

CABINET

6.00 P.M.

15TH SEPTEMBER 2020

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

Apologies for Absence:

Cllr Erica Lewis (Chair)

Officers in attendance:

Kieran Keane	Chief Executive
Daniel Bates	Director of Corporate Services
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	Planning Manager
Debbie Chambers	Head of Democratic Services and Deputy Monitoring Officer
Maurice Brophy	Planning and Housing Policy Manager
Sarah Price	Capital Projects and Facilities Manager
Paul Rogers	Senior Regeneration Officer
Liz Bateson	Principal Democratic Support Officer

In the absence of the Leader, the Vice-Chair took the Chair

37 MINUTES

The minutes of the meeting held on Monday 17 August 2020 were approved as a correct record.

38 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

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

39 DECLARATIONS OF INTEREST

No declarations were made at this point.

40 PUBLIC SPEAKING

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

41 CAPITAL INVESTMENT STRATEGY 2020/24

It was noted that this item had been deferred for consideration at October's Cabinet.

42 PROVISIONAL REVENUE, CAPITAL AND TREASURY MANAGEMENT OUTTURN 2019/20**(Cabinet Member with Special Responsibility Councillor Whitehead)**

Cabinet received a report from the Chief Finance Officer that provided summary information regarding the provisional outturn for 2019/20, including treasury management. It also set out information regarding the carry forward of capital slippage and other matters for Members' consideration.

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

The Council has a legal requirement to ensure that its expenditure is fully funded and to produce accounts in accordance with proper accounting practice. In addition, the Prudential Indicators are a statutory requirement linked to the budgetary framework. For these aspects, therefore, there are no alternative options for Cabinet to consider. Members are being asked to endorse certain actions taken by the Chief Finance Officer, and Cabinet should consider whether it has sufficient information to do so or whether it requires any further justification.

The report requests Cabinet to consider a number of revenue overspending, capital slippage and other budget adjustment matters. The framework for considering these is set out in the report but basically Cabinet may:

- Endorse any number of the items / requests, in full or part.
- Refuse various requests and if commitments have already been incurred, require alternative funding options to be identified. Cabinet should note, however, that this may impact on other areas of service delivery.
- Request further information regarding them, if appropriate.

The Officer preferred options are as set out in the recommendations, on the assumption that Members continue to support their previously approved spending plans.

Despite the financial challenges faced by the Council and the associated reductions in Government funding, the financial standing of the Council remains relatively healthy as at 31 March 2020. Officers are undertaking several pieces of work to understanding the areas of significant variance and where appropriate undertake corrective action going forward. This will lead to further improvements to the Council's budget setting and financial monitoring processes.

Councillor Whitehead proposed, seconded by Councillor Hanson:-

"That the recommendations, as set out in the report, be approved and that recommendation (3) be revised to read 'Appendix 7' rather than 'Appendix 8.'"

Councillors then voted:-

Resolved unanimously:

- (1) That the provisional outturn for 2019/20 be endorsed, including the transfers to and from Reserves and Balances actioned by the Chief Finance Officer, as set

out in 5.1 and Appendix 5 of the report.

- (2) That Cabinet approve the treatment of year end overspends and endorse the do-nothing approach in-light of the current pandemic situation.
- (3) That the requests for capital slippage and the adjustments to reflect accelerated capital spending on projects as set out at Appendix 7 of the report be endorsed, with the Capital Programme being updated accordingly.
- (4) That the Annual Treasury Management report and Prudential Indicators as set out at Appendix 2 of the report, be noted and referred on to Council for information.

Officer responsible for effecting the decision:

Chief Finance Officer

Reasons for making the decision:

The Outturn and Statement of Accounts report on all the financial resources generated and/or used by the Council in providing services or undertaking other activities under the Policy Framework.

43 DELIVERING OUR AMBITIONS QUARTER 1 - 2020/21

It was noted that this item had been deferred for consideration at October's Cabinet meeting.

44 COVID 19 PANDEMIC - POLICY FOR DECISION MAKING AND SPENDING DELEGATIONS WITHIN THE BUDGET AND POLICY FRAMEWORK - AWARD OF CONTRACT ELECTRIC POOL CARS

(Cabinet Member with Special Responsibility Councillor Frea)

Cabinet received a report from the Director for Communities and the Environment which sought authorisation to complete an award of contract in accordance with the 'Covid-19 Pandemic- Policy for decision making and spending delegations within the Budget and Policy Framework'

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

The options were to either authorise completion of the award of contract or not.

Not authorising this will still mean that the Co-Wheels car scheme will go ahead using only the existing pool cars. The number of which is insufficient to achieve the change needed.

If not approved, it would conflict with the Council's climate change aspirations.

The officer preferred option was to authorise officers to award the contract.

Councillor Parr proposed, seconded by Councillor Brookes:-

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

Councillors then voted:-

Resolved unanimously:

That Cabinet authorises officers to complete the award of contract for 6 electric vehicles.

Officers responsible for effecting the decision:

Director for Communities and the Environment

Reasons for making the decision:

In 2018/19, 154 city council employees claimed the casual mileage allowance. Approximately 105,000 business miles were driven during this period, producing an estimated 31t(CO2) of greenhouse gases. The cost to the council for the mileage claims was £47,144 and rose to £50,000 in 2019/20. The decision is consistent with the Council’s target to become carbon neutral by 2030.

The funding for the additional pool cars was approved in the Council’s budget for 2020/21.

Having previously advised the meeting that non-executive members were able to participate in the meeting, and following the advice of the Monitoring Officer, the Chair formally moved 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 seconded by Councillor Jackson and agreed unanimously.

Resolved unanimously:

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

45 COVID 19 FINANCIAL UPDATE

It was noted that this item had been deferred for consideration at October’s Cabinet meeting.

46 REPAIRS TO COUNCIL ASSET - 1 LODGE STREET, LANCASTER

(Cabinet Member with Special Responsibility Councillor Hamilton-Cox)

Cabinet received a report from the Director for Economic Growth & Regeneration which provided an overview of the general and structural work required to the property at 1 Lodge Street, Lancaster. The repairs were necessary to bring back into repair a Council asset that has become significantly dilapidated over a long period of time. The work will bring the property into a lettable standard and forms part of the Council’s wider strategic regeneration objectives within the Canal Quarter within which 1 Lodge Street is located.

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

Option 1: Do nothing
Advantages: The council does not spend the allocation of capital funds requested.
Disadvantages: The asset will continue to deteriorate and eventually become unsafe. There are already props in place in order to prevent possible roof collapse. A significant site within the Canal Quarter will remain unsightly.
Risks: The building could become unsafe/a dangerous structure if it continues to be left. If our lack of action impacts the tenants, public or adjoining buildings, there could be significant reputational damage.
Option 2: Complete the works as described
Advantages: Protect a Council asset that sits in the prominent Canal Quarter area of Lancaster. Allow the Council the opportunity to bring the asset to a lettable state.
Disadvantages: There is a capital cost to the Council.
Risks: Delay in reaching new lease terms with the existing tenant, based on a new business plan and cultural service level agreement.

The officer preferred option is Option 2. The condition of the asset has been of concern for some time and it is now beyond minor/remedial repair.

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

“To delegate to the Leader and portfolio holders the decision on whether to use the capital budget of £486,450 to undertake the necessary works to repair the building and bring it into a lettable condition.”

Councillors then voted:-

Resolved unanimously:

- (1) That Cabinet delegates to the Leader and portfolio holders the decision on whether to use the capital budget of £486,450 to undertake the necessary works to repair the building and bring it into a lettable condition.

Officer responsible for effecting the decision:

Director for Economic Growth & Regeneration

Reasons for making the decision:

Whilst Cabinet had no hesitation in approving the budget for the repairs there were various issues that needed to be addressed. The decision enables the relevant portfolio holders to meet as an informal steering as soon as practical and work through those issues in order that the Leader could authorise the release of funds when the outstanding matters had been resolved.

Carrying out the essential repair works to Council assets demonstrates sound asset management and optimisation of Council assets. Any further deterioration could impact on the safety of neighbouring properties and leave the Council open to claims from third parties in the event of damage. Once the work is completed the Council will then be able to lease the improved building. The decision is also consistent with the Council's ambition of encouraging a "A thriving and Prosperous economy."

47 LOCAL PLAN FOR LANCASTER DISTRICT CLIMATE EMERGENCY REVIEW: FORMAL COMMENCEMENT OF REVIEW PROCESS AND LAUNCH OF SCOPING CONSULTATION

(Cabinet Member with Special Responsibility Councillor Hanson)

Cabinet received a report from the Director for Economic Growth & Regeneration to inform Cabinet of the recently adopted Local Plan for Lancaster District and to seek endorsement for the formal commencement of the Climate Emergency Review of the Local Plan, and, advise members of the review stages and processes, including the launch of the Scoping Consultation.

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

Option 1: To formally commence the Local Plan Review and undertake a Scoping Consultation.
Advantages: This will enable the Council to begin to implement its decision to review the Local Plan documents in the context of the Climate Emergency. The scoping provides an early opportunity for the local community, stakeholders, or any interested party to put their views forward on the scope and content of the plan. Given this review is not a full review of the Local Plan, there is much value in seeking clarity on which matters will be re-visited and which will not.
Disadvantages: None known.
Risks: None known.
Option 2: To not formally commence the Local Plan Review and/or undertake a Scoping Consultation.
Advantages: None known.

Disadvantages: To not immediately commence the local plan review that the Council has just committed itself to would be a surprising decision and would send a confused message to the community and stakeholders on the Council's intentions. Alternatively, to review the plan without the early engagement offered by the practice of a scoping consultation could lead to delays and unclarity later in the process, as issues may have been overlooked or not fully explored and considered.

Risks: To not commence the Climate Emergency Review of the plan, which the Council formally resolved to undertake on 29 July; and/or to proceed to review the local plan without a scoping stage consultation would not be to the benefit of the reputation of the Council. To proceed without a scoping consultation introduces a risk, that is wholly avoidable, that an Inspector may not be content that the reviewed plan has been properly prepared due to inadequate community engagement.

The officer preferred option is Option 1: To formally commence the Local Plan Review and undertake a Scoping Consultation. It is recommended that early engagement takes place with all interested parties to make clear that the review process has begun and to invite comments on the scope of the review. The scoping will help clarify that this is an expeditious review of the plan's policies in the context of the Council's declaration of a Climate Emergency and not a full review.

Cabinet is advised that evidence of early engagement in the plan-making process is important. An Inspector will consider the robustness of engagement in determining if the plan has been properly prepared. Evidence of proactive and constructive engagement with the local community and other key stakeholders in the process is expected. Should the Council fail to proactively engage, then this may become a significant issue later in the process and introduce an avoidable risk when it comes to examining the soundness of the plan.

Councillor Hanson proposed, seconded by Councillor Frea:-

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

Councillors then voted:-

Resolved unanimously:

- (1) That the commencement of the "Climate Emergency" Review of the Local Plan for Lancaster District be formally endorsed in accordance with the commitment made at Council on 29 July 2020 and that the timetable described in Local Development Scheme (LDS) also approved by Council on 29 July 2020 be endorsed.
- (2) That the launch of the first stage of the review process be endorsed; the scoping consultation, to run for the eight-week period from Friday 25 September to Friday 20 November 2020.

Officers responsible for effecting the decision:

Director for Economic Growth and Regeneration

Reasons for making the decision:

A “Local Plan for Lancaster District” was adopted by Council on 29 July 2020. At the same meeting Council approved a new Local Development Scheme (the Local Plan preparation timetable) describing the intention to expeditiously review the just-adopted documents to provide the opportunity to give further consideration to the efficacy of policies in responding to climate change following the Council’s declaration of a Climate Emergency on 30 January 2019.

Cabinet’s decision formally starts that review process and launches that process with a scoping consultation. Cabinet will continue to be involved in the review process as the reviewed documents are developed and advanced towards a Council resolution to publish and submit the revised documents to Government.

Commencing the review and engaging the community on the scope of the review should help in providing clarity on the Council’s intentions for re-visiting the Local Plan in the context of the Climate Emergency declaration.

48 REGULATION 7 DIRECTION UNDER TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATION 2007

(Cabinet Member with Special Responsibility Councillor Hanson)

Cabinet received a report from the Director for Economic Growth and Regeneration to consider a proposal for a Direction under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to remove deemed consent for ‘To Let’ boards on residential properties within Schedule 3, Part 1, Class 3 A (an advertisement relating to the sale or letting, for residential, agricultural, industrial or commercial use or for development for such use, of the land or premises on which it is displayed). The report sought authorisation for the Director of Economic Growth and Regeneration to proceed with the statutory process and submit a proposal to the Secretary of State requesting that a Direction under Regulation 7 was made.

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

<p>Option 1: Submit a request to the Secretary of State for the designation of a Direction under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the wards of Bulk, Castle, John O’Gaunt, Marsh, Scotforth East and Scotforth West.</p>
<p>Advantages: A Direction will allow management of the number of To Let boards displayed. This will reduce the proliferation and clutter arising from the excessive display of boards within terraced streets and improve the visual amenity of the areas designated.</p>
<p>A restriction on all “To Let” signs, is the simplest way implement and enforce controls. The process to gather evidence and prosecute is less resource intensive than collating evidence with regard to individual signs. A Direction across all wards to the south of the river will ensure consistency and clear boundaries to agents.</p>

<p>Disadvantages: As signage has not been regularly enforced due to the complexity and number of signs, a Direction may increase the enforcement necessary to ensure that it is effectively implemented.</p>
<p>If objections are received, the Secretary of State may call a public hearing which has staffing and financial resource implications.</p>
<p>Risks:</p>
<p>If a Direction is not implemented in accordance with the statutory procedures, there is a risk of legal challenge and compensation claims.</p>
<p>The Secretary of State may amend the area to be designated or refuse to make a Direction due to the low percentages of HMOs in some wards. If refused a subsequent application could then be made for a reduced area.</p>
<p>Option 2: Submit a request for a Direction under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the wards of Bulk, Castle, John O’Gaunt and Scotforth West, as originally proposed.</p>
<p>Advantages: The evidence with regard to the number of HMOs and the visual impact of To Let boards within the original wards proposed is stronger for the wards with the highest percentages of HMOs.</p>
<p>Disadvantages: Failure to take account of consultation responses received and the proliferation and clutter of To Let signs will continue to adversely affect the visual amenity in these areas.</p>
<p>As signage has not been regularly enforced due to the complexity and number of signs, a Direction may increase the enforcement necessary to ensure that it is effectively implemented.</p>
<p>If objections are received, the Secretary of State is likely to call a public hearing which has staffing and financial resource implications.</p>
<p>Risks: If a Direction is not implemented in accordance with the statutory procedures, there is a risk of legal challenge and compensation claims.</p>
<p>Option 3: Do not progress a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
<p>Advantages: None</p>
<p>Disadvantages: The proliferation and clutter of To Let signs will continue to adversely affect the visual amenity of the areas.</p>
<p>Risks: None</p>

The officer preferred option is Option 1, to submit a request to the Secretary of State for the designation of a Direction under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the wards of Bulk, Castle, John O'Gaunt, Marsh, Scotforth East and Scotforth West. These actions will ensure that the concentration of HMOs and associated To Let boards can be managed to better protect the amenity of residents and the character and appearance of the areas proposed to be designated.

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

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

Councillors then voted:-

Resolved unanimously:

That Cabinet authorise the Director for Economic Growth and Regeneration to make a proposal to the Secretary of State for a Regulation 7 Direction under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, to prohibit the display of "To Let" boards on residential properties in the wards of Bulk, Castle, John O'Gaunt, Marsh, Scotforth East and Scotforth West, without express consent and to comply with all necessary requirements.

Officer responsible for effecting the decision:

Director for Economic Growth & Regeneration

Reasons for making the decision:

The decision is consistent with the ambition within the Council Plan to make our neighbourhoods clean, well maintained and safe and is consistent with policies including:-

- Policies within the Lancaster District Local Plan which seek to improve the amenity of residents in Lancaster and to protect the character and appearance.
- Policies in the Strategic Policies and Land Allocations Development Plan Document which aims to ensure that development, including uses of buildings, maintain the district's heritage (SP7).
- Policy DM21 which seeks to ensure that signage is well designed and appropriately sited and does not contribute to an unsightly proliferation or clutter of signage. Policies DM37 to 41 which seek to ensure that the district heritage is protected or enhanced.

The decision aims to address the detrimental impacts of the concentration of letting boards associated with HMOs in accordance with the ambitions of the Council Plan and the Local Plan.

It was moved by Councillor Brookes and seconded by Councillor Hamilton-Cox:-

“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.”

There was no dissent to the proposition.

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 this point and Cabinet reconvened in a private Teams meeting.

50 HEYSHAM GATEWAY - USE OF RESERVES (Pages 13 - 16)

(Cabinet Member with Special Responsibility Councillor Hamilton-Cox)

Cabinet received a report from the Director for Economic Growth and 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:

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

Resolved unanimously:

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 7.10 p.m.)

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

MINUTES PUBLISHED ON MONDAY 21 SEPTEMBER, 2020.

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
TUESDAY 29 SEPTEMBER, 2020.**

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted