Wednesday, 6th January, 2016

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

In Attendance: Councillors Tony Dobson and Paul Thompson

Apologies: Gareth Molineux

339 Apology for Absence

An apology for absence was submitted from Councillor Gareth Molineux (Portfolio Holder for Resources).

340 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

341 Minutes of Cabinet - 2nd December 2015

The Minutes of the meeting of Cabinet held on 2nd December 2015 were submitted for approval as a correct record.

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

342 Minutes of Boards, Panels and Working Groups

The Minutes of the following meetings were submitted:-

a) Regeneration and Housing Panel - 23rd November 2015
c) Learning and Development Panel - 8th December 2015

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

343 Report of Urgent Cabinet Decision - Hyndburn Used Furniture Store

The Leader of the Council (Councillor Miles Parkinson) submitted a copy of a signed Urgent Cabinet Decision form relating to the waiving of the Council's Contract Procedure Rules in respect of tendering the service provided by Hyndburn Used Furniture Store and entering into a Service Level Agreement with that Organisation for the collection and re-use/recycle of bulky goods to cover the period up to 31st March 2018.

Resolved - That the Urgent Cabinet Decision be noted.

344 Reports of Cabinet Members

There were no reports.
**Development Management Development Plan Document Consultation Draft**

The Leader of the Council submitted a report seeking approval to allow the Consultation Draft of the Development Management Development Plan Document to be publicised for a six week consultation period. The Consultation Draft, together with a Customer First Analysis (Equality and Diversity Implications) were appended to the report. Approval of the report was not deemed a key decision.

*Reasons for Decision*

1) The Development Management Development Plan Document formed an important part of the new Local Plan for Hyndburn and set out the more detailed planning policies to be used by Development Management Officers in determining planning applications for the Borough.

2) Once completed, the Document would sit alongside the Core Strategy and Accrington Area Action Plan adopted by the Council in 2012 as part of the statutory development plan for the Borough. It would replace the majority of Local Plan (1996) Policies that remained extant and were now considered to be out of date.

3) The Consultation Draft took account of relevant national policy and guidance, responses received to previous consultation exercises, recommendations of a sustainability appraisal and any up to date evidence of relevance. There would be around 40 policies in total and in addition to those, the Development Plan Document would set out maps relating to relevant policy constraints referred to in the main document. There would also be a number of more detailed guidance notes.

*Alternative Options Considered and Reasons for Rejection*

The Development Management Development Management Document had been prepared in accordance with the Town and Country (Local Planning) (England) Regulations 2012. As the preparation of the Document had to be in accordance with that legal framework there were no alternative options for its preparation.

*Resolved*  
(1) That the content of the Development Management Development Plan Document Consultation Draft be approved and that a six week public consultation period starting in February 2016 be agreed; and,

(2) That authority be delegated to the Executive Director (Legal and Democratic Services) and the Chief Planning and Transportation Officer, in agreement with the Portfolio Holder for Planning, to make further necessary changes to the Development Management Development Plan Document, as they considered necessary or appropriate, prior to commencing public consultation.


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 May to 30th October 2015, there had been no applications for authorisations under RIPA and there were no authorisations outstanding. The lack of applications was mainly the result of changes to the RIPA regime that had come
into effect in November 2012 which limited the use that could be made of RIPA into the investigation of more serious offences that were punishable by a period of six months or more imprisonment. 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.

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 formally determine the Council Tax Base for 2016/2017 prior to 31st January 2016, as required under Section 35 of the Local government Finance Act 1992.

347 Council Tax Base 2016-2017

The Leader of the Council submitted a report relating to the Council Tax Base for the financial year 2016/2017. In accordance with Section 35 of the Local Government Finance Act 1992, the Council was required to formally determine the Council Tax Base for 2016/2017 prior to 31st January 2016. That determination allowed the Council to notify the major preceptors (Lancashire County Council, Police and Crime Commissioner for Lancashire and Lancashire Combined Fire Authority) by 31st January of the Council Tax Base. The requisite calculations for Hyndburn and Altham (attached as Appendices A and B respectively to the report) had to be carried out in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012 and once determined, could not be altered. That Base had to be used when the Council set the levels of Council Tax for the year 2016/2017. It was proposed that the Tax Base for Hyndburn for the financial year 2016/2017 be 19,089 which was an increase from last year’s Tax Base of 245 (18,844) and that the 2016/2017 Tax Base for Altham be 301 which was an increase from last year’s Tax Base of 2 (299). A Customer First Analysis (Equality and Diversity Implications) was attached at Appendix C to the report. Approval of the report was not deemed a key decision.

**Reasons for Decision**

It was a statutory requirement to set a Council Tax Base.

**Alternative Options Considered and Reasons for Rejection**

Failure to set a Council Tax Base was not an option.

**Resolved**

1. That the report be approved;

2. That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012, the amount calculated by the Council as its Council Tax Base for the financial year 2016/2017 be 19,089; and,
That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012, the amount calculated by the Council for its Council Tax Base for the Parish of Altham for the financial year 2016/2017 be 301.

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.


On behalf of the Portfolio Holder for Resources (Councillor Gareth Molineux), the Leader of the Council submitted a report on the financial spending of the Council at the end of November 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 eight months of the year was £7,351,796 against a Budget of £7,544,144 leaving a positive variance of just over £192,000. The forecast spend for the year to 31st March 2016 was £11,300,000 against a Budget of £11,489,000. A surplus of £188,000 by the end of the 2015/16 financial year was forecasted, making a Budget surplus of slightly more than 1.6% 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 £195,000. However, savings across other Budget areas outstripped those negative variances and the current prediction was for an overall surplus of £188,000 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 November 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 2015/2016 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 that the Department for Communities and Local Government had only confirmed their acceptance of the Lancashire Pool on 17th December 2015 and now required Council to indicate whether they intended to progress the offer by 14th January 2016. This Cabinet meeting was the only date available to consider the proposal. Previously the report would have gone to the February Cabinet meeting and formed part of the Council’s Budget proposals.

349 Business Rate Pool for Lancashire

On behalf of the Portfolio Holder for Resources, the Leader of the Council submitted a report relating to a mechanism to increase the Council’s financial resources in 2016/2017
and beyond from Business Rates by joining a Pooling arrangement with a number of other Lancashire Councils. Approval of the report was not deemed a key decision.

Reasons for Decision

1) The Business Rate Retention Scheme had commenced in 2013 and had fundamentally changed how Councils were funded from business rates. Under the scheme, 50% of business rates was localised through a system of top-ups and tariffs. The new system of Business Rates Retention had been designed to give an incentive to local authorities to grow their business rates base and the scheme had been devised to allow local authorities to benefit from that growth by retaining some of the financial growth that occurred above a baseline figure.

2) Each local authority had been given a business rate baseline funding level and if a Council received more than that level, it had to pay a levy on that growth to the Government. The levy varied by authority and Hyndburn currently paid a levy of 50% on all business rates collected above its baseline. Effectively the Council transferred 50% of the growth over to Central Government and retained the remainder.

3) The current system also operated a protection mechanism for authorities who experienced a decrease in their retained business rates income and that safety net mechanism guaranteed 92.5% of an authority’s baseline funding level with the Government paying additional funds to a Council in that position to return them to a 92.5% funding point.

4) A core principle of pooling was that it was voluntary and up to local authorities to establish whether pooling would benefit them. Local authorities were therefore free to come together to form pools for Business Rate purposes. The pools could result in a significantly lower levy rate, or even a zero levy rate, which meant that more or all of the business rate growth could be retained within a pool area instead of being payable to the Government. Pools had to be designated by the Secretary of State for Communities and Local Government.

5) Lancashire had previously not considered forming a pool but work undertaken by the Lancashire Chief Finance Officers’ Group in 2015 had indicated that forming a Business Rate Pool for 2016/2017 and beyond would provide financial benefits to all those who participated, if certain conditions were met. A submission to create a Pool with Member Councils from Lancashire had been approved as part of the Local Government Settlement on 17th December 2015 and the Pool would be formally created from the 14th January 2016. Once that date passed, a Council would not be able to withdraw from the Pooling arrangement the following year.

6) It was currently estimated that Hyndburn would benefit financially from a Pool arrangement and the potential financial loss of the Government safety net addition would be limited by the Council’s ability to withdraw from the Pooling arrangement the following financial year. If a loss was incurred, it would be limited to a one year impact. In addition, given Hyndburn’s current business rate performance, the probability of business rates falling to below 92.5% was considered to be remote.

Alternative Options Considered and Reasons for Rejection

The alternative option to remain outside a pool was not recommended as the Council would suffer a reduction of its resources by following that strategy.

Resolved (1) That the Council joining a Lancashire Business Rates Pool be agreed;
(2) That the Deputy Chief Executive be delegated responsibility to finalise any detail on the Business Pooling arrangements and if necessary to give notice to withdraw from the Pool at any future point if circumstances indicated that would be appropriate; and,

(3) That it be agreed that the funds stemming from Business Rate Pooling form part of the Council’s Budget and that payment to Lancashire County Council and Ribble Valley under that arrangement go ahead from 2016/17.

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 that Blackburn and Darwen Borough Council were seeking written confirmation from interested partners of their commitment to the project. They had been looking to have that by the end of December 2015 but this Cabinet meeting was the earliest appropriate meeting at which a decision could be made.

**350 CCTV Hub**

The Portfolio Holder for Health and Communities (Councillor Munsif Dad) submitted a report on the development of a CCTV Hub and seeking approval, subject to a satisfactory service level agreement being prepared, to confirm the Council’s commitment to the project. Approval of the report was not deemed a key decision.

**Reasons for Decision**

The Council’s CCTV service was delivered under contract by Blackburn with Darwen Borough Council which had secured funding from the Department for Communities and Local Government and from the Home Office for the development of a new CCTV Monitoring Hub on the ground floor of King George’s Hall, Blackburn. Part of the rationale behind the Hub was to provide capacity to enable other local authorities to pool their existing CCTV monitoring facilities. That pooling would produce economies of scale which it was anticipated would result in reduced costs to the participating authorities. At present, indicative costs provided a saving to Hyndburn Council but as it was not possible at this stage to determine the actual financial implications it was recommended that the written commitment sought by Blackburn with Darwen Borough Council be subject to the development of an acceptable Service Level Agreement.

**Alternative Options Considered and Reasons for Rejection**

The Council could choose not to support the project but that was not recommended as it meant the Council would not have an operational CCTV network or would have to re-establish a CCTV monitoring facility or identify a suitable partner to provide monitoring services.

**Resolved**

(1) That the contents of the report be noted; and,

(2) That authority be delegated to the Head of Regeneration and Housing to:
a) Write to Blackburn with Darwen Borough Council confirming Hyndburn Council's commitment to the CCTV Hub project subject to the development of an acceptable CCTV Monitoring Service Level Agreement; and,

b) To agree a Service Level Agreement with Blackburn with Darwen Borough Council in respect of CCTV Monitoring.

Signed: .........................................................

Date: ..............................................................

Chair of the meeting
At which the minutes were confirmed