

CABINET

6.00 P.M.

24TH APRIL 2018

PRESENT:- Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Darren Clifford, Brendan Hughes, James Leyshon, Margaret Pattison, Andrew Warriner and Anne Whitehead

Officers in attendance:-

Susan Parsonage	Chief Executive
Kieran Keane	Assistant Chief Executive
Nadine Muschamp	Chief Officer (Resources) and Section 151 Officer
Mark Davies	Chief Officer (Environment)
Suzanne Lodge	Chief Officer (Health and Housing)
David Brown	Interim Head of Legal and Democratic Services and Monitoring Officer
Dave Rigby	Interim HR Manager
Liz Bateson	Principal Democratic Support Officer

88 MINUTES

The minutes of the meeting held on Tuesday 20th March 2018 were approved as a correct record.

89 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

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

90 DECLARATIONS OF INTEREST

No declarations were made at this point.

91 PUBLIC SPEAKING

Members were advised that there had been a request to speak at the meeting from a member of the public in accordance with Cabinet's agreed procedure, as set out in Cabinet Procedure Rule 2.7, with regard to Agenda item 11. Ms Muschamp addressed Cabinet with regard to the Executive Team: Roles and Structure report (Minute 96 refers).

92 DEPOT SECURITY - WHITE LUND CCTV

(Cabinet Member with Special Responsibility Councillor Hughes)

Cabinet received a report from the Chief Officer (Environment) which sought approval to introduce a new CCTV and access control system to White Lund Depot.

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

	Option 1: To approve the new CCTV and Access Control system	Option 2: To take no action
Advantages	The introduction of a new CCTV and access control system will improve management arrangements at White Lund Depot and provide ongoing revenue savings.	None
Disadvantages	None	Continuing to operate the same model of security for the Depot will not offer any revenue savings for the Authority. The current system is aging.
Risks	Minimal to the Council's partner (Vodafone) will deliver the solution and project manage the installation. If an alternative provider is required in the future, there may be a need to reconfigure the system in order for it to operate.	Staying with the existing system reduces the efficiency and effectiveness of depot management and is more expensive.

The officer preferred option was to approve and deliver the new CCTV and access control system. Improving and modernising the security arrangements at White Lund Depot will help futureproof arrangements, increase coverage and offer significant annual revenue savings.

Councillor Hughes proposed, seconded by Councillor Warriner:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That approval be given to the use of the Invest to Save reserve to fund the one-off installation costs of a new CCTV and access control system at White Lund Depot.
- (2) That the Chief Officer (Resources) be authorised to update the General Fund Capital Programme and Revenue Budget to include the associated costs/savings arising from this proposal.

Officers responsible for effecting the decision:

Chief Officer (Environment)
Chief Officer (Resources)

Reasons for making the decision:

The decision is consistent with the City Council's aim of being a Smart District and the implementation of this new technologically advanced public CCTV system will improve the management of the depot and provide ongoing revenue savings.

93 MORECAMBE & HEYSHAM PUBLIC SPACES PROTECTION ORDER 2018 (Pages 13 - 15)

(Cabinet Member with Special Responsibility Councillor Hughes)

Cabinet received a report from the Chief Officer (Health & Housing) which sought approval to make a Public Spaces Protection Order covering areas of Morecambe & Heysham.

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

	Option 1: To approve the introduction of a Public Spaces Protection Order covering areas of Morecambe & Heysham	Option 2: To take no action
Advantages	The introduction of a PSPO will provide a clear message about the type of behaviour that is not acceptable within the proposed areas, and will provide additional powers to tackle any anti-social behaviour as described in the Order. The introduction of an Order responds to public concerns about behaviour within the City centre. It also reinforces the council's commitment to partnership working.	None
Disadvantages	Raises public expectation. The PSPO is a tool that can be used by authorised officers. However there is no additional staff resource being allocated to this.	<p>The current no outside drinking rules will no longer be able to be enforced as the DPPO expires in 2017.</p> <p>The Police has requested that as partners in the CSP we take out a PSPO. To take no action would demonstrate a lack of support.</p> <p>Does not demonstrate the council's commitment to community safety and addressing residents' legitimate concerns.</p>

Risks	None.	Reputational damage.
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Option 1 is the preferred officer option, and has the support of the Community Safety Partnership and the local community.

The making of a Public Spaces Protection Order covering the designated area of Morecambe & Heysham, as set out at Appendix A to the report should enable the better policing of this public space and bring relief to local residents.

Councillor Hughes proposed, seconded by Councillor Clifford:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That the making of a Public Spaces Protection Order covering the designated area of Morecambe & Heysham, as set out at Appendix A appended to the minutes, be approved.

Officer responsible for effecting the decision:

Chief Officer (Health & Housing)

Reasons for making the decision:

The introduction of a Public Spaces Protection Order supports two of the priorities of the Community Safety Partnership, Violence against the Person and Anti-Social Behaviour and is consistent with the City Council's priorities of Clean, Green and Safe Places and Community Leadership. The performance of the Public Spaces Protection Order will be reported to both the Community Safety Partnership and to the Overview & Scrutiny Committee.

94 FIXED PENALTY NOTICE ENFORCEMENT CHARGES FOR FLY TIPPING & WASTE RELATED OFFENCES

(Cabinet Members with Special Responsibility Councillors Warriner & Hughes)

Cabinet received a report from the Chief Officer (Health & Housing) to establish Fixed Penalty Notice (FPN) enforcement for fly tipping and specific other waste related offences and set the levels for fixed penalty charges.

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

	Option 1: Set FPN charges at the maximum permitted to be paid within 21 days (with no early payment reduction).	Option 2: Set FPN charges at the maximum permitted (with early payment if paid within 10 days at the amount proposed at paragraph 4.2)	Option 3: Set FPN charges at lower levels (to be decided by the Cabinet meeting)	Option 4: Decide not to implement FPN enforcement for these offences at this time.
Advantages	<ul style="list-style-type: none"> • Full charge levels aligned with those of the other Lancashire councils noted in this report. • The maximum level of fixed penalty charge would provide the maximum deterrent effect. • Demonstrates that the council is maximising impact of FPNs. 	<ul style="list-style-type: none"> • Full charge levels aligned with those of the other Lancashire councils noted in this report. • The maximum level of fixed penalty charge would provide the maximum deterrent effect. • Consistent with Lancaster PSPO & Dog-related FPNs in terms of early payment discount and timescales. • Policy of offering early payment reduction would be aligned largely with other Lancashire councils. • Demonstrates a strong enforcement sanction 	<ul style="list-style-type: none"> • More people might opt to pay a lower level of penalty rather than risk being prosecuted. This would benefit staffing capacity in the council's Legal team. 	<ul style="list-style-type: none"> • There is no obligation to issue FPNs for offences, as regulations state that an authorised officer 'may' issue a FPN. • No FPN administrative requirements

		<p>maximising impact of FPNs whilst offering a less costly option to avoid further action. This can be seen as a balanced approach, speeding up resolution and reducing the need and staffing implications of avoidable prosecutions.</p> <ul style="list-style-type: none"> • The receipts from early payment charges would still help to cover the council's clean-up and disposal costs. 		
Disadvantages	<ul style="list-style-type: none"> • Inconsistent with ASB, PSPO & Dog-related FPN enforcement which offers early payment discounted charges. • Likely to result in higher levels of non-payment, substantially increasing the quantity and burden of prosecution work. 		<ul style="list-style-type: none"> • Lower deterrent effect than would be provided by a higher level of charge. • Inconsistent with both existing PSPO and levels set by other councils in Lancashire. 	<ul style="list-style-type: none"> • The benefits of FPM enforcement would be missed.
	<ul style="list-style-type: none"> • Could be perceived as 	<ul style="list-style-type: none"> • Council could be criticised 	<ul style="list-style-type: none"> • Council could be criticised 	<ul style="list-style-type: none"> • Undermines the reach,

Risks	'harsh' compared to those councils having set lower charge levels of for early payment <ul style="list-style-type: none"> • More resources tied up in prosecutions due to non-payment. 	for offering a 'cheap' way out of formal action.	to some degree as insufficiently strong on enforcement sanctions.	impact and efficiency of the proposed enforcement. <ul style="list-style-type: none"> • Would not in relation to enforceable offences recover the Council's average costs of removing fly tipped waste.
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The officer preferred recommendation is Option 2 - that the level of charge for Fixed Penalty Notices is set at the maximum permitted level payable within 21 days, and that the amount payable is reduced as set out in paragraph 4.2 where payment is received within 10 calendar days of the date of issue.

The levels of charge in Option 2 provide the greatest deterrent available which complementing the approach the council is taking to tackle fly tipping, and providing an incentive to pay FPNs early (minimising the requirement for court proceedings).

Approving FPN enforcement and setting the level of penalty charge for offences at the highest level available sends a clear message about how seriously the council is taking the issue of fly tipping. It provides the biggest available FPN penalty charge deterrent to perpetrators of fly tipping.

Alternative levels of penalty charge below the maximum £400 would be equally enforceable.

Councillor Hughes proposed, seconded by Councillor Warriner:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That enforcement by way of fixed penalty notices be established for fly tipping and waste disposal related offences as described in the report, in order to deter and deal efficiently with offending and ultimately to help improve the cleanliness of neighbourhoods and open spaces.

- (2) That the levels of fixed penalty charges be set at the maximum permitted with early payment reductions if paid within 10 days, as set out in the report.

Officer responsible for effecting the decision:

Chief Officer (Health & Housing)

Reasons for making the decision:

The decision is consistent with the Clean & Green Corporate Priority and contributes to the Lancaster District Community Safety Strategy. Use of Fixed Penalty Notices should help prevent, deter and disrupt fly tipping offenders allowing the Council to deal with lower-level offences in the most efficient and effective way.

95 RE-PURPOSING MORECAMBE BUS STATION AS A YOUNG PEOPLE HANG-OUT AREA TO HELP COMBAT ANTI-SOCIAL BEHAVIOUR

(Cabinet Member with Special Responsibility Councillor Warriner)

Cabinet received a report from the Chief Officer (Health & Housing) which sought approval to re-purpose Morecambe Bus Station as a youth hang-out area, helping to meet young people's needs to congregate socially and at the same time positively addressing anti-social behaviour in an area of need.

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

	Option 1: Approve the re-purposing of Morecambe bus station as proposed.	Option 2: Do not approve the proposal.
Advantages	Establishing a dedicated youth hang-out area meets clear and established community needs: (a) helping protect resident and business communities to be protected from anti-social behaviour, (b) meeting the needs of young people to congregate socially in a suitably safe, well managed space. Doing so without major costs of new-build would give new life to an existing public facility at lower cost than demolishing it.	Any logistical issues and complexities arising from an established youth hang-out area would be avoided, noting that young people related ASB would continue to be responded to in existing ways.
Disadvantages	Essential repair and maintenance costs, Wi-Fi connectivity and additional cleansing costs (met within	This possibly rare opportunity and attendant benefits listed under Option 1 would be missed.

	<p>existing Public Realm budgets).</p> <p>Health & safety incidents or safeguarding issues may arise from time to time (managed by further considerations putting appropriate risk assessments and safety controls in place).</p> <p>The opportunity to relieve the council of the financial liability for this building would be lost.</p> <p>It would be necessary to identify further financial provision to demolish the building if the initiative is unsuccessful or, given its location within the Morecambe Area Action Plan, in the event that a significant development/regeneration proposal is brought forward.</p>	
Risks	<p>The bus station serving as a hang-out area could potentially become a location of ASB incidents, however the assessment of the police and council ASB team is that on balance a positive impact would be made on ASB levels overall in the locality and the behaviour of young people using the hang-out area would be monitored.</p> <p>In the normal way of public facilities, and due to the intended attraction of young people to the building, personal injury insurance claims might occasionally arise. The council's Insurance Officer has been notified of this proposal.</p>	<p>Avoidable levels of young people related ASB would continue to manifest in Morecambe town centre facilities, residential areas and public open spaces that a hang-out area could have prevented.</p>

The officer recommendation is Option 1, subject to residual risk being deemed as acceptable (i.e. medium risk) and the financial implications being in line with those identified within this report. It is expected that the potential risks as highlighted can be successfully managed through careful monitoring and intervention by the Council's ASB team in conjunction with other partner agencies such as the Poulton neighbourhood PCSO team. A review would be undertaken in due course, to evaluate the initiative's success.

Morecambe bus station presents a possibly rare opportunity to positively address young people's needs and create a youth hang-out area making use of existing premises having no identified alternative uses, which is readily available at low cost, and in doing so to meet a clear community need for action to address an anti-social behaviour priority. Any incidents of ASB arising from the use of Morecambe bus station would need to be responded to, managed and kept under review, however such incidents are likely to be fewer than existing at present.

Councillor Warriner proposed, seconded by Councillor Hughes:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That in principle, approval be given for Morecambe bus station to be re-purposed for the use detailed in this report, subject to the proposal being deemed as having an acceptable level of residual risk (i.e. medium) following full assessment, and sufficient budgetary provision being identified as follows:
 - the refurbishment costs of up to £7K being funded from the Corporate Property Reserve; and
 - all other one-off and ongoing costs, including future repair and maintenance, Wi-Fi connectivity and any additional cleansing costs, being funded from existing Public Realm budgets.
- (2) That subject to (1) above, the Chief Officer (Environment), in consultation with the relevant Portfolio Holder and the s151 and Monitoring Officers, be given delegated authority to implement the decision.
- (3) That the effectiveness of the initiative be monitored and evaluated and reported to the Cabinet Member for Health and Housing by September 2019.

Officers responsible for effecting the decision:

Chief Officer (Health & Housing)
Chief Officer (Environment)
Chief Officer (Resources)
Interim Head of Legal & Democratic Services

Reasons for making the decision:

A strong community demand has been identified, evidenced strongly in the Morecambe

area, for diversionary activities and the establishment of safe hang-out areas for young people. Making use of a suitable pre-existing facility may present the quickest, simplest and least expensive short-term way of meeting this need. The decision presents an opportunity to test the positive impact the City Council can make on anti-social behaviour by creating a young people's hang-out area in Morecambe and this will support future determination of wider provision of hang-out areas.

The Assistant Chief Executive, Chief Officer (Resources), Chief Officer (Environment) & Chief Officer (Health & Housing) left the meeting at this point.

96 EXECUTIVE TEAM: ROLES AND STRUCTURE

(Cabinet Member with Special Responsibility Councillor Blamire)

Cabinet received a report from the Chief Executive to consider a revised structure for the Executive Team and give approval for the Chief Executive to commence formal consultation. The Chief Executive explained the rationale for the proposed restructure was to ensure that the right senior management and corporate structure was in place to progress the City Council's ambitious plans.

Details of the proposed restructure were set out in an appendix, which was exempt from publication by virtue of paragraphs 1 and 2 of Schedule 12a of the Local Government Act 1972. At this point it became necessary to refer to the exempt Appendix and it was moved by Councillor Clifford, seconded by Councillor Pattison and resolved unanimously:

Resolved unanimously:

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 paragraphs 1 and 2 of Schedule 12A of that Act.

The press and public were excluded from the meeting at this point.

Cabinet asked a number of questions to which the Chief Executive responded.

Councillor Clifford proposed, seconded by Councillor Warriner:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That Cabinet agree to proceed with a consultation with Chief Officers and other parties for changes to the senior management structure.
- (2) That Personnel Committee be invited to consider the approaches in relation to recruitment and appointments to the proposed new structure.

- (3) That it be noted that a report will be presented to Cabinet following conclusion of the consultation.

Officers responsible for effecting the decision:

Chief Executive

Reasons for making the decision:

A need to restructure the senior team was identified in August 2015 by the previous Chief Executive but rejected at the time as Cabinet felt the new Chief Executive should consider and agree any structural changes. The Council has developed highly ambitious plans in its draft Council Plan for enhancing the economy, environment, neighbourhoods and communities' wellbeing. The decision will enable a consultation to be undertaken to allow for a structure to be put in place to progress the City Council's ambitious agenda moving forward.

Chairman

(The meeting ended at 6.40 p.m.)

**Any queries regarding these Minutes, please contact
Liz Bateson, Democratic Services - telephone (01524) 582047 or email
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MINUTES PUBLISHED ON THURSDAY 26TH APRIL, 2018.

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
FRIDAY 4TH MAY, 2018.**





