



Agenda

Council

Thursday, 20 September 2018 at 7.00 pm,
Council Chamber, Town Hall, Accrington

Membership

Councillor Mohammad Ayub (Mayor) in the Chair,
Councillors Judith Addison, Josh Allen, Lisa Allen, Noordad Aziz, Jean Battle, Sara Britcliffe,
Stephen Button, Clare Cleary, Andrew Clegg, Loraine Cox, Paul Cox, Munsif Dad, Tony Dobson,
Stewart Eaves, Diane Fielding, Melissa Fisher, Glen Harrison, June Harrison, Marlene Haworth,
Stephanie Haworth, Eamonn Higgins, Terry Hurn, Abdul Khan, Michael Miller, Gareth Molineux,
Jenny Molineux, Tim O'Kane, Dave Parkins, Bernadette Parkinson, Miles Parkinson,
Joyce Plummer, Kath Pratt, Jeff Scales and Paddy Short

A G E N D A

- 1. Apologies for absence**

- 2. Declarations of Interest and Dispensations**

- 3. Announcements**

- 4. Confirmation of Minutes (Pages 5 - 10)**

To confirm as correct records the Minutes of the Council meetings held on 30th June and 5th July 2018 (attached).



5. Question Time (Pages 11 - 12)

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

6. Delegation of Responsibility to Planning Committee (Pages 13 - 16)

7. Appointment of Co-optees Overview & Scrutiny (Pages 17 - 20)

8. Amendment To Committee Terms Of Reference (Pages 21 - 24)

9. Policy for Adding Names to War Memorials (Pages 25 - 32)

10. Minutes of Cabinet (Pages 33 - 54)

To receive the Minutes of Cabinet meetings held on 18th July and 29th August 2018 (attached).

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.*

11. Minutes of Committees (Pages 55 - 70)

To receive the Minutes of Committees and Sub-Committees, as set out below:-

Rules of Debate

- *The Leader of the Council will introduce the Minute Book 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 (Municipal Year 2018/19)	Date
Planning Committee	20 th June 2018

Communities & Wellbeing Overview & Scrutiny Committee	11 th July 2018
Resources Overview & Scrutiny Committee	12 th July 2018
Planning Committee	18 th July 2018
Audit Committee	30 th July 2018
Planning Committee	15 th August 2018

12. Motion(s) submitted on Notice (Pages 71 - 74)

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



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

Wednesday, 12 September 2018

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COUNCIL

Saturday, 30th June, 2018

Present:	Councillor Mohammad Ayub (Mayor), Councillors Judith Addison, Josh Allen, Lisa Allen, Noordad Aziz, Jean Battle, Sara Britcliffe, Stephen Button, Clare Cleary, Andrew Clegg, Loraine Cox, Paul Cox, Munsif Dad, Tony Dobson, Stewart Eaves, Diane Fielding, Melissa Fisher, Glen Harrison, June Harrison, Abdul Khan, Michael Miller, Gareth Molineux, Jenny Molineux, Tim O'Kane, Bernadette Parkinson, Miles Parkinson, Joyce Plummer, Kath Pratt and Jeff Scales
Apologies:	Councillors Marlene Haworth, Stephanie Haworth, Eamonn Higgins, Terry Hurn, Dave Parkins and Paddy Short

42 Welcome

The Chief Executive, Mr David Welsby welcomed Honorary Freemen, Honorary Aldermen, Councillors and Guests to the 2018/19 Mayor-making Ceremony, to install the Mayor and to honour two new Honorary Freeman.

A tribute was made to former Mayor, Mirza Yousaf (1986-1987) who had passed away recently and a moment of reflection was observed.

43 Declaration of Mayor 2018/19

The Chief Executive announced that at the Annual General Meeting of the Council held on 17th May 2018, Councillor Mohammad Ayub had been elected Mayor of the Borough for the Municipal Year 2018/19.

The Mayor read the Declaration of Acceptance of Office of Mayor and was presented with the Mayoral Fob by Councillor Munsif Dad and a framed Illuminated Resolution by the Chief Executive. Councillor Dad made a speech of welcome which was supported by Councillor Tony Dobson.

The Mayor then made a speech of acceptance.

44 Declaration of Deputy Mayor 2018/19

The Mayor announced that at the Annual General Meeting of the Council held on the 17th May 2018, Councillor June Harrison had been elected Deputy Mayor of the Borough for the Municipal Year 2018/19.

The Deputy Mayor read the Declaration of Acceptance of Office of Deputy Mayor.

45 Conferment of the Title of Honorary Freeman

The Mayor announced that at the meeting of the Council held on the 11th January 2018, the Council had decided to confer the title of Honorary Freeman to Mr Bernard Dawson to acknowledge his services in local government for a number of years and to Mr David Lloyd

for his contribution to the sport of Cricket at both County and international level whilst representing the Borough of Hyndburn.

Councillors Joyce Plummer and Judith Addison spoke in support of Mr. Dawson, acknowledging his services in the local community.

The new Honorary Freeman then signed the Roll of Honorary Freemen and was presented with a Commemorative Badge and framed Certificate by the Mayor.

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

Councillors Tony Dobson and Gareth Molineux spoke in support of Mr. Lloyd, acknowledging his achievements in cricket and promoting the borough.

The new Honorary Freeman then signed the Roll of Honorary Freemen and was presented with a Commemorative Badge and framed Certificate by the Mayor.

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

(The Mayor then closed the meeting and invited Councillors, Honorary Freemen, Honorary Aldermen and Guests to join him in parading to the Civic Service at St. James' Church, Accrington).

Signed:.....

Date:

Chair of the meeting
at which the minutes were confirmed

COUNCIL

Thursday, 5th July, 2018

Present: Councillor Mohammad Ayub (Mayor), Councillors Judith Addison, Josh Allen, Lisa Allen, Noordad Aziz, Jean Battle, Sara Britcliffe, Stephen Button, Clare Cleary, Andrew Clegg, Loraine Cox, Paul Cox, Munsif Dad, Tony Dobson, Stewart Eaves, Diane Fielding, Melissa Fisher, Glen Harrison, June Harrison, Marlene Haworth, Abdul Khan, Michael Miller, Gareth Molineux, Jenny Molineux, Tim O'Kane, Bernadette Parkinson, Miles Parkinson, Joyce Plummer, Kath Pratt, Jeff Scales and Paddy Short

Apologies: Councillors Eamonn Higgins, Terry Hurn and Dave Parkins

46 Apologies for absence

Apologies for absence were submitted on behalf of Councillors Higgins, Parkins and Hurn.

47 Declarations of Interest and Dispensations

Councillor Addison declared a personal interest in Minute 34 – Hyndburn Arts Ltd. Financial Loan in respect of being a Member of the Board.

48 Announcements

1) Mayor Making 2018

The Mayor thanked Councillors for their attendance at the meeting held on Saturday 30th June 2018 to install the Mayor and to confer the title of Honorary Freeman to Mr. Bernard Dawson and Mr. David Lloyd and thanked everyone who had helped to make it a great day.

2) Saddleworth Moor and Winter Hill Fires

The Leader of the Council reported on the major logistical operations taking place to deal with the fires on Saddleworth Moor and Winter Hill due to the recent hot weather. He reported that there were multiple agencies working together to deal with the situation. He reiterated the Fire Authority's advice to member of the public to keep away from the areas.

3) Wheelie Bins

The Leader of the Council reported on the success of the new wheelie bin scheme which was up and running. He informed the meeting that following on from this success Cabinet would be considering a report which aimed to improve the Council's approach to littering and dog fouling enforcement.

4) Town Square

The Leader of the Council reported that the first phase of improvements to the Town Square, Accrington had almost been completed and that the next phase would focus on the

installation of street furniture and lighting. He also pointed out that a new cleansing regime had been devised for the town centre.

5) 70th Anniversary of NHS

The Leader of the Council referred to the celebration of the achievement of the service provided by the NHS and wished it well for a further 70 years.

49 Confirmation of Minutes

The Minutes of the meetings of the Council held on 17th May 2018 were submitted for approval as a correct record.

Resolved - That the Minutes of the Council meeting held on 17th May 2018 be approved as a correct record.

50 Question Time

It was noted that no questions had been submitted under Council Procedure Rule 202(vi).

51 Minutes of Cabinet

The Minutes of the meetings of the Cabinet held on 21st March 2018 and 6th June 2018 were submitted.

The following issues were raised from the Minutes:

Cabinet Meeting, 21st March 2018 - Minute 388, Greenbelt Assessment - Councillor Gareth Molineux referred to residents' concerns about proposals surrounding greenbelt land in Great Harwood. He requested that the Leader of the Council gave a commitment to limitations to greenbelt land around Great Harwood.

Response by Leader of the Council - The Leader of the Council informed the meeting that Councillors would make the final decision on housing development and referred to the need for housing development and a choice of housing in the borough.

Cabinet Meeting, 6th June 2018 - Minute 25, Onward Homes Presentation – Councillor Addison referred to the Onward Homes Presentation and to concerns that there had been a lack of information provided to Members and tenants. Councillor Battle also expressed her concern after the restructure of the organisation. Councillor Dobson provided clarification on the restructure of the organisation.

Response by Leader of the Council - The Leader of the Council referred to the benefits of investment in housing in the borough and the need to create a good relationship with Onward Homes.

Resolved - That the Minutes be received and noted.

52 Minutes of Committees

The Minutes of the following meetings were submitted:

COMMITTEE

DATE

Minutes from the Municipal Year 2017/18

Audit Committee	19 th March 2018
Management Review	20 th March 2018
Planning (Trees) Sub-Committee	21 st March 2018
Planning Committee	21 st March 2018
Resources Overview and Scrutiny Committee	22 nd March 2018
Communities & Wellbeing Overview and Scrutiny Committee	28 th March 2018
Judicial Committee (Private Hire and Taxi Licensing)	4 th April 2018

Minutes from the Municipal Year 2018/19

Planning Committee 23rd May 2018

The following issues were raised from the Minutes:

Communities & Wellbeing Overview and Scrutiny Committee – 28th March 2018, Minute 419, Police and Crime Update – reference was made to the reduction in the number of Police Officers and the impact this was having on the community. Cllr Paul Cox, expressed concern that community policing had been lost. Cllr Glen Harrison referred to cuts to the Fire Service and the possible consequences of this.

Response by Leader of the Council - The Leader of the Council indicated that austerity could only be resolved by the Government.

Resolved - That the Minutes be received and noted.

53 Motion(s) submitted on Notice

No motions had been submitted under Council Procedure Rule A9.

Signed:.....

Date:

Chair of the meeting
at which the minutes were confirmed

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Agenda Item 5.

REPORT TO:		Council
DATE:		20 September 2018
REPORT AUTHOR:		Michael Cunliffe, Senior Corporate Support Officer
TITLE OF REPORT:		Question Time
EXEMPT REPORT:	No	
KEY DECISION:	No	If yes, date of publication: n/a

Questions to Council

The following questions have been submitted under Council Procedure 2.2(vi):-

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

1. At a time when residents are looking for honesty, credibility and transparency could the Leader of the Council explain why he didn't think it was important to notify Councillors of the Oswaldtwistle Area Forum, which included two from his own party, about the expenditure of over £25,000 from their budget?

(Submitted by Councillor Marlene Haworth)

Procedural Note

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

Date: 10th September 2018

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

2. Can the leader of the Council provide any reassurance to Hyndburn residents that they will not be unlawfully targeted by Kingdom Services as has been reported by various other authorities, residents and newspapers, and further more will there be any procedures in place to stop this from happening in the instance it does occur?

(Submitted by Councillor Josh Allen)

Procedural Note

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

Date: 13th September 2018

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Agenda Item 6.

REPORT TO:	Council	
DATE:	20 September 2018	
PORTFOLIO:	Cllr Miles Parkinson, Leader	
REPORT AUTHOR:	Gordon McMillan Solicitor	
TITLE OF REPORT:	Delegation of Responsibility to Planning Committee Housing and Planning Act 2016. The Town & Country (Brownfield Land Register) Regulations 2017 The Town and Country Planning (Permission in Principle) Order 2017.	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	Options	Not applicable
KEY DECISION:	No	If yes, date of publication:

1. Purpose of Report

- 1.1 To confer delegated authority on the Planning Committee allowing it to exercise the functions contained in sections 150 and 151 of the Housing and Planning Act 2016 and the associated powers in The Town and Country Planning (Brownfield Land Register) Regulations.2017 and the Town and Country Planning (Permission in Principle) Order 2017.

2. Recommendations

- 2.1 That the responsibilities contained in section 150 and 151 of the Housing and Planning Act 2016 and the associated powers in the Town and Country Planning (Brownfield land Register) Regulations 2017 and the Town and Country Planning (Permission in Principle) Order 2017 be delegated to the Planning Committee..
- 2.2 That the Executive Director (Legal and Democratic Services) be authorised to effect the necessary changes to the Council's Constitution in order to reflect this decision.

3. Reasons for Recommendations and Background

3.1 Sections 150 and 151 of the Housing and Planning Act 2016 introduced the concept of permission in principle into the Town and Country Planning regime. Permission in principle is an alternative method of obtaining planning permission primarily for housing development, which separates the consideration of matters of principle for proposed development from the technical stage of the development.

3.2 Local Planning authorities can grant permission in principle either on receipt of a valid application or by entering a site in part 2 of the brownfield land register which the council is legally required to maintain. Regulation 19 of the Town and Country Planning (Brownfield Land Register) Regulations 2017 makes a specific amendment to The Local Authorities (Functions and Responsibilities) Regulations 2001 by making the allocation of sites in part 2 of the brownfield land register a non -executive function. Consequently a formal delegation of the power to grant permission in principle is required.

4. Alternative Options considered and Reasons for Rejection

4.1 If the recommended delegation is not approved the responsibilities relating to the granting of planning permission in principle would remain with the full Council which would have a detrimental impact on the efficiency of the planning service.

5. Consultations

5.1 Head of Transportation and Planning

6. Implications

Financial implications (including any future financial commitments for the Council)	None.
Legal and human rights implications	The delegation of power to the planning committee is compatible with the Human Rights Act 1998
Assessment of risk	The recommendation is an administrative matter which is unlikely to be subject to legal challenge.
Equality and diversity implications A <i>Customer First Analysis</i> should be completed in relation to policy decisions and should be attached as an appendix to the report.	n/a

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

7.1 There are no background papers. The report is based on published legislation

8. **Freedom of Information**

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

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Agenda Item 7.

REPORT TO:	Council	
DATE:	20 September 2018	
REPORT OF:	Cllr Noordad Aziz, Chair of the Resources Overview and Scrutiny Committee and Cllr Glen Harrison, Chair of the Communities and Wellbeing Overview and Scrutiny Committee	
REPORT AUTHOR:	Ben Caulfield, Overview and Scrutiny Officer	
TITLE OF REPORT:	Appointment of Co-optees	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable
KEY DECISION:	No	If yes, date of publication:

1. Purpose of Report

1.1 To submit recommendations for Co-opted Members on to the Overview and Scrutiny Committees.

2. Recommendations

2.1 That Council approves the following re-appointments of Co-optees to the Resources Overview and Scrutiny Committee:

- Honorary Alderman Paul Barton
- Honorary Alderman Ian Ormerod

2.2 That Council approves the following new appointment of Co-optee to both the Resources and the Communities and Wellbeing Overview and Scrutiny Committees:

- Honorary Freeman Bernard Dawson

3. Reasons for Recommendations and Background

3.1 The Council's Constitution, Overview and Scrutiny Procedure Rule C2 states:

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

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

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

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

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

3.2 There are 6 positions for Co-opted Members between the 2 Committees. Both Honorary Aldermen Paul Barton and Ian Ormerod indicated a wish to be reappointed to the Resources Overview and Scrutiny Committee as Co-optees.

3.3 One additional nomination was received for Honorary Freeman Bernard Dawson to be appointed to both Overview and Scrutiny Committees.

3.4 Both Committees discussed the potential appointments at their respective meetings on the 11th and 12th July, and have recommended the appointments outlined in paragraph 2.

4. Alternative Options considered and Reasons for Rejection

4.1 Council could choose to reject the recommendation from the Committee as it is a Council decision to make an appointment.

5. Consultations

5.1 None

6. Implications

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

Equality and diversity implications A <i>Customer First Analysis</i> should be completed in relation to policy decisions and should be attached as an appendix to the report.	Not Applicable
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**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

7.1 *Agenda, reports and minutes of the Resources Overview and Scrutiny Committee on 12th July 2018*
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=132&Mid=2360&Ver=4>

Agenda, reports and minutes of the Communities and Wellbeing Overview and Scrutiny Committee on 11th July

<https://democracy.hyndburnbc.gov.uk/ieListMeetings.aspx?CId=129&Year=0>

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Agenda Item 8.

REPORT TO:	Council	
DATE:	20 September 2018	
REPORT AUTHOR:	Jane Ellis, Executive Director (Legal & Democratic Services)	
TITLE OF REPORT:	Amendment To Committee Terms Of Reference	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	Options	Not applicable
KEY DECISION:	Options	N/A

1. Purpose of Report

1.1 To consider a change to the terms of reference of the Management Review Committee

2. Recommendations

2.1 That Council agree the revised terms of reference of the Management Review Committee attached at Appendix 2 to this report.

3. Reasons for Recommendations and Background

3.1 The existing terms of reference of the Management Review Committee are attached at Appendix 1 to this report.

3.2 It is proposed that these terms of reference are amended and the suggested revised terms of reference of the Management Review Committee are attached at Appendix 2 to this report.

3.3 Most issues relating to staffing restructures and the regrading of posts can be dealt with by chief officers under the Council's current scheme of delegation. However, there are some, limited circumstances which fall outside the scheme of delegation (such as regradings and restructures that don't fall within the Council's job evaluation scheme) and currently these would require approval at full Council. The amendment has been proposed to enable matters such as this to be dealt with at the Management Review Committee, which is arguably a more appropriate forum, both for discussion and for the provision of HR advice. Members of both political groups are represented on the Management Review Committee, so any proposal would still be subject to cross-party scrutiny and debate.

4. Implications

Financial implications (including any future financial commitments for the Council)	None arising from this report
Legal and human rights implications	None arising from this report
Assessment of risk	No specific risks identified
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	Not applicable in relation to this report.

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

7.1 None

Appendix 1: existing terms of reference

MANAGEMENT REVIEW COMMITTEE

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

REPORTS TO: Council

MAIN TERMS OF REFERENCE:

- To review the terms and conditions of employment of the Council's Managing Director and Deputy Managing Director and to agree any changes to the same deemed necessary following such review. In carrying out a review to obtain such internal or external support and advice that is required to enable a review to be fully and properly undertaken.
- To determine the collective terms and conditions of employment of employees of the Council
- To consider and determine disciplinary appeals in respect of Chief Officers¹

Appendix 2: proposed terms of reference

MANAGEMENT REVIEW COMMITTEE

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

REPORTS TO: Council

MAIN TERMS OF REFERENCE:

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

Agenda Item 9.

REPORT TO:	Council	
DATE:	20 September 2018	
PORTFOLIO:	Cllr Miles Parkinson, Leader	
REPORT AUTHOR:	Mike Walker – Head of Corporate Support	
TITLE OF REPORT:	Policy for Adding Names to War Memorials	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable
KEY DECISION:	No	If yes, date of publication:

1. Purpose of Report

- 1.1 To submit a proposed policy for considering requests to add names to war memorials to Council for approval.

2. Recommendations

- 2.1 That the policy as set out in Appendix 1 be approved.
- 2.2 That the Chief Executive, following consultation with the Leader of the Council, relevant Portfolio Holder and the Council's Armed Forces Champion, be given delegated authority to approve the addition of names to relevant war memorials in Hyndburn.

3. Reasons for Recommendations and Background

- 3.1 The Council has received a number of requests for additions and amendments to be made to Borough's war memorials under its control, but the Council does not have an explicit policy in place for determining these requests. There is evidence that shows additions have been made to some of these memorials on occasions in the past.
- 3.2 Individual war memorials were developed with the support and commitment of the local communities to commemorate the sacrifices made by those communities. When considering whether it is appropriate to add a name to a specific war memorial the policy proposes that any changes will honour the original intent of those local communities.
- 3.3 Whilst there may be apparent errors on a war memorial the passage of time means it is difficult to conclusively confirm this. Additionally, amending existing entries on a war memorial brings with it the increased risk of damage to the war memorial. There is a school of thought that the errors themselves form part of the history of the structure. For these reasons the policy recommends only considering requests to add names to

war memorials where these have been omitted and where the individual isn't suitably commemorated on any other war memorial within the Borough.

3.4 Any physical change made to a war memorial brings with it a risk of unanticipated damage. The policy seeks to balance the needs of the community to commemorate the Borough's fallen with the Council's responsibility to protect the structure and fabric of the war memorials.

4. Alternative Options considered and Reasons for Rejection

4.1 As there is no legal requirement for the Council to consider requests to add names to war memorials, the 'do nothing' option would be a valid approach. However, having an approved policy to consider and decide on such requests would ensure there is a consistent approach taken by the Council.

5. Consultations

5.1 In developing the policy the Council's Armed Forces Champion and Conservation Officer were consulted on the draft policy and they supported the policy. The Royal British Legion were also consulted but felt it wasn't something they were in a position to comment on.

6. Implications

Financial implications (including any future financial commitments for the Council)	There are no financial implications associated with the adoption of the policy. Any financial implications related to specific requests would need to be considered at the time.
Legal and human rights implications	There are no legal and human rights implications associated with the adoption of the policy.
Assessment of risk	Adopting the policy would provide a robust framework for considering requests to add names to war memorials which would reduce the risk of making any unauthorised or unsuitable additions to the Borough's war memorials.
Equality and diversity implications A <i>Customer First Analysis</i> is given in appendix 2 to this report.	The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:

	<ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation; and • Advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • Foster good relations between those who share a relevant protected characteristic and those who don't <p>For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p> <p>An equality impact assessment (customer first analysis) is attached.</p>
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7. **Local Government (Access to Information) Act 1985:**
List of Background Papers

7.1 *None*

Appendix 1 – Policy and procedure for assessing applications for adding names to Council maintained War Memorials

Introduction

Hyndburn Borough Council recognises the importance of war memorials both to the nation and to local communities. War memorials are an integral part of the social history of Hyndburn's towns and villages and serve as a constant reminder of the sacrifices made by our armed forces personnel during the wars.

Individual war memorials were developed with the support and commitment of the local communities and commemorate the sacrifices made by those communities. When considering whether it is appropriate to add a name to a specific war memorial the Council will consider and honour the original intent of those local communities.

The Council recognises that any physical change made to a war memorial brings with it a risk of unanticipated damage. This policy seeks to balance the needs of the community to commemorate the Borough's fallen with the Council's responsibility to protect the structure and fabric of the war memorials.

The loss of a family member during any armed conflict is a very personal issue for the surviving family members. The Council wants to ensure that any name added to a war memorial has the broad support of that individual's remaining living relatives. For this reason the Council will only consider requests for names to be added to war memorials from the relatives of the individual.

Whilst it is recognised that errors may have occurred in the past in the recording of names on war memorials, making any changes to a war memorial is a sensitive and emotive matter. Whilst there may be apparent errors on a war memorial with the passage of time it is difficult to conclusively confirm this. Amending existing entries on a war memorial brings with it the increased risk of damage to the war memorial. For these reasons the Council will only consider requests to add names to war memorials where these have been omitted and where the individual isn't suitably commemorated on any other war memorial within the Borough.

Statutory protection is given to a number war memorials in the Borough: for example, they may be a listed building. Any work to these memorials may need consent.

This policy sets down the process which identifies how applications for adding names on a war memorial can be put forward, what information needs to be provided for the Council to validate the application and how we will assess the proposal and come to a decision on the changes put forward.

Applications

Applications to alter/amend Council owned war memorials are to be made in writing to the Council.

Information required as part of an application

The relative applying to add a name to a war memorial will be required to provide detailed supporting information to justify their application. The application will need to address and provide clear evidence on the following points in relation to any person(s) names they wish to be added on a war memorial;

1. Full name(s)
2. Proof of the person(s) war service.
3. Confirmation that they died in service and the year/date of their death.
4. Proof of the person's place of birth.
5. Residency at the time of the relevant war and any further known information i.e. place they enlisted.
6. The war memorial on which it is requested the person should be commemorated.
7. Proof of relationship to the person and the efforts that have been made to contact any other living relatives/family members of the person and that there is broad family support for the application.

The application process

Once the application is validated the Council will acknowledge the application.

The Council will assess the proposal based upon the information provided.

A key factor in assessing a request will be the person's residency at the time of the conflict, as this is felt to best represent the person's local connection to a particular village or community at the time of the conflict/war. On the whole as the erection of war memorials and the inscriptions were organised locally by communities the names of the fallen were people known by their families and by the local communities in which they lived and worked.

Whilst we acknowledge that a place of birth has some weight in our judgement we consider it is more important to know where the person lived/resided at the time they enlisted.

The second key factor in our assessment is whether the person is already recorded or named on another war memorial in the locality. We recognise that honouring our dead service personnel is vital and that the Council memorials play an important role in recording the names across the Borough. However, there are other memorials within the Borough owned and looked after by Parish Councils or within Churches and church yards which also commemorate the fallen. We need to be careful when researching adding new names to ensure that we do not duplicate names across memorials locally.

The Council consider that being recorded on a single, local memorial will be appropriate in most cases and applications to copy names on to other memorials will be afforded little weight in our final judgement, unless there are other reasons

for doing so.

On the completion of this initial assessment a view will be taken as to whether to consult on the request. In the case where applications are not taken forward to consultation the applicant will be notified in writing explaining the reasons for the decision.

Decisions

The decision is delegated to the Chief Executive, in consultation with the Leader of the Council, relevant Portfolio Holder and the Council's Armed Forces Champion. Applicants will be notified in writing of the Council's final decision and the reasons for coming to that conclusion.

Implementation

Any changes approved, under an application, will be arranged and supervised by the Council. The work will be undertaken by suitably qualified contractors experienced in conservation work in a style which matches the original design of the memorial

Useful research information

Sources for research information include;

Commonwealth War Graves Commission (2 Marlow Road, Maidenhead, Berkshire SL6 7DX, T: 01628 634221/507200, or at www.cwgc.org).

Ministry of Defence – (Veterans Agency, Norcross, Thornton Cleveleys, Lancashire FY5 3WP, Y: 0800 169 2277, or at www.mod.uk)

Public Records Office – (National Archives, Kew, Richmond, surrey, TW9 4DU, T: 020 8876 3444, or at www.nationalarchives.gov.uk).

War Memorials Archive – (T: 020 7207 9863/9851, Email memorials@iwm.org.uk or at www.ukniwm.org.uk).

Appendix 2 – Customer First Analysis



Hyndburn Borough Council

Customer First Analysis

What is it for?

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

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

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

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

1. Purpose

This CFA concerns the proposed policy for considering requests for the addition of names to war memorials that fall under the Council's responsibility. There are many reasons why a relevant individual may not be commemorated on a war memorial, the policy is intended to give the relatives of such individuals the opportunity to request they be added to an appropriate war memorial. The policy is intended to define a clear and objective process for the consideration of requests to add names to an existing war memorial.

2. Evidence

The policy is restrictive in that it only allows requests to come from direct relatives of the person whose name is being asked to be added to the war memorial, however the policy does not restrict requests on the basis of any of the protected characteristics.

There is no evidence to suggest that the policy would restrict anybody making a request on the grounds of any of the protected characteristics or be otherwise disadvantageous to anybody or group that has a protected characteristic.

3. Impact

By having an approved policy the Council will have a transparent and consistent approach to dealing with requests for names to be added to war memorials.

Name: Mike Walker

Signed:



Service Area: Corporate Support

Dated: 10th September 2018

CABINET

Wednesday, 18th July, 2018

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

In Attendance: Councillors Lisa Allen, Tony Dobson, Eamonn Higgins and Glen Harrison

66 Apologies for Absence

There were no apologies for absence

67 Declarations of Interest and Dispensations

Councillor Gareth Molineux declared a personal interest in agenda item 16 as he was a trustee of Leisure in Hyndburn.

68 Presentation- As the Crow flies, Nature on our doorstep

A presentation film showing the striking landscapes of the local nature reserves at Peel Park and Woodnook Vale was played at the meeting.

It was produced for a celebration of nature event held in early July, where distinguished guests from national, regional and local organisations joined with local people in recognising the special qualities and achievements of Hyndburn.

The Leader of the Council welcomed the presentation and reported it would be available to view via the HBC website and social media channels.

The Chief Executive, David Welsby placed on record his thanks to the Senior Environmental Initiatives Officer, Anne Hourican for the work undertaken and the exceptional results achieved with the project. The film would also be sent to the marketing Lancashire organisation.

Resolved - That the presentation be noted

69 Minutes of Cabinet

The Minutes of the meeting of Cabinet held on 6th June 2018 were submitted for approval as a correct record.

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

70 Minutes of Boards, Panels and Working Groups

The Minutes of the Cabinet Committee- Street Naming held on 18th June 2018 were submitted for noting.

Resolved - That the Minutes be received and noted.

71 Reports of Cabinet Members

There were no reports from any Cabinet Members.

72 Core Strategy Review and Site Allocations DPD - Regulation 18(1) consultation comments and Council response

The Leader of the Council submitted a report presenting the outcome of the first public consultation exercise held on the Core Strategy Review and Site Allocations DPD (held 28 February 2018 – 11 April 2018), and to seek Cabinet approval of the proposed 'Council Response' to all formal comments received.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Core Strategy Review and Site Allocations DPD form central parts of the new Local Plan for Hyndburn; the Core Strategy sets the strategic overarching planning policy framework for the Borough, including setting housing and employment growth figures; the Site Allocations DPD will identify specific sites for development to help meet the planned growth over the plan period, and also the sites to be protected from development.

In February 2018 Cabinet approved three consultation papers to be the subject of an initial public consultation exercise on the Core Strategy Review and Site Allocations DPD.

Alternative Options Considered and Reasons for Rejection

The Core Strategy Review and Site Allocations DPD were prepared in accordance with the Town and Country (Local Planning) (England) Regulations 2012. As the preparation of this document was in accordance with the legal framework there were no alternative options for its preparation.

Resolved - That Cabinet noted the outcome of the public consultation exercise and approved the proposed 'Council Response' (As per the report) to all comments received during the first consultation period of the Core Strategy Review and Site Allocations DPD.

73 Lancashire Syrian Resettlement Programme - Procurement Rules Exemption

The Portfolio Holder for Housing and Regeneration submitted a report to seek Cabinet approval for the waiver of the Council's Contract Procedure Rules in respect of the purchase of voluntary sector support for the Syrian Refugee households arriving in Hyndburn in July 2018.

Approval of the report was not deemed a key decision.

Reasons for Decision

Lancashire County Council was the lead authority in Lancashire for the co-ordination and resettlement of Syrian Refugees through the Lancashire Syrian Resettlement Programme on behalf of all Local Authorities in the County.

In January 2016 the Lancashire Chief Executives Group pledged to resettle 500 refugees under the 'Syrian Resettlement Programme' (SRP) across Lancashire. Additionally in September 2016 it pledged to resettle 75 refugees (including children and their families) under the Vulnerable Children Resettlement Programme (VCRS).

This is a 5 year programme and by the end of 2017 a total of 311 refugees (including 24 through the VCRS) had been resettled in Lancashire. This amounts to 67 households. Approximately another 70 cases / families need to be resettled over the next 2/3 years.

Hyndburn received 10 families (through the SRP) that arrived on Tuesday 17th July.

A report to Cabinet on 11 April 2018 detailed HBC's responsibilities that included the provision of voluntary sector support to the refugee households to complement and enhance the casework support service.

The Cabinet report also detailed the proposal to work with The Pennine Service Delivery Partnership (PSDP) – an informal grouping of seven local third sector organisations (Women's Centre, Adventure Hyndburn, Homewise, Maundy Relief, HARV, Community Solutions and CAB) to co-ordinate the delivery of this to the Syrian Refugee households.

It is proposed that the Council's Contract Procedure Rules are waived in order to award the contract for the provision of the voluntary sector support service detailed to the bodies comprising the PSDP without first testing the market. These organisations all have a credible track record of providing support to the most vulnerable residents in the Borough (including asylum seekers) and have worked with Hyndburn Borough Council and other local partners for many years.

Maundy Relief has agreed to be the 'accountable body' for these arrangements and it is proposed that the 'grant agreement' will be with them, with Maundy Relief responsible for distributing the funding appropriately to the other organisations.

A procurement / tendering exercise does not appear to be sensible in the circumstances as it could add to the costs in undertaking the procurement process and will cause delays in commencing service provision that needs to be in place before the arrival date in July.

The Council will enter into a legal agreement with Maundy Relief which will specify details of the services to be provided.

Alternative Options Considered and Reasons for Rejection

The Council could carry out a procurement exercise to choose a support provider for the additional services, but this is not recommended as stated in reasons for the decision.

Resolved

- (1) That Cabinet agreed to accept grant funding of £20,000 from Lancashire County Council to provide voluntary sector support for the Syrian refugee households; and**
- (2) That the Council's Contract Procedure Rules be waived in respect of the appointment of Maundy Relief (on behalf of Pennine Service Delivery Partnership – PSDP) for a period of 2 years to deliver this support; and**

(3) That the Head of Regeneration and Housing be delegated authority following consultation with the Portfolio Holder for Regeneration and Housing Services to agree the terms of the Council's agreement with Maundy Relief.

74 Appointment of Enforcement Contractor to issue Fixed Penalty Notices for Littering and Dog Fouling

The Deputy Leader of the Council and Portfolio Holder for Environmental Services submitted a report to seek Cabinet permission to waive the Council's Contract Procurement rules and for the Head of Environmental Services, in consultation with the Executive Director (Legal & Democratic Services), to enter into a 12 month pilot agreement with Kingdom Services Group Limited of Kingdom House, 1 Woodlands Park, Ashton Road, Newton-le-Willows, WA12 0HF

Approval of the report was not deemed a key decision.

Reasons for Decision

Following a review of the Council's litter and dog fouling enforcement action, Cabinet requested officers to submit a proposal to tackle the small minority of irresponsible residents whose actions blemish the local environment.

The Council does not have sufficient resources in-house to undertake a major drive to tackle litter and dog fouling within the town centres, parks and open spaces. Therefore, officers sought advice and visited neighbouring authorities that had entered into an agreement with third parties for the provision of these services.

There are a limited number of environmental enforcement contractors within the industry and one of the market leaders, Kingdom Services Group, has provided recent successful pilots for Burnley Council, Blackburn with Darwen Council and other local authorities in the North West.

Waiving the Council's Contract Procedure Rules and appointing Kingdom, will enable the Council to appoint a contractor quickly and would provide sufficient time for an agreement to be signed and allow for operations to be up and running in time for the opening of the new Accrington Town Centre square. The relatively short pilot programme of the sort proposed here would also enable the Council to gain a better picture of its long-term operational and resource requirements for a service of this type, so the Council will be better able to procure a service that meet its needs in the longer term.

Alternative Options Considered and Reasons for Rejection

It is important that this appointment is carried out quickly to ensure Kingdom has sufficient time to mobilise its resources and commence enforcement in line with the opening of the new town square in Accrington.

It would be disproportionate and there is insufficient time to go into a full procurement process at this stage for a 12 month pilot programme. It would not be sensible for the Council to procure a long-term service provider at this stage as it has limited information about the costs, effectiveness and operation of a service of this type.

The alternative option would be to seek quotations from other suitable qualified service providers within the industry for the pilot. However, Cabinet members felt the presentation

deliver by Kingdom promoting the 12 month pilot would provide the Council with useful feedback on any future proposed model of enforcement. If this pilot were to be deemed a success by members and wished for it to continue, a full tender exercise seeking submissions from across the industry would then be carried out. There is also merit in using Kingdom as they are already providing services in nearby Burnley and Blackburn, which has the benefit of consistency of approach and could provide for flexible staffing arrangements.

Resolved

- (1) That Cabinet agreed to waive the Council's Contract Procedures Rules to permit the appointment of Kingdom Services Group Limited to provide litter and dog fouling enforcement services to the Council for a 12 month pilot period for the reasons set out in the report; and**
- (2) That Cabinet delegated authority to the Head of Environmental Services in consultation with the Executive Director (Legal & Democratic Services) to agree the terms of the agreement with Kingdom Services Group Limited for the pilot period; and**
- (3) That Cabinet requested a further report as to the success of the pilot before any decision is taken as to the continuation of the litter and dog fouling enforcement programme after the pilot period.**

75 Food and Safety Service Plan 2018/19

The Deputy Leader of the Council and Portfolio Holder for Environmental Services submitted a report to provide an update on the Hyndburn Boost Project and to present the 2018/19 Food and Safety Plan to Cabinet for consideration and approval.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Food and Safety Service Plan is a document that is reviewed annually to ensure the service can meet demands and set out priorities for the coming year.

The Plan has been updated to include inspection targets for 2018/19 and included a number of performance indicators.

The Plan details Hyndburn Boost Project Phase 2 that will target both compliance and non-complaint premises to improve sustainable compliance across the Borough.

The Plan includes areas of health and safety which are being undertaken this year in accordance with Health and Safety Executives (HSE) National Code for Local Authorities.

The Plan provided focus to the team, Councillors, food business operators and consumers

Alternative Options Considered and Reasons for Rejection

Without a Food and Safety Service Plan the team cannot demonstrate the demands of the service against current resources as required by the FSA nor can they meet their statutory requirements.

Resolved

- That Cabinet approved the proposed Food and Safety Service Plan as per the report.

76 Mercer Park Skate Boarding Facility

The Deputy Leader of the Council and Portfolio Holder for Environmental Services submitted a report to ask Cabinet to support the proposal to submit a funding bid(s) to a number of funding bodies to refurbish the skate boarding facility at Mercer Park in Clayton le Moors.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Friends of Mercer Park are the longest standing friends group in the Borough associated with a park. Over the years the Friends of Mercer Park have worked with the Council to undertake numerous community projects and fund raising events which have benefitted the park. The outcome of a consultation undertaken by the Friends of Mercer Park showed that local residents would like to see the refurbishment of skate park facilities in Mercer Park.

Proffitts CIC are a community interest company who have expertise in green space improvement projects and audience development. They have offered to undertake the work necessary to secure funding for this project at no cost to the Council. This is because the mechanism used by the funding bodies allows any fees for time spent on developing a funding bid to be claimed directly from them during the delivery phase of the project. Securing grant funding for a project of this size can take up to 200 hours work and undertaking the grant funding applications via this method offers a saving to the Council of approximately £5000.

Should the project be approved for funding, it is proposed that the Council appoints Proffitts CIC to act as project manager for the delivery phase of the Project. This will require the Council to waive the tendering requirement in its Contract Procedure Rules but this appears to be a sensible approach given Proffitts will be very familiar with the project at that time having worked up the bid(s) in partnership with the Council.

In addition not for profit organisations (in this case a CIC) provide best value in relation to project management fees as they only need to cover costs rather than include a profit margin, which releases more of the grant funding to undertake construction work relating to the project. This is why this way of working is being recommended to Cabinet.

Alternative Options Considered and Reasons for Rejection

Do not apply for funding and leave the skate park facility in Mercer Park in its current condition. This was rejected as the size of skate facility is quite small and the additional funding means the refurbished skate park would be a larger facility with more play value for the children and young people who use the site.

Resolved

- (1) That Cabinet supported the proposal to submit a funding bid(s) to a number of funding bodies for the refurbishment and improvement of skate boarding facility in Mercer Park as outlined in the report ("the Project"); and

- (2) That Cabinet agreed to the Council being joint applicant with Proffitts CIC in respect of the proposed application(s) for funding in accordance with the funding bodies terms and conditions in connection with the Project. The amount of funding to be applied for has not yet been finalised but is expected to be in the region of £150,000; and
- (3) That Cabinet noted the proposal to appoint Proffitts CIC as project manager for the Project in the event of the funding bid being successful, as set out in paragraph 3.7 of the report; and
- (4) That Cabinet agreed in principle to allocate £25,000 to the Project from the Council's 2019/20 capital programme as match funding, subject to approval of the Council's budget for 2019/20; and
- (5) That Cabinet granted delegated authority to the Deputy Head of Environmental Services to take all reasonable steps to progress the funding bid (s) for the Project, including obtaining all necessary permissions and consents; and
- (6) That Cabinet requested a further report be presented to a future Cabinet meeting once the outcome of any funding bid(s) was known.

77 Universal Credit Update

The Portfolio Holder for Resources submitted a report to update Cabinet on the implementation of Universal Credit (UC) Full Service in Hyndburn.

Approval of the report was not deemed a key decision.

Reasons for Decision

Universal Credit full service was implemented in February 2018 at Accrington Job Centre Plus. Implementation was delivered by the DWP with the Council in a supporting role. Previous to full service was Universal Credit *Live* Service which applied many of the same assessment criteria but was not a fully digital platform.

Full service implementation, or 'closing the gateway' means that in Hyndburn, from February 2018 all new claims to Housing Benefit stopped with some exceptions.

In order to ensure that residents are claiming the correct benefit from mid February, HBC implemented steps to close the gateway:

Diverting or stopping claims made to HBC quickly was essential in order to prevent any delays to the claimant's Universal Credit claim.

Alternative Options Considered and Reasons for Rejection

Not applicable.

Resolved - That the report be noted.

78 Overview and Scrutiny Work Programmes 2018/19

The Chair of the Communities and Wellbeing Overview and Scrutiny Committee (Councillor Glen Harrison) and the Chair of the Resources Overview and Scrutiny Committee (Councillor Noordad Aziz) submitted a report seeking consideration of and comment on the draft 2018/19 Overview and Scrutiny Work Programmes. The Work Programmes and the Criteria for selecting items were appended to the report. Approval of the report was not deemed a key decision.

Approval of the report was not deemed a key decision.

Reasons for Decision

At the beginning of each Municipal Year, the Council's Overview and Scrutiny Committees agreed their respective work programme for the year, the process for which was set out in the Council's Overview and Scrutiny Procedure Rule C6(a).

Alternative Options Considered and Reasons for Rejection

Cabinet was the relevant body to consider the work programmes, pursuant to the Council's Overview and Scrutiny Procedure Rules.

Resolved - That the Work Programmes for the Overview and Scrutiny Committees, as appended to the report, be noted.

79 Financial Position May 2018 Report for the Year Ending 31st March 2019

The Portfolio Holder for Resources submitted a report to inform Cabinet on the financial spending of the Council up to the end of May 2018 and the financial forecast outturn position for the Accounting Year 2018/19.

Approval of the report was not deemed a key decision.

Reasons for Decision

The financial details of the report was shown as a table at the end of the report.

The spend for the first two months of the financial year to the end of May 2018 is £1,556,661 compared to a Budget of £1,553,332 giving a small adverse variance of £3,000 over the first two months of the year.

The current forecast spend to the end of the financial year in March 2019 is £11,106,000 compared to a Budget of £11,174,000. This forecast produces a positive variance of £68,000. The main areas of financial pressure are Planning & Transportation and Regeneration & Property Services.

Alternative Options Considered and Reasons for Rejection

Not applicable.

Resolved - That Cabinet noted the report and asked that the Corporate Management Team look to reduce costs and

increase income over the remainder of the year to help improve the overall financial position of the Council.

80 Huncoat Garden Village

The Leader of the Council submitted a report to update Cabinet on progress with plans to establish a Garden Village at Huncoat that can make a major contribution towards housing and employment growth in the Borough.

Approval of the report was not deemed a key decision.

Reasons for Decision

Huncoat village and surrounding area is subject to strategic housing and employment land allocations within the Hyndburn Core Strategy (2012) centred on the former colliery and power station sites. These allocations together with other land in the wider Huncoat area provide a major opportunity for meeting the Borough's future housing requirements and economic growth.

Recognising the growth opportunities in the Huncoat area Cabinet gave its consent in January 2017 for a Masterplan for Huncoat to be developed in consultation with residents and other stakeholders.

The Masterplan and Delivery Strategy will set out a shared spatial vision and development objectives for the proposed Garden Village. It will provide clarity on the development, design, infrastructure and financial requirements needed to implement the proposed Garden Village. Critically it will de-risk and provide certainty to the market and others on the planning requirements and lever in private finance and any public sector funding that may be needed.

The Garden Village Masterplan and Delivery Strategy will determine a new preferred spatial vision for Huncoat. This will in turn feed into the Council's Site Allocations DPD which is the formal mechanism through which any site allocations for the proposed Garden Village will be permitted and subsequently considered as part of the Council's review of the Local Plan.

To summarise the Masterplan and Delivery Strategy will consider and recommend a new site allocation boundary for the proposed Huncoat Garden Village based on the study area at Appendix 1 and a robust funding and delivery strategy. This will be identified following a rigorous option testing exercise to assess the optimal spatial distribution of development within the Garden Village study area, the infrastructure requirements needed to support the development viability and delivery plan.

Alternative Options Considered and Reasons for Rejection

The Masterplan and Delivery Strategy will be subject to option development that could comprise three options as per the report

Resolved

- (1) That Cabinet noted and welcomed the steps taken to establish a Garden Village at Huncoat which would provide a major opportunity for housing and employment growth in the Borough; and**
- (2) That Cabinet noted that Arcadis Consultancy (UK) Limited had been selected to support the Council in preparing a Masterplan and Delivery Strategy for the**

proposed Huncoat Garden Village as set out in the report attached to the agenda; and

(3) That Cabinet noted and welcomed that key stakeholders and residents would be consulted on the emerging vision for a Huncoat Garden village as set out in the report.

81 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 item, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraph at Schedule 12A of the Act specified at the item.

82 Lease of the Coach House building at Rhyddings Park in Oswaldtwistle

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 Deputy Leader of the Council and Portfolio Holder for Environmental Services submitted a report to seek Cabinet approval to grant a lease for the coach house at Rhyddings Park to The Friends of Rhyddings Park.

Approval of the report was not deemed a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

Resolved

- (1) That Cabinet agreed to lease the Coach House building in Rhyddings Park to the Friends Of Rhyddings Park; and**
- (2) That Cabinet granted delegated authority to the Head of Housing & Regeneration to agree the terms of the lease and complete with the Friends of Rhyddings Park.**

83 Report of Urgent Cabinet Decision- Joint Housing & Economic Needs Assessment

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

The Leader of the Council submitted a copy of an exempt signed Urgent Cabinet Decision form and accompanying exempt report relating to the use of the Urgent Cabinet Decision Procedure in respect of a decision to waive the Council's contract procedure rules for undertaking a joint housing and economic needs assessment with Blackburn with Darwen Council.

Approval of the report was not deemed a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

Resolved **- That the use of the Urgent Cabinet Decision Procedure be noted.**

84 Leisure in Hyndburn Financial Loan

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

The Portfolio Holder for Education, Leisure and Arts submitted a report seeking Cabinet approval for a loan to be made to Leisure in Hyndburn.

Approval of the report was not deemed a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

Resolved **- That the loan to Leisure in Hyndburn on the terms set out in the report be approved.**

85 Proposed Disposal of Land at Walmsley Avenue & Walmsley Street, Rishton

The following items were 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 information contained in the reports were not available by the publication deadline.

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

The Portfolio Holder for Housing and Regeneration submitted a report to seek Cabinet's approval for the disposal of Council owned public open space off Walmsley Avenue and Walmsley Street, Rishton for residential development as set out in the report.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

Resolved **- That the recommendations as set out in the report be approved.**

86 Appointment of Consultant Facilities Management (FM) Function- Request to waive the Council's Contract Procedure Rules

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

The Portfolio Holder for Housing and Regeneration submitted a copy of an exempt signed Urgent Cabinet Decision form and accompanying exempt report relating to the use of the Urgent Cabinet Decision Procedure in respect of a decision to waive the Council's contract procedure rules for the appointment of consultant facilities management function.

Approval of the report was not deemed a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

Resolved **- That the use of the Urgent Cabinet Decision Procedure be noted.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

CABINET

Wednesday, 29th August, 2018

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

In Attendance: Councillors Tony Dobson and Lisa Allen

Apologies: Gareth Molineux

98 Apologies for Absence

An apology for absence was submitted on behalf of Councillor Gareth Molineux.

99 Declarations of Interest and Dispensations

There were no interests or dispensations declared at the meeting.

100 Minutes of Cabinet

The Minutes of the meeting of Cabinet held on 18th July 2018 were submitted for approval as a correct record.

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

101 Minutes of Boards, Panels and Working Groups

The Minutes of the Local Plan Member Working Group held on 2nd July 2018 were submitted for noting.

Resolved - That the Minutes be received and noted.

102 Reports of Cabinet Members

There were no reports.

103 Black Abbey Street Urgent Variation of Christ Church Conservation Area

The report was withdrawn.

104 The Development of a Policy Framework for Pavement Cafés and the Display of Goods on Pavements

The Leader of the Council (Councillor Miles Parkinson) submitted a report seeking approval to develop a policy framework for the management of pavement cafes/outdoor eating (in association with existing cafes and restaurants) and the use of pavements for other activities in Hyndburn.

Approval of the report was deemed a key decision.

Reasons for Decision

There has been a steady reduction in the number of national retailers, banks and building societies in Accrington town centre and an increase in the number of vacant stores, charity shops and discount stores.

There have been a number of significant developments that have helped to increase the number of people in Accrington Town Centre and make it more attractive for business and there is a continuing need to explore and develop ways of attracting people and businesses into Accrington. Possessing a diversity of uses is also recognised as a means of attracting people into town centres and recent reports suggest that improved performance in some high streets is being driven by the presence of an inventive food and drink sector, such as street food and markets. A positive policy framework would encourage, and reduce barriers, for those seeking to develop their food and drink establishments in the town centre – pavement Cafes.

Alternative Options Considered and Reasons for Rejection

No action. At present the Council does not have a policy in relation to pavement cafes/display of goods on pavements. It is therefore unclear what someone seeking to develop a pavement café would need to consider or submit to the Council (if anything).

Resolved

- (1) **That a policy framework be developed for the operation of Pavement cafes and the use of pavements for other activities (such as the display of goods) on pavements in Hyndburn, and in particular Accrington Town Centre;**
- (2) **That the policy framework be developed in consultation with relevant stakeholders including town centre businesses, Lancashire County Council and the Town Team before being presented to Cabinet for approval;**
- (3) **That the policy framework be accompanied by guidance for applicants on how to apply for a licence to operate a pavement café and what information they need to submit and details of model conditions that might be considered necessary on any licence granted; and**
- (4) **That the policy framework be accompanied by a schedule of fees that will set out the initial cost of managing an application and the annual cost associated with renewal of licence.**

105 The Waste (England and Wales) Regulations 2011 (Amended 2012) Review of Waste Collection Arrangements

The Deputy Leader of the Council (Councillor Paul Cox) submitted a report to advise Members on the implications of the Waste (England and Wales) Regulations 2011, (amended 2012) and the outcome of the Technically Environmentally, and Economically Practicable, (TEEP) test on the Council's new collection arrangements for certain recyclable materials (paper and card, glass, metals and plastics).

Approval of the report was not deemed a key decision.

Reasons for Decision

The Waste (England and Wales) Regulations 2011 (Amended 2012) are designed to implement the requirements of the EU Waste Framework Directive, Article 4, which relates to the handling and processing of certain recyclable materials. The aim is to ensure that materials collected as recyclables are recycled and not disposed of in another way. The Directive is therefore concerned with the quality of materials collected and the ability of material reprocessors to sort materials and provide high quality materials for subsequent closed loop recycling.

Waste Collection Authorities will need to consider their collection arrangements against these requirements. The regulations do not prohibit commingled collections, rather they establish separate collections as the default position and it is for the WCAs to demonstrate that separate collections are not necessary or practicable.

The regulations are about improving the quantity and quality of the material collected and the ability of reprocessors to sort materials and provide high quality materials for closed loop recycling.

If separate collection of a material fails any one of the technically, environmentally and economically practicable tests then it will be deemed to not have met the Practicability (TEEP) Test. The Council has substantially changed its method of collecting domestic recycling and undertaken a new TEEP assessment. A review of the Council's waste collection arrangements has therefore been undertaken by the Head of Environmental Services applying the Route Map.

Alternative Options Considered and Reasons for Rejection

Around 10 different collection methods were proposed and evaluated. All were rejected due to issues around vehicle sizes, cost of providing additional containers and the number of vehicles/crew members required for each option. However, the two stream recycling collection model utilising wheeled bins; maintains the existing alternate weekly collections calendar, (i.e. recycling week 1, residual week 2, recycling week 3 residual week 4 and so on), allows for a reduced standardised Refuse Compaction Vehicle fleet and simplifies recycling for residents. Overall, this option was considered the best and widely supported by Cabinet members and Officers.

Due to the Council's financial pressures, it was not economically practical to maintain the 'status quo' of utilising bags and boxes. Moving to a two stream recycling collection method provided substantial financial savings on vehicles, the requirement for a third recycling wheeled bin and staff costs.

Whilst not part of the Necessity and Technically, Environmentally and Economically Practicable, (TEEP) assessments, evidence from other WCAs which moved from bags and boxes to wheeled bins, suggests an increase in capture rates which would also suggest an increase in the recycling rate. The removal of bags and boxes will also lead to a significantly improvement in the cleanliness of the environment as there will be very little wind-blown litter.

Resolved

- (1) That the outcome of the Necessity and Technically, Environmentally and Economically Practicable, (TEEP) assessments, carried out on the Council's revised recycling collection arrangements that were implemented in July 2018 be endorsed; and**
- (2) That the Head of Environmental Services in consultation with the Cabinet Portfolio Holder for Environmental**

Services and the Head of Legal Services be authorised to sign off the new assessment document, in line with best practice guidance as per item 3.5 (WRAP's Route Map).

106 Garage Plot Rental Charge 1st April 2019

The Cabinet Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary) submitted a report seeking approval for increased garage plot rents from 1st April 2019.

Approval of the report was deemed a key decision.

Reasons for Decision

The Council last increased the annual garage plot rent on the 1st April 2016. Allowing for an annual rate of inflation of 2.2% since 2016, and rent comparisons charged by neighbouring authorities, it is recommended that the annual rent be increased to £96.00.

The Council completes a garage rent review every 3 years, with the aim of ensuring that the garage plot rents keep pace with inflation. It is reasonable for the Council to increase the garage plot rents having taken into consideration annual inflation since the last rent increase and rents charged by neighbouring local authorities.

The recommended rent of £96.00 is the average of the four neighbouring Lancashire authorities. In reaching the recommended rent, consideration has been given to the annual rate of inflation since 2016.

Alternative Options Considered and Reasons for Rejection

No change. Continue to charge rents at the existing amount. This option has been rejected on the grounds that a larger rent increase will be required at a future date. It is reasonable for the Council to review the rents charged every 3 years.

Set a lower rent increase. This option has been rejected on the grounds that the annual rate of national inflation since 2016 is 2.44%. The Council has set the rent increase marginally lower than the national rate of inflation, and to a rate comparable with other neighbouring local authorities.

Set a higher rent increase. This option has been rejected on the grounds that the increase would be greater than the national rate of inflation.

Resolved

- That an increase in garage plot rents from £90.00 to £96.00 per annum (excluding VAT) be approved with effect from 1st April 2019.**

107 Financial Position 2018/19 Update

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.

The Cabinet Portfolio Holder for Resources (Councillor Joyce Plummer) submitted a report to inform Cabinet of the financial spending of the Council up to the end of July 2018 and the financial forecast outturn position for the Accounting Year 2018/19.

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 July 2018 and the prediction of the outturn position to the end of the financial year in March 2019.

Alternative Options Considered and Reasons for Rejection

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

Resolved

- That the report be noted and Corporate Management Team continue to look to reduce costs and increase income over the remainder of the year to help improve the overall financial position of the Council.

108 Accrington Markets - Review of Charges

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.

The Cabinet Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary) submitted a report to seek approval to implement a new charging structure for Accrington Market with effect from 1st October 2018. The report also provided an overview of current charges, occupancy levels and steps being taken to ensure the long term viability and sustainability of Accrington Markets.

Approval of the report was not deemed a key decision.

Reasons for Decision

This is the first major review of Market Hall charges since 2010. The proposed reduction and freezing of charges reflects difficult high street trading conditions generally, including those affecting the markets sector.

The proposed revised charges reflect a review of the open market rental values at Accrington Markets using comparable rents and rateable values and a review of service costs. The charging review has also been mindful to keep a fair balance between the financial pressures faced by some of our traders and the long term sustainability of Accrington Markets.

The Cabinet Working Group with the support of officers, will be ensuring the good financial stewardship of the Markets' budget with a priority to increase occupancy of the outside markets and to eradicate longer term subsidised occupancies of the indoor Market Hall unless there are exceptional circumstances that add value to the overall offer at Accrington Markets especially for other traders by increasing footfall significantly.

A Valuation Report was commissioned to establish the open market rental values of the accommodation for the inside and outside markets. The valuation report considered town centre comparable rents, other market charging comparisons across Lancashire and wider North West and the Valuation Office Agency's rateable values for the Market Hall which is considered a fairly good barometer of rental values.

Despite the freeze the Cabinet Working Group were well aware of a decrease in retail rental values in and around Accrington town centre and trading difficulties experienced by some market traders.

In addition to reviewing Market charges, the Cabinet Working Group has started to look at wider issues that are having a negative impact on the Markets' budget including occupancy levels, incentive rates and a vision and business plan for the future with a view to sustaining Accrington Markets for the long term future.

Like the rent charges, the Markets Service Charge has not been reviewed since 2010. This has now been reviewed to reflect actual costs, with a small increase in costs, and therefore there is a need to increase the service charge element of charges.

Alternative Options Considered and Reasons for Rejection

The proposed charges are based on an assessment of open market rents by a qualified and experienced Chartered Surveyor registered with The Royal Institute of Chartered Surveyors. Other options were considered by the Cabinet Working Group but have been rejected due to the need to achieve a fair balance between open market values and financial pressures faced by some traders.

Resolved

- (1) **That the proposed charges for Accrington Market, as set out in the report, be approved with effect from 1st October 2018 (10.5% reduction) and 1st October 2019 (a further 2.9% reduction);**
- (2) **That it be noted that the proposed charges apply to all tenancies and occupancies except those that were subject to agreed incentive rates and discounts within the indoor Market Hall or Kiosks;**
- (3) **That it be noted of the intention to phase out all current indoor Market Hall incentive arrangements by no later than the 30th June 2019;**
- (4) **That all indoor Market Hall and Kiosk tenants benefit each year from a one month, 50% rent discount (but not service charge) subject to the account not going into arrears for a 12 month term ending the 31st March of each financial year and the rent and service charge being continually paid by direct debit be approved;**
- (5) **That it be noted that the maximum incentive term for the indoor market will be 6 months and will not exceed 50% of the combined rent and service charge rate except in exceptional circumstances where the incoming tenant will provide significant added value to all stall holders. Any extended incentive rates under exceptional circumstances will have to be approved by the Chief Officer responsible for the Markets in consultation with the Portfolio Holder and Leader of the Council; and**
- (6) **That authority be delegated to the Head of Regeneration and Housing to determine the occupancy charges for the two outside catering units and seating areas in**

consultation with the Leader of the Council and the Portfolio Holder responsible for Accrington Markets;

(7) That the work of the Accrington Markets Cabinet Working Group be noted and acknowledged in reviewing the financial position and charging regime of Accrington Markets and authority be given for the Working Group to continue to closely monitor Accrington Markets' budget and to examine ways in which financial performance could improve to ensure the long term sustainability of the indoor and outdoor markets.

109 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 item, when it was likely, in view of the nature of the proceedings that there would otherwise be disclosure of exempt information within the Paragraph at Schedule 12A of the Act specified at the item.

110 Leasing of Whiteash Playing Fields and Associated Changing Pavilion to Hyndburn Youth FC

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 Deputy Leader of the Council (Councillor Paul Cox) submitted a report seeking approval in principle from Cabinet to grant a lease for Whiteash Playing Fields in Oswaldtwistle and associated changing pavilion to Hyndburn Youth Football Club (Hyndburn Youth FC) or its trustees and to agree arrangements for the grant of the proposed lease.

Approval of the report was not deemed a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

Resolved

- (1) That approval be given in principle to lease Whiteash Playing Fields and associated changing pavilion to Hyndburn Youth Football Club or its trustees on the terms set out in the report;
- (2) That authority be delegated to the Head of Housing and Regeneration to advertise the intention to dispose of the land by way of a lease pursuant to Section 123(2A) of

the Local Government Act 1972 and following consultation with the Portfolio Holder, to determine whether to grant the proposed lease having regard to any objections received;

- (3) That authority be delegated to the Deputy Head of Environmental Services to apply for consent from Fields in Trust to enter into a lease with Hyndburn Youth FC or its trustees for Whiteash Playing Fields; and
- (4) That subject to paragraphs 2.2 and 2.3 of the report, authority be delegated to the Head of Housing and Regeneration to agree the detailed terms of the lease and to complete the lease with Hyndburn Youth FC or its trustees.

111 Sale of 302 Burnley Road, Accrington. BB5 6HG

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 Cabinet Portfolio Holder for Housing and Regeneration submitted a report seeking instructions for the sale of 302 Burnley Road, Accrington, as shown in the report.

Approval of the report was not deemed a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

Resolved

- That bids 2 and 3 be rejected for the reasons provided at the meeting and bid 1 accepted which reflects a truer reflection of the market value and would see the property brought back into use as a family home.

112 Disposal of Properties on China Street, Accrington

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

The Cabinet Portfolio Holder of Regeneration and Housing (Councillor Clare Cleary) submitted a report on the disposal of properties on China Street, Accrington.

Approval of the report was not deemed a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

Resolved

- (1) That approval be given to appropriate two Council owned residential properties and adjacent land (as set out in the exempt report) currently held for planning purposes of Section 2 of the Local Government Act 2000, pursuant to Section 232 of the Town & country Planning Act 1990;
- (2) That approval be given to lease the two properties as the terms provided in the exempt report; and
- (3) That authority be delegated to the Head of Regeneration and Housing and the Executive Director (Legal and Democratic Services to finalise all other terms of the lease.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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PLANNING COMMITTEE

Wednesday, 20th June, 2018

Present: Councillor Eamonn Higgins (in the Chair), Councillors Loraine Cox (Vice Chair), Judith Addison, Stephen Button, Stewart Eaves, Melissa Fisher, June Harrison, Marlene Haworth, Abdul Khan, Dave Parkins, Kath Pratt and Tim O'Kane

Apologies: Councillors Jean Battle and Paddy Short

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

Apologies for absence were submitted from Councillors Jean Battle and Paddy Short.

Councillor Tim O'Kane acted as substitute representatives for Councillor Battle.

There was no substitute representative for Councillor Short.

Councillor Kath Pratt declared an interest in planning application 11/18/0115 due to previous public comments made in relation to the windfarm and the impact upon television signal interference for local residents in the Baxenden ward.

Councillor Pratt left the meeting room prior to the determination of the application and took no part in the determination.

Councillor Melissa Fisher declared an interest in planning application 11/18/0113 as she was related to one of the objectors to the application who was registered to speak at the committee.

Councillor Fisher left the meeting prior to the determination of the application, sat in the public gallery and took no part in the determination.

There were no reported dispensations

40 Minutes of the Last Meeting

The minutes of the last Planning Committee held on the 23rd May 2018, were submitted for approval as a correct record.

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

41 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 refused contrary to Officer recommendation as per the report on the grounds of**

**highways with inadequate access to the location for both
pedestrians and traffic:-**

11/18/0177 Proposed erection of six residential care and learning disability supported living units (C2) (Resubmission of 11/17/0480)
Land at Back Owen Street Accrington

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

2. Mrs Amanda Brelsford spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

3. Councillor Paul Cox spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

Resolved **- (2) That the following planning application be approved
subject to the conditions as per the report and that delegated
authority be granted to the Chief Planning and Transportation
Officer to make amendments to the conditions:-**

11/18/0113 Outline application: Demolition of an existing bungalow and erection of no. 4 bungalows with all matters other than "Access" reserved for subsequent approval.
13 Lynwood Road, Huncoat, Accrington

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

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

3. Councillor Dave Parkins requested a recorded vote in the minutes and voted against the Officer's recommendation to approve planning permission.

Resolved **- (3) That the following planning application be approved
subject to the conditions as per the report:-**

11/18/0101 Planning Obligation Modification sought to the Section 106 Agreement dated 23/06/2009 under Section 106A of the Town and Country Planning Act 1990
Unit 6B and part Unit 5 The Peel Centre, Whitebirk Drive, Rishton

N.B. 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.

Resolved **- (4) That the following planning application be approved
subject to the conditions as per the report and that delegated
authority be granted to the Chief Planning and Transportation
Officer to make amendments to the conditions:-**

11/18/0115 Minor material amendment under Section 73 of the Town and Country Planning Act 1990 to vary conditions 2 and 10 of

planning permission 11/15/0351 to allow an increase in tip height of the approved wind turbines from 125m to 138m (with associated increase of hub height)
Haslingden Wind Farm, Haslingden Old 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. Mr Michael Briggs spoke at the Committee in support of the above planning application and in favour of the Officer's recommendation to approve planning permission.

Signed:

Date:

Chair of the meeting
At which the minutes were confirmed

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COMMUNITIES AND WELLBEING OVERVIEW AND SCRUTINY COMMITTEE

Wednesday, 11th July, 2018

Present: Councillor Glen Harrison (in the Chair),
Councillors Bernadette Parkinson (Vice Chair) and Lisa Allen
Cooptees

Apologies: Loraine Cox, Judith Addison and June Harrison

54 Apologies for Absence and Substitutions

Apologies were submitted for Councillor Lorraine Cox, Councillor June Harrison and Councillor Judith Addison.

It was noted that membership for the Committee was incorrect. Councillor Lisa Allen is the correct member, and not Councillor Josh Allen as printed on the agenda.

Resolved: That Membership of the Committee is updated to include Councillor Lisa Allen and remove Councillor Josh Allen.

55 Declarations of Interest and Dispensations

There were no declarations of interest and dispensations.

56 Minutes of Last Meeting

To receive the Minutes of the meeting of the Communities and Wellbeing Overview and Scrutiny Committee held on Wednesday 28th March 2018 for approval as a correct record.

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

57 Appointment of Cooptees

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

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

- (i) Applications may be invited to fill a vacancy for a co-opted member at the Overview and Scrutiny Committee; applications may also be received directly from members of the public.
- (ii) The application will be considered first at the relevant Overview and Scrutiny Committee. The Committee will consider the knowledge and experience of the applicant relevant to the terms of reference or work programme of the Committee.
- (iii) The intention is that such co-optees will be non-political.

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

Ian Ormerod is a former Councillor who has been co-opted to this Committee since the Council introduced co-optees to Scrutiny in 2011. Paul Barton is a former Councillor who was co-opted on to this Committee in 2016.

One new nomination has come forward this year. This is for the appointment of Bernard Dawson. Bernard was made a Freeman of the Borough this year due to his services to local government and has extensive experience sitting on many committees during his time as a Councillor.

Should the nominations be accepted, there will remain two vacant Cooptee positions on the Communities and Wellbeing Overview and Scrutiny Committee. Any nominations received for this vacant position will be considered at the next available meeting of the Committee.

Resolved: **The Committee recommends the appointment of Ian Ormerod and Paul Barton to the Resources Overview and Scrutiny Committee; and the appointment of Bernard Dawson to the Resources Overview and Scrutiny Committee and the Communities and Wellbeing Overview and Scrutiny Committee as Cooptees. Recommendations will be submitted to the next meeting of Council.**

58 2018/19 Overview and Scrutiny Work Programmes

The Chair of the Committee, Councillor Glen Harrison presented the report, which outlined the proposed Work Programmes for the Overview and Scrutiny Committees. Questions were asked on how the work programme was formed and if/how amendments could be made.

The Overview and Scrutiny Officer explained the draft work programme was produced initially by contact with all Councillors and Service Heads, who were asked for suggestions. These were then discussed at an informal meeting of the Chairs and Vice Chairs, and then with Cabinet Members. This process is outlined in the Council's Constitution.

The Overview and Scrutiny Officer also confirmed that the programme can be altered or added to at any time, and there are several ways of doing this, which he will share via email with all Committee members.

Resolved: **That the Committee approve their 2018/19 Overview and Scrutiny Work Programmes for submission to the next meeting of Cabinet.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 12th July, 2018

Present: Councillor Noordad Aziz (in the Chair),
Councillors Jenny Molineux (Vice Chair), Lisa Allen, Stephen Button and
Tim O'Kane

Apologies: Councillors Jean Battle

59 Apologies for absence, Substitutions, Declarations of Interest and Dispensations

Apologies were submitted by Councillor Jean Battle.

There were no substitutions or declarations of interest and dispensations.

60 Minutes of Last Meeting

To receive the Minutes of the meeting of the Communities and Wellbeing Overview and Scrutiny Committee held on Thursday 22nd March 2018 for approval as a correct record.

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

61 Appointment of Co-optees

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

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

- (i) Applications may be invited to fill a vacancy for a co-opted member at the Overview and Scrutiny Committee; applications may also be received directly from members of the public.
- (ii) The application will be considered first at the relevant Overview and Scrutiny Committee. The Committee will consider the knowledge and experience of the applicant relevant to the terms of reference or work programme of the Committee.
- (iii) The intention is that such co-optees will be non-political.
- (iv) If the majority of the Overview and Scrutiny members support the appointment of the applicant, the proposed appointment will be presented to Council for approval.

Ian Ormerod is a former Councillor who has been co-opted to this Committee since the Council introduced co-optees to Scrutiny in 2011. Paul Barton is a former Councillor who was co-opted on to this Committee in 2016.

One new nomination has come forward this year. This is for the appointment of Bernard Dawson. Bernard was made a Freeman of the Borough this year due to his services to local government and has extensive experience sitting on many committees during his time as a Councillor.

Should the nominations be accepted, there will remain two vacant Co-optee positions on the Communities and Wellbeing Overview and Scrutiny Committee. Any nominations received for this vacant position will be considered at the next available meeting of the Committee.

Resolved - The Committee recommends the appointment of Ian Ormerod and Paul Barton to the Resources Overview and Scrutiny Committee; and the appointment of Bernard Dawson to the Resources Overview and Scrutiny Committee and the Communities and Wellbeing Overview and Scrutiny Committee as Co-optees. Recommendations will be submitted to the next meeting of Council.

62 2018/19 Overview and Scrutiny Work Programme

The Chair of the Committee, Councillor Noordad Aziz presented the report, which outlined the proposed Work Programmes for the Overview and Scrutiny Committees. Questions were asked on how the work programme was formed and if/how amendments could be made.

The Overview and Scrutiny Officer explained the draft work programme was produced initially by contact with all Councillors and Service Heads, who were asked for suggestions. These were then discussed at an informal meeting of the Chairs and Vice Chairs, and then with Cabinet Members. This process is outlined in the Council's Constitution.

The Overview and Scrutiny Officer also confirmed that the programme can be altered or added to at any time, and there are several ways of doing this, which he will share via email with all Committee members.

The Overview and Scrutiny Officer explained the rules around the establishment of a Task and Finish Group for Scrutiny, with regards to the Green item scheduled for September. Members also suggested the possibility of a Task and Finish group to review the work of local charities. The Overview and Scrutiny Officer explained the Constitution only allows for each committee to establish one task and finish group at any one time. The Committee agreed to discuss this at a later date.

Resolved - That the Committee approve their 2018/19 Overview and Scrutiny Work Programmes for submission to the next meeting of Cabinet.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

PLANNING COMMITTEE

Wednesday, 18th July, 2018

Present: Councillor Loraine Cox (in the Chair); Councillors: Judith Addison, Jean Battle, Stephen Button, Clare Cleary, Stewart Eaves, Melissa Fisher, June Harrison, Marlene Haworth, Tim O’Kane, Dave Parkins, Kath Pratt and Paddy Short.

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

Apologies for absence were submitted from Councillors Eamonn Higgins and Abdul Khan.

Councillor Tim O’Kane and Clare Cleary acted as substitute representatives for Councillors Higgins and Khan.

There were no reported declarations of interest or dispensations

64 Minutes of the Last Meeting

The minutes of the last Planning Committee held on the 20th June 2018, were submitted for approval as a correct record.

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

65 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 prior signing of a Section 106 agreement for the planting of replacement trees and subject to the conditions as per the report with the addition of a condition withdrawing any permitted development rights to construct dormer extensions on the bungalows, and that delegated authority be granted to the Chief Planning and Transportation Officer to make any necessary amendments to the conditions:-

11/18/0160 Erection of six bungalows (C3)
Land off Fort Street, Clayton le Moors

Resolved- (2) That the following planning application be refused (contrary to Officer recommendation) on the grounds that it was an inappropriate use in such close proximity to the listed Market Hall due to its adverse impact on visual amenity in the Town Hall Square area of the Accrington Town centre Conservation area:-

11/18/0224 PALS Outdoor Café,
Front of Market Hall, Blackburn Road, Accrington

N.B. 1. Mr Noel Murtagh spoke at the Committee in objection of the above planning application and against the Officer's recommendation to approve planning permission.

The Chief Planning and Transportation Officer submitted a supplementary report published in the supplemental agenda 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 the prior signing of Section 106 T&CPA 1990 /Section 111 LGA 1972 agreements requiring a contribution towards tree and woodland replacement and the re assessment and if appropriate implementation, of the affordable housing viability study:-

11/17/0566 Major: Erection of 57 No residential dwellings and associated infrastructure Land bounded by Salisbury Street, Park Road and Balfour Street, Great Harwood

N.B. 1. Mr Miles Parkinson 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

AUDIT COMMITTEE

Monday, 30th July, 2018

Present: Councillor Noordad Aziz (in the Chair), Councillors Diane Fielding (Vice Chair), Michael Miller, Tim O'Kane and Kath Pratt

Apologies Councillor Bernadette Parkinson

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

Apologies for absence were submitted from Councillor Bernadette Parkinson, Mark Beard and Mike Walker.

There was no substitute representative for Councillor B. Parkinson.

There were no reported declarations of interest or dispensations.

88 Minutes of the Last Meeting

The minutes of the last meeting held on the 19th March 2018 were submitted for approval.

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

89 Annual Internal Audit Report & Audit Opinion 2017/18

The Head of Audit and Investigations had submitted a report to inform and update Audit Committee on the Annual Internal Audit Report and Audit Opinion for 2017/18 and to give details on the performance of the Internal Audit Team and final outturn position for 2017/18

The HBC Senior Auditor provided a detailed summary to Members and was pleased to report that good levels of internal control were found to be in place and no significant areas of concern were found that could impact on the Council's Financial Statements.

The Audit Opinion for 2017/18 was classed as "Substantial assurance" which meant that work undertaken was generally conducted with a sound system of internal control designed to meet the service objectives. The controls in place are generally being applied consistently, however some weaknesses in the design and/or inconsistent application of controls put the achievement of particular objectives at risk.

Each audit report issued was given an audit opinion on the issues identified and reported by internal audit. Table 2 of the report showed the opinions and how many each were issued in 2017/18.

Table 4 of the report detailed performance for 2017/18 together with the two most recent financial years as a comparison.

An amendment would be made to paragraph 3.21 of the report which stated that two audit engagements were almost complete as at 31st March 2017. The year should state 2018 and the Chair requested that this be changed accordingly.

Target coverage for the 2017/18 Audit Plan was 98% and 94.12% was achieved. Whilst the out-turn figure was not significantly below the actual target, the Head of Audit & Investigations has carried out additional calculations and established that had there been no sickness, special leave, compassionate leave and other leave then the out-turn figure for the year would have been 96.24% which would have been 1.76% below the target coverage. Therefore the 2018/19 Audit Plan coverage target remains at 98%.

Resolved - That the report be noted for informational purposes.

90 Audit Reports & Key Issues- Progress Report for the Period April- July 2018

The Head of Audit and Investigations submitted a report to inform members of the Audit Committee of Audit Reports issued during the period April- July 2018 and bring to the attention of the Committee what the key issues were.

The HBC Senior Auditor reported 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 June 2018 (22.64% of the plan completed) and the projected out turn position for 2018/19 (90.56% of the plan completed).

A summary of the main issues arising from audits carried out between April- June 2018 was attached to Appendix 1 of the report and detailed both substantial and comprehensive audit assurance in the following areas:

Substantial Assurance
Creditors

Comprehensive Assurance
Project Qulien (Garden waste payment system)
Housing Benefit and Council Tax Support
Cemeteries and Crematorium

No assurance rating had been allocated to external body nominations as the report issued to management team had not been dealt with due to other issues of greater importance.

The Chair asked the Deputy Chief Executive to address this issue as the report had been sent in February and requested an update at the next Audit Committee meeting.

Resolved - That the report be noted for informational purposes.

91 Audit Follow-Ups Report for the Period April- July 2018

The Head of Audit and Investigations submitted a report to inform members of the Audit Committee on the outcome of routine follow-ups following previous agreed action plans for completed Audit Records. The follow-ups detailed within the report were those carried out during the period April- July 2018.

The information on the following follow-ups were carried out during the period April to July 2018 and were detailed within Appendix 1 of the report.

Data security and storage
2 actions agreed and 2 actions had been implemented

Pest Control payment methods
4 actions agreed and 1 actions had been implemented

Taxi Licences
1 action agreed and 1 action had been implemented

ICT Assets
1 action agreed and 1 action had been implemented

CVMU Maintenance Schedules
2 actions agreed and 2 action had been implemented

Councillor Tim O'Kane requested if the internal audit team would investigate the insurance write off of taxis by the licensing department as minor damaged vehicles may be written off unfairly.

Resolved - That the report be noted for informational purposes.

92 Audit Findings for Hyndburn Borough Council (Year ended 31 March 2018) - Grant Thornton

Grant Thornton submitted a report to inform members of the committee on the audit findings and highlighted the key findings arising from the statutory audit of HBC and the preparation of the Council's financial statements for the year ended 31st March 2018 for those charged with governance.

The external auditors acknowledged the HBC Accountancy Department for their work in meeting the earlier deadline this year and commented that the workings are of a good quality.

The Chair repeated Grant Thornton's statement and requested that a thank you be recorded in the minutes to the Head of Accountancy and the finance team for their work in this challenging year to meet the required standards.

The report was explained with a summary of details for each section and Members were invited to ask any questions.

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.

Andrew Smith of Grant Thornton went through the report with a summary of details for each section, which included:

- Financial statements
- Value for money arrangements
- Statutory duties
- Significant and possible audit risks
- Accounting policies
- Audit adjustments
- Fees
- Draft audit opinion
- Draft letter of management representations

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

93 Statement of Accounts 2017/2018

The Head of Accountancy, David Donlan submitted a report to inform Audit Committee on the production of the Annual Accounts and their External Audit and deal with issues arising from this work.

The HBC statement of accounts was attached to the supplemental agenda as an appendix along with a letter of representation and Capital Outturn report which contained slippage on the Capital Programme.

Councillor Diane Fielding abstained from voting on this item due to insufficient time to read the reports as these were released in the supplemental agenda published in the previous week to the meeting.

Resolved - **(1) That Audit Committee approved and signed the Council's Statement of Accounts for 2017/18; and**
- (2) That Audit Committee approved and signed the letter of representation; and
- (3) That Audit Committee approved the slippage on the Capital Programme; and -
- (4) That Audit Committee noted the audit findings report.

94 Time/Date/Venue of Next Meeting of Committee

Resolved - **That the next meeting of the Audit Committee be held on Monday 19th November 2018 at 5.00pm in Scaitcliffe House.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

PLANNING COMMITTEE

Wednesday, 15th August, 2018

Present: Councillor Eamonn Higgins (in the Chair), Councillors Loraine Cox (Vice Chair), Judith Addison, Jean Battle, Stephen Button, Stewart Eaves, June Harrison, Marlene Haworth, Abdul Khan, Dave Parkins, Kath Pratt and Paddy Short

Apologies: Councillors Melissa Fisher

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

Apologies for absence were submitted from Councillor Melissa Fisher.

There was no substitute representatives for Councillor Fisher.

There were no reported declarations of interest or dispensations.

96 Minutes of the Last Meeting

The minutes of the last Planning Committee held on the 18th July 2018, were submitted for approval as a correct record.

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

97 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 deferred subject to confirmation of further details in relation to land ownership issues:-**

11/18/0225 Full: Erection of agricultural building
Land at Rhoden Duckworth Hill Lane, Oswaldtwistle

Resolved - **(2) That the following planning application be approved subject to the conditions as per the report:-**

11/18/0206 Full: Erection of no. 2 agricultural buildings (No. 1 livestock and no.1 food store) Re-Submission of planning application 11/18/0054
Smithacres, Back Lane, Baxenden, Accrington

N.B. 1. Mr Mike Carr the agent for the applicant 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

Agenda Item 12.

REPORT TO:	Council		
DATE:	20 September 2018		
REPORT AUTHOR:	Michael Cunliffe, Senior Corporate Support Officer		
TITLE OF REPORT:	Motions for debate at Council – 1. Manchester Airport Drop Off Charge 2. Northern Rail Performance Impact on Hyndburn's Residents 3. Medicinal Cannabis for Medical Purposes 4. School Funding Cuts		
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. Manchester Airport Drop off Charge

That this council resolves to write to Manchester Airport to review and consider removing the introduction of car park charges to drop off customers. This is impacting on the residents of Hyndburn and East Lancashire adversely with many spending the beginning of their trips stuck in a queue lasting up to 30 mins just to enter the airport.

In addition, the council recognises residents' concerns that the new Airports drop off area to avoid the charge is not viable especially for people with young children or when passengers have issues walking. In addition, the council also notes given that there is currently no direct public transport link from East Lancashire to Manchester Airport due to timetabling and capacity issues on the rail network and calls on Manchester Airport to support the campaign for a direct rail link from East Lancashire as genuine solution in reducing the number of cars by investing in public transport to improve links to Manchester Airport.

Proposer: **Councillor Noordad Aziz**
Seconder: **Councillor Munsif Dad**

Submitted on: 20th August 2018

2. Northern Rail Performance Impact on Hyndburn's Residents

That this council resolves to write to Department of Transport and Secretary of State for Transport to highlight issues that thousands of our residents are facing on a daily basis whilst using Northern Rail service. This is impacting on residents of Hyndburn obtaining and maintaining roles due to continued poor service.

The advent of the new timetable has provided both commuters and Northern Rail with many unacceptable challenges. On a daily basis, what should be a simple commute to and from work has become a battle against the departures board.

The impact psychologically and physically has become intolerable for our residents who are dependent upon rail services. From an economic perspective, this is undeniably impacting the North and Lancashire. Residents already fear possible job losses due to the instability of the rail service.

On behalf of the commuters of Hyndburn and East Lancashire, we are asking for an official investigation into whether Northern Rail is in breach of its franchise agreement. We also ask for reassurance that you are taking every step to ensure Northern Rail improves its performance immediately and they are held to account for the poor service they are providing. Also, We ask DoT consider giving more power and control be given to Transport for North to hold rail franchises to account as well as implement infrastructure projects in the North that can transform the North such as:

- The re-establishment of the Skipton to Colne Rail Line
- The expansion of the M65 to linking into Yorkshire and to the A1 (M)

Proposer: Councillor Noordad Aziz
Seconder: Councillor Clare Clearly

Submitted on: 21st August 2018

3. Medicinal Cannabis for Medical Purposes

That this council resolves to write to the Department of Health and Home Office in support of a Great Harwood resident in relation to requesting a review of the legislation for the use of medicinal cannabis for medical purposes especially in cases for terminal cancer patients.

The request is based on the experiences of a resident of Great Harwood who was diagnosed with terminal brain cancer over six years ago; was given six months to live, fortunately the resident is still with us but lives with this prognosis. The residents lives with the stark reality that during any of the regular three month check-up it could reveal that the cancer is growing, then all the surgery and chemotherapy will begin again. Going through all the treatment when the resident was diagnosed was a horrendous experience, with the resident being in constant pain and the tiredness was debilitating. All this would be helped if cancer sufferer were allowed legally take medical cannabis oil. This is the reason we ask that you look at medical cannabis being legalised and being made available for terminal cancer patients like our Great Harwood resident.

Proposer: Councillor Noordad Aziz
Seconder: Councillor Bernadette Parkinson

Submitted on: 4th September 2018

4. School Funding Cuts

That this Council notes that as a result of this Conservative Government's change to the way schools are funded, Lancashire schools will lose £33.3 million by 2020. This equates to £225 per pupil on average.

Hyndburn Schools have worked hard to achieve excellent levels and this Council believes that these government funding cuts are jeopardising our boroughs education standards . We are now seeing cash-strapped schools that struggle to give our children a good education, with larger classrooms and overworked teachers within Hyndburn.

Whilst the School's National Funding Formula has benefited some schools, the vast majority will be worse off including all Hyndburn school age children.

Hyndburn Borough Council instructs the Council Leader and Chief Executive to write to the Secretary of State for Education, the Rt Hon Damian Hinds MP, and the Chancellor of the Exchequer, the Rt Hon Phillip Hammond MP, to call on them to protect Hyndburn school children's education and enhance funding for all Hyndburn schools

Proposer: Councillor Loraine Cox
Seconder: Councillor Gareth Molineux

Submitted on: 4th September 2018

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