

Agenda



HYNDBURN

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Cabinet

Wednesday, 6 June 2018 at 3.00 pm,
Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Miles Parkinson (in the Chair)

Councillors Clare Cleary, Paul Cox, Munsif Dad, Gareth Molineux and Joyce Plummer

This Agenda gives notice of two items to be considered in private, as required by Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

AGENDA

PART A: PROCEDURAL AND INFORMATION ITEMS

1. **Apologies for Absence**
2. **Declarations of Interest and Dispensations**
3. **Minutes of Cabinet** (Pages 5 - 12)
To approve the Minutes of the last meeting of Cabinet held on 21st March 2018.
4. **Minutes of Boards, Panels and Working Groups** (Pages 13 - 16)



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To receive the Minutes of the meeting of the Regeneration and Housing Panel held on 12th March, 2018.

5. Report of Urgent Cabinet Decision - Lancashire Syrian Resettlement Programme - Request for Procurement Rules Exemption (Pages 17 - 22)

Report attached.

PART B: PORTFOLIO ITEMS

6. Reports of Cabinet Members

To receive reports from Cabinet Members.

Leader of the Council (Councillor Miles Parkinson)

7. Onward Homes Presentation

Presentation given by Alastair Cooper, Executive Director – Operations and Dave Mayner, Regional Director, Lancashire.

8. Appointment of Cabinet Committee and Cabinet Group (Pages 23 - 32)

Report attached.

9. Revised Statement of Community Involvement/Revised Local Development Scheme (Pages 33 - 90)

Report attached.

10. Peel Park Local Nature Reserve - Additional Land (Pages 91 - 98)

Report attached.

Portfolio Holder for Education, Leisure and Arts (Councillor Gareth Molineux)

11. Allotment Rental Charge 2020 and 2021 (Pages 99 - 108)

Report attached.

Portfolio Holder for Resources (Councillor Joyce Plummer)

12. Data Protection Update (Pages 109 - 160)

Report Attached.

PART C: EXEMPT ITEMS

13. Exclusion of the Public

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

Details of any representations received by the Executive about why the following report should be considered in public - none received.

Statement in response to any representations - not required.

Leader of the Council (Councillor Miles Parkinson)

14. Hyndburn Arts Ltd Financial Loan (Pages 161 - 164)

(The report will contain 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))

Report attached.

15. Report of Urgent Cabinet Decision - Phase 4, Town Hall Improvement Programme
(Pages 165 - 170)

(The report will contain 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))

Report attached.

Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary)

16. Report of Urgent Cabinet Decision - Admission Agreement - Lancashire County Pension Fund (Pages 171 - 176)

(The report will contain exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 1 – Relating to any individual)

Report attached.

17. Film Project and Equipment Hire for a Creative Video Projection on Accrington Market Hall *(Pages 177 - 180)*

(The report will contain 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))

Report Attached.

CABINET

Wednesday, 21st March, 2018

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

In Attendance: Councillors Tony Dobson, Eamonn Higgins and Terry Hurn

Apologies: Councillor Gareth Molineux

383 Apology for Absence

An apology for absence was submitted from Councillor Gareth Molineux.

384 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

385 Minutes of Cabinet

The Minutes of the meeting of Cabinet held on 14th February 2018 were submitted for approval as a correct record.

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

386 Minutes of Boards, Panels and Working Groups

The Minutes of the following meetings were submitted:-

- a) Local Plan Member Working Group - 15th January 2018
- b) Regeneration and Housing Panel - 15th January 2018
- c) Accrington Pals Centenary Commemorations Group - 23rd February 2018

Resolved - That the Minutes be received and noted.

387 Reports of Cabinet Members

There were no reports.

388 Green Belt Assessment

The Leader of the Council (Councillor Miles Parkinson) submitted a report relating to the completion of the Green Belt Assessment that had been undertaken to inform the development of the Local Plan for Hyndburn, receipt of the Final Report and the key findings of that Assessment. The Final Assessment Report and the Map showing the overall assessment of the detailed parcels of land were attached to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

- 1) The Council was preparing a Local Plan for Hyndburn and it had been necessary to undertake a Green Belt Assessment as one had not been undertaken since the Local Plan was adopted in 1996. The Assessment formed an essential part of the evidence needed in the development of the Site Allocations Development Plan Document and the Masterplan that would be prepared in 2018 for the future development of the Huncoat Zone.
- 2) The Assessment had been completed by consultants and needed to be published on the Council's website alongside other Local Plan evidence base reports. The Assessment considered the contribution made by 'general areas' of Green Belt first, followed by more detailed 'parcels' of land against the five purposes of the Green Belt identified by the National Policy Framework.
- 3) The purpose of the Assessment was to play a role in assisting the site selection process for future sites to allocate in the new Local Plan only. The Assessment does not make specific recommendations itself on parcels of land that should be removed or retained in the Green Belt.

Alternative Options Considered and Reasons for Rejection

A large portion of the Borough was designated Green Belt and the Assessment formed an important part of the evidence base for the review of the Core Strategy, the Site Allocations Development Plan Document and the Huncoat Masterplan. If a Green Belt Assessment had not been undertaken, it was likely that it would be difficult to defend decisions relating to areas of Green Belt, for example, in cases where developers were seeking to take land out of the Green Belt that the Council wished to retain in there, or where the Council believed land should be taken out of the Green Belt through the Local Plan. If an Assessment had not been undertaken, there was a risk that the Plan might not be found "sound" by an Inspector at the Examination in Public Stage.

Resolved - That the report and findings of the Green Belt Assessment be noted.

389 Memorial Park Heritage Lottery Bid

The Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss) submitted a report seeking support to submit a funding bid(s) to the Heritage Lottery Fund to refurbish Memorial Park, Great Harwood. Approval of the report was not deemed a key decision.

Reasons for Decision

- 1) In 2008 the Parks and Cemetery Service worked with Friends of Memorial Park to apply for Heritage Lottery Funding to refurbish Memorial Park, Great Harwood. The initial bid submitted had been unsuccessful. The outcome of a consultation with Friends of Memorial Park showed local residents wished to see refurbishment works carried out and the addition of a member of staff in place post capital works completion to encourage participation and develop the audience of people who used the Park, including engaging with hard to reach groups.
- 2) Heritage Lottery Fund had indicated their preferred way forward was for the Council to work with a partner organisation who had the appropriate skills and abilities to enable a first class project to be delivered. Proffitts CIC were a community interest company who had expertise in green space improvement projects and audience development.

3) Applying for funding to refurbish Memorial Park was a staged process and required organisations bidding for funding to outline their project proposals and work up a more detailed submission when required by the Heritage Lottery Fund. Proffitts CIC had offered to undertake the necessary work at no cost to the Council because the mechanism used by the Heritage Lottery Fund allowed any fees for time spent on developing a funding bid to be claimed directly from that Fund during the funding application process. It was anticipated that a funding bid would be submitted during 2019 and if approved, it was proposed that Proffitts CIC be appointed to act as project manager for the delivery phase of the Project. That appointment would require the Council to waive the tendering requirement in its Contract Procedure Rules.

Alternative Options Considered and Reasons for Rejection

Instead of applying for Heritage Lottery Fund funding, the Council could try to undertake improvements to Memorial Park on a piece meal approach. That option had been rejected as the size of grant available via the Fund meant that all works required in the Park could be undertaken as one project, similar to that undertaken in Rhyddings Park, Oswaldtwistle.

Resolved

- (1) That the proposal to submit a funding bid(s) to the Heritage Lottery Fund for the refurbishment and improvement of Memorial Park, as outlined in the report (“the Project”), be supported;**
- (2) That it be agreed that the Council be joint applicant with Proffitts CIC in respect of the proposed application(s) for Heritage Lottery Fund funding in accordance with the Heritage Lottery Fund’s terms and conditions in connection with the Project. The amount of funding to be applied for had not yet been finalised but was expected to be in the region of £750,000;**
- (3) That 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 3.8 of the report, be noted;**
- (4) That it be agreed in principle to allocate £50,000 to the Project from the Council’s 2020/2021 Capital Programme as match funding, subject to approval of the Council’s Budget for 2020/2021;**
- (5) That the Deputy Head of Environmental Services be delegated authority to take all reasonable steps to progress the funding bid for the Project, including obtaining all necessary permissions and consents; and,**
- (6) That a further report be presented to Cabinet once the outcome of any funding bid was known.**

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.

390 Financial Position January 2017-18 - Report for Year Ending 31st March 2018

On behalf of the Portfolio Holder for Resources (Councillor Gareth Molineux), the Leader of the Council submitted a report on the financial spending of the Council up to the end of January 2018 and the financial forecast outturn position for the Accounting Year 2017/18. The financial detail of the report was shown as a table at the end of the report. Spend for the first ten months of the financial year was £8,714,276 compared to a Budget of £9,177,692 giving a positive variance of £463,000. The current forecast spend to the end of the financial year in March 2018 was £10,765,000 compared to a Budget of £11,096,000. That forecast produced a positive variance of £331,000. The main areas of financial pressure were Parks and Cemeteries and Regeneration and Property Services. Approval of the report was not deemed a key decision.

Reasons for Decision

To inform Cabinet of the financial spending of the Council at the end of January 2018 and the prediction of the outturn position to the end of the financial year in March 2018.

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

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

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 comply with the terms of the Housing Stock Transfer Agreement.

391 Hyndburn Homes Annual Report - For Year Ended 31st March 2017

The Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary) submitted the Hyndburn Homes Annual Report for the year ended 31st March 2017 in order to comply with the terms of the Housing Stock Transfer Agreement and to provide an update on Hyndburn Homes as a result of that transfer in 2006. Approval of the report was not deemed a key decision.

Reasons for Decision

1) Following the transfer of the Council's former housing stock in March 2006, the Housing Stock Transfer Agreement required that Cabinet was updated on the performance of Hyndburn Homes. The primary reason for the transfer had been to ensure that outstanding repair and maintenance work and an improvement programme was carried out to achieve the Government's Decent Homes Standard by 2010 and that continued investment was resourced.

2) Hyndburn Homes Limited (the Association) was a Charitable Registered Society and was registered with Homes and England as a Registered Provider of social housing. The Association was now part of Onward Homes, formerly known as Symphony Housing Group. Onward Homes was one of the largest housing and regeneration organisations

operating in the North West and Hyndburn Homes was one of nine member organisations that provided services.

3) Hyndburn Homes Limited was governed by a Board of non-executive members who delegated day to day operational control to an Executive Team. The Board comprised nine Members, two of whom were Hyndburn Borough Councillors. However that governance arrangement would change from April 2018 when Hyndburn Homes and its Board ceased to exist as a separate entity due to its amalgamation with Onward Homes.

Alternative Options Considered and Reasons for Rejection

None. The report outlined the performance of Hyndburn Homes for the period 2016-17 and its submission complied with the requirements of the Housing Stock Transfer Agreement.

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

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure that the required changes to licence conditions resulting from the recent Court of Appeal Judgement were made as quickly as possible and to minimise the delays and disruption arising from those changes in administering the functions of the Selective Licensing Designations particularly in the receipt and processing of selective licence applications.

392 Proposed Variation of Licence Conditions Used for Selective Licensing

The Portfolio Holder for Housing and Regeneration submitted a report seeking approval for proposed variations to the licence conditions used by the Council for Selective Licensing purposes. The revised licence conditions proposed for use by the Council were listed in Appendix 1 to the report. The licence conditions originally proposed for use were listed in Appendix 2 to the report. Approval of the report was not deemed a key decision.

Due to the urgent nature of the report, the Deputy Mayor (Councillor Mohammad Ayub) had consented to the decision being exempt from call-in.

Reasons for Decision

1) It was considered appropriate to review the standard conditions available for attachment to selective licences. Part 3 of the Housing Act 2004 permitted local authorities to designate their areas, or parts of them, as areas of selective licensing and Section 90 of that Act referred to permitted conditions.

2) Following a recent Court of Appeal Judgement which held that the powers to regulate the "management, occupation or use" of a house does not entitle an authority to impose conditions requiring the introduction of new facilities or equipment and following the receipt of Counsel's opinion, it was proposed that eight licence conditions be removed from the set of conditions originally proposed in the new Selective Licensing Designation that had come into effect on 5th March 2018 and that three conditions be amended.

Alternative Options Considered and Rejected

No changes to the existing licence conditions was not recommended as the selective licence conditions used in the new Selective Licensing Designation, which had come into

effect on 5th March 2018, needed to be varied to take account of the Court of Appeal Judgement.

Resolved

- (1) That the standard conditions available for attachment to selective licences issued under Part 3 of the Housing Act 2004 be varied as detailed in Appendix 1 to the report;**
- (2) That the Head of Regeneration and Housing be delegated power to vary the standard conditions hereby approved (or any part or parts of them) where it was considered appropriate in the circumstances of the particular case;**
- (3) That the deadline for early submission of complete and valid applications be extended from 4th June 2018 to 4th July 2018 in order to qualify for licence fee discounts;**
- (4) That the Head of Regeneration and Housing, in consultation with the Executive Director (Legal and Democratic Services), be delegated powers to:-**
 - a) Approve any future minor amendments to the standard licence conditions used for Selective Licensing purposes; and,**
 - b) Approve any future changes that might be necessary to the qualifying time period for licence fee discounts.**

393 Exclusion of the Public

Resolved

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

394 Report of Urgent Cabinet Decision - Land at Peel Park / Arden Hall, Accrington

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

The Leader of the Council submitted a copy of an exempt signed Urgent Cabinet Decision form and accompanying exempt report relating to Land at Peel Park / Arden Hall, Accrington. Approval of the report was not deemed a key decision.

Reasons for Decision

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

395 Report of Urgent Cabinet Decision - Hyndburn Homes - Amalgamation with Onward Homes

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 Hyndburn Homes - Amalgamation with Onward Homes. 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

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REGENERATION AND HOUSING PANEL

Monday, 12th March, 2018

Present: Councillor Clare Cleary (in the Chair), Councillors Mohammad Ayub, Jean Battle, Tony Dobson, Stewart Eaves and Joyce Plummer

Apologies June Harrison

1 Apologies for Absence and Substitutions

An apology for absence was submitted on behalf of Councillor June Harrison. There were no substitutions for absence.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes of Last Meeting held on 15th January 2018

The Minutes of the last meeting of the Regeneration and Housing Panel held on 12th March 2018 were submitted for approval as a correct record.

In response to a Member's enquiry regarding incidents in the town centre and the monitoring of these by CCTV, the Head of Regeneration and Housing indicated that he would provide Members with an update on which CCTV cameras were in operation and those which required maintenance.

Councillor Battle expressed concern that there had been no further progress on the resolving the issues with the buildings in the Church & Oswaldtwistle Gateway.

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

4 Housing Renewal Funding

The Regeneration Manager submitted a report on the progress with the 2017/18 Housing Renewal Programme. She reported that spend was slow for a number of reasons but slippage would be carried forward to the next financial year. She reported that outputs had not been achieved due to compulsory purchase orders requiring completion but pointed out that careful monitoring was taking place in order to ensure that the Council had enough money to meet all financial commitments.

The Head of Regeneration and Housing reported on the importance of legal advice to ensure clarity of rules before further progress was made on the Pendle Street project.

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

5 Housing and Environmental Standards

The Environmental Protection Manager submitted a report to update the Panel on actions taken by the Environmental Protection Team in relation to land and buildings that were detrimental to the amenity of the area during the period 1 January to 28 February 2018. He reported that amenity had been restored to 35 sites through interventions.

Members requested that their gratitude be passed onto the Environmental Protection Team for their good work. Councillor Eaves reported on the poor condition of a small wall outside of the Printers Arms, Oswaldtwistle and a building which was formerly a public toilet across from Tesco, Oswaldtwistle and requested that these be inspected.

Councillor Ayub reported on persistent tipping in the Steiner Street/Grove Street, Accrington area and pointed out that no-one had taken responsibility for the former Skip Company that had been located on the site between Collins Street and Blackburn Road and as such the condition of the area had deteriorated.

Councillor Dobson reported that the problem of rubbish accumulating at 17 Yorkshire Street had extended to the front room of the property and requested that this was also investigated. The Environmental Protection Manager explained how the Council was currently progressing this complaint but indicated that he would report the problem to Social Services and provide Councillor Dobson with updates.

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

6 Steiner Street, Accrington

The Head of Regeneration and Housing submitted a report to inform the Panel of the interest and bids received for the Steiner Street site in Accrington and to seek the Panel's comments on the disposal of the Council's interest in the site to Bid A, the preferred option. He reported that the timescale for the disposal was set out in the report but that the Council was hoping to speak to the interested parties shortly and that action would take place fairly quickly after these discussions.

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

7 Town Centre Events Brief

The Business and Marketing Co-ordinator submitted a report to inform Members of the Panel about the proposed event providers 2018. The Head of Regeneration and Housing reported that it was their intention to award more than one event provider and that the timescale aimed to get contracts awarded in early to mid May.

Councillor Dobson explained that he had some concerns about events taking place in the square. The Head of Regeneration and Housing reported that there would only be contracts awarded to organisations which had the capacity to put events on. He pointed out that health and safety would not be ignored and that bids would be evaluated by the Head of Regeneration and Housing, the Business and Marketing Co-ordinator and Councillor Cleary using set criteria.

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

8 Private Landlord Selective Licensing

The Head of Regeneration and Housing reported on the new Selective Licensing Scheme which came into force on the 5th March 2018. He also reported on a recent Court of Appeal decision to rule against two local conditions in the Council's former Selective Licensing

Scheme. He advised the Panel that the Council was taking legal advice, but on appeal to the Supreme Court was unlikely.

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

9 Housing Growth

The Head of Regeneration and Housing submitted a report to update the Panel on progress with new housing developments across the Borough. He reported on the:

- Huncoat Housing Zone
- Core Strategy and Site Allocations DPD
- Other Key Sites

He reported that there had been a lot of interest in sites for residential development in the borough and provided details of sites with ongoing interest.

Members requested further information on the ownership of one bedroom properties on Nuttall Street and Wellington Street.

In response to a question the Head of Regeneration and Housing explained that the new homes bonus was only triggered when properties had been registered for council tax.

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

10 Urgent Business

There was no urgent business.

11 The Time and Date of Future Meetings:

Monday, 21st May 2018.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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URGENT CABINET DECISION

Summary and Approvals

A report, using the Cabinet report template, must be attached.

1. **Title of Report** Lancashire Syrian Resettlement Programme Request for Procurement Rules Exemption
2. **Report Author** Fiona Goodfellow, Housing Strategy & Policy Manager
3. **Purpose of Report** To seek a waiver of the Council's Contract Procedure Rules in respect of the purchase of casework support as required for the Syrian Resettlement Programme implementation in Hyndburn
4. **Decision requested**
 - 4.1 Waive the Council's Contract Procedure Rules in respect of the appointment of Calico Enterprise Ltd to provide casework support for the Syrian Refugee households arriving in Hyndburn in July 2018.
 - 4.2 Delegates authority to the Head of Regeneration and Housing in consultation with the Portfolio Holder for Regeneration and Housing services to agree the terms of the Council's agreement with Calico Enterprise Ltd and the terms of the memorandum of agreement between the Council and Lancashire County Council.
5. **Reason for Urgency** To ensure that a service provider is in place in advance of the arrival of the Syrian Refugee households in Hyndburn in July 2018. The next cabinet Meeting on 6 June 2018 would leave timescales too short as there is much pre-arrival work to undertake.
6. **Approvals of Members and Officers**

Designation	Signature
Leader	
Deputy Leader	
Portfolio Holder	
Chief Officer	
Chief Executive, or Deputy Chief Executive (in the absence of the Chief Executive or if the Chief Executive is the	

decision taker); <u>or</u>	
Monitoring Officer (in the absence of the Chief Executive and Deputy Chief Executive or if one is absent and the other is the decision taker)	
Mayor (to agree to exempt from call-in)	

7. **Date of Decision (when finally approved):** 16TH APRIL 2018

16.4.18

REPORT TO:	Cabinet		
DATE:	11 April 2018		
PORTFOLIO:	Cllr Clare Cleary - Housing and Regeneration		
REPORT AUTHOR:	Fiona Goodfellow Housing Strategy & Policy Manager		
TITLE OF REPORT:	Lancashire Syrian Resettlement Programme Request for Procurement Rules Exemption		
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 seek a waiver of the Council's Contract Procedure Rules in respect of the purchase of casework support as required for the Syrian Resettlement Programme implementation in Hyndburn.
- 1.2 To provide details of activity being undertaken to prepare for the arrival of the Syrian Refugee households in July 2018.

2. Recommendations

I recommend that Cabinet:-

- 2.1 Waive the Council's Contract Procedure Rules in respect of the appointment of Calico Enterprise Ltd to provide casework support for the Syrian Refugee households arriving in Hyndburn in July 2018.
- 2.2 Delegates authority to the Head of Regeneration and Housing in consultation with the Portfolio Holder for Regeneration and Housing services to agree the terms of the Council's agreement with Calico Enterprise Ltd and the terms of the memorandum of understanding between the Council and Lancashire County Council.

3. Reasons for Recommendations and Background

- 3.1 Lancashire County Council is the lead authority in Lancashire for the co-ordination and resettlement of Syrian Refugees through the above programme on behalf of all Local Authorities in Lancashire
- 3.2 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). The refugees resettled under these programmes are referred to the UK by the UNHCR (United Nations High Commissioner for Refugees)
- 3.3 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. In October 2016 Hyndburn Borough Council pledged to take between 5 and 10 households during the 2018/19 financial year of the programme through either, or a combination of, the SRP or the VCRS. Resettled refugees are initially granted leave to remain for 5 years, after which they become eligible to apply for indefinite leave to remain.
- 3.4 Hyndburn's commitment for 2018/19 has been confirmed and 10 families (through the SRP) will arrive on a charter flight on Tuesday 17th July 2018.
- 3.5 Full details of the size and make-up of Hyndburn's households will be known in April / May 2018.
- 3.6 Whilst a lot of the arrangements and logistics are co-ordinated by Lancashire CC there are numerous responsibilities on Hyndburn Borough Council to undertake prior to the refugees arrival. These are detailed in the Memorandum of Understanding / Agreement between LCC and the Council (to be agreed) and include the following:-
- 3.7 Sourcing suitable self-contained accommodation for the families. Discussions have taken place with Onward Homes (formerly Hyndburn Homes) who have agreed to provide all 10 properties required. We will need a variety of property sizes i.e 2, 3 and 4 bedrooms to match the household sizes arriving. The properties will be located in the central Accrington area so the households have easy access to services, facilities etc. There is no requirement for a formal agreement between the Council and Onward Homes as the Council is only signposting the refugee households to the housing and will not be taking any responsibility for the management of the properties. Onward Homes will be responsible for co-ordinating and undertaking the housing management activities which include the preparation of the properties (repairs, carpeting and furnishing, utilities, tenancy agreements) for the households prior to arrival.
- 3.8 Casework Support Service – the Council is required to establish or commission a system of casework support to the refugees which shall be made available to individuals and families for the first 12 months following the arrival of the refugees. The casework support includes initial reception arrangements and intensive orientation support in the first 2/3 weeks following arrival. This will require 1 caseworker per 5 Refugee households – therefore 2 for Hyndburn. Following this period ongoing

support, bespoke to each family, will be provided during the first 12 months. Casework Support is fundamental in assisting the refugee families to settle in and achieve self-sufficiency and independence. Frontline support workers will work with the families on a 1 to 1 basis that includes the following: - settling into the property, orientation of home and local area, registering at GP's, Job Centre Plus and schools, helping with bank accounts etc. Further guidance and details of the support required for Syrian Refugees is contained within the LGA Publication: 'Syrian Refugee Resettlement: A Guide for Local Authorities'.

3.9 It is proposed that the Council's Contract Procedure Rules are waived in order to award the contract for the provision of the 'casework support service' detailed to Calico Enterprise Ltd without first testing the market. Calico delivered a highly successful floating support service across East Lancashire for many years and has built up significant knowledge and skills around the delivery of casework support. Additionally Calico has been providing the casework support service for Syrian Resettlement in Pendle and Burnley over the last 2 years. Calico is a local service provider who has worked closely with the Council in the past. They will also be able to build on the existing staff knowledge and skills developed over the last couple of years. There is not another local service provider with dual skills of casework support and experience of working intensively with the Syrian Refugee households. The maximum value of the contract for this service is £80,000 for Year 1.

3.10 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 well before the arrival date in July. The Council will enter into a legal agreement with Calico Enterprise Ltd which will specify details of the services to be provided.

3.11 Local Integration Fund – during the first year of resettlement the Council will receive some dedicated funding via LCC to assist local voluntary sector groups in the delivery of the social and cultural elements of the programme e.g. English conversation classes, trips, events, cultural awareness sessions etc. The Pennine Service Delivery Partnership - a grouping of seven local third sector organisations (Women's Centre, Adventure Hyndburn, Homewise, Maundy Relief, HARV, Community Solutions and CAB) has expressed an interest in co-ordinating the delivery of this to the Syrian Refugee households. It is proposed to work in partnership with this group and other VCF sector partners in the delivery of this element of the programme.

4. Alternative Options considered and Reasons for Rejection

4.1 The Council could undertake a procurement exercise to choose a service provider for the above services but this is not recommended for the reasons stated in paragraph 3.9 and 3.10.

5. Consultations

5.1 Consultation and discussion about Lancashire's commitment to the SRP was discussed at the Lancashire Chief Executives Group in 2016 and is ongoing through the Lancashire Refugee Resettlement Programme Steering group co-ordinated by

LCC that meets bi-monthly. Locally the Hyndburn Asylum and Refugee Partnership has been meeting for the last 2/3 years and there is considerable support from partner agencies in the borough.

6. **Implications**

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>The SRP is delivered at nil cost to the Local Authority. Grant funding is provided for the programme through the Home Office via Lancashire CC. Costs will be reimbursed. The indicative budget for 2018/19 delivery is £80k for Casework Support Services and £20k for the Local Integration Fund. The rent loss incurred by Onward Homes keeping the properties empty prior to the Refugees arrival will also be reimbursed.</p>
<p>Legal and human rights implications</p>	<p>A Memorandum of Understanding will be in place between LCC and the Council for the awarding of the funding for the programme to the Council. It will also detail the role and obligations of both partners. A grant agreement will be agreed between the Council and Calico Enterprise for the delivery of the casework support.</p>
<p>Assessment of risk</p>	<p>Risk in relation to service delivery will be managed by monitoring fulfilment of the terms of the grant agreement with Calico Enterprise.</p>
<p>Equality and diversity implications <i>A <u>Customer First Analysis</u> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>The Council is part of the Lancashire wide Syrian Resettlement Programme and equality and diversity issues have been considered as part of this programme particularly through the Lancashire Refugee Integration Strategy. Calico Enterprise will address community cohesion issues and help the Syrian Refugee households integrate into the local community as part of the delivery of the casework support referred to in this report.</p>

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

7.1 *Copies of documents included in this list must be open to inspection and, in the case of reports to Cabinet, must be published on the website.*

Agenda Item 8.

REPORT TO:	Cabinet		
DATE:	06 June 2018		
PORTFOLIO:	Cllr Miles Parkinson, Leader		
REPORT AUTHOR:	Jane Ellis, Executive Director (Legal & Democratic Services)		
TITLE OF REPORT:	Appointment of Cabinet Committees and Cabinet Groups 2018/19		
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 confirm the establishment of Cabinet Committees and Cabinet Groups for the 2018/19 Municipal Year and to appoint members to the Committees and Groups.

2. **Recommendations**

- 2.1 That Cabinet agrees to the establishment of the Cabinet Committees and Cabinet Groups, and with the terms of reference, as set out in the Appendix to this report;
and,
- 2.2 That the membership of the Cabinet Committees and Cabinet Groups, as set out in paragraph 3.6 be approved.

3. **Reasons for Recommendations and Background**

- 3.1 In June 2015, Cabinet established the Cabinet Committee (Scrap Metal Dealers Act 2013). The Cabinet Committee determines whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013, where the applicant or licensee (as the case may be) has informed the Council that they wish to make oral representations. This enables compliance with statutory requirements.
- 3.2 In December 2017, Cabinet established the Cabinet Committee (Street Naming). The Cabinet Committee discharges the Council's functions in respect of the naming and renaming of streets pursuant to Sections 17 and 18 Public Health Act 1925.

- 3.3 It is proposed that one new Cabinet committee is established this year. The Cabinet Committee (Digital Committee) will provide a forum for Cabinet to consider the impact of the digital economy on the Borough and its town centres in particular.
- 3.4 In June 2015, Cabinet also established the following three Cabinet Groups which act in an advisory capacity to Cabinet and do not have any delegated or decision making powers and it is proposed that these continue into 2018/19:
- Accrington Pals Centenary Commemorations Group
Cabinet Public Transport Group
Cabinet Waste and Recycling Group
- 3.5 The terms of reference for all of the bodies are appended to the report and Cabinet is also asked to appoint members to these bodies.
- 3.6 The proposed membership is as follows:-

Cabinet Committee (Scrap Metal Dealers Act 2013)	Councillor Clare Cleary (Chair) Councillors Paul Cox and Miles Parkinson
Cabinet Committee (Street Naming)	Councillor Clare Cleary (Chair) Councillors Munsif Dad and Gareth Molineux Councillor Judith Addison (attending)
Cabinet Committee (Digital Economy)	Councillor Clare Cleary (Chair) Councillors Joyce Plummer and Paul Cox
Accrington Pals Centenary Commemorations Group	Councillor Miles Parkinson (Chair) Councillors Judith Addison and Paddy Short
Cabinet Public Transport Group	Councillor Miles Parkinson (Chair) Councillors Judith Addison, Stephen Button, Bernard Dawson and Tim O’Kane
Cabinet Waste and Recycling Group	Councillor Paul Cox (Chair) Councillors Stephen Button, Terry Hurn and Joyce Plummer

4. Alternative Options considered and Reasons for Rejection

- 4.1 None were considered, although Cabinet can decide not to appoint any of the proposed panels and groups if it wishes..

5. Consultations

5.1 Consultations took place with relevant members to determine membership of these bodies.

6. Implications

Financial implications (including any future financial commitments for the Council)	None.
Legal and human rights implications	None, other than those discussed in section 3 above.
Assessment of risk	None.
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>	None identified.

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

7.1 Reports to Cabinet 14th June and 6th December 2017.

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2186&Ver=4>

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2190&Ver=4>

Cabinet Committee (Scrap Metal Dealers Act 2013)

MEMBERSHIP: 3 Members of Cabinet (with a quorum of 3)

REPORTS TO: Cabinet

TERMS OF REFERENCE

- To determine whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013 where the applicant or licensee (as the case may be) has informed the Council that they wish to make oral representations in accordance with paragraphs (7) and (8) of Schedule 1 of that Act
- To discharge the Council's functions under paragraph 8 Schedule 1 of the Scrap Metal Dealers Act 2013.

CABINET COMMITTEE (STREET NAMING)

MEMBERSHIP: 3 Members of Cabinet (with a quorum of 3) and a councillor nominated by the Leader of the main opposition group may attend

REPORTS TO: Cabinet

TERMS OF REFERENCE

- To discharge the Council's functions in respect of the naming and renaming of streets pursuant to sections 17 and 18 Public Health Act 1925

Cabinet Committee (Digital Economy)

MEMBERSHIP: 3 Members of Cabinet (with a quorum of 3)

REPORTS TO: Cabinet

TERMS OF REFERENCE

- To consider the impact of the digital economy on the Borough, in particular in respect of its impact on town centres and retailers; and
- To advise Cabinet and to formulate proposals and strategies in respect of the same for approval by Cabinet.

Accrington Pals Centenary Commemorations Group

Membership

Four Councillors –

- Two from the controlling group;
- One Conservative Group nominee;
- One Independents nominee

Mrs Turner, widow of Honorary Freeman Bill Turner

Representatives of British Legion

Representatives of other groups, to be invited at the discretion of the Chair.

Terms of Reference

1. To consider proposals to mark the centenary of the establishment of the Accrington Pals Battalion.
2. To report findings and recommendations to Cabinet.

Cabinet Public Transport Group

Membership

Five Councillors -

- Three from the controlling group;
- One Conservative Group nominee;
- One Independents nominee

All Hyndburn Division Lancashire County Councillors to be invited

Officers from Hyndburn Borough Council, Lancashire County Council and other organisations to be invited at the discretion of the Chair.

Representatives of public transport organisations including local bus operating companies and rail companies (network and rail services), to be invited at the discretion of the Chair.

Representatives of user groups where appropriate, to be invited at the discretion of the Chair.

Terms of reference

1. To consider the issues surrounding initiatives such as those described below, with a view to ensuring that the schemes meet the needs of the Borough and do not have an adverse impact on local residents.
 - Pennine Reach, Accrington Bus Station and Great Harwood Interchange
 - Potential improvements to M65 or A56
 - Blackburn Road, Accrington
 - Whinney Hill Link Road
2. To report findings and recommendations to Cabinet.

Cabinet Waste and Recycling Group

Membership

Five Councillors -

- Three from the controlling group;
- One Conservative Group nominee;
- One Independents nominee

Head of Community Services

The chair shall have discretion to invite other officers or Members as required.

Terms of Reference

1. To review current recycling streams and examine opportunities to mix materials and recycle additional waste.
2. To review the types and numbers of recycling containers and opportunities to make the service more attractive to residents
3. To review collection methods and the replacement of collection vehicles
4. To report findings to Cabinet with any recommendations and costed options for improving the service and increasing recycling rates

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Agenda Item 9.

REPORT TO:	Cabinet		
DATE:	06 June 2018		
PORTFOLIO:	Cllr Miles Parkinson, Leader		
REPORT AUTHOR:	Principal Planning Officer (Policy) & Senior Planning Officer (Policy)		
TITLE OF REPORT:	Revised Statement of Community Involvement Revised Local Development Scheme		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	Options	If yes, date of publication:	

1. **Purpose of Report**

- 1.1 This report presents two updated documents: a draft revised Statement of Community Involvement; and a draft revised Local Development Scheme, for consideration and approval. Both are documents which the Council must produce in relation to its planning functions and relate to the processes rather than the content of Local Plans.
- 1.2 The draft Statement of Community Involvement updates the version adopted in September 2006 and sets out how and when the Council will engage local communities in producing the Local Plan and in determining planning applications. It is updated to reflect changes since adoption in relation to legislation, regulations, and guidance. The revised Local Development Scheme sets out an up to date timetable for the production of documents within, and associated to, the Development Plan, otherwise referred to as the Local Plan.

2. **Recommendations**

2.1 That Cabinet

1. Notes the new approach in relation to public engagement as set out in the attached Statement of Community Involvement for the purposes of engaging the local communities in producing the Hyndburn Local Plan and determining planning applications;
2. Notes the timescales for preparation of the documents which will make up the Hyndburn Local Plan (2018-2021) as set out in the attached Local Development Scheme; and
3. Approves the content of the Statement of Community Involvement and the Local Development Scheme (subject to inclusion of the timings of the Huncoat masterplan work

in the Hyndburn Local Plan timeline 2018-2021 once they are agreed – see para. 3.6 below).

3. Reasons for Recommendations and Background

Statement of Community Involvement

- 3.1 The Council has a duty to prepare a Statement of Community Involvement (SCI)¹. An SCI was first adopted in 2006 to reflect the requirements of the new planning making system introduced by the Planning and Compulsory Purchase Act 2004 and reflected the relevant provisions at the time in relation to both plan making and determination of planning applications. Since then, there have been various changes which include:
- the publication of the National Planning Policy Framework in 2012 (note: a revised NPPF is expected to be published in summer 2018);
 - changes to the Regulations setting out procedural requirements for plan making;
 - changes to the Regulations concerning the determination of planning applications;
 - introduction of new provisions relating to neighbourhood planning;
 - introduction of a “Duty to Co-operate” in relation to plan making; and
 - a requirement to update the SCI every five years.
- 3.2 In addition to the above, structures and resources available to the Council to undertake engagement have changed significantly since the SCI was first adopted. For example, staff resources have reduced and area committees (a local forum which would have facilitated engagement) have ceased. In addition there has been considerable growth in the use of social media, and this should be reflected as an appropriate medium for publicising and enabling engagement.
- 3.3 All of the above render the current SCI out of date. They are all addressed in the updated SCI which is attached for consideration. It is considered to be realistic in setting out measures to engender engagement and fulfil statutory and regulatory requirements without placing undue burden on the Council. When adopted, the SCI will guide engagement in both processes of plan making and determination of planning applications and will ensure that the Council fulfils the new requirement to update it at least every five years.

Local Development Scheme

- 3.4 The Council also has a duty to prepare a Local Development Scheme (LDS)² which must publicise the intended timetable for producing the Local Plan. The LDS should be published on the Council’s website and be kept up to date. Reporting of progress against the LDS is made in the Council’s annual Authority Monitoring Report and is an important way of keeping communities informed of plan making activity.

¹ Section 18 Planning and Compulsory Purchase Act 2004

² Section 15 Planning and Compulsory Purchase Act 2004

- 3.5 The Council's last LDS was published in October 2015, covering the period of plan preparation up to October 2018. During this time the Council has successfully completed a key part of its Local Plan, adopting its Development Management DPD in January 2018. Work has also commenced on a Site Allocations DPD and review of the Core Strategy. This revised LDS presents the intentions of the Council to progress (and complete) the Local Plan over the period 2018-2021.
- 3.6 Whilst separate to the statutory Local Plan making process, the masterplanning exercise for Huncoat (due to commence shortly) will form a key part of the future development and growth of Hyndburn. There are a number of options available to the Council as to how it is formally integrated into the development plan once finalised³. Due to the significance of the work the timeline for production of the masterplan should be reflected in the timeline set out in the LDS. Consultants are currently in the process of being appointed and therefore the Hyndburn Local Plan Timeline 2018-2021 (p13 of the draft LDS) will be finalised to include the masterplan timings, including planned consultations, once these are agreed at the project inception meeting (anticipated later in June).

Summary

- 3.7 Both the SCI and LDS are documents to which an inspector would look at examination in assessing the soundness of plan documents to ensure that the relevant procedural and legal requirements have been met. Inspectors may also consider the SCI at planning appeals to ensure that Council has discharged its engagement and consultation functions appropriately.
- 3.8 Both documents will be monitored and reviewed in the light of any further changes and any requirements to keep them up to date.

4. Alternative Options considered and Reasons for Rejection

- 4.1 The only alternative option would be not to adopt the updated SCI and LDS and rely on the previous versions. However this is not a realistic option for various reasons. The adopted SCI would not be up to date in terms of reflecting current legislation, guidance and regulations. Furthermore it would not comply with the new requirement that it be reviewed every five years. There are significant inherent risks in not having an up to date SCI or LDS which could impact on the tests of soundness when a plan is examined.

5. Consultations

- 5.1 There is no formal requirement to consult on the revised SCI and LDS. Internal consultation has taken place with relevant officers and any comments incorporated in the attached documents.

³ See paragraphs 1.10 – 1.12 of the draft revised Local Development Scheme

6. Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>The indirect financial implications of the updated SCI and LDS arise from plan preparation and the related consultation process. These are covered by the annual budget assigned to Local Plan work. Consultation costs from handling planning applications are covered by the Development Management budget</p>
<p>Legal and human rights implications</p>	<p>It is not considered that there are any adverse legal or human right implications arising from this report.</p>
<p>Assessment of risk</p>	<p>There are no significant risks associated with this report. See section 4 of report.</p>
<p>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></p>	<p>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:</p> <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>When making a decision in respect of the proposals in this report members should have regard to the Customer First Analysis annexed to this report.</p>

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

7.1 The following background papers will be attached to this report:

1. draft revised Statement of Community Involvement
2. draft revised Local Development Scheme



Hyndburn Borough Council
Customer First Analysis

What is it for?

Our corporate values include putting the customer first, providing opportunities for bright futures and narrowing inequality across the Borough.

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 framework overleaf – our Customer First Analysis - is suggested when making a written record of the analysis. This replaces Equality Impact Assessments.

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.

Please return completed Customer First Analyses to Human Resources. I can guide you through the process if this would be helpful.

If you have any suggestions for improving this process, please let me know.

Kirsten Burnett
Head of HR

Customer First Analysis
Statement of Community Involvement (SCI)
Local Development Scheme (LDS)

1. Purpose

- What are you trying to achieve with the policy / service / function?
The SCI is seeking to ensure community engagement in the plan making and development management functions of the Council. The last SCI was adopted in 2006 and needs updating. The LDS is setting out a timetable for the production of the statutory development plan documents that will make up the Hyndburn Local Plan
- Who defines and manages it?
Both duties are defined in statute and regulations and are managed by Hyndburn BC in exercise of its plan making and development management functions undertaken primarily through the Planning Service.
- Who do you intend to benefit from it and how?
SCI: it is intended that all users of the plan making and development management functions will benefit by knowing clearly who, when and how they can be engaged in various stages of both process. These include: all with an interest in planning in Hyndburn as defined as consultees (statutory and general as per the relevant regulations). This includes: residents, general public, hard to reach groups, businesses, community groups, interest groups, local organisations, statutory bodies, utility providers, local partnerships, developers, landowners, agents, elected members, County and Parish councillors etc.
LDS: All users of the plan making function by setting out clearly what documents will be produced that will make up the Hyndburn Local Plan and the timescales for doing so.
- What could prevent people from getting the most out of the policy / service / function?
 - Lack of awareness of the plan making and development plan roles and functions
 - barriers to engagement e.g. language or physical barriers, access to internet
- How will you get your customers involved in the analysis and how will you tell people about it?
The SCI will be used to engage the community in the plan making function.

2. Evidence

- How will you know if the policy delivers its intended outcome / benefits?
The SCI and LDS seek to meet statutory and regulatory requirements. They are procedural documents and part of the test of soundness at examination of development plan documents will be to assess whether preparation of the plan is in accordance with them.
The progress of the plan will be measured against the timescale set out in the LDS and this will be reported in the Authority's Monitoring Report published annually.
- How satisfied are your customers and how do you know?
Customers make their response at the relevant stages in the plan making and development management processes as set out in the SCI. However the responses usually relate to the content of plan/planning applications rather than the process documents (SCI/LDS).
- What existing data do you have on the people that use the service and the wider population?
Contact details of those who engage in the plan making process are kept for future notifications. Representations made on planning applications are kept as part of the Development Management system.
There is a good understanding of the socio/economic/demographic characteristics of the population as a whole through the evidence base work which supports the Local Plan and

other relevant information e.g. Census data, Lancashire Profile, although this is not normally attributable to individuals.

- What other information would it be useful to have? How could you get this?
N/A
- Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)?
Data on users of the planning functions is not broken down by equality groups
- Are you using partners, stakeholders, and councillors to get information and feedback?
These groups are engaged at the relevant stages in the plan making and development management functions

3. Impact

- Are some people benefiting more – or less - than others? If so, why might this be?
These documents in themselves are not intended to give more or less benefit to different groups. Hard to reach groups, by their nature, are less likely to engage in the planning functions

4. Actions

- If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it?
Hard to reach groups, by their nature, are less likely to engage in the planning functions
- Is it discriminatory in any way?
Reasonable efforts will be made to make contact with hard to reach groups or their representatives within the scope of the measures set out in the SCI
- Is there a possible impact in relationships or perceptions between different parts of the community?
The SCI and LDS seek to apply equally to all parts of the community.
- What measures can you put in place to reduce disadvantages?
SCI
 - Use appropriate range of techniques as set out in SCI and within resources to encourage engagement opportunities for all as appropriate to type of plan and relevant stage in plan making;
 - Make documents available in alternative formats on request as is reasonably practicable;
 - work with representatives of hard to reach groups to encourage engagement
- Do you need to consult further?
There is no formal requirement to undertake consultation on the actual SCI and LDS documents
- Have you identified any potential improvements to customer service?
The need to utilise contemporary forms of communication to seek engagement in the plan making process is recognised e.g. the use of social media – this is included in the SCI
- Who should you tell about the outcomes of this analysis?
The analysis will be made available alongside the Cabinet Report
- Have you built the actions into your Business Plan with a clear timescale?
The SCI and LDS will be referred to at the appropriate stages in plan making and the SCI in exercising the development management functions.
- When will this assessment need to be repeated?
At the point when the SCI and LDS need to be updated – a minimum of 5 years in relation to the SCI as required by regulations.

UNCLASSIFIED

Name: _____ Joanne Macholc _____ Signed: (submitted electronically) _____

Service Area: __ Planning Policy _____ Dated: __ 14/5/18 _____

If applicable, please attach copy of – or website link to - the cabinet report for reference.

Don't forget to return your written record to HR.

(DRAFT) STATEMENT OF COMMUNITY INVOLVEMENT

1.0 Introduction

- 1.1 Planning involves making decisions which will shape Hyndburn Borough for future generations. It is really important that people are meaningfully involved in decisions which have an impact on our communities.
- 1.2 This Statement of Community Involvement (SCI) sets out the approach of the Council relating to who, how and when it will engage local communities and interested persons in producing local plans and determining planning applications.
- 1.3 The preparation of this SCI fulfils the requirement set out in section 18 of the Planning and Compulsory Purchase Act 2004. Both the Local Plans and Development Management functions are also guided by regulatory requirements¹.
- 1.4 Whilst mindful of the need to fulfil statutory and regulatory requirements, the Council is also aware that as resources become more limited, it needs to find more cost effective ways of engaging interested persons in the planning processes while ensuring that consultation is meaningful, equitable and inclusive.
- 1.5 The first SCI was adopted by the Council in 2006. It is now revised to reflect up to date requirements such as: the publication of the National Planning Policy Framework (NPPF)²; the Duty to Co-operate; and provisions in relation to neighbourhood planning. It also reflects contemporary methods of communication such as social media. The SCI will in the future be reviewed every 5 years from the date of its adoption³.

¹ Town and Country Planning (Local Planning)(England) Regulations 2012 – as subsequently amended and Town and Country Planning (Development Management Procedure)(England) Order 2015

² NPPF was first published in March 2012. A revised version was published in draft in March 2018 and a final version is expected in summer 2018

³ Regulation 4 of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

2.0 Who are interested persons?

2.1 Anyone who has an interest in or is affected by planning in the Borough can be considered within the definition. This might include:

- residents of the Borough;
- hard to reach groups (including young people, elderly persons, ethnic minorities, gypsies and travellers, people with disabilities etc.);
- local businesses;
- community groups;
- interest groups and local organisations;
- elected members of the Borough;
- County Councillors and Parish Councillors;
- statutory bodies;
- utility providers;
- local partnerships; and
- landowners, developers and agents.

2.2 The relevant Regulations which govern planning identify groups of people which must be involved in the plan making and development management processes. These are covered in the following sections in relation to the relevant function.

3.0 Involvement in Local Plans

3.1 The Council is required to prepare a Local Plan for its area. This may comprise:

- **development plan documents (DPD)** which contain policies and proposals for the area. They are prepared according to a statutory process which includes independent examination. When adopted they form part of the statutory development plan and set the framework for making decisions on planning applications;
- **supplementary planning documents (SPD)** usually contain information which provides further detail on policies in DPDs. Whilst prepared according to regulatory requirements, they are not subject to independent examination. Examples include design guides for certain types of developments and development briefs for specific sites.

3.2 It is also required to prepare and publish a [Local Development Scheme \(LDS\)](#) setting out which documents will make up the Hyndburn local plan and the timetable(s) for doing so. To date, the LDS sets out the following DPDs which will make up the Hyndburn Local Plan:

Table 3.1: Local plan progress to date

Title	Status at April 2018
Core Strategy	Adopted January 2012
Accrington Area Action Plan (AAP)	Adopted January 2012
Development Management DPD	Adopted January 2018
Site Allocations DPD	Commenced 2017

3.3 There is no requirement to set out in the LDS a timetable for the production of any SPDs. The Council has [already prepared SPDs](#) in relation to the following areas and topics:

SPD	Status	Date
Church and Oswaldtwistle	Adopted	Dec 2006
Project Phoenix 1&2 Accrington	Adopted	April 2007
Former Peel Fold Mill, Stanhill	Adopted	Jan 2009
Platts Lodge, Woodnook, Accrington	Adopted	Feb 2009
Householder Design Guide	Adopted	Sept 2009
East Accrington SPD/Masterplan	Adopted	April 2010
Hill Top SPD, Baxenden	Adopted	Sep 2010
Rishton Canalside SPD	Draft	Jun 2015

- 3.4 NPPF⁴ sets out that early and meaningful engagement is essential in plan making. Proposed revisions to NPPF continue this theme and states that up to date local plans should be a platform for local people to shape their surroundings⁵ and be shaped by “early, proportionate and meaningful engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and statutory consultees”.⁶
- 3.5 The Regulations governing plan making⁷ state that any person may make representations about a DPD or SPD. It identifies groups which must be involved in the processes and set out when they are involved. These are:
- general consultation bodies (voluntary groups, interest groups, business groups and organisations); and
 - specific consultation bodies (mainly public bodies and organisations who provide public services and infrastructure).
- 3.6 The Council also has a “Duty to Co-operate”⁸ with prescribed organisations in preparing Local Plans. It must engage constructively with adjoining local planning authorities and other relevant organisations to maximise the effectiveness of their respective plans in relation to strategic planning matters which cross the administrative boundaries. Such matters might include flooding, green belt, development requirements and strategic sites. Many of these organisations are also consulted as specific consultation bodies in the plan making process. Details of the Council’s Duty to Co-operate activities must be reported in the [Authority Monitoring Report](#) (AMR) which is published annually. The Council is also required to demonstrate at examination that the duty has been fulfilled.
- 3.7 To demonstrate effective and ongoing joint working, authorities will soon⁹ be required to prepare and maintain statements of common ground which will document the cross boundary matters and progress on co-operation. These will be made available at the required stages of the plan making process.
- 3.8 The Regulations set out the processes which must be followed for preparing DPDs and SPDs and provide a basic framework for engagement in the plan making process. The main stages and opportunities for engagement and involvement are shown in tables 3.2 and 3.3 below.

⁴ NPPF para. 155

⁵ draft NPPF (March 2018) para 15

⁶ draft NPPF (March 2018) para 16

⁷ Town and Country Planning (Local Planning)(England) Regulations 2012 and any subsequent amendments

⁸ Localism Act 2011

⁹ upon publication of revised NPPF, expected summer 2018

3.9 Table 3.2: Community Involvement in DPD preparation

Regulatory/statutory Stage	Community Engagement/Consultation
Preliminary stages ¹⁰ (see also Regulation 18)	This stage is not prescribed in Regulations but may include: <ul style="list-style-type: none"> • undertake and publish evidence base research • inviting involvement from interested parties in preliminary stages as appropriate to plan subject and issues e.g. engagement with stakeholders, Call for Sites
Initial plan preparation (often referred to as “Issues and Options” (Regulation 18)	This stage is not prescribed in the Regulations but may include: <ul style="list-style-type: none"> • Engagement with interested parties e.g. scoping reports, topic and discussion papers, issues and options etc for a minimum of six weeks. • Second stage of consultation may take place where appropriate on preferred option for a minimum of six weeks
Publication of local plan/DPD (Regulation 19)	<ul style="list-style-type: none"> • Preferred plan published for a formal consultation period of not less than six weeks.
Submission of documents and information to the Secretary of State (Regulation 22)	<ul style="list-style-type: none"> • Plan submitted for Independent examination • Submission documents include representations statement under Reg 22(c) • Consideration of representations by independent inspector
Independent examination (Regulation 24)	<ul style="list-style-type: none"> • Representations made are considered by a planning inspector either in writing or at the hearing sessions in certain circumstances. • Where an inspector recommends Main Modifications to the plan to make it sound, these will be subject to formal consultation.
Adoption of local plan/DPD (Regulation 26)	No formal consultation Adopted plan made available Notification of adoption (Reg 26(b))
Authority’s Monitoring Report (AMR) (Regulation 34)	AMR to be made publicly available. This will feed into the ongoing survey of the area and will highlight whether the plan needs to be reviewed in advance of the requirement to review every five years from adoption ¹¹

¹⁰ this is a new provisions introduced in Section 13 (2) of the Neighbourhood Planning Act 2017 which comes into effect on 31st July 2018 and refers to section 18 of the Planning and Compulsory Act 2004 in relation to survey of the area

¹¹Regulation 10A Town and Country Planning (Local Planning)(England) Regulations 2012 – as subsequently amended by Town and Country Planning (Local Planning)(England)(Amendment) Regulations 2017 [Reg4]

Table 3.3: Community Involvement in SPD preparation

Regulatory Stage	Community Involvement
Preparation of draft SPD (Regulation 12 & 13)	<ul style="list-style-type: none"> • seek representations on the draft SPD for a period of not less than 4 weeks • consideration of representations by Council • make available a representations statement under Reg 12(a)
Adoption of final SPD (Regulation 14)	No formal consultation Adopted SPD made available Notification of adoption (Reg 14b)

3.10 Regulatory requirements (which came into force on 6th April 2018) require the review of a local plan to be completed every five years from the date of its adoption¹². The review of the plan will then be undertaken in accordance with the prescribed process.

3.11 The implementation and effectiveness of an adopted plan is assessed through the monitoring framework which forms part of the adopted plan. This is reported through the Authority’s Monitoring Report (AMR) which is made public as prescribed. The AMR will also report on whether the timescales and key stages in plan production as set out in the LDS are being achieved. As such it identifies if the plan is being effective and whether there are any changes in the wider context which are affecting the plan. Overall these will identify if there is a need for a review of the plan.

Key Consultation principles in relation to plan making:

3.12 The LDS, SCI, AMR, DPDs and SPDs will be made available at:

- Council Offices located at Scaitcliffe House, Ormerod Street, Accrington, BB1 0PF¹³;
- the council’s website: www.hyndburnbc.gov.uk

3.13 In addition, as appropriate to the subject matter or geographic area of the plan, at the relevant consultation stages in preparing DPDs and SPDs, the relevant versions of the documents will be made available at the following venues to facilitate local engagement:

- Lancashire County Council libraries in the Borough (Accrington, Great Harwood, Oswaldtwistle and Rishton)¹⁴ and community libraries;
- Tourist Information Office, Accrington Town Hall.

¹² Town and Country Planning (Local Planning)(England)(Amendment) Regulations 2017

¹³ for the purposes of Reg 35(1)(a) 2012 Regulations, this is the “principal office”

¹⁴ as at April 2018

3.14 The Council will also make documents available in alternative formats on request where this would facilitate involvement in the plan making process by groups who would be otherwise excluded. These formats include large print; audio and translations into other languages of summary documents where this is reasonably practicable.

3.15 Where possible contact and notification will be made by email to ensure correspondence arrives promptly and to reduce cost to the Council. Where it is not possible, letters will be sent through the post.

3.16 A key tool in plan making consultation will be the Council's Local Plan consultation database which includes details of people and organisations who have been involved in or asked to be informed of the Local Plan preparation process. This includes: all specific consultation bodies; Duty to Co-operate bodies, any relevant general consultation bodies; and residents and other interested parties who have asked to be added to the list. The database will be administered in accordance with the requirements of the General Data Protection Regulations (GDPR) which come into effect on 25th May 2018. You can ask to be added to the database at any time by:

- email: planningpolicy@hyndburnbc.gov.uk
- telephone: 01254 388111
- post: Planning Policy Team, Scaitcliffe House, Ormerod St, Accrington, BB1 0PF.

3.17 Where it is reasonably practicable, the Council will seek to link notification of key stages in plan preparation with other consultations to reduce consultation overload and to make most efficient use of resources.

3.18 A range of engagement methods might be used to facilitate consultation and engagement and invite representations depending on the stage of the plan preparation and the scope of the policies. They could include:

- **meetings** in local areas. These may take a variety of formats including public meetings, drop in sessions, workshops etc and may have a targeted or general audience;
- **exhibitions** (staffed or unstaffed);
- **posters, leaflets and questionnaires** (to be made available at relevant locations, online and through social media);
- **press** articles or notices;
- use of **social media** (such as Twitter and Facebook) to publicise consultations and events and seek input into the processes.

3.19 Press releases will be prepared and passed to local media groups (e.g. newspaper and radio) to give publicity to the key stages in plan preparation.

There is no formal requirement to place formal notices in the press to advertise key stages. However the Council may consider placing notices and announcements where appropriate.

Publication of Representations

3.20 Representations received in the plan making process will be made available for viewing as part of the regulatory process either for viewing individually or as part of a consultation report required at specific stages of the process. Personal details will be redacted in accordance with GDPR requirements.

3.21 The Council will consider all responses which are submitted and determine whether any changes need to be made to the plan at the relevant stage in the planning process. Regulations require the Council to demonstrate this at prescribed stages in the process.¹⁵

¹⁵ 2012 Regulations: Reg 22(1)(c) in relation to DPDs and Reg 12(a) in relation to SPDs

4.0 Involvement in Neighbourhood Planning

- 4.1 Legislation¹⁶ provides for the community to take the lead in both Neighbourhood Development Plans (NDPs) and Neighbourhood Development Orders (NDO's).
- 4.2 NDPs may be prepared by neighbourhood forums, parish and town councils. Once they are 'made' a NDP becomes part of the statutory development plan and must be taken into account in making decisions on planning applications.
- 4.3 A Neighbourhood Forum, parish council or town council may also prepare a (NDO) for its area. A NDO grants planning permission for a specified area for types of development specified in the NDO.
- 4.4 There are currently no NDPs or NDOs in Hyndburn. The Clayton le Moors and Altham Neighbourhood Area and Forum was formally designated in March 2013 but to date no plan has been submitted for examination.
- 4.5 The preparation of NDPs is guided by Regulations¹⁷ and the responsibility to prepare a NDP/NDO rests with the relevant body (i.e. Neighbourhood Forum, town or parish council) and includes consultation at the early stage of plan preparation. Both processes similarly involve:
- designating an area to which the NDP/NDO relates;
 - designating a Forum (where this is not a town or parish council);
 - preparing the NDP/NDO and consultation with interested parties;
 - independent check by examiner;
 - community referendum; and
 - being "made" by a the local planning authority.

The Council's involvement in NDPs and NDO's is largely procedural and is shown in the table below:

Table 4.1: Council's role in Neighbourhood Plan making

Regulatory Stage	Councils' Involvement	Comments
Designation of Neighbourhood Area (Regulations 6&7) or Neighbourhood Forum (Regulations 9&10)	<ul style="list-style-type: none">• Publicise Area/Forum application for minimum 6 week period with prescribed consultees.• Documents to be made available on the Council's website and at local inspection	

¹⁶ Localism Act 2011

¹⁷ The Neighbourhood Planning (General) Regulations 2012

	<p>points (e.g. a public library) where relevant and practicable.</p> <ul style="list-style-type: none"> Publicise designation of Neighbourhood Area/Forum 	
Preparation of draft NDP/NDO and pre-submission consultation (Regulation 14/21)	-	Neighbourhood Planning Body is responsible for the preparing the plan/order and for pre-submission consultation and publicity. It is also required to submit a statement along with the draft plan/order which sets out what consultation has taken place and how this has shaped the preparation of the NDP/NDO.
Publicising submitted NDP/NDO (Regulation 16/23)	<ul style="list-style-type: none"> Publicise submitted NDP/NDO proposals for minimum 6 week consultation period in prescribed manner appoint independent examiner 	
Submission of proposed plan/order for examination (Regulation 17/24)	<ul style="list-style-type: none"> submit NDP/NDO to appointed independent examiner 	
Following Examination of plan/order (Regulation 18/25)	<ul style="list-style-type: none"> Publish Examiner's report and publicise any further actions to be taken on draft NDP/NDO/order on website 	
Community Referendum	Make arrangements for community referendum.	The majority of people voting must support the NDP/NDO
Make the plan/order (Regulation 19&20/26&27)	Council will bring final NDP/NDO into effect (i.e. 'make' it), notify relevant parties and publicise it	Adopted NDPs form part of the development plan.

Key Consultation Principles relating to Neighbourhood Planning functions

- 4.6 Where it has responsibilities and involvement in the NDP/NDO processes, the Council will apply the following principles:
- 4.7 The Council will maintain a dedicated area of its website¹⁸ where it will publicise matters relating to NDPs and NDOs. This includes guidance in relation to the overall planning processes, the designation of Neighbourhood Areas and Forums, and guidance on consultation.
- 4.8 The Council will make required consultation documents and associated supporting documents relating to NDPs and NDOs available in the dedicated area of its website, at its principal office and at any local libraries or publically accessible point in the relevant locality where appropriate and reasonably practicable to foster engagement.

¹⁸ <https://www.hyndburnbc.gov.uk/neighbourhood-planning-in-hyndburn/> (as at 23/1/18)

4.9 Within the limitations of its resources, the Council will provide assistance and advice to the bodies preparing or modifying NDPs¹⁹ as follows:

- guidance on the statutory and regulatory process for the making of or alteration to NDPs/NDOs;
- provision of evidence base information where this is available (including the relevant housing requirement figure for the NDP area);
- the linkages to the development plan documents produced by the local planning authority, including providing comments on draft NDPs/NDOs ;
- Arranging for the appointment of the Examiner;

¹⁹ as required by Section 6 of the Neighbourhood Planning Act 2017

5.0 Involvement in Planning Applications

5.1 Pre-application advice and consultation

- 5.2 Pre application discussions aim to confirm whether the principle of development would be acceptable and allows clear advice to be given on what information is required in order for a planning decision to be made. This allows applications to progress with more certainty through the formal process. Such applications are treated as confidential.
- 5.3 Developers are encouraged to consult with neighbours and statutory bodies before submitting an application whether pre-application advice is sought or not. Engagement with the community can help the applicant gauge the community response to the proposals and address any issues of concerns before the initial submission.
- 5.4 Developers of major schemes²⁰ would be expected to engage with the wider community. The methods of sharing the information will be dependent on the nature and scale of the proposal but could include:
- Consultation events with the local community
 - Consultation with elected members,
 - Press notices/leaflets to nearby residents.
- 5.5 The consultation arrangements should be organised, managed and funded by the applicant/developer to allow the input of the community at the outset.
- 5.6 The applicant is urged to discuss with the Council proposed measures to effectively involve the community at an early stage as part of pre-application discussions. Applicants are then urged to submit a consultation statement with the planning application to set out what pre-application consultation was undertaken, who was engaged and how, and what the outcomes/amendments to the scheme were.

Planning Application Process

- 5.7 Public Consultation: The Council is required to undertake a formal period of public consultation before determining an application. This is set out in Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. There are also separate arrangements for listed buildings which are set out in Regulation 5 and 5a of the Listed Buildings and Conservation Area Regulations 1990 (as amended).
- 5.8 For most planning applications, details of the application will be published on the council's website and a weekly list is published on line.

²⁰ as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010

- 5.9 The council will seek to engage a wide range of stakeholders in the planning application process. These include Government departments and agencies, Council departments, adjoining local authorities and interest bodies, and this is carried out in accordance with the nature of the application.
- 5.10 Representations should be made to the Council within the 21 day consultation period. However, consideration will be given to those received after the 21 days wherever possible, until the decision is made.
- 5.11 Re-consultation: Where an application has been amended the Local planning Authority will decide whether further publicity and consultation is necessary. When it is an additional 10-14 days will be provided for comments.
- 5.12 Notification of decision: When a decision has been reached, notice is sent to the agent or applicant advising of the outcome. A copy of the decision is also published on the council's website. If the decision is made by the Planning Committee, minutes will also be made available on the Council's website.
- 5.13 Appeal to the Secretary of State: The Council will notify all those advised in the original planning application as they are given a further opportunity to comment in writing or make representations at a hearing or inquiry into the appeal.

6.0 Monitoring of the Statement of Community Involvement

- 6.1 The Council will monitor the SCI to ensure it remains up to date and in view of a subsequently introduced requirement to review it at least every five years.²¹

²¹ The Localism Act 2011, The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, Neighbourhood Planning Act 2017



HYNDBURN

**The place to be
an excellent council**

**Local Development Scheme
(2018 – 2021)**

For the Hyndburn Local Plan

June 2018

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1. Introduction

- 1.1. The Planning and Compulsory Purchase Act 2004 (the 2004 Act) places a requirement on Local Authorities to publish a Local Development Scheme (LDS) in support of the Development Plan for their area¹. The primary purpose of an LDS is to set out the timetable for the production of documents within, and associated to, the Development Plan, otherwise referred to as the 'Local Plan'.
- 1.2. The Council's last published LDS was in October 2015, covering the period to October 2018. During this time the Council has successfully completed a key part of its Local Plan, adopting its Development Management DPD in January 2018. This adds to the Core Strategy and Accrington Area Action Plan (AAP) that were both adopted in 2012.
- 1.3. The Council now intends to complete the new Local Plan by progressing a Site Allocations DPD. Due to the passage of time however since adoption of the Core Strategy, and changes in Government policy set out in the National Planning Policy Framework (NPPF), elements of the Core Strategy and Accrington AAP may also require updating. This revised LDS presents the intentions of the Council to progress (and complete) the Development Plan over the period 2018-2021.
- 1.4. The Local Plan for an area can comprise a single Development Plan Document (DPD), or a collection of DPDs, as appropriate to that area. The Local Plan for Hyndburn is concerned with providing a complete planning framework for the Borough including:
 1. a spatial vision, strategy and strategic objectives for the next 15 years;
 2. planning policies (both strategic and local) for helping to facilitate the development needs identified for the area;
 3. land allocations in support of planning policy, for example to meet the key housing, employment, or infrastructure needs over the plan period;
 4. land designations to protect areas from development where appropriate; and
 5. a monitoring and implementation framework for delivery of the Local Plan.
- 1.5. A local authority can also choose to produce Supplementary Planning Documents (SPDs) in support of delivering an effective planning service. SPDs supplement planning policies and/or land allocations within a DPD. An SPD

¹ Although successive Governments have implemented numerous reforms to the planning system through the Planning Act 2008, the Localism Act 2011, the National Planning Policy Framework (NPPF); and the National Planning Practice Guidance (NPPG), the requirement to produce an LDS remains.

does not however hold the same weight in decision making and in the determination of planning applications as a DPD, as it is not subject to the same rigorous procedures and examination process.

- 1.6. The Town and Country Planning (Local Planning) (England) Regulations 2012 (hereafter referred to as ‘the Regulations’) set out the discrete stages that both a DPD and SPD must go through prior to being adopted. These stages are summarised in Table 1 below and are discussed in more detail in [Section 5 \(Timetable\)](#) of this revised LDS.

Table 1: Key stages in the preparation of DPDs and SPDS

Development Plan Documents (DPDs)	Supplementary Planning Documents (SPDs)
Regulation 18 Preparation (incl. Public Participation)	Regulation 12 Public Participation
Regulation 19 Publication (incl. Public Participation)	
Regulation 20 Representations	Regulation 13 Representations on Supplementary Planning Documents
Regulation 22 Submission of documents and information to the Secretary of State	
Regulation 24 Independent examination	
Regulation 25 Publication of the recommendations of the appointed person	
Regulation 26 Adoption	
	Regulation 14 Adoption

Note: all references to ‘Regulations’ are to the Town and Country Planning (Local Planning) (England) Regulations 2012. Further details of stages are provided in [Section 5](#) of this LDS

- 1.7. The Regulations also set out the minimum requirements that local authorities must meet during consultation with relevant interested parties, and the specific documents that must be made available at each stage in the process. The Council will ensure that as Local Plan documents are progressed, these minimum requirements are fulfilled, along with any additional requirements set out in the Council’s published Statement of Community Involvement.

- 1.8. The Government has enforced, through regulation², that local authorities review Local Plans and their Statements of Community Involvement at least every five years from the date of their adoption. Local Authorities will need to carry out an assessment of whether a Local Plan or Statement of Community Involvement remains relevant and effectively addresses the needs of the local community, or whether policies need updating. Having carried out this assessment authorities must decide:
- That one or more policies do need updating, and update their Local Development Scheme to set out the timetable for updating their plan, and then update their plan; or
 - That their policies do not need updating, and publish their reasons for this decision
- 1.9. This LDS seeks to summarise the current position with regards to the Hyndburn Local Plan, and how it is expected to be progressed over the coming few years. The Scheme is underpinned by an assessment of the resources available to support the delivery of the work programme, and a Risk Assessment.
- 1.10. Separate to the Local Plan making process, but integral to the future development of Hyndburn, is the planned masterplan exercise in Huncoat. This is a significant piece of work that will be undertaken by external consultants over the 2018-19 period in support of the designation of Huncoat as a Housing Zone by the Government.
- 1.11. Whilst any final masterplan for Huncoat will not immediately form a part of the Local Plan (the formal development plan for the area), a number of options are available to the Council in terms of the formal status of the final document;
1. it could remain a masterplan document only (and be used as a material consideration in relation to planning applications);
 2. once complete, the Council could formally adopt the masterplan as an SPD³; or
 3. the Council could integrate the relevant land allocation elements of the Masterplan into the Site Allocations DPD to give it full weight in decision-making.
- 1.12. At this stage no formal decision has been made as to how this will be progressed, however due to the significance of this work it is included in the overall timeline set out in Section 5 of this LDS for context.

² The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

³ Subject to further work in line with the Regulations

1.13. In line with the latest advice from Government, this LDS has been kept as concise as possible. If further information is provided on any of the content of this document then please contact planningpolicy@hyndburnbc.gov.uk or call 01254 380174 / 01254 380178.

DRAFT

2. The emerging Hyndburn Local Plan

2.1. The majority of the 1996 Hyndburn Local Plan and Proposals Map has now been replaced by the emerging new Local Plan for Hyndburn. The new Local Plan comprises a number of different documents⁴ in Hyndburn, so for clarity the current statutory Development Plan for Hyndburn is comprised of:

1. the Hyndburn Core Strategy (adopted 2012);
2. the Accrington Area Action Plan (adopted 2012);
3. the Hyndburn Development Management (DM) DPD (adopted 2018)
4. saved policies from the Hyndburn Local Plan (1996) including the Proposals Map (statement of saved policies attached as Appendix 1);
5. the Joint Lancashire Minerals and Waste Core Strategy (adopted 2009); and
6. the Joint Lancashire Site Allocations and Development Control Policies (adopted 2013).

2.2. Before the 1996 Local Plan can be fully replaced, there is a final key document to be produced, the Site Allocations DPD. In addition, a review of elements of the Core Strategy and Accrington AAP (adopted in 2012) is also proposed in light of new evidence, and new requirements on Plan Making introduced in the NPPF to review plan documents at least every 5 years.

The Site Allocations DPD

2.3. The Site Allocations DPD will allocate and designate land for the Borough in accordance with policy requirements identified in the Core Strategy and DM DPDs e.g. to meet the full housing and employment needs of the Borough, to formally identify the Green Infrastructure network etc. Once adopted, the Site Allocations DPD will fully replace the Proposals Map (still dated 1996).

2.4. Preliminary work has been undertaken on preparing a Site Allocations DPD, with a 'Call for Sites' exercise having been underway since June 2015, and various evidence base work in anticipation of work commencing on Site Allocations (see Appendix 2). A Regulation 18 consultation held between February and April 2018 also consulted on a proposed draft Site Assessment Methodology to apply in preparing the Site Allocations DPD.

⁴ The new Local Plan commenced as a 'Local Development Framework' under the Planning and Compulsory Purchase Act 2004, however subsequent legislation (Localism Act 2008, Town and Country Planning Regulations 2012 etc.) has returned Plan Making to a 'Local Plan' for the Borough.

The Core Strategy Review

- 2.5. A review of elements of the Core Strategy is required for a number of reasons:
1. the Core Strategy was adopted pre-NPPF;
 2. the housing provision targets set out in the Core Strategy are out of date (evidenced in the Strategic Housing Market Assessment (SHMA) of 2014) and are based on old Regional Spatial Strategy figures;
 3. similarly the employment land requirement also needs updating following the publication and findings of an Employment Land Study in 2015;
 4. there is a need to review the strategic allocations at Huncoat to ensure they are capable of being implemented within the plan period and in the context of the Government designating the area as a Housing Zone in 2016;
 5. the first 5-year phase of the Core Strategy is now complete and the Council committed to reviewing the Core Strategy anyway towards the end of each five year phase;
 6. the Government's is brining forward new regulations to ensure that 5-yearly reviews take place; and
 7. the Government is now proposing a new standardised housing methodology through proposed revisions to the NPPF.
- 2.6. The extent and nature of the Core Strategy review was considered through the initial Regulation 18 public consultation on the Local Plan held between February and April 2018.
- 2.7. The Council has been undertaking some key evidence base work in relation to the 'objectively assessed need' (OAN) for development in the Borough across the plan period, in line with the requirements of the NPPF. Further work on this is planned in 2018 and once this work has been completed a preferred future growth option will be publicised and consulted on in 2019 (under Regulation 18 of the Regulations – see Section 5).

The Accrington AAP review

- 2.8. At the time of preparing the Regulation 18 consultation material for the February to April 2018 Local Plan consultation, there was no formal requirement to review all adopted plan documents every 5 years. Due to this now being a formal requirement however, the Council will review policies adopted in the Accrington AAP (in 2012) alongside the Core Strategy review. It is not yet known whether any policies will require review, however an initial screening exercise will take place during 2018 to ensure that any policies that do require review can be progressed alongside the Core Strategy review.

2.9. In summary therefore, the emerging Local Plan and Development Plan comprises the following documents:

Table 2: The emerging Hyndburn Local Plan

Document	Description	Geographical Area	Current Status
Core Strategy	Establishes the strategic policy framework for the development of Hyndburn up to 2026	Borough Wide	Adopted (January 2012), under review
Accrington Area Action Plan	Sets out a strategic and local planning policy framework for Accrington town centre over the next 10-20 years	Accrington town centre and environs	Adopted (January 2012), to be reviewed
Development Management DPD	Will provide the more detailed local policy framework to assist Officers in decision making and dealing with applications	Borough Wide	Adopted (Jan 2018)
Site Allocations DPD & Proposals Map	Will allocate and designate land for the Borough in accordance with strategic policy requirements	Borough Wide	Regulation 18 consultation completed Feb-Apr 2018
Clayton le Moors and Altham Neighbourhood Plan	Application for the forum and area received (Dec 2012), see <u>Section 3</u>	Clayton le moors ward and that part of Altham which is not within the parish	Preliminary consultation undertaken, draft NP awaited

3. Neighbourhood Development Plans

- 3.1. The Localism Act 2011 introduced new powers for local communities and Parish/Town Councils to develop Neighbourhood Development Plans (NDPs). These are required to be in conformity with the strategic aims and policies of the Core Strategy (and Local Plan) but can, if communities wish, seek to amend the actual land allocations in a Development Plan. Whilst they cannot reduce the amount of development allocated within an area, they can redistribute this to meet local aspirations.
- 3.2. NDPs will be subject to independent assessment, and following this a referendum within the area to which the plan applies. If the referendum results in over 50% of those voting in favour of the NDP then the Council must adopt it as part of the statutory Development Plan for the Borough. Any NDPs that are adopted will be highlighted in the Council's Annual Monitoring Report (AMR). NDPs will not however be programmed into this LDS as they are not the responsibility of the Council to programme and produce.
- 3.3. Where local communities have shown an interest in pursuing NDPs, the Council is supporting this work. To date only one Neighbourhood Forum (NF) has been formally approved. This is the Clayton-le-Moors and Altham NF. A further group, based in Great Harwood, has shown interest in producing a NDP, and an initial enquiry has also been received in relation to Church, but a valid application for 'Forum' and 'Area' status is yet to be received by the Council for either of these areas.
- 3.4. The Council has worked with (and supported) local residents and consultants in early engagement work on the Clayton-le-Moors and Altham NDP. The Council will continue to support this work where possible, and that of other NFs, as and when they are approved.

4. Supplementary Planning Documents / Masterplans / Development Briefs

- 4.1. There is no requirement for the Council to set out or plan for Supplementary Planning Documents (SPDs) in the LDS⁵. As such they are not discussed any further in terms of the timetabling of work nor are they set out in the Hyndburn Local Plan Timeline 2018-2021. For clarity however, Table 3 summarises the SPDs that are already adopted by the Council (and therefore are used as material considerations in the determination of planning applications).

Table 3: List of adopted SPDs

SPD	Status	Date
Church and Oswaldtwistle	Adopted	2006 (Dec)
Project Phoenix 1 and 2, Accrington	Adopted	2007 (Apr)
Former Peel Fold Mill, Stanhill	Adopted	2009 (Jan)
Platts Lodge, Woodnook, Accrington	Adopted	2009 (Feb)
Householder Design Guide	Adopted	2009 (Sep)
East Accrington SPD / Masterplan	Adopted	2010 (Apr)
Hill Top SPD, Baxenden	Adopted	2010 (Sep)

⁵ This requirement was removed by The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009.

5. Timetable for preparing the Hyndburn Local Plan

- 5.1. Table 1 of this LDS summarised the key stages in the preparation of a Local Plan, or DPD, as prescribed by the Regulations. A more detailed description of the purpose of each regulatory stage (for the preparation of DPDs) is provided below:

Regulation 18 – Preparation of a Local Plan

This is the first statutory phase of preparation of a DPD, where the Council will prepare draft proposals and present them in the form of a consultation document to the public. Relevant supporting documents will also be consulted on, such as a Sustainability Appraisal of policies and plans presented in the DPD, a Habitats Regulations Assessment and an Infrastructure Delivery Plan (if relevant). Multiple stages of Regulation 18 consultation may take place depending upon the nature and content of the proposed Plan documents.

Regulation 19 – Publication of a Local Plan

This is the version of the Plan (or DPD) that the Council wishes to put forward for independent Examination. By this point all the relevant supporting evidence should be in place and this version represents the version that the Council considers to be “sound” in terms of the legal requirements placed on plan preparation and to be justified and deliverable. NOTE: Following the Council’s approval of a ‘Publication’ version, policies and proposals within the plan will have significant weight in terms of decision making in Development Management.

Regulation 20 – Representations relating to a Local Plan

This stage enables any interested party a final opportunity to make comments on the plan (against the ‘Publication’ version published under Regulation 19). Any formal objections to the ‘soundness’⁶ of the plan will need to be submitted at this stage in order to be considered by the Planning Inspector appointed to examine the Plan.

Regulation 22 – Submission to the Secretary of State

This is principally an administrative stage and relates to the formal submission of the documents (including all representations received under Regulation 20 consultation) by the Council to the Secretary of State, in preparation for the independent examination by a Planning Inspector. The Council may at this stage request that the Inspector makes recommendations which would address any key issues of the ‘soundness’ of the plan during the examination process.

⁶ The tests of soundness are set out in paragraph 182 of the NPPF, namely that a Local Plan is ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’.

Regulation 24 – Independent examination

The formal examination of the Plan actually commences on Submission, however hearings may well be held into specific aspects of the plan during the examination process. All objectors will have the right to be heard and involved in that process. The duration of the examination stage very much depends upon the complexity of the Plan and the number of objections received in relation to it. Typically however this takes around 9-12 months in total.

Regulation 25 – Publication of the recommendations of the appointed person

Where there are proposed modifications to the DPD arising from the Examination process the Planning Inspector will publish his/her recommendations to the Council in the form of a preliminary Inspector's report. The Council must make these available then determine how to address any proposed modifications. Where the Inspector recommends 'main modifications'⁷ the Council is expected to re-consult on these and, depending upon the scope of the main modifications, further Sustainability Appraisal work may also be required. Once consultation on any main modifications has taken place and the Inspector has considered any representations, a final Inspector's report will be issued.

Regulation 26 – Adoption

Once the Council has received the final Inspector's report, assuming that there are no issues of 'soundness' then it will consider the recommendations, and may formally adopt the Plan via a full Council meeting.

- 5.2. There is no prescribed timescale for implementing a DPD from the start of the process (Regulation 18) through to adoption (Regulation 26), however the Government has made it clear through various announcements that it wishes to see Local Plans progressed as fast as possible. Timescales are heavily influenced by the resources available, the complexity of the topics raised within the document, and the scale of objections received.

Delivery of the Hyndburn Local Plan

- 5.3. The anticipated delivery of the Hyndburn Local Plan over the next 3-year period is set out in Hyndburn Local Plan Timeline 2018-2021. It clearly demonstrates that the immediate priorities in 2018/19 are:

⁷ Changes that materially affect the policies of the Plan

1. continuing the evidence-base work in preparation for the Site Allocations DPD and Core Strategy partial review;
2. identifying the scope and requirement for review of the Accrington AAP policies; and
3. preparing Regulation 18(2) materials for the next stage of public consultation in 2019

5.4. There are a wide range of factors that can influence the timely delivery of DPDs and these are set out and discussed in more detail in Appendix 4: Risk Assessment. In summary however, the risks identified within the Risk Assessment broadly fall within one or more of the following categories:

1. unrealistic / overly ambitious expectations;
2. lack of sufficient resources (financial or skills related);
3. external influences (policy/legislative or competing demands); and
4. potential changes in political or leadership.

5.5. As part of the annual monitoring process and review of this LDS, these risks (and associated mitigation) will be carefully monitored to ensure that any impacts on delivery of the Hyndburn Local Plan are minimised.

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Appendix 1: Hyndburn Local Plan (1996) saved policies

In 2007 a number of policies of the Hyndburn Local Plan (adopted 1996) were saved by Direction of the Secretary of State for the period beyond 27th September 2007. Those not saved expired on the 27th September 2007.

The Hyndburn Core Strategy (CS) and Accrington Area Action Plan (AAP) Development Plan Documents (DPDs) were adopted by the Council on 19th January 2012. The Hyndburn Development Management DPD was adopted by the Council on 15th January 2018. All three DPDs contain policies which supersede 2007 saved policies of the 1996 Local Plan. The attached table therefore lists all the policies of the 1996 Hyndburn Local Plan and shows whether they were saved beyond 27th September 2007 and if so, whether they have been superseded by the policies in the subsequently adopted DPDs (Core Strategy, Accrington Area Action Plan, or Development Management DPD).

Only three policies from the 1996 Hyndburn Local Plan remain saved, highlighted bold in the table below (Policies S.6, H.1, and I.1). These relate specifically to allocations in the 1996 Local Plan and will be formally replaced by the final part of the new Hyndburn Local Plan; the Site Allocations DPD (anticipated to be adopted 2021). For detailed wording of the policies please see the Written Statement of the 1996 Local Plan.

Although some specific policies from the 1996 Local Plan were not saved in 2007, this should not be taken to mean that there is now no policy relating to the matter. More up to date policies may have been included in the Core Strategy, Accrington Area Action Plan, or Development Management DPD's subsequently adopted. Full details of all these documents can be found at www.hyndburnbc.gov.uk/localplan

Planning Policy Team
January 2018

HLP = Hyndburn Local Plan, CS = Core Strategy, AAP = Accrington Area Action Plan

HLP Policy	Policy Subject	Saved beyond 27 Sep 2007?	Superseded in 2012 by Core Strategy (CS) or Accrington AAP?	CS or AAP Policy Ref.	Superseded in 2018 by DM DPD?	DM DPD Policy Ref.	HLP policy still applies? (at 15 Jan 2018)
Chapter 1: Settlement							
S.1	Green Belt	yes	Policy deleted because it does not add to national policy (see Appendix 7, table B of Core Strategy)				
S.2	Re-use of buildings in the Green Belt	yes	no	-	yes	DM34	no
S.3	Caravans in the Green Belt	no	-	-	-	-	no
S.4	Areas of Special Restraint	no	-	-	-	-	no
S.5	Countryside Areas	yes	no	-	yes	DM34	no
S.6	Land reserved for community uses	yes	no	-	-	-	yes
S.7	Non-agricultural stables in rural areas	yes	no	-	yes	DM36	no
Chapter 2: Housing							
H.1	Residential development sites	yes	no	-	-	-	yes
H.2	Housing development within the Urban Boundary	yes	no	-	yes	DM10, DM13	no
H.3	Housing density	no	-	-	-	-	no

HLP Policy	Policy Subject	Saved beyond 27 Sep 2007?	Superseded in 2012 by Core Strategy (CS) or Accrington AAP?	CS or AAP Policy Ref.	Superseded in 2018 by DM DPD?	DM DPD Policy Ref.	HLP policy still applies? (at 15 Jan 2018)
H.4	Development in older housing areas	no	-	-	-	-	no
H.5	Open space in new residential development	yes	no	-	yes	DM11	no
H.6	Conversion of large houses to flats	no	-	-	-	-	no
H.7	Conversion of buildings to flats	no	-	-	-	-	no
H.8	Conversion of large houses to residential care	yes	no	-	yes	DM14	no
Chapter 3: Industry and employment							
I.1	Employment development sites	yes	no	-	-	-	yes
I.2	Employment development within Urban Boundary	yes	no	-	yes	DM1	no
I.3	Loss of employment sites	yes	yes - CS	E2	-	-	no
I.4	Development of further hazardous uses	no	-	-	-	-	no
I.5	Development in vicinity of hazardous installations	yes	no	-	yes	DM24	no
I.6	Landscaping in employment sites	no	-	-	-	-	no
Chapter 4: Environmental Enhancement and Protection							
E.1	Impact on Areas of Special Landscape	no	-	-	-	-	no

HLP Policy	Policy Subject	Saved beyond 27 Sep 2007?	Superseded in 2012 by Core Strategy (CS) or Accrington AAP?	CS or AAP Policy Ref.	Superseded in 2018 by DM DPD?	DM DPD Policy Ref.	HLP policy still applies? (at 15 Jan 2018)
E.2	Unstable and contaminated sites	no	-	-	-	-	no
E.3	Retention of woodlands, trees, hedgerows, walls, etc	yes	no	-	yes	DM17	no
E.4	Impact on SSSIs, BHSs, LNRs etc	no	-	-	-	-	no
E.5	Wildlife corridors	no	-	-	-	-	no
E.6	Listed buildings	yes	no	-	yes	DM22	no
E.7	Demolition of listed buildings	no	-	-	-	-	no
E.8	Development in Conservation Areas	yes	no	-	yes	DM22, DM23, DM28	no
E.9	Scheduled Ancient monuments	yes	no	-	yes	DM22	no
E.10	Criteria for determining proposals	yes	no	-	yes	DM26, DM28	no
E.11	Advertisements	yes	no	-	yes	DM27, DM28	no
E.12	Telecommunications development	no	-	-	-	-	no
E.13	Quality and ecology of water environment	no	-	-	-	-	no
E.14	Wind turbines	no	-	-	-	-	no

HLP Policy	Policy Subject	Saved beyond 27 Sep 2007?	Superseded in 2012 by Core Strategy (CS) or Accrington AAP?	CS or AAAP Policy Ref.	Superseded in 2018 by DM DPD?	DM DPD Policy Ref.	HLP policy still applies? (at 15 Jan 2018)
E.15	Public Art	yes	no	-	yes	DM26	no
<u>Chapter 5: Leisure, recreation and tourism</u>							
L.1	Footpaths, bridleways and cycle routes	yes	no	-	yes	DM33	no
L.2	Development of playing fields	yes	no	-	yes	DM21	no
L.3	Conversion of buildings to tourism uses	no	-	-	-	-	no
L.4	Leeds-Liverpool Canal	yes	yes, CS	A6,A9,R3	-	-	no
L.5	touring caravans and camping sites	no	-	-	-	-	no
L.6	New Static caravan sites	yes	no	-	yes	DM10	no
<u>Chapter 6: Shopping</u>							
R.1	Primary Shopping Zone Accrington Town centre	yes	yes, AAAP	ATC2	-	-	no
R.2	A1, A2, A3 uses in defined shopping areas	yes	yes, AAAP	ATC2	-	-	no
R.3	Non-major retail development	yes	yes, AAAP	ATC1, ATC11	-	--	no
R.4	Major retail developments	no	-	-	-	-	no

HLP Policy	Policy Subject	Saved beyond 27 Sep 2007?	Superseded in 2012 by Core Strategy (CS) or Accrington AAP?	CS or AAP Policy Ref.	Superseded in 2018 by DM DPD?	DM DPD Policy Ref.	HLP policy still applies? (at 15 Jan 2018)
R.5	A1 uses for local communities	yes	no	-	yes	DM3, DM4	no
R.6	Hot food takeaways	yes	no	-	yes	DM5	no
R.7	External appearance of retail premises	yes	yes	ATC11	-	-	no
R.8	Ancillary retail facilities	yes	no	-	yes	DM3, DM4	no
R.9	Major retail developments	no	-	-	-	-	no
R.10	residential uses at upper floors within shopping areas	no	-	-	-	-	no
Chapter 7: Transport							
TR.1	Impact on need to travel/travel demand	yes	yes - CS	T1, T2, T3	-	-	no
TR.2	Protection of route of M65	no	-	-	-	-	no
TR.3	New and improved rail stations	no	-	-	-	-	no
TR.4	Pedestrian priorities	no	-	-	-	-	no
TR.5	provision for cyclists	no	-	-	-	-	no
TR.6	Proposals for off-street parking	no	-	-	-	-	no

HLP Policy	Policy Subject	Saved beyond 27 Sep 2007?	Superseded in 2012 by Core Strategy (CS) or Accrington AAP?	CS or AAP Policy Ref.	Superseded in 2018 by DM DPD?	DM DPD Policy Ref.	HLP policy still applies? (at 15 Jan 2018)
TR.7	Car parking and servicing provision	no	-	-	-	-	no
TR.8	Access for Disabled	no	-	-	-	-	no

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Appendix 2: Local Plan Evidence Base (published and planned)

Published

The following list shows the key pieces of evidence that have been published (date order – most recent first) that will inform the new Local Plan for Hyndburn.

Evidence	Undertaken by:	Published
Green Belt Assessment	Arup	Apr 2018
Annual Monitoring Report	Hyndburn BC	Aug 2017
5 Year Housing Land Supply Statement	Hyndburn BC	Aug 2017
Economic Viability Study	Keppie Massie	Oct 2016
Strategic Housing Land Availability Assessment	PBA	Oct 2016
Retail Thresholds Evidence Note	Hyndburn BC	Jul 2016
Retail Study	PBA	Jun 2016
Employment Land Study	Turley	Jan 2016
Housing Needs Assessment (2012-based household projections update)	NLP	Dec 2015
Gypsy & Traveller & Travelling Show people Accommodation Assessment	Opinion Research Services	Aug 2014
Strategic Housing Market Assessment (SHMA) & Housing Needs Study	NLP	Jun 2014
Landscape Guidance for Wind Turbines up to 60m high in the South and West Pennines	Julie Martin Associates	Jan 2013
Lancashire Sustainable Energy Study	SQW	Mar 2011
Strategic Flood Risk Assessment (SFRA)	Hyndburn BC	Feb 2010
Mapping the Cultural Sector in Pennine Lancashire	Jura Consultants	Jan 2009
Green Spaces Audit and Strategy	Hyndburn BC	2007
Open Space Assessment Report	Knight Cavanaugh Page	2006

Planned

The following table shows the key pieces of evidence that are currently planned to be completed or updated in support of plan making work over the period of this LDS. The requirement is that all evidence base work should be in completed and in place by Publication of the Council's plan documents under Regulation 19 (Section 5 timeline identifies this as by Feb-Apr 2020).

Some studies may be completed in conjunction with other partners/bodies and may also be amalgamated where efficiencies can be achieved.

The columns in the table give an indication as to whether the work is required in support of the Site Allocations DPD (SA), and/or the Core Strategy (CS) review.

Evidence	SA	CS
Infrastructure Delivery Plan	✓	✓
Employment Land Study (refresh)	✓	✓
Strategic Housing Market Assessment update (SHMA) (refresh)	✓	✓
Plan Viability Study	✓	✓
Transport Study / Assessment	✓	✓
Sustainability Appraisal	✓	✓
Habitat Regulations Assessment	✓	✓
Open Space / Green Infrastructure study	✓	
Playing Pitch Assessment	✓	
Gypsy and Traveller Site Assessment Study	✓	
Strategic Flood Risk Assessment (Level 2)	✓	
Habitat Surveys	✓	

Appendix 3: Resources (Finances and Staffing)

Finances

The budget for the preparation of the new Local Plan has three main elements: staffing, evidence-base / technical work (typically consultancy fees), and consultation (which will include fees for Examinations in Public in the future).

The majority of the non-staff related financial demands of Local Plan making work must be drawn down from central budgets. Requirements are considered and funded on a case by case basis within the context of this LDS. Funding for specific evidence base documents will be agreed with the Council's Corporate Management Team and will be kept under review.

Staffing

There is currently⁸ the equivalent of 1.6 full-time members of staff within the Plans and Environment team working on the Local Plan, a full-time Principal Planning Officer and a part-time Senior Planning Officer.

In addition to the above, the following in-house staff resources may be available to assist with discrete elements of Local Plan making work on an ad-hoc, part-time basis:

- 1 X Chief Planning and Transportation Officer
- 1 X Principal Planning Officer (Development Management)
- 2 X Assistant Planning Officers (Development Management)
- 1 X Technical Support Officer
- Officers from other Hyndburn Council Services (such as Housing & Regeneration, Environmental Projects etc.)
- Work experience graduates / student placements as and when they are available

⁸ As of April 2018

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Appendix 4: Risk Assessment

Risk Assessment (April 2018) to the delivery of the Hyndburn Local Plan

It is intended that the identification and awareness of the risks in this assessment will allow an appropriate element of contingency to be built into the programme of work for the Hyndburn Local Plan. The Council's Local Development Scheme (LDS) sets out the most realistic and achievable timetable of work for delivery of the Local Plan based on the resources available. The LDS programme will help clarify and focus corporate decision making across the Council to ensure commitment to the Local Plan process. The effects of any unforeseen circumstances on the programme, together with further mitigation arrangements, will be identified in the Annual Monitoring Reports and reflected in any necessary changes/updates to the LDS in the future.

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Risk Assessment completed on the 19 March 2018

Likelihood (1 not likely, 5 very likely); Impact (1 low impact, 5 very high impact); Risk score = Likelihood x Impact

Risk No.	Description	Consequence	Likelihood	Impact	Risk Score	Owner	Mitigation / Contingencies	Target	Current state
1	Volume of plan-making work, in all its aspects, greater than anticipated	Slippage in process and problems in bringing forward a "sound" plan. High impacts linked to 'special measures'	Low (2)	High (4)	8		Keep evidence requirements under review, monitor progress regularly (project plan and LDS) Keep up to date with Inspectors' reports of other LA DPDs, try to understand the implications for staff and/or consultants;	LOW	MODERATE
2	Volume of other (non plan-making) policy work greater than anticipated	Slippage in process and problems in bringing forward a "sound" plan.	Moderate (3)	(High) (4)	12		Much harder to plan for/anticipate than plan-making work as this comes from other sources (e.g. commenting on planning applications, Duty to Co-operate, and Government announcements such as Brownfield Registers, Self-build etc.) Include time commitments for this kind of work in project plan and regularly review	LOW	MODERATE
3	Insufficient financial resources for technical work and staff	Inability to commission research or to recruit staff/outsource work	Very Low (1)	High (4)	4		Agree financial requirements/ commitments with CMT well in advance of requirements Likelihood currently 'very low' based on current agreements of funding	LOW	LOW

Risk No.	Description	Consequence	Likelihood	Impact	Risk Score	Owner	Mitigation / Contingencies	Target	Current state
4	Local Plan programme too ambitious	Inability to meet programme. Slippage,	Moderate (3)	Moderate (3)	9		Try to ensure that LDS and project plan is adequately resourced and based on good understanding of what is involved in plan making, including contingency time for non-plan related work;	LOW	MODERATE
5	Policy Team skill base not adequate	Delay in plan preparation; Inability to produce "sound" document	Moderate (3)	Moderate (3)	9		Ensure staff are trained and cover the issues appropriately via CPD; Identify any specific training requirements early – include corporate aspects such as leadership, engagement with Members etc. Recruitment provides an opportunity to address and widen skills issues within the local authority; need for additional staff or outsourcing to assist on the plan-making process e.g. particularly with more technical aspects around Plan Viability	LOW	MODERATE
6	High levels of opposition from the public / community groups	Difficulties in managing plan preparation (particularly likely at Site Allocations Stage), slippage in timetable;	High (4)	High (4)	16		Ensure adequate consultation and engagement in the process (in line with the Statement of Community Involvement); Ensure Engagement Strategy is established and followed (using Comms. team where appropriate); Keep Members informed and seek views on various issues and aspects during the Plan Making process; Ensure consultation / engagement allows area specific issues to be raised;	LOW	HIGH

Risk No.	Description	Consequence	Likelihood	Impact	Risk Score	Owner	Mitigation / Contingencies	Target	Current state
7	High levels of opposition from developers and statutory consultees	Difficulties in managing plan preparation (particularly likely at Site Allocations Stage), slippage in timetable – increased risk of legal challenge on the Plan if unresolved;	Moderate (3)	High (4)	12		Ensure adequate consultation and engagement in the process; Ensure that plan is prepared in full accordance with the Legal and Soundness compliance checklists	LOW	MODERATE
8	New national legislation or requirements	Slippage in programme; Juddering in the programme, as matters are reappraised.	Moderate (3)	High (4)	12		The Government is currently consulting on a revised NPPF, with additional work implications if adopted as currently proposed. Likelihood of further reforms low for a period after this. Ensure that project planning has contingency to cover proposed changes	LOW	MODERATE
9	Administrative delays arising from the Council's Reporting / lead-in times (Cabinet & Council	Slippage in programme and delays in decision-making	Low (2)	Moderate (3)	6		Plan in the Council's "Lead-in Time" to the plan making process Acquire delegated authority and flexibility to make amendments to documents (in particular supporting documents such as Sustainability Appraisal) after committee deadlines and approval	LOW	LOW

Risk No.	Description	Consequence	Likelihood	Impact	Risk Score	Owner	Mitigation / Contingencies	Target	Current state
10	A Team member may leave / be off sick - staff turnover and recruitment difficulties	Major slippage in programme and inability to undertake required work. Small nature of team means there is very little slack	Low (2)	Very High (5)	10		Expand team to ensure that should a member of staff leave there is contingency resource in place. Reappoint as soon as possible. Ensure that all Plan Making work as it is progressed is auditable, accessible and organised on the shared network	LOW	MODERATE
11	New Administration within the Council leading to a change in priorities in plan-making from Council	Slippage in programme ; Change in political priority for Local Plan	Very Low (1)	Moderate (3)	3		Ensure Members are kept informed and briefed on the Local Plan, and understand the consequences of changes in priorities part way through the plan making process Continue with cross-party working group for Local Plan related work	LOW	LOW

Risk No.	Description	Consequence	Likelihood	Impact	Risk Score	Owner	Mitigation / Contingencies	Target	Current state
12	Failure to secure agreement of Council	Failure of the Plan making process;	Low (2)	Very High (5)	10		Continue cross-party working group of Members for Local Plan work, particularly to progress housing numbers element of the plan. Encourage and expand Member training on planning policy matters Ensure that Members understand the full implications of changes to plans and impacts on delivery and timetable Keep Members informed and seek views on various issues and aspects during the Plan Making process;	LOW	MODERATE
13	Duty to Cooperate (DtC) – problems associated with joint/collaborative/cooperative working	Inability to get Plan Examined; Failure of the process;	Low (2)	Very High (5)	10		Try to ensure that the Local Plan is prepared with DtC / Collaboration and joint understanding of strategic issues with neighbouring LPA's; Log discussions and outcomes on DtC, keeping good records as plan progresses	LOW	MODERATE

Risk No.	Description	Consequence	Likelihood	Impact	Risk Score	Owner	Mitigation / Contingencies	Target	Current state
14	Insufficient financial resources to cover Examination (SA DPD)	Inability to pay for the Examination	Low (2)	High (4)	8		Maintain dialogue with neighbouring authorities on specific costs of their examinations. Ensure that Corporate Management Team is advised as soon as a timetable for the SA DPD is established so that the likely Examination period is known well in advance. Establish a reserve pot to cover costs of examination and contribute finances each year over 2018/19, 2019/20, 2020/21.	LOW	LOW
15	Submitted Document found not to be "Sound"	Failure of the Plan making process; further work and costs will be required	Low (2)	High (4)	8		Use PAS "Soundness" checklist and audit to ensure submission of a "sound" plan Undertake some kind of peer review process	LOW	MODERATE
16	Submitted Document found not to be "Legal"	Failure of the Plan making process; further work and costs will be required	Low (2)	High (4)	8		Use PAS "Legal" checklist and audit to ensure submission of a "legal" plan Get some Legal review when preparing Publication documents	LOW	MODERATE

Risk No.	Description	Consequence	Likelihood	Impact	Risk Score	Owner	Mitigation / Contingencies	Target	Current state
17	Issues relating to Inspector's Report which the Council finds difficult to accept	Delays in final Adoption of the Plan	Low (1)	High (4)	4		Keep Members informed of plan Examination progress; Make it as easy as possible for an Inspector at Examination to come to decisions, prepare documents in an appropriate way	LOW	LOW
18	Legal Challenge	Delay in final adoption of the plan	Low (2)	High (4)	8		Ensure the plan process follows all relevant regulations. Be aware of issues that may give rise to challenge (policy dependent)	LOW	MODERATE

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REPORT TO:		CABINET	
DATE:		06 June 2018	
PORTFOLIO:		Cllr Miles Parkinson, Leader	
REPORT AUTHOR:		Anne Hourican - Snr Environmental Initiatives Officer	
TITLE OF REPORT:		Peel Park Local Nature Reserve – additional land	
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 add the following land, recently purchased by the Council, to the Peel Park Local Nature Reserve (LNR) declaration :-
- land lying between Peel Park to the north and Arden Hall/Plantation Road to the south (to be known as Pleck Meadow for project development purposes)
- 1.2 Please refer to
- Map 1 for the location and boundaries
 - Appendix 1 for a summary of the characteristics of the land

2. Recommendations

That Cabinet:

- 2.1 resolves to include the land known as Pleck Meadow (shown edged red on the attached plan) in the formal declaration of Local Nature Reserve status (LNR) for Peel Park, Accrington, pursuant to Part III, sections 19 & 21 of the National Parks and Access to the Countryside Act 1949 (as amended).
- 2.2 gives delegated authority for the Chief Planning and Transportation Officer to include this land in completion of the declaration processes, as agreed at Cabinet in August 2017

3. Reasons for Recommendations and Background

- 3.1 This proposal is intended to complement the Council's very positive work at Peel Park on enhancing public recreation and the Local Nature Reserve and to promote opportunities for enhancement including improving the visual quality of Peel Park, access networks and habitat value.
- 3.2 The Council resolved to declare Local Nature Reserves at Peel Park and Woodnook Vale (refer to Cabinet August 2017 for details). The final stages of the declaration processes are underway, including a celebration event being planned for July 2018.
- 3.3 The previously privately owned land, now to be known as Pleck Meadow, came up for auction in February 2018. The Council recognised it's public and habitat value, resolved

to bid and successfully acquired the land. Bringing this land into public ownership fills a significant gap and enables an enhancement programme to be developed over time.

- 3.4 Peel Park LNR, especially with the addition of the Pleck Meadow land, will be the largest Local Nature Reserve in Lancashire by far.
- 3.5 Over the coming 2 – 3 years, a project development process will be progressed to evolve an enhancement and grant bidding programme. This will include sessions for local involvement and consultation and a project group (see 5.3 and 5.4 below).

4 Alternative Options considered and Reasons for Rejection

- 4.1 The decision could be taken not to include this land in the LNR declaration. This option is not recommended as it would fail to fully realise a great opportunity to unify the public and habitat resources as enabled by the recent successful land purchase.

5. Consultations

- 5.1 Natural England, the national agency with responsibility for biodiversity and LNR consultations is supportive of the land being added to the Peel Park LNR.
- 5.2 The Council’s Parks Service is supportive.
- 5.3 Friends of Peel, Arden and Coppice have been delighted with the purchase of this land. An ongoing programme of local involvement and consultation will be organised to advise and support the development of a programme of enhancements for the land.
- 5.4 Many external organisations have been supporting the environmental and community work at Peel Park for many years and are willing to be part of a project group to collaborate on a programme of enhancements. Project group participants will include Lancashire Wildlife Trust, River Ribble Trust, Prospects Foundation, Environment Agency, Newground with supportive activities by Lancashire County Council.

9. Implications

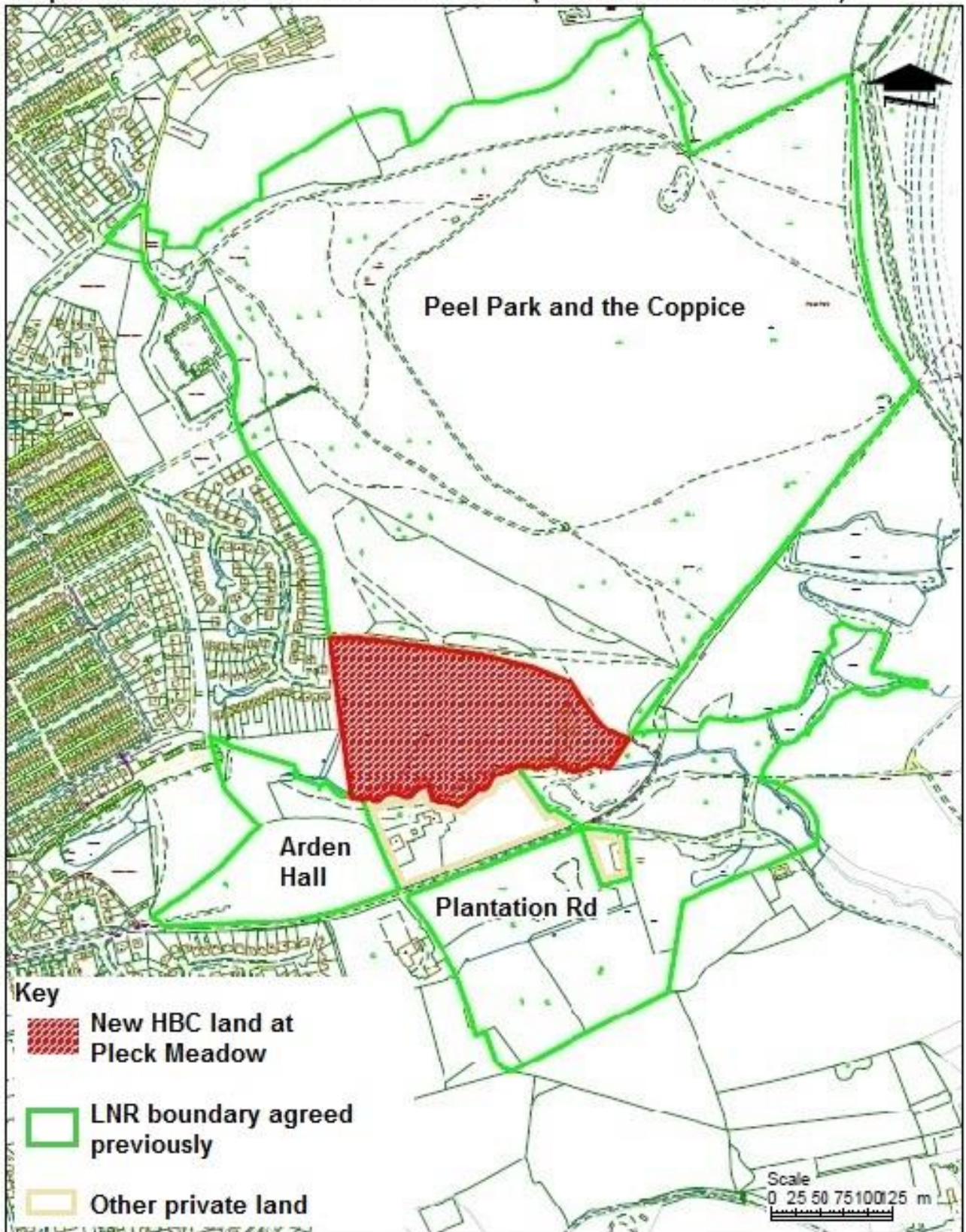
Financial implications (including any future financial commitments for the Council)	<p>The land is currently unmanaged and is not anticipated to require active management in the short term.</p> <p>A package of grant support will be explored for enhancements including access, habitat and boundary improvements. Such enhancements will be designed to be durable and low maintenance in the medium to longer term.</p> <p>Grant sources could include Lancashire Environmental Fund, Biffaward, Windfall Fund from Oswaldtwistle wind farm and others relevant to project details.</p> <p>The Council retains a capital reserve of approximately £32k from previous grants for Peel Park, which can be used as match funding to lever in additional grant investment for this land and an entrance project on the north side of Peel Park.</p> <p>The ongoing management of this land, as a corporate</p>
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	initiative for public benefit. will be supported by continuing joint working between the Planning and Parks Services.
Legal and human rights implications	Local Authorities have powers to designate LNRs under the National Parks & Access to the Countryside Act 1949 (as amended). LAs also have a Biodiversity Duty under the Natural Environment & Rural Communities (NERC) Act 2006. There are a number of easements for underground and overhead services which would have practical implications for project development of any enhancements to the land.
Assessment of risk	As with the existing resolution for Peel Park LNR declaration, Natural England guidance indicates a commitment of 21 years for this land being added to the LNR. Progress of enhancements will be dependent on successful grant bids and collaborative work by external organisations. Informal contacts indicate a high level of support (see 5.4).
Equality and diversity implications <i>Customer First Analysis</i>	This land brings significant opportunities to improve access from residential areas to the south and to meet the needs of all, including those with health or mobility needs. A Customer First Analysis is attached to this report

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

- 10.1 'Local Nature Reserves in England: a guide to selection and declaration' Natural England

Map 1 - land to be added to Peel Park LNR (known as Pleck meadow)



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New land at Peel Park LNR

Appendix 1

(to be known as Pleck Meadow for project development purposes)

Opportunities

Very closely linked with Peel Park visually and by extensive informal public access routes

Potential to create 'access for all' public access links to Peel Park / Coppice and attractive circular routes with Arden Hall, recreation ground and Plantation Road, filling access gaps.

Significant habitat value – the eastern part of the field is designated as Biological Heritage Site and the western part has some habitat value which could be enhanced.

Natural wooded valley, which is reflected on the First Edition OS maps meaning that it precedes the 1840's. It has some striking individual trees (lovely oaks for example) and some completely undisturbed thicket areas.

Pleck Brook flows along the southern boundary for some 400m, one of the many streams in the upper reaches of the River Ribble Catchment. This gives a unique opportunity to consider a wetland project (with involvement from the River Ribble Trust and Environment Agency), which could also aid flood reduction as well as habitat enhancement.

Lie of the land flows naturally from heathland and wooded slopes of the Coppice, down to woodland/meadow areas at Arden Hall and Plantation Rd, with this large meadow and wooded valley providing both continuity and contrast.

Opportunity for the Local Nature Reserve to be extended - this land completes the jigsaw!

Known constraints

Access

No vehicle access as the site does not adjoin the adopted highway. Not significant for HBC as the land adjoins existing holdings at Peel Park and pedestrian access is the priority.

Boundaries - Post and rail fence along the northern boundary is in poor condition.

Easements/Services

Various wayleaves, including gas main at the western edge of this land, cable/gas easement along northern boundary, 6.6Kv overhead line running along the wooded valley to the south, underground water outlets, open drainage ditches

Legal

Overage/clawback clause re any enhanced value from planning permission or onward sale. This is not significant as the purpose of the Council's purchase was for enhancement for public benefit and habitat purposes.

Management implications

Short-term - initially mostly remaining unmanaged.

Medium-term - access, boundary, entrance, meadow and stream enhancements with grants

Longer term - designed to be durable and low maintenance

Report to: Cabinet

Date: 6th June 2018

Portfolio: Cllr Miles Parkinson, Leader

Report Author: Senior Environmental Initiatives Officer

Title of Report: Peel Park LNR – additional land

Customer First Analysis

1. Purpose

- 1.1 The purpose of the report is to add an area of recently purchased land to the declaration of the Peel Park Local Nature Reserve.
- 1.2 A key purpose of LNRs is to encourage more people to enjoy our natural greenspaces. So the most significant considerations for equality are physical accessibility, encouraging everyone to feel welcome and content in the spaces and raising awareness.
- 1.3 Therefore, the most relevant equality characteristics in relation to the LNRs are:-
 - Age, with consideration of older age groups and younger people
 - Disability, including physical and also mental health considerations
 - Pregnancy and maternity, in relation to accessibility of site conditions
 - Race, in relation to encouraging under-represented groups

2. Evidence

- 2.1 This land makes important links to residential areas to the south of Peel Park, also with several primary schools and the college nearby. There are well used informal paths (desire lines) crossing the land, demonstrating a need for improved accessibility.
- 2.2 Regular volunteering activities include organised walks going along the streamside and across this land, often on muddy ground conditions.

3. Impact

- 3.1 A key opportunity is the potential to create 'access for all' public access links to Peel Park / Coppice and attractive circular routes with Arden Hall, recreation ground and Plantation Road, filling access gaps from the south.
- 3.2 Measures will follow earlier guidance from a Disability Audit such as:-
 - additional well located entrances to improve accessibility from residential areas
 - surfaced paths following strong desire lines
 - appropriate gradients or appropriately designed steps to improve safety and attractiveness of the access paths

- signage and waymarkers to help guide people and encourage exploration
- circular routes

3.3 There may be potential to design entrance gateways and pathways to enable 'access for all' including wheelchair users, mobility scooters and families with pushchairs. This will be dependent on detailed site investigations, looking at gradients, but every effort will be made to maximise accessibility.

3.4 Shorter circular routes, together with strategically placed benches, will enable those with lower mobility to enjoy the same experience as others.

3.5 Direct community involvement in the habitat management and other improvements on site will also raise awareness and provides opportunities for people to discuss ideas and concerns.

4. Actions

4.1 This scheme is expressly intended to improve public accessibility and involvement with attractive natural greenspaces. .

4.2 There is intended to be an ongoing programme of site enhancements and community activities to continue to widen the number and range of people getting involved.

Name: A Hourican

Signed: Original signed by A Hourican

Service Area: Planning and Transportation Dated:

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<u>AGENDA ITEM</u>			
REPORT TO:		Cabinet	
DATE:		06 June 2018	
PORTFOLIO:		Cllr Gareth Molineux Portfolio Holder for Education, Leisure and Arts	
REPORT AUTHOR:		Ian Marfleet, Regeneration Projects Manager	
TITLE OF REPORT:		Allotment Rental Charge 2020 and 2021	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	Yes	If yes, date of publication:	

1. **Purpose of Report**

- 1.1 To seek approval for a proposed increase in allotment rent charges from the 1st January 2020 and 1st January 2021.

2. **Recommendations**

- 2.1 Cabinet approves revised allotment rent charges from 1st January 2020 and 1st January 2021, as set out in Paragraph 3.1 of the report, allowing for the statutory notification period, as noted in Paragraph 3.4 of the report.

3. **Reasons for Recommendations and Background**

- 3.1 It is recommended that from 1st January 2020 the allotment rent charge is increased from 18p/m² annum to 22p/m² annum, and that the minimum plot charge be increased from £40.00pa to £45.00pa.

It is recommended that from 1st January 2021 the allotment rent charge is increased from 22p/m² annum to 23p/m² annum, and that the minimum plot charge be increased from £45.00pa to £50.00pa.

The minimum plot charge is the amount below which the rent will not drop, regardless of plot size.

It is recommended that the charge for disabled and easy access small raised beds remains unchanged at £20.00pa.

- 3.2 During 2012 the Council consulted with the allotment tenants. 83% of those responding said that rent should be increased regularly in small amounts rather than a single large increase at irregular intervals.
- 3.3 Since 2014 the Council has progressively increased the allotment rents in small annual increments to ensure that rate of increase is kept reasonable. Allotment rents are charged by calendar year.

2014	11p/m ² annum. Minimum charge £35.00.
2015	12p/m ² annum. Minimum charge £35.00.
2016	13p/m ² annum. Minimum charge £35.00.
2017	14p/m ² annum. Minimum charge £35.00.
2018	16p/m ² annum. Minimum charge £40.00.
2019	18p/m ² annum. Minimum charge £40.00. (Approved Cabinet 06.12.2017)
2020	22p/m ² annum. Minimum charge £45.00. (Proposed this report)
2021	23p/m ² annum. Minimum charge £50.00. (Proposed this report)

Prior to 2014 the allotment rents had not been increased since 2006 and were amongst the lowest in England (data supplied by the National Allotment Society). Between 2006 and 2014 the allotment rents were charged at a flat rate of £25.00/plot for plots below 400sqy, which is an average of 7.5p/m²

- 3.4 The Council has a legal duty to notify existing allotment tenants 12 months in advance of a rent increase. For this reason all new allotment tenants taking a plot during 2019 will be charged the 2020 rent, and so on.
- 3.5 Rents for raised beds have remained unchanged at £20.00 each since 2012. The raised beds are small soil filled wooden boxes directly aimed at disabled and elderly users, or those starting out on their growing experience. It is not recommended that the rent be increased for raised beds due to the demography of the user groups. The rent charged for raised beds will be reviewed at the next available opportunity.
- 3.6 The Council has operated the allotments at a financial loss each year. The proposed rent increase will continue the ongoing process of small annual increments to ensure that the allotments become cost neutral 2020 onwards.

Each year the Council receives 3,000 allotment related telephone calls/emails, 250 allotment complaints, 180 new allotments tenants, and inspects over 900 allotment plots for condition.

Owing to the high demand placed on the service the revenue cost of managing, administering and maintaining the Councils allotments is significant, resulting in an annual service deficit of just over £7,000 (2019).

The recommended rent increase will increase the Councils allotment income to £59,500 in 2020 and £63,000 in 2021. After assuming an increase in costs of 2%, year on year between 2019 and 2021, the recommended rent increase will result in the allotment service becoming cost neutral by 2020.

The continued rent increase in 2021 will allow the Council to increase the allotment maintenance budget from £7,000pa to £10,000pa. The additional budget will be used to increase the ongoing investment in the condition of allotment sites. At present the largest proportion of the allotment maintenance budget is used to clear historic waste and debris brought to the allotment sites by tenants, including corrugated roofing asbestos.

3.7 The Allotment Act 1950 says that an authority may charge such rent as a tenant may “reasonably be expected to pay”. The recommended rental increase has taken account of all of the following factors:

- Comparison with other neighbouring Local Authorities (Section 3.8).
- Comparison with other local recreational activities (Section 3.9).
- National Allotment Society Policy Document 103. Rents (Section 3.10).
- Consultation with the Hyndburn Federation of Allotments (Section 5.1).

3.8 Comparison with neighbouring allotment authorities:

During 2017 Blackburn with Darwen Borough Council charged 21p/m². Hyndburn Borough Council will not exceed this charge rate until 2020, by which time it would be reasonable to presume that BwDBC will also have increased its allotment rents.

Comparison with neighbouring local authorities allow a benchmark to indicate where other local authorities have set their rents in order to meet costs.

3.9 There are no recreational activities which are directly comparable to allotments. In previous allotment rent rises the price of an adult swim ticket in Hyndburn has been used for the purpose of comparison. The allotment rent rises between 2006 and 2019 have been comparable to the increase in adult swim prices during the same period of time. It is, however, not possible to predict with any reasonable degree of accuracy the adult swim prices in 2020 and 2021.

The Council has proposed rent increases for the use of football pitches and bowling greens at an incremental rate set to ensure that use becomes self-financing over a period of several years. The increase in allotment rents has followed the same trajectory.

3.10 The National Allotment Society has produced Policy Document 103 – Rents. The National Allotment Society recognises within its Policy the significance of rent to the

allotment provider as an income, and further adds that rents must be reasonable and set in accordance with the legal requirement (Section 3.11). When considering NAS Policy 103 the Council has taken the following into account:

- The long-term financial sustainability of the allotments.
- The nature, quality and cost of facilities provided, including the cost of maintenance.
- Expenditure on management and administration.

During 2019 the Councils Allotment Service will operate at a financial loss (ref. Section 3.6). The proposed rent increase in 2020 and 2021 will permit the service to become cost neutral, which will ensure that the service can be maintained at its present level without additional cost savings being sought.

With reference to the NAS Policy 103 it is reasonable for the Council to make the allotment service cost neutral. The demand created on the service by allotment tenants has set the level of cost, which must be met in equal amount by the income received, and therein the level of rent set by the Council.

3.11 Summary of legislation, case law and procedures

Section 10(1) of the Allotments Act 1950 states that “Land let by a Council under the Allotments Acts 1908 to 1931 for use as an allotment shall be let at such rent as a tenant may reasonably be expected to pay...”:

Additionally the Council has taken account of existing case law relating to rent increases on allotment sites, the most relevant of which is *Harwood –v- Borough of Reigate and Banstead* (1982). In this case the Court determined that it was the “right approach” for the Council “not to discriminate against this recreational activity as compared with other recreational activities”. This case emphasised that it was the Council that was required to determine the rent, although representations made by or on behalf of tenants should be listened to, the rent was not a matter for agreement between the Council and the tenant. The Council was, under section 10(1) of the Allotments Act 1950 required to determine the rent that a notional tenant might reasonably be expected to pay, the appropriate test for the Council in determining the rent is that it “must take into account all relevant circumstances in a broad, common sense way, giving such weight as the Council thought fit to various factors in the situation so that it might come to a conclusion that it thought right and fair”.

3.12 The Allotments Acts 1908-1950 are prescriptive regarding the provision of allotments. The Council has had regard to the Allotments Acts when considering the rent on allotment sites. In considering Section 10(1) of the Allotments Act 1950, the Council has taken the following into account when proposing the level of allotment rent:

- The rate by which the allotment rent has been increased is comparable to that set by other recreational activities within Hyndburn.

- The tenant consultation during 2012 established that allotment tenants were in favour of small regular increases, rather than large increases at irregular intervals. .
- The allotment rent set by Hyndburn Borough Council remains comparable to that set by neighbouring local authorities.
- Consultation with the Hyndburn Federation of Allotments (HFA), has produced a favourable response, accepting that a rent increase is needed to enable the service to continue at its present level.
- The rent increase takes into consideration the rent policy set by the National Allotment Society.

4. Alternative Options considered and Reasons for Rejection

- 4.1 No change. The allotment service will be under funded resulting in the need to achieve cost savings. The allotment service will be reduced in its ability undertake its function in compliance with the allotment tenancy agreement. With tenants.
- 4.2 There are no other reasonable alternatives, the service must achieve cost neutrality in order to provide the present cost effective and efficient service. It is not reasonable for the Council to achieve a budget deficit year on year, the cost of which is met through cross subsidy by other services.

The recommended option (Section 3.1) is reasonable to ensure that the Allotment Service becomes self-financing.

5. Consultations

- 5.1 The proposed allotment rent increase was addressed at the Hyndburn Federation of Allotments meeting 21st February 2018.

Cath Holmes, Chair of the Hyndburn Federation of Allotments, has made the following statement regarding the report: “allotment rents in Hyndburn still compare very well with those of surrounding Boroughs and nationally, where allotments rents can vary enormously and without a consistent, fair approach. They still offer good value for money”.

- 5.3 Regular Portfolio Holder discussions and site based activities are part of the service arrangements.
- 5.4 A consultation with the allotment community was carried out by questionnaire during October/November 2012, which has informed the content of this report. The Council has commenced the steps required to undertake an allotment consultation during 2018.

6. **Implications**

Financial implications (including any future financial commitments for the Council)	Please refer to Sections: 3.5 3.6
Legal and human rights implications	Please refer to Sections: 3.4 3.7 3.11 3.12
Assessment of risk	N/A
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>	Attached

List of Background Papers

- [Cabinet Report dated 9th January 2013](#) “Allotment Rental Charges Review”
- [Cabinet Report dated 23rd October 2013](#) “Allotment Rental Charge 2015”
- [Cabinet Report dated 3rd December 2014](#) “Allotment Rental Charge 2016”
- [Cabinet Report dated 21st October 2015](#) “Allotment Rental Charge 2017”
- [Cabinet Report dated 7th December 2016](#) “Allotment Rental Charge 2018”
- [Cabinet Report dated 6th December 2017](#) “Allotment Rental Charge 2019”

Report to: Cabinet

Date: 6th June 2018

Portfolio: Cllr Gareth Molineux
Portfolio Holder for Education, Leisure and Arts

Report Author: Ian Marfleet, Regeneration Projects Manager

Title of Report: Allotment Rental Charge 2020 and 2021

Customer First Analysis

1. Purpose

- 1.1 The purpose of the report is to introduce of a reasonable level of allotment rent charge from 1st January 2020 and 1st January 2021.
- 1.2 Two key aims of the allotment service are to maximise the productive use of the allotment resource and to enable more people to benefit from food growing and the wider social, health and well-being benefits of allotment life. This includes encouraging and providing opportunities for more people from disadvantaged groups to get involved.
- 1.3 There are a number of the equality characteristics which are relevant to the allotment resource and service:-
 - Age, with consideration of older age groups and younger people
 - Disability, including wider considerations of well-being, mobility and mental health
 - Pregnancy and maternity, in relation to suitability of site conditions and facilities
 - Race, religion or belief, in relation to ethnic communities

2. Evidence

- 2.1 For the first time, the Council now has some evidence of the equality characteristics of the allotment community, following an allotment consultation carried out in October/November 2012.
- 2.2 Direct contact has also been previously carried out with the allotment community to guide the detail of site improvements for those with particular needs. This has included disability support groups, tenants, waiting list people, and partner organisations.
- 2.3 122 people responded to the allotment consultation. While it is not certain that they are representative of the whole of the allotment community, the results provide an indication of equality related characteristics of the allotment community.

Age

18 – 24 yrs	1.5 %
25 – 44 yrs	11.5 %
45 – 64 yrs	47%
65 – 74 yrs	35%
Over 75 yrs	5%

Health

Very good	26%
Good	50%
Fair	19%
Bad	5 %
Very bad	0%

Day to day activities limited because of a health problem or disability

Not limited	68%
Limited a little	27%
Limited a lot	5%

- 2.4 Age ranges are perhaps more wide ranging than in the past, with 13 % of the respondents in the younger age groups, 47% in the middle age groups and 40% of the respondents in the older age groups.
- 2.5 While health and mobility is good for the majority, it is significant that around 24% of respondents experience less than good health and 32% of respondents have some level of mobility limitation.
- 2.6 23% said their health is better than before they had an allotment. And of those whose health had declined, a massive 83% said that having an allotment had helped to slow down the effects of illness or age.

3. Impact

- 3.1.1 The Council now has tangible evidence that allotment provision contributes to improved health and well-being.
- 3.2 The key equality consideration relating to the rental increase proposal is to ensure that no-one is discriminated from being able to access the allotment resource for reasons of affordability.
- 3.3 The rent review has taken account of all of the relevant factors as follows:-
- Results of consultation carried out with Hyndburn's allotment community.
 - Comparison with allotment charges of other Local Authorities in the North West.
 - Comparison with increased charges for other recreational activities.

- Affordability, social and health improvement considerations.
- 3.4 The allotment resource includes special provisions with raised beds and 'easy access' beds on a number of sites and accessible and manageable plots of small sizes at Meadoway, Norden, Woodnook, Heys and Peel Park. These provide for people with limited mobility, including older age groups, activities for young people and schools involvement, disability support groups and encourage involvement from more people who are new to food growing or who only have limited time for example due to work, family or study commitments.
 - 3.5 The cost of these special provisions is not being increased.
 - 3.6 For all other plots, the proposed increases are very reasonable. Full details in the Cabinet Report show that the proposals represent a reasonable level of increase at this time, balancing all of the relevant considerations, including comparison with other recreational activities. The comparatively modest amounts, together with no increase for some provisions, reflect affordability for all and the community and social benefits of the allotment resource.
 - 3.7 The allotment resource is very wide ranging with plots of many sizes available. This means that people can choose a plot type and size that is directly relevant to their needs and affordability. It is also often possible for an existing plot holder to reduce the size of their plot, or to move to more suitable provision, should their needs change over time.
 - 3.8 Overall, with no increase for the special provisions of raised beds, and small plots plus a reasonable level of increase across the other plots, the proposals ensure that the whole of the allotment resource provides affordability for all.
4. Actions
 - 4.1 The proposals inherently provide for equality considerations and no further action is required.

Simon Prideaux
Planning and Transportation
22 May 2018

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REPORT TO:		Cabinet	
DATE:		06 June 2018	
PORTFOLIO:		Cllr Joyce Plummer - Resources	
REPORT AUTHOR:		Jane Ellis	
TITLE OF REPORT:		Data Protection Update	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	Options	Not applicable	
KEY DECISION:	Options	If yes, date of publication:	

1. Purpose of Report

- 1.1 To propose a new Data Protection Policy for approval, together with a number of associated procedure and guidance documents, as part of the Council's response to the General Data Protection Regulations, which came into force in the UK on 25th May 2018.

2. Recommendations

That Cabinet:

- 2.1 approves the Data Protection Policy attached at Appendix 1 to this report; and
- 2.2 delegates authority to the Executive Director (Legal & Democratic Services), in her capacity as the Council's Data Protection Officer, to amend the Data Protection Policy and its associated procedures and guidance from time to time to take account of legislative changes and Information Commission guidance; and
- 2.2 notes progress made in respect of the GDPR action plan attached in Appendix 2 to this report;

3. Reasons for Recommendations and Background

- 3.1 The General Data Protection Regulations ("GDPR") took effect on 25th May 2018. They are EU regulations that apply in the UK without the need for

national legislation, but they will be supplemented later this year by a new Data Protection Act which is currently progressing through Parliament. The Information Commission has also published guidance to assist with the interpretation and implementation of the GDPR and it is likely that further guidance will be issued over the next year or so.

3.2 The aim of the GDPR is to increase individuals' rights to data privacy. In very general terms, the GDPR therefore impose stricter requirements on the Council in respect of data protection and impose much greater penalties in respect of data protection breaches. Although many of the "day to day" data protection rules have stayed the same or similar, the GDPR make a number of key changes and impose much greater emphasis on governance and documented compliance arrangements.

3.3 In summary, the main changes introduced by the GDPR are as follows:

- i. As a data controller, the Council must designate a Data Protection Officer
- ii. The Council has a new duty to report most data protection breaches to the Information Commission and, in certain circumstances, to the individuals whose personal data has been the subject of the breach. This change to the rules may trigger a significant increase in the number of fines levied by the Information Commission pursuant to its powers to penalise data privacy breaches
- iii. The fines that the Information Commissioner can impose for breach of data protection rules have significantly increased (up to around £18 million for the more serious offences).
- iv. There are new accountability rules for data controllers (such as the Council), with far greater obligations to demonstrate and document governance and compliance arrangements.
- v. There is also a new requirement for "privacy by design", which requires privacy impact assessments to be carried out by the Council in certain circumstances

3.4 The Council's existing data protection policy dates from 2010 and is now out of date. A proposed new policy is attached which takes account of the GDPR and Information Commission good practice guidance. The policy confirms the Council's approach to data protection and GDPR compliance and sets out the responsibilities of the Data Protection Officer, service managers and employees in ensuring the Council continues to act lawfully. Attached to the policy as appendices are proposed guidance and procedures for dealing with the following:

- i) data protection breaches This sets out the reporting, investigation and record keeping requirements in respect of personal data breaches and confirms that the Data Protection Officer will be responsible for

	determining whether any particular data breach requires reporting to the Information Commission and the individual concerned.
ii) privacy impact assessments (PIA)	This explains when a PIA is required and assists staff to complete the PIA paperwork.
iii) subject access requests (SAR)	This explains what a SAR is and the action staff should take if they receive one
iv) privacy statement to be issued to all employees	This sets out the Council's obligations to staff under the GDPR and also sets out the Council's expectations of staff in respect of the treatment of personal information and privacy issues. Upon approval of this report a copy of the statement will be issued to all employees.

A number of training events have already taken place and have been well attended by employees across the Council – these have explained the main changes introduced by GDPR and have taken staff through the requirements of the policies and procedures listed above.

- 3.5 A range of activities have taken place, and are ongoing, to promote GDPR compliance by the Council and further information in this regard is set out in the updated action plan at Appendix 2 to this report.

4. Alternative Options considered and Reasons for Rejection

- 4.1 The Council is required by law to comply with the GDPR and the law requires the Council to have certain policies and procedures in place in order to demonstrate its compliance with the new legislation. The Council is therefore strongly advised to have a data protection policy and procedures for dealing with issues like data breaches, subject access requests and privacy impact assessments. Members are therefore advised to approve the attached which are based on emerging good practice and Information Commission guidance.

5. Consultations

- 5.1 The GDPR action plan was considered at the Council's Corporate Management Team and supported. The Head of Internal Audit and Head of HR have been consulted in respect of the data protection policy and proposed procedures and guidance.

6. Implications

Financial implications (including any future financial commitments for the Council)	The Council could be subject to significant fines if it breaches the new rules, or if it fails to report breaches.
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	<p>A number of training sessions have already been held for officers across the Council to raise awareness of the GDPR and data protection issues generally.</p> <p>There will need to be ongoing staff training in respect of various aspects of the new rules, ranging from general awareness raising to advice on the specifics of new rules and procedures (for example, in respect of privacy impact assessments). This training will be delivered in house by the Data Protection Officer where possible to reduce costs.</p>
Legal and human rights implications	<p>The GDPR will take effect as law on 25th May 2018 and the Council is required to comply with the same.</p> <p>The attached policy, guidance and procedures have regard to the requirements of the GDPR and the Information Commission's guidance in respect of the same. The attached will be kept under review and will be updated as further guidance emerges.</p>
Assessment of risk	<p>The GDPR present some risk to the Council. In particular, the Council could face a significant financial penalty if it acts in breach of the new rules.</p> <p>Many data protection breaches are caused by human error (e.g. sending an email to the wrong person for example) and can be difficult to eradicate. However, the Council will need to continue to take action to minimise the risk of data protection breaches and to ensure GDPR compliance. This will include, for example, the provision of staff training and the development of new policies and procedures as outlined in more detail in Appendix 2</p>
Equality and diversity	<p>A CFA is not required in respect of the</p>

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>	recommendation in this report which largely reflects legal requirements
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7. **Local Government (Access to Information) Act 1985:**
List of Background Papers

7.1 There are none

Appendix 1: GDPR Policy

1 Objective

- 1.1 Hyndburn Borough Council processes a significant amount of personal information as part of its day to day activities in providing services to the public.
- 1.2 This policy expresses our commitment to protecting the privacy of that personal information and sets out how we will ensure that our staff understand how to handle the personal information they have access to as part of their work in a lawful and appropriate way. We understand that this is critical to the effectiveness of our services and in ensuring public confidence in the Council.
- 1.3 This policy explains how we intend to comply with our duties under the Data Protection Act 2018 and the General Data Protection Regulations 2016 and how we intend to demonstrate that compliance. We recognise that failure to comply with the legislation infringes the rights of individuals and may place them at risk of loss or harm. It may also expose the Council to legal challenge and substantial financial penalty.

NB: This policy uses some technical terms which are explained fully in Appendix 1

2 Scope

- 2.1 This policy applies to personal information. Personal information means any data or information, in paper or digital format, relating to a living individual. It can include photographs, CCTV footage and voice recordings.
- 2.2 This policy applies to anyone working with personal information that is controlled or processed by or on behalf of Hyndburn Borough Council, including but not limited to:

Our employees

Breaches of this policy may result in disciplinary action.

Serious breaches of this policy caused by deliberate, negligent or reckless behaviour may lead to criminal prosecution.

Our councillors

Where a councillor has access to personal information on behalf of the Council, they must comply with this policy and a failure to do so may constitute a breach of the Member Code of Conduct.

Serious breaches of this policy caused by deliberate, negligent or reckless behaviour may lead to criminal prosecution.

Any agents or contractors who process personal information on our behalf

A breach of the policy may be regarded as a breach of contract and may lead to termination of the contract or the imposition of sanctions in accordance with the contract terms.

NB: where councillors handle personal information when representing residents or their political party, they do so as data controllers registered separately and in their own right, with the Information Commission.

3 Data Protection Principles

3.1 Hyndburn Borough Council will comply with the Data Protection Act principles and will ensure that personal data is:

- processed fairly, lawfully and in a transparent manner
- obtained for one or more specific, explicit and lawful purposes and only processed for those purposes
- adequate, relevant and limited to only what is required
- accurate and where necessary kept up to date
- kept in a form which permits identification of data subjects for no longer than is necessary
- processed in accordance with the rights of data subjects
- processed in a manner that ensures appropriate security of the personal data
- not transferred outside the European Economic Area without adequate protection

4 Responsibilities of Officers

The data protection officer will:

- advise the Council on its data protection obligations and be the first point of contact for data protection matters
- be responsible for the implementation and review of this policy
- report to Cabinet and the Council's corporate management team on data protection matters, including the development of policies, procedures and other measures to ensure compliance with data protection legislation
- monitor how well the Council is complying with its data protection obligations and ensure there is staff training on the subject, as well as periodic compliance checks
- assist with privacy impact assessments which the Council is required to carry out in certain circumstances.

- liaise with the Information Commission and act as its main point of contact with the Council
- be available to be contacted directly by data subjects in respect of data protection matters
- ensure all elected members are made fully aware of this policy and of their duties and responsibilities under the Data Protection legislation

NB: The Executive Director (Legal and Democratic Services) is the Council's Data Protection Officer. The Head of Internal Audit will act as the Deputy Data Protection Officer and will act as data protection officer where the Data Protection Officer is unavailable, incapacitated or has a conflict of interest.

Service heads will

- Be responsible for data protection compliance in their service area. This includes implementing appropriate data protection procedures and ensuring that personal information is held and disposed of securely; and
- Ensure staff in their service area comply with the Council's policies and procedures relating to data protection; and
- Ensure staff in their service area have an awareness of data protection issues, receive appropriate data protection training in respect of their duties and responsibilities and are appropriately supervised in respect of data protection matters ; and
- Recognize data protection issues in service plans and resource allocation; and
- Ensure the adoption of, and compliance with, a data retention policy in respect of the personal information for which they are responsible

All employees will

- Be aware of data protection issues and the implications of these for their service area; and
- Follow the Council's policies and procedures for handling personal information, including those relating to home working and the use of personal information away from the Council Offices ; and
- Attend data protection training when requested to do so; and
- Consult the Data Protection Officer for advice and guidance on data protection issues whenever necessary or appropriate; and
- Ensure that the personal information they use is kept securely; and
- Act in accordance with the Council's Data Protection Statement for Employees and Consultants (see Appendix 2)

5 Information Sharing

- 5.1 All staff and members have a responsibility to ensure that any personal information they possess, or see or hear, in connection with their work for the Council is not disclosed to third parties unless there is clear and specific authority to do so. They must always establish the identity of the person making a request for personal data before responding to the same and they should seek advice from the Data Protection Officer if they are unclear whether disclosure would be lawful.
- 5.2 However, personal information can be shared with other organisations (such as our contractors, partners or Government Departments) where the sharing is necessary to achieve a clear objective (such as where this is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority) provided it is fair and lawful to do so.
- 5.3 Personal data shared with other third parties can be:
- “Systematic” or routine information sharing where there is an established purpose or
 - “Exceptional” or one-off decisions (for example, in conditions of real urgency).
- 5.4 Data Sharing Agreements must be completed when setting up ‘on-going’ or ‘routine’ information sharing arrangements with third parties. The Council’s Legal Services Section must be consulted in respect of all proposed Data Sharing Agreements. Such agreements must:
- define the purpose for which personal information is being shared
 - specify the scope and limits of the data sharing
 - require the recipient to have appropriate organisational and technical measures in place to ensure that the information is processed securely and lawfully
 - allow us to carry out data protection audits of data held on our behalf
 - indemnify us against prosecution, claims and payment of fines, compensation or damages
 - ensure the third party (and those of their staff who have access to personal data processed for or on our behalf) are aware of and fully trained about their duties and responsibilities under Data Protection legislation
 - provide for any breach of Data Protection legislation to be treated as a breach of contract .
- 5.5 Data Sharing Agreements are not needed when information is shared with third parties in one-off circumstances, but a record of the decision and the reasons for sharing information should be kept.

6 Privacy Impact Assessments (PIAs)

6.1 PIA's will be carried out in accordance with the Council's Guidance on Privacy Impact Assessments, which is attached at Appendix 3

7 Subject Access Requests (SARs)

7.1 We recognise that access to personal data held about an individual is a fundamental right provided in the Data Protection legislation and will ensure that all requests from individuals to access their personal data are dealt with within the timescales allowed in the legislation.

7.2 SARs will be dealt with in accordance with the Council's Guidance on Subject Access Requests, which is attached at Appendix 4

8 Data Protection Breaches

8.1 The Data Protection Officer will be responsible for leading our response to all personal data breaches. This will include:

- leading the investigation
- determining whether to report the breach to the Information Commissioner and the data subjects affected and making the report
- acting as the main point of contact for the Information Commission
- making and maintaining all required records

8.2 All personal data breaches will be dealt with in accordance with the Council's rules and procedures for personal data breaches, which are attached at Appendix 5

9 Additional Measures To Achieve Compliance

9.1 We will endeavor to follow recognized good practice in respect of data protection and to comply with Information Commission guidance; and

9.2 We will only use personal information for the direct promotion or marketing of goods and services with the consent of the data subject; and

9.3 We will keep people informed of the purposes for which we are processing their personal information and we will seek their consent where necessary and appropriate. If we propose to use their personal information for another purpose we will inform people of this; and

9.4 We will provide general information to the public about their rights under Data Protection legislation; and

9.5 We will ensure all staff receive basic data protection training, and training on personal data breach procedures, as part of their induction; and

- 9.6 We will only use data matching technology for specific purposes (like participation in the National Fraud Initiative) and in line with relevant Codes of Practice . Where we may use personal information for data matching we will inform people of this; and
- 8.7 We will ensure that personal data which is no longer required is destroyed securely. Prior to disposal, the information on computers and hard drives etc will be securely deleted using appropriate software tools; and
- 8.8 We will take appropriate and proportionate technical and organisational security measures to safeguard personal information. For example, we will keep paper files and other documents containing sensitive personal data in a secure environment and personal data held in a digital format will be protected by secure passwords (and encryption where appropriate); and
- 8.9 We will regularly assess our compliance with data protection legislation and this policy.

10 Complaints

- 10.1 Anyone can complain if they consider that the Council has not handled their information lawfully in accordance with Data Protection Act requirements (for example, if they have made a subject access response and are not happy with the Council's response). The Council's Complaints Policy will apply in respect of such complaints, but, in addition:
- The Data Protection Officer must be consulted as part of the investigation into the complaint; and
 - The complainant must be informed of their right to complaint to the Information Commissioner at www.ico.org.uk; and
 - The investigating officer must consider whether the complaint in fact relates to a data protection breach. If it does the Council's procedures for dealing with data protection breaches must be followed (see Appendix 5).
- 10.2 Individuals who consider that their personal data is inaccurate or out of date may also request, in writing, that the information be corrected or erased. In order to exercise either of these rights they will need to provide us with proof of their identity and demonstrate that our information is incorrect.
- 10.3 Individuals can also ask the Council to stop handling their personal information or to delete it. The Council is not always required to comply with such requests and the Data Protection Officer should be consulted when a request is received.

11 Policy Review

11.1 The Data Protection Officer is responsible for the maintenance and annual review of this policy.

11.2 Reviews will take into account changes in legislation, Information Commission guidance, recognised good practice and lessons learnt.

12 Further Information and guidance

12.1 This policy is supported by guidance available on the Council's intranet pages.

12.2 The ICO has more detailed guidance on their website at www.ico.org.uk

12.3 Enquiries regarding this policy should be directed to the Data Protection Officer at DPO@hyndburnbc.gov.uk

Appendix 1

Definition of Terms

To aid the understanding of this document and the provisions of the Data Protection Act the following definitions are provided for assistance:-

Data is any information held or recorded in any form by a public authority.

Automated decision-making means a decision made without human intervention solely by automatic means.

Data Controller means the Council as the organisation who determines how data is processed.

Data Processor means any person, other than an employee of the Council, who processes data on behalf of the data controller e.g. someone contracted to the Council to print documents containing personal data.

Data subject is the individual about whom personal data is processed.

Personal Data means Data which relates to a living individual who can be identified-

(a) either directly or from that data, or

(b) indirectly from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Privacy Notice means a notice created by the data controller and made available to the data subject which explains how personal data is being processed.

Special category data (Sensitive Personal Data) means personal data consisting of information as to any of the following:-

- Racial or ethnic origin
- Political opinion
- Religious beliefs or other beliefs of a similar nature
- Membership of a trade union
- Genetics
- Biometrics (where used for ID purposes)
- Physical or mental health or condition
- Sexual life or sexual orientation
- Personal data relating to criminal allegations, proceedings or convictions.

Processing means obtaining, recording or holding the information or data carrying out any operation or set of operations on the information or data including organisation, adaptation or alteration, disclosure and destruction of the information or data and includes onward disclosure or sharing.

Profiling means the creation, manipulation collation or bringing together of information held or acquired about an individual's conduct or behaviour.

Appendix 2
HR Statement for
Employees and Consultants

Data Protection Statement **for Employees and Consultants**

Data controller:	Hyndburn Borough Council (referred to in this statement as “we” or “the Council”)
Data protection officer:	Jane Ellis, Executive Director (Legal & Democratic Services), Scaitcliffe House, Ext. 2146

1 Overview

- 1.1 We have a duty to notify you of the information contained in this statement, which explains how we will hold and process your personal information. It explains your rights as a data subject. It also explains your obligations when obtaining, handling, processing or storing personal information in the course of working for, or on behalf of, the Council.
- 1.2 We take the security and privacy of your personal information seriously. We need to gather and use information about you as part of the day to day operation of the Council and to manage our relationship with you. We intend to comply with our legal obligations under the Data Protection Act 2018 (the ‘2018 Act’) and the EU General Data Protection Regulations 2016 (‘GDPR’) in respect of data privacy and security.
- 1.3 This statement applies to employees, volunteers, apprentices and consultants. If you fall into one of these categories then you are a ‘data subject’ for the purposes of this statement. You should read this statement alongside your contract of employment (or contract for services) and any other notice we issue to you from time to time in relation to your personal information.
- 1.4 We have a separate privacy notice in place in respect of job applicants, and a copy of this can be found on the Council’s website.
- 1.5 This statement does not form part of your contract of employment (or contract for services if relevant) and can be amended by us at any time. It is intended that this statement is fully compliant with the 2018 Act and the GDPR. If any conflict arises between those laws and this policy, we intend to comply with the 2018 Act and the GDPR.

2 Data Protection Principles

- 2.1 The Council is a ‘data controller’ for the purposes of your personal information. This means that we determine the purpose and means of the processing of your personal information.
- 2.2 Personal information must be processed in accordance with six ‘Data Protection Principles.’ It must:

- be processed fairly, lawfully and transparently;
- be collected and processed only for specified, explicit and legitimate purposes;
- be adequate, relevant and limited to what is necessary for the purposes for which it is processed;
- be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay;
- not be kept for longer than is necessary for the purposes for which it is processed; and
- be processed securely.

We are accountable for these principles and must be able to show that we are compliant.

3 How we define personal information

- 3.1 “Personal information” means information which relates to a living person who can be identified from that information (a ‘data subject’) on its own, or when taken together with other information which is likely to come into our possession. It includes any expression of opinion about the person and an indication of our intentions or those of others, in respect of that person. It does not include anonymised information.
- 3.2 This statement applies to all personal information whether it is stored electronically, on paper or on other materials.
- 3.3 Personal data might be provided to us by you, or someone else (such as a former employer, your doctor, or a credit reference agency), or it could be created by us. It could be provided or created during the recruitment process or during the course of the contract of employment (or services) or after its termination. It could be created by your manager or other colleagues.
- 3.4 We will collect and use the following types of personal information about you:
- recruitment information such as your application form and CV, references, qualifications and membership of any professional bodies and details of any pre-employment assessments;
 - your contact details and date of birth;
 - the contact details for your emergency contacts;
 - your gender;
 - your marital status;
 - information about your contract of employment (or services) including start and end dates of employment, role and location, working hours, details of promotion, salary (including details of previous remuneration), pension, benefits and holiday entitlement;
 - your bank details and information in relation to your tax status including your national insurance number;

- your identification documents including passport and driving licence and information in relation to your immigration status and right to work for us;
- information relating to disciplinary or grievance investigations and proceedings involving you (whether or not you were the main subject of those proceedings);
- information relating to your performance and behaviour at work;
- training records;
- electronic information in relation to your use of IT systems/swipe cards/telephone systems;
- your images (whether captured on CCTV, by photograph or video); and
- any other category of personal information which we may notify you of from time to time.

4 How we define special categories of personal information

4.1 **‘Special categories of personal information’** are types of personal information consisting of information as to:

- your racial or ethnic origin;
- your political opinions;
- your religious or philosophical beliefs;
- your trade union membership;
- your genetic or biometric data;
- your health;
- your sex life and sexual orientation; and
- any criminal convictions and offences.

We may hold and use any of these special categories of your personal information in accordance with the law.

5 How we define processing

5.1 **‘Processing’** means any operation which is performed on personal information such as:

- collection, recording, organisation, structuring or storage;
- adaption or alteration;
- retrieval, consultation or use;
- disclosure by transmission, dissemination or otherwise making available;
- alignment or combination; and
- restriction, destruction or erasure

This includes processing personal data which forms part of a filing system and any automated processing.

6 How will we process your personal information?

6.1 We will process your personal information (including special categories of personal information) in accordance with our obligations under the 2018 Act.

6.2 We will use your personal information for:

- performing the contract of employment (or services) between us;
- complying with any legal obligation;
- taking action where this is necessary to protect your vital interest or those of another person (e.g. in the event of an emergency, such as if you were taken ill at work);
- taking action where this is necessary in the public interest or in the exercise of official authority vested in us

We can process your personal information for these purposes without your knowledge or consent. We will not use your personal information for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it. If one of the above criteria does not apply, we will only use your personal information with your consent.

If you choose not to provide us with certain personal information you should be aware that we may not be able to carry out certain parts of the contract between us. For example, if you do not provide us with your bank account details we may not be able to pay you. It might also stop us from complying with certain legal obligations and duties which we have such as to pay the right amount of tax to HMRC or to make reasonable adjustments in relation to any disability you may suffer from.

7 Examples of when we might process personal information

7.1 We have to process your personal information in various situations during your recruitment, employment (or engagement) and even following termination of your employment (or engagement).

7.2 For example (and see section 7.5 below for the meaning of the asterisks):

- to decide whether to employ (or engage) you;
- to decide how much to pay you, and the other terms of your contract with us;
- to check you have the legal right to work for us;
- to carry out the contract between us including where relevant, its termination;
- training you and reviewing your performance*;
- to decide whether to promote you;
- to decide whether and how to manage your performance, absence or conduct*;
- to carry out a disciplinary or grievance investigation or procedure in relation to you or someone else;
- to determine whether we need to make reasonable adjustments to your workplace or role because of your disability*;

- to monitor diversity and equal opportunities*;
- to monitor and protect the security (including network security) of the Council, of you, our other staff, customers and others;
- to monitor and protect the health and safety of you, our other staff, customers and third parties*;
- to pay you and provide pension and other benefits in accordance with the contract between us*;
- to pay tax and national insurance;
- to provide a reference upon request from another employer;
- to pay trade union subscriptions*;
- to monitor compliance by you, us and others with our policies and our contractual obligations*;
- to comply with employment law, immigration law, health and safety law, tax law and other laws which affect us*;
- to answer questions from insurers in respect of any insurance policies which relate to you*;
- running the Council and planning for the future;
- the prevention and detection of fraud or other criminal offences;
- to defend the Council in respect of any investigation or litigation and to comply with any court or tribunal orders for disclosure*; and
- for any other reason which we may notify you of from time to time.

7.3 We will only process special categories of your personal information (see above) in certain situations in accordance with the law. For example, we can do so if we have your explicit consent. If we asked for your consent to process a special category of personal information then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you so choose by contacting the Head of HR or the Executive Director (Legal & Democratic Services).

7.4 We do not need your consent to process special categories of your personal information when we are processing it for the following purposes, which we may do:

- where it is necessary for carrying out rights and obligations under employment law;
- where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
- where you have made the data public;
- where processing is necessary for the establishment, exercise or defence of legal claims; and
- where processing is necessary for the purposes of occupational medicine or for the assessment of your working capacity.

- 7.5 We might process special categories of your personal information for the purposes in paragraph 7.2 above which have an asterisk beside them. In particular, we will use information in relation to:
- your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities;
 - your sickness absence, health and medical conditions to monitor your absence, assess your fitness for work, to pay you benefits, to comply with our legal obligations under employment law including to make reasonable adjustments and to look after your health and safety; and
 - your trade union membership to pay any subscriptions and to comply with our legal obligations in respect of trade union members.
- 7.6 We do not take automated decisions about you using your personal information or use profiling in relation to you.

8 Sharing your personal information

- 8.1 Sometimes we might share your personal information with our contractors and agents to carry out our obligations under our contract with you or for our legitimate interests.
- 8.2 We require those companies to keep your personal information confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your personal information for the lawful purpose for which it has been shared and in accordance with our instructions.
- 8.3 We do not send your personal information outside the European Economic Area. If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.

9 How should you process personal information for the Council?

- 9.1 Everyone who works for, or on behalf of, the Council has some responsibility for ensuring data is collected, stored and handled appropriately, in line with this statement and the Council's rules and procedures in respect of data protection – these include our data protection policy, our data retention policy and our data protection procedures (for example in respect of privacy impact assessments and subject access requests). These are set out on the data protection page on the Council's website and hyntranet.
- 9.2 The Council's Data Protection Officer is Jane Ellis (the Executive Director (Legal & Democratic Services)) and she is responsible for reviewing this statement and updating the Council on its data protection responsibilities and any risks in relation to the processing of data. You should direct any questions in relation to this statement or data protection to the Data Protection Officer.
- 9.3 You should only access personal information held by the Council if you need it for the work you do for, or on behalf of the Council and only if you are authorised

to do so. You should only use the personal information for the lawful purpose for which it was obtained.

- 9.4 You should not informally share personal information held by the Council.
- 9.5 You should keep personal information secure and not share it with unauthorised people. The Council has produced guidance about information sharing and this can be found on the data protection pages on the hyntranet. Where possible use the GSX email system when sending personal information by email.
- 9.6 You should not share personal information with a third party or outside body unless you are satisfied that doing so is both lawful and fair. If you are uncertain you should seek advice from the Data Protection Officer or from Legal Services.
- 9.7 When sharing information with a data processor (such as an agent or contractor who processes personal information on behalf of the Council) you should check that a data sharing agreement is in place before any personal information is disclosed.
- 9.8 You should regularly review and update personal information which you have to deal with for work. This includes telling us if your own contact details change.
- 9.9 You should not make unnecessary copies of personal information and should keep and dispose of any copies securely.
- 9.10 You should use strong passwords.
- 9.11 You should lock your computer screens when not at your desk.
- 9.12 Personal information should be encrypted or password protected before being transferred electronically to authorised external contacts. Speak to IT for more information on how to do this.
- 9.13 Consider anonymising data or using separate keys/codes so that the data subject cannot be identified.
- 9.14 Do not save personal information to your own personal computers or other devices.
- 9.15 Personal information should never be transferred outside the European Economic Area except in compliance with the law and authorisation of the Data Protection Officer.
- 9.16 You should lock drawers and filing cabinets if possible. Do not leave paper with personal data lying about.
- 9.17 Personal information held digitally should be stored on the Council's network unless your line manager agrees otherwise. You must inform your line manager if you store personal data on an external drive, a pen drive, cd or similar and you must comply with any security measures required by your line manager.
- 9.18 You should not take personal information away from Council's premises without authorisation from your line manager or the Data Protection Officer and you should follow any instructions given to you about keeping the information secure.
- 9.19 Personal information should be shredded and disposed of securely when you have finished with it.

- 9.20 You should ask for help from the Data Protection Officer if you are unsure about data protection or if you notice any areas of data protection or security we can improve upon.
- 9.21 Any deliberate or negligent breach of this statement by you may result in disciplinary action being taken against you in accordance with our disciplinary procedure.
- 9.22 It may be a criminal offence if you deliberately or negligently use the personal information held by the Council for your own purposes. This conduct would also amount to gross misconduct under our disciplinary procedure, which could result in your dismissal.
- 9.23 It is a criminal offence to conceal or destroy personal information which is part of a subject access request (see below). This conduct would also amount to gross misconduct under our disciplinary procedure, which could result in your dismissal.
- 9.24 Any deliberate or negligent failure to report a data protection breach of which you become aware may result in disciplinary action being taken against you in accordance with our disciplinary procedure.

10 How to deal with data breaches

- 10.1 We have robust measures in place to minimise and prevent data breaches from taking place. Should a breach of data protection requirements occur (whether in respect of you or someone else) then we must take notes and keep evidence of that breach. If the breach is likely to result in a risk to the rights and freedoms of individuals then we must notify the Information Commissioner's Office within 72 hours. The notification will be made by the Data protection Officer. If the breach is likely to result in a high risk to the rights and freedoms of individuals then we must notify the individuals concerned without undue delay. A failure to notify the Information Commission (and, if relevant, the affected individuals), could result in a significant fine for the Council.
- 10.2 We have a procedure for investigating and reporting data protection breaches. A copy of this can be found on the data protection page on the Council's website and the hyntranet. If you are aware of a data breach you must contact the Data Protection Officer immediately and keep any evidence you have in relation to the breach.

11 Subject access requests

- 11.1 Data subjects can make a 'subject access request' ('SAR') to find out the personal information we hold about them. This request must be made in writing. If you receive such a request you should forward it immediately to the Data Protection Officer who will coordinate a response.

- 11.2 We have a procedure for accepting and responding to SAR's. A copy of this can be found on the data protection page on the Council's website and the hyntranet.
- 11.3 If you would like to make a SAR in relation to your own personal information you should make this in writing to the Data Protection Officer. We must respond within one month unless the request is complex or numerous in which case the period in which we must respond can be extended by a further two months.
- 11.4 There is no fee for making a SAR. However, if your request is manifestly unfounded or excessive we may charge a reasonable administrative fee or refuse to respond to your request.

12 Your data subject rights

- 12.1 You have the right to know what personal information we process about you, how and on what basis as set out in this statement.
- 12.2 You have the right to access your own personal information by way of a subject access request (see above).
- 12.3 You can correct any inaccuracies in your personal data. To do so you should contact the Data Protection Officer.
- 12.4 You have the right to request that we erase your personal information where we were not entitled under the law to process it or it is no longer necessary to process it for the purpose for which it was collected. To do so you should contact the Data Protection Officer.
- 12.5 While you are requesting that your personal information is corrected or erased or are contesting the lawfulness of our processing, you can apply for its use to be restricted while the application is made. To do so you should contact the Data Protection Officer.
- 12.6 You have the right to object if we process your personal information for the purposes of direct marketing.
- 12.7 You have the right to receive a copy of your personal information. We will not charge for this and will in most cases aim to do this within one month.
- 12.8 With some exceptions, you have the right not to be subjected to automated decision-making.
- 12.9 You have the right to be notified of a data security breach concerning your personal data where this presents a high risk to your rights and freedoms.
- 12.10 In most situations we will not rely on your consent as a lawful ground to process your data. If we do however request your consent to the processing of your personal information for a specific purpose, you have the right not to consent or to withdraw your consent later. To withdraw your consent, you should contact the Data Protection Officer.
- 12.11 You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information

Commissioner's Office website (www.ico.org.uk). This website has further information on your rights and our obligations.

Changes to this privacy notice

We reserve the right to update or amend this privacy notice at any time, including where we intend to further process your personal information for a purpose other than that for which the personal information was collected or where we intend to process new types of personal information. We will issue you with a new privacy notice when we make significant updates or amendments. We may also notify you about the processing of your personal information in other ways.

Contact

If you have any questions about this privacy notice or how we handle your personal information, please contact the Data Protection Officer as follows:

Jane Ellis
Executive Director (Legal & Democratic Services)
Extension 2146

I acknowledge receipt of this privacy notice and I confirm that I have read and understood it.

Signed:
Print name:
Dated:

Appendix 3

Privacy Impact Assessments

PRIVACY IMPACT ASSESSMENTS (“PIA”): GUIDANCE

Introduction

A PIA is merely a process that helps the Council to identify and minimise the privacy risks of new projects or policies or when planning changes to an existing system or process. It is designed to help the Council assess whether what it proposes to do is necessary and proportionate. It isn't always possible to remove risk completely, but a good PIA will enable the Council to reduce privacy risks to an acceptable level while allowing the Council to meet its objectives.

Carrying out a PIA will assist the Council to meet its legal obligations – for example, under the General Data Protection Regulations 2016 (“GDPR”), the Data Protection Act 2018 and the Human Rights Act 2000. A PIA will help the Council both to comply with its GDPR obligations and also to demonstrate that compliance.

A template has been produced to guide you through the PIA process and you should have regard to this guidance when completing it. A copy of the template is attached to this guidance and an electronic version is available in the data protection section of the Council's Hyntranet.

When should I carry out a PIA ?

In certain circumstances, the Council is required by law to undertake a PIA before it starts to collect or use personal information. In other circumstances it may be good practice to carry out a PIA even if this isn't a legal requirement.

A PIA **must** be carried out in the following circumstances:

- any processing (in particular using new technologies) likely to result in a high risk to the rights and freedoms of individuals, taking into account the nature, scope, context and purposes of the processing; or
- a systematic monitoring of a publicly accessible area on a large scale (such as CCTV); or
- processing on a large scale of personal data relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health or a person's sex life or sexual orientation, genetic or biometric data or criminal convictions ; or
- systematic and extensive evaluation of information about individuals (including profiling) by automated processing and leading to decisions which have legal effects on individuals

Article 35 GDPR

A PIA **would be good practice** in the following circumstances:

- the introduction of new technology that could be intrusive; or
- when sharing personal information with third parties, such as contractors or other local authorities; or
- when proposing to collect personal information of a type which is likely to cause privacy concerns, such as medical records or criminal convictions; or
- when you wish to contact people in a way they may find intrusive, such as

“cold calling” or unsolicited texts

- when you want to use personal information you already have in a new and potentially more intrusive way

When deciding whether you should undertake a PIA either as a legal requirement or as a matter of good practice, it may help to consider the following:

- ✓ will you be using or holding sensitive or highly personal information about people ?
- ✓ will you be using or holding information about vulnerable people ?
- ✓ will you be using or processing personal information on a large scale ?
- ✓ will you be involved in systematic monitoring or assessment of personal information ?
- ✓ will you be using innovative technology ?



you probably need a PIA (and you should seek legal advice or consult the Data Protection Officer if you are unsure).

Undertaking a PIA : tips on completing the PIA template

Section of the PIA	Comments
purpose	<p>You should describe what you plan to do and explain why. You should explain what end result you wish to achieve.</p> <p>What legal power or duty are you relying on to carry out your proposal ?</p>
processing	<p>You need to understand exactly what personal information you will be collecting and using in order to identify the privacy risks. You must:</p> <ul style="list-style-type: none">• identify each type of personal information you will be collecting or using – e.g. names, health data, conviction details, CCTV images etc• indicate the scope or volume of personal information you will be collecting or using – e.g will you collect data on a few people or hundreds of people ? <p>You also need to understand exactly what you will be doing with the personal information in order to identify the privacy risks. You must:</p> <ul style="list-style-type: none">• give a detailed description of what you plan to do with the data at each stage – including collection, storage, use, data sharing, retention period and disposal;• (if you will be sharing the information with others) explain who will receive it, why the

	<p>sharing is taking place and how it will take place;</p> <ul style="list-style-type: none"> • Explain the form the information will take – e.g. will it be in a paper format or will it be held electronically (and if the latter, you should say what hardware, software and networks will you be using) • Explain how you will comply with any applicable codes of conduct – e.g the Home Office’s “Surveillance Camera Code of Practice”
justification	<p>You must explain why what you propose is necessary and proportionate. You should consider:</p> <ul style="list-style-type: none"> • whether you have to use personal information at all to achieve your objective • have you limited your use of personal information to what is necessary and relevant to achieve your objectives • whether the risks to privacy are reasonable and proportionate to what you aim to achieve or whether your proposal is it too intrusive <p>You should include details of the measures you have taken to ensure that your proposal is proportionate and necessary. For example:</p> <ul style="list-style-type: none"> • have you consulted • what information will be given to the individuals concerned about use of their data • how will you give effect to individual’s rights of access to their data or their rights to rectify or erase it • have ensured you will not keep the information for longer than is necessary
consultation	<p>The type and amount of consultation required depends on the scale of the project and the level of risk involved, and this need not be an onerous requirement.</p> <p>If you decide not to consult then you must give good reasons for your decision. For example, if you conclude that it is disproportionate or impractical to consult then you must explain why.</p> <p>Consultation can be internal, as well as external – e.g. you may need advice from Legal to ensure you meet statutory requirements, and with IT (or your IT supplier) to consider measures to mitigate risk.</p> <p>In addition, you must consult the Council’s Data Protection Officer when carrying out a PIA. The DPO is the Executive Director (Legal & Democratic Services).</p>

<p>risks</p>	<p>These should be considered and identified at an early stage in your project planning to give you time to consult and explore your options to minimise privacy risks. You should consider the origin of each risk, its nature, likelihood and likely severity.</p> <p>You don't need to eliminate risks entirely, you just have to reduce them to an acceptable level.</p> <p>Risks can be:</p> <ul style="list-style-type: none"> - to individuals rights and freedoms (e.g. undue intrusion, inappropriate data sharing, data loss or unwanted data modification); and - to the Council (damage to reputation, loss of customer trust); and - compliance risks (enforcement action, and fines and compensation payable for a breach of the law)
<p>Mitigation of risk</p>	<p>There are many things you could consider to minimise privacy risks. For example, consider:</p> <ul style="list-style-type: none"> - arrangements and procedures for secure storage, use and destruction of the personal information - possible technological security measures - staff training on privacy risks and information sharing - scope for password protection, anonymization or encryption of personal data - data sharing agreements with agents, contractors and partner bodies - building privacy measures and criteria into specifications and the contractor selection process - using appropriate privacy clauses in contracts - ensuring information is not retained longer than necessary - ensuring individuals are aware of how their personal data will be used - considering if access to the personal data can be restricted - consider what back-up arrangements you will need in the event of the information being lost, damaged, stolen or compromised

PRIVACY IMPACT ASSESSMENT (“PIA”)

Please refer to the Council’s PIA Guidance before completing this form. The Guidance can be found in the Data Protection section of the Hyntranet and Council website.

Purpose

What personal information do you intend to collect or use and why ?

e.g what is the aim of the project or the reason for the data processing ?

e.g what sort of personal information will it be (such as names, addresses, CCTV footage, criminal convictions, information about age, religion or ethnicity) ?

Processing

What do you propose to do with the personal information ?

e.g how will you collect the information, where will you keep it, how will you use it, who might you share it with, how and when will you delete it ?

Justification

Why is what you propose a necessary and proportionate thing to do ?

e.g is the impact on privacy proportionate to the aims of the project ?

Consultation

Have you consulted the people who may be affected by what you propose ?

Please give details of the consultation – who did you consult, how did you consult them, what did they say and has this led you to change your proposal in any way ?
If you do not intend to consult, please explain why.

--

Privacy Risks

What are the privacy risks ?

--

How will you reduce the risks ?

privacy risk	mitigation measure(s) <i>(use a continuation sheet if you need to)</i>	risk reduced or eliminated ?

You are required to consult the DPO

Comments of Data Protection Officer

--

Signed:

Date:

.....
Continuation sheet:

How will you reduce the risks ?		
risk	mitigation measure(s) (use a continuation sheet if you need to)	risk reduced or eliminated ?

Appendix 4
Subject Access Requests

Subject Access Requests (“SAR’s”): a guide Data Protection Act 2018

Under the Data Protection Act 2018 people have a right to apply for a copy of the personal information we hold about them. This is referred to as a “subject access request”.

This guide explains what we are required to provide and outlines the procedure for dealing with SAR’s.

What do people have a right to ?

People have a right to be told:

- what sorts of personal information we hold about them
- what we use that personal information for and the legal basis for that usage
- what other organisations or people we have, or might, share their personal information with
- how long we will retain their personal information
- about their rights to have the information rectified or erased
- about their right to complain to the Information Commissioner

People also have a right to receive a copy of the personal information we hold about them (but see below for details of the information we can withhold).

Can any personal information be withheld ?

By law there is some information that we do not need to supply. In particular, we do not need to release the following personal information provided we are satisfied that withholding it is reasonable and proportionate having regard to the legitimate interests of the applicant :

- If it relates to legal advice we have been given; or
- If disclosure could prejudice the prevention or detection of crime; or
- If disclosure could prejudice an official inquiry or investigation or legal proceedings; or
- To protect public or national security; or
- If it would also involve identifying another person or sending out information about another person without their permission – however, in such circumstances we should consider whether the information can be “redacted” to block out information about other people and prevent them being identifiable. If this is possible, the information can be disclosed in a redacted form. Please always seek advice from Legal Services if you intend to redact information in response to a SAR.

If you withhold personal information you must usually:

- Tell the applicant that you have withheld information. and
- Explain why; and
- Advise the applicant of their right to complaint to the Information Commissioner or apply to the court

However, you don't need to do so if this would defeat the object of withholding the information.

How are subject access requests made ?

By law we are unable to accept verbal requests.

The request must be in writing, either on paper or in an email, but it does not have to be specifically described as a subject access request. We have a standard subject access request form (which is available on our website), but people are not required to use this.

The request must be accompanied by proof of identity (see below)

What proof of identity do we need ?

Identity theft is increasingly common. To protect people's privacy we need to take reasonable steps to ensure that we don't send somebody's personal information to someone pretending to be them. We therefore need to carry out reasonable checks to ensure that we send personal information to the right person. Failure to do so could result in a data breach, which we may need to report, both to the Information Commission and to the individual whose personal information has been wrongly disclosed.

We will need information that allows us to be reasonably satisfied that the person is who they say they are. We will need evidence of the person's name and address and, ideally, we should try to obtain something with the person's name and photograph (such as a passport or driving licence).

The following are examples of possible evidence of identity: birth certificate, driving licence, passport, recent utility bills, recent bank letters, marriage certificate, recent credit card / bank / mortgage statement, HM Forces ID card, council tax statement or benefit statement. For this purpose "recent" means within the last 12 months.

We may require more than one piece of evidence to be satisfied about identity. If the request is for CCTV footage we will also need a recent photograph of the individual concerned.

If you have concerns about the identity of the applicant, please seek advice from the Data Protection Officer.

What is the timescale for a response ?

We usually have to provide the information within one month, but this period can be extended if the request is very complicated. If we are unlikely to be able to respond within one month we must write to the applicant to let them know this, to explain why and to let them know when they can reasonably expect a response from us.

Can we charge a fee ?

The information will usually be provided for free, but we can charge a reasonable fee (or refuse to provide the information) if the request is manifestly unfounded or excessive (for example if the applicant has made repeated requests for the same information).

Process for dealing with a SAR

- Check that the SAR has been made in writing and signed by the applicant.
- Check the evidence of identity provided and satisfy yourself that the applicant is who they say they are. Evidence can be produced in person by prior appointment, or we will accept photocopy documents by post or email. If necessary, contact the applicant to seek further evidence. If you have any concerns about the identity of the applicant, seek advice from the Data Protection Officer.
- Once you are satisfied that you have a valid SAR, diarise the date when a reply is required (i.e. within one month).
- Ensure you understand what information is being requested. It may be helpful, and save a lot of time and abortive effort, to contact the applicant and clarify exactly what information they require. It may be that they have expressed their request badly or too broadly. The applicant may actually want far less information than you first thought and you may be able to assist the applicant to refine or narrow down their request.
- You should consider whether the request could be considered to be manifestly unreasonable or excessive. If it could, please consult the Data Protection Officer for advice about whether the Council can refuse to accept the request or whether a fee can be charged. If a fee is payable you should ensure that this is paid in full before any further work is done to progress the SAR.
- You will need to contact any service area to which the SAR may relate and make clear the timescale for a reply – remember to allow yourself enough time to review any information provided by service areas.
- If you are asked to respond to a SAR you will need to conduct a thorough search of the information within your service area, including: emails, word documents, spreadsheets, databases, paper files etc.
- You must check any information carefully before it is sent to the applicant - you will need to check whether the information needs to be redacted to remove personal information about third parties and you will need to consider whether any of the information could or should be withheld (see above “***Can any personal information be withheld ?***“)

Appendix 5
Personal Data Breaches

Data Protection Act 2018
Personal Data Breaches: reporting requirements, guidance and procedures

Reporting requirements at a glance:

	Information Commission	Data Subject(s)
	Personal data breaches likely to result in a risk to the rights and freedoms of an individual	Personal data breaches likely to result in a high risk to the rights and freedoms of an individual
What is the timescale for notification ?	Within 72 hours	Without undue delay
What must we notify ?		
Nature of breach	√	√ In clear and plain language
Types and approx. number of data subjects concerned (e.g. children, elderly people, employees, customers etc)	√	
Types of personal data (e.g. health data, financial details, names and addresses etc)	√	
Approx. number of records concerned	√	
Contact details for the DPO	√	√
Likely consequences of breach	√	√
Measures taken / to be taken to address the breach	√	√
Measures taken / to be taken to mitigate adverse effects	√	√

But please refer to the detailed guidance that follows.

Why is it important to identify and report personal data breaches ?

By law we are required to report some data protection breaches to the Information Commissioner within 72 hours of the breach occurring. In certain circumstances, the breach must also be reported to the individual(s) whose data is involved in the breach. If we fail to report a notifiable breach, or don't do so in a timely manner, it can face a significant fine from the Information Commissioner, as well as being fined for the breach itself.

It is also important that we:

- take action quickly to reduce the impact of data protection breaches on both the affected individuals and the Council; and
- learn from the breach and take steps to prevent a recurrence.

This guidance therefore sets out what we will do in the event of a personal data breach.

What is a personal data breach ?

“Personal data breach” is defined very widely and is not confined to the loss or theft of personal data. Article 4(12) GDPR defines a personal data breach as:

“a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed”

There are 3 broad types of personal data breach:

Confidentiality breach	Unauthorised or accidental disclosure of, or access to, personal data
Availability breach	Accidental or unauthorised loss of access to, or destruction of, personal data
Integrity breach	Unauthorised or accidental alteration of personal data

Examples of personal data breaches:

- attack by malware or ransomware
- data unavailable as password lost
- access by hacking
- theft of the data

- loss of data in the post or in transit
- email or letter sent to wrong person, deliberately or accidentally
- lack of access due to power failure
- loss or mis-use of data by a contractor or agent of the Council
- non-secure disposal of the data
- unauthorised sharing of the data, deliberately or accidentally
- loss of access due to technology failure
- loss or theft of a device containing data
- alteration of data without permission

But remember – not all personal data breaches need to be reported to the Information Commission, or to the affected individuals (see the reporting requirements below). The Council’s Data Protection Officer (or her Deputy etc) will decide whether a breach must be reported to the Information Commission and the affected individuals

“Near misses”

“Near miss” incidents should be reported to the Data Protection Officer. It will probably not be necessary to notify the Information Commission of such incidents, but the Council will be able to learn lessons before a breach occurs – we can take action to strengthen our policies and procedures and can arrange any appropriate staff training.

What are the notification requirements ?

The notification process is summarised the flowchart in Appendix 1

Informing the Information Commission

Article 33(1) GDPR says that we must notify the Information Commission of a personal data breach “without undue delay, and where feasible, not later than 72 hours after having become aware of it unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons” and, where the Information Commission is not notified within 72 hours, the notification “shall be accompanied by reasons for the delay”.

Notification should take place within **72 hours** of the Council becoming aware of the data breach if the Data Protection Officer concludes that the breach presents a risk to the rights and freedoms of the affected individuals.

The Council may not be able to comply fully with the notification requirements within this timescale as not all the required information may be available. However, the Information Commission will accept notification in phases provided the Council works to provide all the information in a timely manner. At this first notification stage we should also seek advice about whether it is necessary to notify affected individuals.

We will be deemed to have “become aware” of a personal data breach when we have a reasonable degree of certainty that a security incident has occurred that has led to personal data being compromised. This will depend on the circumstances – sometimes it will be obvious that there has been a breach but sometimes it may take time to establish if personal data has been compromised. However, if we are alerted to a possible security incident we

will be expected to take prompt action to investigate it to determine whether there has been a personal data breach.

If the Council fails to inform the Information Commission about a notifiable breach we could face a fine of up to £8.9 million.

Informing affected individuals

Article 34(1) GDPR says that we must notify affected individuals without undue delay where a personal data breach is likely to result in a **high risk** to their rights and freedoms. The main aim of this is to enable people to be provided with specific information about the steps they can take to protect themselves from any negative consequences of the breach.

For example, a personal data breach could lead to a high risk of discrimination, identity theft or fraud, financial loss, emotional distress or damage to reputation. Where the personal data reveals a person's racial or ethnic origin, political opinion, religion, trade union membership, health information or information about their sex life or criminal convictions then a risk should be considered to exist.

When assessing risk you should the possible impact on the individual and the likelihood of an adverse impact occurring. When doing this you should consider the following:

- the type of breach (e.g data being destroyed may have less risk than an unauthorised disclosure)
- the nature, sensitivity and volume of personal data (e.g. a combination of personal data is usually more sensitive than a single piece of personal data)
- the ease of identification of individuals
- the severity of consequences for individuals (e.g. vulnerable people could be at greater risk, the risks are higher where the data could be used for identity theft)
- any special characteristics of the individual (e.g. a breach may have a greater effect on children or vulnerable adults)
- the number of affected individuals

If the impact on an individual has the potential to be severe then it is likely that there will be a high risk to their rights and freedoms.

If we need to contact affected individuals we should do so directly unless this involves a disproportionate effort. There may be a disproportionate effort if a significant number of individuals are involved or if, as a result of the breach, the individual's contact details have been lost. In such circumstances we are required to communicate the breach publicly in an effective and transparent manner – this could include a prominent website banner or a prominent press advert. A press release on its own would not be sufficient.

Even if the Council doesn't consider notification to be necessary, the Information Commission can require us to notify affected individuals.

Procedure in the event of a data protection breach taking place

6. The DPO (or her Deputy etc) will seek the ICO's guidance about whether affected individuals should be notified of the breach and how. If notification is appropriate or required, the DPO will ensure that notification occurs in an appropriate manner.
7. The DPO will complete her investigation into the breach and determine what remedial action is required to reduce the risk of future breaches. The DPO will make any necessary changes to policy and procedure and ensure that appropriate staff training takes place if appropriate.

Record keeping requirements

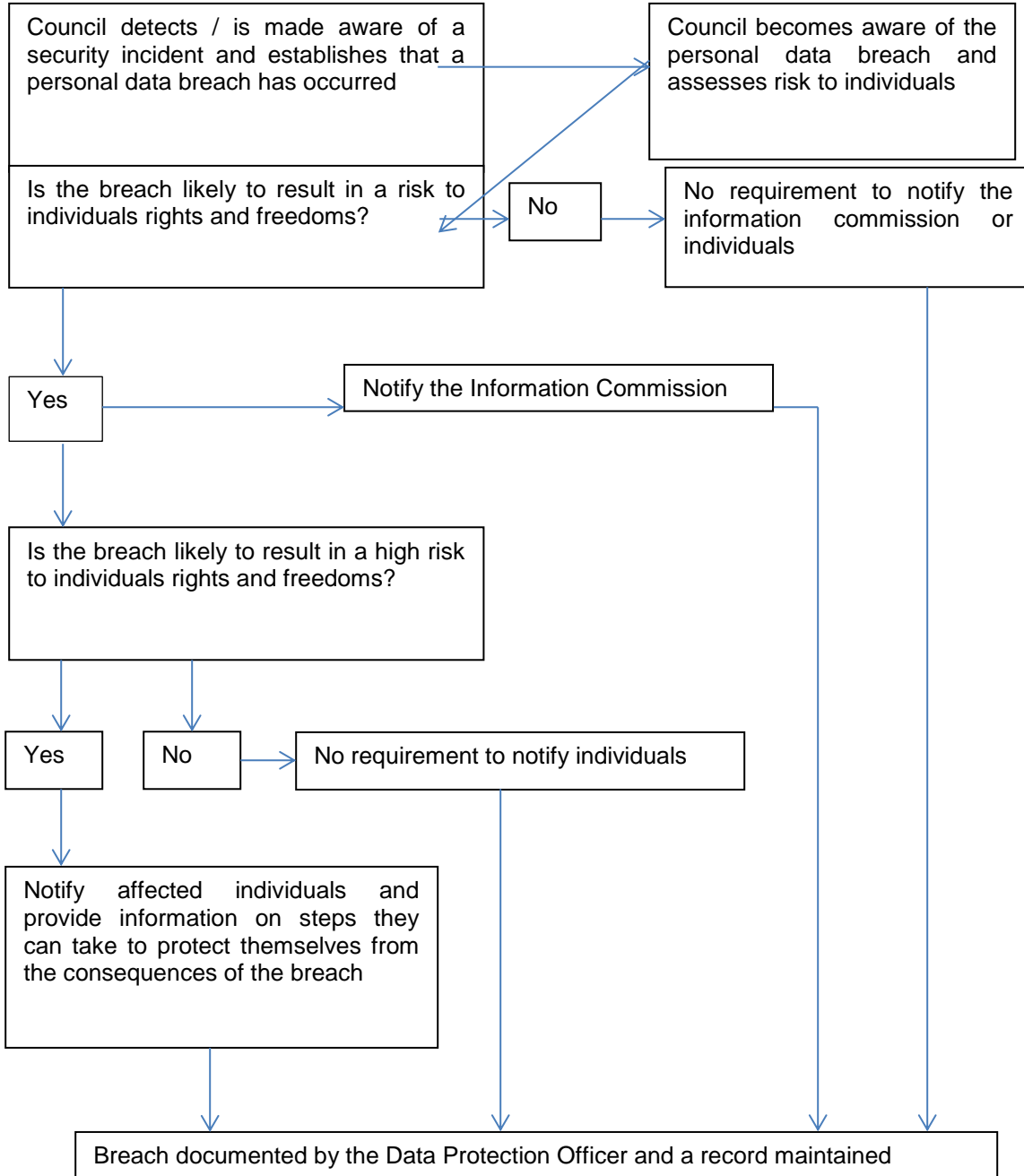
Article 33 GDPR requires certain records to be kept by the Council in respect of all personal data breaches, including those that are not notified to the Information Commission. In particular, this record must include the following:

- cause of the breach
- details of what happened
- details of the personal data affected
- effects of the breach
- remedial action taken by the Council

The Data Protection Officer (the Executive Director (Legal & Democratic Services)) will keep a register of all personal data breaches and all such breaches must be reported to the DPO as soon as staff become aware of them.

The record of each personal data breach will be kept by the Data Protection Officer on a breach reporting form in the format attached to this guidance at Appendix 2.

Appendix 1



Appendix 2

Data Protection – breach reporting form

This document will form the Council’s record of any data protection breach. It will be completed by the Data Protection Officer who will retain a copy for future reference. It may not be possible to complete all of the form immediately after a data breach is discovered, but the form will be updated as the investigation into the breach progresses.

REPORTING:	
Date and time data breach discovered	
Service Area	
Date and time breach reported to the DPO	
Name of reporting officer	
Breach reported to the Information Commission ?	YES / NO
Date and time breach reported to Information Commission	
If the breach was not reported to the Information Commission, explain why	
Breach reported to individual(s) affected ?	YES / NO
Details of how and when affected individuals were notified	

DETAILS OF BREACH:	
Date and time the breach occurred	
Nature of breach (e.g unauthorised disclosure, hacking, theft etc)	
Did the breach involve a Council contractor or partner organisation ? Please give details	
Description of how breach occurred	
How did we become aware of the breach ?	

DETAILS OF PERSONAL DATA:	
Description of data involved	

Approx. number of individuals affected	
--	--

IMPACT OF BREACH:	
Is there anything to suggest that the personal data has been mis-used ?	
Describe the risk of harm to individuals as a result of the breach	
Has the Council received any complaints as a result of the breach ?	
Has there been any media coverage in respect of the breach ?	

RESPONSE TO BREACH:	
Has the data been retrieved or deleted ? Please give details of when and how	
What remedial action has been taken ?	

LESSONS LEARNED:	
What action has been taken to minimise the risk of a similar breach occurring in the future ?	

Appendix 2: GDPR – proposed actions list

GRPR – action list (Updated May 2018)

Action	Who	When	Progress
Data Protection Officer			
Designate a DPO	DW or Cabinet	Cabinet on 11th October	Done – Jane Ellis Need to document the role and responsibilities of the DPO / update contract of employment
Designate a deputy DPO (cover needed given the requirement to report DP breaches within 72 hours)	DW or Cabinet	Cabinet on 11th October	Done – Mark Beard Need to update contract of employment
Breach Notification			
Breach reporting procedure required	JAE	January 2018	Draft produced
Reporting requirements to be covered by staff training	JAE	March 2018	Staff training delivered in April / May
New “accountability” principle			
Staff training required	JAE	March 2018	Staff training delivered in April / May
Staff training to be scheduled annually	JAE	annually	
Compliance monitoring to be picked up in the Internal Audit work programme annually	MB		
HR policy to be reviewed for GDPR compliance before May 2018	KB	January 2018	Largely completed HR statement drafted for delivery to all staff re GDPR
Data survey to be carried out and data register compiled	JAE	March 2018	Survey undertaken. Results being analysed and follow-up interviews taking place. Register is a work in progress but should be fully complete by the end of June 2018. Most areas have returned a

			survey form and “non-responders” are being followed up.
Documenting data processing activities			
Review and update the current registrable particulars to meet GDPR requirements	SG / JAE	January 2018	HBC’s first GDPR registration not due until 2019. Separate registration made for the electoral registration officer in accordance with Information Commission advice.
Privacy impact assessments			
Update the data protection policy to cover the requirements for PIA’s	JAE	January 2018 (subject to publication of promised ICO guidelines)	Draft PIA guidance attached A sample of “pilot” PIA’s are being completed and a manual PIA register will be kept by JAE
Produce a template PIA	JAE	January 2018	Draft template attached
Staff training re DPA’s	JAE	March 2018	Staff training delivered in April / May
Consents			
Review existing data processing consents to ensure they meet GDPR requirements. Update standard forms and obtain fresh consents if needed	Service managers	January 2018	Ongoing
Subject access requests			
Update the data protection and staff guidance re the new rules	JAE	January 2018	Draft guidance produced
Item to include in staff training	JAE	March 2018	Staff training delivered in April / May
Changes to individual’s rights			
Update the data protection policy and staff guidance re the changes to the rules	JAE	January 2018	Draft data protection policy produced Staff training delivered in April / May
Produce statement for the website setting out individuals rights	JAE	May 2018	Draft privacy statement produced which includes details of individuals rights and

			was published on the Council's website on 25 th May
Privacy notices			
Review current position re privacy notices – what do we publish, are there areas where we should publish a notice but don't	JAE Service managers	January 2018	Updated privacy notice produce and published on the Council's website on 25 th May. This will be supplemented to include details about specific services usage of personal data and should be in final form by the end of June 2018
Set up an email address for the data protection officer	SG / JAE	May 2018	Done : dpo@hyndburnbc.gov.uk
Produce a compliant privacy notice for the website and establish appropriate links to the same	JAE	March 2018	Updated privacy notice produce and published on the Council's website on 25 th May. This will be supplemented to include details about specific services usage of personal data and should be in final form by the end of June 2018
Generally			
Ensure appropriate contract terms are used to take account of GDPR	JAE	August 2017	Done – Cabinet Office standard terms provided to Legal Services for future use
Review and update actions list as further guidance is produced by the ICO	JAE	Ongoing to May 2018	Ongoing – new areas added since the action list was first approved
Report to Cabinet in respect of the new GDPR obligations and compliance proposals	JAE	September 2017	Done. Further report to be made in June to present a new data protection policy
Update the corporate risk register	JAE / MW	September 2017	Ongoing
General awareness raising: <ul style="list-style-type: none"> • Service managers briefing • News in the loo's / staff training / Newsround • Update the website re GDPR rights 	JAE	September 2017 March 2018 March 2018	Done Done A revised privacy notice was published on the Council's website on 25 th May and a new data protection page was also added to the website with links to policies and

			forms.
Review and update our data retention policy	MB / SG	January 2018	Likely to occur after May 2018 Some service areas don't have, or operate within, a data retention policy and there are technological problems to deleting data on some systems
Review ICO's guidance on GDPR implications for elections and electoral registrations	JAE / KB	June 2018	Review planned for after the May 2018 elections
Produce GDPR guidance for members	JAE	September 2018	An initial 60 Minute briefing has taken place. Detailed guidance awaited from the ICO Training to be given to members once guidance has been produced, probably in September 2018
Explore technological solutions to reduce risk of data breaches	JAE /SG	Ongoing	We plan to implement "built in" delays to emails and encryption of attachments to minimise the risk of data breaches

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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