

CABINET

6.00 P.M.

27TH OCTOBER 2020

PRESENT:- Councillors Erica Lewis (Chair), Kevin Frea (Vice-Chair), Dave Brookes, Tim Hamilton-Cox, Janice Hanson, Caroline Jackson, Jean Parr, Alistair Sinclair and Anne Whitehead

Officers in attendance:-

Kieran Keane	Chief Executive
Mark Davies	Director for Communities and the Environment
Jason Syers	Director for Economic Growth and Regeneration
Paul Thompson	Chief Financial Officer (Head of Finance & Section 151 Officer)
Luke Gorst	Head of Legal Services and Monitoring Officer
Mark Cassidy	Head of Planning and Place
Maurice Brophy	Planning and Housing Policy Manager
Paul Rogers	Senior Regeneration Officer
Joanne Wilkinson	Head of Housing
Kathy Beaton	Housing Strategy Officer
Hannah Little	Legal Assistant
Sally Lowton	Conveyancing Lawyer
Fiona Clark	Planning Officer (Policy)
David James	Principal Conservation Officer
Liz Bateson	Principal Democratic Support Officer, Democratic Services

58 MINUTES

The minutes of the meeting held on Tuesday 6 October 2020 were agreed as a correct record.

59 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

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

60 DECLARATIONS OF INTEREST

Councillor Hamilton-Cox declared an 'other' interest in the BID renewal report (Agenda item 14) as a member of the BID Management Committee by virtue of his Cabinet portfolio.

The following Councillors declared an 'other' interest in the Direction under Article 4 report (Agenda item 7):

- Councillor Sinclair in view of him residing in one of the areas in Castle Ward that would be impacted. He confirmed that he had been advised that he did not need to withdraw for that item.
- Councillor Brookes confirmed that he also lived in one of the areas affected.
- Councillor Hamilton-Cox declared that he owned a property within the area affected.

- Councillor Jackson advised that she lived within the affected area.
- Councillor Parr declared that she resided in Skerton West which was in the affected area.

61 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 18, with regard to the Lancaster Business Improvement District (BID) Renewal report. (Minute 65 refers). It was noted that Mr Tony Johnson was experiencing technical difficulties accessing the meeting and therefore the Chair advised the meeting that the order of the agenda would be revised to enable Mr Johnson to address Cabinet when the technical difficulties were resolved.

At this point the Chair requested that standing order 17 (Cabinet Procedure Rule 17) be suspended to allow for questions to be taken from all members as the reports were introduced. The proposal was moved by Councillor Brookes, seconded by Councillor Sinclair and there was no dissent to the proposal.

Resolved unanimously:

- (1) That Standing Order 17 (Cabinet Procedure Rule 17) be suspended.

62 PROPOSED DESIGNATION OF CONSERVATION AREA SLYNE ROAD, SKERTON

(Cabinet Member with Special Responsibility Councillor Hanson)

Cabinet received a report from the Director for Economic Growth and Regeneration that related to the proposed designation of a conservation area for part of Slyne Road, Skerton, Lancaster. The report informed Cabinet of the outcome of a consultation on the proposals and recommended that Cabinet approved the designation.

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

Option 1: That the conservation area designation is approved.
Advantages: The designation would be consistent with our statutory duties under Section 69 of the 1990 Act and would give appropriate protection to the special architectural and historic interest of the area.
Disadvantages: None
Risks: None
Option 2: That the conservation area designation is not approved.
Advantages: None
Disadvantages: The special architectural and historic interest of the area would not be preserved and enhanced, including historic buildings and other features which contribute to this. An unlisted building that is important to the character of the area is under threat of demolition and designation may result in its loss.
Risks: That the special architectural and historic interest of the area is not preserved and enhanced and that historic buildings and other features in the area, including the

building currently under threat of demolition, may be lost.

The officer preferred option is Option 1.

Councillor Hanson proposed, seconded by Councillor Brookes:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That Cabinet approve the designation of a conservation area for the area in question.

Officer responsible for effecting the decision:

Director for Economic Growth and Regeneration

Reasons for making the decision:

Under section 69 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990, the Local Planning Authority has a duty to consider which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate those areas as conservation areas. Our Local Plan contains policies for the management of conservation areas in response to planning applications for development. The area in question provides a distinctive and attractive approach to the city, similar to the Greaves Road Conservation Area to the south of the city centre. Although some modern development has undoubtedly left its mark on the area, it remains of special architectural and historic interest and is therefore worthy of designation.

63 DIRECTION UNDER ARTICLE 4 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015

(Cabinet Member with Special Responsibility Councillor Hanson)

Cabinet received a report from the Director for Economic Growth and Regeneration to consider a proposal for the designation of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 to remove the permitted development rights for development consisting of a change of use from a Class C3 (dwellinghouse) to a use falling within Class C4 (houses in multiple occupation), contained in Class L(b) of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development Order). The proposal would mean that planning permission was required to change the use of a dwellinghouse to a house in multiple occupation (with 3-6 occupants). The report sought authorisation for the Director of Economic Growth and Regeneration to proceed with the statutory process and ‘make’ the Article 4.

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

Option 1: Make a non-immediate Article 4, to include the Lancaster wards of Bulk,

Castle, John O’Gaunt, Marsh, Scotforth East, Scotforth West, Skerton East and Skerton West, plus the village of Galgate.

Advantages: The option will provide a blanket approach to be applied across the city and Galgate. This option will protect traditional housing stock and residential areas from concentrations of HMOs increasing above the 10% in 100m radius contained within policy DM13, where they do not already do so, and further increases where they exceed this threshold at present. It will ensure consistency and a comprehensive management of HMO distribution in the future.

Disadvantages: Greater demands on resources to process planning applications and enforce the policy and Article 4.

Risks: Compensation claims may be made but the use of a non-immediate Article 4 will minimise the risks of compensation claims.

Option 2: Do not progress an Article 4.

Advantages: No further resources required to apply the Article 4 or deal with the increase in applications and enforcement issues arising.

Disadvantages: This option would see a continuation of increases in small HMOs, contrary to the aims of policy DM13 and policies SP9 and DM1 which seek to ensure balanced communities.

Risks: None

The officer preferred option is Option 1, make a non-immediate Article 4 Direction. This option will ensure protect traditional housing stock and amenity within residential areas, in accordance with policies SP9 and DM13 of the Local Plan.

Councillor Hanson proposed, seconded by Councillor Hamilton-Cox: -

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

Councillors then voted:-

Resolved:

(Councillor Jackson was experiencing technical issues at this time and was not able to participate in the vote.)

- (1) That Cabinet authorise the Director of Economic Growth and Regeneration to make a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 to remove the permitted development rights for development consisting of a change of use from a Class C3 (dwellinghouse) to a use falling within Class C4 (houses in multiple occupation), contained in Class L(b) of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development Order), in the Lancaster wards of Bulk, Castle, John O’Gaunt, Marsh, Scotforth East, Scotforth West, Skerton East and Skerton West, plus the village of Galgate.

Officer responsible for effecting the decision:

Director for Economic Growth and Regeneration

Reasons for making the decision:

The decision is consistent with the Council Plan that includes ambitions to enhance community cohesion. The Lancaster District Local Plan includes policies which seek to improve the amenity of residents in Lancaster. Policies in the Strategic Policies and Land Allocations Development Plan Document aim to ensure that development, including uses of buildings, create strong and vibrant communities (SP9). Policy DM13 of the Development Management DPD aims to control the concentration of HMOs. The proposals seek to address the detrimental impacts of concentration of HMOs in accordance with the ambitions of the Council Plan and the Local Plan.

64 PREPARATION OF LANCASTER SOUTH AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENT

(Cabinet Member with Special Responsibility Councillor Hanson)

Cabinet received a report from the Director for Economic Growth and Regeneration that sought endorsement for the formal commencement of the Lancaster South Area Action Plan (AAP) Development Plan Document (DPD) Plan.

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

Option 1: To endorse the formal commencement of work on the statutory stages of preparing the Lancaster South Area Action Plan in accordance with the commitment described in the adopted Local Plan for Lancaster District and the timetable provided in the Lancaster District Local Development Scheme (LDS) as approved by Council on 29 July 2020.

Advantages: This will enable the Council to move from the current Local Plan position of an identified Broad Location for Growth in Lancaster South to one where land is formally allocated with accompanying policies with development plan weight, including on securing community benefits. This will enable the delivery of development needs during both the period of the current Local Plan and for many years beyond. Evidence of the intention to progress development plan policy in Lancaster South will support the case that has been made by the County Council for national funding contributions transport related infrastructure in Lancaster district.

Disadvantages: None apparent. To not progress with an AAP, that accompanies and supports the Masterplan and Design Code, means that it will remain wholly unclear how the delivery of development requirements in Lancaster south is to be realised. The absence of development plan policies would leave the Council more exposed to development proposals being brought forward on sites that are not identified by the just-adopted Local Plan.

Risks: There are challenges and costs associated with preparing the AAP that will enable the implementation of a Masterplan for Lancaster South in accordance with a Design Code, however, if the Council is to achieve development needed to meet the needs of the community and economy these challenges and costs are unavoidable. The preparation of an APP takes time as a consequence of the regulatory obligations on consultation, submission, and independent examination. Development proposals may have to be determined whilst the AAP is still in progress. The Council can also anticipate challenge from residents, who may not be supportive of development in this area, and from developers who may not be supportive of the expectations that policy in support of a holistic new settlement Masterplan and Design Code will place upon their development proposals.

<p>Option 2: To not endorse the formal commencement of work on the statutory stages of preparing the Lancaster South Area Action Plan in accordance with the commitment described in the adopted Local Plan for Lancaster District and the timetable provided in the Lancaster District Local Development Scheme (LDS) as approved by Council on 29 July 2020.</p>
<p>Advantages: None apparent.</p>
<p>Disadvantages: The community, developers and stakeholders would be left wholly unsure about how the Council intends to achieve the delivery of development in Lancaster South in accordance with an overall plan. Infrastructure funders and developers would be left unsure as to this Council's commitment and timetable for achieving development in Lancaster south. To proceed with the commitment to prepare an further Development Plan Document would mean that planning proposals in south Lancaster would have to be determined in accordance with policy within existing Development Plan Documents, notably Policy SG1 of the adopted Local Plan. Policy SG1 only identifies a Broad Location for Growth and a series of broad development principles. It would be very challenging to determine development proposals for a new settlement on only the principles established to date.</p>
<p>Risks: Lack of progress in advancing the development plan position will make it difficult to determine planning proposals that come forward in Lancaster south. Lack of an overall plan for the area will mean that development proposals will come forward as individual proposals and not contribute well to the achievement of a distinctive new community or realise community benefits such as contributions to education and affordable housing. An inability to demonstrate how progress is to be made on achieving development in the Broad Location for Growth will leave the district more open to proposals coming forward on sites that are not identified in the Local Plan.</p>

Councillor Hanson proposed, seconded by Councillor Sinclair:-

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

At this point the Chair advised the meeting that the public speaker had been able to join the meeting and with the agreement of the meeting the debate was suspended to enable Mr Johnson to address Cabinet. The Chair also confirmed a further revision to the order of the agenda with the BID report being considered immediately after Mr Johnson's address so as not to detain him unnecessarily.

Mr Tony Johnson addressed the meeting in support of the Lancaster Business Improvement District (BID) Renewal Draft Proposal.

65 LANCASTER BUSINESS IMPROVEMENT DISTRICT (BID) RENEWAL - DRAFT PROPOSAL

(Cabinet Member with Special Responsibility Councillor Hamilton-Cox)

Cabinet received a report from the Director for Economic Growth and Regeneration which provided context and information for the endorsement of proposals for a Lancaster Business Improvement District (BID) Renewal Ballot (closing on 11th February 2021) as required by statutory provisions. The report updated Members on the pre- and post- ballot issues and resource implications in relation to the city council's role

in the BID renewal process.

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

Option 1: Do nothing (Put off decision until the production of Final Renewal Proposals)
Advantages: No advantages.
Disadvantages: Creates uncertainty for Lancaster BID. Creates difficulties for Lancaster BID in developing its pre-ballot canvassing strategy and marketing/publishing activities around the BID Renewal Proposals.
Risks: Due to the impact of Covid-19 this is Cabinet is the last date proposals can formally be endorsed for February ballot to be comfortably enacted under statutory notifications. If there are issues with Renewal Proposal compliance at this stage a ballot could be delayed with knock on implications for Lancaster BID in terms of canvassing and for the council in terms of dealing with operational matters in the new year arising from a late 'Yes' ballot.
Option 2: Endorse the draft BID Renewal Proposals with endorsement of final BID Renewal Proposals delegated to the Chief Executive.
Advantages: Timely notice that the proposals are technically sound and the final document is likely to be compatible with BID Regulations and council policy. Allows for minor and/or non-material technical amendments via officer scrutiny of final Renewal Proposals document. Allows Lancaster BID to continue to develop its pre-election canvassing strategy and marketing/publishing activities around the BID Renewal Proposals with confidence.
Disadvantages: No disadvantages identified.
Risks: No guarantee that BID Renewal Ballot will be successful.
Option 3: Request material amendments to the draft Renewal Proposal for consideration/ endorsement at a future Cabinet meeting.
Advantages: This would only be if it was considered (based on the draft), a Final Renewal Proposal would be vetoed because matters contained conflict with council policy and extensive material changes are required. Allows for revised proposals to come forward which are compatible with council policy and regulatory requirements.
Disadvantages: Reputational implications for council if proposals are not endorsed without good reason. Potential delays Lancaster BID's commitment to pre-ballot canvassing strategy and marketing/publishing activities around the BID Renewal Proposals.
Risks: If there are issues with compatibility with the council's policy framework the onus would be on Lancaster BID to address any issues and prepare a technically/policy compatible Final Renewal Proposal. Risks are as Option 1 in that this Cabinet is, realistically, the last date proposals can formally be endorsed by Cabinet for a ballot to be enacted under the current statutory notification timetable.

On submission of a Final Renewal Proposal the local authority is obliged to endorse the BID proposal and approve it to go forward to a ballot if it meets the defined regulatory and policy tests. The draft proposals provide a good indication of whether it is likely the council needs to use its veto powers.

The draft proposals do not conflict with any published council policies and a successful BID will continue to actively support the council's corporate objectives particularly in the areas of Economic Growth, Clean Green & Safe Places and Community Leadership. The work of Lancaster BID in canvassing opinion and consultation appear to show a good level of support for the way the BID proposals have been shaped.

The amount of prior discussion between the BID proposer and the local authority before submitting the BID draft proposals to the authority has been sufficient and it is expected consultation will continue up to the submission of final proposals. The costs incurred and due in developing BID proposals, canvassing and balloting have been allowed for within the BID's current budget.

There are no advantages in holding over on endorsement pending Final Proposals (Option 1) and officers consider there are no material alterations required (Option 3). **The preferred Option is therefore Option 2, to endorse the draft Renewal Proposals.** It follows that an appropriate level of delegated authority is required to ensure the outstanding matters are addressed and so that final proposals can be approved to move forward to ballot. As these issues are mainly technical and operational it is recommended this be undertaken through delegated decision by the Chief Executive.

Members should note the city council will continue to be liable for the levy on rateable property it occupies/holds should a ballot be successful (refer to Financial Implications). As a potential levy payer the council is eligible to vote in a ballot. There are no statutory rules on how individual local authorities treat this. Cabinet has previously escalated the voting decision to Full Council (who have previously considered a report prior to the voting period), and officers have anticipated the continuation of this arrangement.

Councillor Hamilton-Cox proposed, seconded by Councillor Jackson:-

"That the recommendations, as set out in the report, be approved with a further recommendation assuming that the other recommendations were approved, that Cabinet asks full Council to determine which way the Council will vote in the forthcoming ballot in accordance with previous precedent."

In response to the additional recommendation the Monitoring Officer suggested that further clarification was necessary, and the Chair suspended the meeting for 10 minutes to enable the Monitoring Officer to provide advice on this issue. The meeting reconvened at 19.25 when the Monitoring Officer advised that there was no reason for the decision to be put to full Council as the decision was an Executive decision.

Following on from the Monitoring Officer's advice Councillor Hamilton-Cox moved the recommendations as set out in the report, with a revised recommendation (4): "that Cabinet supports a 'yes' vote in the forthcoming BID renewal ballot."

Councillors then voted:-

Resolved unanimously:

- (1) The draft Renewal Proposals for Lancaster Business Improvement District (BID) Renewal Ballot are agreed as being in compliance with the statutory requirements and are not in conflict with the council's corporate policy framework.
- (2) That approval of Lancaster BID final Renewal Proposals and the issue of an instruction to proceed to ballot is delegated to the Chief Executive.
- (3) That the current Operating Agreement and Baseline Agreement are revised to reflect any changes/amendments required between the parties and current council service provision respectively, with approval and post-ballot sign-off of the final documents delegated to the Chief Executive.
- (4) That Cabinet supports a 'yes' vote in the forthcoming BID renewal ballot.

Officers responsible for effecting the decision:

Chief Executive
Director for Economic Growth and Regeneration

Reasons for making the decision:

In working towards implementation of Business Improvement Districts the council will be achieving and/or reviewing and improving upon a number of its corporate objectives/outcomes as defined in the Council Plan. The draft BID Renewal Proposals will actively support Sustainable Economic Growth, Clean Green & Safe Places and Community Leadership outcomes, success, measures and actions.

**66 PREPARATION OF LANCASTER SOUTH AREA ACTION PLAN DEVELOPMENT
PLAN DOCUMENT - CONTINUED**

At this point Cabinet returned to the debate had had been suspended as detailed in Minute 64.

The recommendations as set out in the report had been proposed by Councillor Hanson and seconded by Councillor Sinclair.

By way of an amendment, Councillor Hamilton-Cox proposed and Councillor Brookes seconded:

"That the following additional recommendations be approved:

- (1) Given both the overarching context of the climate emergency and the uncertainty over funding cabinet asks for the AAP and masterplan to be advanced on the basis that the Galgate bypass and connecting road infrastructure may or may not progress.*
- (2) Given the substantial infrastructure costs of developing new settlements, cabinet asks that the initial work of the AAP should include detailed viability assessments of phases of development.*
- (3) Given the crucial importance of maintaining and improving biodiversity, cabinet asks that the AAP and masterplan are advanced so as to avoid planned development impacting on the Lancaster canal and adjacent ancient woodland biological heritage*

sites.”

Councillors then voted on the amendment as follows: -

(3 Members (Councillors Brookes, Hamilton-Cox and Jackson) voted in favour, 6 Members (Councillors Frea, Hanson, Lewis, Parr, Sinclair & Whitehead) voted against whereupon the Chair declared the amendment to be lost.

Cabinet then voted on the original proposition.

Resolved unanimously:

- (1) That Cabinet formally endorses the commencement of work on the statutory stages of preparing the Lancaster South Area Action Plan in accordance with the commitment described in the adopted Local Plan for Lancaster District and the timetable provided in the Lancaster District Local Development Scheme as approved by Council on 29 July 2020.
- (2) That Cabinet authorises officers to commence with the projects as set out in the report.

Officer responsible for effecting the decision:

Director for Economic Growth and Regeneration

Reasons for making the decision:

The Local Development Plan and Development Plan Documents are part of the Council's Policy Framework. The Council is obliged to prepare and maintain the Development Plan for Lancaster District as described by Section 19 of the Planning and Compulsory Purchase Act 2004. A “Local Plan for Lancaster District”, specifically, the Strategic Policies & Land Allocations Development Plan Document and the Review of the Development Management Development Plan Document, was adopted by Council on 29 July 2020. The Local Plan and the adopted Local Development Scheme commit the Council to preparing an AAP for Lancaster South.

67 REVIEW OF HOUSING ALLOCATIONS POLICY OCTOBER 2020

(Cabinet Member with Special Responsibility Councillor Jackson)

Cabinet received a report from the Director for Communities and the Environment that outlined the Council's review of the social housing Allocations Policy and recommended changes to enable the city council to best meet housing need within a backdrop of reduced turnover of council stock and increases in homelessness.

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

Option 1: Approve the revised Housing Allocations Policy

<p>Advantages: Prevents complaints, legal challenges and Ombudsman Complaints. To have in place a fair and transparent policy, which enables city council to allocate properties those in greatest housing need and enable officers to make the best use of</p>
--

the council, is housing stock.
Disadvantages: No notable disadvantages.
Risks: The revised allocations policy has been reviewed in line with current up to date guidance to avoid risks associated with legal challenge.
Option 2: Retain existing Housing Allocations Policy
Advantages: No notable advantages.
Disadvantages: Not up to date with current government guidance, homeless households will remain in costly temporary accommodation for longer than necessary and increase the numbers of households in temporary accommodation at any given time due to lack of suitable move on accommodation through the housing register.
Risks: Legal challenge and or Ombudsman complaints. Increased expenditure to the B&B and temporary accommodation budgets. MHCLG - legal requirement to report any families accommodated in B&B in placement goes over 6 weeks.

The officer preferred option is Option 1. Option 1 to approve the revised allocation policy will ensure the policy meets our statutory duties having regard for current government guidance and legislation. By approving the revised allocation policy, officers will be able to ensure accommodation is made available to our most vulnerable and those in greatest housing need, whilst also making sure we get the best use of the council's limited housing stock.

Councillor Jackson proposed, seconded by Councillor Brookes:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That the changes be approved, and the revised Housing Allocations Policy 2020 be adopted.

Officer responsible for effecting the decision:

Director for Communities and the Environment

Reasons for making the decision:

The City Council's existing allocations policy has not been reviewed since March 2018. The Council is required to update the allocations policy to ensure it meets statutory guidance, to ensure the policy still reflects local priorities and is "fit for purpose". The policy has been reviewed in light of recent case law, changes to priority for armed forces and their families, people affected by domestic abuse in refuge accommodation and the implications for homeless households placed in temporary accommodation since the implementation of the Homeless Reduction Act 2017.

The decision is consistent with the Council's approved priorities, which includes a sustainable District, Happy, and Healthy Communities. The decision also fits with the Local plan and will contribute to increasing the supply of housing in Lancaster district and directly contribute to the Homes Strategy 2020-2025.

68 THE HOMES STRATEGY FOR LANCASTER DISTRICT 2020-2025

(Cabinet Member with Special Responsibility Councillor Jackson)

Cabinet received a joint report from the Director for Communities and the Environment and Director for Economic Growth and Regeneration which presented the new Homes Strategy and Action Plan 2020-2025 for Lancaster District to Cabinet for initial endorsement and authority to consult.

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

Option 1: Approve the draft Homes Strategy 2020-25
Advantages: The council will have an up to date Housing Strategy within its policy framework. The Strategy outputs will make a significant contribution to increasing the provision of good quality energy efficient homes and affordable housing to meet those in the most housing need. It will positively contribute towards Climate Change mitigation. It will increase the portfolio of housing owned by Lancaster City Council. It will contribute to the council's Investment Strategy. It ratifies the council's commitment to jointly agreed priorities with other statutory organisations.
Disadvantages: The implementation of the Homes Strategy will have significant resource implications primarily but not exclusively in relation to capital funding.
Risks: The council will need to set up a Housing LATCo in order to bring forward a more diverse mix of housing tenures in Lancaster district. This is a new way of working requiring specialist legal and finance advice initially as well as in the longer term impacting upon support services and separate governance arrangements will need to be established. Capital schemes identified have not yet been through a due diligence process to assess full costs and risks although an existing framework is already in place to assess proposed commercial investments. Future demand for housing but given the level of housing need identified and the standards being achieved. Market housing provision is a new area of business for the council but the existing council housing teams are well experienced to manage any PRS properties although outright sale units would be a new area of business for the council requiring proper market analysis and research.
Option 2: Do not approve the draft Homes Strategy 2020-25
Advantages: The council will not need to raise the capital and revenue funding required to implement the Homes Strategy.
Disadvantages: The council will not be contributing to increasing the supply of good quality energy efficient homes in Lancaster district. This will have wider implications upon the effectiveness of other approved Strategies i.e. the Homelessness Strategy 2020-23 by increasing the range of housing available to prevent homelessness. Limited opportunities/benefits around climate change mitigation. The council will primarily be an enabler rather than a provider of new housing.
Risks: The council will be less likely to achieve its agreed objectives and statutory duties around homelessness. The proposed regeneration of Mainway estate could lead to significant issues around the structure and quality of existing council properties. For schemes like Canal Quarter, the council as a key landowner could lose control in bringing forward a scheme which meets all its objectives and opportunities to generate

cross subsidies. Lost opportunities to continue the regeneration of Morecambe and to diversify the affordable housing offer for older people relying solely on Registered Provider activity. Reputational damage.

The officer preferred option is Option 1. Lancaster City Council has the opportunity to approve an ambitious Homes Strategy for Lancaster district which will allow the council to commence programmes of new build housing, acquire and improve existing housing, diversify its housing offer, and most importantly, increase the choice and quality of housing across tenures to meet the need of its diverse communities, whilst making a positive contribution towards climate change mitigation. Cabinet is therefore asked to approve the draft Homes Strategy and Action Plan 2020-25 and allow a further period of consultation to engage with key stakeholders before final endorsement.

Councillor Jackson proposed, seconded by Councillor Hamilton-Cox:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That Cabinet approve the draft Homes Strategy and Action Plan 2020-2025 and authorise officers to consult key partners and stakeholders.
- (2) That the Homes Strategy will then be adopted unless the consultation results in any proposed changes to the Action Plan which will be reported back to Cabinet for final endorsement.

Officers responsible for effecting the decision:

Director for Communities and the Environment
Director for Economic Growth and Regeneration

Reasons for making the decision:

The decision is consistent with the Council Priorities including Happy and Healthy Communities, a Sustainable District and an Inclusive and Prosperous Local Economy. The decision is also consistent with the Local Plan and contributes towards the provision of housing to meet a locally identified need and opportunities to increase the choice and supply of affordable housing. This Homes Strategy replaces the previous Housing Strategy 2012 – 2017.

69 OPTIONS TO SET UP THE HOUSING LATCO

(Cabinet Member with Special Responsibility Councillor Jackson)

Cabinet received a joint report from the Director for Communities and the Environment and Director for Economic Growth and Regeneration to update members on the findings of the specialist legal and finance advice sought on options to set up the Housing LATCo (Local Authority Trading Company) and to recommend to Cabinet that they approve the establishment of the Housing LATCo.

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

Option 1: Approve the establishment of the proposed Housing LATCo
Advantages: Will allow a blend of prudential borrowing through the General Fund and HRA to deliver the strategic housing projects identified. Offers potential to create mixed tenure schemes, cross subsidises affordable housing and can create surpluses which could address the future years budget deficit. Diversifies the council's existing housing portfolio. The council is more able to meet a growing local housing need.
Disadvantages: Set up and operational running costs will be required. There will be capacity issues within the existing workforce in terms of support services with new skill sets needed.
Risks: New area of business for the council with different forms of tenure being provided. Demand for housing products although demand data suggests this would be low risk. Different governance arrangements in place. It could be some time before the LATCo is able to create surpluses. Property values can go down as well as up. The costs associated with producing zero carbon homes could mean schemes are marginal/unviable.
Option 2: Do not approve the establishment of the proposed Housing LATCo.
Advantages: No direct financial risk or exposure to the council. Some outputs could still be achieved through partnerships/the council acting in an enabling capacity.
Disadvantages: The council is not delivering a its key housing and regeneration priorities, growing and diversifying its housing portfolio to meet a wide range of housing need or proactively contributing to climate change through the provision of its own zero carbon homes. Surpluses could only be created through other forms of commercial investments which do not generate the same social value.
Risks: The HRA would be the only source of borrowing with limited headroom. There would be limited scope to provide holistic solutions to regeneration priorities. In areas like the West End, other costs associated with ASB/fly tipping, health inequalities and fuel poverty are likely to increase.

The officer preferred option is Option 1. This is the only mechanism that will allow the council to bring all of their key strategic housing projects into fruition. Investment into housing development cannot be seen as risk free, and house prices and values can fluctuate but as this is a vehicle which will assumes a longer term investment plan, the Savills report clearly demonstrates the successes achieved through housing investment vehicles, and that a scheme of acquisitions in Morecambe can be delivered viably if a longer borrowing period is assumed.

Cabinet approval was required to set up the new Housing LATCo taking account of the specialist legal and financial advice obtained, committing a further £50K to appoint Trowers to undertake the necessary actions and preparation of legal documentation, and to delegate authority to the Chief Executive in consultation with the Leader and Portfolio Holder for Housing to agree the composition of the Board of Directors and the arrangements for the council to discharge its role as Shareholder of the Housing LATCo and report back to Cabinet for consideration and approval.

Councillor Jackson proposed, seconded by Councillor Hamilton-Cox:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That Cabinet approve the establishment of a wholly owned company (Housing LATCo) limited by shares and delegate authority to the Chief Executive in consultation with the Section 151 Officer to take all necessary steps to incorporate the company, and enter into all necessary documents to facilitate the company's operation including the Articles of Association, Shareholder Agreement, Loan Agreement, Services Agreement and Secondment Agreement.
- (2) That Cabinet delegate authority to the Chief Executive in consultation with the Leader and Portfolio Holder for Housing to agree the composition of the Board of Directors and the arrangements for the council to discharge its role as Shareholder of the Housing LATCo.
- (3) That a further budget of £50K is approved to re-appoint Trowers & Hamlins LLP to provide the necessary legal advice and prepare the documentation.

Officers responsible for effecting the decision:

Chief Executive
 Director for Economic Growth & Regeneration
 Director for Communities and the Environment
 Section 151 Officer

Reasons for making the decision:

The decision is consistent with the Council Priorities including Happy and Healthy Communities, a Sustainable District, and an Inclusive and Prosperous Local Economy. The decision is also consistent with the Local Plan and will contribute towards the provision of housing to meet a locally identified need and opportunities to increase the choice and supply of affordable housing. The Housing Strategy will provide the necessary framework to deliver the strategic housing priorities identified.

70 TO SEEK APPROVAL FOR THE ADOPTION OF PUBLIC SPACE PROTECTION ORDERS (DOG CONTROL)

(Cabinet Member with Special Responsibility Councillor Sinclair)

Cabinet received a report from the Director for Communities and the Environment that sought approval for the adoption of four Public Space Protection Orders (Dog Controls) for a period of 3 years.

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

Option 1: Adopt the PSPOs as proposed in the consultation, with no amendments
--

<p>Advantages: • Reflects the majority of representation made during the public consultation • Enables less able bodied people to continue to exercise dogs off leads on the flat hard surfaces of 'cycle ways' • More consistent and less confusing enforcement</p>

• More rapid, effective and efficient enforcement
Disadvantages: • None identified
Risks: The decision concerning dogs on leads would not reflect the views of all consultees
Option 2: Adopting the PSPO, but including dogs on leads for cycle ways
Advantages: Supportive of a minority view of consultees
Disadvantages: • Unpopularity with local communities of applying dogs on leads to cycle ways. • Reduced availability of off lead dog exercise areas, particularly in areas where there are few alternatives. • Need for more enforcement than option 1.
Risks: The decision concerning dogs on leads would not reflect the views of all consultees. It would be difficult to enforce.
Option 3: Do not adopt the PSPOs (Dog Control)
Advantages: • Saving on staff time to implement new Dog Control Orders, and advertising for signage costs.
Disadvantages: • Confusion from discontinuation of existing enforcement. • Going against majority of consultees • Return to a system of enforcement which is unclear and inconsistent • Unnecessary expense and complications in having to prosecute for offences instead of applying fixed penalty notices available under options 1 and 2 leading to delays and lower efficiency and cost-effectiveness • The extent of land within the district on which regulatory dog controls apply would remain limited.
Risks: The decision not to introduce available dog-related regulatory measures for public protection would lead to criticism, particularly given the strength of public feeling about aspects of irresponsible dog ownership.

The officer preferred option is Option 1 to adopt the PSPOs (Dog Control) as consulted on. This option addresses needs for public protection, supports further enforcement and most closely reflects the majority of public comment arising from the consultation. Adoption of the original Dog Control Orders has led to more straightforward and effective dog control and enforcement in the district. There continues to be considerable public support for enforcement, and this was confirmed by comments received in the recent consultation but balanced with a fair approach towards responsible dog owners.

Councillor Sinclair proposed, seconded by Councillor Brookes:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That the four Public Space Protection Orders (Dog Control) be made, to include provisions as appended to the report.
- (2) That authority be delegated to the Head of Public Protection to designate in writing authorised officers for the purposes of issuing fixed penalty fines.

Officer responsible for effecting the decision:

Director for Communities and the Environment

Reasons for making the decision:

Cabinet approved a number of dog control orders that enabled the council to deal with issues such as dog fouling on our streets and parks, dogs and leads, and dogs out of control which can cause road traffic accidents, nuisance and aggression in 2012. Originally introduced under the Clean Neighbourhoods and Environment Act 2005, they were converted to become Public Space Protection Orders (PSPOs) in 2017 following a change in legislation to the new Anti-social Behaviour, Crime and Policing Act 2014. The PSPOs have now been reviewed in order that they can be implemented for a further 3 year period.

The decision is consistent with the Council priority of Healthy and Happy Communities, keeping the district's neighbourhoods, parks, beaches and open space clean, well-maintained and safe.

71 GREEN WASTE SUBSCRIPTION FEES

(Cabinet Member with Special Responsibility Councillor Brookes)

Cabinet received a report from the Director for Communities and the Environment to request that Cabinet took an early decision, outside of fee and charges timeline, to agree future fees for green waste subscription. The decision needed to be taken early as the subscription service runs in line with the calendar year and would commence prior to budget council in February 2021.

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

Option 1: Freeze the charge at £40.00 for the next 2 subscription years
Advantages: Maintains the existing level of charge for users of the service. Provides a comparable basis for income forecasts in 2021/22. Offers residents a service that equates to £1.81 per collection.
Disadvantages: Income forecasts are of course based on estimates. If subscription numbers lower this will have a negative impact on the budget.
Risks: Service users choose not to subscribe to the service.
Option 2: Recommend a different level of charge (e.g. increase by inflation)
Advantages: Inflationary increases of 3% would budget for an additional £26,800 in revenue.
Disadvantages: No guarantee of achieving the additional figure if charges are increased.
Risks: Residents may choose not to subscribe due to increase which could lead to reduction in income May lead to increases in fly tipping.

The officer preferred option is Option1 on the basis that the current over achievement in income of £46,500 would cover any inflation rises and will assist in protecting subscriber numbers and income levels.

Councillor Brookes proposed, seconded by Councillor Hamilton-Cox:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That Cabinet authorises the officer’s recommendation to freeze green waste subscription charges at £40.00 for a period of two years. This will be for the 2021/22 and 2022/23 financial years.

Officer responsible for effecting the decision:

Director for Communities and the Environment

Reasons for making the decision:

Freezing the subscription charges for the next two financial years should protect the retention of subscription numbers and income management. The decision is consistent with Council priorities with regard to a Sustainable district and Happy and Healthy Communities and with the Council’s target to become carbon neutral by 2030.

72 CAPITAL INVESTMENT STRATEGY

(Cabinet Member with Special Responsibility Councillor Whitehead)

Cabinet received a report from the Chief Executive that proposed a Capital Investment Strategy for 2020-21 to 2024/25, to cover all capital investments made by the Council. The Strategy reflected the aspirations of Council’s Funding the Future, and the Medium-Term Financial Strategies.

The proposed Capital Investment Strategy was designed to cover all the Council’s capital investments from 2020-21 to 2024-25, including projects and schemes that support:

- Economic Regeneration
- Delivery of a Social Return, for example Housing
- Income Generation including Property Investment
- Carbon Zero + Initiatives that address the Climate Emergency
- Operational Service Delivery

Whilst the Council delivered significant value in our district through its ongoing operations, capital investment provided the opportunity to deliver further long-term, sustainable outcomes in each of those areas. The Strategy proposed outcome targets against each of the workstreams listed above, underpinned by the processes, skills and capacity, and monitoring through which desired outcomes could be delivered.

Councillor Whitehead proposed, seconded by Councillor Hanson:-

“That Cabinet recommends that this draft of the Capital Investment Strategy and the associated appendices included at Appendix A be sent to the Budget & Policy Panel for

review. An updated version taking account of comments received should be considered by Cabinet, prior to being recommended for adoption by Full Council into the Budget & Policy Framework.”

Councillors then voted:-

Resolved unanimously:

- (1) That Cabinet recommends that this draft of the Capital Investment Strategy and the associated appendices included at Appendix A be sent to the Budget & Policy Panel for review. An updated version taking account of comments received should be considered by Cabinet, prior to being recommended for adoption by Full Council into the Budget & Policy Framework.

Officers responsible for effecting the decision:

Chief Executive
151 Officer

Reasons for making the decision:

The proposed Capital Investment Strategy supports the Medium-Term Financial Strategy. Capital and Investment Strategies form part of the Budget Framework and their adoption is a function of Full Council. The Council's Constitution requires that when a new or existing strategy is being considered, the Overview and Scrutiny Committee or Budget and Performance Panel have an opportunity to comment. If it considers it appropriate, Cabinet may then amend its proposals before submitting them to Council for consideration. The Budget and Performance Panel will have the opportunity to comment on the proposals at its meeting on 10 November 2020.

73 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor Jackson and seconded by Councillor Whitehead:-

“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 items 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.”

There was no dissent to the proposal.

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.

The ‘Live’ Teams meeting concluded at 8.58pm. Cabinet reconvened in a private Teams meeting to consider the exempt reports.

74 ARRANGEMENTS FOR REPAIR OF LODGE STREET PREMISES

The Chair advised the meeting that this report had been withdrawn from the agenda.

75 INVESTMENT PROPOSAL: SITE ACQUISITION (Pages 22 - 25)

(Cabinet Member with Special Responsibility Councillor Whitehead)

Cabinet received a report from the Director for Economic Growth and Regeneration with regard to an investment proposal: site acquisition. The report was exempt from publication by virtue of paragraph 3 of 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.

It was proposed by Councillor Whitehead, seconded by Councillor Hamilton-Cox resolved unanimously:-

Resolved unanimously:

- (1) The resolution is set out in a minute exempt from publication by virtue of paragraph 3, of Schedule 12a of the Local Government Act 1972.

Officer responsible for effecting the decision:

Director for Economic Growth and Regeneration

Reasons for making the decision:

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

76 INVESTMENT PROPOSAL (Pages 26 - 29)

(Cabinet Member with Special Responsibility Councillor Whitehead)

Cabinet received a report from the Director for Economic Growth & Regeneration which was exempt from publication by virtue of paragraph 3 of 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.

It was proposed by Councillor Whitehead, seconded by Councillor Hanson and resolved:-

Resolved:

(7 Members (Councillors Brookes, Frea, Hanson, Lewis, Parr, Sinclair & Whitehead) voted in favour, 1 Member (Councillor Hamilton-Cox) voted against and 1 Member (Councillor Jackson) abstained.)

The resolution is set out in a minute exempt from publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act, 1972.

Officer responsible for effecting the decision:

Director for Economic Growth & Regeneration

Reasons for making the decision:

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

Chair

(The meeting ended at 9.41 p.m.)

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

MINUTES PUBLISHED ON MONDAY 2 NOVEMBER, 2020.

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
TUESDAY 10 NOVEMBER ,2020.**

Document is Restricted

Document is Restricted