

# Agenda



**HYNDBURN**

The place to be  
an excellent council

## Cabinet

**Wednesday, 21 June 2023 at 3.00 pm,**  
QER, Scaitcliffe House, Ormerod Street, Accrington

### Membership

Chair: Councillor Marlene Haworth (Leader of the Council)

Councillors Peter Britcliffe, Loraine Cox, Zak Khan, Sajid Mahmood, Kath Pratt, Steven Smithson and Mohammed Younis

## **SUPPLEMENTAL AGENDA No.3**

### **PART B: PORTFOLIO ITEMS**

**3. Minutes of Cabinet** (*Pages 215 - 222*)

NOTE: This item heading appears on the Main Agenda and the minutes of 22<sup>nd</sup> March 2023 have already been circulated therewith. The Minutes of the meeting of the Special Meeting of Cabinet held on 31<sup>st</sup> May 2023 are now published within this document pack and should be considered with the aforementioned minutes at Agenda Item 3.

**Deputy Leader of the Council and Portfolio Holder for Resources (Councillor Peter Britcliffe)**

**18. Establishment of a Leader's Budget & Community Chest Fund for 2023/2024**  
(*Pages 223 - 226*)

Report attached.

**Deputy Leader of the Council and Portfolio Holder for Environmental Services (Councillor Steven Smithson)**



**19. Introduction of a Weekend Burial Service** *(Pages 227 - 236)*

Report attached.

---

## CABINET

---

**Wednesday, 31st May, 2023**

- Present:** Councillor Peter Britcliffe (Deputy Leader in the Chair), Councillors Loraine Cox, Sajid Mahmood, Kath Pratt, Steven Smithson and Mohammed Younis
- In Attendance:** Councillors Noordad Aziz, Scott Brerton, Jodie Clements, Munsif Dad BEM JP, D Parkins, Kate Walsh and Kimberley Whitehead
- Apologies:** Councillors Marlene Haworth and Zak Khan
- 

### **20 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Marlene Haworth (Leader of the Council) and Zak Khan.

### **21 Declarations of Interest and Dispensations**

There were no reported declarations of interest or dispensations.

The following item was taken next at the meeting.

### **22 Huncoat Garden Village Update and Appointment of External Consultants**

*In accordance with Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was given by both Councillor Peter Edwards, Chair of the Communities and Wellbeing Overview and Scrutiny Committee and Councillor Paddy Short, Chair of the Resources Overview and Scrutiny Committee, to the following decision being made by Cabinet on 31<sup>st</sup> May 2023, under the special urgency provisions for key decisions, on the grounds that the decision was urgent and could not reasonably be deferred.*

*Approval was also given by the Mayor to the disapplication of the call-in procedure on the grounds of urgency, in accordance with Overview and Scrutiny Procedure Rule C14.*

Cabinet considered a report which gave an update on progress on proposals for Huncoat Garden Village and which sought approval for the appointment of external consultants to support the Council in progressing the project, the cost of such appointments to be at risk pending determination of the Council's bid for grant funding from Homes England.

Councillor Kath Pratt, Portfolio Holder for Housing and Regeneration, highlighted key elements of the report and Mark Hoyle, Head of Regeneration and Housing, provided additional context. Information was provided by Martin Dyson, Executive Director (Resources), about the Council's General Fund reserves, which currently stood at £2.37m and for which the expected minimum level was around £1m. If the Council's funding bid was unsuccessful, taking into account the at risk elements of the funding arrangements, there would still remain well over £1.5m in reserves. Councillor Loraine Cox and the Chair also spoke in favour of the proposals, which would lead to road improvements and the

remediation of a brownfield site to provide for new quality homes, which would attract families and support the local economy.

Councillor Munsif Dad BEM JP, Leader of the Labour Group, asked if the decision could be taken before the whole Council to ensure greater scrutiny in view of the element of financial risk involved. The Chair responded that this was an executive decision which could not lawfully be taken at Council. David Welsby, Chief Executive indicated that, although the Council could debate any relevant matter, it would be unable to take this decision and the potential delay caused by a further meeting could lead to the timescales for urgency as described in the report not being met.

Councillor Dad also asked how much had been spent on consultancy fees for this project over the last 3 years. The Chair and Mr Hoyle signposted the information set out on page 11 of the Supplemental Agenda which identified a number of grants received which had mostly been spent on consultancy and professional fees.

In addition, Councillor Dad asked if the Planning Directorate's objection to an application for a battery farm submitted to Burnley Borough Council had any implications for the Huncoat Garden Village project. Mr Hoyle indicated that the application had not yet been determined and confirmed that, even if approved, it would not have any implications for the project.

The Chair commented that the project would bring some £30m grant funding into the Borough and should be welcomed by all. Councillor Dad accepted that every penny brought into Hyndburn should be welcomed, but that because of the at risk financial element the matter should receive wider scrutiny at an urgent Council meeting. Councillor L Cox reminded all that the decision was urgent. Councillor Steven Smithson highlighted that the redevelopment of brownfield land would help to protect the Green Belt. Councillor Mohammed Younis stated that the development was very important for Hyndburn and that the report had properly set out all of the relevant issues.

Councillor Noordad Aziz expressed concern that the proposed decision might place serious financial pressures on the Council. He asked about the need to appoint consultants urgently, the likelihood of the overall grant bid being successful and the exposure of the Council's reserves to other large-scale projects, such as Leisure Transformation. Mr Hoyle responded that the Council would need to spend any grant provided by the end of March 2026. A detailed work programme was already in place and issues such as obtaining planning consent for the relief road would need to be commenced soon. Homes England were supportive and met with him weekly. The probability of success was high as Homes England had already invested some of their resources into this project. To some extent the Council now had to speculate to accumulate. Mr Dyson refuted the assertion that the Council might be under significant financial pressure due to this decision. He reiterated his comment that the Council's minimum threshold for its reserves had been assessed at £1m and that, even if reserves were required in this instance, sufficient resources would remain. Contingencies were available for other schemes from Levelling Up Funding and from Lancashire County Council. The Leisure Transformation Programme was not yet fully developed and no high risk decisions would be taken. The Council's accounts for 2022/23 were still being finalised and were likely to return an underspend. A Lancashire-wide sustainability exercise had recently been completed which did not foresee any issues with the Council's finances within the next 10–11 years.

Councillor Parkins indicated that Junction 8 (M65) was at capacity, with the slip road from Shuttleworth Mead Business Park, Padiham, contributing to this and Bolton Avenue, Huncoat also at capacity. The project site appeared to be land-locked and as ward councillor he was against it. He understand the need to redevelop brownfield land,

however, his view was that a scheme for 1,800 new homes with hundreds of additional cars would adversely affect the character of Huncoat. He did not believe that further expenditure on consultants was required on a project that many Huncoat villagers opposed. The Chair responded that the project offered a way to manage the development of the site sensitively and was preferable to industrial development on the land. It would also help to protect Green Belt land across the Borough.

Approval of the report was a key decision.

### *Reasons for Decision*

Huncoat Garden Village formed a major part of Hyndburn Borough Council's growth plans including a once in a lifetime opportunity to diversify Hyndburn's housing offer and provide new housing in a fabulous setting. The Garden Village was a game changing opportunity for market making housing in Hyndburn, at a scale that not only helped the Borough retain those households that otherwise would leave to meet their housing aspirations elsewhere, but also attract new economically active households to the Borough.

Over several years the Council had worked with, and been supported by Homes England, in developing the Huncoat Garden Village Masterplan and project to deliver circa 1,800 new homes at Huncoat. On the 19<sup>th</sup> October 2022 Cabinet had given its approval to make an application for infrastructure funding to Homes England for Huncoat Garden Village. The overall estimated cost of delivering Huncoat Garden Village was £463.24 million of which the Council was seeking grant funding to meet a £29.79 million funding shortfall. The infrastructure grant bid to Homes England included the following specific items:

- A new 1.1km residential relief road connecting Huncoat directly with the A56;
- Land acquisition to enable delivery of the new residential relief road;
- Brownfield land remediation; and
- A contribution towards improvements for junction 8 on the M65

Earlier this year the Council had submitted a full Treasury Green Book compliant business case to Homes England seeking grant funding of £29.79 million. On the 9<sup>th</sup> of March 2023 Homes England's National Investment Project Executive Board had considered and approved the Strategic Outline Case (SOC) for Huncoat Garden Village. This decision reinforced Homes England's support for Huncoat Garden Village. It did not mean that funding had been approved, but it did progress the Business Case to detailed final assessment. Homes England in particular would be looking at "certainty of delivery" and had identified areas where additional information was required. A final decision on Hyndburn's funding application was expected late July / early August this year.

The other key pieces of work that needed to be progressed to support the delivery of Huncoat Garden Village and to provide Homes England with the confidence that Hyndburn could deliver and spend the £29.79 million by the end of March 2026 were as follows:

- *A programme for infrastructure delivery* - for the grant funded works and S106 infrastructure.
- *Housing delivery strategy with indicative programme*. This would ideally include the heads of terms for land agreements with the owners of the former power station and colliery sites, and any other land agreements with other land owners (see "land owner engagement and collaboration below")

- *Land acquisition strategy* – this was required to show how and when the land for the proposed new relief road would be acquired.
- *Procurement strategy for all the infrastructure items* – this would provide Homes England with confidence of spend by March 2026 and that the Council was achieving value for money, especially for the land remediation costs where the land owners would be undertaking the works.
- *Land owner engagement and collaboration* – this was to ensure that land owners and house builders were engaged, were working towards the delivery of housing in line with the Masterplan framework, Design Code (draft), and new draft Local Plan (2037). This would lead to a landowner agreement to deliver infrastructure, land remediation and sites to the market for housing.
- *Planning and EIA Strategy* – this was required to give confidence that a planning framework was in place to support the delivery of Huncoat Garden Village, and therefore would address:
  - The new emerging Local Plan and release of some Green Belt;
  - Implementation of the approved Masterplan;
  - Approval and implementation of the Design Code (Final draft);
  - Securing planning approval for infrastructure works including the new relief road and remediation works, as well as the new housing; and
  - How S106 contributions would be secured in order for non-grant funded infrastructure to be delivered.
- *Risk Assessment* – this was a living document, and the existing risk assessment would be expanded and developed to reflect all of the above.
- *A subsidy control opinion letter* – required from an independent solicitor to demonstrate that the project and elements therein were compliant with the current regulations and law.

It was recognised that the Council did not have some of the specific knowledge, capacity or experienced staff 'in house' to undertake the volume of work and specialised work required to secure a successful bid, especially in the time required, by the end of July 2023. Appropriate consultants had been researched and identified as experts by the Council with suitable experience and knowledge to help the Council to secure a successful funding bid.

The procurement of consultant's at this stage was proposed to be done by way of direct awards made under existing framework agreements which were available for use by the Council. This would ensure compliance with the Council's Contracts Procedure Rules and the Public Contracts Regulations 2015. Officers were proposing that the appointments were made by way of direct awards rather than a mini-tender process on the basis of urgency, as more fully explained in paragraph 3.7 of the report. Consultants on the Framework had provided estimated contract fees for budget purposes. It was proposed to appoint the following consultant types:

- Specialist Planning Advice for Infrastructure Including Transport: for preparing and submitting a full planning application for the proposed new relief road connecting the

A56 with Altham Lane. The potential fee was estimated to be £352,450, potentially rising to up £712,700 should a full environmental impact assessment (£160,250) be required and should full onsite geotechnical ground investigations (£200,000) be required.

- Specialist Business Case Development and Programme & Project Management: for project and programme management and specialist services including land valuations, land owner negotiations, planning and a S106 strategy and delivery expertise. The potential fee was estimated to be £421,575 and would secure a programme and project management role until the end of March 2023.
- Specialist Commercial Legal Services: for additional, specialist legal support including landowner agreements, a CPO strategy and section 106 agreements. The potential fee was estimated to be £115,000.

The proposed Planning and Project Management appointments would exceed the threshold for public procurements, and the Public Contract Regulations 2015 applied to both these procurements (this was the process that had replaced the EU procurement regime following Brexit, but was essentially the same in terms of the process to be followed). The use of frameworks to procure both consultants would satisfy public procurement requirements and enable the Council to comply with its obligations under the 2015 Regulations without the need for a full tender process.

Should the Council's grant funding application be successful one of the grant conditions would require the Council to spend the grant award in full by the 31<sup>st</sup> March 2026. This was a very tight and challenging timescale and therefore in order to achieve full spend by the end of March 2026 key work on the Huncoat Garden Village project needed to be taking place immediately and in line with the project programme currently with Homes England for consideration as part of the funding bid. It was for this reason, and because Homes England would be checking the Council's progress with the project during the due diligence process, that all three appointments referred to in paragraph 3.6 of the report were essential and needed to be made with works starting and progressing before the outcome of the funding bid was known. In summary, all three appointments were urgent and if the appointments were delayed it would seriously jeopardise the Council's chances of securing the grant, and would put the Council at significant risk of not delivering the interventions and spend within Homes England's timescale.

The total estimated cost of the appointments would therefore add up to £1,249,275. These costs were included within the Council's funding submission and were therefore recoverable should the Council's bid be successful, subject to Homes England's Grant Funding Agreement. In the meantime, and until the Council's bid was determined, spend would be at the Council's risk. Working on the timescale provided by Homes England the Council should know the outcome of the bid by late July, early August this year. Based on this timeframe, the Council would manage actual expenditure to ensure only essential costs were incurred until the outcome of the bid was known. The Council would also ensure that the three agreements proposed included termination arrangements should the Council's bid be unsuccessful and therefore help cap the Council's risk. At the time of preparation of the report to Cabinet, officers estimated that the Council's risk in respect of the three appointments was approximately £533,220 as follows:

- Relief Road Planning– the estimated base contract fee of £352,450 (but the Council was seeking to insert a clause to permit termination of the base contract should the bid be unsuccessful which might reduce costs). Subject to appointment the

consultants would commence the essential work in preparing a planning application for the proposed relief road.

- Project Management – capped at approximately £105,770, based on a termination of the contract should the bid be unsuccessful. Subject to appointment, the Consultant would provide project management and support, including specialist advice such as leading negotiations with the various landowners.
- Legal Services – capped at approximately £75,000, based on a termination of the contract should the bid be unsuccessful. Subject to appointment, the Consultant would commence work on drawing up heads of terms with landowners and commence work on a S106 strategy.

As part of Homes England's continued support for Huncoat Garden Village, Homes England had offered the Council a £50,000 grant contribution to the proposed relief road planning and design costs described in paragraph 3.6 of the report. This was a further indication of the Agency's commitment to supporting the Council's plans subject to a satisfactory business case. The Council would be required to enter into a standard Homes England Grant Agreement, with the funding subject to spending the grant by the end of June 2023 and agreed outputs in relation to the relief road planning application. Subject to entering into the Homes England Grant agreement this would reduce the Council's spend and risk as described in paragraph 3.8 of the report to £483,220.

The funding of the costs at risk would be required to be met from General Fund reserves if the bid for the £29.79m was unsuccessful. The balance of General Fund reserves stood at £2.351m as at 31<sup>st</sup> March 2022. There was the potential that this could reduce this balance by £0.483m (before the contribution in paragraph 3.9 of the report), being a 20.5% reduction in the Council's unallocated reserve balances. In the event that none of these costs were reclaimable this could reduce the Council's General Fund reserves to £1.868m.

This reduction of the General Fund reserves might affect decisions on the potential freezes / rises in Council Tax, the future funding of the Capital Programme and the Council's ability to meet short to medium term gaps in revenue funding if the government was to review its future funding allocations.

It was proposed that the decisions made in respect of the report should be exempt from call-in by reason of their urgency. Rule C14 of the Council's Overview and Scrutiny Procedure Rules permitted Cabinet decisions to be excluded from the call-in process if members were satisfied that the decisions were sufficiently urgent. The exclusion of call-in would also require the agreement of the Mayor (or Deputy Mayor in the Mayor's absence) and this had been sought separately and obtained. Officers considered that implementation of the decisions was sufficiently urgent not to allow time for call-in in order to progress very quickly the appointment of expert consultants to progress the Huncoat Garden Village project, and demonstrate to the funder, Homes England, that the Council could achieve delivery of the grant funded interventions as described in the report and spend the grant in full in the challenging timescale by the end of March 2026.

#### *Alternative Options considered and Reasons for Rejection*

For the reasons set out above, it was important that the above appointments were undertaken very quickly, with spend at risk, if the Council was to have any realistic opportunity in achieving its wish to secure nearly £30 million grant funding from Homes England in respect of the Huncoat Garden Village project.

The Council was working closely with Homes England to secure the grant funding described in the report. As part of the funding approval process, Homes England's Project Executive Board had considered and approved the Strategic Outline Case for Huncoat Garden Village as described in paragraph 3.3 of the report. In its feedback to the Council, Homes England had made clear what it required the Council to demonstrate in respect of both spend and delivery before grant funding would be approved and the Council's funding bid would not be successful if these requirements were not met. This meant the spend described in section 3 of the report was essential to demonstrate and satisfy the funder, Homes England, that the Council could deliver the intervention and spend by the end of March 2026.

**Resolved**

**- That Cabinet:**

- (1) Notes and welcomes the progress being made in bringing forward development land and infrastructure to enable new residential development as set out in the Huncoat Garden Village Masterplan Framework and Infrastructure Delivery Strategy.**
- (2) Approves additional revenue budget provision of £483,220.00 for the Huncoat Garden Village Project to meet consultancy costs to be incurred at risk to the Council, as set out in detail in paragraphs 3.6 and 3.8 of the report.**
- (3) Approve the use of up to £483,220 from General Fund reserves to meet the consultancy costs referred to in resolution (2) above, should the Grant bid to Homes England be unsuccessful.**
- (4) Approves the appointment of three consultants using an established framework that satisfies the Council's needs without amendment so as to permit the direct awards referred to in paragraph 3.6 of the report and gives further approval to proceed with the appointments in accordance with the terms of the framework.**
- (5) Subject to resolution (4) above, delegates authority to the Head of Regeneration and Housing to agree final terms of the appointments in consultation with the Executive Director (Legal and Democratic Services) and authorises the Executive Director (Legal and Democratic Services) to finalise and execute all legal documents to conclude the appointments.**
- (6) Subject to resolutions (2) to (5) above, agrees to accept the Homes England Grant Award of £50,000 towards the costs described in paragraphs 3.6 and 3.8 of the report, and delegates authority to the Executive Director (Legal and Democratic Services) to finalise and**

**execute a grant agreement between the Council and Homes England.**

- (7) Agrees that the decisions set out in paragraphs (2) to (6) above are urgent ones for the reasons set out in paragraph 3.7 of the report and therefore agrees to exempt this report and the decisions made in respect of the same from the Council's Call-In Procedure in accordance with Rule C14 of the Council's Overview and Scrutiny Procedure Rules, subject to the necessary consent being obtained in accordance with Rule C14.**

**23 Exclusion of the Public**

The public were not excluded from the meeting, as there were no matters to be taken in Part C of the Agenda (Exempt Items).

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

# Agenda Item 18.

<b>REPORT TO:</b>		Cabinet	
<b>DATE:</b>		21 June 2023	
<b>PORTFOLIO:</b>		<b>Councillor Peter Britcliffe - Deputy Leader of the Council, Resources</b>	
<b>REPORT AUTHOR:</b>		Martin Dyson, Executive Director – Resources	
<b>TITLE OF REPORT:</b>		Establishment of a Leader’s Budget & Community Chest Fund for 2023/2024	
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>No</b>	Not applicable	
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:	

## 1. Purpose of Report

- 1.1 The Report is to request Cabinet approval for the creation of a Leaders Budget and a Community Chest Fund for 2023/2024.

## 2. Recommendations

- 2.1 Cabinet agrees to the establishment of a Leaders Budget of £20,000 for the year 2023/2024 to be funded from the use of surplus earmarked revenue reserves as detailed in section 3 of the report below.
- 2.2 Cabinet agrees to delegate authority to approve expenditure from this budget to the Executive Director (Resources) following consultation of the Leader of the Council.
- 2.3 Cabinet agrees to create a Community Chest for 2023/24 of £75,000 for the purpose of making revenue grants to community groups based in Hyndburn (as further detailed in section 4 of this report).
- 2.4 Cabinet agrees to allocate funding from the revenue budget surplus achieved in 2022/2023 as detailed in paragraph 4.9 of this report.
- 2.5 Cabinet request the Executive Director (Resources) and Executive Director (Legal & Democratic Services) to bring a report to the next meeting of Cabinet setting out proposed governance arrangements for the administration and distribution of these funds.

### **3. Leaders Budget 2023/2024**

3.1 In the past the Council has set aside a Leaders Budget to enable the Leader of the Council to:

- Support key service providers that may be under pressure and need assistance in delivery of key vital services and facilities for the benefit of the local residents;
- Support the civic function and the delivery of events for the general benefit of the Borough;
- Fund additional Council services that enhance the local street scene and make Hyndburn a nicer place to visit.

3.2 It is therefore proposed this budget is re-introduced for 2023/2024 and that a sum of £20,000 is set aside for the Leader to propose and highlight the areas for funding. The one-off budget will be funded by utilising some small outstanding balances of earmarked reserves that no longer have identified commitments against them.

3.3 The allocation of spending from this budget will be delegated to the Executive Director (Resources) following proposals and consultation with the Leader of the Council.

3.3 The funding of the budget for 2023/2024 will be allocated from earmarked reserves where it has been identified there are small balances remaining from previous external funding. These remaining balances have no clawback conditions and are now available to be used by the Council or placed into the general reserve.

3.4 The funding will come from:

Funding Identified	£	Type
Green Waste EM Reserve	18,469	Earmarked Reserve
Covid – 19 Reserve	1,531	Earmarked Reserve
Total	20,000	

Note: The Green Waste EM Reserve will have a zero balance after this use. The Covid – 19 reserve will have a balance of £206,025, with the majority of this funding is still subject to spend in 2023/2024 in accordance with grant conditions.

### **4. Community Chest 2023/2024**

4.1 The intention of the Community Chest is to create a budget of £75,000 with the intention that the funds are to be shared equally throughout the Borough with £5,000 allocated to each of the 15 wards.

4.2 Charities and community groups across all wards will be invited to bid for grant funding from the Community Chest to be used in their own areas.

4.3 The intention is that these grants will be awarded to registered and well-established organisations across the Borough, with each charity and community group being required to hold their own designated bank account.

- 4.4 The application process will be proportionate to the size of grant and will not be too onerous so as to encourage applications; and each application will need to clearly state the community benefit that will be achieved with the grant funding.
- 4.5 The grants will be for revenue purposes only and will not be given where funding would create on-costs or future maintenance costs for the Council unless those can be accommodated within existing budgets.
- 4.6 It is proposed that the grant applications will be assessed by a Cabinet Working Group and that those recommended for award will be presented to Cabinet for approval.
- 4.7 It is also proposed that a regular update will be made to Cabinet on the level of grants awarded and also the community benefits and achievements that have been generated as a result of the Community Chest programme.
- 4.8 The draft Revenue Outturn 2022/2024 (subject to external audit) has returned a year end surplus / underspend position of £345,020 compared to the previously forecast £128,906 reported as to Cabinet in March of this year, which is an increase of £216,114.
- 4.9 It is proposed that the £75,000 funding of the Community Chest can be accommodated from this additional surplus / underspends and would reduce the balance available to be placed into the underspends reserve to £270,020.

**5. Alternative Options considered and Reasons for Rejection**

- 4.1 Not applicable to this report, although there is no requirement for the Council to operate either fund, so members have the option not to proceed with either proposal.

**5. Consultations**

- 5.1 Not applicable to this report.

**6. Implications**

<b>Financial implications (including any future financial commitments for the Council)</b>	Earmarked reserves are available for re-allocation to fund the £20,000 Leaders budget for 2023/2024. The Council has achieved a surplus / underspend in year that can accommodate the £75,000 Community Chest allocation for 2023/2024.
<b>Legal and human rights implications</b>	The proposed governance arrangements for the Community Chest fund will be set out in a future report to Cabinet.
<b>Assessment of risk</b>	

<p><b>Equality and diversity implications</b>  <i>A <a href="#">Customer First Analysis</a> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>None identified in respect of the recommendations in this report.</p> <p>Members may wish to consider the extent to which funding applications benefit the equality target groups when assessing Community Chest applications for approval.</p>
--	--

**7. Local Government (Access to Information) Act 1985:  
List of Background Papers**

- 7.1 Draft Financial Outturn Position – Revenue Budget Monitoring - Financial Year 2022/23  
 Financial Monitoring Report – Revenue Budget 2022/2023 as at Period 10 / January 2023 – Cabinet 22<sup>nd</sup> March 2023

**8. Freedom of Information**

- 8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

# Agenda Item 19.

<b>REPORT TO:</b>	Cabinet		
<b>DATE:</b>	21 June 2023		
<b>PORTFOLIO:</b>	Councillor Steven Smithson - Deputy Leader of the Council, Environmental Services		
<b>REPORT AUTHOR:</b>	Craig Haraben (Head of Environmental Services)		
<b>TITLE OF REPORT:</b>	Introduction of a weekend burial service		
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>No</b>	Not applicable	
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:	

## 1. **Purpose of Report**

- 1.1 To inform Cabinet about the proposal to introduce a weekend burial service and to request funding to implement the introduction of a weekend burial service

## 2. **Recommendations**

- 2.1 That Cabinet notes the report
- 2.2 That Cabinet agrees to enter into an agreement with a contractor to deliver a weekend burial service for an initial two year period.
- 2.3 That Cabinet supports the introduction of a weekend burial service and allocates £16,500 from the Council's budget for 2023/24 to fund the service for the remainder of the current financial year.
- 2.4 That Cabinet notes the requirement to allocate £21,800 to fund the weekend burial service from the Council's 2024/25 revenue budget, subject to approval of the Council's budget for 2024/25.
- 2.5 That Cabinet agrees to increase the savings targets required within the 2023/24 & 2024/25 budgets to fund these budget increases within the approved budget resource.
- 2.6 That Cabinet delegates authority to the Head of Environmental Services, following consultation with the Portfolio Holder and Executive Director (Legal and Democratic Service) to take all reasonable steps to implement the weekend burial service, including entering into any necessary agreements with the contractor, finalising a call

out protocol and agreeing any minor amendments to the new service should anything arise once the service is implemented.

### **3. Reasons for Recommendations and Background**

- 3.1 The Council as burial authority has a duty to provide cemeteries in the Borough for residents to be buried. Currently the Council has four cemeteries in Accrington, Church, Rishton and Great Harwood which take coffin burials, albeit Great Harwood is full for new graves and any coffin burials are undertaken via re-opening family graves.
- 3.2 The Council via the Cemetery Service undertakes approximately 125 coffin burials per year across the Boroughs four cemeteries. Within the Cemetery Service fees and charges there is a cost to the customer to dig a grave for a coffin burial in one of the Council's cemeteries. Also
- 3.3 The majority of coffin burials are undertaken during normal working hours (Monday to Friday). There are some requests for burials at weekends, however as staff are not contracted to routinely work weekends any burials at weekends are undertaken if staff are available to work overtime. This does mean there are times when staff are not available to work overtime and in such circumstances the burial cannot take place at weekends. Management have had discussions with existing cemetery staff about how the Council could safely and reliably provide weekend burials by amending rotas and other working arrangements, however it has not been possible to find an agreeable way forward.
- 3.4 In addition, in some religions (e.g. Islam and Judaism) there is a religious requirement that people are buried as soon as possible after the bereavement. Having no formal working arrangements in place for weekends means that if a bereavement takes place in the Muslim community on a Friday afternoon or over the weekend, a burial cannot usually be facilitated until the following Monday (or Tuesday if a bank holiday weekend).
- 3.5 To ensure Hyndburn residents have the opportunity to hold burials at weekend if they wish to the Council carried out a tender exercise seeking a contractor with suitable skills and equipment who could be available on call at weekends to undertake burials. The tender exercise has been completed, with the outcome that a suitable contractor has been identified. If Cabinet adopt the weekend burial service customers will be able to routinely book a burial for weekends or bank holidays (excluding Christmas day and New Years day). For short notice burials customers will be able to ring an on call number between 8am and 11am on Saturdays, Sundays and bank holidays (excluding Christmas day and New Year's day) to book a burial for that afternoon. After 11am customers will need to ring the following day to book a burial.
- 3.6 There is a cost to having a contractor on call for weekends and bank holidays of £20,000 per annum. In addition to this cost each time the contractor is called out to dig a grave for a burial there is a further charge of £800 per grave. There is a surcharge of £500 to the customer to have a burial at weekend or on bank holidays in one of the Boroughs cemeteries. In the absence of any service data relating to the number of burials which take place at weekends and bank holidays, it is estimated there will be

six weekend/bank holiday burials per year, however this may change dependent on death rates.

- 3.7 This means that the estimated surcharge income relating to weekend and bank holiday burials is £3,000 and the cost of providing the service is estimated at £24,800. As this work is currently not budgeted for Cabinet will need to approve funding the difference of £21,800 per annum or part thereof for this proposed new service, should they agree to take it forward.
- 3.8 As it is unclear currently what the demand for this service will be, it is proposed that the service will need to be reviewed annually for the first few years of its operation, so that the budget requirement and the fee's payable by customers can be reviewed and adjusted as necessary.
- 3.9 The registrars service work weekends, so necessary registration paperwork can be accessed for any short notice burials at weekends. As such, this should not be a barrier to facilitating weekend burials and will not generate additional costs for the Council.
- 3.10 The funding for the increase in costs in 2023/24 and 2024/25 would require a small increase in the current savings target approved for 2023/2024 of £16,500 and £21,800 to be added to any future savings targets for 2024/25, subject to requirements as part of the full Council budget approval for 2024/2025.

#### **4. Alternative Options considered and Reasons for Rejection**

- 4.1 The Council could continue not providing a reliable weekend burial service. This has been rejected as residents in Hyndburn have requested this service and it does allow the Council to facilitate short notice burials when there are bereavements at weekends and there is a religious requirement for a burial as soon as possible after the bereavement. Weekend burials are available already at other local authorities within Lancashire (such as Blackburn with Darwen, Preston, Burnley, Lancaster and Pendle) and this service is coming to be expected as part of the standard service offered by burial authorities to enable appropriate provision for all citizens.
- 4.2 Another option would be for the Council to employ additional staff or introduce changes to the contractual terms of current staff without agreement. This has been rejected as cemetery staff already work Monday to Friday with occasional overtime and a minimum two members of staff are needed to safely undertake this type of work. The option proposed in this report is considered a more reliable and economical option, which can be reviewed in the longer term.
- 4.3 The Council could increase the £500 surcharge for weekend and bank holidays burials to recover some or all of the cost of providing this service, but this was discounted by the Portfolio Holder until there is more data available relating to the demand for this service.

#### **5. Consultations**

5.1 The subject of weekend burials has been discussed with Cemetery Service staff, the portfolio holder, ward councillors and members of the Hyndburn Muslim funeral committee.

**6. Implications**

<p><b>Financial implications (including any future financial commitments for the Council)</b></p>	<p>The estimated revenue cost of this proposed new service is £24,800 per annum (minus £3,000 in estimated surcharge income). As this proposed new service is currently unbudgeted for if Cabinet agree to take this proposal forward it will require pro rata funding of £16,500 for the current financial year. If the service continues in future years the full cost of providing the service will be £21,800 per annum and this cost will need to be accommodated within future budgets as an additional item. These additional costs can be met from the increase in the current and future savings targets in the budget.</p>
<p><b>Legal and human rights implications</b></p>	<p>The Councils Contract Procedure Rules were followed to identify a suitable contractor to undertake weekend burials.</p> <p>It is proposed that the Council will enter into an agreement with the proposed contractor, for an initial period of two years, as the tender price was provided on the basis of an initial two year appointment.</p>
<p><b>Assessment of risk</b></p>	<p>For weekend burials the contractor will be responsible for safely digging the grave and the funeral directors (or other funeral directing organisation) will be responsible for the management of the funeral and behaviour of funeral attendees.</p> <p>That being the case the prospective contractor has supplied all relevant risk assessments to undertake burials in Council cemeteries. In addition any funeral director or other funeral directing organisation wishing to hold a funeral at weekends in a Council cemetery will be required to provide appropriate risk assessments before any weekend burial can take place.</p>

<b>Equality and diversity implications</b> <i>A <a href="#">Customer First Analysis</a> should be completed</i>	See attached
--	--------------

**7. Local Government (Access to Information) Act 1985:  
List of Background Papers**

7.1 There are no background papers for this report

**8. Freedom of Information**

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

This page is intentionally left blank



**Hyndburn Borough Council**  
**Customer First Analysis**

**What is it for?**

Our corporate values include putting the customer first, providing opportunities for bright futures and narrowing inequality across the Borough.

From 1 April 2011, a new legal duty applies to all public authorities. It covers these protected characteristics:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- gender;
- sexual orientation; and, for some aspects,
- marriage and civil partnerships.

The duty means that – as previously - we should analyse the effect of existing and new policies and practices on equality. It does not specify how we should do this. However, legal cases on the meaning of the previous general equality duties make it clear that we must carry out the analysis **before making the relevant policy decision**, and include consideration as to whether we can reduce any detrimental impact.

The framework overleaf – our Customer First Analysis - is suggested when making a written record of the analysis. This replaces Equality Impact Assessments.

The Analysis should be **proportionate** to the policy decision being taken. In some cases the written record will be a quick set of bullet points or notes under each heading, to deal with any questions which are relevant (or briefly explain why if they aren't). Others will need to be much more detailed. A meaningful Analysis will help the Council make the best decision or formulate a policy which best meets our customers' needs.

Please return completed Customer First Analyses to Human Resources. I can guide you through the process if this would be helpful.

If you have any suggestions for improving this process, please let me know.

Kirsten Burnett  
Head of HR

## Customer First Analysis

### 1. Purpose

- What are you trying to achieve with the policy / service / function?
- To introduce a weekend burial service for Borough residents as the current service does not fully meet the needs of all residents
- Who defines and manages it?
- Hyndburn BC manages it as burial authority
- Who do you intend to benefit from it and how?
- All communities in Hyndburn, in particular those who require weekend burials for religious reasons
- What could prevent people from getting the most out of the policy / service / function?
- Having no weekend burial service will prevent residents from having a burial at weekend should they wish to or because this is a requirement of their religious beliefs
- How will you get your customers involved in the analysis and how will you tell people about it?
- The Council has spoken to members of the Hyndburn Muslim funeral committee about this issue along with Councillors. In addition the Council has spoken to some funeral directors about the proposed service. Should this proposal be enacted all funeral providers will be informed.

### 2. Evidence

- How will you know if the policy delivers its intended outcome / benefits?
- Burials will take place at weekends as requested
- How satisfied are your customers and how do you know?
- This proposed service is something customers have been requesting the Council provide
- What existing data do you have on the people that use the service and the wider population?
- The cemetery service has significant data relating to service users and contact details for all funeral providers
- What other information would it be useful to have? How could you get this? N/A
- Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)?
- No not at this time as the service will be available for all residents
- Are you using partners, stakeholders, and councillors to get information and feedback?
- Yes the network of funeral providers for Hyndburn

### 3. Impact

- Are some people benefiting more – or less - than others? If so, why might this be?  
Currently residents from the Muslim community cannot routinely have a burial at weekend should a bereavement occur due to no formal weekend burial service being available.

### 4. Actions

- If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it?
- The service can be accessed by all residents of Hyndburn. The current working arrangements can exclude those who require weekend burials due to their religious beliefs, in particular Hyndburn's significant Muslim community.

UNCLASSIFIED

- Is it discriminatory in any way?
- See above, the current service does not fully meet the needs of all residents on religious grounds.
- Is there a possible impact in relationships or perceptions between different parts of the community? Yes, as the lack of a weekend service means the service is not always accessible.
- What measures can you put in place to reduce disadvantages? Any funeral provider can access the proposed weekend burial service
- Do you need to consult further? Not at this time.
- Have you identified any potential improvements to customer service? The proposed service will be more reactive to customer needs
- Who should you tell about the outcomes of this analysis?
- Cabinet
- Have you built the actions into your Business Plan with a clear timescale? Yes there is an implementation date and review proposal for the service in the Cabinet report
- When will this assessment need to be repeated? No

**Name: Craig Haraben**

**Signed:**



**Service Area: Environmental Services      Dated: 7 June 2023**

**If applicable, please attach copy of – or website link to - the cabinet report for reference.**

**Don't forget to return your written record to HR.**

This page is intentionally left blank