

## CABINET

6.00 P.M.

1ST SEPTEMBER 2015

**PRESENT:-** Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Abbott Bryning, Darren Clifford, Karen Leytham and Margaret Pattison

Apologies for Absence:-

Councillors Richard Newman-Thompson and David Smith

Officers in attendance:-

Mark Cullinan	Chief Executive
Nadine Muschamp	Chief Officer (Resources) and Section 151 Officer
Sarah Taylor	Chief Officer (Governance) and Monitoring Officer
Andrew Dobson	Chief Officer (Regeneration and Planning)
Debbie Chambers	Democratic Services Manager
Liz Bateson	Principal Democratic Support Officer

### 18 MINUTES

The minutes of the meeting held on Tuesday 4<sup>th</sup> August 2015 were approved as a correct record

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

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

### 20 DECLARATIONS OF INTEREST

Councillor Hanson declared an interest with regard to the Land at the Former Shell ICI Site report in view of her son's employment and advised the meeting that she would leave the room during consideration of that item.

### 21 PUBLIC SPEAKING

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

***The Chief Officers (Resources), (Governance) and (Regeneration & Planning) left the meeting at this point and returned to the meeting after the following item had been considered.***

### 22 CALL-IN REFERRAL REPORT FROM OVERVIEW AND SCRUTINY

Cabinet received a report from the Overview and Scrutiny Committee to advise Cabinet of the outcome of the call-in of the Cabinet decision with regard to the Reorganisation of the Office of the Chief Executive (Cabinet Minute 17) and to request Cabinet to consider the recommendations of the Overview and Scrutiny Committee in relation to this matter.

The recommendations of the Overview and Scrutiny Committee were as follows:-

- (1) *That Cabinet asks the Chief Executive to make a public report to the Personnel Committee, with an exempt appendix if necessary, on the legal and financial implications of*
- *Replacing the Chief Executive*
  - *Sharing a Chief Executive (as is done by 80 local authorities)*
  - *Operating without a Chief Executive and making alternative arrangements for the Head of Paid Service*
- (2) *That the ad hoc committee set out in the Officer Employment Procedure Rules (Part 4, Section 6, Paragraph 3) in the Constitution considers the issues set out in (1) above.*
- (3) *That Cabinet's decision to defer be re-expressed in terms of a deferral until after this report has been presented to the ad-hoc committee.*

Councillor Hanson proposed, seconded by Councillor Clifford:

"That having considered the recommendations as set out in the Overview and Scrutiny Referral report Cabinet accepts recommendation (1).

Councillors then voted:-

***Resolved unanimously:***

- (1) That Cabinet asks the Chief Executive to make a public report to the Personnel Committee, with an exempt appendix if necessary, on the legal and financial implications of
- Replacing the Chief Executive
  - Sharing a Chief Executive (as is done by 80 local authorities)
  - Operating without a Chief Executive and making alternative arrangements for the Head of Paid Service

**Officer Responsible for effecting the decision:**

Chief Executive

**Reasons for making the decision:**

The decision will enable the Personnel Committee the opportunity to consider the legal and financial implications of three possible options before Council makes a decision regarding the arrangements it wants to put in place when the current Chief Executive retires in June 2016.

**23 LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

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

Cabinet received a report from the Chief Officer (Governance) to enable Cabinet to consider the level of service that should be provided by the Council in relation to the licensing of hackney carriages and private hire vehicles.

Cabinet was asked to consider at this stage whether it wished to consider reductions or enhancements in the levels of service provided for the licensing of hackney carriage and private hire vehicles, and if so, in which aspects, so that these could be further investigated and costed.

Councillor Pattison proposed, seconded by Councillor Clifford:-

“That Cabinet agrees not to explore any options to reduce or increase the level of service provided by the Council with regard to the licensing of hackney carriages and private hire vehicles at this time.”

Councillors then voted:-

***Resolved unanimously:***

- (1) That Cabinet agrees not to explore any options to reduce or increase the level of service provided by the Council with regard to the licensing of hackney carriages and private hire vehicles at this time.

**Officer responsible for effecting the decision:**

Chief Officer (Governance)

**Reasons for making the decision:**

Public Safety is a statutory duty and protecting the most vulnerable in our society is an underlying principle of the Council's corporate plan. Many taxi passengers are vulnerable persons and an effective licensing and enforcement regime is crucial for their protection and the safety of the public in general.

## **24 INFORMATION MANAGEMENT AND GOVERNANCE ARRANGEMENTS**

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

Cabinet received a joint report from the Chief Officer (Governance) and the Chief Officer (Resources) which sought confirmation of Cabinet's approval for strengthening the Council's information management and governance arrangements.

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

**Option 1 – Confirm Officer proposals (the original proposal)**

The proposal involves an increase in the establishment of one post. Allowing for overheads, at maximum the annual cost would be approaching £40k per annum. In the current financial year, 2015/16, costs may be in the region of £15k, depending on the recruitment process. These costs can be met from within the £120K budget approved for ICT security and Public Services Network (PSN) compliance in February 2014.

Should Cabinet confirm support for the proposal, a report will be presented to Personnel Committee seeking approval for establishing the posts. It is proposed that managerial responsibility for Information Governance would transfer to Internal Audit.

In the opinion of officers, the two proposed posts will provide the necessary knowledge

and capacity to meet the information governance development needs as outlined in paragraph 2.4 as well as the capacity to deal with the information requests being received by the Council. As mentioned, expectations for the future are such that resources will be required not just in the immediate term, to address the gaps identified and raise standards to an acceptable level, but also to maintain those standards into the future.

**Option 2 –** Do not confirm Officer proposals.

	Option 1 – Confirm approval for Officer proposals to develop functions as proposed	Option 2- Do not confirm proposals.
Advantages	<p>Enable and support better service provision through development of corporate policies, procedures and standards of information governance</p> <p>Enable exploration of options for better use and sharing of information</p> <p>Provision of greater assurance regarding information management and security; reduce the risks of inappropriate disclosure and any associated penalties</p>	No additional costs involved
Disadvantages	Costs associated with additional resources (although these are already budgeted for)	<p>Further delays in improving service areas.</p> <p>Inability to develop standards and respond to future development challenges in the interim.</p> <p>Unable to provide assurance regarding the security and effective management/use of information.</p> <p>No suitable alternatives identified to date.</p>
Risks	Inability to recruit the requisite resources	<p>Increasing risk of information security incidents and associated penalties/adverse publicity</p> <p>Inability to respond to change and to take advantage of opportunities for better information sharing arrangements</p> <p>Risk of wasting time and resources, with no prospect of identifying a better solution for the medium term.</p>

Option 1 is preferred. Dedicated resources are required to provide the expertise, capacity, and guidance necessary to enable the Council to fulfil its information

governance responsibilities.

Councillor Clifford proposed, seconded by Councillor Leytham:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That Cabinet confirms its approval for the development of the corporate information governance function, as outlined in the report attached to the agenda, to be financed from within existing budgets.

**Officers responsible for effecting the decision:**

Chief Officer (Governance)

Chief Officer (Resources)

**Reasons for making the decision:**

A key element in ensuring the successful delivery of the Corporate Plan is to have sound governance arrangements in place. Whilst this is a service area which may not necessarily be visible to and appreciated directly by the public, it is essential for sound governance and to support effective service delivery and the safeguarding of resources. The decision also fits with the Council's ethos.

**25 DORRINGTON ROAD PUBLIC LAND**

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

Cabinet received a report from the Chief Officer (Environment) to inform Cabinet of the situation with regard to unauthorised use of public land on Dorrington Road.

The report had been requested by Councillor Mills in her role as one of the ward councillors for the area in question. No options were presented as the report was for information purposes only. Cabinet were requested to note the report and appendices.

Councillor Bryning proposed, seconded by Councillor Hanson:-

“That the report and appendices be noted.”

Councillors then voted:-

***Resolved unanimously:***

- (1) That the report and appendices be noted.

**Officer responsible for effecting the decision:**

Chief Officer (Environment)

**Reasons for making the decision:**

This is an operational matter and will be dealt with by Officers in accord with the relevant policies and procedures. Responses from householders and requests from ward councillors will be considered by the Cabinet Member with Special Responsibility and every effort will be made to each a solution mutually agreeable to the Council and householders.

**26 REQUEST FOR AUTHORITY TO TENDER FOR THE PROVISION OF PARTNERSHIP BUILDING CONTROL SERVICES**

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

Cabinet received a report from the Chief Officer (Regeneration & Planning) which sought Cabinet approval to tender for the provision of Building Control Services.

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

	<b>Option 1:</b> To maintain and resource the Building Control Service in-house	<b>Option 2:</b> To enter into formal negotiations with another local authority to provide Building Control services	<b>Option 3:</b> To tender the opportunity for another party to assist the council in providing its Building Control services
Advantages	None, other than fitting in part with the council's ethos of being an ensuring council (e.g. retaining core capacity, but conflicts with some aspects such as VFM).	This would fit well with the council's ethics as an ensuring council and potentially keep the work within the local government family.	Still fits with council's ethos – commissioning or procuring services in the most appropriate manner, where retaining in-house capacity is not a viable option.  Private sector organisations have more capacity for marketing services and are now more likely to attract new business.  May lead to reduced costs overall.
Disadvantages	The Council cannot currently provide a viable Building Control service without further investment in staff	All local authorities are facing severe budget restraints in the current environment which can affect business	Ideally, the council may prefer to retain this business within the local government family and this option would be seen as

	resources resulting in a greater draw on the revenue budget as there is no guarantee that this can be recouped through an increase in fee earning income – so option would not deliver VFM and so may not meet the council’s statutory obligations.	plans and the ability to adequately resource service provision.	partially outsourcing this activity, so implementation would need carefully managing and communicating.
Risks	The further extension of the deficit in the Building Control Trading Account. Failure to meet statutory obligations for trading position and for securing VFM / continuous improvement.	Shared service being unable to secure more business from the Lancaster area and continuing losses in the Building control Trading Account.  Highly unlikely that another Local Authority will be willing to undertake a shared service provision due to Lancaster’s geographical boundary.	The cost of using a private sector provider may be higher than directly employing officers and unable to directly compete with established and emerging providers who are more flexible in responding to market forces.

The officer preference is Option 3. The Council must take steps to continue providing this service without continuing to build the deficit in its own trading account. To do this the best alternative is to achieve economies of scale and changes in market perception by working with another party. Members have expressed the preference to achieve efficiencies by working with other local authorities as part of their ethical role as an Ensuring Council. However, despite best efforts and extensive trials no other local authority nearby has been prepared to enter into a shared service arrangement.

The only other viable alternative for the City Council, which must by statute provide a service, is to now advertise widely for a partner organisation to assist with provision of these services. The aim will be to reduce to a basic cost (subject to increases for inflation) for the City Council’s statutory role and provide fee earning services from a partner at cost to the service user. Such an approach may not build business share back towards previous levels, but it will enable the council to comply with statutory requirements to provide a service at cost to those who require it from the City Council and to break even with the Trading Account.

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 Cabinet notes the position taken by South Lakeland District Council in relation to entering into a formal arrangement to provide Building Control services on behalf of Lancaster City Council.
- (2) That Cabinet agrees that the City Council secure external services to assist with the provision of its Building Control services going forward and authorises the Chief Officer (Regeneration and Planning) and the Chief Officer (Resources) to tender the opportunity for those services to be provided at minimum practical costs to the council with the fee earning element to be provided at cost to the service user.

**Officers responsible for effecting the decision:**

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

**Reasons for making the decision:**

The decision will enable the Council to maintain and resource its statutory Building Control duties.

**27 BUDGET AND PLANNING PROCESS 2016/17 ONWARDS**

**(Cabinet Members with Special Responsibility Councillors Blamire and Newman-Thompson)**

Cabinet received a report from the Chief Officer (Resources) in order for Cabinet to agree a process for reviewing the Council's Budget and Policy Framework for 2016/19 onwards and to update Cabinet on various policy and planning matters.

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

The following options are available to Cabinet.

- (1) Approve the proposals and timetable set out in the report for reviewing and revising the Council's Budget and Policy Framework.
- (2) Approve an amended version of the proposals, drawing on any specific issues that Cabinet have.

Assuming that Cabinet has no other specific issues to address Option 1 is the Officer preferred option, as it sets out a structured but very challenging approach for Cabinet to review the existing Budget and Policy Framework and to bring forward its budget and corporate planning proposals for 2016/17 up to 2019/20, within statutory timescales. The time and effort involved will mean that less is spent on other tasks.

Councillor Hanson proposed, seconded by Councillor Clifford:-



“That the recommendations, as set out in the report, be approved with ‘Cabinet budget briefings’ being revised to ‘Leader’s budget briefings and that the priorities already developed by Cabinet members be included in the review.”

Councillors then voted:-

***Resolved unanimously:***

- (1) That the report be noted and the outline budget and planning timetable set out at Appendix A be approved with Cabinet budget briefings being revised to ‘Leader’s budget briefings’, and that the work involved and its impact be recognised and that the priorities already developed by Cabinet members be included in the review.
- (2) That Cabinet notes that the City Council will not be taking part in any Lancashire business rate pooling arrangement for 2016/17, subject to confirmation of the scheme prospectus and associated arrangements.

**Officer responsible for effecting the decision:**

Chief Executive  
Chief Officer (Resources)

**Reasons for making the decision:**

To put in place robust and structured arrangements for establishing budget and corporate planning proposals for 2016/17 up to 2019/20, in context of the financial outlook.

**28 CORPORATE PERFORMANCE AND FINANCIAL MONITORING 2015/16 - QUARTER 1**

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

Cabinet received a joint report from the Chief Officer (Governance) and Chief Officer (Resources) to present the corporate financial monitoring report for Quarter 1 of the 2015/16 cycle and provide an update on improvements being made in corporate performance management, monitoring and reporting and the effective use of business intelligence to inform decision-making.

The report was for comments and noting.

Councillor Bryning proposed, seconded by Councillor Hanson:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the corporate financial monitoring report and appendices be noted.

- (2) That the adopted Performance Management Framework and developing performance management arrangements and work being undertaken to support operational and strategic decision-making through an improved use of business intelligence and insights be noted.

**Officers responsible for effecting the decision:**

Chief Officer (Governance)  
Chief Officer (Resources)

**Reasons for making the decision:**

The City Council's Performance Management Framework requires the regular reporting of operational, as well as financial performance.

**29 EXCLUSION OF THE PRESS AND PUBLIC**

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

"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.

***Councillor Hanson, having declared an interest in the following item left the room at this point and did not participate in the discussions or vote.***

**30 LAND AT THE FORMER SHELL ICI SITE - OPTION AGREEMENTS FOR SALE AND LEASE**

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

Cabinet received a report from the Chief Officer (Resources) to report and obtain approval to extend the option period in the existing Option Agreement for the sale of land at the former Shell/ICI site as outlined in the exempt report.

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

Councillor Bryning proposed, seconded by Councillor Clifford:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the Option Agreement with Clifton Marsh Power be extended beyond the initial two year period by one additional year to 29<sup>th</sup> July 2017.
- (2) That officers cease discussions for an option to lease land to accommodate the erection of one wind turbine as set out in the exempt report.

**Officer responsible for effecting the decision:**

Chief Officer (Resources)

**Reasons for making the decision:**

The decision supports the Council's Corporate Plan, in particular its current priority of economic growth and key themes of environmental sustainability and managing the Council's resources.

***Councillor Hanson returned to the room at this point.***

**31 LAND AT BACK LANE, CARNFORTH**

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

Cabinet received a report from the Chief Officer (Resources) to declare surplus to requirements and consider and approve the freehold disposal of areas of land fronting Back Lane, Carnforth.

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

Councillor Bryning proposed, seconded by Councillor Leytham:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the land off Back Lane, Carnforth, as shown edged and hatched red on the plan attached to the exempt report, be declared surplus to requirements and disposed of on the terms and conditions as set out in section 2.2 of the exempt report.
- (2) That Cabinet welcomes the additional capital receipt to be generated from the proposal, together with the resulting reduction in borrowing need and indicative revenue savings.

**Officer responsible for effecting the decision:**

Chief Officer (Resources)

**Reasons for making the decision:**

The Corporate Property Strategy requires that the Council review its asset base and only retain those assets required to meet its agreed objectives and priorities. Where assets are not required for this purpose they should be disposed of at best value. This is an opportunistic sale and it would also facilitate the delivery of additional units of affordable housing supporting the Corporate Plan's Health and Wellbeing priorities.

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Chairman

(The meeting ended at 6.55 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 THURSDAY 3<sup>RD</sup> SEPTEMBER, 2015.**

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:  
FRIDAY 11<sup>TH</sup> SEPTEMBER, 2015.**