

# Agenda



**HYNDBURN**

The place to be  
an excellent council

## Council

**Thursday, 7 July 2016 at 7.00 pm,**  
Council Chamber, Town Hall, Accrington

### Membership

Councillor Tim O'Kane (Mayor) in the Chair,  
Councillors Lisa Allen, Judith Addison, Mohammad Ayub, Noordad Aziz, Peter Britcliffe,  
Clare Cleary, Jean Battle, Loraine Cox, Paul Cox, Stephen Button, Munsif Dad, Bernard Dawson,  
Tony Dobson, Diane Fielding, Melissa Fisher, Stewart Eaves, June Harrison, Glen Harrison,  
Eamonn Higgins, Terry Hurn, Stephanie Haworth, Abdul Khan, Julie Livesey, Gareth Molineux,  
Ken Moss, Jenny Nedwell, Bernadette Parkinson, Miles Parkinson, Joyce Plummer, Kath Pratt,  
Malcolm Pritchard, Paul Thompson, Jeff Scales and Paddy Short

## AGENDA

**1. Apologies for absence**

**2. Declarations of Interest and Dispensations**

**3. Announcements**

To receive announcements from the Mayor, Leader of the Council and Chief Executive.

**4. Confirmation of Minutes (Pages 5 - 12)**

To confirm, as a correct record, the minutes of the Council meetings held on 19<sup>th</sup> and 21<sup>st</sup> May 2016 (attached).



**5. Question Time** (Pages 13 - 14)

To deal with any questions submitted under Council Procedure Rule 2.2(vi). Report attached.

**6. Older People in Hyndburn - Our Policy** (Pages 15 - 36)

Report attached.

**7. Rhyddings Park Heritage Lottery Bid** (Pages 37 - 84)

Report attached.

**8. Management Review Committee - Membership and Terms of Reference** (Pages 85 - 88)

Report attached.

**9. Appointment of Co-opted Members to Overview and Scrutiny Committees** (Pages 89 - 92)

Report attached.

**10. Scrutiny Report - Calderstones NHS Trust and the Evergreen School** (Pages 93 - 96)

Report attached.

**11. Amendment to the Scheme of Delegation** (Pages 97 - 98)

Report attached.

**12. Minutes of Cabinet** (Pages 99 - 114)

To receive the minutes of Cabinet, held on 23<sup>rd</sup> March 2016 and 8<sup>th</sup> June 2016 (attached).

**13. Minutes of Committees** (Pages 115 - 152)

To receive the minutes of Committees and Sub-Committees as follows:-

Municipal Year 2015/16

Planning Committee 16<sup>th</sup> March 2016

Communities and Wellbeing Overview and 18<sup>th</sup> March 2016

Scrutiny Committee	
Audit Committee	21 <sup>st</sup> March 2016
Resources Overview and Scrutiny Committee	22 <sup>nd</sup> March 2016
Judicial Committee (Private Hire and Hackney Carriage Licensing)	29 <sup>th</sup> March 2016
Judicial Committee (Private Hire and Hackney Carriage Licensing)	4 <sup>th</sup> April 2016
Planning Committee	13 <sup>th</sup> April 2016
Judicial Committee (Private Hire and Hackney Carriage Licensing)	18 <sup>th</sup> April 2016
Licensing Sub-Committee	21 <sup>st</sup> April 2016
Licensing Sub-Committee	29 <sup>th</sup> April 2016
Planning Committee	18 <sup>th</sup> May 2016

**14. Motions submitted on Notice** (*Pages 153 - 154*)

To consider motions submitted under Council Procedure Rule A9 (report attached).



Chief Executive  
 Scaitcliffe House,  
 Ormerod Street,  
 ACCRINGTON BB5 0PF

Wednesday, 29 June 2016

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## COUNCIL

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**Thursday, 19th May, 2016**

**Present:** The Mayor, Mrs Marlene Haworth,, Councillors Lisa Allen, Judith Addison, Mohammad Ayub, Noordad Aziz, Peter Britcliffe, Clare Cleary, Jean Battle, Stephen Button, Loraine Cox, Paul Cox, Munsif Dad, Bernard Dawson, Diane Fielding, Melissa Fisher, Stewart Eaves, June Harrison, Glen Harrison, Eamonn Higgins, Terry Hurn, Stephanie Haworth, Abdul Khan, Julie Livesey, Gareth Molineux, Ken Moss, Jenny Nedwell, Tim O'Kane, Bernadette Parkinson, Miles Parkinson, Joyce Plummer, Kath Pratt, Malcolm Pritchard, Jeff Scales, Paddy Short and Paul Thompson

**Apologies:** Councillors Tony Dobson

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### 1 Welcome

The retiring Mayor, Mrs Marlene Haworth welcomed Councillors to the Council's Annual General Meeting. She reported the death of former Councillor Roy Atkinson, who had been a Councillor for the Overton ward from 2000 to 2002, and from 2006 to 2010. A minute's silence was held in tribute.

### 2 Election of Mayor, 2016/17

It was proposed by Councillor Gareth Molineux and seconded by Councillor Terry Hurn, that Councillor Tim O'Kane be elected Mayor of the Borough for the Municipal Year 2016/17.

**Resolved** - **That, in pursuance of Section 23 of the Local Government Act 1972, Councillor Tim O'Kane be elected to the office of Mayor of the Borough of Hyndburn for the Municipal Year 2016/17.**

*The retiring Mayor, Mrs Marlene Haworth, left the meeting, along with the newly-elected Mayor. Following a short adjournment, Councillor O'Kane took his place in the Mayor's seat. The retiring Mayor attached the Mayoral fob to the chain now worn by the newly-elected Mayor, Councillor Tim O'Kane, who signed the Declaration of Acceptance of Office.*

### 3 Vote of Thanks to the Retiring Mayor

Councillor Kath Pratt proposed a vote of thanks to the retiring Mayor, Mrs Marlene Haworth, which was seconded by Councillor Munsif Dad.

The retiring Mayor duly responded, thanking all Councillors and officers for their support during her Mayoral year, after which she left the meeting.

### 4 Election of Deputy Mayor, 2016/17

The Mayor invited nominations for the election of Deputy Mayor for the Municipal Year 2016/17. It was proposed by Councillor Judith Addison and seconded by Councillor Clare Cleary, that Councillor Peter Britcliffe be elected to that office.

**Resolved** - **That in pursuance of Section 23 of the Local Government Act 1972, Councillor Peter Britcliffe be elected to the office of Deputy Mayor for the Municipal Year 2016/17.**

*Councillor Britcliffe read and signed the Declaration of Acceptance of Office.*

**5 Apologies for absence**

Apologies for absence were submitted on behalf of Councillor Tony Dobson.

**6 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

**7 Announcements**

The Leader of the Council referred to the recent local elections and outlined the priorities of the Labour administration during its term of office.

The Chief Executive briefed Council members on the recent fire at the former Accrington Conservative Club on Cannon Street. Because of the condition of the building and for safety reasons, the Council had now assumed control of the building and work was proceeding to demolish it in a controlled and safe manner.

**8 Confirmation of Minutes**

**Resolved** - **That the minutes of the Council meeting held on 24<sup>th</sup> March 2016 be approved as a correct record.**

**9 Declaration of the Returning Officer for the Election of Councillors, 5th May 2016**

The declaration of the Returning Officer of those elected at the local elections held on 5<sup>th</sup> May 2016 was submitted as follows:-

<b>Electoral Ward</b>	<b>Name and Address of Elected Councillor</b>	<b>Party</b>
Altham	Stephen Button 34 Meadowside Avenue Clayton-le-Moors BB5 5XF	Labour
Barnfield	Tony Dobson Rose Dene Barn Higher Rhoden Oswaldtwistle BB5 3QL	Conservative
Baxenden	Terence Keith Hurn 64 Oakwood Road Accrington BB5 2PG	Conservative
Central	Abdul Ghafar Khan	Labour

	6 Lister Street Accrington BB5 1TA	
Church	Jean Battle 8 Ellerbeck Road Accrington BB5 5AN	Labour
Netherton	Noordad Aziz 14 Greaves Street Great Harwood BB6 7DY	Labour
Overton	Stephanie Haworth 89 James Street Great Harwood BB6 7JH	Labour
Peel	Paddy Short 61 Avenue Parade Accrington BB5 6PN	Labour
Rishton	Jeff Scales 18 Blackburn Road Rishton BB1 4BS	Labour
Spring Hill	Munsif Dad 49-51 Monk Street Accrington BB5 1SS	Labour
St Andrew's	Stewart Thurston Eaves 27 Blossom Avenue Oswaldtwistle BB5 0FD	Labour
St Oswald's	Glen Kevin Harrison 21 Lord Street Oswaldtwistle BB5 3EF	Labour

## 10 Appointment of Committees for the 2016/17 Municipal Year

The Leader of the Council submitted proposals for the appointment of Committees, Sub-Committees, Panels and Working Groups for the 2016/17 Municipal Year, together with their terms of reference. In addition, tabled at the meeting were proposals for the membership of those bodies.

### Resolved

- (1) That the terms of reference of Council, Cabinet and other constituted bodies, as outlined in Appendices 1 and 2 be approved and the Council's Constitution (Part 3, Responsibility for Functions) be amended accordingly.
- (2) That the political composition of Committees and Sub-Committees of the Council (as set out in paragraph 4.3 of the report) be approved.
- (3) That the membership of those Committees and Sub-Committees and the proposed Chairs and Vice-Chairs, set out in the appendix circulated at the meeting, be approved.
- (4) That the establishment of an Auditor Panel and Church Gateway Group be approved.

- (5) That the membership of Working Groups and Panels and the proposed Chairs and Vice-Chairs, as set out in the appendix tabled at the meeting, be approved; and
- (6) That a Councillor unable to attend a meeting, of which he/she is a member, be authorised to appoint a Councillor not serving on that particular Committee, Sub-Committee, Panel or Working Group to act as a substitute in accordance with Council Procedure Rule A26.8.

## 11 Scheme of Delegation to Officers, 2016/17

Council was asked to approve a scheme of delegation of non-executive functions to officers. It was a requirement of the Constitution that the scheme was approved annually at the Council's annual meeting. The changes proposed related to legislative changes, changes to officer duties and responsibilities and changes in job titles.

**Resolved** - That Council approves Parts 1, 3 and 4 of the scheme of delegation to officers, now submitted, relating to the delegation of the Council's non-executive functions.

## 12 Amendments to the Constitution

Council was asked to approve for a number of changes to parts the Council's written Constitution.

Minor changes had been made to the Budget and Policy Framework Procedure Rules, principally to ensure they were consistent with the Council's Financial Procedure Rules in respect of arrangements for virements within the budget.

Following the abolition of the Audit Commission, the Council was now responsible for the appointment of its own external auditor. The Local Audit & Accountability Act 2014 required all local authorities, including Hyndburn, to appoint an auditor panel to assist it in choosing and maintaining an appropriate relationship with its local auditors. For example, the Council must consult the panel, and have regard to its advice, before the Council's external auditor was appointed. It was therefore recommended that such a panel be established with the terms of reference and membership as set out in the appendix.

Minor changes had been made to the Council's Petition Scheme, to simplify it and to bring it up to date, such as changes to the way E-Petitions were submitted.

The Civic Protocol had also been reviewed and changes proposed, to reflect current practice and to clarify the role of the mayor in line with the approach taken in other Boroughs. Linked to this, it was proposed that the Council Procedure Rules be amended to add a new rule 23.4,

### 23.4 Nature of the role

The role of the Mayor (and Deputy Mayor) is strictly a non-political one and all Councillors will respect the Mayor (and Deputy Mayor's) neutral position. For example, the Mayor (or Deputy Mayor) will maintain an apolitical stance when chairing Council meetings and will allow different opinions to be fully and fairly represented and debated subject to the requirements of these Procedure Rules.

The proposed new rule would complement the changes proposed to the civic protocol and reflected the Council's long-established and well respected practice in respect of the neutrality and non-political role of Mayor.

**Resolved**

- (1) That the revised Budget and Policy Framework Procedure Rules attached as Appendix 1 to the report, be approved.
- (2) That the terms of reference of the Auditor Panel attached as appendix 2 to the report, be approved.
- (3) That the following rules be adopted in relation to the Auditor Panel:-
  - Membership of the panel does not attract an allowance, but its members are able to claim travel and subsistence expenses in accordance with the Council's members allowances scheme
  - The councillor member of the panel is appointed annually, but the independent members of the panel are appointed for a term of office of up to 5 years, to avoid the need for repeated advertisement of the role and repeated submission of applications by panel members (and this approach would not prevent the Council removing an independent member at any time if it considered this appropriate)
  - The Executive Director (Legal & Democratic Services) is given delegated power to advertise and seek applications for the position of independent member of the audit panel
- (4) That the revised petition scheme attached as Appendix 3 to the report be approved.
- (5) That the revised Civic Protocol, now submitted, be approved; and
- (6) That in the light of the revised Civic Protocol, the Council Procedure Rules be amended to add a new rule 23.4, i.e.

**23.4 Nature of the role**

*The role of the Mayor (and Deputy Mayor) is strictly a non-political one and all Councillors will respect the Mayor (and Deputy Mayor's) neutral position. For example, the Mayor (or Deputy Mayor) will maintain an apolitical stance when chairing Council meetings and will allow different opinions to be fully and fairly represented and debated subject to the requirements of these Procedure Rules.*

**13 Annual Review of Planning and Licensing Codes of Practice**

Council was asked to approve Planning and Licensing Codes of Practice, following an annual review. It was reported that local authorities were recommended, as a matter of

good practice, to supplement their Member Code of Conduct with specific codes of practice, to assist Members involved in the planning and licensing processes.

A key change was to implement recommendations of the Member Learning & Development Panel, that members sitting on Planning and Licensing / Judicial Committees would now be required to have undergone training before they served on the Committee and take part in decision making. It was intended that all members serving on the Planning, Licensing and Judicial Committees would receive training in respect of their respective code of practice as soon as possible after the adoption of the revised codes of conduct.

- Resolved**
- (1) That the revised Planning and Licensing Codes of Practice, now submitted, be approved and adopted; and**
  - (2) That Council notes that that training will be arranged for all members of the planning and licensing committees in respect of their respective code of practice as soon as possible in the new municipal year.**

**14 Appointments to Outside Bodies, 2016/17**

Council was asked to approve the list of nominations to serve on various outside bodies for the Municipal Year 2016/17, which was tabled at the meeting.

- Resolved**
- That the list of appointments to outside bodies, now submitted be approved for the 2016/17 municipal year.**

**15 Timetable of Meetings, 2016/17**

- Resolved**
- That the timetable of meetings for 2016/17, now submitted, be approved.**

**16 Record of Attendance at Council Meetings, 2015/16**

A record of attendance of Councillors at Council meetings in 2015/16 was submitted for information. A report of the attendance of Councillors at eligible meetings of the Council was submitted to the annual meeting each year.

- Resolved**
- That the report be noted.**

Signed:.....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

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# COUNCIL

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**Saturday, 21st May, 2016**

**Present:** Councillor Tim O'Kane (Mayor), Councillors Judith Addison, Lisa Allen, Mohammad Ayub, Noordad Aziz, Jean Battle, Peter Britcliffe, Stephen Button, Clare Cleary, Loraine Cox, Paul Cox, Munsif Dad, Bernard Dawson, Diane Fielding, Melissa Fisher, Stewart Eaves, June Harrison, Glen Harrison, Eamonn Higgins, Terry Hurn, Stephanie Haworth, Abdul Khan, Gareth Molineux, Jenny Nedwell, Bernadette Parkinson, Miles Parkinson, Joyce Plummer, Kath Pratt, Paul Thompson, Jeff Scales and Paddy Short

**Apologies:** Councillors Tony Dobson, Julie Livesey, Ken Moss and Malcolm Pritchard

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## **17 Welcome**

The Chief Executive welcomed Honorary Freeman, Aldermen, Councillors and guests to this year's Mayor-making ceremony, to install the Mayor and to honour four new Honorary Aldermen.

## **18 Declaration of Mayor, 2016/17**

It was announced that at the Annual Meeting of the Council, on 19<sup>th</sup> May 2016, Councillor Tim O'Kane had been elected Mayor of the Borough for the Municipal Year 2016/17.

The Mayor read and signed the Declaration of Acceptance Office and was presented with the Mayoral Fob by the retiring Mayor, Mrs Marlene Haworth. Councillor Gareth Molineux made a speech of welcome, which was supported by Councillor Terry Hurn.

The Mayor then made a speech of thanks.

## **19 Vote of Thanks to the Retiring Mayor and Mayoress**

The Mayor invited Councillor Kath Pratt and Councillor Munsif Dad to propose and second a vote of thanks to the retiring Mayor and Mayoress, Mrs Marlene Haworth and Mrs Dorothy Berry. The retiring Mayor responded, thanking officers and Councillors for their support during her mayoral year.

The Mayor made a presentation of an illuminated resolution and engraved past Mayor's and Mayoress's badges to the retiring Mayor and Mayoress.

The Mayor also made floral presentations to the retiring Mayor and Mayoress and to the new Mayoress, Mrs Melanie Storey.

## **20 Declaration of Deputy Mayor, 2016/17**

The Mayor announced that at the Annual General Meeting of the Council, held on 19<sup>th</sup> May 2016, Councillor Peter Britcliffe had been elected Deputy Mayor for the Municipal Year 2016/17. Councillor Britcliffe read and signed the Declaration of Acceptance of Office. The Mayor then invited Councillor Judith Addison to welcome the new Deputy Mayor.

**21 Conferment of the Title of Honorary Alderman**

The Mayor announced that at the Council meeting on 24<sup>th</sup> March 2016, the Council had decided to confer the title of Honorary Alderman to four former Councillors, to acknowledge their eminent service as past members of the Council. The nominees, Mr Paul Barton, Mrs Wendy Dwyer, Mr Bill Pinder and Mrs Lynn Wilson, were present at this meeting to be presented with the honour.

Councillors Lisa Allen, Bernard Dawson, and Peter Britcliffe spoke in support and to acknowledge their service as past Councillors.

The new Honorary Aldermen then signed the Roll of Honorary Aldermen and were each presented with a commemorative badge.

The new Honorary Aldermen each responded, thanking the Council for the honour.

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*The Mayor then closed the meeting and invited Councillors, Honorary Freeman, Aldermen and guests to join him in parading to the Civic Service at St James' Church, Accrington.*

Signed:.....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

# Agenda Item 5.

<b>REPORT TO:</b>	Council		
<b>DATE:</b>	07 July 2016		
<b>REPORT AUTHOR:</b>	Helen Gee, Democratic Services Manager		
<b>TITLE OF REPORT:</b>	<b>Question Time</b>		
<b>EXEMPT REPORT:</b>	<b>No</b>		
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:	n/a

## **Question to Council**

The following question has been submitted under Council Procedure 2.2(vi):-

### **To the Leader of the Council (Councillor Miles Parkinson):-**

Can the Leader of the Council give us an up-to-date statement in light of the road changes in Accrington town centre, which has left many residents and business owners angry at the way that these changes have been introduced without consultation and which has left the Council looking unprofessional and incompetent.

(submitted by Councillor Tony Dobson)

#### **Procedural Note**

- *The question will be read out by the Mayor*
- *The Leader will give an oral answer.*
- *The questioner may ask a supplementary question, if it is directly related to the original question*

**Date: 29<sup>th</sup> June 2016**

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# Agenda Item 6.

<b>REPORT TO:</b>	Full Council		
<b>DATE:</b>	7 <sup>th</sup> July		
<b>PORTFOLIO:</b>	Cllr Munsif Dad - Health and Communities		
	Cllr Clare Cleary – Older People’s Champion		
<b>REPORT AUTHOR:</b>	Kelly Watson		
<b>TITLE OF REPORT:</b>	Older People in Hyndburn – Our Policy		
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>Options</b>	Not applicable	
<b>KEY DECISION:</b>	<b>Options</b>	Not applicable	

## 1. **Purpose of Report**

- 1.1 The purpose of this report to inform Council of the positive contribution that older people make in the borough, as set out in the Older People in Hyndburn document.
- 1.2 To promote the needs of older people and encourage all service areas to consider the challenges and opportunities faced by this group when making new policy.

## 2. **Recommendations**

- 2.1 Council is asked to note the report

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

- 3.1 To inform council of the progress made by our Older People’s Champion with our partners; Hyndburn Over 50’s Forum, Hyndburn and Ribble Valley CVS, Hyndburn Homewise, and Age UK Lancashire in developing this document as a positive statement of the strength of older people in Hyndburn.
- 3.2 Hyndburn Borough Council, the Older People’s Champion and Local Older People’s Groups have together created this positive statement of ageing in the borough to challenge negative stereotypes. “Negative and out of date attitudes towards older people not only impact older people and prevent progress in policy and practice in a number of areas. They also mean society misses out on the huge potential older

people have to offer” (Gillian Peel. Chair of the Age Action Alliance Working Group - Improving Attitudes to Ageing).

- 3.3 Older people are a diverse group of people whose views and behaviours differ greatly from previous generations of older people and arguably have more to contribute to society than ever before. Their impact in terms of volunteering, citizenship and consumer spending is disproportionately high. Yet the time, skills and resources that older people have to offer society are often undervalued.
- 3.4 The UK has an ageing population. This is the case both nationally and locally. In Hyndburn data shows that there are around 13,400 people aged 65 and over which represents almost 17% of the total population. By 2021 the population of people over 65 in Hyndburn is projected to increase to 14500. It has been well documented that people are living longer and that older age groups will increase in future years, with the associated financial implications, both positive and negative.
- 3.5 This document brings together the expertise and experience of a number of organisations who represent older people. Hyndburn has an active network of support operating in the borough, from individuals supporting each other, to organisations tasked with large scale social issues. Through this exercise they hope to strengthen Hyndburn’s approach to supporting communities whilst increasing opportunities for older people and ensuring local resources are well promoted and utilised.

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

- 4.1 Not applicable

#### **5. Consultations**

- 5.1 A steering group was drawn together to guide the development of the Older People in Hyndburn document.

Partners provided key information about how they wanted the document to work, how they envisaged the document being embedded across the Council, and provided examples of best practice that could be used to inform document development. Early involvement of partners ensured that the content and direction of the document was informed by older people’s needs.

- 5.2 The draft document was presented to the following groups and individuals for consultation:

- Hyndburn Over 50’s Forum
- Hyndburn and Ribble Valley CVS
- Hyndburn Homewise
- Age UK Lancashire
- Aawaz

- Age Consulting
- Carers Link

Details of the full consultation can be found on page 3 of the Older People in Hyndburn document.

**6. Implications**

<b>Financial implications (including any future financial commitments for the Council)</b>	None
<b>Legal and human rights implications</b>	None
<b>Assessment of risk</b>	None
<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>	The document and the work of the Older People’s Champion helps to promote the strength and needs of Older People both within and outside the Council.

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

7.1 Not applicable

**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.

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## **Older People in Hyndburn – Our Policy**

### **Valuing older people: Introduction**

Older people are a diverse group of people whose views and behaviours differ greatly from previous generations and arguably have more to contribute to society than ever before. Their impact in terms of volunteering, citizenship and consumer spending is disproportionately high. Yet the time, skills and resources that older people have to offer society are often undervalued.

**Caring:** Countless older people make a significant contribution through care for their partners, their children, grandchildren, friends and neighbours, although they often don't view themselves as carers. This type of informal caring is estimated to be worth around £30 billion nationally.

**Volunteering:** Many older people volunteer in schools and hospitals, local community groups and charities. Volunteering roles range from giving time and expertise on a board of trustees to providing free labour for the benefit of others. Volunteering is estimated to be worth around £10 billion nationally.

**Influencing:** Older people help to plan for and influence local services. They do this as members of neighbourhood watch committees, political parties, trade unions, forums, executive boards of voluntary organisations, local council infrastructure and local health bodies, to name a few. They are more likely to vote in elections than any other age group.

**Employment:** Older people form a significant part of the labour force and make up one of the largest groups of entrepreneurs. They contribute skills and experience gained over many years to the economy. They also contribute billions of pounds in tax revenues through wages, investments, pensions, and consumer spending. The economic and social contribution to society made by people over 65 has been calculated at £40 billion and their contribution is projected to grow to £77 billion by 2030. According to a report from the WRVS "Gold Age Pensioners", taxes paid by people aged 65 and above amount to £45 billion, approaching twice the total received from council tax.

**Recognising Population Changes:** Statistics show that the UK has an ageing population. This is the case both nationally and locally. In Hyndburn data shows that there are around 13,400 people aged 65 and over which represents almost 17% of the total population. It has been well documented over recent years that people are living longer and that older age groups

will increase in future years, with the associated financial implications, both positive and negative.

By 2021 the population of people over the age of 65 in Hyndburn is projected to increase to 14500. There is no guarantee that 'extra' years of life will equate to healthy years of life. However it is also not the case that longer life will necessarily lead to ill health or disability. We might plan health and social care services accordingly, but we should also consider the impact on local cultural and social resources and ensure we are providing the right opportunities for our communities to thrive. Hyndburn must embrace its ageing population. It must adapt to ensure that it is in the best position to benefit from the positive aspects of having an older demographic and support those who need it.

This Document brings together the expertise and experience of a large number of residents who care about older people. Hyndburn has an active network of support operating in the borough, from individuals supporting each other, to organisations tasked with large scale social issues. Through this exercise they hope to strengthen Hyndburn's approach to supporting communities whilst increasing opportunities for older people and ensuring local resources are well promoted and utilised. This document will evidence our resources locally and act as reference to those working with older people.

## **Development of this Document**

Consultation is a process of dialogue with citizens and stakeholders, and informs decisions about new proposals, policy, or service changes.

Through a planned process of consultation we will:

- Encourage greater public interest
- Deliver stronger community leadership
- Plan the document based on the needs and views of people
- Identify priorities and improve the document
- Expand awareness of the document

### **The Process:**

As part of the development of the Older People in Hyndburn Document, a steering group model was adopted. The first steering group meeting was held at Hyndburn Borough Council in October 2014 with subsequent meetings held after this point. Steering group meetings had two main objectives:

- To highlight the importance of an Older People in Hyndburn document
- To bring together local expertise, information, and opinions to be included in the Older People in Hyndburn document

At meetings, partners provided key information about how they wanted the document to work, how they envisaged it being embedded across the Council, and provided examples of best practice that could be used to inform its development. Early involvement of partners ensured that the content and direction of the document was informed by older people's needs. The steering group provided a sense-check on its progress.

The draft document was presented to the following groups and individuals for consultation:

- |  |  |
|--|--|
| • Hyndburn Over 50's Forum                         | • Health and Communities Working Group |
| • Cluster of East Lancashire Older People's Forums | • Hyndburn Disability Forum            |
| • Hyndburn and Ribble Valley CVS                   | • Lancashire Fire and Rescue           |
| • Hyndburn Homewise                                | • Lancashire Police                    |
| • Age UK Lancashire                                | • Oswaldtwistle Churches Together      |
| • Aawaz  | • Rishton Churches Together            |
| • Age Consulting                                   | • Shop Mobility                        |
| • Carers Link                                      | • The Blind Society                    |
| • BME Forum  | • The Women's Centre                   |

## **Our Aim**

To create an environment where older people have the opportunity and support to live fulfilled and independent lives.

## **Objectives**

To make Hyndburn a place where full participation is a choice all older people can make.

To identify opportunities to reach out to communities, carers and volunteers, including isolated older people.

To ensure that older people can obtain the information they need, when they need it, to enable them to more effectively access services.

To support access to, and increase the range of, social and community activities available for older people, in order to help tackle social isolation.

## **Engaging Our Partners**

Developing the 'Older People in Hyndburn' document has been a collaborative exercise with contributions from the following partners:

Hyndburn Borough Council  
Hyndburn Older People's Forum  
Lancashire 50+ Assembly  
Hyndburn Homewise  
Age UK Lancashire  
Hyndburn and Ribble Valley CVS  
Help Direct

## **Our Priority Areas**

### **Inclusive Society**

There are many characteristics for an inclusive society. In an inclusive society life chances are maximised. People have access to the services and facilities they need. In an inclusive society the physical, social, and emotional needs of older people are met. They have access to housing that meets their requirements. Their voices are heard in the democratic process and people have a sense of “belonging” to the place they live. In an inclusive society older people are active in their communities and expect to fully participate in society as they desire. They interact with others in the community and are able to use community resources. Diverse networks of individuals and groups exist within an inclusive community and these must be accessible to everyone who wishes to be involved.

### **Promoting Citizenship**

Communities must value the contribution made by older people to their community. The majority of older people are not in difficulty. They are often active and public spirited individuals, not simply service users. Yet older people are often mistaken as dependent or frail, rather than as citizens with a contribution to make. Older people should be seen as full citizens and as a resource for society. Services for older people are commonly focused on a narrow range of provision for the most vulnerable people who find themselves in crisis. It is not acceptable to consider this level of service adequate, older people need a wide range of good quality cultural and social resources to ensure the right opportunities exist for older people to thrive. This is fundamental to wellbeing and to living a healthy life.

### **Working in Older Age**

Many employers report clear business benefits of effectively managing an ageing workforce, retaining the skills of older workers while bringing on younger workers. McDonald’s have 20% higher performance in those outlets that employ workers aged over 60 as well as younger workers. However many older workers retire early because they are unable to get flexible or part-time work.

Providing the opportunity to work might have a positive impact on an individual’s savings for retirement. Retiring 2 years after State Pension age and continuing to save in that time can increase private pension income by 20%, but retiring 2 years before State Pension age and taking an income from a pension can reduce it by 18%.

Out of work older people can find it more difficult to get a job and are more likely than younger people to remain unemployed for longer. Over 47% of unemployed people aged over 50 have been unemployed for 12 months or more compared with around 30% of Jobseeker's Allowance claimants aged 18 or over (Office for National Statistics Labour Market Statistics, October 2013).

### **Promoting Independence and encourage positive views of age**

Independence is both subjective and relative, varying according to the person and situation. Quality of life can be enhanced through simple opportunities and solutions provided by a variety of organisations. Being Independent is not the same as being able to do everything without support. By working jointly with partners from across the statutory, voluntary and community sectors, organisations will inspire independence and well-being.

Having choice and control is important to us all. Older people wish to contribute and want to be valued and recognised for that contribution. Older people have experience and expertise, and in many cases make excellent positive community role models. They see themselves as having an important role in challenging negative stereotypes. It is important to recognise the value of older people as carers, volunteers, activists, and above all, individuals not only with a past, but with skills and a future.

### **Recognise that *some* older people face a range of issues.**

The majority of older people live independently without social services support or crisis related intervention. Whilst this is true, obstacles or barriers to wellbeing can be complex for all people, old and young. Health related issues - including mobility problems - can lead to a loss of independence, mental health problems similarly can lead to reduced independence and social isolation. Other potential problems include; bereavement, financial difficulties, a lack of transportation, caring responsibilities, family disputes, loss of status, housing related issues, feeling unsafe at home and in public, and even abuse. Often people experience multiple problems at one time or another. With this in mind we need to recognise that the issues above actually affect us all in a very similar way. Whilst many of these issues affect older people, they are not solely problems associated with ageing. Ageism and age related discrimination needs to be tackled by everyone, and particularly by older people themselves.

## **Dementia Awareness**

Dementia is not a natural part of ageing. It occurs when the brain is affected by a disease.

The word dementia describes a group of symptoms that may include memory loss, difficulties with planning, problem-solving or language, and sometimes changes in mood or behaviour. It is important to remember that dementia affects everyone differently. The most common forms of dementia are Alzheimer's disease and vascular dementia. Dementia is progressive, which means that symptoms get worse over time. However, many people with dementia lead active and fulfilling lives for many years.

Around 800,000 people in the UK have dementia. Dementia is predominantly a condition that affects older people, and the chance of developing dementia increases significantly with age. However, over 17,000 younger people (under the age of 65) in the UK have dementia. This is called early-onset or young-onset dementia. Dementia is more common among women than men.

Public Health England has defined 'Reducing Dementia Risk' as one of their priority areas. Re-design of Dementia Services is a key objective of the East Lancashire Health and Wellbeing Partnership. In 2010, the National Dementia Action Alliance (NDAA) was formed to tackle these issues and radically change the way our society responds to dementia. Organisations and communities are joining together to form Local Dementia Action Alliances to create dementia friendly communities.

Organisations across Hyndburn are working to establish a Local Dementia Action Alliance comprising public, private and community sector organisations. Hyndburn Council has been involved in this work and is seen as an important member of the alliance.

## **Acknowledging the Importance of Older People**

### **Supporting Carers**

The NHS defines carers as “anybody who looks after a family member, partner, or friend who needs help because of their illness, frailty, or disability.” For the purpose of this document we are specifically talking about unpaid carers. The causes of someone taking on caring responsibilities are varied and the variety of tasks that a carer fulfills can be diverse. Each carer’s experience is unique to their circumstances and in some instances a carer might not see themselves in that way. For instance, carers might be caring for someone in the context of a lifelong relationship.

A caring role might change over time for example, a person’s condition may worsen and they may require more support than the carer has the time or energy to give. In this instance, social services might be called to reassess care needs. A carer’s assessment can also be requested. Either assessment may reveal greater entitlement to extra support.

In regard to welfare, nobody has an obligation to tell a carer what they are entitled to claim so it makes sense to seek independent advice. It is important to mention all dependants in benefits discussions as people of all ages can be entitled to benefits. Often extra assistance is available when claiming certain benefits. Extras could be available in specific areas and save carers money on things like bus passes, taxi cards, or council tax reductions. If a person is turned down for benefits it is not necessarily the end of the matter. Many specialist advice agencies have a high success rate of appeal. Taking well-meaning advice from friends, neighbours, relatives or anyone else is risky as personal circumstances can differ. It can pay to seek specialist welfare rights advice.

Carers need access to information, advice and guidance on work, learning and leisure opportunities. This could enable individuals to gain new skills, regain a sense of self, stay in, or get back to work. It is important to raise awareness with employers about carer’s issues, both with a view to retaining employees who are combining caring and working roles and to attract a potential pool of valuable employees. Employers should establish appropriate policies and procedures to take employment law and legislation relating to carers rights into account. It might be possible to have a key contact in large organisations who would understand the needs and concerns of carers.

Carers sometimes suffer with health problems due to their caring role. To care safely and maintain physical and mental health and well-being, carers need information, support, respect and recognition from the professionals with whom they are in contact. Improved support for the person being cared for can make the carer’s role more manageable.

Taking a break from caring responsibilities can be good for both the carer and the person being cared for. It is often essential in order to balance other commitments and personal needs. There are a number of ways to take a break from a caring role. Talking over personal situations with a social worker can be very helpful.

- Residential respite means the person cared for is looked after by someone else for a while, either in residential or nursing care, or on holiday.
- Domiciliary care is where someone comes into the home and takes over care for a while (for a few hours or sometimes overnight) so the carer can go out or have some personal time.
- A carer might also get a break when the person they care for is involved in other activities, for instance at a day care centre.

If someone you care for passes away, losing them could have a big impact and there may be many adjustments to make. Bereavement is an emotional time, and carers may experience feelings of grief, emptiness or loneliness, as well as relief and guilt at getting your life back. It may help to talk to family and friends or an organisation that supports people who have been bereaved.

## **Volunteering**

Older people form a large and very reliable part of the volunteering workforce, they are involved in making organisations a success and maintaining them across the country. They make a huge contribution via commitment and accumulated experience. The next generation of retirees are one of the best educated cohorts in post-industrial history and bring with them a wealth of knowledge and expertise.

As the Centre for Social Justice has argued, volunteers can also provide the emotional warmth and insight that provides service users with real value. Volunteering is not necessarily a cheap activity for voluntary organisations as volunteers need to be recruited, trained and managed effectively.

Recent research from the Royal Voluntary Service shows that over two million retirees over the age of 60 spend their time volunteering for at least two charities, that's 1 in 5 older people. Whilst a third of 65 to 74 year-olds of respondents to the citizenship survey in 2009-10 participated in informal volunteering at least once a month. This level of volunteering continues into old age. About 25% of those aged 75 and over participate in informal volunteering at least once a month.

## **Care at home**

**Live-in care** should enable an older person to stay at home (rather than be placed in a residential setting) in a familiar and safe environment with personal care, housekeeping and companionship. It should be consistent, with a support plan led by the person's wishes and needs. Plans should meet existing routines for sleep, medicines and meal times, but have the flexibility to adapt given a change in circumstances. Carers should be experienced with specialist training (if required), they should have access to a vehicle (if needed) and might be male or female as required, above all, carers must be compassionate and the older person must feel comfortable to have the carer in their home.

**Visiting home care** provides less one-on-one time and companionship than live-in care; however it should not provide a lower standard of care for individuals in the home. The care provided should enable the person to live independently; it might include personal care, medical support, or housekeeping, and provide an element of social contact. The care outlined remains very personal, and the individual is placing an enormous amount of trust in the carers they allow into their home. Accepting care may not be an easy process and there may be some reluctance to accept help. Communication between the older person (and perhaps their family) and the care team is vital in maintaining good relationships. Care requirements vary from person to person and there needs to be some degree of flexibility. However most importantly, continuity of care is paramount. The older person must feel confident and comfortable when letting a carer into their home, often to perform very personal tasks.

**Complex care** consists of support in the home to help manage health conditions which require medium to high levels of nursing care. The same principles apply to complex care as to live-in care. In addition to addressing the complex health, mental health and social wellbeing needs of individuals, carers must always treat older people with respect, dignity and fairness. Person-centred, flexible home care, provided by a small number of carers, are key components of a quality care service for older people with complex needs.

## **Local Organisations – What they do...**

**Hyndburn Over 50s Forum** was originally set up with help from Lancashire County Council in connection with the adoption of the Lancashire Partnership's Strategy for an Ageing Population. The Forum is a collection of people with a desire to improve older people's services in Hyndburn. They work together, using their influence to stand up for the interests of older people. The forum has a role in ensuring older people have access to information about local services and plans for older people.

The forum is committed to challenging age discrimination. It is briefed by partners on local and national initiatives that promote improvement in services. The forum maintains links with planners and public services to ensure they are continually mindful of older people in their work. Links are also maintained with pensioners' organisations at a national and local level. The forum is a recognised and valid contributor to local policy with influence over economic, social and moral welfare matters in the borough.

**Lancashire 50Plus Assembly** works in partnership with all partner agencies, it is specifically not a campaigning organisation. The Lancashire 50Plus assembly is self-governing and older people wishing to become members must accept the basic principle of operation of the Assembly. All Assembly members contribute to the governance of the Assembly. Membership comprises of older people who are volunteers from partnerships within each district. This ensures that the Assembly maintains a strong link between countywide engagement structures for older people and guarantees that as far as possible, the work of the 50 Plus Assembly is rooted in local communities rather than in services for older people.

The Assembly is a consultative body of the Strategy for an Ageing Population. Assembly members are drawn from 50 plus Forums and Community Groups whose membership has at least 75% people 50 plus who have an interest and commitment to improving the lives of older people living in Lancashire.

**Hyndburn Homewise** is a non-profit making organisation whose services are available to the whole community of Hyndburn. Homewise provides a comprehensive, impartial help, advice and support service. It includes all aspects of home improvement, adaptation, repairs, maintenance and energy efficiency works. Homewise provides additional support for older and disabled people including fundraising for essential works, it also works in partnership with Trading Standards to provide advice on local reputable tradesmen. Other services include; maintenance surveys, advice on property repairs, a handyperson service, affordable warmth, energy efficiency grants and subsidies, minor aids and adaptations, falls and accident prevention, crime prevention assessments and installation of security measures, disability aids, housing options advice for later life and support for people living with

dementia to remain living independently. Services are aimed at ensuring people live independently at home for as long as they wish.

**Age UK Lancashire** is a countywide charity working with and for older people. Through the services and support they provide, they aim to promote independence, enhance health and wellbeing and enable older people to access the information they need to make informed decisions about their lives. Staff and volunteers provide a wide range of services and support for older people, including; hospital discharge support, social, leisure and educational activities, information, visiting and befriending, day care, ageing well, housing support as well as campaigning on behalf of older people about national and local issues. In Hyndburn, Age UK provides: Community Leisure, Social & Physical Activities, Day Care Services, Health Trainers, Home Help Service, Information and Advice and a Hospital Aftercare Service

**Hyndburn and Ribble Valley CVS (HRCVS)** is part of a national CVS network of over 200 organisations. HRCVS provides information and advice on all aspects of setting up and running a voluntary group, including funding, information, financial advice and managing projects. They also encourage other agencies to work with the local voluntary and community sectors and represent the sector at strategic level. HRCVS identifies and facilitates training programmes for the local Voluntary, Community and Faith Sector; it helps groups to recruit volunteers and assists individuals to get into volunteering.

## **The Policy Environment**

Every care has been taken to include references to current and relevant resources in this section. However it may be worth checking related websites for document updates.

### **National Policy**

The Department for Work & Pensions, UK Advisory Forum on Ageing sees retirement as an active phase of life where people have opportunities to contribute to society by working longer or volunteering in their communities. They say individuals should take personal responsibility for their own wellbeing by working, saving and looking after their health. By raising State Pension age, government argue, they will maintain a sustainable balance between the proportions of workers and retired people. They have also removed the default retirement age, so employers can no longer force employees to retire just because they reach retirement age. The government has a collection of resources which it refers to as 'Age Positive' to provide advice and case studies about effectively managing an ageing workforce; these can be found at [www.gov.uk/government/collections/age-positive](http://www.gov.uk/government/collections/age-positive)

The White Paper, "**Healthy Lives, Healthy People, Our Strategy for Public Health in England**" describes arrangements for key public health functions to return to local authorities. The paper explains that this transfer provides the mechanism for joined up working to address the known social determinants of health and well-being. This brings renewed focus to joint working across health and social care, and with the wider public services to improve older people's well-being. The strategy looks at health and well-being throughout life, aiming for "active ageing" as the norm rather than the exception.

**The Marmot Review "Fair Society, Healthy Lives"** is a strategic review of health inequalities in England post 2010. In undertaking the review, Professor Sir Michael Marmot was asked to propose the most effective evidence-based strategies for reducing health inequalities in England. The review identified that the social gradient of health inequalities is influenced by housing, income, education, disability and social isolation. It makes specific reference to the importance of "social capital" for an older person, including the significance of being a part of their local community.

**2008 public health guidance from NICE** on Mental Wellbeing in Older people (Guidance for Occupational Therapy interventions to promote the mental well-being of older people in primary care and residential care) recommends that suitably trained professionals should encourage older people to carry out daily activities that help to maintain health and well-

being. Those professionals should also increase older people's knowledge of where to get reliable information and advice.

In 2006, **Age Concern** and the Mental Health Foundation launched a UK inquiry into mental health and well-being in later life. (Age Concern & Mental Health Foundation, 2006: Promoting mental health and well-being in later life) "Promoting mental health and well-being in later life" identifies five areas of influence on mental health which includes; age discrimination; participation in meaningful activity, maintaining relationships and tackling social isolation; good physical health; and poverty.

The "Loneliness and Isolation Evidence Review" (Age UK, 2010: Loneliness and Isolation Evidence Review) stresses that loneliness and isolation are not the same thing. The causes of loneliness are not just physical isolation and lack of companionship, but also sometimes the lack of a useful role in society. However it remains that one of the most effective ways of combating loneliness is to combat isolation.

**The Welfare Reform Act 2012** brought major changes to the benefits system, particularly for people of working age but some of the changes will affect older people too. Universal Credit will replace certain benefits for people of working age, but will also affect older people with partners of working age, those with dependent children, and potentially people with savings. Local authorities in England receive funding to help people pay Council Tax. The Government has said current and future pensioners in England should receive the same level of support under the new schemes as before. More information can be found at [www.ageuk.org.uk/money-matters/claiming-benefits](http://www.ageuk.org.uk/money-matters/claiming-benefits)

**The Filkin Report** (House of Lords Committee on Public Service and Demographic Change - March 2013) warns that the Government and our society are underprepared for ageing. It says longer life represents opportunities and challenges for individuals, employers, our welfare services, and Government. Radical changes to the way that health and social care is delivered are needed to provide appropriate care and to address future demand. The Committee states that the quality of healthcare for older people is not good enough and that the healthcare system in England is not suitable to deal with chronic long-term health conditions, as opposed to more acute health needs.

The Committee calls on the Government to publish a white paper analysing the issues and challenges, and a vision for public services in an ageing society. It recommends that Government should establish two commissions. One would work with employers and financial service providers to examine how to improve pensions, savings and equity release; the other would analyse how the health and social care system and its funding should be

changed to serve the needs of our ageing population. The Committee argues that with increasing longevity, our view of older age should change.

In February 2012, the National Pensioners' Convention launched a **Dignity Code**, setting out minimum standards for the dignified treatment of older people, whether in hospital or the community and calling for an end to abuse and neglect. The organisation subsequently wrote to the Leader of the Council asking for the Council to support the Dignity Code.

The code sets out nineteen points on how older people should and should not be treated, upholding their rights and maintaining their personal dignity. It is aimed primarily at those organisations that provide medical and care services to older people but it complements the Council's corporate objectives and values around health, equality and customer focus and is relevant in the delivery of council services.

On the 6th December 2012 the National Pensioners' Convention Dignity Code was presented to full Council. It was resolved that Council unanimously supports the Dignity Code.

**The Care Act 2014** aims to put people and carers in control of their care and support. It makes it clear what care people should expect and aims to increase transparency and drive up the quality of care. Stronger regulatory powers will hold providers of care to account for poor care provision. Through the Care Act, Government has introduced a single set of criteria that makes it clear when local authorities will have to provide support to people, replacing a system of local conditions. Councils also have a duty to provide preventative services to maintain people's health. Carers also have new rights to support. All carers will be entitled to an assessment; if eligible they will have a legal right to receive support.

The Act proposes a limit on the amount anyone will have to pay towards the costs of their care, regardless of how much they have in savings or assets. Once the cap on care of £72,000 is reached the state will pay those costs.

## **Local Policy**

### **The Lancashire Partnership's Strategy for an Ageing Population**

Sets out how we in Lancashire are responding to the opportunities and challenges of an ageing society. Their vision for older people is: Lancashire is a county where older people are empowered to live their lives in the way they choose and where their skills and expertise are valued. Strategy for an Ageing Population helped to inform the Older People in Hyndburn Document.

### **The Joint Strategic Needs Assessment (JSNA) for Older People in Lancashire**

(Updated in March 2013)

In 2011 a Lancashire project group produced a compendium of indicators relating to the health and wellbeing of older people in the area. This compendium was published on the Lancashire JSNA website. Following on from this, a prioritisation workshop was held and a set of six priority issues were agreed by the stakeholder group. They identified recommendations and best practice guidance to aid commissioners in the following areas:

1. Prevention and protection in a safe environment: The vast majority of accidents involving older people are falls, with the majority of these occurring in the home.
2. Lifestyle: A general recommendation to improve access for older people to universal services to improve lifestyle behaviours that impact on health.
3. Mental health and wellbeing including tackling age discrimination, participation in meaningful activity, maintaining relationships, tackling social isolation, maintaining good physical health, and tackling poverty.
4. Long term conditions and end of life care.
5. Carers: Identifying unknown carers is an important issue. Many carers either don't think of themselves as such or are unaware of the support available to them.
6. Pathway of care and integration of services for older people with emphasis on closer cooperation across boundaries and the development of agreed pathways.

### **Hyndburn Older People's Champion**

The Older People's Champion role is to help to ensure the Council understands the needs of older people locally. The Older People's Champions' Network for the North West of England is a long-standing organisation that helps Local Authorities to improve their services based on the needs of older people. The network has almost 30 Local Authorities from across the North West region involved in this major network. The Older Peoples Champion for Hyndburn Borough Council is an active member of the Champions' Network. The North

West Older People's Champions' Network also ensures the Older People's Champion is kept informed about developments at a regional and national level.

### **Age Action Alliance**

Hyndburn Borough Council is a member of the Age Action Alliance. The Alliance is a network which brings together both organisations and older people, in partnership. Drawn from civil society and the public and private sectors, the Alliance takes a positive approach to ageing and seeks practical ways to improve services and support to older people. Members work collaboratively, achieving more in partnership than they can as individual organisations or sectors. [www.ageactionalliance.org](http://www.ageactionalliance.org)

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# Agenda Item 7.

<b>REPORT TO:</b>	Council		
<b>DATE:</b>	07 July 2016		
<b>PORTFOLIO:</b>	Cllr Miles Parkinson, Leader		
<b>REPORT AUTHOR:</b>	Craig Haraben (Acting Head of Community Services)		
<b>TITLE OF REPORT:</b>	Rhyddings Park Heritage Lottery Bid		
<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 THE REPORT

The purpose of this report is to update members on the situation regarding the Heritage Lottery Bid for Rhyddings Park in Oswaldtwistle and to provide members with information via an arboricultural consultant's report about the Sequoia Tree.

## 2. RECOMMENDATIONS

It is recommended that:

1. The contents of this report be noted
2. Members decide whether to make recommendations to Cabinet in respect of the landscape plan agreed by the National Heritage Lottery Board and, specifically whether they wish to recommend that the plan is changed in anyway in respect of the sequoia tree

## 3. BACKGROUND

- 3.1 In 2012 the Parks & Cemetery Service started working with the Friends of (FO) Rhyddings Park to explore the possibility of applying for Parks for People funding administered via the Heritage Lottery Fund (HLF).
- 3.2 The outcome of a consultation with the FO Rhyddings Park showed that local residents would like to see the refurbishment of park facilities, the re-building of the coach house to provide a community base within the Park and the walled garden area refurbished and brought back into use as a community food growing area. This way forward was also supported by the local schools and GP surgeries that returned the consultation document.
- 3.3 In addition to the refurbishment work, there was a desire to have staff in place for two years after construction work had been completed to encourage participation and develop the audience of people who use the Park, including engaging with hard to reach groups. After examining the criteria for Parks for People funding it was clear that funding would be available for both the capital and revenue elements of this project.

- 3.4 Cabinet agreed on 3 December 2013 for the Council to work towards securing Parks for People funding via the HLF for Rhyddings Park in Oswaldtwistle.
- 3.5 In early January 2016 the Council received the fantastic news that the Parks for People funding bid relating to Rhyddings Park in Oswaldtwistle had been successful. The project had been allocated £1,461,900 for the delivery stage of the project by the HLF. The total value of the project, including in-kind funding and volunteer work, is £2 Million.
- 3.6 The funding secured from the HLF will allow for:
- The restoration of the Coach House as a community venue;
  - Returning the derelict walled garden to its traditional use of food growing, including the construction of Victorian style greenhouses;
  - Working with Bootstrap Enterprises to develop a social enterprise based in the restored former Coach House, generating income for the Park from meeting rooms, a cafe and a training kitchen;
  - Creating a performance space area and develop a programme of community arts working with Hyndburn Arts at the nearby Civic Arts Theatre;
  - Establishing a training and volunteering programme linked to park management, community engagement and health promotion;
  - Providing education resources and opportunities for local schools;
  - Developing programmes of guided walks and family fun activities.
- 3.7 In addition to the funding to enable the park refurbishment, revenue funding will also be made available to employ two HLF funded staff to facilitate audience development and improved horticultural skills within Rhyddings Park.
- 3.8 In late January 2016 a petition was started on Facebook due to some local opposition to one element of the parks refurbishment, the removal of the sequoia tree to facilitate the landscape improvements to the Rhyddings Street entrance of the Park.
- 3.9 It was agreed that an independent arboricultural consultant's report (refer to Appendix) would be commissioned in respect of the tree and the issue opened up for debate at Council.

#### **4. THE HISTORY OF THE PARK**

- 4.1 The history of Rhyddings Park dates back to 1853, when the Park was originally the grounds of a private house for the Watson family, who were local mill owners during the industrial revolution.
- 4.2 Robert Watson, who built what was known as Rhyddings Hall and gardens in 1853, was also responsible for building many houses of various scales in the area, for workers, foreman and managers of his mills. The majority of these properties still exist today and provide an opportunity to interpret the park, former mills and mill workers housing in a co-ordinated way.
- 4.3 In 1909 Rhyddings Hall and its gardens were opened as a public park and handed over to the local authority. The overall layout of the landscape has changed very little since its formation in the mid 1800's. The sites links to the social, built and landscape history of the area are some of the reasons Heritage Lottery Funding was sought for the refurbishment of this park
- 4.4 The sequoia is a relatively recent addition to the landscape, being planted in 1973, and has no direct link to the history of the site as a private residence and garden from 1853 or to the sites inception as a public park in 1909.

## 5. HERITAGE OF THE PARK IN CONTEXT OF THE PARKS FOR PEOPLE HLF SUBMISSION AND PROPOSED LANDSCAPE DESIGN PLAN

- 5.1 The overall design approved by the National Heritage Lottery Board has been formulated with the social, built and landscape history of the site in mind.
- 5.2 The historic designed landscapes projects team from English Heritage and Lancashire County Councils Specialist Landscape Advisor considers Rhyddings Park to be of regional/county importance for its surviving "Victorian villa garden" layout and features which have been incorporated into the public park. The County Landscape Specialist Advisor rates Rhyddings as an example of an historic urban park in the first rank of Hyndburn's historic parks. He noted that comparisons of the 1893 OS map with the current OS map shows the vast majority of the original landscape remains. It is of particular interest because the Park itself remains within its historic urban landscape.
- 5.3 Rhyddings Park also helps showcase the effect of the rapid boom and bust of the industrial revolution and its effect on the urban landscape, historic landscapes which define towns such as Oswaldtwistle today. The Spinning Jenny was developed in Oswaldtwistle and first used in the nearby Stonebridge Mill, itself later owned by the Watson family that built Rhyddings.
- 5.4 Rhyddings Park occupies an elevated position on a NW facing slope over-looking the Rhyddings Conservation Area and commands panoramic views over the town of Oswaldtwistle and surrounding moors. The Conservation Area Plan notes both the importance of this position and of the significant view down Rhyddings Street towards the mill (see figure 1)

Figure 1



- 5.5 This view is currently blocked by the sequoia and, as such, is not available. This view, noted for its importance in the conservation area plan, will be lost indefinitely should the tree stay in its current location. The proposed landscape design approved by the National Heritage Lottery Board allows for this important vista to be re-instated and the Oswaldtwistle market cross to once again become an important focal point and feature of Oswaldtwistle.
- 5.6 The Oswaldtwistle market cross is currently located inside the park, but cannot be seen from Rhyddings Street due to the location and size of the sequoia. The market cross was erected in 1910 as a park feature, the year after Rhyddings was opened as a new public park. It is made of sandstone with a cruciform head detailing Celtic inspiration. It is located on the axis between the old Hall and Rhyddings Street and it is proposed to relocate the cross to become a focal point for visitors to the Park coming from Oswaldtwistle using the Rhyddings Street entrance to the Park.

## **6. ARBORICULTURAL CONSULTANTS REPORT**

- 6.1 An independent arboricultural consultant has examined the tree and written the report attached to this paper (refer to Appendix). The report sets out a series of facts and conclusions about the tree.
- 6.2 The findings of the report can be summarised as follows:
- (i) The tree is in good health for its age and species
  - (ii) The tree is currently 50 feet tall.
  - (iii) If left in situ the tree can be expected to grow to 78 ft. in 25 years, 106 ft. in 50 years and 161 ft. in 100 years.
  - (iv) Due to its size the tree cannot be transplanted and moved to another location
  - (v) The large, lowest branch (as shown on photograph 2 of the arboricultural consultant's report) on the tree should be removed because due to its size and weight, and the presence of the occluded wound at its base there is a probability of it failing.
  - (vi) Due to its location in a parkland setting, there is the possibility of the tree being infected with honey fungus.
  - (vii) An amendment to the proposed landscape design approved by the National Heritage Lottery Board would be required to allow the tree to remain in situ. This would require a redesign of the plan and any additional costs to be quantified.
  - (viii) The risk of lightning strike and the levels of anxiety would increase if the tree was allowed to reach maturity (160 feet approx.), as it is situated in an urban, residential context.
  - (ix) Should the tree be removed in line with the proposed landscape plan, a replacement tree of approximately 33 ft. in height (two thirds of the size of the tree currently) could be purchased and planted in a more appropriate location in the Park.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 Delivering the landscape plan agreed by the National Heritage Lottery Board (including the removal of the tree) would incur no additional project costs
- 7.2 Removing the tree and replanting a replacement tree in a more appropriate location in the park (as outlined in the arboricultural consultant's report) would require an additional £8,250 of funding to be found

- 7.3 Requiring the landscape plan agreed by the National Heritage Lottery Board to be amended to leave the tree in its current location would require the Council to make a number of financial provisions for the short, medium and long term.

Short term – funding would need to be made available to cover any additional costs (over and above those budgeted for in the project) borne by the need to build a retaining wall capable of supporting the weight of a tree expected to ultimately grow to 160 feet. Initial estimates suggest additional funding of approximately £10,000 would be needed.

Medium term – The Council will need to set aside funding for any future inspections and tree work necessary to keep a large tree located at the entrance to a park, adjacent to residential properties in a safe condition. The Council will also need to set side contingency funding should the tree become infected with disease and require remedial work or removal. Financial provision will need to be made to repair the retaining wall should the weight of the tree as it grows lead to ground movement and subsidence.

Long term – the Council will need to set aside funding for any future inspections and tree work necessary to keep a large tree located at the entrance to a park, adjacent to residential properties in a safe condition. The Council will also need to set side contingency funding should the tree become infected with disease and require remedial work or removal. Financial provision will need to be made to repair the retaining wall should the weight of the tree as it nears maturity lead to ground movement and subsidence.

## 8. IMPLICATIONS

<b>Financial implications (including any future financial commitments for the Council)</b>	See section 7
<b>Legal and human rights implications</b>	The Council has a duty under the Occupiers Liability Act and Health & Safety at Work Act to ensure its green spaces are safe for visitors and staff.
<b>Assessment of risk</b>	<p>Enacting the original plan agreed by the National Heritage Lottery Board removes all future risks associated with the sequoia.</p> <p>Enacting the original plan agreed by the National Heritage Lottery Board and replanting a replacement sequoia in a more appropriate location in the park reduces the risks associated with a tree of this type. The proposed location for the replacement tree would see less pedestrian traffic in close proximity to and removes the risk of damaging adjacent properties.</p> <p>Amending the plan agreed by the National Heritage Lottery Board to leave the tree in situ, would in the short term leave the risk associated with this tree at its current level. In the long term due to the fact the sequoia will become a very large tree (the largest in the area) the risk associated with managing a tree like this in its current location will increase with size, due to its proximity to footpaths, passing pedestrian and vehicular traffic and its proximity to properties on Park Lane and Rhyddings Street.</p>

<b>Equality and diversity implications</b>	Not applicable
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**9. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985:**

**List of Background Papers**

- 9.1 Cabinet report dated 8 June 2016 titled Rhyddings Park Heritage Lottery Bid
- 9.2 Cabinet report dated 3 December 2013 titled Rhyddings Park Heritage Lottery Bid

**10. FREEDOM OF INFORMATION**

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.

# Arboriculture Implications Assessment

At

**Rhyddings Park,  
Oswaldtwistle,  
Lancashire**

Prepared by

MP Trees

For

**Hyndburn Borough Council**

April 2016

## Disclaimer

Comments upon the condition and safety of any tree relate to the condition of the tree at the time of the survey. It should be recognized that tree condition is subject to change due to, for example, the effects of disease, wind or nearby development works. Changes in land use are also significant in respect of risk assessment. Any disclosure of this report to a third party is subject to this disclaimer. The report was prepared by MPTrees at the instruction of, and for use by, our Client, named within the report. This report does not in any way constitute advice to any third party who is able to access it and any such parties rely on the contents of the report at their own risk.

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Appendix 1: Rhyddings Park Landscape Concept Masterplan

Appendix 2: QTRA Practice Note v.5

Appendix 3: Tree Assessment and Quantified Tree Risk  
Assessment (QTRA) Tree Survey Data Table

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Appendix 5: UK Wind Map & The Beaufort Scale

Appendix 6: Table of annual risk of death from various causes over  
entire U.K. population

Appendix 7: Risk reduction cost benefit analysis

## 1.0 Introduction

- 1.1 Matthew Potier of MPTrees has written this report further to the instructions of Hyndburn Borough Council Community Services. Mr Potier has a BSc Honours Degree in Forestry, a Technicians Certificate in Arboriculture and is a registered and licensed user of the Quantified Tree Risk Assessment system. He has twenty years experience in tree management and has been asked to produce this report in the role of an independent expert.
- 1.2 Hyndburn Borough Council Community Services have commissioned this report in order to inform debate centred on a *Sequoiadendron giganteum* tree, commonly known as a Sequoia or Giant Redwood or Wellingtonia, located in Rhyddings Park, Oswaldtwistle, Lancashire (Photograph 1). The Leader of Hyndburn Council in a statement issued on March 24<sup>th</sup> 2016, asked Council Officers “to arrange for an independent, expert assessment of the implications of the tree remaining and continuing to mature in its existing position”. He went on to reiterate that “the assessment will be independent and that we will commission an expert who has played no part in the plans to date”. I can confirm as author of this report that I have had no part in the plans for Rhyddings Park to date.
- 1.3 Records show that the then Rhyddings Park committee planted the Sequoia tree in its present location in 1973. As Sequoia trees are capable of growing considerably larger than the current size of the tree in question, and the tree is relatively close to a residential area, residential road and footpath, Hyndburn Council wish to have an open, informed debate around the retention of this tree. This report provides an assessment of potential implications of the Sequoia tree in Rhyddings Park remaining and maturing in its current position.

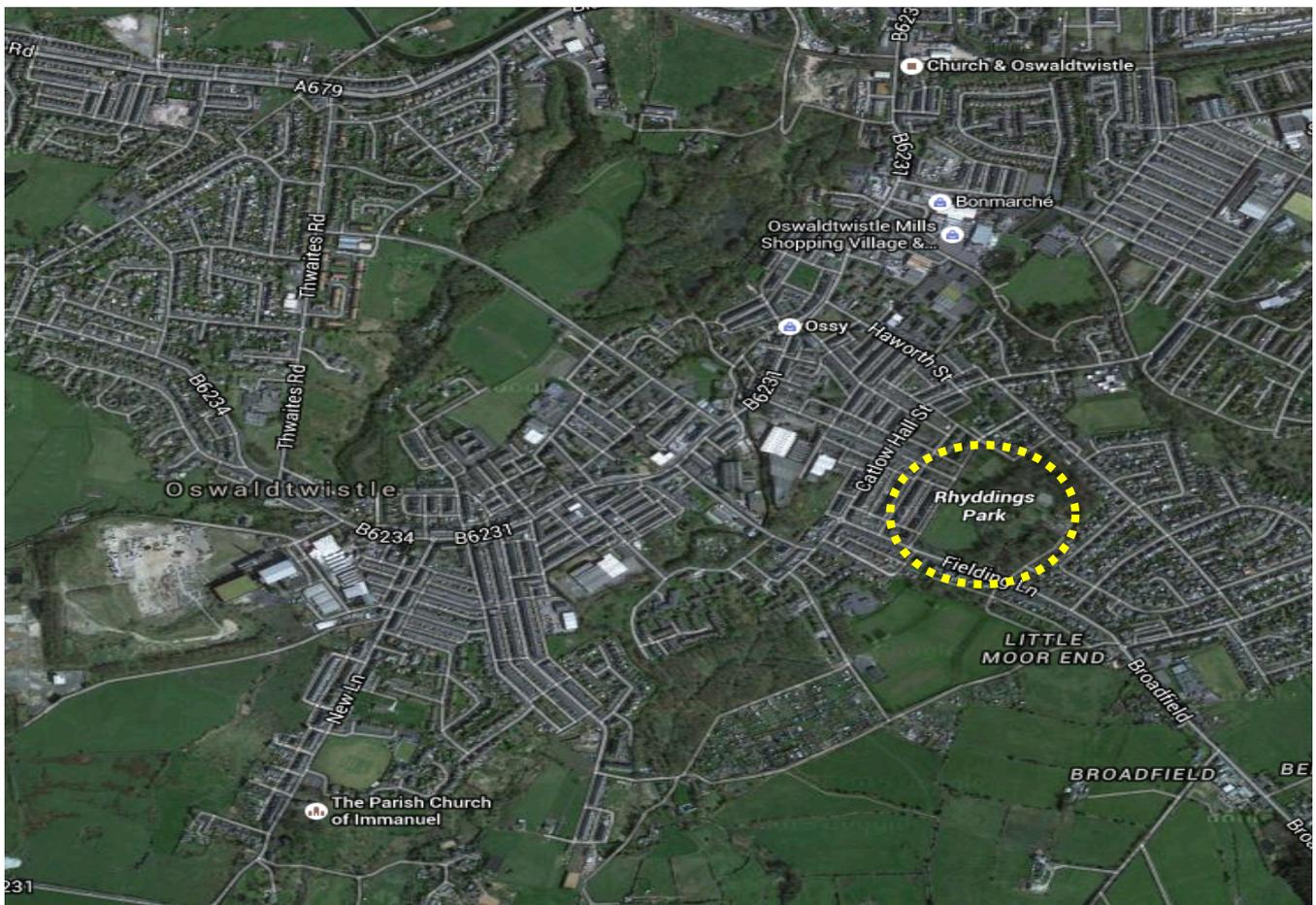
Photograph 1 – The Sequoia tree in Rhyddings Park viewed from the east



## 2.0 Background

2.1 Rhyddings Park is a formally landscaped, public open space, located on the eastern slopes of Oswaldtwistle, see Figure 1 below. The Park is the only formal, open green space in Oswaldtwistle and as such performs an important amenity role for the inhabitants of the area.

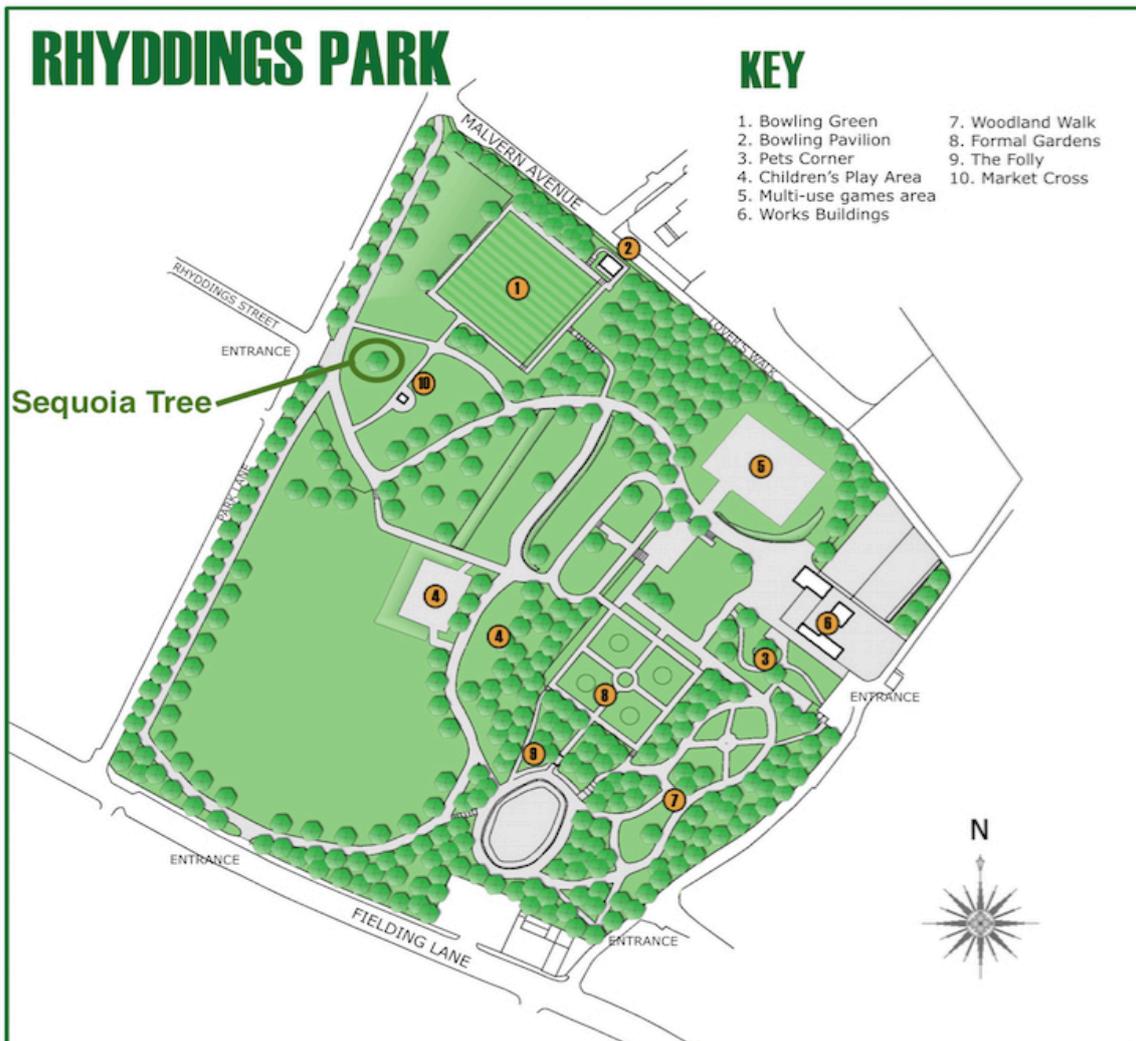
Figure 1 – Rhyddings Park Location



2.2 The Park was originally the garden and grounds of a private house belonging to a local mill owning family. The first house was demolished in 1853 and re-built in the style of an early Victorian country house villa for Mr Robert Watson, a local cotton magnate. Rhyddings Hall, as the house was known, ceased to be a private residence in 1909 when it was bought by Oswaldtwistle Urban District Council. The landscape character of the park today remains heavily influenced by the original landscape of Watson's time, being still largely set out in the formal style of the Victorian period.

2.3 Hyndburn Council have received a Heritage Lottery grant to re-landscape Rhyddings Park. The Council has developed a Landscape Concept Masterplan for the Park (as shown at appendix 1) that has been subject to consultation. Part of the Masterplan involves moving the Market Cross that can be seen at the front left of Photograph 1 and which is marked 10 on the Rhyddings Park map at Figure 2 below. The cross is a memorial stone cross that is part of the heritage of Oswaldtwistle and it is proposed that it is moved to a more visible and accessible location within an area of new hard landscaping at the entrance to the park from Park Lane. Given that Sequoia trees are capable of growing considerably larger than the tree in the park currently is, and that the tree is relatively close to a residential area, footpath and public open space, concerns have been raised about the suitability of retaining this Sequoia tree in its present location.

Figure 2 – Rhyddings Park Map and location of Sequoia Tree



- 2.4 Named after Sequoyah (1767–1843), the inventor of the Cherokee language syllabary, Sequoia trees are the sole living species in the genus *Sequoiadendron*. Their natural habitat is on the slopes of the Sierra Nevada Mountains of California, where they can attain heights of over 90 meters, diameters of main stems of over 17m, and are amongst the oldest living organisms on earth.
- 2.5 Sequoia trees were at one time logged for timber but this practice ceased almost a century ago and today they are planted throughout the world as an ornamental tree. They can be found in many parks, gardens and arboretums that have very high visitor numbers, such as The Forestry Commission’s National Arboretum at Westonbirt in Gloucestershire, which attracts over 400,000 visitors each year. They were first cultivated in the British Isles around 1853 and appear to grow well here. The tallest recorded tree in Britain is at Benmore in Scotland was measured at 56.4m (185ft) tall in 2014 at 150 years old. The tree with the widest diameter of main stem in Britain is in Perthshire, with a diameter of 4m (13ft).
- 2.6 They are evergreen trees characterised by their large mature size with a conical, tapering form and by their fibrous, ‘spongy’ red coloured bark on a fluted and fissured main stem. The trees natural habitat is characterised by harsh climatic conditions of freezing winters and dry, hot summers. As a result, as they mature they develop downward sloping branches, so that heavy snowfall does not collect on them, and they develop deep fibrous bark that protects them from the periodic forest fires that create the ideal environmental conditions for their natural regeneration. They also develop large, shallow root plates, designed to provide the stability required by a tree of its size and shape, as well as its requirements for water, oxygen and nutrients.
- 2.7 Sequoia trees develop a structure that is designed to achieve significant heights, in other words they are designed not to fall over. David Lonsdale, on page 339 of his book Principles of Tree Hazard Assessment and Management states “This species when well established fails less often through wind throw or snap of the main stem than most other tree species”. Due to their mature height they can be the one of the tallest if not the tallest feature in a landscape and as such, they can be targets for lightning strikes. The susceptibility of Sequoia trees to decay is low except occasionally by the fungal pathogen commonly known as Honey Fungus (*Armillaria sp.*).

### 3.0 Assessment Methodology

- 3.1 In order to evaluate the implications of the Sequoia tree remaining and maturing in its existing position a Visual Tree Assessment (Lonsdale, D. *Principles of Tree Hazard Assessment & Management* 1999, page 151) of the tree was carried out on 5<sup>th</sup> April 2016 using non-invasive survey techniques from ground level. Full survey details can be found in the tree survey data table at appendix 2.
- 3.2 The detail recorded from the Visual Tree Assessment (VTA) was then used to calculate a probability of risk of harm associated with the tree using the Quantified Tree Risk Assessment (QTRA) method.
- 3.3 QTRA (<http://www.qtra.co.uk>) is a widely used method of evaluating the risk of harm to people and/or property from trees. It incorporates numerical estimates and uses statistical probability within defined value ranges as a measure of the risk of harm. Full technical detail of the QTRA risk assessment methodology is provided in the QTRA practice note v.5 at appendix 3.
- 3.4 Figure 1 and table 4 of QTRA practice note v.5 give the detail of the advisory risk level thresholds that have been used for this assessment. In summary, these thresholds are defined as:
- Where the probability of risk of harm is equal to or greater than 1:1,000, the level of risk is unacceptable and risk control is required.
  - Where the probability of risk of harm is less than 1:1,000 and equal to or greater than 1:10,000, the level of risk is either unacceptable or tolerable only if there is stakeholder agreement to tolerate that risk or if the tree has exceptional value.
  - Where the probability of risk of harm is less than 1:10,000 and equal to or greater than 1:1,000,000, the level of risk is tolerable if it is as low as reasonably practicable. Risk control should only be considered for risks of this level if significant benefit can be achieved for a reasonable cost.
  - Where the probability of risk of harm is less than 1:1,000,000, the level of risk is broadly acceptable and risk is already as low as reasonably practicable.
- 3.5 In addition to the visual and risk assessment of the tree, reference was made to the Rhyddings Park Landscape Concept Masterplan drawing at appendix 1.

## 4.0 Assessment Results

(Full VTA results and QTRA calculations detail can be found at appendices 3 and 4).

- 4.1 The Sequoia tree in Rhyddings Park has achieved a height of 15.3m, or 50ft, in *circa* 45 years. It can therefore be said to have an average growth rate of approximately 0.34m, or 1.1ft, per year. This would suggest that the tree is growing well and at a rate that is comparable, if slightly slower, than the largest tree on record in the British Isles at Benmore, Scotland. The Sequoia tree at Benmore has been growing at an average rate of nearly 0.38m per year and had achieved a height of 56.4m at age 150 years when measured in 2014. If the Sequoia in Rhyddings Park continues to grow at a similar rate as currently, over the next 25 years it could potentially achieve a height of 23.8m or 78ft. Over the next 50 years it could achieve a height of 32.3m, or 106ft, and over the next 100 years could reach 49.3m, or 161.7ft. If the main stem of the tree were to grow in diameter at the same rate as currently, at 100 years from now, at age 145, the tree could have increased the diameter of its main stem from its existing 1.18m to a potential 3.8m, equivalent to a girth of 11.9m.
- 4.2 The stability of any tree is related in part to the diameter of its main stem at 1.5m and the size of its root plate. A tree with a stem diameter of 1.12m requires a rootplate with a radius of a minimum of 4m (Mattheck, C & Breloer, H. *Body Language of Trees* 1994, page 95). As the Sequoia in Rhyddings Park has a main stem diameter of 1.18m, it can be expected that its rootplate will have a radius of minimum 4m from its main stem, as this is the minimum required for stability. The roots of the tree will extend beyond the 4m radius rootplate required for stability (British Standard 5837: 2012 *Trees in relation to design, demolition and construction – Recommendations*, Section 4.6). Roots will develop beyond this distance in order to provide the tree with the water, nutrients and gas exchange that it requires.
- 4.3 The creation of new hard landscaping at the Park Lane entrance, as shown on the Concept Masterplan, will require excavation of the grassed slope where the tree is currently located. It will also require construction of a retaining structure and new hard surfaces at a distance of approximately 2m to the west of the tree. The excavation and subsequent construction of hard surfaces and retaining structure would result in the removal of the majority of the western hemisphere of the root plate of the tree and a significant amount of its overall root volume. This amount of root loss would result in a

loss of stability provided by the root plate of the tree and would result in the tree having a higher probability of failure, particularly from prevailing storm events from the west and south-west in the U.K. It would also cause a significant decline in the condition and vitality of the tree that would lead to it becoming moribund.

- 4.4 From the VTA carried out, the most significant part of the tree that is most likely to fail in the twelve-month period following the assessment is currently the large, lowest, primary or first order branch (as shown on photograph 2 below). The branch currently has a length of approximately 6m and diameter of 27.5cm at its base. Its size and weight, when combined with the presence of the occluded wound at its base and the fact that it is growing upwards as a competing leader, create a probability of it failing at, or near, its base.

Photograph 2 – The large, lowest first order or primary branch of the Sequoia tree with wound



- 4.5 The Beaufort Scale and UK Wind Map at appendix 5 of this report shows that at the average wind speeds found at Rhyddings Park (10-20 knots or 18-40kph), large branches of trees are in motion. The probability of failure of the branch over the next twelve months under loads imposed by these average weather conditions (when compared to a 'non-compromised' branch that would not be expected to fail under loads imposed by the average weather conditions) is assessed as being in the range of 1:10,000 to 1:100,000.
- 4.6 There are an estimated 50 visitors to Rhyddings Park each day. This equates to an average of 2 visitors per hour to the Park and potentially within the vicinity of the tree. When these visitor numbers are input into QTRA along with the current size of the branch and its assessed probability of failure, the current level of risk of harm associated with the tree and the failure of its lowest primary branch is calculated as less than 1:1,000,000.
- 4.7 If the tree remains and matures in its existing position, the size of the branch will increase and as a consequence so will its probability of failure. As a result, the potential level of risk of harm associated with the tree and the failure of its lowest primary branch is calculated as 1:4,000.
- 4.8 The current level of risk of harm associated with the tree through wind throw or stem snap is calculated as less than 1:1,000,000. If the tree remains and matures in its existing position, it will continue to have a very low probability of failure through wind throw or stem snap. The potential level of risk of harm associated with wind throw or stem snap of the tree is calculated as 1:1,000,000, if the Landscape Concept Masterplan for Rhyddings Park is amended (section 4.3).

## 5.0 Assessment Conclusions

- 5.1 The proposed hard surface and retaining structure construction within 2m of the tree on its western side, as shown on the Landscape Concept Masterplan, would severely impact the stability of the tree. Unless new hard surfaces and retaining structures can be moved a minimum of 4m away from the tree's main stem and/or constructed so as not to require a significant level of root loss from the existing root volume of the tree, the tree will become moribund and unstable and its retention will be unsustainable. It is concluded therefore that for the tree to remain and mature in its existing position, a modification of the Landscape Concept Masterplan will be required.
- 5.2 The potential option of transplanting the tree would require an excavation of a trench around the tree at a minimum distance of 12m from its main stem (British Standard 5837: 2012 *Trees in relation to design, demolition and construction – Recommendations*, Section 4.6) and a minimum of 1m deep. The rootballed tree would then have to be crated up so that a large crane, able to lift approximately 50 tonnes, could move it to the nearest available planting position. The tree would then require an automatic irrigation system installed around its rootplate to provide water for the tree for a minimum of 5 years as well as the addition of supplementary nutrients for the same period.
- 5.3 From the risk assessment of the Sequoia tree at Rhyddings Park it can be concluded that there is currently a level of risk of harm to people and/or property associated with the tree of less than 1:1,000,000. QTRA advises this level of risk as being broadly acceptable, with risk being already as low as reasonably practicable. When compared to the annual risk of death from various causes over the entire U.K. population, as shown at appendix 6, a level of risk of harm of less than 1:1,000,00 can be described as being very low.
- 5.4 If the tree remains and matures in its existing position without a change in condition, the level of risk of harm associated with it failing through wind throw or snap of its main stem will remain very low (1:1,000,000). However, there is the potential for the level of risk of harm associated with the failure of its lowest primary branch to increase to a level of 1:4,000, where risk is advised as being unacceptable and risk control is required.

- 5.5 In order to control risk the cost of branch removal is considered. The overall cost is equivalent to the estimated financial cost of reducing or removing the branch combined with other costs that are: the potential reduction in the aesthetic quality of the tree; the risk to workers and the public from branch removal; and the increased potential for tree infection and decay through the creation of a pruning wound. From the cost benefit analysis at appendix 7, it is concluded that that cost of branch removal would be proportionate to the benefit it would provide i.e. reducing the level of risk of harm from 1:4,000 to less than 1:10,000, where risk is advised as being tolerable when imposed on others if it is as low as reasonably practicable.
- 5.6 Branch reduction pruning is a descriptive term that describes pruning intended to reduce the length, width, depth and mass of a branch. This type of pruning reduces load-induced stress, thereby decreasing the likelihood of structural failure of a branch and reducing risk to targets below (Goodfellow, J.W., and Detter, A., *Assessing the Potential of Reduction Pruning in Mitigating the Risk of Branch Failure*, May 2013, <http://www.isa-arbor.com/events/conference/proceedings/2013>). It is therefore concluded that a reduction of the size and weight of the Sequoia tree's lowest primary branch would reduce the probability of its failure.
- 5.7 The potential size of the tree, as described in section 4.1 of this report, will result in two further implications of the tree remaining and maturing in its existing position. These are the risk of lightning strike and the level of fear or anxiety that the tree could create. If the tree continues to grow at its current rate it will become one of the tallest (if not the tallest) structures in the local landscape. This will increase the risk of lightning striking the tree and causing significant structural damage. Any significant structural damage would increase the probability of whole or partial tree failure, which would increase the level of risk associated with the tree. Although not a risk *per se*, the potential size and scale of the tree could create a level of anxiety and fear within an urban, residential context.
- 5.8 As a result of the local environment in which the tree is growing there is also a potential risk of infection and decay of the tree by the fungal pathogen Honey Fungus (*Armillaria sp.*). Trees in formal landscapes can be more vulnerable to infection by Honey Fungus than trees in other environments as the removal of natural debris (wood and leaves) from the landscape deprives Honey Fungus of a natural host and can lead to an



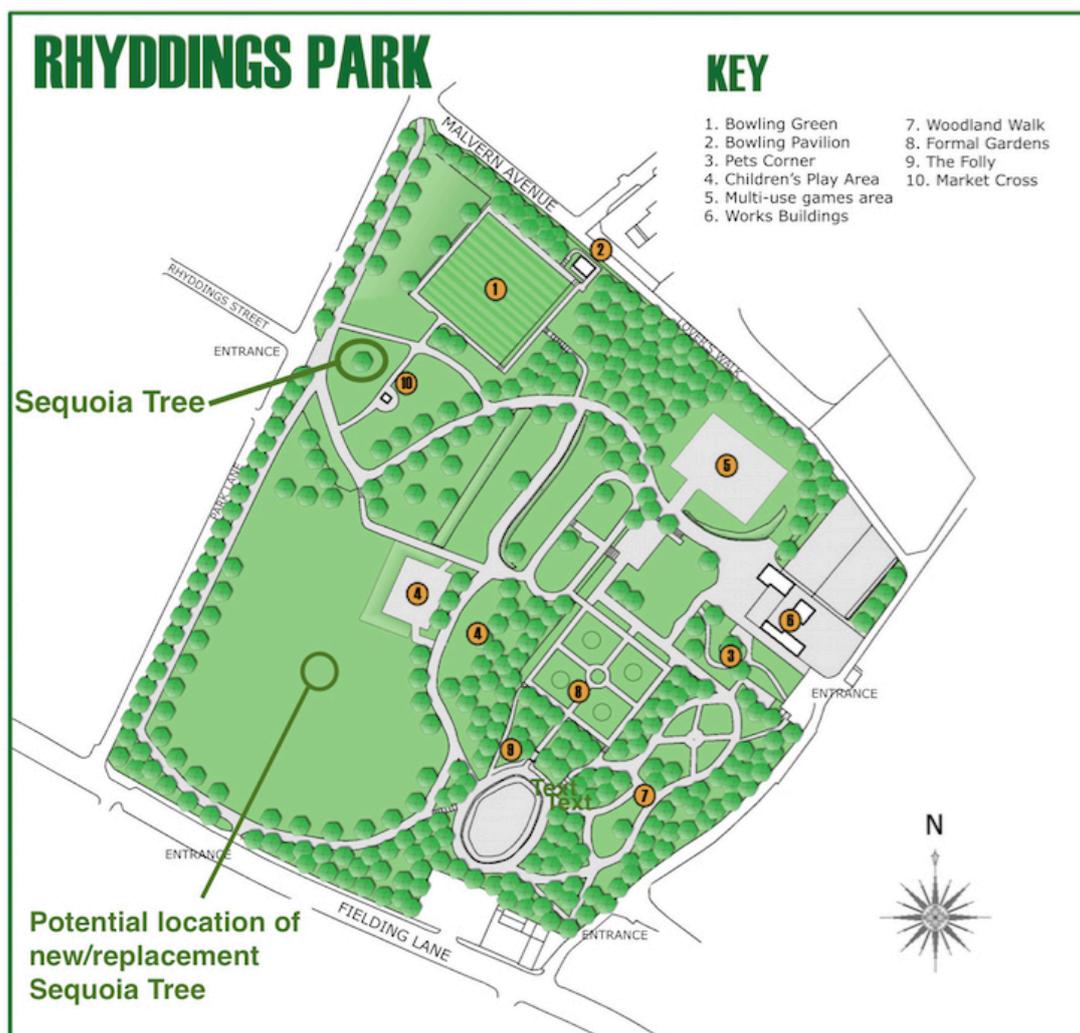
increased risk of infection of a healthy tree. The risk of infection can be further increased through surface roots being damaged by grass cutting machinery, or by sub-surface roots being damaged by disturbance from construction activities. Although not possible to quantify at this time, infection and decay of the tree by Honey Fungus would increase the probability of whole or partial tree failure over time, which would increase the level of risk associated with the tree.

## 6.0 Recommendations

- 6.1 It is not for the author of this report to decide what constitutes a tolerable or acceptable level of risk for the people of Oswaldtwistle. It is therefore recommended that all stakeholders give consideration to the QTRA advisory risk thresholds used in this report, and through consultation, agree what is a tolerable or acceptable level of risk associated with the Sequoia tree at Rhyddings Park.
- 6.2 Although the level of risk of harm currently associated with the tree can be described as being very low, if the tree remains and matures in its existing position it is recommended that in order to mitigate a potential increase in the level of risk associated with the failure of its lowest primary branch, that the branch be reduced by 25% in size and weight in the next three years from the date of this report. It is further recommended that this work be carried out by a fully qualified and insured tree work contractor, working as a minimum to the standards recommended in British Standard 3998: 2010 Tree Work – Recommendations, so that risk reduction work does not unintentionally have a greater negative impact on the quality or condition of the tree.
- 6.3 Although the level of risk of harm currently associated with the tree can be described as being very low, this level can change as a result of factors such as storm damage or decay. It is therefore recommended that if the tree remains and matures in its existing position it is surveyed and assessed for its associated level of risk on a periodic basis and after any tree works or major storm events.
- 6.4 In the event that the Landscape Concept Masterplan is implemented, it is recommended that transplanting the tree to another location within the park is not a viable option due to the high risk of failure and the high cost involved. It is recommended however that space is available within the park and the Masterplan to plant a replacement tree of the same or alternative species in a different location, as proposed on Figure 3 below. A tree planted in this proposed location would have a much larger, un-restricted space in which to develop its root structure and canopy spread and would also be at a greater distance from residential properties, roads and footpaths. It could also potentially induce less fear or anxiety and become a focal point and prominent visual feature of the Park. Over time a new tree in this location could become a sustainable feature of the local landscape and even a local visitor attraction.

6.5 Finally, at the instruction of Hyndburn Borough Council Environmental Services for the purposes of this report, research has provided an approximate cost of £8,250 for the supply and delivery from Holland of a new Sequoia tree approximately 10m tall with a 120-140cm girth. There is an inherent risk of failure when planting large trees and in the first few years after planting they can experience low growth rates. However, there is nothing to suggest that a new large tree, planted in the location proposed on Figure 3, would not have access to the water and nutrient resources it requires to grow at a similar rate as the tree currently growing in the park.

Figure 3 – Rhyddings Park Map and locations of existing & potential replacement trees





**MPTREES**

## Appendix 1

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**MPTREES**

## Appendix 2

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Quantified Tree Risk Assessment  
*Simply Balancing Risks With Benefits*



Quantified Tree Risk Assessment  
**PRACTICE NOTE**

VERSION 5

# Quantified Tree Risk Assessment Practice Note

*"When you can measure what you are speaking about, and express it in numbers, you know something about it; but when you cannot measure it, when you cannot express it in numbers, your knowledge is of a meagre and unsatisfactory kind"*

William Thomson, Lord Kelvin, Popular Lectures and Addresses [1891-1894]

## 1. INTRODUCTION

Every day we encounter risks in all of our activities, and the way we manage those risks is to make choices. We weigh up the costs and benefits of the risk to determine whether it is acceptable, unacceptable, or tolerable. For example, if you want to travel by car you must accept that even with all the extensive risk control measures, such as seat-belts, speed limits, airbags, and crash barriers, there is still a significant risk of death. This is an everyday risk that is taken for granted and tolerated by millions of people in return for the benefits of convenient travel. Managing trees should take a similarly balanced approach.

A risk from falling trees exists only if there is both potential for tree failure and potential for harm to result. The job of the risk assessor is to consider the likelihood and consequences of tree failure. The outcome of this assessment can then inform consideration of the risk by the tree manager, who may also be the owner.

Using a comprehensive range of values<sup>1</sup>, Quantified Tree Risk Assessment (QTRA) enables the tree assessor to identify and analyse the risk from tree failure in three key stages. 1) to consider land-use in terms of vulnerability to impact and likelihood of occupation, 2) to consider the consequences of an impact, taking account of the size of the tree or branch concerned, and 3) to estimate the probability that the tree or branch will fail onto the land-use in question. Estimating the values of these components, the assessor can use the QTRA manual calculator or software application to calculate an annual Risk of Harm from a particular tree. To inform management decisions, the risks from different hazards can then be both ranked and compared, and considered against broadly acceptable and tolerable levels of risk.

### A Proportionate Approach to Risks from Trees

The risks from falling trees are usually very low and high risks will usually be encountered only in areas

with either high levels of human occupation or with valuable property. Where levels of human occupation and value of property are sufficiently low, the assessment of trees for structural weakness will not usually be necessary. Even when land-use indicates that the assessment of trees is appropriate, it is seldom proportionate to assess and evaluate the risk for each individual tree in a population. Often, all that is required is a brief consideration of the trees to identify gross signs of structural weakness or declining health. Doing all that is reasonably practicable does not mean that all trees have to be individually examined on a regular basis (HSE 2013).

The QTRA method enables a range of approaches from the broad assessment of large collections of trees to, where necessary, the detailed assessment of an individual tree.

### Risk of Harm

The QTRA output is termed the Risk of Harm and is a combined measure of the likelihood and consequences of tree failure, considered against the baseline of a lost human life within the coming year.

### ALARP (As Low As Reasonably Practicable)

Determining that risks have been reduced to As Low As Reasonably Practicable (HSE 2001) involves an evaluation of both the risk and the sacrifice or cost involved in reducing that risk. If it can be demonstrated that there is gross disproportion between them, the risk being insignificant in relation to the sacrifice or cost, then to reduce the risk further is not 'reasonably practicable'.

### Costs and Benefits of Risk Control

Trees confer many benefits to people and the wider environment. When managing any risk, it is essential to maintain a balance between the costs and benefits of risk reduction, which should be considered in the determination of ALARP. It is not only the financial cost of controlling the risk that should be considered, but also the loss of tree-related benefits, and the risk to workers and the public from the risk control measure itself.

<sup>1</sup> See Tables 1, 2 & 3.

When considering risks from falling trees, the cost of risk control will usually be too high when it is clearly 'disproportionate' to the reduction in risk. In the context of QTRA, the issue of 'gross disproportion'<sup>2</sup>, where decisions are heavily biased in favour of safety, is only likely to be considered where there are risks of 1/10 000 or greater.

### Acceptable and Tolerable Risks

The Tolerability of Risk framework (ToR) (HSE 2001) is a widely accepted approach to reaching decisions on whether risks are broadly acceptable, unacceptable, or tolerable. Graphically represented in Figure 1, ToR can be summarised as having a Broadly Acceptable Region where the upper limit is an annual risk of death 1/1 000 000, an Unacceptable Region for which the lower limit is 1/1 000, and between these a Tolerable Region within which the tolerability of a risk will be dependent upon the costs and benefits of risk reduction. In the Tolerable Region, we must ask whether the benefits of risk control are sufficient to justify their cost.

In respect of trees, some risks cross the Broadly Acceptable 1/1 000 000 boundary, but remain tolerable. This is because any further reduction would involve a disproportionate cost in terms of the lost environmental, visual, and other benefits, in addition to the financial cost of controlling the risk.

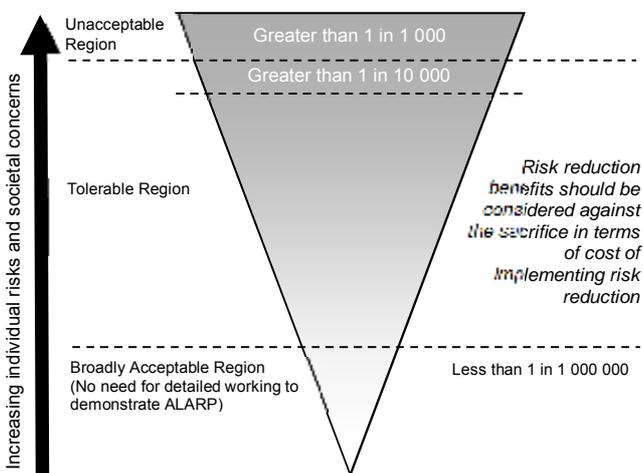


Figure 1. Adapted from the Tolerability of Risk framework (HSE 2001).

### Value of Statistical Life

The Value of Statistical Life (VOSL), is a widely applied risk management device, which uses the value of a hypothetical life to guide the proportionate allocation of resources to risk reduction. In the UK,

this value is currently in the region of £1 500 000, and this is the value adopted in the QTRA method.

In QTRA, placing a statistical value on a human life has two particular uses. Firstly, QTRA uses VOSL to enable damage to property to be compared with the loss of life, allowing the comparison of risks to people and property. Secondly, the proportionate allocation of financial resources to risk reduction can be informed by VOSL. "A value of statistical life of £1 000 000 is just another way of saying that a reduction in risk of death of 1/100 000 per year has a value of £10 per year" (HSE 1996).

Internationally, there is variation in VOSL, but to provide consistency in QTRA outputs, it is suggested that VOSL of £1 500 000 should be applied internationally. This is ultimately a decision for the tree manager.

## 2. OWNERSHIP OF RISK

Where many people are exposed to a risk, it is shared between them. Where only one person is exposed, that individual is the recipient of all of the risk and if they have control over it, they are also the owner of the risk. An individual may choose to accept or reject any particular risk to themselves, when that risk is under their control. When risks that are imposed upon others become elevated, societal concern will usually require risk controls, which ultimately are imposed by the courts or government regulators.

Although QTRA outputs might occasionally relate to an individual recipient, this is seldom the case. More often, calculation of the Risk of Harm is based on a cumulative occupation – i.e. the number of people per hour or vehicles per day, without attempting to identify the individuals who share the risk.

Where the risk of harm relates to a specific individual or a known group of people, the risk manager might consider the views of those who are exposed to the risk when making management decisions. Where a risk is imposed on the wider community, the principles set out in the ToR framework can be used as a reasonable approach to determine whether the risk is ALARP.

## 3. THE QTRA METHOD - VERSION 5

The input values for the three components of the QTRA calculation are set out in broad ranges<sup>3</sup> of Target, Size, and Probability of Failure. The assessor

<sup>2</sup> Discussed further on page 5.

<sup>3</sup> See Tables 1, 2 & 3.

estimates values for these three components and inputs them on either the manual calculator or software application to calculate the Risk of Harm.

#### Assessing Land-use (Targets)

The nature of the land-use beneath or adjacent to a tree will usually inform the level and extent of risk assessment to be carried out. In the assessment of Targets, six ranges of value are available. Table 2 sets out these ranges for vehicular frequency, human occupation and the monetary value of damage to property.

#### Human Occupation

The probability of pedestrian occupation at a particular location is calculated on the basis that an average pedestrian will spend five seconds walking beneath an average tree. For example, ten pedestrians per day, each occupying the Target for five seconds, is a daily occupation of fifty seconds. The total seconds in a day are divided to give a probability of Target occupation ( $50/86\,400 = 1/1\,728$ ). Where a longer occupation is likely, as with a habitable building, outdoor café, or park bench, the period of occupation can be measured, or estimated as a proportion of a given unit of time, e.g. six hours per day ( $1/4$ ). The Target is recorded as a range (Table 2).

#### Weather Affected Targets

Often the nature of a structural weakness in a tree is such that the probability of failure is greatest during windy weather, while the probability of the site being occupied by people during such weather is often low. This applies particularly to outdoor recreational areas. When estimating human Targets, the risk assessor must answer the question 'in the weather conditions that I expect the likelihood of failure of the tree to be initiated, what is my estimate of human occupation?' Taking this approach, rather than using the average occupation, ensures that the assessor considers the relationship between weather, people, and trees, along with the nature of the average person with their ability to recognise and avoid unnecessary risks.

#### Vehicles on the Highway

In the case of vehicles, likelihood of occupation may relate to either the falling tree or branch striking the vehicle or the vehicle striking the fallen tree. Both types of impact are influenced by vehicle speed; the faster the vehicle travels the less likely it is to be struck by the falling tree, but the more likely it is to strike a fallen tree. The probability of a vehicle

occupying any particular point in the road is the ratio of the time it is occupied - including a safe stopping distance - to the total time. The average vehicle on a UK road is occupied by 1.6 people (DfT 2010). To account for the substantial protection that the average vehicle provides against most tree impacts and in particular, frontal collisions, QTRA values the substantially protected 1.6 occupants in addition to the value of the vehicle as equivalent to one exposed human life.

#### Property

Property can be anything that could be damaged by a falling tree, from a dwelling, to livestock, parked car, or fence. When evaluating the exposure of property to tree failure, the QTRA assessment considers the cost of repair or replacement that might result from failure of the tree. Ranges of value are presented in Table 2 and the assessor's estimate need only be sufficient to determine which of the six ranges the cost to select.

In Table 2, the ranges of property value are based on a VOSL of £1 500 000, e.g. where a building with a replacement cost of £15 000 would be valued at 0.01 ( $1/100$ ) of a life (Target Range 2).

When assessing risks in relation to buildings, the Target to be considered might be the building, the occupants, or both. Occupants of a building could be protected from harm by the structure or substantially exposed to the impact from a falling tree if the structure is not sufficiently robust, and this will determine how the assessor categorises the Target.

#### Multiple Targets

A Target might be constantly occupied by more than one person and QTRA can account for this. For example, if it is projected that the average occupation will be constant by 10 people, the Risk of Harm is calculated in relation to one person constantly occupying the Target before going on to identify that the average occupation is 10 people. This is expressed as Target  $1(10T)/1$ , where 10T represents the Multiple Targets. In respect of property, a Risk of Harm  $1(10T)/1$  would be equivalent to a risk of losing £15 000 000 as opposed to £1 500 000.

#### Tree or Branch Size

A small dead branch of less than 25mm diameter is not likely to cause significant harm even in the case of direct contact with a Target, while a falling branch with a diameter greater than 450mm is likely to cause some harm in the event of contact with all but the most robust Target. The QTRA method categorises

Size by the diameter of tree stems and branches (measured beyond any basal taper). An equation derived from weight measurements of trees of different stem diameters is used to produce a data set of comparative weights of trees and branches ranging from 25mm to 600mm diameter, from which Table 1 is compiled. The size of dead branches might be discounted where they have undergone a significant reduction in weight because of degradation and shedding of subordinate branches. This discounting, referred to as 'Reduced Mass',

reflects an estimated reduction in the mass of a dead branch.

**Table 1. Size**

Size Range	Size of tree or branch	Range of Probability
1	> 450mm (>18") dia.	1/1 - >1/2
2	260mm (10½") dia. - 450mm (18") dia.	1/2 - >1/8.6
3	110mm (4½") dia. - 250mm (10") dia.	1/8.6 - >1/82
4	25mm (1") dia. - 100mm (4") dia.	1/82 - 1/2 500

\* Range 1 is based on a diameter of 600mm.

**Table 2. Targets**

Target Range	Property (repair or replacement cost)	Human (not in vehicles)	Vehicle Traffic (number per day)	Ranges of Value (probability of occupation or fraction of £1 500 000)
1	£1 500 000 - >£150 000	Occupation: Constant - 2.5 hours/day Pedestrians 720/hour - 73/hour & cyclists:	26 000 - 2 700 @ 110kph (68mph) 32 000 - 3 300 @ 80kph (50mph) 47 000 - 4 800 @ 50kph (32mph)	1/1 - >1/10
2	£150 000 - >£15 000	Occupation: 2.4 hours/day - 15 min/day Pedestrians 72/hour - 8/hour & cyclists:	2 600 - 270 @ 110kph (68mph) 3 200 - 330 @ 80kph (50mph) 4 700 - 480 @ 50kph (32mph)	1/10 - >1/100
3	£15 000 - >£1 500	Occupation: 14 min/day - 2 min/day Pedestrians 7/hour - 2/hour & cyclists:	260 - 27 @ 110kph (68mph) 320 - 33 @ 80kph (50mph) 470 - 48 @ 50kph (32mph)	1/100 - >1/1 000
4	£1 500 - >£150	Occupation: 1 min/day - 2 min/week Pedestrians 1/hour - 3/day & cyclists:	26 - 4 @ 110kph (68mph) 32 - 4 @ 80kph (50mph) 47 - 6 @ 50kph (32mph)	1/1 000 - >1/10 000
5	£150 - >£15	Occupation: 1 min/week - 1 min/month Pedestrians 2/day - 2/week & cyclists:	3 - 1 @ 110kph (68mph) 3 - 1 @ 80kph (50mph) 5 - 1 @ 50kph (32mph)	1/10 000 - >1/100 000
6	£15 - £1	Occupation: <1 min/month - 0.5 min/year Pedestrians 1/week - 6/year & cyclists:	None	1/100 000 - 1/1 000 000

Vehicle, pedestrian and property Targets are categorised by their frequency of use or their monetary value. The probability of a vehicle or pedestrian occupying a Target area in Target Range 4 is between the upper and lower limits of 1/1 000 and >1/10 000 (column 5). Using the VOSL £1 500 000, the property repair or replacement value for Target Range 4 is £1 500 - >£150.

### Probability of Failure

In the QTRA assessment, the probability of tree or branch failure within the coming year is estimated and recorded as a range of value (Ranges 1 - 7, Table 3).

Selecting a Probability of Failure (PoF) Range requires the assessor to compare their assessment of the tree or branch against a benchmark of either a non-compromised tree at Probability of Failure Range 7, or a tree or branch that we expect to fail within the year, which can be described as having a 1/1 probability of failure.

During QTRA training, Registered Users go through a number of field exercises in order to calibrate their estimates of Probability of Failure.

**Table 3. Probability of Failure**

Probability of Failure Range	Probability
1	1/1 - >1/10
2	1/10 - >1/100
3	1/100 - >1/1 000
4	1/1 000 - >1/10 000
5	1/10 000 - >1/100 000
6	1/100 000 - >1/1 000 000
7	1/1 000 000 - 1/10 000 000

The probability that the tree or branch will fail within the coming year.

### The QTRA Calculation

The assessor selects a Range of values for each of the three input components of Target, Size and Probability of Failure. The Ranges are entered on either the manual calculator or software application to calculate a Risk of Harm.

The Risk of Harm is expressed as a probability and is rounded, to one significant figure. Any Risk of Harm that is lower than 1/1 000 000 is represented as <1/1 000 000. As a visual aid, the Risk of Harm is colour coded using the traffic light system illustrated in Table 4 (page 7).

#### Risk of Harm - Monte Carlo Simulations

The Risk of Harm for all combinations of Target, Size and Probability of Failure Ranges has been calculated using Monte Carlo simulations<sup>4</sup>. The QTRA Risk of Harm is the mean value from each set of Monte Carlo results.

In QTRA Version 5, the Risk of Harm should not be calculated without the manual calculator or software application.

### Assessing Groups and Populations of Trees

When assessing populations or groups of trees, the highest risk in the group is quantified and if that risk is tolerable, it follows that risks from the remaining trees will also be tolerable, and further calculations are unnecessary. Where the risk is intolerable, the next highest risk will be quantified, and so on until a tolerable risk is established. This process requires prior knowledge of the tree manager's risk tolerance.

#### Accuracy of Outputs

The purpose of QTRA is not necessarily to provide high degrees of accuracy, but to provide for the quantification of risks from falling trees in a way that risks are categorised within broad ranges (Table 4).

## 4. INFORMING MANAGEMENT DECISIONS

### Balancing Costs and Benefits of Risk Control

When controlling risks from falling trees, the benefit of reduced risk is obvious, but the costs of risk control are all too often neglected. For every risk reduced there will be costs, and the most obvious of these is the financial cost of implementing the control measure. Frequently overlooked is the transfer of risks to workers and the public who might be directly affected by the removal or pruning of trees. Perhaps

more importantly, most trees confer benefits, the loss of which should be considered as a cost when balancing the costs and benefits of risk control.

When balancing risk management decisions using QTRA, consideration of the benefits from trees will usually be of a very general nature and not require detailed consideration. The tree manager can consider, in simple terms, whether the overall cost of risk control is a proportionate one. Where risks are approaching 1/10 000, this may be a straightforward balancing of cost and benefits. Where risks are 1/10 000 or greater, it will usually be appropriate to implement risk controls unless the costs are grossly disproportionate to the benefits rather than simply disproportionate. In other words, the balance being weighted more on the side of risk control with higher associated costs.

### Considering the Value of Trees

It is necessary to consider the benefits provided by trees, but they cannot easily be monetised and it is often difficult to place a value on those attributes such as habitat, shading and visual amenity that might be lost to risk control.

A simple approach to considering the value of a tree asset is suggested here, using the concept of 'average benefits'. When considered against other similar trees, a tree providing 'average benefits' will usually present a range of benefits that are typical for the species, age and situation. Viewed in this way, a tree providing 'average benefits' might appear to be low when compared with particularly important trees – such as in Figure 2, but should nonetheless be sufficient to offset a Risk of Harm of less than 1/10 000. Without having to consider the benefits of risk controls, we might reasonably assume that below 1/10 000, the risk from a tree that provides 'average benefits' is ALARP.

In contrast, if it can be said that the tree provides lower than average benefits because, for example, it is declining and in poor physiological condition, it may be necessary to consider two further elements. Firstly, is the Risk of Harm in the upper part of the Tolerable Region, and secondly, is the Risk of Harm likely to increase before the next review because of an increased Probability of Failure. If both these conditions apply then it might be appropriate to consider the balance of costs and benefits of risk reduction in order to determine whether the risk is ALARP. This balance requires the tree manager to take a view of both the reduction in risk and the costs of that reduction.

<sup>4</sup> For further information on the Monte Carlo simulation method, refer to [http://en.wikipedia.org/wiki/Monte\\_Carlo\\_method](http://en.wikipedia.org/wiki/Monte_Carlo_method)

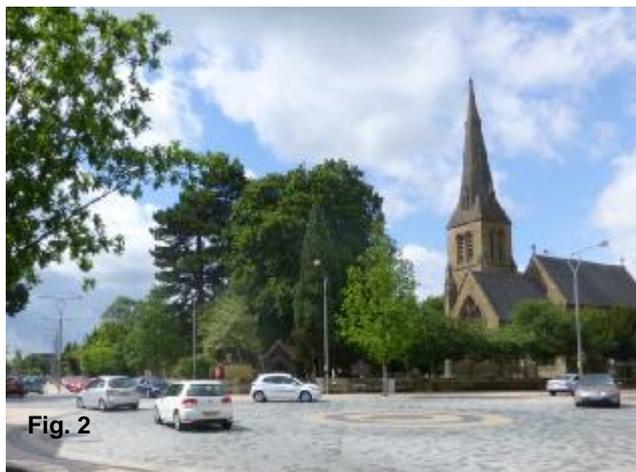


Fig. 2

### Lower Than Average Benefits from Trees

Usually, the benefits provided by a tree will only be significantly reduced below the 'average benefits' that are typical for the species, age and situation, if the life of the benefits is likely to be shortened, perhaps because the tree is declining or dead. That is not to say that a disbenefit, such as undesirable shading, lifting of a footpath, or restricting the growth of other trees, should not also be considered in the balance of costs and benefits.

The horse chestnut tree in Figure 3 has recently died, and over the next few years, may provide valuable habitats. However, for this tree species and the relatively fast rate at which its wood decays, the lifetime of these benefits is likely to be limited to only a few years. This tree has an already reduced value that will continue to reduce rapidly over the coming five to ten years at the same time as the Risk of Harm is expected to increase. There will be changes in the benefits provided by the tree as it degrades. Visual qualities are likely to reduce while the decaying wood provides habitats for a range of species, for a short while at least. There are no hard and fast measures of these benefits and it is for the tree manager to decide what is locally important and how it might be balanced with the risks.

Where a risk is within the Tolerable Region and the tree confers lower than average benefits, it might be appropriate to consider implementing risk control while taking account of the financial cost. Here, VOSL can be used to inform a decision on whether the cost of risk control is proportionate. Example 3 below puts this evaluation into a tree management context.

There will be occasions when a tree is of such minimal value and the monetary cost of risk reduction so low that it might be reasonable to

further reduce an already relatively low risk. Conversely, a tree might be of such considerable value that an annual risk of death greater than 1/10 000 would be deemed tolerable.

Occasionally, decisions will be made to retain elevated risks because the benefits from the tree are particularly high or important to stakeholders, and in these situations, it might be appropriate to assess and document the benefits in some detail. If detailed assessment of benefits is required, there are several methodologies and sources of information (Forest Research 2010).



Fig. 3

### Delegating Risk Management Decisions

Understanding of the costs with which risk reduction is balanced can be informed by the risk assessor's knowledge, experience and on-site observations, but the risk management decisions should be made by the tree manager. That is not to say that the tree manager should review and agree every risk control measure, but when delegating decisions to surveyors and other staff or advisors, tree managers should set out in a policy, statement or contract, the principles and perhaps thresholds to which trees and their associated risks will ordinarily be managed.

Based on the tree manager accepting the principles set out in the QTRA Practice Note and or any other specific instructions, the risk assessor can take account of the cost/benefit balance and for most

situations will be able to determine whether the risk is ALARP when providing management recommendations.

**Table 4. QTRA Advisory Risk Thresholds**

Thresholds	Description	Action
1/1,000	Unacceptable Risks will not ordinarily be tolerated	<ul style="list-style-type: none"> <li>Control the risk</li> </ul>
	Unacceptable (where imposed on others) Risks will not ordinarily be tolerated	<ul style="list-style-type: none"> <li>Control the risk</li> <li>Review the risk</li> </ul>
1/10 000	Tolerable (by agreement) Risks may be tolerated if those exposed to the risk accept it, or the tree has exceptional value	<ul style="list-style-type: none"> <li>Control the risk unless there is broad stakeholder agreement to tolerate it, or the tree has exceptional value</li> <li>Review the risk</li> </ul>
	Tolerable (where imposed on others) Risks are tolerable if ALARP	<ul style="list-style-type: none"> <li>Assess costs and benefits of risk control</li> <li>Control the risk only where a significant benefit might be achieved at reasonable cost</li> <li>Review the risk</li> </ul>
1/1 000 000	Broadly Acceptable Risk is already ALARP	<ul style="list-style-type: none"> <li>No action currently required</li> <li>Review the risk</li> </ul>

**QTRA Informative Risk Thresholds**

The QTRA advisory thresholds in Table 4 are proposed as a reasonable approach to balancing safety from falling trees with the costs of risk reduction. This approach takes account of the widely applied principles of ALARP and ToR, but does not dictate how these principles should be applied. While the thresholds can be the foundation of a robust policy for tree risk management, tree managers should make decisions based on their own situation, values and resources. Importantly, to enable tree assessors to provide appropriate management guidance, it is helpful for them to have some understanding of the tree owner’s management preferences prior to assessing the trees.

A Risk of Harm that is less than 1/1 000 000 is Broadly Acceptable and is already ALARP. A Risk of Harm 1/1 000 or greater is unacceptable and will not ordinarily be tolerated. Between these two values, the Risk of Harm is in the Tolerable Region of ToR and will be tolerable if it is ALARP. In the Tolerable

Region, management decisions are informed by consideration of the costs and benefits of risk control, including the nature and extent of those benefits provided by trees, which would be lost to risk control measures.

For the purpose of managing risks from falling trees, the Tolerable Region can be further broken down into two sections. From 1/1 000 000 to less than 1/10 000, the Risk of Harm will usually be tolerable providing that the tree confers ‘average benefits’ as discussed above. As the Risk of Harm approaches 1/10 000 it will be necessary for the tree manager to consider in more detail the benefits provided by the tree and the overall cost of mitigating the risk.

A Risk of Harm in the Tolerable Region but 1/10 000 or greater will not usually be tolerable where it is imposed on others, such as the public, and if retained, will require a more detailed consideration of ALARP. In exceptional circumstances a tree owner might choose to retain a Risk of Harm that is 1/10 000 or greater. Such a decision might be based on the agreement of those who are exposed to the risk, or perhaps that the tree is of great importance. In these circumstances, the prudent tree manager will consult with the appropriate stakeholders whenever possible.

**5. EXAMPLE QTRA CALCULATIONS AND RISK MANAGEMENT DECISIONS**

Below are three examples of QTRA calculations and application of the QTRA Advisory Thresholds.

**Example 1.**

	Target	Size	Probability of Failure	Risk of Harm
Range	6	x 1	x 3	= <1/1 000 000

Example 1 is the assessment of a large (Size 1), unstable tree with a probability of failure of between 1/100 and >1/1 000 (PoF 3). The Target is a footpath with less than one pedestrian passing the tree each week (Target 6). The Risk of Harm is calculated as less than 1/1 000 000 (green). This is an example of where the Target is so low consideration of the structural condition of even a large tree would not usually be necessary.

**Example 2.**

	Target		Size		Probability of Failure		Risk of Harm
Range	1	x	4	x	3	=	1(2T)/50 000

In Example 2, a recently dead branch (Size 4) overhangs a busy urban high street that is on average occupied constantly by two people, and here Multiple Target occupation is considered.

Having an average occupancy of two people, the Risk of Harm 1(2T)/50 000 (yellow) represents a twofold increase in the magnitude of the consequence and is therefore equivalent to a Risk of Harm 1/20 000 (yellow). This risk does not exceed 1/10 000, but being a dead branch at the upper end of the Tolerable Region it is appropriate to consider the balance of costs and benefits of risk control. Dead branches can be expected to degrade over time with the probability of failure increasing as a result. Because it is dead, some of the usual benefits from the branch have been lost and it will be appropriate to consider whether the financial cost of risk control would be proportionate.

**Example 3.**

	Target		Size		Probability of Failure		Risk of Harm
Range	3	x	3	x	3	=	1/500 000

In Example 3, a 200mm diameter defective branch overhangs a country road along which travel between 470 and 48 vehicles each day at an average speed of 50kph (32mph) (Target Range 3). The branch is split and is assessed as having a probability of failure for the coming year of between 1/100 and 1/1 000 (PoF Range 3). The Risk of Harm is calculated as 1/500 000 (yellow) and it needs to be considered whether the risk is ALARP. The cost of removing the branch and reducing the risk to Broadly Acceptable (1/1 000 000) is estimated at £350. To establish whether this is a proportionate cost of risk control, the following equation is applied. £1 500 000 (VOSL) x 1/500 000 = £3 indicating that the projected cost of £350 would be disproportionate to the benefit. Taking account of the financial cost, risk transfer to arborists and passers-by, the cost could be described as being grossly disproportionate, even if accrued benefits over say ten years were taken into account.

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## Appendix 3

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## Visual Tree Assessment and Quantified Tree Risk Assessment (QTRA) Tree Survey Data Table

**Key**

**Ref:** Reference number, individual tree = T, group of trees = G

**Species:** Common Name

**Age Range:** Y = young, SM = semi mature, EM = early mature, M = mature, PM = post mature

**Height:** Height to top of crown of individual or tallest tree in group in metres.

**Crown Spread:** Diameter of crown at widest point in metres.

**Stem Diam.:** Stem diameter measured at 1.5m above ground level in mm.

**Vitality:** D = dead, MD = moribund, P = poor, M = moderate, G = good

**Target Range:** Highest value target that most significant part likely to fail could strike, 1 = high value/occupancy, 6 = low value/occupancy

**Size Range:** Size of most significant part of tree likely to fail, P= where target is property, 1 = large, 4 = small

**Prob. Failure Range:** Probability of failure within 12 months, 1 = high, 7 = low

**Weather Factor:** Allowance for reduced access during high winds when in some situations tree failure is most likely, or situations where the probability of tree failure is increased by hot dry weather, which at the same time increases pedestrian access. To be applied by multiplying the risk index by the weather factor.

**Reduce Mass %:** Where the mass of a tree or branch is reduced by degradation the risk index is multiplied to reflect the % of mass reduction.

**Risk Index:** Risk of significant harm expressed as a probability

**Review Years:** Period in years to next inspection

Ref.	Species	Age	Height	Crown Spread	Stem Diam.	Vitality	Target Range	Size Range	Prob. Failure Range	Weather Factor	Reduced Mass %	Risk Index	Review Years
T1	Sequoia	45	15.3	12.5	1180	Good	3	2	5	/	/	less than 1:1,000,000	2

**Comments:**

Tree is sheltered at moment by adjacent mature trees, closest poplar 20m tall, grassed slope 1m over 25m east to west, base of slope 10m to west, no signs of rootplate movement in ground, minor depression on upslope from settlement, tree growing at 5degrees towards east north east from vertical with good buttress formation to northeast, surface roots to east, good buttress root development, potentially less good on down slope to west, minor dead wood branches <50mm diam. on ground, small girdling roots <100mm diam., good extension growth, small branch pruning wounds <150mm, small deadwood branch stubs <100mm, lowest primary limb to south at 1.75m above ground level has occluded wound on west side from base of branch to approx 1m along branch and has compression buckling of fibres at base of underside of branch, branch has diameter at base of 275mm, primary branch at 3m to southwest has flat cross section at 4m above ground level, primary branch to west at 4m with bark wound at base of branch, cctv is 5m to west, canopy to west is 4.5m, two lowest primary branches growing upwards as leaders, all other branches generally horizontal and/or sloped down, young cones present.

**Management Recommendations:**

Reduce lowest primary branch in next three years.



**MPTREES**

## Appendix 4

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## Quantified Tree Risk Assessment Calculations

### Present Risk associated with Branch Failure

There are an estimated 50 visitors to Rhyddings Park each day. This equates to 2 visitors per hour on average. 2 pedestrians per hour is within QTRA target range 3 of between 2 to 7 pedestrians per hour. At present, if the tree or its lowest primary branch were to fail no property would be damaged.

The size of the most significant part of the tree that is most likely to fail in the twelve-month period following the assessment, the tree’s lowest, primary or first order branch, has a diameter at its base of 275mm. A diameter of 275mm is within QTRA size range 2, within a diameter range of 260mm to 450mm.

The probability of failure of the branch over the next twelve months under loads imposed by average weather conditions (when compared to a ‘non-compromised’ branch that would not be expected to fail under loads imposed by the average weather conditions) is assessed as being in the range of 1:10,000 to 1:100,000, QTRA range 5.

The level of risk of harm currently associated with the tree and the failure of its lowest first order or primary branch is calculated as:

	Target		Size		Probability of Failure		Risk of Harm
QTRA Range	3	x	2	x	5	=	<1:1,000,000

### Present Risk associated with Wind Throw or Main Stem Snap

If the size of the most significant part of the tree that is most likely to fail within the 12 months after survey is considered to be the whole tree or part of its main stem, the QTRA target range is currently range 3, 2 to 7 pedestrians per hour.

If the size of the most significant part of the tree that is most likely to fail within the 12 months after survey is considered to be the whole tree or part of its main stem, the QTRA size range is 1, diameter greater than 45cm.

## Quantified Tree Risk Assessment Calculations

### Present Risk associated with Wind Throw or Main Stem Snap (cont.)

The probability of failure of the whole tree or part of the tree within the 12 months after survey under loads imposed by average weather conditions is assessed as being in the range 1:1,000,000 to 1:10,000,000, QTRA probability of failure range 7.

The level of risk of harm currently associated with the tree through wind throw or snap of its main stem is calculated as:

	Target		Size		Probability of Failure		Risk of Harm
Range	3	x	1	x	7	=	<1:1,000,000

### Potential Risk associated with Branch Failure

As a result of the Landscape Concept Masterplan for Rhyddings Park there will be a potential increase in visitor numbers and therefore a potential increase in the QTRA target value from 3 to 2, where there is a minimum occupation time by pedestrians within harming distance of the branch of average 15 minutes per day.

Without a change in the landscape of the park, over time, the potential length of the branch will also result in an increase in QTRA target value from 3 to 2, as pedestrians and property (parked cars with a value of between £15,000 to £150,000) on Park Lane will become potential targets.

Over time, the branch has the potential to achieve a diameter of greater than 450mm, QTRA size range 1, where the size of the most significant part of the tree that is most likely to fail within the 12 months after survey has a diameter greater than 450mm.

The probability of failure of the branch has the potential, under loads imposed by average weather conditions (when compared to a 'non-compromised' branch that would not be expected to fail under loads imposed by the average weather conditions) to increase from QTRA range 5 to range 3, a probability of failure range of 1:100 to 1:1,000.

## Quantified Tree Risk Assessment Calculations

### Potential Risk associated with Branch Failure (cont.)

The potential level of risk of harm associated with the tree and the failure of its lowest first order or primary branch is therefore calculated as:

	Target		Size		Probability of Failure		Risk of Harm
QTRA Range	2	x	1	x	3	=	1:4,000

### Potential Risk associated with Wind Throw or Main Stem Snap

As the height of the tree increases over time there will be an increase in QTRA target range from 3 to 2, where a potential property target value in the range of £15,000 to £150,000 is considered.

As the size of the tree increases the probability of failure will not increase with sufficient significance to increase the QTRA probability of failure range.

The level of risk of harm potentially associated with the tree through wind throw or snap of its main stem is calculated as:

	Target		Size		Probability of Failure		Risk of Harm
QTRA Range	2	x	1	x	7	=	<1:1,000,000



**MPTREES**

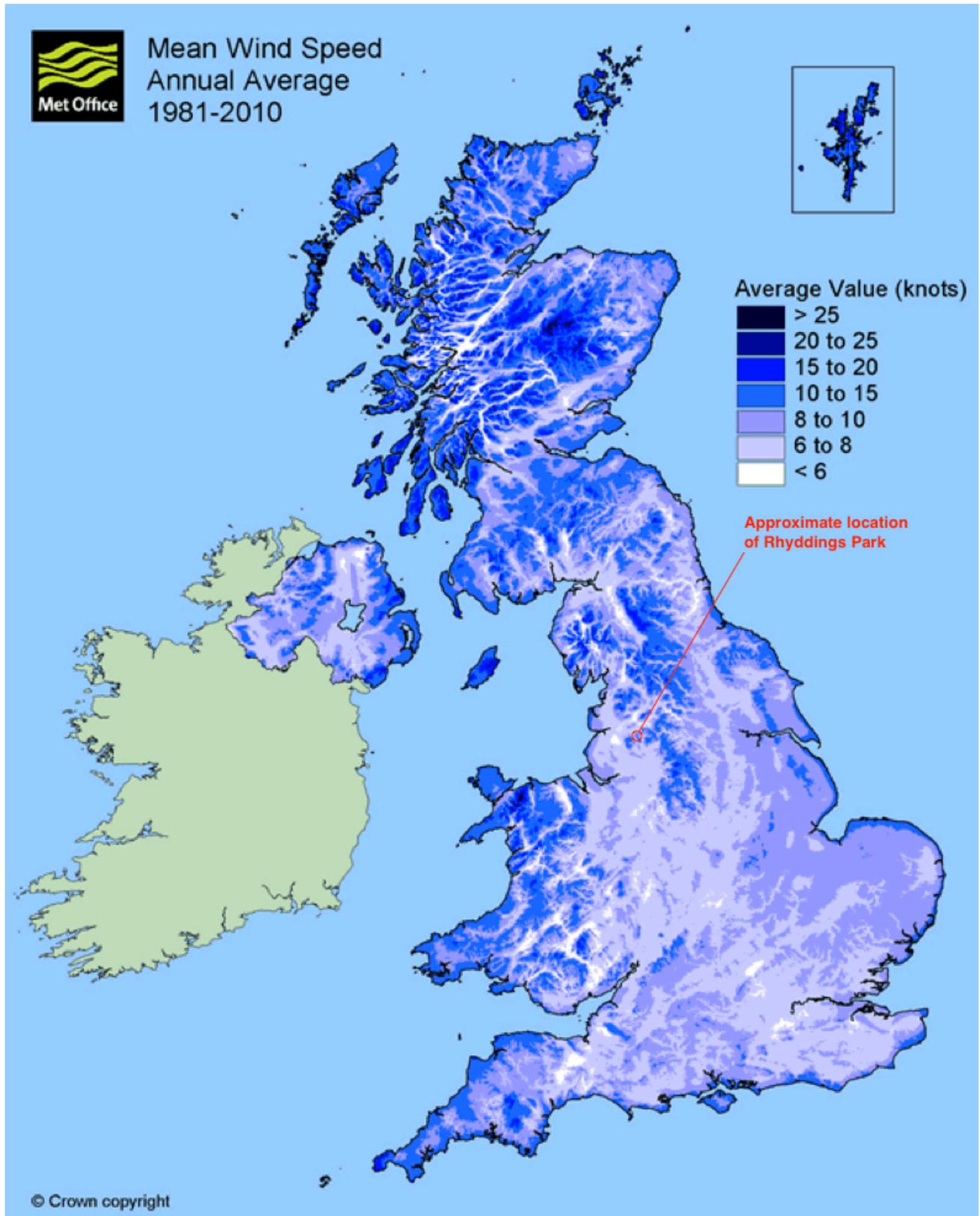
## Appendix 5

MPTrees  
101 Marsden Avenue, St Helens, Merseyside WA10 4DY  
t:01744 604250 m:07575360202 e:matthew@mptrees.com



MPTrees

## UK Wind Map



## The Beaufort Scale

The Beaufort Scale			
Beaufort scale		Average wind speed (km/h)	Estimating speed over land
0	Calm	less than 1	Calm, smoke rises vertically.
1	Light Air	1 - 5	Direction of wind shown by smoke drift, but not by wind vanes.
2	Light breeze	6 - 11	Wind felt on face; <b>leaves rustle</b> ; ordinary wind vane moved by wind.
3	Gentle breeze	12 - 19	<b>Leaves and small twigs in constant motion</b> ; wind extends light flag.
4	Moderate breeze	20 - 28	Raises dust and loose paper; <b>small branches moved</b> .
5	Fresh breeze	29 - 38	Small <b>trees in leaf begin to sway</b> ; crested wavelets form on inland waters.
6	Strong breeze	39 - 49	<b>Large branches in motion</b> ; whistling heard in telegraph wires; umbrellas used with difficulty.
7	Near gale	50 - 61	<b>Whole trees in motion</b> ; inconvenience felt when walking against the wind.
8	Gale	62 - 74	<b>Breaks twigs off trees</b> ; generally impedes progress.
9	Strong gale	75 - 88	Slight structural damage occurs (chimney pots and slates removed).
10	Storm	89 - 102	Seldom experienced inland; <b>trees uprooted</b> ; considerable structural damage occurs.
11	Violent storm	103 - 117	Very rarely experienced; accompanied by widespread damage.
12	Hurricane	118 and over	Severe and extensive damage.



**MPTREES**

## Appendix 6

MPTrees  
101 Marsden Avenue, St Helens, Merseyside WA10 4DY  
t:01744 604250 m:07575360202 e:matthew@mptrees.com

**Annual risk of death from various causes over entire U.K. population**

Cause of death	Annual risk	Basis of risk and source
Cancer	1 in 387	England and Wales 1999
Injury and poisoning	1 in 3,137	UK 1999
All types of accidents and other external causes	1 in 4,064	UK 1999
All forms of road accident	1 in 16,800	UK 1999
Lung cancer from radon in dwellings	1 in 29,000	England 1996
Gas incident (fire, explosion or carbon monoxide poisoning)	1 in 1,510,000	GB 1994/95–1998/99
From trees	1 in 10,000,000 or less if high wind incidents are excluded	This study
From lightning	1 in 18,700,000	England and Wales 1995–99



**MPTREES**

## Appendix 7

MPTrees  
101 Marsden Avenue, St Helens, Merseyside WA10 4DY  
t:01744 604250 m:07575360202 e:matthew@mptrees.com

## **Risk reduction cost benefit analysis**

To determine whether a risk is as low as reasonably practicable it is necessary to consider the balance of costs and benefits of risk reduction work and decide if risk control is proportionate.

### **Cost benefit analysis of removal of lowest primary branch of tree**

Although the level of risk associated with the failure of the tree's lowest primary branch is currently assessed as broadly acceptable, it has the potential to increase to an unacceptable level.

The financial cost of removal of the tree's lowest primary branch, thereby removing the potential for the level of risk to become unacceptable is estimated to be £250.

To determine whether this is a proportionate allocation of financial resources to risk reduction, the following calculation can be carried out:

$$£1,500,00 \text{ (Value of Statistical Life, see QTRA practice note v5 at appendix 2)} \times 1/4,000 \text{ (level of risk)} = 375(£)$$

Not only financial cost is considered when assessing the costs and benefits of risk control however. Other costs that are considered include the loss of tree-related benefits, such as aesthetic quality and environmental and health benefits, and the risk to workers and the public from the risk reduction work.

Another potential 'cost' to be considered in this instance is that the removal of the branch will leave a relatively large diameter stem wound that will create a potential site for infection and decay of the tree. A larger wound has increased potential for infection and decay than a wound of lesser diameter and can therefore potentially increase the probability of tree failure. Poor pruning practice when removing a branch can also increase potential for infection and decay of a wound and therefore also potentially increase the probability of tree failure.

## **Risk reduction cost benefit analysis**

### **Cost benefit analysis of removal of lowest primary branch of tree (cont.)**

When combined with a potential reduction in tree-related benefits, the risk to workers and the public from the risk reduction work and the increased potential for tree infection and/or decay, an estimated risk reduction cost of £250 can be described as being proportionate to the benefit it would provide i.e. reducing the risk level of the tree associated with the failure of its lowest primary branch from 1:4,000, where risks are advised as being unacceptable, to a level less than 10:000 where risks are advised as being tolerable when imposed on others if they are as low as reasonably practicable.

### **Cost benefit analysis of removal of tree**

The level of risk associated with the failure of the tree through wind throw or main stem snap is assessed as broadly acceptable (<1:1,000,000).

In the event that this level of risk is seen as unacceptable, the financial cost of removing the tree is estimated to be currently £800.

To determine whether this is a proportionate allocation of financial resources to risk reduction, the following calculation can be carried out:

$$£1,500,00 \text{ (Value of Statistical Life, see appendix 2)} \times 1:1,000,000 \text{ (level of risk)} = 1.50(£)$$

When combined with the loss of tree-related benefits, such as aesthetic quality and environmental and health benefits, and the risk to workers and the public from the risk reduction work, an estimated risk reduction cost of £800 can be described as disproportionate to the benefits it provides.

# Agenda Item 8.

<b>REPORT TO:</b>	Full Council		
<b>DATE:</b>	7 <sup>th</sup> July		
<b>PORTFOLIO:</b>	Cllr Miles Parkinson, Leader		
<b>REPORT AUTHOR:</b>	Helen Gee, Democratic Services Manager		
<b>TITLE OF REPORT:</b>	Management Review Committee - Revised Terms of Reference and Membership		
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>No</b>	Not applicable	
<b>KEY DECISION:</b>	<b>No</b>	Not applicable	

## 1. **Purpose of Report**

- 1.1 To seek Council approval for revised terms of reference for the Management Review Committee.
- 1.2 To ask Council to change the membership of the Committee, to reflect the correct membership as set out in the Constitution.

## 2. **Recommendations**

- 2.1 Council is asked to agree the revised terms of reference for the Management Review Committee as attached at Appendix 1
- 2.2 Council is asked to revise the 2016/2017 membership of the Committee to be:

*Councillor Miles Parkinson (Leader), Councillor Paul Cox (Deputy Leader), Councillors Tony Dobson and Paul Thompson (Leaders of the other political groups) (or their respective nominees).*

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

### Additional Terms of Reference

- 3.1 The Council operates the JNC model procedure (2008) in respect of any disciplinary action relating to chief officers. The model procedure is set out in the JNC terms and conditions handbook and forms part of chief officer's terms and conditions of employment. The procedure provides for chief officers who are subject to disciplinary

action to have a right of appeal either to Council or a committee. We do not currently have arrangements to give effect to this requirement, but it recommended to members that the Management Review Committee is the most appropriate body, both in terms of its size and composition, to take on that role.

- 3.2 Suggested revised terms of reference for the Management Review Committee are attached at Appendix 1.

Membership

- 3.3 At the AGM on 21<sup>st</sup> May 2016, Council appointed the following membership:

*Councillors Paul Cox, Clare Cleary, Dobson and Miles Parkinson (Chair)*

- 3.3 This does not reflect the membership as stated in the Constitution (see Appendix 1), which is by position:-

Leader and Deputy Leader of the Council and the Leader of each of the other political groups on the Council or their respective nominees.

- 3.4 The correct membership, to reflect the positions held, should be:-

*Councillor Parkinson (Leader), Councillor Paul Cox (Deputy Leader), Councillors Tony Dobson and Paul Thompson (Leaders of the other political groups).*

- 3.5 Council is therefore asked to appoint these members to the Committee for the Municipal Year 2016/17.

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

- 4.1 Not applicable

**5. Consultations**

- 5.1 None

**6. Implications**

<b>Financial implications (including any future financial commitments for the Council)</b>	None
<b>Legal and human rights implications</b>	None
<b>Assessment of risk</b>	None

<p><b>Equality and diversity implications</b>  A <i>Customer First Analysis</i> should be completed in relation to policy decisions and should be attached as an appendix to the report.</p>	<p>None</p>
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**7. Local Government (Access to Information) Act 1985:  
List of Background Papers**

7.1 HBC Constitution 2016/17

**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.

**MANAGEMENT REVIEW COMMITTEE**

**MEMBERSHIP:** Leader and Deputy Leader of the Council and the Leader of each of the other political groups on the Council or their respective nominees.

**REPORTS TO:** Council

**MAIN TERMS OF REFERENCE:**

- To review the terms and conditions of employment of the Council's Managing Director and Deputy Managing Director and to agree any changes to the same deemed necessary following such review. In carrying out a review to obtain such internal or external support and advice that is required to enable a review to be fully and properly undertaken.
- To determine the collective terms and conditions of employment of employees of the Council
- To consider and determine disciplinary appeals in respect of Chief Officers

# Agenda Item 9.

<b>REPORT TO:</b>	Council		
<b>DATE:</b>	07 July 2016		
<b>REPORT OF:</b>	Cllr Eamonn Higgins, Chair of the Communities and Wellbeing Overview and Scrutiny Committee		
<b>REPORT AUTHOR:</b>	Overview and Scrutiny Officer		
<b>TITLE OF REPORT:</b>	Appointment of Co-optees		
<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 submit recommendations for Co-opted Members on to the Overview and Scrutiny Committees.

## 2. **Recommendations**

- 2.1 That Council approves the following appointments of Co-optees to the Communities and Wellbeing Overview and Scrutiny Committee:
- Kerry Molineux
- 2.2 That Council reappoints Honorary Alderman Dave Parkins to the Communities and Wellbeing Overview and Scrutiny Committee, and Honorary Alderman Ian Ormerod to the Resources Overview and Scrutiny Committee.

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

- 3.1 The Councils Constitution, Overview and Scrutiny Procedure Rule C2 states:

Each overview and scrutiny committee may appoint up to three members of the public, who the committee deems to have relevant experience of topics related to that scrutiny committee, as non-voting co-optees.

(i) Applications may be invited to fill a vacancy for a co-opted member at the Overview and Scrutiny Committee; applications may also be received directly from members of the public.

(ii) The application will be considered first at the relevant Overview and Scrutiny Committee. The Committee will consider the knowledge and experience of the applicant relevant to the terms of reference or work programme of the Committee.

(iii) The intention is that such co-optees will be non-political.

(iv) If the majority of the Overview and Scrutiny members support the appointment of the applicant, the proposed appointment will be presented to Council for approval.

3.2 There are 6 vacancies for Co-opted Members between the 2 Committees.

Honorary Aldermen Dave Parkins and Ian Ormerod have been put forward to Council for reappointment to the Communities and Wellbeing and the Resources Overview and Scrutiny Committees respectively.

3.3 One new application to be Co-opted on to a Committee has been received by Kerry Molineux. Kerry is a former Councillor who stood down at the end of her term in 2015/16. Kerry Molineux was Chair of the Communities and Wellbeing Overview and Scrutiny Committee and the Health and Communities Working Group for 2 years, and also represented Hyndburn Borough Council on Lancashire County Council's Health Scrutiny Committee. Kerry is a former resident of Great Harwood and still has strong ties to Hyndburn.

3.4 The Communities and Wellbeing Overview and Scrutiny Committee discussed this application at its meeting on the 28<sup>th</sup> June, and have recommended that Kerry Molineux be co-opted on to the Committee.

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

4.1 It is a requirement of the Constitution that the Committee considers applications from members of the public to be co-opted on to the Committee before making a recommendation to Council. No other applications have been received so there remains three vacancies between the committees.

#### **5. Consultations**

5.1 None

#### **6. Implications**

<b>Financial implications (including any future financial commitments for the Council)</b>	None
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<b>Legal and human rights implications</b>	None
<b>Assessment of risk</b>	None
<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>	Not Applicable

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

7.1 *None*

**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.

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# Agenda Item 10.

<b>REPORT TO:</b>		Council	
<b>DATE:</b>		07 July 2016	
<b>REPORT OF:</b>		<b>Cllr Eamonn Higgins, Chair of the Communities and Wellbeing Overview and Scrutiny Committee</b>	
<b>REPORT AUTHOR:</b>		Overview and Scrutiny Officer	
<b>TITLE OF REPORT:</b>		Scrutiny Report – Calderstones NHS Trust and The Evergreen School	
<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 Council of two Scrutiny reviews carried out at the Communities and Wellbeing Overview and Scrutiny Committee on 28<sup>th</sup> June 2016.

## 2. Recommendations

- 2.1 That Council writes to the Chief Executive of NHS England regarding the closure of in-patient facilities at Calderstones NHS Trust outlining the following concerns:
- A lack of meaningful public consultation taking place to inform the decision to close the in-patient facilities at Calderstones
  - The decision taken not to retain any in-patient facilities at Calderstones, and to re-site a Medium Secure Unit at Maghull and a Low Secure Unit at a yet unidentified site.

The letter should also urge NHS England to reconsider using purpose built facilities at Calderstones for future medium and low secure in-patient facilities.

- 2.2 That Council gives its formal support to the application for a free school in Great Harwood, The Evergreen School.

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

#### **3.1 Calderstones NHS Trust**

3.2 The Chief Executive of Calderstones NHS Trust presented to the Committee on the future of services provided by Calderstones NHS Trust. Calderstones NHS Trust will cease to exist on Friday 1<sup>st</sup> July as it merges with Mersey Care. The Facilities at Calderstones will close in 2018 as patients are transferred to alternative care, including other in-patient facilities and community provision.

3.3 These decisions have been informed by several policies/papers including:

- Transforming Care
- Building the Right Support - A national plan to develop community services and close inpatient facilities for people with a learning disability and/or autism who display behaviour that challenges, including those with a mental health condition.
- Homes Not Hospitals

3.4 All of the above are available to view online <https://www.england.nhs.uk/>

3.5 There were several items which were of concern to the Committee, including lack of services for care in the community, ability of private and third sector providers to care for patients with complex needs, displacement of patients away from the area, potential job losses, perceived lack of consultation and the decision not to retain any in-patient services at the Calderstones site, despite the fact the Low Secure Unit there is state of the art and was built only 2 years ago. Together with the Medium Secure Facility at the site (built only 7 years ago) this cost £40 million of public money. Committee Members were particularly concerned by plans to build a new facility elsewhere in Lancashire, at significant expense, despite there being a purpose built facility already in place at Calderstones.

3.5 The Committee felt that their concerns should be put in writing to NHS England and supported by the Council.

#### **3.6 The Evergreen School**

3.7 Trustees of the Evergreen School presented to the Committee on their proposal to create a new free school in Great Harwood to provide secondary education.

3.8 An 11-18 Key Stage 3, 4 and 5 free school taking four forms of entry is proposed for Hyndburn. The school will be located in the town of Great Harwood. The creation of this school fits within the strategic vision of Hyndburn Borough Council to improve educational standards in the borough and address local industry employment issues.

3.9 The Committee found that the Trustees are at the early stages of this proposal but are looking for support from the Council to add weight to their application.

3.10 Contained in the Council's Core Strategy for Hyndburn there is a policy specifically relating to education. This policy states:

*“The Council will support proposals for accessible, high quality educational facilities that improve basic and higher level skills and qualifications.”*

- 3.11 While no particular site has been identified the school plans to open in 2018 and eventually accommodate up to 150 pupils in each year group from 11-16.
- 3.12 The presentation and report showed how the Trustees had identified a need for a secondary school in Great Harwood based on population, new housing developments in Great Harwood and the Ribble Valley, and the fact that 125 children from each year group have to leave town every day in order to be educated. The school will have an open intake and its catchment area will include Great Harwood and Clayton-Le-Moors.
- 3.13 Four out of Five Great Harwood Councillors were in attendance at the meeting and each one agreed that they would support the proposal.
- 3.14 Details of the proposal can be found here <http://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=129&MId=1132&Ver=4>
- 3.15 The Committee supported the proposals and asks that the Council give its formal support to the application for a Free School in Great Harwood.

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

4.1 **Not applicable**

#### **5. Consultations**

- 5.1 A lack of consultation from NHS England is one of the Committee’s primary concerns regarding the Calderstones Item.
- 5.2 The Trustees at the Evergreen School have carried out several consultations and will continue to do so to support their application.

#### **6. Implications**

<b>Financial implications (including any future financial commitments for the Council)</b>	None
<b>Legal and human rights implications</b>	NA

<b>Assessment of risk</b>	NA
<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>	NA

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

- 7.1 *Agenda and reports of the Communities and Wellbeing Overview and Scrutiny Committee on 28<sup>th</sup> June 2016*  
<http://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=129&MId=1132&Ver=4>

**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.

<b>REPORT TO:</b>		Council	
<b>DATE:</b>		7 July 2016	
<b>PORTFOLIO:</b>		Options	
<b>REPORT AUTHOR:</b>		Executive Director (Legal & Democratic Services)	
<b>TITLE OF REPORT:</b>		Amendment to the Scheme of Delegation 2016/17	
<b>EXEMPT REPORT:</b>	<b>No</b>		
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:	

**1. Purpose of Report**

1.1 To seek approval for an amendment to the scheme of delegation of non-executive functions to officers in respect of tree preservation orders.

**2. Recommendations**

2.1 That Council agrees to amend the scheme of delegation to officers as proposed in paragraph 3.2 below.

**3. Reasons for Recommendations and Background**

3.1 The Council’s constitution requires that the scheme of delegation to officers is approved annually at the AGM. It is also good practice to review the scheme of delegation regularly to keep it up to date. This helps to ensure that the Council’s decision-making processes operate as effectively as possible.

3.2 Currently officers have power to make and confirm tree preservation orders without any member involvement in what is often a sensitive and emotive issue. It is proposed that the scheme of delegation is amended to give delegated power to the Chief Planning and Transportation Officer as follows:

1.2.17	To make and confirm Tree Preservation Orders where satisfied that trees are in danger of felling or lopping or to preserve the amenity of an area	Following consultation with the relevant portfolio holder, save where the possibility of felling or lopping is so imminent that time does not permit consultation to take place
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**4. Alternative Options considered and Reasons for Rejection**

4.1 Council could elect not to approve the proposed amendment

**5. Consultations**

5.1 Not applicable

**6. Implications**

<b>Financial implications (including mainstreaming)</b>	None.
<b>Legal and human rights implications</b>	None, other than those set out in paragraph 3 of this report
<b>Assessment of risk</b>	None
<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>	None

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

None

**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.

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## CABINET

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**Wednesday, 23rd March, 2016**

**Present:** Councillor Miles Parkinson (in the Chair), Councillors Clare Cleary, Paul Cox, Munsif Dad, Gareth Molineux and Ken Moss

**In Attendance:** Councillors Tony Dobson, Terry Hurn and Paul Thompson

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**454 Apologies for Absence**

There were no apologies for absence.

**455 Declarations of Interest and Dispensations**

Councillor Paul Cox declared a personal interest in the item relating to "Hyndburn Homes Annual Performance Report - For Year Ended 31<sup>st</sup> March 2015". His interest arose due to him being one of the Council's representatives on the Hyndburn Homes Industrial and Provident Society Limited Board.

There were no dispensations declared.

**456 Terrorist Bomb Attack, Brussels**

The Leader of the Council (Councillor Miles Parkinson) referred to the terrorist bomb attacks carried out at the main terminal of the Zaventem International Airport and Moebeek Metro Station in Brussels, Belgium on Tuesday, 22<sup>nd</sup> March 2016. The Leader indicated that the Union Flag was to be flown at half-mast outside Accrington Town Hall as a mark of respect for those people who had died or been injured as a result of the attacks.

**457 Minutes of Cabinet - 3rd February 2016**

The Minutes of the meeting of Cabinet held on 3<sup>rd</sup> February 2016 were submitted for approval as a correct record.

**Resolved** - That the Minutes be received and approved as a correct record.

**458 Minutes of Boards, Panels and Working Groups**

The Minutes of the following meetings were submitted:-

- a) Regeneration and Housing Panel - 25<sup>th</sup> January 2016
- b) Leader's Policy Development Board - 3<sup>rd</sup> February 2016

**Resolved** - That the Minutes of the above meetings be received and noted.

#### **459 Report of Urgent Cabinet Decision - Appointment of Transport Consultants**

The Leader of the Council submitted a copy of a signed Urgent Cabinet Decision form relating to the appointment of transport consultants.

**Resolved** - **That the Urgent Cabinet Decision be noted.**

#### **460 Reports of Cabinet Members**

There were no reports.

#### **461 B with us Sub Regional Choice Based Lettings**

The Portfolio Holder for Regeneration and Housing (Councillor Clare Cleary) submitted a report seeking approval to changes to the B with us sub-regional choice based lettings allocation policy for the allocation of social housing in the Borough. The suggested changes were appended to the report, the majority of which related to existing social housing tenants applying for transfers. Approval of the report was deemed a key decision.

##### *Reasons for Decision*

The Council was a member of the sub-regional choice based lettings scheme called B with us and the scheme's common allocations policy was formally reviewed every three years to reflect changes in legislation, government guidance and local housing priorities. A review, to ensure the scheme continued to meet the needs of both customers and all partners, had now been completed and proposed changes had been ratified by the B with us Steering Group for incorporation into the allocations policy.

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

Alternative options to a sub-regional approach to choice based lettings and the allocation of social housing in Hyndburn had been considered and rejected by Cabinet in 2008.

**Resolved** - **That the changes to the B with us common allocations policy, as detailed in Appendix 1 to the report, be noted and endorsed.**

#### **462 Proposed Changes to Taxi Licensing Policy**

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted a report advising Cabinet of the responses received to the consultation exercise carried out in respect of proposed changes to the Council's Hackney Carriage and Private Hire Licensing Policy. Approval to proposed changes to the Policy, having regard to the responses received, was sought. Details of the comments received were set out in Appendix 1 to the report. Approval of the report was not deemed a key decision.

##### *Reasons for Decision*

1) Paragraph 4 of the Department for Transport best practice guidance for taxi and private hire licences stated "that it was for individual licensing authorities to reach their own decision both on overall policies and on individual licensing matters in the light of their own views of the relevant considerations". The Council had responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the Borough of Hyndburn and in July 2013, Cabinet had agreed to bring together the different licensing policies and

procedures into one comprehensive policy document, updating where necessary, to ensure greater transparency and consistency in the decision making process.

2) In August 2015, Cabinet had agreed to carry out consultation in respect of the following issues:-

- To clarify the standard of vehicle bodywork repair the Council expected.
- To revise the Policy to amend the rules relating to wheels and tyres.

The consultation had commenced on 27<sup>th</sup> August 2015 for a period of six weeks.

3) The Council had considered the responses received and was proposing changes to the Policy and Procedures in regard to wheels and tyres on licensed vehicles and to vehicle body repairs.

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

The Council did not need to adopt any of the proposed changes to its taxi policy and could continue as it was but that course of action was not recommended as the proposed changes did not raise any public safety issues and gave clarification to licensed vehicle proprietors.

#### **Resolved**

- **That having considered the consultation responses received and the customer first analysis attached as Appendix 2 to the report, and having had regard to the Council's duties under the Equality Act 2010, the changes to the Council's Hackney Carriage and Private Hire Licensing Policy, as set out in Paragraph 3 of the report, be approved for adoption by the Council.**

*The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.*

#### **463 Financial Position 2015-16 - Report to End of February 2016**

The Portfolio Holder for Resources submitted a report relating to the financial spending of the Council at the end of February 2016 and the prediction of the outturn position to the end of the financial year in March 2016. The financial detail of the report was appended to the report. The spend against Budget in the 11 months of the year was £9,550,199 against a Budget of £10,498,711 leaving a positive variance of just over £948,000. The forecast spend for the year to 31<sup>st</sup> March 2016 was £10,843,000 against a Budget of £11,489,000. A surplus of almost £646,000 by the end of the 2015/16 financial year was forecasted, making a Budget surplus of slightly more than 5.0% on the overall activities of the Council. There was a small overspend on Parks and Cemeteries and Regeneration and Property Services was predicting a large adverse variance of £193,000. However, savings across other Budget areas outstripped those negative variances and the current prediction was for an overall surplus of £646,000 by the end of the financial year. Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

To inform Cabinet of the financial spending of the Council at the end of February 2016 and the prediction of the outturn position to the end of the financial year in March 2016.

*There were no alternative options for consideration or reasons for rejection.*

- Resolved** - That the report be noted and Corporate Management Team asked to continue to identify savings and generate a surplus on the 2015/2016 Budget to assist with future potential financial pressures on the Council.

**464 Exclusion of the Public**

- Resolved** - That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following items, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act specified at the items.

**465 Hyndburn Homes Annual Performance Report - For Year Ended 31st March 2015**

*Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

The Portfolio Holder for Regeneration and Housing submitted a progress report on Hyndburn Homes performance. Submission of an annual performance report was as a result of the housing stock transfer in March 2006 and to comply with the terms of the Housing Stock Transfer Agreement. Hyndburn Homes Limited was a charitable registered society and in April 2011 had become part of the part of the Symphony Housing Group Limited who were in discussions with Liverpool Mutual Homes Group about a potential merger. Both Parties had issued a joint statement which said that the two sides had agreed to a "pause in their discussions" and Symphony had announced it would concentrate its focus upon continuing with its internal partnership review and changes to the current operating arrangements within the Group structure. Approval of the report was not deemed a key decision.

*Reasons for Decision*

The Housing Stock Transfer in March 2006 required that Cabinet was formally updated annually on the performance of Hyndburn Homes.

*Alternative Options Considered and Reasons for Rejection*

The report gave details of the performance of Hyndburn Homes for the period 2014/15.

- Resolved** - That the report be noted.

**466 Accrington Stanley Ground, Livingstone Road, Accrington**

*Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

The Leader of the Council submitted a report seeking approval to grant a new lease to Accrington Stanley Football Club Limited of the Wham Stadium site off Livingstone Road, Accrington. Approval of the report was not deemed a key decision.

*Reasons for Decision*

The reasons for the decision were set out in the exempt report.

*Alternative Options Considered and Reasons for Rejection*

The alternative options considered and reasons for rejection were set out in the exempt report.

- Resolved**
- **That a new lease of the Council's land off Livingstone Road, Accrington (shown edged black on the plan annexed to the report), be granted to Accrington Stanley Football Club Limited for use as a football stadium on the main terms outlined in the report and that authority be delegated to the Head of Regeneration and Housing, following consultation with the Leader of the Council, to agree the detailed terms of the lease.**

**467 Lease of Part of Rishton Playing Fields to Rishton United Football Club**

*Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

The Portfolio Holder for Regeneration and Housing submitted a report seeking approval to dispose at market value by way of a 25 year lease to Rishton United Football Club, 3.17 hectares (7.83 acres) of the Rishton Playing Fields for use as a private sports and football ground. The site plan was attached as Appendix 1 to the report. Approval of the report was not deemed a key decision.

*Reasons for Decision*

The reasons for the decision were set out in the exempt report.

*Alternative Options Considered and Reasons for Rejection*

The alternative options considered and reasons for rejection were set out in the exempt report.

- Resolved**
- (1) **That the grant of a lease of part of Rishton Playing Fields to Rishton United Football Club be approved, subject to the main lease terms as set out in Paragraph 3 of the report; and,**
  - (2) **That the Head of Regeneration and Housing be delegated authority, following consultation with the Portfolio Holder for Regeneration and Housing, to determine the detailed terms of the lease.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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# CABINET

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**Wednesday, 8th June, 2016**

**Present:** Councillor Miles Parkinson (in the Chair), Councillors Clare Cleary, Paul Cox, Munsif Dad, Gareth Molineux and Ken Moss

**In Attendance:** Councillors Tony Dobson, Abdul Khan and Paul Thompson

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**22 Apologies for Absence**

There were no apologies for absence.

**23 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

**24 Minutes of Cabinet - 23rd March 2016**

The Minutes of the meeting of Cabinet held on 23<sup>rd</sup> March 2016 were submitted for approval as a correct record.

**Resolved** - **That the Minutes be received and approved as a correct record.**

**25 Minutes of Boards, Panels and Working Groups**

The Minutes of the following meetings were submitted:-

- a) Health and Communities Working Group - 2<sup>nd</sup> February and 22<sup>nd</sup> March 2016
- b) Cabinet Public Transport Group - 3<sup>rd</sup> March 2016
- c) Learning and Development Panel - 15<sup>th</sup> March 2016
- d) Regeneration and Housing Panel - 21<sup>st</sup> March 2016
- e) Leader's Policy Development Board - 23<sup>rd</sup> March 2016

**Resolved** - **That the Minutes of the above meetings be received and noted.**

**26 Reports of Urgent Cabinet Decisions**

The Leader of the Council (Councillor Miles Parkinson) submitted copies of signed Urgent Cabinet Decision forms and accompanying reports relating to the following:-

- a) Proposed Licence Agreement with Keepmoat Homes Ltd to Facilitate Site Investigations of the Steiner Street site, Accrington.
- b) Weed Killing of Highways and Back Streets.

**Resolved** - That the Urgent Cabinet Decisions be noted.

**27 Reports of Cabinet Members**

There were no reports.

**28 Appointment of Cabinet Groups**

The Leader of the Council submitted a report proposing the establishment and membership of the following Cabinet Groups:-

- a) Accrington Pals Centenary Commemorations Group
- b) Cabinet Committee (Scrap Metal Dealers Act 2013)
- c) Cabinet Public Transport Group
- d) Cabinet Waste and Recycling Group

The Terms of Reference for all four Groups were appended to the report. Approval of the report was not deemed a key decision.

*Reasons for Decision*

The Groups referred to at (a), (c) and (d) above, acted in an advisory capacity to Cabinet and did not have any delegated or decision making powers. The Cabinet Committee referred to at (b) above, determined whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013, where the applicant or licensee (as the case might be) had informed the Council that they wished to make oral representations.

*There were no alternative options for consideration or reasons for rejection.*

**Resolved** (1) That the following Cabinet Groups be established, and the Terms of Reference, as set out in the Appendix to the report, be approved:-

**Accrington Pals Centenary Commemorations Group  
Cabinet Committee (Scrap Metal Dealers Act 2013)  
Cabinet Public Transport Group  
Cabinet Waste and Recycling Group**

(2) That the membership of the above Groups, as set out in Paragraph 3.6 of the report, be approved.

**29 Development Management DPD - Consultation Draft Comments and Actions**

The Leader of the Council submitted a report seeking approval of the proposed Council Response to all formal comments received during the consultation period for the Development Management DPD Consultation Draft. The proposed Response, a Summary of the comments received and a Customer First Analysis were appended to the report. Approval of the report was not deemed a key decision.

*Reasons for Decision*

(1) The Development Management DPD formed an important part of the new Local Plan for Hyndburn and would set out the more detailed planning policies to be used in the determination of planning applications for the Borough. It would sit alongside the Core Strategy and Accrington Area Action Plans adopted by the Council in 2012.

(2) The Development Management DPD Consultation Draft was approved by Cabinet and Council in January 2016 for a period of statutory consultation and that process had taken place between 11<sup>th</sup> February and 24<sup>th</sup> March 2016. 34 Individuals / organisations had submitted comments which had been reviewed and categorised into comment type. A full Summary of all the comments received, who submitted them, to what aspect of the Consultation Draft they related and the proposed Council response / further action required and associated notes were appended to the current report submitted.

(3) Following further work and the proposed changes, it was anticipated that a revised Development Management DPD Publication version would be submitted to Cabinet in August 2016 for approval for the final round of statutory consultation in September / October 2016. Following that consultation, the Council would be required to submit comments received to the Secretary of State for a Planning Inspector to undertake an independent Examination of the DPD. Following successful Examination, the Council may adopt the DPD as part of the Local Plan for the area and it was anticipated that such would be in 2017.

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

The Development Management DPD had been prepared in accordance with the Town and Country (Local Planning) (England) Regulations 2012 and there were no alternative options for its preparation.

**Resolved** - **That the proposed Council Response (as appended to the report) to all comments received during the consultation period of the Development Management DPD Consultation Draft held during February / March 2016, be approved.**

### **30 Milnshaw Park Play Area**

The Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss) submitted a report seeking approval to lease an area of Milnshaw Park, Accrington to Hyndburn Green Spaces Forum for the installation of a new play area for local children. A Location Plan and a Customer First Analysis were appended to the report. Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

(1) The play equipment at the Park was over 20 years old and only one piece of useable equipment remained, the rest having been removed due to being beyond economical repair. There was a desire to refurbish the play area and provide play equipment of a modern day standard and a number of funding streams had become available that could be used to co-fund the refurbishment project.

(2) Funding had been secured in part through Section 106 funding and Church and Milnshaw Area Council. The remaining funding was to come from Biffa Award, the Landfill Tax funding element of their business. The Hyndburn Green Spaces Forum had submitted an application to Biffa Award for £50,000 which was now through to Stage 2 of the application process. A condition of the Biffa Award funding was that the applicant (should it not be the landowner) should have at least a 10 year lease of the area of land in question. Although detailed lease terms had yet to be agreed, it was proposed that the Council grant the Forum a 10 year lease of the land shown edged black on the plan at a peppercorn rent

for use as a children's play area. The intention was that the Council would continue to maintain, repair and insure the play area under the terms of the lease.

(3) The proposed lease comprised land that was currently public open space and Section 123 of the Local Government Act 1972 required the Council to advertise its intention to dispose of public space and to consider any representations received before making a final decision. Public notice had been given, but the final date for receipt of comments and objections had not yet passed.

(4) Once constructed the play area would have free and open public access in exactly the same way as any other park play area, the lease would place no restriction on public use.

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

The Council could refuse to lease the land to the Hyndburn Green Spaces Forum but this was not recommended because the external funding body contributing to the refurbishment of the play area would withdraw funding which would prevent the project from happening.

#### **Resolved**

- (1) That the lease of an area of Milnshaw Park (shown edged black on the Plan attached to the report) to Hyndburn Green Spaces Forum for the purpose of installing a new play area for local children be agreed, subject to:-**
  - (i) Biffa Grant Funding being awarded to the Forum; and,**
  - (ii) No objections being received to the proposed disposal of public open space.**
- (2) That a further report be presented to Cabinet to consider whether to proceed with the proposed lease if objections were received in connection with the proposed disposal of public open space; and,**
- (3) That subject to Resolution (1) above, authority be delegated to the Acting Head of Community Services, following consultation with the Portfolio Holder for Education, Leisure and Arts, to agree the detailed terms of the lease.**

#### **31 Rhyddings Park Heritage Lottery Bid**

The Portfolio Holder for Education, Leisure and Arts submitted a report on progress made in relation to the Heritage Lottery Fund (HLF) Parks for People funding bid for Rhyddings Park, Oswaldtwistle. A Customer First Analysis was appended to the report. Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

(1) On 3<sup>rd</sup> December 2013, Cabinet agreed that the Council work with Newground Together to secure Parks for People Funding for refurbishment works at Rhyddings Park, Oswaldtwistle, at no cost to the Council. The funding bid had been successful and the works allowed for were set out in Paragraph 3.8 of the above report.

(2) As Newground Together were co-applicant with the Council in relation to the successful Heritage Lottery Fund Stage 2 Bid, the Council intended to continue to work in partnership with that Organisation to implement and complete the Project. Newground Together would jointly act as project manager with the Council for the duration of the Project and would employ two staff, funded by the Lottery Fund, to facilitate audience development and improved horticultural skills within the Park.

(3) The Council would take on the responsibility of accountable body and the delivery stage work would commence on site once all permissions had been finalised and secured.

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

The delivery stage of Parks for People Heritage Lottery Fund funding could be discontinued and the Council could try to undertake improvements to the Park via a piece meal approach. That was not recommended as grant funding had now been secured and work could be undertaken as one project over the next two years.

#### **Resolved**

- (1) That the refurbishment and improvement of Rhyddings Park, as outlined in the report (“the Project”), be supported and receipt of the Heritage Lottery Funding be welcomed;**
- (2) That it be agreed that the Council be the accountable body in respect of the Project and in accordance with the Heritage Lottery Fund’s terms and conditions in connection with the Project;**
- (3) That authority be delegated to the Acting Head of Community Services to take all reasonable steps to implement and complete the Project, including entering into the necessary agreement with the Heritage Lottery Fund, entering into any necessary agreement with Newground Together, engaging consultants and contractors as required to deliver the Project and obtaining all necessary permissions and consents; and,**
- (4) That a further report be received by Cabinet in due course for its consideration and approval in respect of the proposed terms of the lease to the Friends of Rhyddings Park of the Coach House in Rhyddings Park and the proposed arrangements for the management and operation of the Coach House.**

*The following item was submitted as urgent business with the Chair’s agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.*

## **32 Financial Position 2016-17 - Report to End of April 2016**

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted a report on the financial spending of the Council at the end of April 2016 and the prediction of the outturn position to the end of the financial year in March 2017. The financial detail of the report was appended to the report. The spend against Budget in the first month of the year was

£661,693 against a Budget of £689,411 leaving a positive variance of just over £27,000. The forecast spend for the year to 31<sup>st</sup> March 2017 was £11,164,000 against a budget of £11,283,000. A surplus of almost £118,000 by the end of the 2016/17 financial year was forecasted, making a Budget surplus of slightly more than 1.0% on the overall activities of the Council. Surpluses on Policy and Corporate Governance, Culture and Leisure, Regeneration and Property Services and Non Service Items currently outweighed the predicted adverse variances on Environmental Health, Waste Services, Parks and Cemeteries and Planning and Transportation. Approval of the report was deemed a key decision.

*Reasons for Decision*

To inform Cabinet of the financial spending of the Council at the end of April 2016 and the prediction of the outturn position to the end of the financial year in March 2017.

*There were no alternative options for consideration or reasons for rejection.*

**Resolved** - **That the report be noted and Corporate Management Team be asked to continue to identify savings and generate a surplus on the 2016/17 Budget to assist with future potential financial pressures on the Council.**

*The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.*

### **33 Capital Report Outturn 2015-16**

The Portfolio Holder for Resources submitted a report on the financial spend on Capital Projects during 2015/16. The full detail of expenditure was set out at Appendix 1 to the report and the proposed list of changes to the 2016/17 Capital Programme which would be funded from the amounts not spent but authorised in 2015/16 was shown at Appendix 2. The figures reported were the latest available and might be subject to change in finalising the draft accounts or after the conclusion of the final accounts audit. If the figures changed significantly from those contained in the report, an update on the overall position would be made to Cabinet in October 2016, at the end of the audit period. Approval of the report was not deemed a key decision.

*Reasons for Decision*

To inform Cabinet of details relating to the 2015/16 Capital Programme.

*There were no alternative options for consideration or reasons for rejection.*

**Resolved** - **That the report be noted and the Audit Committee be requested to approve the Slippage items at Appendix 2 to the report.**

*The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.*

### **34 Financial Position 2015-16 - Report for the Year Ending 31st March 2016**

The Portfolio Holder for Resources submitted a report on the spending of the Council for the Accounting year 2015/16 and on the revenue elements of the Council's Treasury Management for the same financial year. Attention was drawn to the financial detail of the report shown as a table at the end of the document. Spend for the financial year ending 31<sup>st</sup> March 2016 was £10,572,000 against an Annual Approved Council Budget of £11,489,000. A surplus for the year of £916,000 had been produced which was just under 8% of the original Budget. Most operating areas of the Council had produced budget savings during the year. Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

To inform Cabinet of the financial spend of the Council for the Accounting Year 2015/16.

*There were no alternative options for consideration or reasons for rejection.*

**Resolved** - **That the report be noted.**

*The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to approve a lease to enable the continued use as a community centre.*

### **35 Hippings Vale Community Centre, Oswaldtwistle**

The Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary) submitted a report seeking approval to the lease of the Hippings Vale Community Centre (edged red on the plan attached to the report) and for the provision of a related grant of approximately £47,000 to Hyndburn Arts Limited in order to enable its continued use as a community centre. A Customer First Analysis was appended to the report. Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

(1) Hippings Vale Community Centre was currently managed through the terms of a management agreement between the Council and the Hippings Vale Community Centre Committee ("the Association") with repairs and running costs being recharged to Hyndburn Leisure through a separate agreement. The total net income received in respect of the Centre was divided between the Council and the Association.

(2) The Council had been approached by Hyndburn Arts Limited after members of the Association had voiced their intention to dissolve the current group. Hyndburn Arts Limited had submitted a business case based on current usage of the Centre and their proposals to enable the continuation and hopefully, expansion and diversification of a range of activities that were provided from the premises. Neither the Council nor Hyndburn Leisure, had the capacity to manage the building and it was likely the building would close and the activities would cease. On that basis, it was considered that the continuation of the resource,

facilitated by Hyndburn Arts Limited, would further the social well-being of the area and its residents.

(3) The lease would generate savings to Hyndburn Leisure of £6,474 in 2016/17 and similar amounts thereafter. The Council in turn paid Hyndburn Leisure an annual grant, part of which was used to manage the building. That grant had been reduced in the financial year 2016/17 and had taken into account the savings to be made from the transfer.

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

(1) If the Community Centre use was to cease, the building could potentially be used for office purposes and the estimated alternative rental value for that use was £13,580 per annum. That use was not recommended as it would result in a loss of local services and activities that benefitted the health and well-being of the local community. In addition, Hyndburn Arts Limited who currently leased Oswaldtwistle Civic Theatre was in close proximity and was eager to take over management of the Centre to ensure those services continued and expanded, further benefitting the local community.

(2) The Council had received an enquiry from another party who had shown tentative interest in leasing the building for a variety of uses including a nursery, after school club, soft play area and health and fitness classes, but that initial interest had not been progressed in any way.

#### **Resolved**

- (1) That the acceptance of a surrender of the existing management arrangements for Hippings Vale Community Centre be approved;**
- (2) That the grant of a five year lease of the Hippings Vale Community Centre on a rent free basis, which was below market value, to Hyndburn Arts Limited from 6<sup>th</sup> June 2016 be approved;**
- (3) That a one-off grant of approximately £47,000 to Hyndburn Arts Limited for the purposes of improvements, repairs and maintenance costs associated with the Community Centre building be approved; and,**
- (4) That authority be delegated to the Head of Regeneration and Housing, following consultation with the Director of Legal and Democratic Services, to agree the detailed terms for the grant of the lease and associated grant funding.**

#### **36 Exclusion of the Public**

#### **Resolved**

- That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following items, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act specified at the items.**

*The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being as set out in the exempt report.*

### **37 Deveron Mill, Great Harwood**

*Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

The Portfolio Holder for Housing and Regeneration submitted an exempt report seeking approval to sell Deveron Mill, Great Harwood. A Plan showing the location of the premises was appended to the report. Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

The reasons for the decision were set out in the exempt report.

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

The alternative options considered and reasons for rejection were set out in the exempt report.

**Resolved** - **That authority be delegated to the Head of Regeneration and Housing, following consultation with the Leader of the Council, to agree detailed terms for, and to complete, the disposal of Deveron Mill, Great Harwood.**

*The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being as set out in the exempt report.*

### **38 Disposal of Haworth Street Garage to Accrington Stanley Football Club**

*Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

The Leader of the Council submitted an exempt report seeking approval to dispose of the commercial premises known as Haworth Street Garage situated at Haworth Street, Altham, Accrington by including it in the 50 year lease to Accrington Stanley Football Club Ltd for the Wham Stadium site off Livingstone Road, Accrington. A Plan showing the location of the Haworth Street Garage was appended to the report. Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

The reasons for the decision were set out in the exempt report.

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

The alternative options considered and reasons for rejection were set out in the exempt report.

**Resolved**

- (1) That the disposal of the Haworth Street Garage, at below market value, be agreed provided the Council was satisfied that it furthered the social, economic or environmental well-being of the Borough, by including the site in the lease to Accrington Stanley Football Club Limited, for the Wham Stadium site off Livingston Road (marked black on the Plan attached at Appendix 1 to the report) as a football stadium with ancillary uses on the main terms approved by Cabinet on 23<sup>rd</sup> March 2016; and,**
- (2) That authority be delegated to the Head of Regeneration and Housing, following consultation with the Council Leader, to agree the detailed terms which would be included in the lease.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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## PLANNING COMMITTEE

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**Wednesday, 16th March, 2016**

**Present:** Councillor Bernard Dawson (in the Chair), Councillors Melissa Fisher (Vice Chair), Lisa Allen, Clare Cleary, Loraine Cox, Paul Cox, Munsif Dad, Abdul Khan, Bill Pinder, Joyce Plummer, Kath Pratt and Paul Thompson

**Apologies:** Councillors Mohammad Ayub, June Harrison and Eamonn Higgins

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### **430 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations**

Apologies for absence were submitted by Councillors Mohammed Ayub, June Harrison and Eamonn Higgins.

Councillors Munsif Dad, Paul Cox and Clare Cleary acted as substitute representatives for Councillors Ayub, Harrison and Higgins.

No declarations of interest or dispensations were declared.

### **431 Minutes of the Last Meeting**

The minutes of the last Planning Committee held on the 10<sup>th</sup> February 2016, were submitted for approval as a correct record.

**Resolved** - **That the minutes be received and approved as a correct record.**

### **432 Town and Country Planning Act 1990- Planning Applications for Determination**

The Chief Planning and Transportation Officer submitted a report setting out recommended action on the following planning applications.

**Resolved** (1) **That the following planning application be approved subject to the conditions and completion of a Section 106 Agreement as per the report and update information sheet:-**

11/15/0431 Major Full: Erection of 27 no dwelling houses with associated infrastructure and landscaping (resubmission of 11/14/0256)  
Land off Foxwood Chase, Deer Park, Huncoat, Accrington

N.B. 1. The Chief Planning and Transportation Officer drew the Committee's attention to the extra supplemental information contained within the update report which was released before the meeting and related to the above planning application.

2. Mr Rob Rothery spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

3. Mr Len Wilson spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

4. Mr Tony McAteer spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

5. Councillor Eamonn Higgins spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

**Resolved**

**(2) That the following planning application be approved subject to the conditions and completion of a Section 106 as per the report and no objections being received from the Coal Authority following submission of a Coal Mining Risk Assessment and the implementation of any conditions arising from that report:-**

11/15/0432 Albion Mill, Water Street, Great Harwood  
Erection of 12 no dwellings

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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# COMMUNITIES AND WELLBEING OVERVIEW AND SCRUTINY COMMITTEE

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**Friday, 18th March, 2016**

**Present:** Councillor Kerry Molineux (in the Chair),  
Councillors Jenny Nedwell (Vice Chair), Kath Pratt, Eamonn Higgins and  
Lorraine Cox  
Cooptees Dave Parkins

**In Attendance:** Councillors

**Apologies:** Bernadette Parkinson and Jean Battle

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## **433 Apologies for Absence and Substitutions**

Apologies for absence were submitted from Councillor B. Parkinson and Jean Battle. Councillor Lorraine Cox acted as substitute representative for Councillor B. Parkinson.

## **434 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations submitted.

## **435 Minutes of Last Meeting**

The minutes of the meeting of the Communities and Wellbeing Overview and Scrutiny Committee held on Friday, 22<sup>nd</sup> January 2016 were submitted for approval as a correct record.

**Resolved - That the Minutes be received and approved as a correct record.**

## **436 Crime and Disorder Update**

Inspector Pam Holgate, Lancashire Constabulary, provided an update on crime and disorder in Hyndburn. She reported that there had been a 7% increase in crime in Hyndburn and that the main areas of concern centred around burglaries and vehicle crime. She pointed out that they had carried out proactive work in these areas to encourage and support residents in securing their property and this had helped in reducing the number of burglaries and vehicle crimes.

**Resolved - That the report be noted.**

## **437 Intelligence Based Targeting and Protecting Vulnerable People**

Inspector Pam Holgate, Lancashire Constabulary, was in attendance with Sue Sinclair, Hyndburn Homewise, and provided an update on crime and disorder in Hyndburn. She reported that community organisations such as the Police, Hyndburn Homewise and Lancashire Fire & Rescue were working together to consider how to support vulnerable people in areas of crime and anti-social behaviour.

Vickie Barrett referred to examples of how community organisations had worked together to provide support to vulnerable people to improve safety in the home. She pointed out that the aim was to prevent rather than react.

Sue Sinclair, Hyndburn Homewise, reported that they had been working with the Police to provide crime prevention advice and had targeted the over 60s for free crime prevention assessments.

**Resolved** - **That the report be noted.**

#### **438 Local Policing Model**

Inspector Pam Holgate, Lancashire Constabulary, provided a report on the local Policing model and the impact on Hyndburn. She reported on how careful consideration had been given to ensuring that the changes made to the Policing model would still provide a good Police service to residents. She reported that the Policing model had been designed to provide a higher level of Policing to the areas in greatest need and therefore each area had been scored from on an index of need. She reported that Hyndburn had fallen just outside of the top ten protected areas and that the new Policing model had introduced a holistic approach rather than a neighbourhood approach. She explained that there would still be a Police presence in Hyndburn and that calls to the Police were graded in respect of priority and responded to accordingly. She reported that there would be future reviews of the Police model and that it would be adapted accordingly. She referred to the location of the new Police Station and explained that enquiry hours would stay the same but that there would not be any custody cells.

**Resolved** - **That the Police be invited back to a future meeting of the Communities and Wellbeing Overview & Scrutiny Committee to provide updated reports on the effectiveness of the new Police model.**

#### **439 Work Programme 2016/17**

The Chair of the Communities and Wellbeing Overview & Scrutiny Committee referred to the impending closure of Calderstones and to her concerns about the level of support being put in place for its current residents. She explained that some residents would be released into the community and some moved to other mental health units. She informed the Committee that a meeting had been held by the Lancashire County Council Joint Health Scrutiny Committee which had raised many concerns about the closure and the effect on its residents, largely due to the speed of the process and a consequent lack of support and provision being in place. She indicated that it was important to know how much this would impact Hyndburn and suggested that this item was placed on the Work Programme for 2016/17.

The Overview and Scrutiny Officer pointed out that the item 'Police Update' would be added to the Work Programme for 2016/17 and invited Members to make suggestions for other items to be added to the Work Programme before the end of April 2016.

Councillor Nedwell suggested that 'Foodbanks' was added to the Work Programme to discuss concerns about the number of people using them and to consider interventions that could be put in place to reduce the number of users through support and education.

- Resolved**
- (1) That the items 'the Closure of Calderstones', 'Policing Update' and 'Foodbanks' be added to the Work Programme for 2016/17; and**
  - (2) That Members submit further items for consideration for the Work Programme for 2016/17 to the Overview & Scrutiny Officer before the end of April 2016.**

#### **440 Primary Care Model**

Representatives from the East Lancashire Clinical Commissioning Group reported on local primary care and the redesign of the services in Hyndburn. Representatives included:

- Rachel Watkins
- Dr. Richard Robinson
- Dr. Mark Dziobon
- Lisa Cunliffe
- Sharon Martin
- Dr. Phil Huxley

Dr. Huxley reported on the challenges for the Clinical Commissioning Group in redesigning the health care system so that it could adapt to the requirements of the 21<sup>st</sup> century. He indicated that they had considered carefully, the requirements of the new model which would be put into practise across East Lancashire. He reported that the proposed new model would be going out to consultation in the next few months.

Lisa Cunliffe provided information on the background to the project and pointed out that this process had started 16 months ago. She informed the Committee that they were now at the stage of consulting with East Lancashire residents and organisations and pointed out how a change of service would impact other areas of health care provision. She reported that:

- Focus Groups had been set up
- Patients had been invited to complete and submit questionnaires at health centres

The key findings from the information received from the surveys and focus groups were then divided into key themes. Three events were then held; the first about 'access to appointments and services', the second about access to information and the third about work forces. A group was set up to make sense of the information and later produced a set of principles for the first event. A further check of what respondents to questionnaires had wanted was undertaken by further engagement. The principles were:

- Location
- Simplification
- Continuity of care access to information

The principles created a vision but this was followed by the challenge of making it work. She reported on how they had started to look at how the model could be delivered and how they intended to lead the initiative. She indicated that a Project Manager had been appointed and had worked with GP Practices and health care providers to determine needs and requirements. She reported that they were looking at having hubs in each locality and GPs feeding back into these hubs. Each hub would have access to medical records. She outlined the benefits to patients of a proposed new system.

Sharon Martin referred to the current arrangements for access to GP appointments by patients and the proposal for access for patients to GP services including urgent hubs at the weekend. She pointed out that it was their aim to provide a more simplistic system. She referred to the current contract for services at the Walk-In Centre and informed the Committee that there was an offer to extend this contract until March 2017 but pointed out that the new health hub would be situated in Hyndburn. She referred to how they were consulting the public on these issues.

Members submitted the following questions and comments:

- Requested information on how a system with extra appointments would compare to the current system of a general walk-in centre.
- Where the location of the new hub would be situated.
- What action was being taken to ensure that the Asian community was aware of the changes
- If staff, working at the Walk-In Centre, were aware of the possible closure.
- Reassurance that plans would be put in place before the closure of the Walk-In Centre to prevent confusion and chaos. Need for a timetabled phase in.
- Reassurance that GP receptionists would receive adequate training before the new system was implemented.
- What would happen to people who were not currently registered with a GP practice.
- That consideration was given to locating the new Hub at Accrington Victoria Hospital, being the most accessible location.

Representatives from the East Lancashire Clinical Commissioning Group provided the following responses:

- The new model would aim to move away from an appointment system and be more responsive in providing instant care.
- The new model would need to be more sustainable over the long term.
- Reference was made to the key determinants which showed the type of work required to improve clinical effectiveness.
- All GP practices in East Lancashire and Blackburn with Darwen used the same software system making access to medical records possible.
- To reduce the amount of duplication currently taking place with medical services.
- The new location of the Hub had not yet been identified but it would be in Hyndburn.
- The new system would be more efficient and safer for patients.
- The consultation would begin in April and last for 3 months and at the end of this period a decision would be taken by the Governing Body.
- People who are not registered with a doctor's practice will be actively sought out and contacted.

Dr. Huxley referred to the importance of completing the consultation and to define the structure and delivery of the model.

The Chair issued an invitation, once the review had been completed, to return and give a presentation to the Committee and Full Council.

**Resolved**

**(1) That a copy of the presentation and consultation are included in the Members' Information Bulletin;**

**(2) That Members of Hyndburn Borough Council are represented on the Steering Group;**

- (3) That consideration be given to locating the new Hub in Hyndburn and preferably at Accrington Victoria Hospital; and**
- (4) That, on completion of the consultation, representatives of the East Lancashire Clinical Commissioning Group be invited to the Communities and Wellbeing Overview and Scrutiny Committee and the Full Council to provide Members with an updated report.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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# AUDIT COMMITTEE

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**Monday, 21st March, 2016**

**Present:** Councillor Bill Pinder (in the Chair), Councillors Wendy Dwyer (Vice Chair), Noordad Aziz, Julie Livesey, Bernadette Parkinson and Kath Pratt

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**441 Apologies for Absence, Declarations of Interest, Dispensations and Substitutions**

Apologies for absence were submitted from Karen Murray (Grant Thornton) and Joe McIntyre.

There were no reported declarations of interest or dispensations.

**442 Minutes of the Last Meeting**

The minutes of the last meeting held on the 18<sup>th</sup> January 2016 were submitted for approval.

**Resolved - That the minutes be received and approved as a correct record.**

**443 Risk Management Monitoring Report**

The Corporate Performance Manager, Mike Walker, presented a report which informed the Committee of the outcome of the review of the Generic and Strategic Risk Register.

There had been no major changes made to the Generic and Strategic Risk Registers but there had been a number of minor changes made to the Generic Risk Register which were detailed in Appendix 1 of the report.

There had been no changes made to the Strategic and Operational Risk Registers during the review.

A summary of all three registers were details in Appendix 2 of the report

The Operational Risk Register contained information on the HBC refuse collection fleet and a further report will be produced once information had been obtained from a traffic management consultant.

**Resolved - That Audit Committee noted the contents of the report.**

**444 Audit Follow Ups Report for the Period January - March 2016**

The Head of Audit and Investigations, Mark Beard, submitted a report to inform Members of the outcome of routine follow-ups following the previously agreed action plans for completed Audit Reports. The follow-ups detailed within the report are those carried out during the period January- March 2016.

Appendix one of the report contained follow ups carried out between January and March 2016 which included details for debtors and council tax & NCR refunds. Two elements had been implemented and one element not implemented.

**Resolved - That the report be noted for informational purposes.**

**445 Audit Reports & Key Issues- Progress Report for the Period January- March 2016**

The Head of Audit and Investigations informed Members of the audit reports issued during the period January- March 2016 and brought to the attention of the Committee what the key issues were.

There was a target of 98% of the audit plan to be completed by the end of the current financial year in terms of audit days completed. The figures contained in the report gave updated details to the end of February and the projected out turn position for 2015/16.

A summary of the main issues arising from audits carried out between January- March 2016 was attached to Appendix 1 of the report and detailed substantial and limited assurance:

- Debt recovery arrangements
- Pest control and shared admin functions
- Other contract issues

There were no issues arising from audits carried out in the following areas:

- Cash receipting & Banking

**Resolved - That the report be noted for informational purposes.**

**446 Grant Thornton- Audit Committee Update, HBC, Year ended 31 March 2016**

Tommy Rooney, informed members of the committee with a report on progress in delivering Grant Thornton's responsibilities as external auditors. It included a summary of emerging national issues and developments that may be relevant to Hyndburn Borough Council. It also included a number of challenging questions in respect of these emerging issues which the Audit Committee considered.

Visits for interim accounts audit had taken place in early March and would be complete by the end of the month although this was later than had been planned.

It was noted that the item in the paper copies of the report titled website re-launch had a link missing although this was clearly visible on the electronic copy which had been circulated in advance of the meeting.

**Resolved - That the report be noted for informational purposes and that the Committee considered questions relevant to the Council.**

**447 Internal Audit Plan 2016-17**

The Head of Audit and Investigations submitted a report to inform members of the Audit Committee about the Internal Audit Plan for the financial year 2016/17 and to request that Audit Committee approves the proposed Internal Audit Plan for 2016/17.

Amendments to the Audit plan were detailed along with areas added to the plan.

Appendix 1 contained information on which areas were a priority, which would be monitored and figures of time allocated to individual parts of the plan.

- Resolved** - **(1) That the report be noted for informational purposes.**
- **(2) That the proposed internal audit plan for 2016/17 be approved.**

**448 Time/Date/Venue of Next Meeting of Committee**

Councillor Noordad Aziz placed on record his thanks to the Current Chair, Councillor Bill Pinder who was chairing his last Audit Committee meeting as he was not seeking re-election at the local elections in May 2016.

Councillor Wendy Dwyer also thanked Officers and Members of the Audit Committee for all the work undertaken as she was also not seeking re-election.

- Resolved** - **That the next meeting of the Audit Committee be held on Monday, 27<sup>th</sup> June 2016 at 5.30 pm in the Queen Elizabeth Room at Scaitcliffe House.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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# RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

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**Tuesday, 22nd March, 2016**

**Present:** Councillor Noordad Aziz (in the Chair); Councillors Tim O'Kane (Vice Chair), Loraine Cox, Terry Hurn, Bill Pinder and Paul Thompson

**In Attendance:** Mr. Steve Tanti, Chief Executive of Hyndburn Leisure

**Apologies:** Councillors Mohammad Ayub and Marlene Haworth

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## **449 Apologies for Absence**

Apologies for absence were submitted from Councillors Mohammad Ayub and Marlene Haworth.

## **450 Declarations of Interest and Dispensations**

Councillors Noordad Aziz and Bill Pinder each declared a personal interest in the item relating to "Capital Investment in Hyndburn Leisure Facilities". Their interests arose due to them both being users of the leisure facilities.

There were no declarations of dispensations.

## **451 Minutes of Meetings**

The Minutes of the meetings of the Resources Overview and Scrutiny Committee held on 26<sup>th</sup> January and 16<sup>th</sup> February 2016 were submitted for approval as correct records.

**Resolved** - **That the Minutes be received and approved as correct records.**

## **452 Capital Investment in Hyndburn Leisure Facilities**

The Chief Executive of Hyndburn Leisure (Mr. Steve Tanti) submitted an update report on capital expenditure on Hyndburn Leisure facilities, focussing on the performance of areas in which Hyndburn Borough Council had invested. Attention was drawn to Council buildings leased to Hyndburn Leisure, works identified to keep the buildings operational, Council revenue grant, enjoyment and quality of life and health benefits to the public and update on capital projects. Responses were given in relation to the following issues raised by the Committee:-

- Responsibility for Maintenance of Energy Saving Measures and Improvements
- Factoring of Maintenance Costs into Savings Predictions and Additional Savings from Reduced Maintenance Needs
- Capital Projects and Disability Friendly Facilities
- Use of Accrington Town Hall for the Provision / Promotion of Sports for the Disabled
- Savings Arising from the Work Carried Out by Community Groups
- External Funding for Development of Disabled Facilities
- Existing and Future Provision of Disabled Toilet Facilities

- Future Operation and Maintenance of the 3G Pitch
- Council Grant Reduction and Maintenance of Service Provision
- Planned Capital Projects and Supporting Income / Savings Projections
- Establishment of a Panel to Monitor Expenditure
- Marketing of Leisure Facilities
- Partnership Working with Community Clubs and Groups
- Lumina Display Lighting

**Resolved**

- (1) That the contents of the report be noted;**
- (2) That the Chief Executive of Hyndburn Leisure be asked to look further into maintenance costs and whether there will be savings as a result of the implementation of energy saving measures;**
- (3) That the Chief Executive of Hyndburn Leisure be requested to submit a report on performance of the Trust to the Committee in the Municipal Year 2016/17 at a date to be agreed; and,**
- (4) That a visit to the Hyndburn Leisure Facilities by members of the Council be arranged to take place in June 2016.**

**453 Overview and Scrutiny Work Programme 2016-2017**

The Chair of the Committee submitted a report relating to the compilation of potential Work Programme items to be considered by the Resources Overview and Scrutiny Committee during the Municipal Year 2016/17.

**Resolved**

- (1) That the Overview and Scrutiny Officer or the Chair of the Committee be informed of any items which Committee Members wished to be added to the 2016/17 Resources Overview and Scrutiny Work Programme; and,**
- (2) That the provision of signage or a parking barrier at the Accrington Market Hall South Service Yard to prevent usage as a public car park be added to the list of topics for the Work Programme.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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# JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

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**Tuesday, 29th March, 2016**

**Present:** Councillor Chris Fisher (in the Chair), Councillors Judith Bernard Dawson, Eamonn Higgins, Marlene Haworth and Joyce Plummer

**Apologies** Councillors Melissa Fisher and Terry Hurn

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## **484 Apologies for Absence**

Apologies for absence were submitted from Councillors Melissa Fisher and Terry Hurn.

## **485 Substitutions**

Councillors Bernard Dawson and Judith Addison attended the meeting as substitute representatives for Councillors Melissa Fisher and Terry Hurn respectively.

## **486 Declarations of Interest and Dispensations**

Councillor Chris Fisher declared a conflict of interest in the item relating to "Report Relating to a Licensed Private Hire Driver (QZ)" and vacated the Chair and left the meeting prior to the determination of the item and took no part in the discussion or vote on that item. His interest arose due to him being the complainant.

There were no declarations of dispensations.

## **487 Minutes of Meeting - 1st February 2016**

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 1<sup>st</sup> February 2016 were submitted for approval as a correct record.

**Resolved** - **That the Minutes be received and approved as a correct record.**

## **488 Licensing Procedures for Meetings of the Committee**

The General Licensing Procedure and the Complaints Licensing Procedure to be followed at the meeting in relation to hackney carriage and private hire driver licences were submitted. Copies of the relevant procedure had been sent to the licensed drivers and the complainant.

**Resolved** - **That the Procedures be noted.**

## **489 Licensing Guidelines**

The Licensing Guidelines (Appendix G of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013 - 2016) were submitted. A copy of the Guidelines had been sent to the licensed drivers and the complainant.

**Resolved** - That the Guidelines be noted.

**490 Exclusion of the Public**

**Resolved** - That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following items, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act specified at the items.

**491 Report Relating to a Licensed Joint Driver (WH)**

*(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))*

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services) submitted a report informing the Committee of relevant issues relating to a licensed joint vehicle driver (WH).

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013-2016. Legal advice on the relevance of a caution was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the driver (WH) and his representative had been invited to attend the meeting and in that respect, the driver and his representative (MD) were in attendance.

The Committee was requested to consider whether the applicant was still a 'fit and proper person' to continue to be licensed as a joint vehicle driver.

**Decision of the Committee:-**

**Resolved** - That, as the driver (WH) was considered to still be a 'fit and proper person', he be allowed to continue to hold his joint vehicle driver's licence, subject to the issue of a written warning and Council's standard conditions, for the reasons outlined at the meeting and set out in the decision notice.

(At this point in the proceedings and having previously declared a conflict of interest in the following item, Councillor Chris Fisher vacated the Chair and left the meeting. Councillor Eamonn Higgins took the Chair).

**492 Report Relating to a Licensed Private Hire Driver (QZ)**

*(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))*

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services) submitted a report informing the Committee of relevant issues relating to a licensed private hire vehicle driver (QZ). A complaint had been lodged by a councillor against the driver and was set out in the report. The following documents were appended to the report:-

- Appendix 1 - Copy of a caution issued to the driver
- Appendix 2 - Copy of a caution issued to the driver
- Appendix 3 - Copy of a caution issued to the driver and details of vehicle faults
- Appendix 4 - Copy of the complaint and vehicle licence conditions relating to the driver
- Appendix 5 - Copy of interview and files notes

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013-2016. Legal advice on the relevance of the complaint, a previous complaint and cautions for previous breaches of licensing conditions was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the driver (QZ) and his representative had been invited to attend the meeting and in that respect, the driver and his representative (MD) were in attendance. The complainant (CF) and his representative had also been invited to the meeting and in that respect, the complainant was in attendance.

The Committee was requested to:-

- (a) Determine whether the facts related in the complaint were substantially true;
- (b) Having made a finding of the facts, decide whether those facts revealed if the driver had acted either unlawfully or in breach of any legislations, regulation or licence condition governing the conduct of licensed private hire vehicle drivers; and,
- (c) Determine what action, if any, should be taken against the driver.

**Resolved**

- (1) That the complaint lodged against the Private Hire Driver (QZ) be upheld. The Committee found that on the balance of probabilities the evidence favoured the complainant's version of events;**
- (2) On the basis of the evidence presented, the Committee reached the conclusion that the driver (QZ) had been plying for hire with an unlicensed vehicle, thus making his conduct inappropriate and not that expected of a licensed private hire vehicle driver; and**
- (3) That the driver's (QZ) private hire licence be suspended for a period of three months pursuant to Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and for the reasons outlined at the meeting and set out in the decision notice.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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# JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

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**Monday, 4th April, 2016**

**Present:** Councillor Chris Fisher (in the Chair), Councillors Melissa Fisher, Marlene Haworth, Eamonn Higgins, Terry Hurn and Joyce Plummer

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**493 Apologies for Absence**

There were no apologies for absence.

**494 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

**495 Minutes of Meeting**

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 2<sup>nd</sup> March 2016 were submitted for approval as a correct record.

**Resolved** - **That the Minutes be received and approved as a correct record.**

**496 Licensing Procedure - Complaints**

The Licensing Procedure to be followed at the meeting in relation to complaints lodged against licensed hackney carriage and private hire vehicle drivers was submitted. A copy of the Procedure had been sent to the licensed drivers and the complainant.

**Resolved** - **That the Procedures be noted.**

**497 Licensing Guidelines**

The Licensing Guidelines (Appendix G of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013 - 2016) were submitted. A copy of the Guidelines had been sent to the licensed drivers and complainant.

**Resolved** - **That the Guidelines be noted.**

**498 Exclusion of the Public**

**Resolved**

- That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following items, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraph at Schedule 12A of the Act specified at the items.

**499 Report Relating to a Licensed Private Hire Driver (HA)**

*(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))*

The Chair informed the Committee that due to illness, the complainant had requested that this item be deferred to the next meeting of the Committee.

**Resolved**

- That this item be deferred and submitted to the next meeting of the Committee for determination.

**500 Report Relating to a Licensed Private Hire Driver (AA)**

*(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))*

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services) submitted a report informing the Committee of relevant issues relating to a licensed private hire vehicle driver (AA). A complaint had been lodged by a member of the public against the driver and was set out in the report. A copy of the notes of the interview conducted with the driver were appended to the report. A video recording received from the member of the public in relation to the complaint was viewed by those present at the meeting. A character reference from the driver's employees (Max Cabs Ltd) was submitted at the meeting.

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013-2016. Legal advice on the relevance of the complaint was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the driver (AA) and his representative had been invited to attend the meeting and in that respect, the driver and his representative (MD) were in attendance. Due to the irrefutable evidence contained in the video recording, the attendance of the complainant had been viewed as unnecessary.

The Committee was requested to:-

- (a) Determine whether the facts related in the complaint were substantially true;
- (b) Having made a finding of the facts, decide whether those facts revealed if the driver had acted either unlawfully or in breach of any legislations, regulation or licence condition governing the conduct of licensed private hire vehicle drivers; and,

(c) Determine what action, if any, should be taken against the driver.

**Decision of the Committee:-**

**Resolved**

- (1) That the complaint lodged against the private hire vehicle driver (AA) be upheld. The Committee found that on the balance of probabilities the evidence provided found in favour of the complaint; and,**
- (2) That, as the conduct of the driver (AA) had been inappropriate and not that expected of a licensed private hire vehicle driver, his licence be suspended for a period of 28 days pursuant to Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 and for the reasons outlined at the meeting and set out in the decision notice.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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# PLANNING COMMITTEE

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**Wednesday, 13th April, 2016**

**Present:** Councillor Bernard Dawson (in the Chair), Councillors Judith Addison, Mohammad Ayub, Loraine Cox, Melissa Fisher (Vice Chair), June Harrison, Eamonn Higgins, Abdul Khan, Bill Pinder, Joyce Plummer, Kath Pratt and Paul Thompson

**Apologies:** Councillors Lisa Allen

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**501 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations**

Apologies for absence were submitted by Councillor Lisa Allen.

There was no substitute representative for Councillor Allen

No declarations of interest or dispensations were declared.

**502 Minutes of the Last Meeting**

The minutes of the last Planning Committee held on the 16<sup>th</sup> March 2016, were submitted for approval as a correct record.

**Resolved - That the Minutes be received and approved as a correct record.**

**503 Town and Country Planning Act 1990- Planning Applications for Determination**

The Chief Planning and Transportation Officer submitted a report and extra supplemental information contained within the update report setting out recommended action on the following planning application.

**Resolved (1) That the following planning application be approved subject to;**

**The completion of a Section 106 Agreement to lift the restriction on the range of goods sold in, on the application site as per the report and update information sheet:-**

**The conditions contained in the report and update information sheet, with the exception of Condition 3, in respect of which the Chief Planning and Transportation Officer be granted delegated powers to finalise that condition:-**

**To obtain written confirmation from the Secretary of State that the Council can proceed to determine the planning application:-**

11/15/0430 Major Full: Erection of food store with car parking servicing and all associated works

Site of Unit 2, The Peel Centre, Whitebirk Drive, Rishton.

N.B. 1. The Chief Planning and Transportation Officer drew the Committee's attention to the extra supplemental information contained within the update report which was released before the meeting and related to the above planning application.

2. Mr Gavin Prescott spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

3. Mr Will Blake spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

4. Mr Gareth Finch spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

The Chief Planning and Transportation Officer submitted a report setting out recommended action on the following planning application.

**Resolved (2) That the following planning application be deferred to allow for Planning Committee Members to undertake a site visit to the location:-**

11/16/0028 Householder: Erection of rear and side extension to dwelling and extension to detached garage  
59 Balmoral Road, Accrington, BB5 6DB.

N.B. 1. Mrs Diane Hooper spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

2. Mr Matthew Wyatt spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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# JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

---

**Monday, 18th April, 2016**

**Present:** Councillor Chris Fisher (in the Chair), Councillors Melissa Fisher, Terry Hurn and Joyce Plummer

**Apologies** Councillors Eamonn Higgins and Marlene Haworth

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**504 Apologies for Absence**

Apologies for absence were submitted from Councillors Marlene Haworth and Eamonn Higgins.

**505 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

**506 Minutes of Meetings**

The Minutes of the meetings of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 29<sup>th</sup> March and 4<sup>th</sup> April 2016 were submitted for approval as correct records

**Resolved** - That the Minutes be received and approved as correct records.

**507 Licensing Procedure - Complaints**

The Licensing Procedure to be followed at the meeting in relation to complaints lodged against licensed Hackney Carriage and Private Hire Drivers was submitted. A copy of the Procedure had been sent to the drivers and the complainants.

**Resolved** - That the Procedure be noted.

**508 Licensing Guidelines**

The Licensing Guidelines (Appendix G of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013 - 2016) were submitted. A copy of the Guidelines had been sent to the drivers and the complainants.

**Resolved** - That the Guidelines be noted.

**509 Exclusion of the Public**

**Resolved**

- That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following items, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act specified at the items.

**510 Report Relating to a Licensed Private Hire Driver (HA)**

*Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))*

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services) submitted a report informing the Committee of relevant issues relating to a licensed private hire vehicle driver (HA). A complaint had been lodged by a member of the public against the driver and was set out in the report. A copy of the complainant's Witness Statement to the Police was attached as Appendix A to the report.

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013-2016. Legal advice on the relevance of the complaint and the issue and payment of a S5 fixed penalty notice was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the driver (HA) and his representative had been invited to attend the meeting and in that respect, the driver and his representative were in attendance. The complainant (CJ) and her representative had also been invited to the meeting and in that respect, the complainant and her witness / mother (LJ) were in attendance.

At the request of the Chair, the Licensing Manager circulated a copy of the S5 fixed penalty notice.

The Committee was requested to:-

- (a) Determine whether the facts related in the complaint were substantially true;
- (b) Having made a finding of the facts, decide whether those facts revealed if the driver had acted either unlawfully or in breach of any legislations, regulation or licence condition governing the conduct of licensed private hire vehicle drivers; and,
- (c) Determine what action, if any, should be taken against the driver.

**Decision of the Committee:-**

**Resolved**

- (1) That the complaint lodged against the Private Hire Driver (HA) be upheld. On the evidence provided, the Committee found in favour of the complaint as it believed that the version of the events related by the Complainant was on the balance of probability more accurate; and,

- (2) That, as the driver (HA) was not considered to be a 'fit and proper person', in that his conduct had been inappropriate and not that expected of a licensed private hire vehicle driver, his private hire driver's licence be revoked pursuant to Sections 61(1)(a)(ii) and 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety; the revocation to be with immediate effect pursuant to Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by the Road Safety Act 2006 and for the reasons outlined at the meeting and set out in the decision notice.

#### 511 Report Relating to a Licensed Private Hire Driver (MA)

*(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))*

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services), submitted a report informing the Committee of relevant issues relating to a licensed private hire vehicle driver (MA). A complaint had been lodged by Manchester City Council regarding the driver's behaviour towards one of its licensing officers. The following information was appended to the report:-

Appendix 1 - Witness Statement submitted by Manchester City Council Licensing Officer  
Appendix 2 - Offence Notification Letter submitted by the Driver

Attention was also drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney Carriage and Private Hire Licensing Policy 2013 - 2016.

In accordance with licensing procedure, the driver (MA) and his representative had been invited to attend the meeting and in that respect, the driver and his representative / Solicitor were in attendance. The Licensing Officer from Manchester City Council (MB) attended the meeting as witness for his local authority and to support his witness statement (Appendix 1).

At the request of the Chair, the Licensing Manager circulated a copy of the notes of an interview conducted by the Council with the driver on 4<sup>th</sup> March 2016.

Legal advice on the relevance of the complaint, a previous complaint and breaches of licensing conditions was sought by and provided to the Committee at the meeting. The Committee was requested to consider whether the applicant was still a 'fit and proper person' to continue to be licensed as a private hire vehicle driver.

#### **Decision of the Committee:-**

**Resolved**

- (1) That the complaint lodged against the Private Hire Driver (MA) be upheld. On the evidence provided, the Committee found in favour of the complaint as it believed that the version of the events related by the Complainant's representative / witness was on the balance of probability more accurate; and,

**(2) That, as the driver (MA) was not considered to be a 'fit and proper person', in that his conduct had been inappropriate and not that expected of a licensed private hire vehicle driver, his private hire driver's licence be revoked pursuant to Sections 61(1)(a)(ii) and 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety for the reasons outlined at the meeting and set out in the decision notice.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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## LICENSING SUB COMMITTEE

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**Thursday, 21st April, 2016**

**Present:** Councillor Joyce Plummer (in the Chair), Councillors Bernard Dawson and Terry Hurn

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**512 Apologies for Absence**

There were no apologies for absence.

**513 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

**514 Minutes of Last Meeting**

The Minutes of the last meeting of the Licensing Sub-Committee held on 12<sup>th</sup> November 2015 were submitted for approval as a correct record.

**Resolved** - **That the Minutes be received and approved as a correct record.**

**515 Licensing Hearing Procedure**

The Licensing Sub-Committee was advised of the Council's Conduct of Hearings Procedure which was to be used in relation to hearings required under the Licensing Act 2003. The Procedure was attached as Appendix D to the undermentioned application.

**Resolved** - **That the Procedure be noted.**

**516 Licensing Act 2003 Determination Hearing - Retro Bar Ltd., Unit 5, Canon Corner, Church Street, Accrington, BB5 2EN**

In accordance with the Hyndburn Borough Council Policy on the Conduct of Hearings and the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Manager (Mr. Bee) advised the Licensing Sub-Committee of an application that had been received for the granting of a new premises licence in respect of the Retro Bar , Unit 5, Canon Corner, Church Street, Accrington, BB5 2EN and submitted a report relating thereto. Two plans showing the location of the premises were circulated at the meeting. The premises were currently empty and the applicant was seeking a licence for the premises to be a bistro bar providing food alcohol, regulated entertainment and be available for private parties. The application and proposed operating schedule was illustrated in full at Appendix A to the report. The operating schedule had been amended in response to representations made by Lancashire Constabulary, the Licensing Authority and Environmental Health against the application to clarify and expand upon the details of the application. The amendments were set out in paragraphs 3.7 and 3.8 of the report and illustrated in full at Appendix B to the report.

No representations had been received from the Responsible Authorities. One valid representation had been received from a member of the public and was illustrated in full at Appendix C to the report. The Licensing Manager informed the Sub-Committee that shortly before the meeting he had received a telephone call from the objector withdrawing the representation. The objector stated that he had spoken to the applicant and was satisfied with the responses he had received.

A copy of the Licensing Authority's 'Conduct of Hearings Procedures' was attached as Appendix D to the report.

The applicant (Retro Bar (Accrington) Ltd,)), together with a representative had been invited to attend the Hearing and in that respect, the applicant's representatives (Mrs. Malgorzata Cichorek and Ms. Sylvia Skryplonek) were in attendance. The Objector had also been invited to the meeting but in view of the withdrawal of his representation, was not in attendance.

The Sub-Committee considered the application and representations made by the applicant and prior to a formal decision being made, sought legal advice thereon. Responses were given by the applicant's representatives to queries relating to the sale of alcohol for consumption off the premises and access to the premises.

**Decision of the Sub-Committee:-**

**Resolved**

- **That in accordance with Section 18 of the Licensing Act 2003, the application, (as amended), for a premises licence in respect of the Retro Bar Ltd., Unit 5, Canon Corner, Church Street, Accrington be granted subject to the relevant mandatory conditions prescribed by the Act and the conditions set out in the report and operating schedule, for the reasons outlined at the meeting and set out in the decision notice.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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## LICENSING SUB COMMITTEE

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**Friday, 29th April, 2016**

**Present:** Councillor Joyce Plummer (in the Chair), Councillors Bernard Dawson and Kath Pratt

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**517 Apologies for Absence**

There were no apologies for absence.

**518 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

**519 Licensing Act 2003 Determination Hearing - Elysium, 1a Barnmeadow Lane, Great Harwood, BB6 7AB**

In accordance with the Hyndburn Borough Council Policy on the Conduct of Hearings and the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Manager (Mr. Bee) advised the Licensing Sub-Committee of an application that had been received for the granting of a new premises licence and the disapplication of the requirement for a designated premises supervisor in respect of Elysium, 1a Barnmeadow Lane, Great Harwood, BB6 7AB and submitted a report relating thereto. Two plans showing the location of the premises were circulated at the meeting. The premises were a community centre for all within the community. The application and operating schedule were illustrated in full at Appendix A to the report. The operating schedule had been amended in response to representations made by Lancashire Constabulary against the application to clarify and expand upon the details of the application. The amendments were set out in paragraph 3.7 of the report and illustrated in full at Appendix B to the report.

The attentions of the Licensing Sub-Committee was drawn to the fact that the Licensing Act 2003 (as amended in 2009) allowed certain community premises which had, or were applying for, a premises licence that authorised alcohol sales to also apply to include the alternative licence condition in sections 25A (2) and 41D (3) of that Act in the licence instead of the usual mandatory conditions in sections 19 (2) and 19 (3). Such an application might only be made if the licence holder was, or was to be, a committee or board of individuals with responsibility for the management of the premises. If the application was successful, the effect of the alternative licence condition would be that the licence holder (i.e. the "management committee") would be responsible for the supervision and authorisation of all alcohol sales authorised by the licence. All such sales would have to be made or authorised by the licence holder. There would be no requirement for a designated premises supervisor or for alcohol sales to be authorised by a personal licence holder. Community premises were defined as premises that were or formed part of a church hall, chapel hall or other similar building; or a village hall, parish hall or community hall or other similar building. The Licensing Authority and Lancashire Constabulary had no objections to Elysium's application to disapply the designated premises supervisor.

No representations had been received from the Responsible Authorities. Four valid representations had been received from members of the public and were illustrated in full at Appendix C to the report.

A copy of the Licensing Authority's 'Conduct of Hearings Procedures' was attached as Appendix D to the report.

The applicant (Elysium @ GS), together with a representative had been invited to attend the Hearing and in that respect, the applicant's representatives (Mrs. D. Gould and Ms. F. Mellor) were in attendance. The Objectors had also been invited to the meeting and in that respect, Messrs. D. Hodge and G. Sharples and Mesdames A. Glover and A. Harrington, were in attendance.

The Solicitor to the Council raised a number of points with the applicant's representatives, mainly relating to frequency of and attendance at events, the prevention of public nuisance, staffing numbers, training and responsibilities, consultation with residents, sale of alcohol and security. The Licensing Manager circulated a copy of the event booking form and car parking disclaimer form which Elysium @ GS required customers to complete.

It was felt that the application for a new premises licence sought more licensable activities than was actually required and the applicant's representatives were therefore asked if they wished to amend the submitted application.

At this point in the proceedings, the meeting was adjourned for a period of 20 minutes to allow the applicant's representatives and the Licensing Manager to discuss changes to the submitted application.

On the resumption of the meeting, the Sub-Committee was informed of the amendments made to the licensing application and the applicant's representatives undertook to:-

- (a) Hold regular meetings with residents to discuss any issues arising from use of the premises.
- (b) Notify nearby residents of events that would be taking place and provide the telephone number of the responsible premises manager for those events.
- (c) Attempt to reduce the volume of the premises doorbell and if unable to do so, to replace it with a suitable model.

The Sub-Committee considered the newly amended application and the representations made by the applicant, the applicant's representatives and the objectors and prior to a formal decision being made, sought legal advice thereon.

#### **Decision of the Sub-Committee:-**

- Resolved**
- (1) That in accordance with Section 18 of the Licensing Act 2003, the application, (as amended), for a new premises licence in respect of Elysium, 1a Barnmeadow Lane, Great Harwood be granted subject to the relevant mandatory conditions prescribed by the Act and the conditions set out in the report and operating schedule and the undermentioned modifications, as agreed by the applicant's representatives:-**

(a) Live music outdoors to take place on no more than two occasions in any calendar year and to cease no later than 7.00 p.m.

(b) Live music within the premises to be for the hours of 12 Noon to 11.30 p.m.

(c) Recorded music to be between the hours of 12 Noon and 11.30 p.m.

(d) The supply of alcohol will only take place between the hours 12 Noon to 11.30 p.m., and is only permitted on no more than two occasions in any calendar month which must be on either a Friday or Saturday evening.

(2) That in accordance with Section 18 of the Licensing Act 2003 (as amended in 2009), the application to disapply the mandatory conditions on the premises licence regulations for a designated premises supervisor be granted, subject to those conditions being replaced with an alternative mandatory condition that every supply of alcohol under the licence will be made or authorised by the management committee of the community premises rather than a designated premises supervisor.

The reasons for the decision were outlined at the meeting and set out in the decision notice.

**520 Licensing Hearing Procedure**

The Licensing Sub-Committee was advised of the Council's Conduct of Hearings Procedure which was to be used in relation to hearings required under the Licensing Act 2003. The Procedure was attached as Appendix E to the undermentioned application.

**Resolved - That the Procedure be noted.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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# PLANNING COMMITTEE

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**Wednesday, 18th May, 2016**

**Present:** Councillor Bernard Dawson (in the Chair), Councillors Judith Addison, Lisa Allen, Mohammad Ayub, Loraine Cox, Melissa Fisher (Vice Chair), June Harrison, Eamonn Higgins, Abdul Khan, Joyce Plummer, Kath Pratt and Paul Thompson

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## **521 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations**

There were no apologies for absence.

There were no substitute representatives.

Councillor Paul Thompson declared a personal interest in planning application 11/16/0020, Eco House, Whinney Hill Road, Altham, due to him knowing the applicant.

## **522 Minutes of the Last Meeting**

The minutes of the last Planning Committee held on the 13<sup>th</sup> April 2016, were submitted for approval as a correct record.

**Resolved - That the Minutes be received and approved as a correct record.**

## **523 Town and Country Planning Act 1990- Planning Applications for Determination**

The Chief Planning and Transportation Officer submitted a report setting out recommended action on the following planning applications.

**Resolved (1) That the following planning application be approved subject to the conditions as per the report:-**

11/16/0028   Erection of rear and side extension to dwelling and extension to detached garage  
59 Balmoral Road, Accrington

N.B. 1. Councillor Lisa Allen left the meeting and took no part in the determination of the application due to her not being present at the last Planning Committee when this application was deferred for a site visit.

2. The Chief Planning and Transportation Officer reported a late representation from the neighbouring property and read out a letter to committee Members which had been submitted.

The Chief Planning and Transportation Officer submitted a report and extra supplemental information contained within the update report setting out recommended action on the following planning applications.

**Resolved** (2) **That the following planning application be approved subject to the completion of a Section 106 agreement and conditions as per the report:-**

11/16/0013 Major Full: Erection of 42 no dwellings with associated infrastructure (including demolition of existing building)  
Waverledge Business Park, Waverledge Street, Great Harwood

1. Mr Andrew Crompton spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.
2. Mr Ian Grice spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

**Resolved** (3) **That the following planning application be approved subject to the conditions as per the report except conditions (24 & 25) and the signing of a Section 106 planning obligation. Conditions 24 & 25 to be amended with delegated authority given to the Chief Planning and Transportation Officer:-**

11/15/0399 Major Full: Erection of 75 no houses with garages and/or parking spaces together with the provision of open space and associated roads and sewers.  
Land off Parker Street, Rishton

1. Ms Katherine Jewell spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.
2. Mr Steve Gamble spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

#### **524 Supplemental Agenda: Planning Application 11/16/0020**

The Chief Planning and Transportation Officer submitted a report contained within the supplemental agenda setting out recommended action on the following planning application.

**Resolved** - **That the following planning application be approved and that the variation is granted subject to the original conditions approved under application 11/12/0456 and the variation to condition 5 as per the report:-**

11/16/0020 Variation of condition No 5 working hours (folio 3) of 11/12/0456  
Eco House, Whinney Hill Road, Altham

1. Mr Chris Bull spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

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<b>REPORT TO:</b>		Council	
<b>DATE:</b>		07 July 2016	
<b>REPORT AUTHOR:</b>		Helen Gee, Member Services Manager	
<b>TITLE OF REPORT:</b>		<b>Motions for debate at Council -</b> <b>1. Library Closures</b> <b>2. Oswaldtwistle Library Closures</b>	
<b>EXEMPT REPORT:</b>	<b>No</b>		
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:	n/a

Council will be asked to consider the following motions submitted under Council Procedure Rule A9:-

**1. Library Closures**

"This Council deplores the proposal by Lancashire County Council to close three out of five Hyndburn Libraries in the townships of Clayton-le-Moors, Oswaldtwistle and Rishton. Libraries are not merely lenders of books but serve as a community focus for a range of resident activities covering all age groups. This Council therefore resolves to write to Jennifer Mein, Leader of Lancashire County Council, asking her to reconsider the proposed Library closures Lancashire-wide, as local communities will suffer from the withdrawal of this valuable facility."

**Proposer: Councillor Judith Addison**

**Seconder: Councillor Peter Britcliffe**

*Submitted on: 29<sup>th</sup> June 2016*

**2. Oswaldtwistle Library Closure**

"Oswaldtwistle residents oppose the proposed closure of their local Library by Lancashire County Council on cost grounds. Last October the town was proud to commemorate the Centenary of its Carnegie Library, which not only lends out books but welcomes people of all ages to a range of free learning activities in a warm and friendly environment. If the County Council can no longer fund our Library we ask Hyndburn Borough Council to support our proposal for a resident group to take over the building and operate it as a Community Library so that this much-valued local facility is not lost."

**Proposer: Councillor Peter Britcliffe**

**Seconder: Councillor Judith Addison**

*Submitted on: 29<sup>th</sup> June 2016*

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