

Agenda



HYNDBURN

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Council

Thursday, 9 November 2017 at 7.00 pm,
Council Chamber, Town Hall, Accrington

Membership

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

AGENDA

1. **Apologies for absence**
2. **Declarations of Interest and Dispensations**
3. **Announcements**
4. **Confirmation of Minutes** (*Pages 5 - 20*)

To confirm as a correct record the Minutes of the Council meeting held on 21st September 2017.



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Published on Wednesday, 1 November 2017

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5. Question Time

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

6. Presentation from Home-Start Rossendale, Burnley and Hyndburn

To receive a presentation from Home-Start Rossendale, Burnley and Hyndburn.

7. Minutes of Cabinet (Pages 21 - 26)

To receive the Minutes of the Cabinet meeting held on 11th October 2017.

Rules of Debate

- *The Leader of the Council will move the Minutes, the Deputy Leader of the Council will second the Minutes.*
- *Non-Executive Members will be invited to make comment or ask questions on the Minutes (5 Minutes).*
- *Cabinet Members will be invited to make comment and respond to any points raised (5 Minutes).*
- *The Leader of the Council will be given up to 15 Minutes to respond and to answer any questions raised.*

8. Minutes of Committees (Pages 27 - 44)

To receive the Minutes of Committees, as set out below.

Rules of Debate

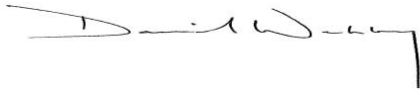
- *The Leader of the Council will introduce the Minutes as a whole.*
- *Any Member may raise any issue from the Minutes; the Chair of the relevant Committee may respond (5 Minutes).*
- *The Leader of the Council will close the debate (5 Minutes).*

Meeting	Date
Planning Committee	13 th September 2017
Audit Committee	18 th September 2017
Judicial Committee (Private Hire and Hackney Carriage Licensing)	19 th September 2017
Licensing Sub-Committee	10 th October 2017
Planning Committee	11 th October 2017
Judicial Committee (Private Hire and Hackney Carriage Licensing)	16 th October 2017

9. Motions Submitted on Notice *(Pages 45 - 48)*

To consider any Motions for debate in accordance with Council Procedure Rule A9.

Report attached.



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

Wednesday, 1 November 2017

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COUNCIL

Thursday, 21st September, 2017

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

Apologies: Councillors Lisa Allen, Mohammad Ayub and Paul Thompson

157 Apologies for Absence

Apologies for absence were submitted from Councillors Lisa Allen, Mohammad Ayub and Paul Thompson. The Mayor reported that Councillor Paul Thompson had been ill for a few weeks and Members wished him a speedy recovery.

158 Declarations of Interest and Dispensations

Councillors Abdul Khan and Tony Dobson both declared a disclosable pecuniary interest in the item relating to "National Non Domestic Rates Revaluation Support Scheme" and both left the meeting prior to the determination of the item and took no part in the discussion or vote on that item. Their interest arose due to them each having a business in Hyndburn.

Councillor Tony Dobson declared a disclosable pecuniary interest in the item relating to "Petition - To Preserve Highams Playing Fields" 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 a Director of Accrington Stanley Community Trust.

159 Announcements

1) The Late Bessie Margaret Sandiford

The Mayor paid tribute to Bessie Margaret Sandiford who died on 8th July 2017 aged 83 years. Bessie was a former Hyndburn Conservative Councillor who had represented the St. Oswald's Ward in Oswaldtwistle from 1974 to 1988. Bessie had also served on the Oswaldtwistle Urban District Council prior to 1974 as a Councillor for the Foxhill Bank and St. Oswald's Ward.

2) The Late John Armstrong Broadley

The Mayor paid tribute to John Armstrong Broadley who died on 14th July 2017 aged 80 years. John was a former Hyndburn Labour Council who had represented the Church Ward from 2002 to 2015 and had served as Mayor in 2012/13. John had been awarded the title of Honorary Alderman of the Borough in May 2015 for his eminent service as a past member of the Council.

3) Hurricanes Irma and Maria

The Mayor requested Councillors to remember those killed or injured by Hurricane Irma, an extremely powerful hurricane which had recently caused widespread and catastrophic damage in the Caribbean and Florida. The Mayor also asked that those affected by Hurricane Maria which was following a similar path as Irma across the Caribbean be remembered.

4) Mexico Earthquakes

The Mayor asked Councillors to remember those who had been killed or injured in the earthquakes that had struck Mexico on 7th and 19th September 2017.

5) Terrorist Attack at Parsons Green Tube Station

The Mayor requested Councillors to remember those injured in the terrorist bomb attack at Parsons Green Tube Station in West London on 15th September 2017.

A minutes silence was held as a mark of respect for those who had died or been injured.

6) Change in Order of Business

The Mayor reported that he intended to change the order of business to be considered and Items 6, 13 and 14 would now be taken before Item 5 of the Agenda.

160 Confirmation of Minutes

The Minutes of the meeting of the Council held on 6th July 2017 were submitted for approval as a correct record.

Resolved - That the Minutes of the Council meeting held on 6th July 2017 be approved as a correct record.

161 Conferment of the Title of Honorary Alderman

The Mayor announced that at the meeting of the Council held on 6th July 2017, the Council had decided to confer the title of Honorary Alderman of the Borough to Marlene Heather Haworth and Janet Storey to acknowledge their eminent service as past Members of the Council and past Mayors of the Borough. Marlene had served as a Hyndburn Borough Councillor for the St. Oswald's Ward from 2004 to 2016 and had held the position of Mayor for the Municipal Year 2015/16. Janet had been a Councillor for the Clayton-le-Moors Ward from 1998 to 2002 and 2003 to 2011 and had held the position of Mayor for the Municipal Year 2005/06.

The Leader of the Conservative Group (Councillor Tony Dobson) and the Leader of the Council (Councillor Miles Parkinson) both spoke in support of Marlene Haworth and Janet Storey, acknowledging their eminent service.

The new Honorary Aldermen then signed the Roll of Honorary Aldermen and were each presented with a Commemorative Badge and framed Certificate by the Mayor.

The new Honorary Aldermen responded and thanked the Council for the Honour.

162 Petitions to Reopen Peel Street Toilet Facilities

In accordance with the Council's Petition Scheme, the Mayor requested Council to receive and debate two petitions both seeking the reopening of the Peel Street Toilet Facilities seven days per week. One was the "Business Owners" petition referred to in the agenda for the meeting and the other was one which had been signed by the General Public. Both petitions had been published on the Council's website.

The Mayor invited the organiser of the petitions (Cheryl Duffy) to speak for up to 5 minutes to present them to the Council. Mrs. Duffy presented a further petition from the General Public containing approximately 800 signatures. The petitions stated that Hyndburn Borough Council had closed the facility to the General Public during the week and on Saturday's, causing distress and inconvenience to the Public. It had diminished the footfall in the Peel Street area, thus also affecting local businesses. Mrs. Duffy indicated that by raising the petitions, Business Owners and the General Public were formally requesting that the facility be reinstated with immediate effect in order to remove the inconvenience and distress caused and improve the footfall in the area. The Council was urged to act now to reopen the facilities.

The Mayor allowed Councillors up to 20 minutes to debate the petitions and the Leader of the Council was given up to 5 minutes to sum up following the debate. The Leader indicated that the issue of diminished footfall would be considered by Cabinet.

The Leader of the Council reported that in a number of locations throughout the Country, local authorities were working in partnership with businesses in order to provide more readily available toilet facilities for visitors and shoppers.

It was **proposed** by Councillor Miles Parkinson and seconded by Councillor Paul Cox:-

"That the Petitions be referred back to the Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary), requesting that the possibility of the introduction of a Community Toilet Scheme be investigated".

An **amendment** was proposed by Councillor Tony Dobson and seconded by Councillor Terry Hurn:-

"That the Council take the action the petitions requested".

The **amendment** was put to the meeting and declared lost.

Resolved - That the Petitions be referred back to the Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary), requesting that the possibility of the introduction of a Community Toilet Scheme be investigated.

163 Petition "To Preserve Highams Playing Fields"

In accordance with the Council's Petition Scheme, the Mayor requested Council to receive a petition asking the Council "To Preserve Highams Playing Fields". The petition contained over 1,000 signatures and a copy of comments made by a number of the signatories had been published on the Council's website.

The Mayor invited the organiser of the petition (Councillor Malcolm Pritchard) to speak for up to 5 minutes to present it to the Council. Councillor Pritchard reported that todate the

online petition contained 1,250 signatures and a hard copy petition contained 1,000 signatures. Councillor Pritchard referred to a covenant which had been part of the agreement for the sale of the land to Accrington Corporation and requested the Council to maintain the land for the public.

The Mayor allowed Councillors up to 20 minutes to debate the petition and the Leader of the Council was given up to 5 minutes to sum up following the debate. The Leader indicated that firm proposals for a sports hub at Highams Playing Fields had not yet been submitted to the Council so the petition was premature. Any proposals put forward would have to be supported by Sport England and Fields in Trust.

It was **proposed** by Councillor Terry Hurn and seconded by Councillor Kath Pratt:-

“That the action requested by the Petition be taken”.

An **amendment** was proposed by Councillor Miles Parkinson and seconded by Councillor Paul Cox:-

“That Council recommend to Cabinet that should the Accrington Stanley Community Trust’s proposals for a Sports Hub at Highams Playing Fields be supported by Sport England and Fields in Trust, those proposals also be supported by Cabinet.

The **amendment** was put to the meeting and declared carried.

Resolved - **That it be recommended to Cabinet that should the Accrington Stanley Community Trust’s proposals for a Sports Hub at Highams Playing Fields be supported by Sport England and Fields in Trust, those proposals also be supported by Cabinet.**

164 Question Time

The Mayor reported that the following questions had been received from Councillor Malcolm Pritchard in accordance with Council Procedure Rule 2.2(vi). The questions were put to the Leader of the Council.

“(1) Has the Council considered entering into a partnership agreement along with Accrington Stanley Community Trust and Hollins High School regarding any potential investment in sporting facilities to bring much needed investment to that area of the Borough?; and,

(2) Do Hyndburn Borough Council consider they have a conflict of interest regarding the delivery of Accrington Stanley Community Trust leaflets and will any Councillor disqualify themselves from sitting on the Committee that will consider any planning application?”

In relation to Question (1), the Leader of the Council responded that the Council would welcome and support investment in the Borough but Hollins High School was an asset under the ownership of Lancashire County Council, not Hyndburn Borough Council. As such, any partnership agreement would be between Lancashire County Council, Accrington Stanley Community Trust and Hollins High School.

In relation to the reply given, Councillor Pritchard stated that the area around Hollins High School and King George’s Playing Fields needed more investment and that the High School was in favour of the provision of additional sporting facilities.

The Leader of the Council indicated that Hyndburn Borough Council would support investment in all the Borough's schools.

In relation to Question (2), the Leader of the Council responded that as Leader he had to have a view as to what was best for the residents of Hyndburn and as the Accrington Stanley Community Trust Leaflets had been delivered to provide information to residents, there was no conflict of interest. Nor would the delivery of those leaflets by Councillors disqualify them from sitting on the Planning Committee to consider a planning application.

Arising from the reply given, Councillor Pritchard asked a supplementary question, namely that if all Councillors had supported the action requested in the Highams Playing Fields Petition submitted earlier in the meeting, would Planning Committee members have barred themselves from sitting on the Committee to consider any related planning application.

The Leader of the Council responded that the Petition was a totally separate issue and as long as members on the Planning Committee remained open minded and judged any related planning application fairly after hearing the officer's presentation and evidence and arguments on both sides, they would not be prevented from sitting on the Committee.

165 Revised Licensing Act 2003 Policy

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted a report advising Council of the responses received to the consultation exercise undertaken in regard to a revised Licensing Act 2003 Policy. Section 5 of the Licensing Act 2003 required the Licensing Authority (the Council) to prepare and publish a Policy every five years. The existing Policy had been kept under review since coming into force in January 2011 and was now due to be revised. Approval of the final draft of the revised Licensing Act 2003 Policy, as appended to the report, was sought.

Resolved - **That the final draft of the revised Licensing Act 2003 Policy, as appended to the report, be agreed.**

166 National Non Domestic Rates Revaluation Support Scheme

The Leader of the Council submitted a report providing Council with details of the National Non Domestic Rates Revaluation Support Scheme. The Council's proposed Support Scheme was attached as Appendix 2 to the report. National Non Domestic Rates (NNDR), or Business Rates, were a tax on organisations or companies using a building or office space for business purposes and the calculation of an NNDR Bill was based on a 'rateable value' which was determined by the Valuation Office Agency. In April 2017, a new valuation list had been implemented nationally with the intention of bringing rateable values in line with property market changes and in the Spring 2017 Budget, the Government had announced a series of temporary financial support schemes for businesses affected by the 2017 revaluation. The Government had announced £300 million for local councils to finance a Discretionary Revaluation Relief Scheme to support affected businesses and had made it a condition of the grant that local authorities would provide support only to those businesses that were facing an increase in their bills following revaluation. Local authorities also had to design their own relief schemes to fit their own circumstances. A consultation exercise had taken place on options for Hyndburn's Scheme and overall the option to allocate funding to small and medium business and independents had been given the most support by respondents. The consultation results were attached as Appendix 1 to the report.

- Resolved**
- (1) That the Council's proposed National Non Domestic Rates Revaluation Support Scheme, as attached at Appendix 2 to the report, be approved; and,**
 - (2) That the Deputy Chief Executive be given delegated powers to extend the scope of the Scheme in order to allocate unclaimed funds.**

167 Amendment to the Constitution - Management Review Committee

The Leader of the Council submitted a report seeking approval for a change to the Council's written Constitution in that the quorum for the Management Review Committee be reduced from 4 to 3 members of the Council. The Committee currently comprised 4 councillors, which meant that all of them had to be present for the meeting to be quorate. Subsequently, there was a real risk that meetings would not be able to proceed if one member was unexpectedly unable to attend.

- Resolved**
- That the quorum for Management Review Committee be reduced from 4 to 3 members of the Council and that the Council's Procedure Rules be amended accordingly.**

168 Appointment of Planning (Trees) Sub-Committee

The Leader of the Council submitted a report relating to the establishment of a Planning (Trees) Sub-Committee and the consequent amendments required to the Council's Constitution. Proposed revisions to recommendations 2.4 and 2.5 of the report were circulated at the meeting. As the trees and hedgerows located around the Borough of Hyndburn provided a valuable community benefit, the Leader of the Council was of the opinion that members of the Planning Committee should be able to engage more fully in the direction of the Council's statutory duties and powers relating to trees, particularly those trees and woodlands that were protected by Tree Preservations Orders and hedgerows.

- Resolved**
- (1) That a Planning (Trees) Sub-Committee be established with the terms of reference set out in Paragraph 3.2 of the report;**
 - (2) That the membership of the Planning (Trees) Sub-Committee comprise 4 members of the Labour Group and 1 member of the Conservative Group. The nominated members must be members of Planning Committee, with the nominations being made by the Leader of the Council and the Leader of the Conservative Group;**
 - (3) That the Chair and Vice-Chair of the Planning (Trees) Sub-Committee be nominated by the Leader of the Council;**
 - (4) That Paragraphs 1.2.17 to 1.2.23 and 1.2.35 to 1.2.37 of the Scheme of Delegation be deleted and replaced with the following:-**

1.2.17 To do any of the following unless a local councillor has requested in writing that the decision be referred to the Planning (Trees) Sub-Committee within

seven days of the relevant ward councillors being given notice of the matter in question:

(a) Make and confirm Tree Preservations 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 and ward councillors, save where the possibility of felling or lopping is so imminent that time does not permit consultation to take place in which case paragraph 2.5(c) shall apply);

(b) Serve notices and take appropriate action for replacement tree planting under the Town and Country Planning Acts;

(c) Operate the Town and Country Planning (Tree Preservation) (England) Regulations 2012 in all cases involving works to trees protected by Tree Preservation Orders and situated on land owned or controlled by the Council except where the trees in question are managed by the Chief Planning and Transportation Officer;

(d) Determine applications to carry out work on trees protected by Tree Preservation Orders except in the case of proposed felling;

(e) Determine applications to fell trees protected by Tree Preservation Orders and situated on land which is not owned or controlled by the Council if:

i. The trees are causing structural damage to property, retaining walls, services or similar; or

ii. The trees contain decay which is not advanced enough to make them immediately dangerous, but which will make them potentially dangerous within the next 5 years; or

iii. The trees are not immediately dangerous, but are growing in a particular way (such as with a pronounced lean) that makes them potentially dangerous within the next 5 years

iv. The trees are growing close to other trees and are stunted in their growth by the competition with neighbouring trees and the trees need to be felled as a thinning operation to allow adjacent trees to develop properly

(f) Following consultation with the Chair and Vice-Chair of Planning (Trees) Sub-Committee, determine applications to fell trees protected by Tree Preservation Orders and situated on land which is not owned or

controlled by the Council in circumstances not covered by (e) above;

(g) Determine repeat applications to fell trees protected by Tree Preservation Order and situated on land which is not owned or controlled by the Council if made within 2 years of an original application which was refused and if the officer recommendation remains unchanged from the original application;

(h) Operate the Hedgerow Regulations 1997 on land in ownership other than Hyndburn Borough Council including the issue of hedgerow retention notices;

(i) Obtain an ecological or archaeological survey on a hedgerow once a hedgerow removal notice has been received;

(j) Determine, in consultation with the Executive Director (Legal & Democratic Services), whether to prosecute after contravention of Tree Preservation Order or hedgerow regulations and to undertake appropriate action.

(5) That the Chief Planning and Transportation Officer be given delegated authority to:-

(a) Apply for an injunction pursuant to section 214A of the Town and Country Planning Act 1990 (as amended) in cases which he determines to be urgent, and instruct solicitors and counsel accordingly; and

(b) Authorise an officer or any other suitably qualified and / or experienced person to exercise a right of entry pursuant to section 214B of the Town and Country Planning Act 1990 (as amended); and

(c) 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 where the possibility of felling or lopping is so imminent that time does not permit consultation with the relevant ward councillors or consideration of the matter by the Planning (Trees) Sub-Committee to take place (and the portfolio holder and relevant ward councillors shall be notified of the making of the Tree Preservation Order within 1 working day);

(6) That to ensure procedural regularity the functions of the Planning Committee be amended by deleting the words "To handle all matters relating to the protection and replacement of trees and hedgerows which have not been delegated to the Chief Planning and Transportation Officer" and substituting the words "To handle all matters relating to trees and hedgerows

including the matters referred to in the terms of reference governing the Planning (Trees) Sub-Committee, which have not been delegated to the Chief Planning and Transportation Officer”; and,

(7) That the Executive Director (Legal and Democratic Services) be authorised to make any amendments to the Council’s Constitution which may be considered necessary in order to implement this resolution.

169 Report of Key Decision Taken by the Executive - Disposal of Lyndon Playing Fields

The Leader of the Council submitted a report notifying the Council of a key decision taken by the Executive (Cabinet) on 19th July 2017 in regard to the Disposal of Lyndon Playing Fields. In order to comply with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations, the Council was obliged to give 28 days’ notice of a key decision which Cabinet was to make and if such could not be given before the decision was taken, the Leader of the Council had to submit a report to Council containing details of the key decision.

Resolved - That the report be noted.

170 Overview and Scrutiny - Appointment of Co-optees

The Chair of the Resources Overview and Scrutiny Committee submitted a report recommending the re-appointment of Co-optees to the Resources Overview and Scrutiny Committee. Overview and Scrutiny Procedure Rule C2 of the Council’s Constitution allowed each overview and scrutiny committee to appoint up to three members of the public as non-voting co-optees. There were six positions for co-opted members between the two Committees and Honorary Aldermen Paul Barton and Ian Ormerod had indicated a wish to be reappointed to the Resources Overview and Scrutiny Committee. No other nominations had been received.

Resolved - That the re-appointment of Paul Barton and Ian Ormerod as Co-optees to the Resources Overview and Scrutiny Committee be approved.

171 Minutes of Cabinet

The Minutes of meetings of the Cabinet held on 19th July and 30th August 2017 were submitted.

Resolved - That the Minutes be received and noted.

172 Minutes of Committees

The Minutes of the following meetings were submitted:-

<u>COMMITTEE</u>	<u>DATE</u>
Audit Committee	26 th June 2017
Judicial Committee (Private Hire and Hackney Carriage Licensing)	28 th June 2017

Management Review Committee	6 th July 2017
Planning Committee	19 th July 2017
Planning Committee	16 th August 2017
Management Review Committee	6 th September 2017
Communities and Wellbeing Overview and Scrutiny Committee	6 th September 2017
Resources Overview and Scrutiny Committee	7 th September 2017

Resolved - That the Minutes be received and noted.

173 Motion Submitted on Notice - End the Public Pay Sector Pinch

The following **motion** was moved by Councillor Glen Harrison and seconded by Councillor Stewart Eaves under Council Procedure Rule A9:-

“That this Council notes that pay caps affect the users of valuable public sector services right across Hyndburn.

- Pay squeezes in the public sector have now been in force for almost a decade, with the real terms impact on workers running into thousands of pounds of cuts.
- There is no democratic mandate for this scale of cuts: the policy has gone further than either coalition party promised in their manifestos for the 2010 general election and was not presented as part of the Conservative 2015 manifesto.
- The squeeze on pay has had a disproportionate impact on women, with women making up two thirds of the public sector workforce.
- The likelihood of rising inflation following Brexit will worsen the problem, raising the total real-terms cost of the average full-time public sector worker to £4,073 by 2020.
- The public supports an end to the pay squeeze. Independent polling carried out by Survation found that 75% of all voters support above-inflation increases in public sector pay, including 69% of Conservative voters.
- The squeeze on pay has put pressure on staff recruitment and retention. This is likely to be a contributing factor to the massive £2billion (28%) increase in spending on temporary and contract staff between 2011/12 and 2014/15.
- The government can afford to end the pay cap early. By reversing its cuts to Corporation Tax rates, the Government could meet the £8.5 billion needed in this parliament to end the pay squeeze across the whole public sector.

The Council believes that:

- Public services and the people who deliver them are important.
- Pay for public sector workers should not be set by arbitrary government caps, but by collective bargaining and Pay Review Bodies that can better address the complexity of pay decisions.
- The government needs to take responsibility and fully fund increases in pay; it should not put the burden on public sector employers such as local authorities whose funding has been cut to the bone.

This Council supports an end to the public sector pay pinch and calls on the government to commit to:

- An end to public sector pay cuts.
- Proper funding for public services.
- Restoration of Independence for the Pay Review Bodies.
- A real Living Wage of at least £10 per hours for all public sector workers.”

After a debate, the **motion** was put to the vote and declared carried.

Resolved

(1) That this Council notes that pay caps affect the users of valuable public sector services right across Hyndburn:

- Pay squeezes in the public sector have not been in force for almost a decade, with the real terms impact on workers running into thousands of pounds of cuts.
- There is no democratic mandate for this scale of cuts: the policy has gone further than either coalition party promised in their manifestos for the 2010 general election and was not presented as part of the Conservative 2015 manifesto.
- The squeeze on pay has had a disproportionate impact on women, with women making up two thirds of the public sector workforce.
- The likelihood of rising inflation following Brexit will worsen with the problem raising the total real-terms cost of the average full-time public sector worker to £4,073 by 2020.
- The public supports an end to the pay squeeze. Independent polling carried out by Survation found that 75% of all voters support above-inflation increases in public sector pay, including 69% of Conservative voters.
- The squeeze on pay has put pressure on staff recruitment and retention. This is likely to be a contributing factor to the massive £2billion (28%) increase in spending on temporary and contract staff between 2011/12 and 2014/15.
- The government can afford to end the pay cap early. By reversing its cuts to Corporate Tax rates, the Government could meet the £8.5 billion needed in this parliament to end the pay squeeze across the whole public sector.

(2) That the Council believes that:

- Public services and the people who deliver them are important.
- Pay for public sector workers should not be set by arbitrary government gaps, but by collective bargaining and Pay Review Bodies that can better address the complexity of pay decisions.
- The government needs to take responsibility and fully fund increases in pay; it should not put the burden on public sector employers such as local

authorities whose funding has been cut to the bone.

(3) That this Council supports an end to the public sector pay pinch and calls on the government to commit to:

- **An end to public sector pay cuts.**
- **Proper funding for public services.**
- **Restoration of Independence for the Pay Review Bodies.**
- **A real Living Wage of a least £10 per hour for all public sector workers.**

174 Notice Submitted on Motion - NJC Pay to Councils

The following **motion** was moved by Councillor Glen Harrison and seconded by Councillor Stewart Eaves under Council Procedure Rule A9:-

“That Hyndburn Borough Council notes that:

- NJC basic pay has fallen by 21% since 2010 in real terms.
- NJC workers in Hyndburn had a two year pay freeze from 2010-2012.
- Local terms and conditions of many NJC employees have also been cut, impacting on their overall earnings.
- NJC pay is the lowest in the public sector.
- Job evaluated pay structures are being squeezed and distorted by bottom loaded NJC pay settlements needed to reflect the increased National Living Wage and the Foundation Living Wage.
- There are growing equal and fair pay risks resulting from this situation.

The Council therefore supports the NJC pay claim for 2018 submitted by UNISON, GMB and Unite on behalf of council and school workers in Hyndburn and calls for the immediate end of public sector pay restraint. NJC pay cannot be allowed to fall further behind other parts of the public sector.

This Council also welcomes the joint review of the NJC pay spine to remedy the turbulence caused by bottom-loaded pay settlements.

This Council also notes the drastic ongoing cuts to local government funding in Hyndburn and calls on the Government to provide additional funding to fund a decent pay rise for NJC employees and the pay spine review.

This Council therefore resolves to:

- Call immediately on the LGA to make urgent representations to Government to fund the NJC claim and the pay spine review and notify us of their action in this regard.
- Write to the Prime Minister and Chancellor supporting the NJC pay claim and seeking additional funding to fund a decent pay rise and the pay spine review.
- Meet with local NJC union representatives to convey support for the pay claim and the pay spine review.”

After a debate, the **motion** was put to the vote and declared carried.

Resolved

(1) That Hyndburn Borough Council notes that:

- NJC basic pay has fallen by 21% since 2010 in real terms.
 - NJC workers in Hyndburn had a two-year pay freeze from 2010-2012.
 - Local terms and conditions of many NJC employees have also been cut, impacting on their overall earnings.
 - NJC pay is the lowest in the public sector.
 - Job evaluated pay structures are being squeezed and distorted by bottom loaded NJC pay settlements needed to reflect the increased National Living Wage and the Foundation Living Wage.
 - There are growing equal and fair pay risks resulting from this situation.
- (2) That this Council therefore supports the NJC pay claim for 2018, submitted by UNISON, GMB and Unite on behalf of council and school workers in Hyndburn and calls for the immediate end of public sector pay restraint. NJC pay cannot be allowed to fall further behind other parts of the public sector;
- (3) That the Council also welcomes the joint review of the NJC pay spine to remedy the turbulence caused by bottom-loaded pay settlements;
- (4) That this Council also notes the drastic ongoing cuts to local government funding in Hyndburn and calls on the Government to provide additional funding to fund a decent pay rise for NJC employees and the pay spine review; and,
- (5) That this Council therefore resolves to:
- Call immediately on the LGA to make urgent representations to Government to fund the NJC claim and the pay spine review and notify us of their action in this regard.
 - Write to the Prime Minister and Chancellor supporting the NJC pay claim and seeking additional funding to fund a decent pay rise and the pay spine review.
 - Meet with local NJC union representatives to convey support for the pay claim and the pay spine review.

175 Motion Submitted on Notice - Investment in Rail and Road Infrastructure for East and West Connectivity in the North of England

The following **motion** was moved by Councillor Noordad Aziz and seconded by Councillor Jeff Scales under Council Procedure Rule A9:-

“That this Council resolves to write to new Northern Powerhouse Minister, Jake Berry, to highlight the motion that this council has passed in calling for investment in rail and road infrastructure for East and West connectivity in the North of England. We wish to highlight the following motions on which we request his explicit support:

1. Direct Link for trains from East Lancashire to Manchester Airport on the completion of the Ordsall Curve.
2. The Re-Establishment of the Skipton to Colne Rail Link.
3. The M65 extension into Yorkshire potential linking to the M1 and M62.

The benefits of the above infrastructure investment schemes to the whole of the region would be considerable. East Lancashire communities are amongst the most deprived in the UK and improved transport links would provide improved infrastructure for business. The economic and social impact of the extension would extend across the North, connecting millions of people in the North East with millions of people in the North West providing relief and serious alternatives to the congested M62. It would help the North redress the imbalance of infrastructure investment in comparison to the South, demonstrating that the Government is serious in its vision of the ‘Northern Powerhouse’.

In addition, we would draw his attention to the comments made by David Brown CEO of Transport for the North (TFN) at the last full council meeting who stated the merit of the above scheme to our region would be substantial and to continue to work cross party in highlighting the need. This is further supported by the report published by TFN which also backs calls for the better connectivity in our region and gives further credence to the motions we have recently passed in the chambers.

We also ask Mr. Berry to start the calls for investment in the following schemes, given his constituency’s proximity to our Borough in addition to close links of transport infrastructure of both Hyndburn and Rossendale:

4. Investment in the expansion of the M66/A56 to reduce congestion for many of the commuters who travel to Manchester from our region.
5. Look at the potential extension of the Metrolink into the Rossendale Valley and then subsequently looking at it to come to Hyndburn.

Both have been reviewed in a report by Lancashire County Council and would have a positive impact on residents.”

After a debate, the **motion** was put to the vote and declared carried.

Resolved

(1) That this Council resolves to write to new Northern Powerhouse Minister, Jake Berry, to highlight the motion that this council has passed in calling for investment in rail and road infrastructure for East and West connectivity in the North of England. We wish to highlight the following motions on which we request his explicit support:

- i. Direct Link for trains from East Lancashire to Manchester Airport on the completion of the Ordsall Curve.**

ii. The Re-Establishment of the Skipton to Colne Rail Link.

iii. The M65 extension into Yorkshire potential linking to the M1 and M62.

The benefits of the above infrastructure investment schemes to the whole of the region would be considerable. East Lancashire communities are amongst the most deprived in the UK and improved transport links would provide improved infrastructure for business. The economic and social impact of the extension would extend across the North, connecting millions of people in the North East with millions of people in the North West providing relief and serious alternatives to the congested M62. It would help the North redress the imbalance of infrastructure investment in comparison to the South, demonstrating that the Government is serious in its vision of the 'Northern Powerhouse';

(2) That, in addition, we would draw his attention to the comments made by David Brown, CEO of Transport for the North (TFN) at the last full council meeting who stated the merit of the above scheme to our region would be substantial and to continue to work cross party in highlighting the need. This is further supported by the report published by TFN which also backs calls for the better connectivity in our region and gives further credence to the motions we have recently passed in the chambers; and,

(3) That we also ask Mr. Berry to start the calls for investment in the following schemes, given his constituency's proximity to our Borough in addition to close links of transport infrastructure of both Hyndburn and Rossendale:

iv. Investment in the expansion of the M66/A56 to reduce congestion for many of the commuters who travel to Manchester from our region.

v. Look at the potential extension of the Metrolink into the Rossendale Valley and then subsequently looking at it to come to Hyndburn.

Both have been reviewed in a report by Lancashire County Council and would have a positive impact on residents.

Signed:.....

Date:

Chair of the meeting
at which the minutes were confirmed

CABINET

Wednesday, 11th October, 2017

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

In Attendance: Councillors Tony Dobson, Stewart Eaves and Abdul Khan

181 Apologies for Absence

There were no apologies for absence.

182 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

183 Minutes of Cabinet

The Minutes of the meeting of Cabinet held on 30th August 2017 were submitted for approval as a correct record.

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

184 Minutes of Boards, Panels and Working Groups

The Minutes of the meeting of the Regeneration and Housing Panel held on 24th July 2017 were submitted.

Resolved - **That the Minutes be received and noted.**

185 Reports of Cabinet Members

There were no reports.

186 General Data Protection Regulations

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted a report relating to the General Data Protection Regulations that were due to come into force in May 2018 and outlining the steps the Council would need to take to ensure compliance. The Regulations imposed stricter requirements on the Council in respect of data protection and imposed much greater penalties in respect of data protection breaches. Many of the “day-to-day” protection rules would stay the same or similar, although the Regulations made a number of key changes and imposed much greater emphasis on governance and documented compliance arrangements. The requirements of the Regulations were summarised in Appendix 1 to the report and the proposed Action Plan for the Council was attached as Appendix 2. Approval of the report was not deemed a key decision.

Reasons for Decision

1) The Regulations would take effect on 25th May 2018 and were EU regulations that would apply in the UK without the need for national legislation. The implementation of the Regulations would not be affected by Brexit.

2) The aim of the Regulations was to increase individuals' rights to data privacy. Guidance on the Regulations was emerging on a piecemeal basis and the Information Commission's website indicated that further guidance would be produced on various aspects of the Regulations, and hopefully some of that would be more sector specific. The Government had also announced that it intended to produce new, national legislation to replace the Data Protection Act 1998 and the Council would have to keep up to date with that guidance and new legislation as it emerged and respond accordingly.

Alternative Options Considered and Reasons for Rejection

The Council was required by law to comply with the Regulations once they came into force and given the significant penalties for non-compliance, the Council had no option but to start to prepare for implementation of the Regulations.

Resolved

- (1) That the requirements of the General Data Protection Regulations, as summarised in Appendix 1 to the report, be noted;**
- (2) That the proposed Action Plan attached as Appendix 2 to the report be endorsed and the Executive Director (Legal and Democratic Services) be authorised to take the steps necessary to implement the same;**
- (3) That the Executive Director (Legal and Democratic Services) be appointed as Data Protection Officer for the Council; and,**
- (4) That the Head of Internal Audit be appointed to deputise for the Data Protection Officer in her absence.**

187 Taxi Policy Review 2017

The Portfolio Holder for Resources submitted a report relating to changes to the Council's current Hackney Carriage and Private Hire Licensing Policy following a recent review and consultation exercise. There were increasing calls nationally for CCTV to be required in licensed vehicles and in view of issues that would need to be addressed, considerations on the requirement were ongoing and a further report on CCTV would be presented to Cabinet in due course. The draft policy proposals were set out in the report and details of the consultation responses, the Convictions Policy and the Intended Use Policy were attached as Appendices 1 to 3 respectively. Approval of the report was not deemed a key decision.

Reasons for Decision

1) In March 2010 the Department for Transport issued best practice guidance for taxi and private hire licensing. Although the guidance was not statutory, it was intended to assist Licensing Authorities and Paragraph 4 of the guidance 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".

2) The Council had responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the Borough of Hyndburn and in 2013 had brought all its various hackney carriage and private hire policies and procedures together in one comprehensive policy document. At that time, the policy was extensively updated and a number of key changes had been made. Those changes were summarised in Paragraph 3.1 of report.

3) In August 2016, the Council had received a petition from some of the taxi trade asking for a review of the following aspects of the Council's current policy:-

- The ban on the licensing of Category C and D vehicles; and,
- The requirement for licensed vehicles to meet Euro 5 from September 2017

The petition claimed that drivers were struggling financially due to a lack of trade and the cost of replacement vehicles. Members and officers had met with trade representatives in response to the petition and it had been agreed that those issues would be considered as part of a wider policy review.

4) The draft proposals set out in the report had been advertised in the local press and on the Council's website and letters about the consultation had been sent to the taxi trade. A public notice and information about the policy and consultation had been placed in all of Hyndburn's public libraries. The consultation had also been published via the local newspaper.

Alternative Options Considered and Reasons for Rejection

The Council did not need to update its taxi policy and could continue as it was for the time being, however, that was not recommended. It was good practice to keep the policy under review and to make improvements where possible to raise standards and reflect changing circumstances. Cabinet could also choose to agree some of the proposals but not others.

Resolved

- (1) That the current Hackney Carriage and Private Hire Licensing Policy be amended to remove the requirement for hackney carriages and private hire vehicles licensed in the Borough to achieve Euro 5 technology standard from 1st September 2017;**
- (2) That the Convictions Policy attached at Appendix 2 to the report be adopted;**
- (3) That the Intended Use Policy attached at Appendix 3 to the report be adopted;**
- (4) That the Council's supplementary testing manual for hackney carriages and private hire vehicles be amended to include the following as reasons for test failure:**
 - a) tyres are not date stamped or are over 10 years old;**
 - b) a mix of summer and winter tyres are fitted to the same axle; and,**
 - c) the dashboard warning lights don't illuminate when the ignition is turned on or they remain visible after start up.**

- (5) That the rules, regulations and procedures for hackney carriage and private hire licensing attached at Appendix 4 to the report be approved and the Executive Director (Legal and Democratic Services) be delegated authority to amend the same to correct any errors or to give effect to changes in the law;**
- (6) That the current Hackney Carriage and Private Hire Licensing Policy be amended to prohibit the licensing of Category C and D vehicles which had been written off for insurance purposes (and it be noted that such vehicles would be officially classified as Category S and N vehicles from 1st October 2017 when changes to the categorisation of insurance “write off’s” took effect);**
- (7) That the current Hackney Carriage and Private Hire Licensing Policy be amended to vary private hire operator licence conditions as proposed in Paragraph 3.3(i) of the report;**
- (8) That the current Hackney Carriage and Private Hire Licensing Policy be amended to permit the licensing of Liquefied Petroleum Gas (LPG) vehicles;**
- (9) That the current Hackney Carriage and Private Hire Licensing Policy be amended to:**
 - require the vehicle licence number to be displayed on the insurance sticker,, such sticker to be permanent and attached to the front door of the vehicle;**
 - ban tinted windows in licensed vehicles only where these are not a standard factory it;**
 - require the driver’s badge to be displayed on the vehicle dashboard so it can be seen by passengers; and,**
 - permit magnetic signage in respect of operator name signs, but prohibits any other magnetic signage. When a licensed vehicle is being used as such it must display the operator signage for the operator that took the booking or the operator the booking has legitimately been sub-contracted to (including a hackney carriage carrying out journeys pre-booked through an operator).**

These changes to take effect from 18th December 2017 to allow time for compliance.

- (10) That the current Hackney Carriage and Private Hire Licensing Policy be amended to:**
 - remove the condition in relation to vehicle age when first licensed;**

- introduce an upper age limit for private hire vehicles and hackney carriages of 15 years; and,
- require vehicles to be visually inspected and approved by the licensing manager as being in exceptional condition in order to be, or remain, licensed over 7 years of age.

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.

188 Medium Term Financial Strategy 2018-19 to 2020-21 - October 2017 Update

The Portfolio Holder for Resources submitted a report on the three year projections of income and spending for the Council ahead of commencing its Budget preparation for 2018/19. The Medium Term Financial Strategy was attached to the report and set out the way in which the Council went about its financial planning processes, especially in relation to the corporate budget planning cycle, which was subject to the Budget and Policy Framework Procedure Rules. The Strategy also set out an updated action plan for the process and arrangements for reporting on progress to date in formulating and updating future year's budgets. Specifically the report updated the Medium Term Financial Strategy presented to Cabinet in February 2017. Appendix 1 to the report set out the background to the current budget predictions in figures to give an idea of commitments, funding and potential Council Tax levels. It indicated that for 2018/19 the Council would see a reduction in its Government Grant of £450,000 (18%) and that it faced other budgetary pressures around its delivery of services of over £1.3m. Those combined to produce a savings target of £1.7m for 2018/19 which was almost 16% of the Council's current spend levels. In the following year, the Council faced less serious budget challenges with a target saving of £946,000 or 9% of its current budget. The pressure however increased substantially once again in 2020/21 with the predicted ending of Revenue Support Grant which would see £1.5m of revenue lost to the Council and an overall savings target for the year of £1.9m or 18% of its current budget. Appendices 2 and 3 to the report outlined two further scenarios of the potential range of values over the coming period. The figures in Appendix 1 however remained the Council's current best estimate of the likely financial position over the next three years. Approval of the report was not deemed a key decision.

Reasons for Decision

Cabinet required an update on its medium term financial outlook ahead of setting the Budget for 2018/19 and determining the level of Council Tax. The report also ensured those decisions were taken with a view to the overall position of the Council going forward and were not limited to a narrow one year perspective.

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

Resolved - That the report and accompanying Medium Term Financial Strategy be approved.

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.

189 Financial Position August 2017-18 - Report for the Year Ending 31st March 2018

The Portfolio Holder for Resources submitted a report on the financial spending of the Council up to the end of August 2017 and the financial forecast outturn position for the Accounting Year 2017/18. The financial detail of the report was shown as a table at the end of the report. The spend for the first five months of the financial year was £4,285,046 compared to a Budget of £4,449,440 giving a positive variance of £214,000. The current forecast spend to the end of the financial year in March 2018 was £10,958,000 compared to a Budget of £11,197,000. That forecast produced a positive variance of £239,000. The main areas of financial pressure were Parks and Cemeteries, Planning and Transportation and Regeneration and Property Services. 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 August 2017 and the prediction of the outturn position to the end of the financial year in March 2018.

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

Resolved - **That the report be noted and Corporate Management Team be asked to look to reduce costs and increase income over the remainder of the year to improve the Council's overall financial position.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

PLANNING COMMITTEE

Wednesday, 13th September, 2017

Present: Councillor Eamonn Higgins (in the Chair), Councillors Loraine Cox (Vice Chair), Judith Addison, Mohammad Ayub, Stephen Button, Bernard Dawson, Stewart Eaves, Melissa Fisher, June Harrison, Kath Pratt, Paddy Short and Bernadette Parkinson

Apologies: Councillors Jean Battle and Paul Thompson

136 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations

Apologies for absence were submitted from Councillor Jean Battle and Councillor Paul Thompson.

Councillor Bernadette Parkinson acted as substitute representative for Councillor Battle.

There were no reported declarations of interest or dispensations.

137 Minutes of the Last Meeting

The minutes of the last meeting of the Planning Committee held on the 16th August 2017, were submitted for approval as a correct record.

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

138 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 and update report:-

11/17/0301 Change of use from warehouse/workshop (B8) to 16 bed HMO (C4) with new openings
24 Barnes Street, Accrington

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

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

3. Mr Steven Hartley spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

4. Councillor Joyce Plummer 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 refused subject to the conditions as per the report:-

11/17/0250 Formation of farm building and trailer store, grassed riding area including six 5.8 high lighting posts and hardstanding.
Lower Spew Spout Farm, Oswaldtwistle

139 Supplemental Agenda- Planning Application 11-17-0282

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

Resolved - (3) That the following planning application be approved subject to the conditions as per the report and update report including a S106 agreement:-

11/17/0282 Major: Resubmission of planning application 11/15/0347:
Erection of 42 no houses, 8 no apartments with associated access and landscaping (following demolition of existing structures)
Former Britannia Mill, Spring Street, Rishton

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

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

AUDIT COMMITTEE

Monday, 18th September, 2017

Present: Councillor Noordad Aziz (in the Chair), Councillors

140 Apologies for Absence, Declarations of Interest, Dispensations and Substitutions

Apologies for absence were submitted from the Corporate Performance Manager, Mike Walker and the Head of Audit and Investigations, Mark Beard.

Councillor Stephen Button was not present at the meeting and no substitute representative had been arranged.

There were no reported declarations of interest or dispensations.

141 Minutes of the Last Meeting

The minutes of the last meeting held on the 26th June 2017 were submitted for approval.

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

142 Peer Review of Internal Audit Against the Public Sector Internal Audit Standards- Update

The Head of Audit and Investigations submitted a report to inform Audit Committee Members of the current position regarding the Peer Review of Internal Audit against the Public Sector Internal Audit Standards which is scheduled to take place in February 2018.

The Senior Auditor reported that a further update would be provided at the December meeting.

Resolved - That the report be noted for informational purposes.

143 Audit Reports & Key Issues- Progress Report for the Period July- September 2017

The Head of Audit and Investigations submitted a report to inform members of the Audit Committee of Audit Reports issued during the period July- September 2017 and bring 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 August 2017 and the projected out turn position for 2017/18.

A summary of the main issues arising from audits carried out between July- September 2017 was attached to Appendix 1 of the report and detailed both substantial and comprehensive audit assurance in the following areas:

- Car allowances
- Taxi Licensing
- Food inspection team
- Separation of duties- post cuts
- Leasing arrangements

The Senior Auditor answered questions from Members in relation to the car allowance scheme.

Resolved - That the report be noted for informational purposes.

144 Audit Follow-Ups Report for the Period July- September 2017

The Head of Audit and Investigations submitted a report to inform members of the Audit Committee of the outcome of routine follow-ups following the previously agreed action plans for complete Audit Records. The follow-ups detailed within the report are those carried out during the period July- September 2017.

The information on the following follow-ups were carried out during the period July to September 2017 and were detailed within Appendix 1 of the report.

- Lease rents and renewals
2 actions had been implemented
- Refundable allotment deposits
1 action had been implemented
- Recovery team and processes
1 action had been implemented

Resolved - That the report be noted for informational purposes.

145 The Audit Findings for Hyndburn Borough Council (Year ended 31 March 2017)- Grant Thornton

Grant Thornton submitted a report to inform members of the committee on the audit findings and highlight the key findings arising from the audit that are significant to those charged with governance to oversee the financial reporting process.

The contents of the report relate only to those matters which came to Grant Thornton's attention during the conduct of normal audit procedures which are designed primarily for the purpose of expressing their opinion on the financial statements and giving a value for money conclusion.

Karen Murray of Grant Thornton went through the report in detail and explained the information for members of the committee.

Other items covered in the report, included:

- Materiality
- Audit findings against significant risks
- Group audit scope and risk assessment
- Accounting policies, estimates and judgements
- Misclassifications and disclosure changes

- Value for money
- Fees, non-audit services and independence
- Communication of audit matters
- Communication to those charged with governance

The Chair placed on record the Audit Committee's thanks to Grant Thornton, the Council's external auditors and the Deputy Chief Executive along with the rest of the accountancy team for all the hard work involved in preparing the accounts.

Resolved - That the report be noted for informational purposes.

146 Statement of Accounts 2016/17

The Head of Accountancy Services, Stephen Brindle had submitted a report to present for approval the Council's Statement of Accounts for 2016/17.

The audited version of the Council's statement of accounts was attached to the supplemental agenda.

The public inspection period had ended in early August and the remaining process was for the HBC Deputy Chief Executive and Chair of Audit Committee to sign off for approval the accounts.

The medium financial plan was discussed and it was added that there was no clear financial picture across the country after 2020 due to unknown arrangements in relation to the retention of local business rates.

Resolved - That Audit Committee approved the Statement of Accounts for 2016/17.

147 Time/Date/Venue of Next Meeting of Committee

Resolved - That the next meeting of the Audit Committee be held on Monday, 11th December 2017 at 5.30 pm in the QE Room at Scaitcliffe House.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Tuesday, 19th September, 2017

Present: Councillor Joyce Plummer (in the Chair), Councillors Stewart Eaves, Melissa Fisher, Julie Livesey and Paddy Short

Apologies Councillor Eamonn Higgins

148 Apology for Absence

An apology for absence was submitted from Councillor Eamonn Higgins.

149 Declaration of Interest and Dispensations

There were no declarations of interest or dispensations.

150 Minutes of Last Meeting

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 28th June 2017 were submitted for approval as a correct record.

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

151 Licensing Procedure

The Licensing Procedure to be used in relation to hackney carriage and private hire vehicle driver licences was submitted. A copy of the Procedure had been sent to the applicants/driver.

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

152 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 applicants/driver.

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

153 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.

154 Application for a Private Hire Vehicle Driver's Licence (MM)

(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 outlining an application for a private hire vehicle driver licence. The following documents were appended to the report:-

- Appendix 1 - Copy of Decision Notice from 18th September 2014 Judicial Committee meeting.
- Appendix 2 - Copy of Judicial Committee Report dated 22nd August 2016 and Letter and Decision Notice dated 27th September 2016

The applicant had previously been licensed with Hyndburn Borough Council from 2011 to 2014 when his licence had been revoked by the Judicial Committee.

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

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

The Committee was requested to consider whether the applicant was a fit and proper person to be licensed.

Decision of the Committee:-

- Resolved**
- **That, as the applicant (MM) was not considered to be a 'fit and proper person', his application for a Private Hire Vehicle Driver Licence be refused for the reasons outlined at the meeting and set out in the decision notice.**

155 Application for a Private Hire Vehicle Driver's Licence (MP)

(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 outlining an application for a private hire vehicle driver licence. Copies of two Judicial Committee Decision Notices arising from previous applications were appended to the report.

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney and Private Hire Licensing Policy 2013-2016.

Legal advice on the relevance of convictions was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the applicant (MP) and his representative had been invited to attend the meeting and in that respect, the applicant was in attendance.

The Committee was requested to consider whether the applicant was a fit and proper person to be licensed.

Decision of the Committee:-

Resolved - That, as the applicant (MP) was considered to be a 'fit and proper person', his application for a Private Hire Vehicle Driver Licence be granted for the reasons outlined at the meeting and set out in the decision notice.

156 Consideration of an Existing Private Hire Driver's Licence (MIA)

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 information relating to a licensed private hire vehicle driver (MIA). The following documents were appended to the report:-

- Appendix 1 Copy of a Signed New Drivers Agreement
- Appendix 2 Copy of Letter dated 31st July 2017
- Appendix 3 Copy of Letter dated 24th August 2017
- Appendix 4 Supplementary Information

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 conviction and failure to disclose that conviction was sought by and provided to the Committee at the meeting.

The Committee was requested to determine whether the driver was still a 'fit and proper person' to continue acting as a licensed private hire vehicle driver.

Decision of the Committee:-

Resolved - That as the Driver (MIA) was not considered to be a 'fit and proper person', in that he had failed to disclose relevant information in order to obtain a private hire vehicle driver's licence, his private hire driver's licence be revoked pursuant to Section 61(1)(b) of the Local Government Act 1976 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

LICENSING SUB COMMITTEE

Tuesday, 10th October, 2017

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

176 Apologies for Absence

There were no apologies for absence.

177 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

178 Minutes of the Last Meeting

The Minutes of the last meeting of the Licensing Sub-Committee held on 6th March 2017 were submitted for approval as a correct record.

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

179 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.

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

180 Licensing Act 2003 Determination Hearing - Great Harwood Cricket Club, Cliffe Park, Great Harwood, Nr. Blackburn, BB6 7PQ

In accordance with the Hyndburn Borough Council Policy on the Conduct of Hearings and the Licensing Act 2003 (Hearings) Regulations 2005, the Licensing Manager advised the Licensing Sub-Committee of an application for a variation of a premises licence in respect of the Great Harwood Cricket club, Cliffe Park, Great Harwood, Nr. Blackburn, BB6 7PQ and a report relating thereto was submitted. The application, including the proposed operating schedule was attached as Appendix A to the report. The current licence was attached as Appendix B to the report. Additional information in the form of an Aerial Map of the Club and nearby premises and a Declaration of Statement made by the Club Chairman on behalf of the Club was submitted at the meeting following agreement to their consideration from all parties present.

No representations had been received against the application from the Responsible Authorities.

A valid representation had been received from 'a other person' and related to the licensing objective regarding the Prevention of Public Nuisance. The representation was set out in Appendix C to the report.

A plan of the original layout and an amended layout plan were attached to the report as Appendices D and E respectively.

The applicant (Great Harwood Cricket Club.), together with a representative had been invited to attend the hearing and in that respect the applicant's representative, Stuart Paul Maher (Club Chairman) was in attendance.

The objector to the application had also been invited to attend and in that respect Ms. Vanessa Palmer was present. The start of the meeting had been delayed for a period of ten minutes as the objector was not in attendance at the scheduled commencement time.

The Sub-Committee considered the application and additional information, together with representations made by the applicant's representative and the objector and prior to a formal decision being made, sought legal advice thereon.

Decision of the Sub-Committee:-

Resolved

- **That in accordance with Section 85 of the Licensing Act 2003, and after considering the representations made by the applicant's representative and the objector, the application for a variation of a premises licence in respect of the Great Harwood Cricket Club, Cliffe Park, Great Harwood be granted subject to the following amendment to the condition relating to the use of the area known as the 'Terrace':-**

The external terrace will be closed to customers every day at 2230 hours and will not be used after that time. All customers must be asked to vacate the area and the doors to the terrace should be closed by 2230 hours to prevent customers going back out.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

PLANNING COMMITTEE

Wednesday, 11th October, 2017

Present: Councillor Eamonn Higgins (in the Chair), Councillors Loraine Cox (Vice Chair), Judith Addison, Mohammad Ayub, Jean Battle, Stephen Button, Bernard Dawson, Stewart Eaves, Melissa Fisher, June Harrison, Kath Pratt and Paddy Short

Apologies: Councillor Paul Thompson

190 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations

An apology for absence was submitted from Councillor Thompson.

There was no substitute representative for Councillor Thompson.

There were no reported declarations of interest or dispensations.

191 Minutes of the Last Meeting

The minutes of the last meeting of the Planning Committee held on the 13th September 2017, were submitted for approval as a correct record.

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

192 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 and update report:-

11/17/0355 Change of use from private clinic to residential accommodation for those in need of care (C2)
119 Union Road, Oswaldtwistle

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

2. Ms Ciara Hughes 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

JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Monday, 16th October, 2017

Present: Councillor Joyce Plummer (in the Chair), Councillors Stewart Eaves, Melissa Fisher, Glen Harrison, Terry Hurn and Paddy Short

Apologies Councillors Eamonn Higgins and Julie Livesey

193 Apologies for Absence

Apologies for absence were submitted from Councillors Eamonn Higgins and Julie Livesey.

194 Substitutions

Councillors Glen Harrison and Terry Hurn attended the meeting as substitute representatives for Councillor Eamonn Higgins and Julie Livesey respectively.

195 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

196 Minutes of Last Meeting

The Minutes of the meeting of the Judicial Committee (Private Hire and Hackney Carriage Licensing) held on 19th September 2017 were submitted for approval as a correct record.

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

197 Court Report - Khadam Hussain

A report advising the Committee of the outcome of court proceedings relating to an appeal to the Magistrates Court by Mr. Khadam Hussain following the revocation of his Private Hire Driver's Licence was submitted. The appeal was dismissed.

The Committee was informed that Mr. Hussain had now appealed to the Crown Court but a court date had not yet been fixed.

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

198 Licensing Procedure

The Licensing Procedure to be used in relation to hackney carriage and private hire vehicle driver licences was submitted. A copy of the Procedure had been sent to the applicants.

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

199 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 applicants.

Resolved - That the Guidelines be noted.

200 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.

201 Application for a Private Hire Vehicle Driver Licence (MAKJ)

(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 outlining an application for a private hire vehicle driver licence.

The applicant had previously been licensed with Burnley Borough Council who had revoked that licence due to the applicant having been convicted of plying for hire.

Attention was drawn to Appendix G (Policy on the Relevance of Convictions and Cautions) of the Hyndburn Borough Council Hackney and Private Hire Licensing Policy 2013-2016. Legal advice on the relevance of convictions and the applicant's apparent deliberate attempt to withhold information relevant to the application was sought by and provided to the Committee at the meeting.

In accordance with licensing procedure, the applicant (MAKJ) and his representative had been invited to attend the meeting and in that respect, the applicant was in attendance.

The Committee was requested to consider whether the applicant was a fit and proper person to be licensed.

Decision of the Committee:-

Resolved - That, as the applicant (MAKJ) was not considered to be a 'fit and proper person', his application for a Private Hire Vehicle Driver Licence be refused for the reasons outlined at the meeting and set out in the decision notice.

202 Application for a Private Hire Drivers Licence (WA)

(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 outlining an application for a private hire vehicle driver licence. The following documents were appended to the report:-

- Appendix 1 - Copy of Complaint 1 dated 11/01/2012
- Appendix 2 - Copy of Complaint 2 dated 11/02/2012 and Copy of Signed Police Pocket Notebook Entry
- Appendix 3 - Copy of Complaint received 16/04//2012
- Appendix 4 - Report considered and Decision Notice from August 2012
- Appendix 5 - Refusal Letters under Delegated Authority from July 2015 and November 2016

The applicant had previously been licensed with Hyndburn Borough Council from 2011 to 2012 when his licence had been revoked by the Judicial Committee.

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

In accordance with licensing procedure, the applicant (WA) and his representative had been invited to attend the meeting and in that respect, the applicant and his wife (SB) were in attendance.

The Committee was requested to consider whether the applicant was a fit and proper person to be licensed.

Decision of the Committee:-

- Resolved**
- **That, as the applicant (WA) was not considered to be a 'fit and proper person', his application for a Private Hire Vehicle Driver Licence be refused 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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Agenda Item 9.

REPORT TO:		Council	
DATE:		09 November 2017	
REPORT AUTHOR:		Monica Bell, Senior Democratic Services Officer	
TITLE OF REPORT:		Motions for debate at Council - 1. Universal Credit Rollout in Hyndburn 2. Occupational Therapy Shortage Impacting on Disabled Adaptations 3. Leaving the European Union 4. Investment in Disabled Facilities Grants 5. Role of Transport for the North	
EXEMPT REPORT:	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	n/a

Council will be asked to consider the following motions submitted under Council Procedure Rule A9:-

1. Universal Credit Rollout in Hyndburn

“That this Council notes that Universal Credit (UC) is a single monthly payment which replaces six working age benefits (known as legacy benefits). These are Housing Benefit (HB), Income Support (IS), Working Tax Credits (WTC), Child Tax Credit (CTC), Employment and Support Allowance (Income-related) and Job Seekers Allowance (Income-related). It supports residents on low incomes who are both in and out of work.

Universal Credit has been in Hyndburn since 2015 but on a mainly limited scale. However, the numbers of residents moving onto Universal Credit from 2015 have been restricted to new claimants and straightforward cases. The pilot for Hyndburn commences in February 2018 and the roll out of the full service of Universal Credit is a new entirely online-based system and claimants must apply for and manage their claim online. It also brings in a wider range of claimants including more complex cases. It affects claimants when they make a claim for the first time or have a change in circumstances that means their existing claim for one of the legacy benefits has to be cancelled.

Hyndburn is one of the areas subject to the rollout of Universal Credit full service. The delivery of the new service has been an area of particular concern across the country and was subject in the last parliament to an investigation by the Work and Pensions Select Committee.

As a result, and while the DWP and Job Centre Plus are the agency responsible for managing the change, the Council is committed to pro-active and continued work with key stakeholders and partners to ensure that as much support is provided to residents as possible to help achieve a smooth transition to the new service.

However, this Council has a number of concerns about Universal Credit

- The wait times between the date of application and date of assessment. There is a built in waiting period of 6 weeks before Universal Credit is awarded and this creates hardship for residents. Any delay in DWP processing times exacerbates this hardship still further.
- The level of deductions applied to monthly payments to clawback advance payments and sanctions can be high leaving residents with little money to cover basic income needs for their families for the weeks ahead.
- The high number of Universal Credit claimants that have been subject to sanctions in Hyndburn.
- That the provision of housing costs support for short term temporary accommodation for Hyndburns homeless population is not an appropriate fit for Universal Credit and should be returned to and covered by Housing Benefit at the earliest opportunity.

This Council resolves that:

The Chief Executive write to the following to register these issues and request that solutions are explored which would improve the design and delivery of Universal Credit which would mitigate impacts for low- income, working age residents in the borough;

1. The Rt. Hon David Gauke MP Secretary of State for Work and Pensions.
2. Debbie Abrahams MP, Shadow Secretary of State for Work and Pensions and MP for Oldham East and Saddleworth, and Graham Jones, the MP for Hyndburn.
3. The Local Government Association (LGA).”

Proposer: Councillor Tim O’Kane
Seconder: Councillor Jenny Molineux

Submitted on: 30th October 2017

2. Occupational Therapy Shortage Impacting on Disabled Adaptations

“That Council Notes that:

- Occupational therapists provide life-changing support to people managing illness, injuries and a wide range of physical and mental health conditions. Uniquely, they enable people to carry out daily activities (‘occupations’) which are essential to health and happiness. This vital care helps people recover and build new skills to enjoy a full and independent life.
- There are currently 10 advertised occupational health based vacancies on Lancashire County Councils website with only 1 of these being designated for East Lancashire which covers Hyndburn.
- A report released in March 2017 by Health Education England (HEE) and The College of Occupational Therapists (COT) has highlighted national average vacancy rates for occupational therapists was 15.5% for NHS Trusts and 17.5% for Local Authorities. This compares to a national vacancy rate of 2.6% for the economy as a whole and 3%

for the health and social care sector according to the most recent statistics from the ONS.

- The lack of Occupational Therapists employed by Lancashire County Council is having a detrimental effect on Applications for Disabled Adaptations Grants being referred to Hyndburn Borough Council.”

Disabled Facilities Grants (DFG’s) are mandatory grants of up to £30,000 to help less abled people live independently and safely in their own homes. These adaptations can be minor, such as installing walk in showers for residents with mobility issues or involving major building works to install a lift. Shortages of Occupational Therapists are causing delays and lower number of referrals to grant applications and therefore disabled residents from Hyndburn are missing out on being able to take advantage of these life changing grants.

“That Council Resolves to:

Request the Chief Executive to write to the government to address this very serious issue by:-

- Re-adding Occupational Therapy to the priority occupation list.
- Provide assurances that it will protect the rights of qualified Occupational Therapists from elsewhere in the EU who are currently working in the UK and to remain here after the UK leaves the EU and for new applicants to be permitted to fill Occupational Therapist vacancies in the future.

Request the Chief Executive to write to the Leader of Lancashire County Council to request:

- That LCC take a more innovative approach to filling Occupational Therapy Vacancies.
- That LCC Social Services take a more pro-active approach in making referrals to Hyndburn Borough Council for Disabled Adaptation Grants.

Request the Chief Executive to write to all the G.P. Practices in Hyndburn:

- To inform them of Disabled adaptation grants, who qualifies and how to apply for them.
- To request that they refer any patient to Lancashire County Council who they feel will benefit from a disabled adaptation grant.

Proposer: Councillor Gareth Molineux

Seconder: Councillor Jean Battle

Submitted on: 1st November 2017

3. Leaving the European Union

“That this Council recognises that the people of Hyndburn voted overwhelmingly to leave the European Union. Under these circumstances we feel that this council should write to the

Prime Minister wishing the negotiators a successful outcome for the constituents of this Borough.”

Proposer: Councillor Kathleen Pratt
Seconder: Councillor Tony Dobson

Submitted on: 1st November 2017

4. Investment in Disabled Facilities Grants

“That the Leader of the Council writes to the Prime Minister thanking her Government for the £1.5 million of investment in DFG grants between 2016 and 2018 which has resulted in 89 grants being completed in 2016/17 and a further 132 to be completed in 2017/18 and asks all councillor to raise the profile of DFG grants in their wards to alleviate hardship for the disabled.”

Proposer: Councillor Tony Dobson
Seconder: Councillor Judith Addison

Submitted on: 1st November 2017

5. Role of Transport for the North

“That this council resolves to write to the Department of Transport to seek clarification on what the role of Transport for the North will be. Hyndburn Borough Council has made a strong case in lobbying for better infrastructure links in East Lancashire especially East – West Connectivity in the region through a road and rail infrastructure investment programme. This council has been at the forefront of lobbying for the following:

1. M65 linking to Yorkshire (A1 and M62)
2. Re-establishment of Skipton to Colne Rail link

The lack of clarity from central government over the status of TfN is a worrying development and shows that this government is not addressing one of the biggest hindrances to economic growth in our region which is a lack of connectivity and capacity in our transport infrastructure.”

Proposer: Councillor Noordad Aziz
Seconder: Councillor Abdul Khan

Submitted on: 1st November 2017