the Lancaster South Area Action Plan will still be useful. It would help inform a wider evidence base for a new Local Plan.

The current, adopted Local Plan identified infrastructure and physical constraints that contributed to a lack of supply of deliverable housing sites. Notwithstanding some isolated years of good housing delivery (e.g. 2016/17, 628 net dwelling completions; 2019/20, 701 net dwelling completions), there has been a continued fall in net housing completions during the last three years, with the 2022/23 figure amounting to just 202 completed units. A full Local Plan Review provides the opportunity to evolve the strategic vision of residential development within the wider district.

Early indicative work suggests that the submission of a Local Plan for examination by the proposed 30 June 2025 deadline is possible, albeit very challenging. Resources are currently being examined and an update will be provided should any additional resource be required to deliver a Local Plan within that timeframe.

Disadvantages: Local Plan preparation is complex and challenging. Experience has shown that Local Plan preparation can take longer than 3 years. A timescale for completion cannot be provided with any great certainty because some stages of the process, including the independent examination by a Planning Inspector, lie beyond the direct control of the local planning authority.

Risks: The Government's proposed changes to the Local Plan system presents increased timescale pressures. There is a genuine risk that even with expedited stages, any new Local Plan may still fail to be submitted for Examination by 30 June 2025, and there is a further risk that the Plan might not be adopted by 31 December 2026. Under those circumstances, the preparation of a Local Plan would have to start again under the new system, and this would create further delay.

Option 3 – Pause all plan-making activity pending further certainty regarding the national plan-making system

Advantages: There are an increasing number of local authorities who are reported to have taken a decision to either withdraw or pause their plan-making activity. Some of the national planning press estimate this at being between 26 and 58 local authorities at the time of compiling this report. The reasons for withdrawal or delay vary, although some have cited the current consultations regarding plan-making and the NPPF as being contributory factors.

A delay in plan-making would potentially allow the emergence of greater certainty regarding the likely deliverability of the Government's proposed changes, including the timetabling of the Royal Assent of the Levelling Up and Regeneration Bill.

Disadvantages: Whilst the uncertainty regarding the proposed changes to the national plan-making process is not helpful, it is rarely a good idea to delay plan-making for any length of time. Firstly, older, adopted Plans are less likely to be able to respond appropriately to the changing needs of the district's numerous local communities.

Secondly, a delay to plan-making would hinder the local authority in collaborating with other strategic partners regarding the identification of infrastructure needs.

Risks: A delay to plan-making could invite Government intervention. Whilst this is unlikely to apply to Lancaster because it currently has an up-to-date Local Plan, a delay is not likely to be an appropriate response to the ever-changing needs of the district, and it is not recommended.

The preferred option is Option 2, to cease work on the Lancaster South Area Action Plan and to commence a full Local Plan Review. This option provides the opportunity to develop a revised spatial vision for the Lancaster District that takes into account recent announcements and re-evaluates the strategic development needs of the district.

If Option 2 is agreed, then the Local Development Scheme will require amendment. Full Council are responsible for that decision. A report would be presented to the next available Full Council meeting. Once the Local Development Scheme is updated it will provide the community and stakeholders with certainty regarding the Council's intentions and its new indicative Local Plan timetable. The report to Council can also provide further information regarding likely resourcing implications.

An indicative timetable for full Local Plan Review will be presented to the Local Plan Review Group (LPRG). Progress against the indicative timetable will be monitored by LPRG.

The timetabling risks associated with the preferred option are very challenging, but it is considered to be the most appropriate response to recent developments and the likely emerging patterns of development within the district.

Councillor Parr proposed, seconded by Councillor Dowding:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That the Council ceases work on the Lancaster South Area Action Plan and commences a full Local Plan Review.
- (2) That as a consequence of (i) above, a report be prepared for Full Council amending the Local Development Scheme.
- (3) That further indicative timetabling for the delivery of the Local Plan Review is presented to the Local Plan Review Group, who will also regularly monitor progress.

Officer responsible for effecting the decision:

Chief Officer – Planning and Climate Change

Reasons for making the decision:

Section 19 (1B-1E) of the Planning and Compulsory Purchase Act 2004 sets out that each local planning authority must identify their strategic priorities and have policies to address these in their development plan documents. The National Planning Policy Framework (NPPF) explains that these strategic policies can be contained in Local Plans and provides clarity regarding the necessary content of such policies. The National Planning Practice Guidance (NPPG) provides direction for how the NPPF should be implemented in practice.

A new Local Plan is considered necessary, taking into account the early plan review mechanism prescribed in Local Plan Policy LPRM1. It is considered to be an appropriate response to recent announcements. The current, adopted Local Plan will remain in place until it is replaced by the formal adoption of any new Local Plan. Work on the Climate Emergency Review of the Local Plan, which is in its' latter stages, is unaffected.

23 PUBLIC SECTOR DECARBONISATION SCHEME: PHASE 3C

Cabinet Member with Special Responsibility Councillor Dowding)

Cabinet received a report from the Chief Officer – Planning and Climate Change that sought approval to apply for and accept Public Sector Decarbonisation Scheme (PSDS) funding, should an offer be made and utilise £1M allocated capital programme as a contribution, in line with grant criteria. The report also requested that the award of contract for such works be delegated to the Chief Officer of Planning and Climate Change.

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

	Option 1 : Approve	Option 2 - Reject
Advantages	Supports the council's climate emergency, reducing CO2 emissions from natural gas by 400 tonnes per annum. Delivers on the approved and published Building Decarbonisation Plan	Capital saving. Lower CAPEX required for gas boiler replacements.
Disadvantages	Significant capital contribution required and subsequent impact on revenue (see financial implications).	Does not support Climate Emergency ambition.
Risks	Higher CAEPX costs. Original cost estimates were provided in 2022. Current estimates include a contingency. Project costs will be known be on completion of Y1 work package.	None

The officer preferred option was to apply for and accept PSDS3c funding, should an offer be made and delegate the award of contract to the Chief Officer for Planning and Place.

Councillor Dowding proposed, seconded by Councillor Wilkinson:-

“That the recommendations, as set out in the report, be approved with recommendation (1) revised to decarbonise ‘three’ rather than ‘four’ of the council’s civic buildings.”

Councillors then voted:-

Resolved unanimously:

- (1) That an application be made for “PSDS3c” funding to decarbonise three of the council’s civic buildings when the Salix portal opens in Autumn 2023.
- (2) That the funding offer be accepted, should the PSDS3c bid be successful.
- (3) That utilise £1M of Property Decarbonisation funding in the 22/23 – 27/28 capital programme be utilised as a contribution and the programme adjusted in line with the deliverables.
- (4) That authority to award the contract for Property Decarbonisation works be delegated to the Chief Officer for Planning and Climate Change.

Officer responsible for effecting the decision:

Chief Officer – Planning and Climate Change

Reasons for making the decision:

In January 2019, the Council declared a climate change emergency. The Council’s priorities include the theme of ‘Taking action to meet the challenges of the climate emergency’.

The project links to the following priorities and cross-cutting themes:

- Net zero carbon by 2030 while supporting other individuals, businesses, and organisations across the district to reach the same goal.
- Increasing the amount of sustainable energy produced in the district and decreasing the district’s energy use.

With the agreement of the meeting the Chair advised of a revision to the order of the agenda so that the Outturn report could be tabled prior to the Delivering our Priorities report.

24 PROVISIONAL REVENUE, CAPITAL AND TREASURY MANAGEMENT OUTTURN 2022/23

Cabinet Member with Special Responsibility Councillor Hamilton-Cox)

Cabinet received a report from the Chief Finance Officer that provided summary

information regarding the provisional outturn for 2022/23, including treasury management. It also set out information regarding the carry forward of capital slippage and other matters for Members' consideration.

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

The 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 Finance Officer, 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:

- o Endorse any number of the items / requests, in full or part.
- o 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.
- o 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 Hamilton-Cox proposed, seconded by Councillor Wood:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That the provisional outturn for 2022/23 be endorsed, including the transfers to and from Reserves and Balances actioned by the Chief Finance Officer as set out in 5.1 and Appendix 5 to the report.
- (2) That Cabinet approves the treatment of year end overspends and endorse the do nothing approach in-light of the current situation.
- (3) That Cabinet note and endorse the ongoing projects funded by reserves set out at Appendices 5a and 6 to the report.
- (4) That the requests for capital slippage and the adjustments to reflect accelerated capital spending on projects as set out at Appendices 7 and 8 to the report be endorsed, with the Capital Programme being updated accordingly.
- (5) That the Annual Treasury Management report and Prudential Indicators as set out at Appendix 2 to the report be noted and referred on to Budget & Performance Panel and Council for information.

Officer responsible for effecting the decision:

Chief Officer Finance

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.

25 DELIVERING OUR PRIORITIES QUARTER 1**Cabinet Member with Special Responsibility Councillor Hamilton-Cox)**

Cabinet received a report from the Chief Executive and 151 Officer that provided members with an update on performance, projects, and resources during the first quarter of 2023/24. No options were provided as the report was for commenting and noting. The Chief Executive responded to questions prior to the report being noted.

Resolved unanimously.

- (1) That the update on performance, projects and resources for Quarter 1 2023/24 be noted.

Reasons for making the decision:

Performance, project and resource monitoring provides a link between the Council Plan and operational achievement by providing regular updates on the impact of operational initiatives against strategic aims.

26 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor Caroline Jackson and seconded by Councillor Wood:-

“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.

27 FRONTIERLAND, MORECAMBE: UPDATE AND NEXT STEPS (Pages 12 - 15)**Cabinet Member with Special Responsibility Councillor Phillip Black)**

Cabinet received a report from the Chief Officer Sustainable Growth with regard to the next steps in delivering regeneration of the Frontierland site. Market interest revealed through the recent expressions of interest exercise was summarised and options to take forward the site's regeneration outlined. The report sought approval to progress to a preferred delivery route and allocation of resources to progress the next stages of work. The report was exempt from publication by virtue of Paragraph 3, 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 Phillip Black proposed, seconded by Councillor Ainscough:-

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

Councillors then voted:-

Resolved unanimously:

(1) That a project board of key portfolio holders supported by officers be appointed. At this stage, the primary objectives of the board will be to form objectives for the procurement, agree on the consultation and stakeholder involvement plan, select the preferred procurement procedure, develop the tender package material. The portfolio holders to consist of Councillors Phillip Black, Peter Jackson, Catherine Potter, Joanne Ainscough, Nick Wilkinson and Tim Hamilton-Cox.

(2) That Officers will:

For the Board's selected procurement process develop the assessment methodology and scoring criteria that reflects the council's aspirations for Frontierland's regeneration.

- Produce tender documents and scoring methodology to be approved for issue by the project board.
- On project board approval, progress selected procurement process' developer competition.
- Report on the progress and outcome of the tender and the preferred proposal / Preferred Developer Partner (PDP) to Cabinet.

(3) That in support of informing and developing the tender brief officers will undertake a short public / stakeholder consultation, through a number of engagement methods, on the headline objectives for the site to be agreed by the project board.

Resolutions (4), (5) and (6) are set out in a minute exempt from publication by virtue of paragraph 3, Schedule 12A of the Local Government Act, 1972.

Officer responsible for effecting the decision:

Chief Officer Sustainable Growth

Reasons for making the decision:

The decision is consistent with the Council's priorities. Exactly how the decision fits with Council priorities is set out in the exempt minute.

28 REPORTING IN OF URGENT DECISION - ACCEPTANCE OF EXTERNAL FUNDING

In accordance with the Scheme of Delegation to Officers (Part 2, Section 7 – Delegations to the Chief Executive Matters of Urgency) the Chief Executive submitted a report to Cabinet with details of an urgent decision taken under Rule 15 following consultation with the relevant portfolio holder and with the agreement of the Vice-Chair of Overview & Scrutiny. The decision which was exempt from publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act, 1972 was with regard to the acceptance of external funding. Details of the urgent decision including the circumstances which made the action necessary were set out in the exempt report.

Resolved unanimously:

- (1) That the Urgent Decision taken by the Chief Executive regarding the acceptance of external funding be noted.

29 REPORTING IN OF URGENT DECISION - ARCON HOUSE BALCONY RAILINGS REPLACEMENT

In accordance with the Scheme of Delegation to Officers (Part 2, Section 7 – Delegations to the Chief Executive Matters of Urgency) the Chief Executive submitted a report to Cabinet with details of an urgent decision taken under Rule 15 following consultation with the relevant portfolio holder and with the agreement of the Chair of Overview & Scrutiny. The decision which was exempt from publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act, 1972 was with regard to the urgent replacement of balcony railings at Arcon House. Details of the urgent decision including the circumstances which made the action necessary were set out in the exempt report.

Resolved unanimously:

- (1) That the Urgent Decision taken by the Chief Executive with regard to the urgent replacement of balcony railings at Arcon House be noted.

Chair

(The meeting ended at 7.05 p.m.)

**Any queries regarding these Minutes, please contact
Liz Bateson, Democratic Services - email ebateson@lancaster.gov.uk**

MINUTES PUBLISHED ON FRIDAY 15 SEPTEMBER,2023.

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
MONDAY 25 SEPTEMBER, 2023.**

Prior to publication of the minutes, it was agreed by the Chief Executive, Monitoring Officer and Leader that Resolutions 1 to 3 with regard to Frontierland be included in the public minute in the interests of transparency. (Minute 27 refers). Resolutions 4 to 6 remain exempt from publication.

Document is Restricted