
CABINET

Wednesday, 29th July, 2015

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

107 Apologies for Absence

There were no apologies for absence.

108 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

109 Minutes of Cabinet - 3rd June 2015

The Minutes of the meeting of Cabinet held on 3rd June 2015 were submitted for approval as a correct record.

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

110 Minutes of Boards, Panels and Working Groups

The Minutes of the following meetings were submitted:-

- a) Accrington Pals Centenary Commemorations Group - 3rd February 2015
- b) Regeneration and Housing Panel - 23rd March 2015
- c) Health and Communities Working Group - 26th March 2015
- d) Leader's Policy Development Board - 14th July 2015

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

111 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) A Contract for the Sale of Paper and Cardboard Recyclate
- b) Loan to Support the Purchase of the Former Woodnook Mill Site, Bath Street, Accrington

Resolved - That the Urgent Cabinet Decisions be noted.

112 Reports of Cabinet Members

There were no reports.

113 Regulation of Investigatory Powers Act 2000 (RIPA) - Half Yearly Report

The Leader of the Council submitted a half-yearly update report summarising the use of the powers conferred on the Council by Part II of the Regulation of Investigatory Powers Act 2000 (RIPA). During the period 1st November 2014 to 30th April 2015, there had been no applications for authorisations under RIPA and there were no authorisations outstanding. In May 2015, a routine inspection of the Council's RIPA policy and procedures had been carried out by an Assistant Surveillance Commissioner. The resultant report had been very complimentary and had contained just one recommendation which was that a slight change be made to the wording of two paragraphs in the section of the policy relating to Covert Human Intelligence sources in order to give it greater clarity. A new subsection highlighting the guidance issued by the Office of the Surveillance Commissioners regarding the surveillance of social media sites had also been added to the updated policy. Approval of the report was not deemed a key decision.

Reasons for Decision

Cabinet had resolved that the Senior Responsible Officer (Executive Director - Legal and Democratic Services) should present a half-yearly update report to Cabinet.

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

Resolved - That the report be noted.

114 Rishton Canalside Supplementary Planning Document (SPD)

The Leader of the Council and the Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary) submitted a report relating to the work that had been undertaken in preparing a draft Supplementary Planning Document (SPD) for the Rishton Canalside Area and approval for a four week consultation period on the document was sought. The document and a customer first analysis were appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

In December 2014, the Council had commissioned the preparation of an SPD to guide the development and design of a number of sites in proximity to the Leeds and Liverpool Canal in Rishton, referred to as the Rishton Canalside Area.

The SPD was intended to be used for a variety of purposes, as set out in the report, and was intended to add further detail to the policies in the Local Plan. SPDs could also be used to provide further guidance for development on specific sites, or on particular issues and were capable of being a material consideration in the determination of planning applications.

SPDs had been used to good effect elsewhere in Hyndburn to help facilitate and enable high quality developments. The Rishton Canalside SPD was more complex in nature as it dealt with a much wider area and multiple sites, however, it was anticipated that adoption of an SPD setting out clear design principles and land use guidance would assist in those sites coming forward and would ensure that they did so in an appropriate manner. The next stage was to undertake a statutory consultation period on the draft SPD.

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

Resolved

- That the content of the draft Rishton Canalside Supplementary Planning Document be approved and that authority be delegated to the Executive Director (Legal and Democratic Services) and the Chief Planning and Transportation Officer for the purposes of carrying out suitable public consultation over a four week period.

115 Public Space Protection Orders

The Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss) submitted a report seeking consideration of whether there was any merit in conducting a consultation exercise that would highlight any potential need for additional controls on dogs at various locations in the Borough by the making of a Public Spaces Protection Order under Part 4 Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014. Approval of the report was not deemed a key decision.

Reasons for Decision

The Borough of Hyndburn Dog Control (Fouling of Land) Order would automatically become a Public Spaces Protection Order under the Anti-Social Behaviour, Crime and Policing Act 2014 on 20th October 2017. Despite the effectiveness of the Order, there were inherent health issues associated with dog fouling and the Council had already deemed it appropriate to exclude dogs from play facilities. It was understood that family pets, such as dogs, acted as companions and could lead to indirect health benefits from going on walks and improved emotional well-being. Therefore, proposals to exclude dogs were focussed on areas of highest potential risk, such as play facilities and sport pitches as outlined in Appendices 1 and 2 to the report.

The Anti-Social Behaviour, Crime and Policing Act 2014 conferred on local authorities the power to make Public Spaces Protection Orders but the Council had to determine whether the statutory test for making an Order had been satisfied. To do so, the Council had to consult interested parties.

Alternative Options Considered and Reasons for Rejection

The problems identified in the report required the investigation of practical measures in order that the risk associated with dog fouling could be eliminated or reduced.

Resolved

- (1) That a consultation exercise be conducted in accordance with Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 to assess whether after having due regard to the relevant statutory criteria it would be appropriate to make a Public Spaces Protection Order that:-**
 - (a) Continued to exclude dogs from entering children's play facilities owned by the Council.**
 - (b) Introduced the exclusion of dogs from sports pitches owned by the Council.**
 - (c) Required dogs to be kept on leads in designated town centre areas of Accrington and each of the other townships in Hyndburn.**

(d) Continued the requirement for dogs to be kept on leads in the three Borough cemeteries.

(2) That the Head of Environmental Partnerships be requested to report the results of the consultation exercise to a future meeting of the Cabinet.

116 Disposal of Churchfield House to Churchfield House Ltd

The Portfolio Holder for Housing and Regeneration submitted a report seeking approval for the disposal by long lease of Churchfield House, Great Harwood to Churchfield House Ltd. The following documents were appended to the report:-

- Appendix 1 - Business Plan 2015 – 2018 prepared by Churchfield House Ltd
- Appendix 2 - Draft Lease
- Appendix 3 - Example Copy of the Council's Consultation Questionnaire
- Appendix 4 - Example Copy of Churchfield House Ltd's Consultation Questionnaire
- Appendix 5 - Valuation Report

Approval of the report was not deemed a key decision.

Reasons for Decision

The Council was a trustee of "the charity" which comprised Churchfield House and associated ground in Great Harwood and was subject to a legal duty to act in the best interest of the charity at all times. To bring Churchfield House back into more productive use for the benefit of the community in Great Harwood, the Great Harwood Civic Society had formed an independent not-for-profit company called Churchfield House Ltd to sustainably manage the building. In July 2014, Cabinet had authorised the grant of a short-term lease of Churchfield House to Churchfield House Ltd to permit management of the building for a limited period of time and the preparation of a sustainable business plan for the building's long term management and usage.

The Charities Act 2011 does not permit any part of the building to be leased for a period of greater than two years without a scheme or an order being obtained from the Charity Commission. The current lease expired shortly and it was proposed that a further, longer lease be granted. Before granting the proposed lease to Churchfield House Ltd, the Council, as charity trustee, would need to be satisfied that the proposed lease was in the best interest of the charity.

Alternative Options Considered and Reasons for Rejection

Churchfield House had been successfully managed by Churchfield House Ltd for a period of 18 months and the community involvement and engagement had been considerably greater than under the management of the Council. The use and financial management of the building and the provision of officer support to Churchfield House Ltd, as needed, would be continued by the Council.

Management of the building could be resumed by the Council but that would very probably lead to a reduction in community usage of Churchfield House and would not further use of the property as a free public library given the state of the current book collection.

The building was not available for more commercial use given the terms of the charitable bequest and no other organisation or body had expressed an interest in operating the same as a community facility.

Resolved

- (1) That the progress that Churchfield House Ltd had made running Churchfield House since Cabinet authorised the grant of a short-term lease on 30th July 2014, be noted and welcomed;**
- (2) That the Business Plan prepared by Churchfield House Ltd for the future management of Churchfield House (Appendix 1 to the report) be endorsed;**
- (3) That the Executive Director (Legal and Democratic Services) be authorised to apply to the Charity Commission for a scheme or order to permit the grant of a further lease of Churchfield House to Churchfield House Ltd in the terms of the draft lease appended to the report, subject to such amendments as the Charity Commission might require; and,**
- (4) That authority be delegated to the Executive Director (Legal and Democratic Services), (subject to the grant of a scheme or order permitting the same), to grant a further lease of Churchfield House to Churchfield House Ltd in the terms of the draft lease appended to the report (Appendix 2), subject to such amendments as the Charity Commission might require.**

117 Update to Revenues Policies

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted a report seeking approval for the adoption of an updated Council Tax and National Non Domestic Rates Collection and Recovery Policy and of an updated Enforcement Agent Code of Conduct. The Recovery Policy and Code of Conduct were appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

The current Council Tax and National Non Domestic Rates Collection and Recovery Policy had been adopted in December 2013. The proposed updated policy brought together a separate policy and guidance notes into one document and reflected changes to the Council's collection and recovery processes.

Both the Council Tax and NNDR Collection and Recovery Policy and the Enforcement Agent Code of Conduct provided a foundation for the Council's operations as they outlined the service that taxpayers could expect to receive as well as providing a transparent structure for the collection and recovery of tax due to the Council.

Alternative Options Considered and Reasons for Rejection

Not having a usable, realistic Collection and Recovery Policy in place would leave the Council vulnerable to challenge.

Rejecting the updated Policy would prevent the Council from operating as flexibly as it needed to do in order to make all reasonable efforts to increase collection rates. The updated Policy was an accurate reflection of the Council's working practices and as such should be adopted.

As the Council was making greater use of enforcement agents, it was essential that a reasonable, working Code of Conduct was in place. The current Code was five years old and an update was prudent.

- Resolved**
- (1) That the updated Council Tax and National Non Domestic Rates Collection and Recovery Policy (as appended to the report) be approved and adopted; and,**
 - (2) That the updated Enforcement Agent Code of Conduct (as appended to the report) be approved and adopted.**

118 Sale of Land at Yorkshire Street, Huncoat

The Portfolio Holder for Resources submitted a report seeking approval of the sale of Council-owned land at Yorkshire Street, Huncoat. A Plan showing the land outlined in red was attached to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

The land had been reserved for several years until November 2012 as a site for a proposed community centre. No funds had been raised to develop a community centre and the site was now recommended for disposal.

Subject to Cabinet approval, it was intended to market the land for sale on the open market in order to generate the best financial offer. However, the land was currently allocated as public open space and before marketing could begin, the Council was statutorily obliged to advertise its intention to dispose of the land and to consider any objections it might receive.

Alternative Options Considered and Reasons for Rejection

The site had been considered by Globe Enterprises Limited as a potential development site but no financial offer had been forthcoming.

The site had subsequently been valued and a prospective bidder was believed to have been informed of the Council's valuation figure. However, no financial offer had been made.

Although the site had a number of potential uses, the general consensus was to place the site on the market and allow the open market to determine what the land was worth.

- Resolved**
- (1) That the disposal of the land at Yorkshire Street, Huncoat (shown edged red on the Plan attached to the report), subject to consideration of any objections received after public notice of the proposed disposal had been given in accordance with Section 123 (2A) Local Government Act 1972, be agreed in principle; and,**
 - (2) That authority be delegated to the Head of Regeneration and Housing to:-**
 - (i) Consider any objections received in response to the public notice and, following consultation with the Portfolio Holder for Resources, to determine whether to proceed with the proposed sale of the site.**

(ii) To agree the terms of the proposed sale.

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.

119 Financial Position 2015/16 - Report to End of June 2015

The Portfolio Holder for Resources submitted a report on the financial spending of the Council at the end of June 2015 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 first three months of the year was £2,735,569 against a Budget of £2,766,137 leaving a positive variance of just over £30,000. The forecast spend for the year to 31st March 2016 was £11,458,000 against a Budget of £11,489,000. A surplus of £30,000 by the end of the 2015/16 financial year was forecasted, making a Budget surplus of slightly more than 0.25% on the overall activities of the Council. There were small overspends in Environmental Health, Planning and Transportation, Culture and Leisure and Parks and Open Spaces. Regeneration and Property Services was predicting a large adverse variance of almost £123,000. However, savings across other Budget areas outstripped those negative variances and the current prediction was for a small overall surplus of £30,000 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 June 2015 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 2015/16 Budget to assist with future potential financial pressures on the Council.

120 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.

121 Report of Urgent Cabinet Decision - Proposed Sale of Council Owned Land at Clayton Triangle

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 a copy of an exempt signed Urgent Cabinet Decision form and accompanying exempt report relating to the use of the Urgent Cabinet Decision Procedure in respect of the Proposed Sale of Council Owned Land at Clayton Triangle. Approval of the report was not deemed a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

Resolved - **That the use of the Urgent Cabinet Decision Procedure 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 as set out in the Exempt Decision Form and Accompany Exempt Report Appended to the Covering Report.

122 Sale of Land Adjacent to Coach House Premises Antiques, Cut Throat Lane, Altham

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 Resources submitted an exempt report seeking approval to the sale of Council owned land adjacent to Coach House Antiques Premises Antiques, Cut Throat Lane, Altham to Simonstone Estate Limited. The sale of the land to Coach House Antiques Limited had previously been agreed under the use of the Urgent Cabinet Decision Procedure which had been reported to Cabinet on 3rd June 2015. Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt decision form and accompanying exempt report appended to the covering report.

Alternative Options Considered and Reasons for Rejection

The alternative options considered and reasons for rejection were set out in the exempt decision form and accompanying exempt report appended to the covering report.

Resolved - **That a change of the purchaser of the 1.66 acres of Council owned land at Cut Throat Lane, Altham Industrial Estate from Coach House Antiques Limited to Simonstone Estate Limited be approved.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed