

## CABINET

5.00 P.M.

2ND MARCH 2021

**PRESENT:-** Councillors Erica Lewis (Chair), Dave Brookes, Gina Dowding, Merv Evans, Kevin Frea, Tim Hamilton-Cox, Janice Hanson, Colin Hartley, Caroline Jackson and Anne Whitehead

### Officers in attendance:

Kieran Keane	Chief Executive
Mark Davies	Director for Communities and the Environment
Sarah Davies	Director of Corporate Services
Paul Thompson	Chief Financial Officer (Head of Finance & Section 151 Officer)
Luke Gorst	Head of Legal Services and Monitoring Officer
Debbie Chambers	Head of Democratic Services and Deputy Monitoring Officer
Kathy Beaton	Housing Strategy Officer
Fiona Clark	Planning Officer (Policy)
Liz Bateson	Principal Democratic Support Officer, Democratic Services

### 115 MINUTES

The minutes of the meeting held on Tuesday 9 February 2021 were approved as a correct record.

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

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

### 117 DECLARATIONS OF INTEREST

The following Councillors had declared an 'other' interest in the report on Confirmation of Article 4 Direction - Houses in Multiple Occupation: It was noted they had declared an 'other' interest when previous reports concerning Houses of Multiple Occupation were tabled at October's Cabinet meeting and December's Cabinet meeting (Minute 63 & 90 refer) and it was confirmed that their 'other' interest did not preclude them from voting on the item.

- Councillors Brookes, Jackson & Whitehead each lived in one of the areas affected.
- Councillor Hamilton-Cox owned a property within the area affected.

### 118 PUBLIC SPEAKING

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

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 Dowding and there was no dissent to the proposal.

***Resolved unanimously:***

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

**119 CONFIRMATION OF ARTICLE 4 DIRECTION - HOUSES IN MULTIPLE OCCUPATION**

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

Cabinet received a report from the Director for Economic Growth & Regeneration which sought authority to confirm the Houses in Multiple Occupation Article 4(1) Direction made under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) on 10th November 2020.

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

**Option 1: Confirm the non-immediate Houses In Multiple Occupation Direction Under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and carryout the necessary steps as required by Schedule 3 of the Order.**

Advantages: The confirmation of the Article 4 will ensure that the controls come into force on 10th November 2021 and from that date the change of use from Class C3 (dwellinghouses) to Class C4 (small HMOs) will require planning permission thereby enabling policy DM13 of the DMDPD to be implemented effectively.

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 risk.

**Option 2: Do not confirm the non-immediate Houses In Multiple Occupation Direction Under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).**

Advantages: No further resources will be 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: Confirm the non-immediate Houses In Multiple Occupation Direction Under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and carry out the necessary steps as required by Schedule 3 of the Order.

Councillor Hanson proposed, seconded by Councillor Dowding:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That Cabinet confirms the Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) to remove the permitted development rights for development consisting of a change of use from a Class C3 (dwellinghouse) of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), to a use falling within Class C4 (houses in multiple occupation) of that Schedule, contained in Class L(b) of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), 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.
- (2) That the Director of Economic Growth and Regeneration be authorised to effect the confirmation of the Article 4 to come into force on 10th November 2021 and to carry out the necessary steps as required by Schedule 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

**Officer responsible for effecting the decision:**

Director for Economic Growth & Regeneration

**Reasons for making the decision:**

The decision is consistent with the Corporate Plan which 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 (DPD) aim to ensure that development, including uses of buildings, create strong and vibrant communities (SP9). Policy DM1 of the Development Management DPD seeks to ensure mixed communities. Policy DM13 aims to manage the concentration of HMOs. The proposals seek to address the detrimental impacts of concentration of HMOs in accordance with the ambitions of the Corporate Plan and the Local Plan.

**120 UPDATE ON THE HOUSING LATCO**

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

Cabinet received a report from the Director for Communities and the Environment & Director for Economic Growth and Regeneration which asked Cabinet to note the progress in setting up the new Housing LATCo and to approve the new Housing LATCo structure, the arrangements that Cabinet members would become the sole members of the Shareholder Committee, approve the Shareholder Agreement and make budget provision through a loan facility from the Council to the LATCo once incorporated.

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

**Option 1: Approve the report and proposed governance arrangements with Cabinet agreeing to become members of the Shareholder Committee and approve the loan provision to the LATCo.**

Advantages: It allows the timely creation of the governance arrangements and scrutiny function that the Council is seeking to provide for the Housing LATCo. It streamlines the decision making process and administrative arrangements. The loan provision will allow the LATCo to become operational and be TECKAL compliant.

Disadvantages: Does create additional responsibilities for Cabinet members and additional administration and support from officers.

Risks: Could give rise to confusion about the role of Cabinet members and the Shareholder Committee.

**Option 2: Do not approve the report and consider alternative arrangements.**

Advantages: Could remove any confusion/overlap around distinct roles of Cabinet and the Shareholder Committee.

Disadvantages: It will create further delays in getting the Housing LATCo established and fully operational.

Risks: Loss of opportunity/reputational damage if delays are incurred.

The officer preferred option is Option 1. If the report is approved, it will allow the LATCo to be set up with appropriate governance arrangements in place. Thus, the Housing LATCo can become fully functional allowing the key housing and regeneration priorities already endorsed by Cabinet to be brought into fruition.

Councillor Jackson proposed, seconded by Councillor Dowding:-

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

Councillors then voted:-

**Resolved unanimously:**

- (1) That Cabinet notes that the two distinct Housing Companies have been named Morehomes for the Bay (Investments) Limited and Morehomes for the Bay

(Developments) Limited.

- (2) That the Board of Directors for both Companies will, subject to appointment by the Shareholder Committee, comprise Executive Team officers.
- (3) That Cabinet approves the amended structure of the Housing LATCo.
- (4) That Cabinet agrees to become the sole members of the Shareholder Committee for both Companies.
- (5) That Cabinet approves the Shareholders Agreement (and any minor modifications needed hereafter) for signing, upon agreement of the document with the Board of Directors.
- (6) That Cabinet agrees to delegate to the Chief Finance Officer the negotiation of and arrangements for a loan up to a maximum value of less than £100,000 in order to cover the initial operating costs of the Company. The Loan will be established in a way that is compliant with both Council and Company financial policies and relevant legislation for a LATCo.

**Officers responsible for effecting the decision:**

Director for Communities and the Environment  
Director for Economic Growth & Regeneration  
Chief Finance Officer

**Reasons for making the decision:**

The decision is consistent with Council Priorities: Happy and Healthy Communities, a Sustainable District, an Inclusive and Prosperous Local Economy Local Plan and contributes towards the provision of housing to meet a locally identified need and opportunities to increase the choice and supply of good quality housing. The decision is also consistent with the Housing Strategy and directly aligns to the key actions identified in the Homes Strategy for Lancaster district 2020-2025. The financing arrangements put forward within the report will allow the Company to quickly establish itself and operate independently of the Council, whilst not breaching the regulations surrounding Teckal Companies.

**121 DELIVERING OUR PRIORITIES: Q1-Q3 2020-21**

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

Cabinet received a report from the Director of Corporate Services to provide an update with regard to the status of corporate projects and performance indicators; and to set out plans for the future development of monitoring and reporting these including a review of corporate measures, and the establishment of online dashboards containing information relating to each of the Council's priorities.

No options were provided. Cabinet was requested to consider the updates on projects and performance measures from March – December 2020 (Q1-Q3 2020-21) and approve in principle the approach to developing project, measure and resource monitoring and reporting as set out in the report.

Officers will work with the Cabinet sub-groups, advisory groups and external stakeholders during Q1 and Q2 2021/22 to put in place the new reporting framework and report back on progress each quarter. The changes will be iterative, and existing reporting will be improved to accommodate the new priorities, outcomes and measures.

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

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the updates on projects and performance measures from March-December 2020 (Q1-Q3 2020-21) at Appendix A to the report be considered and endorsed.
- (2) That Cabinet approves in principle the approach to developing project, measure and resource monitoring and reporting set out in this report.

**Officer responsible for effecting the decision:**

Director of Corporate Services

**Reasons for making the decision:**

Establishing and developing processes for the monitoring of projects and performance measures will support the Council’s whole range of activity to deliver its priorities and policies.

**122 APPOINTMENT TO OUTSIDE BODIES**

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

Cabinet received a report from the Chief Executive to appoint to the vacancies on three outside bodies following the resignation from Cabinet of Councillor Parr. The vacancies related to the Community Safety Partnership, Health and Wellbeing Partnership and the Morecambe Bay Partnership and Cabinet were recommended that the appointments be aligned as closely as possible to Individual Cabinet Members’ portfolios.

It was proposed by Councillor Lewis, seconded by Councillor Frea and resolved unanimously when put to the vote:-

***Resolved unanimously:***

- (1) That Councillor Hartley be appointed to the vacancies on both the Community Safety Partnership and Health & Wellbeing Partnership and that Councillor Brookes be appointed to the vacancy on the Morecambe Bay Partnership and that the Outside Bodies be notified of the revisions.

**Officer responsible for effecting the decision:**

Chief Executive

**Reasons for making the decision:**

Representation on Outside Bodies is part of the City Council's community leadership role and is consistent with the Council's Plan and Priorities.

---

Chair

(The meeting ended at 5.53 p.m.)

**Any queries regarding these Minutes, please contact  
Liz Bateson, Democratic Services - email [ebateson@lancaster.gov.uk](mailto:ebateson@lancaster.gov.uk)**

**MINUTES PUBLISHED ON FRIDAY 5 MARCH, 2021.**

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:  
MONDAY 15 MARCH , 2021.**