

Agenda



HYNDBURN

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Cabinet

Wednesday, 29 August 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 three 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 - 16)

To approve the Minutes of the last meeting of Cabinet held on 18th July 2018.

4. **Minutes of Boards, Panels and Working Groups** (Pages 17 - 20)



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Published on Tuesday, 21 August 2018

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To receive the Minutes of the meeting of the Local Plan Member Working Group held on 2nd July 2018.

PART B: PORTFOLIO ITEMS

5. Reports of Cabinet Members

To receive reports from Cabinet Members.

Leader of the Council (Councillor Miles Parkinson)

6. Black Abbey Street Urgent Variation of Christ Church Conservation Area

Following publication of the agenda, this item and report will be withdrawn at the Cabinet meeting.

7. The Development of a Policy Framework for Pavement Cafés and the Display of Goods on Pavements (Pages 21 - 38)

Report Attached.

Deputy Leader of the Council (Councillor Paul Cox)

8. The Waste (England and Wales) Regulations 2011 (Amended 2012) Review of Waste Collection Arrangements (Pages 39 - 66)

Report Attached.

Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary)

9. Garage Plot Rental Charge 1st April 2019 (Pages 67 - 72)

Report Attached.

PART C: EXEMPT ITEMS

10. 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.

Deputy Leader of the Council (Councillor Paul Cox)

11. Leasing of Whiteash Playing Fields and Associated Changing Pavilion to Hyndburn Youth FC (Pages 73 - 82)

(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)

12. Sale of 302 Burnley Road, Accrington. BB5 6HG (Pages 83 - 88)

(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.

13. Disposal of Properties on China Street, Accrington (Pages 89 - 100)

(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))

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CABINET

Wednesday, 18th July, 2018

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

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

39 Apologies for Absence

There were no apologies for absence

40 Declarations of Interest and Dispensations

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

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

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

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

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

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

Resolved - That the presentation be noted

42 Minutes of Cabinet

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

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

43 Minutes of Boards, Panels and Working Groups

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

Resolved - That the Minutes be received and noted.

44 Reports of Cabinet Members

There were no reports from any Cabinet Members.

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

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

Approval of the report was not deemed a key decision.

Reasons for Decision

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

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

Alternative Options Considered and Reasons for Rejection

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

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

46 Lancashire Syrian Resettlement Programme - Procurement Rules Exemption

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

Approval of the report was not deemed a key decision.

Reasons for Decision

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

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

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

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

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

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

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

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

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

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

Alternative Options Considered and Reasons for Rejection

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

Resolved

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

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

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

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

Approval of the report was not deemed a key decision.

Reasons for Decision

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

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

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

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

Alternative Options Considered and Reasons for Rejection

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

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

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

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

Resolved

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

48 Food and Safety Service Plan 2018/19

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

Approval of the report was not deemed a key decision.

Reasons for Decision

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

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

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

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

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

Alternative Options Considered and Reasons for Rejection

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

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

49 Mercer Park Skate Boarding Facility

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

Approval of the report was not deemed a key decision.

Reasons for Decision

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

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

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

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

Alternative Options Considered and Reasons for Rejection

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

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

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

50 Universal Credit Update

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

Approval of the report was not deemed a key decision.

Reasons for Decision

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

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

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

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

Alternative Options Considered and Reasons for Rejection

Not applicable.

Resolved - That the report be noted.

51 Overview and Scrutiny Work Programmes 2018/19

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

Approval of the report was not deemed a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

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

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

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

Approval of the report was not deemed a key decision.

Reasons for Decision

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

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

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

Alternative Options Considered and Reasons for Rejection

Not applicable.

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

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

53 Huncoat Garden Village

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

Approval of the report was not deemed a key decision.

Reasons for Decision

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

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

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

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

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

Alternative Options Considered and Reasons for Rejection

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

Resolved

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

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

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

54 Exclusion of the Public

Resolved

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

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

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

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

Approval of the report was not deemed a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

Resolved

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

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

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

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

Approval of the report was not deemed a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

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

57 Leisure in Hyndburn Financial Loan

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

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

Approval of the report was not deemed a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

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

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

The following items were submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being that the information contained in the reports were not available by the publication deadline.

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

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

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

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

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

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

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

Approval of the report was not deemed a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

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

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

LOCAL PLAN MEMBER WORKING GROUP

Monday, 2nd July, 2018

Present: Councillor Loraine Cox (in the Chair), Councillors Judith Addison and Stewart Eaves

Apologies Melissa Fisher, Eamonn Higgins, Kath Pratt and Paddy Short

8 Apologies for Absence and Substitutions

Apologies for absence were submitted on behalf of Councillors Fisher, Higgins, Pratt and Short.

9 Declarations of Interest

There were no interests declared at the meeting.

10 Minutes of the Last Meeting Held on 15th January 2018

The Minutes of the last meeting of the Local Plan Working Group held on 15th January 2018 were submitted for approval as a correct record.

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

11 Update on the Core Strategy Review and Site Allocations DPD Public Consultation (Feb-Apr 2018)

A presentation was provided to update Members on the Core Strategy Review and Site Allocations DPD Public Consultation (Feb-Apr 2018).

The Leader of the Council informed the meeting that the public had been consulted on the document between February and April using three consultation papers and providing drop-in sessions. There had been 23 responses to the consultations.

The Principal Planning Officer presented details of the Core Strategy Review and Site Allocations DPD Public Consultation.

Members referred to a number of issues of concern including:

- The use of greenbelt land for development
- The lack of affordable new properties
- A lack of housing type – particularly a lack of housing type for the elderly, disabled and care facilities.

The Chief Planning and Transportation Officer acknowledged the concerns pointed out above and indicated that these issues would be taken into consideration. He particularly acknowledged the need to address the changing needs of the elderly and the role that development could play in this.

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

12 Local Plan Next Steps

The Principal Planning Officer gave a presentation on the work stages of the Hyndburn Local Plan Documents. He reported that:

- Stage 1 – preparation stage taking approximately two years
- Stage 2 - publication of the document and submission to the Government
- Stage 3 – Independent Examination taking approximately one year
- Stage 4 – Adoption of the document

He reported that in early 2019 the document would show which sites were being considered. He explained to the meeting that the Government would introduce new requirements in the forthcoming NPPF to review policies at least every 5 years. Most current policies were 6 years old.

The Chief Planning and Transportation Officer referred to the amount of work required and reminded Members that the Council had limited resources to carry out the work. He reported that the Council were working with Blackburn with Darwen Borough Council on evidence base data such as housing and economic need to inform policies. He warned that populations were decreasing and that future demographics were being given careful consideration.

The Principal Planning Officer reported that there would be an open space audit and policies updated and that this would contribute towards the assessment of planning applications. He also reported that they would be investigating the possibility of joining with Blackburn and Darwen Borough Council to carry out a Gypsy/Traveller assessment. The Chief Planning and Transportation Officer pointed out that the current policy was out of date and that there was a higher population of gypsy/travellers which required consideration.

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

13 Huncoat Update

The Senior Planning Officer updated Members on the Huncoat Housing Zone. She reported that consideration had been given to the responses of a consultation held and that Arcadis Consultants had been appointed to produce a masterplan of the development. She referred to the timescales involved in producing a masterplan and infrastructure strategy and that this should be deliverable and affordable.

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

14 NPPF Update

The Principal Planning Officer informed Members of the importance of making a distinction between strategic and local policies and to considering the need to review policies every 5 years following adoption. He also referred to the importance of neighbouring authorities co-operating on strategic matters and agreeing a way forward.

The Principal Planning Officer reported on the draft revised National Planning Policy Framework (NPPF) which also included changes to national planning guidance. He gave details of the next steps in creating the NPPF and that the final document was anticipated around July 2018.

Resolved - That the report be noted.

15 Site Allocations DPD - Review of 'Call for Sites' Submitted to Date

The Principal Planning Officer requested that Members reviewed the site maps presented at the meeting. He pointed out that the sites shown on the maps were not Council policy at the present time but this stage represented an opportunity to identify additional sites to be included in the definitive list to undertake site assessments on later in 2018/early 2019.

Councillor Addison requested and was given clarification that sites of unregistered land had been included in the Site Allocations DPD.

Resolved - That the report be noted.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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Agenda Item 7.

REPORT TO:		Cabinet	
DATE:		29 August 2018	
PORTFOLIO:		Cllr Miles Parkinson, Leader	
REPORT AUTHOR:		Chief Planning and Transportation Officer	
TITLE OF REPORT:		The development of a Policy Framework for Pavement Cafés and the display of goods on pavements in Hyndburn and in particular Accrington Town Centre	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	Options	Not applicable	
KEY DECISION:	Options	If yes, date of publication:	

A. Recommendation - Summary

- A1. That a policy framework is developed for the operation of Pavement cafés and the use of pavement other activities (such as the display of goods) on pavements in Hyndburn, and in particular Accrington Town Centre, and;
- A2. That the policy framework is developed in consultation with relevant stakeholders including town centre businesses, Lancashire County Council and the Town Team, before being presented to Cabinet for approval, and;
- A3. That the policy framework is accompanied by guidance for applicants on how to apply for a licence to operate a pavement café and what information they need to submit, and details of model conditions that might be considered necessary on any licence granted, and;
- A4. That the policy framework is accompanied by a schedule of fees that will set out the initial cost of managing an application and the annual cost associated with renewal of a licence.

1. Purpose of Report

- 1.1 *“Our high streets and town centres have an important social, civic and cultural place in our society. But, many of our high streets are now struggling, facing a range of challenges including the threat posed by online retailers. Indeed, changing trends and behaviors in recent decades – driven by a range of economic, demographic, social and technological factors – have affected the prosperity and vibrancy of our high streets.”*

Clive Betts MP, Chair of Housing, Communities and Local Government Committee looking at the future of England’s High Streets and Town Centres, 2018.

- 1.2 Town Centres remain the focal point of many communities but the shops and businesses within them are facing a wide range of pressures and town centres across England are struggling. In Accrington this has been evidenced by a steady reduction in the number of national retailers, banks and building societies and an increase in the number of vacant stores, charity shops and discount stores.
- 1.3 Whilst the Council is not able to influence factors such as wage inflation, exchange rates and on-line shopping trends, it is able to help shape the town centre and work towards creating an attractive place where people want to work and visit. Footfall, the number of people walking in the town centre, is recognised as a key health indicator of town centre success and over the past 10 years there have been a number of significant developments that have helped to increase the number of people in Accrington Town Centre and make it more attractive for business.
- The development of a new railway station and the development of Tesco on the edge of the Town centre with additional car parking
 - The re-development of the Market Hall and a business hub in the town centre
 - The refurbishment of Accrington Town Hall
 - The development of a new bus station in the town centre, and most recently,
 - The development of the town square and Blackburn Road improvements.
- 1.4 Whilst these developments have helped to improve the town centre, its accessibility and environment, there is a continuing need to explore and develop ways of attracting people and businesses into Accrington. Possessing a diversity of uses is also recognised as a means of attracting people into town centres and the purpose of this report is to propose a policy framework for the development of outdoor food and drink uses in Accrington Town Centre in association with existing cafes and restaurants. The scope of the report does not include temporary burger vans etc.



Extract from Pennine Squares submission illustrating outdoor tables and sales.

- 1.5 Recent reports suggest that improved performance in some high streets is being driven by the presence of an inventive food and drink sector, such as street food and markets. These changes will not happen over-night, but it is necessary to consider how a positive policy

framework can be developed that will encourage, and reduce barriers, for those seeking to develop their food and drink establishments in the town centre – pavement Cafés.

1.6 Where pavement cafés are proposed alongside an existing café or restaurant that benefits from planning permission a new planning permission would not normally be required. However, many authorities require a “Highways Amenity” licence. In Chorley, the Council has worked with Lancashire County Council to develop a Design and Licence Guide for applications that are made under Highways Act Section 115A-K. Preston City Council has also developed a Code of Practice and Conditions for Pavement Cafés. This report will consider the factors that should be considered if a similar guide is to be developed in Hyndburn.

1.7 The report will also consider three main areas where there is potential for the development of pavement cafes / restaurants:

- i. Town Square
- ii. Blackburn Road
- iii. Broadway



Extract from Pennine Squares Submission illustrating stalls outside Market Hall.

2. **Background**

2.1 In May 2011, retail expert Mary Portas was appointed by the Government to lead an independent review of the high street in response to the decline of town centres nationally, seen as a consequence of reduced spending on the high street. Although since that time there have been a number of further reports and studies¹, the challenge facing town centres and the UK retail sector is as great as ever.

¹ The Grimsey Review (2013); Redefining the Shape and Purpose of Town Centres – Beyond Retail (2013); the British Retail Consortium (2013); Digital High Street Report 2020 – Digital High Street Advisory Board (2015).

- 2.2 The UK retail sector is changing. Smaller format supermarkets by Lidl and Aldi have challenged the dominance of traditional large supermarkets and the way in which people undertake their supermarket shopping is changing. Woolworths, Store Twenty One, BHS, Blacks, Toys R Us, Maplin and more recently Poundworld, all well-known high street names are no longer trading and it is known that there are other well known brands facing difficulties. In August 2018 House of Fraser was placed in administration.
- 2.3 These changes have impacted on Accrington Town Centre, the most significant change being the departure of Marks and Spencer from the Town Centre. The 2017 Report on Accrington Town Centre found that vacancies were above the national average and there was only a limited presence from national retailers.
- 2.4 It is evident that the food and drink sector can play a significant role in enhancing the vitality and viability of town centres, however, in planning law it is important to recognise that there are different types of development:

A1 Shops	shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, dry cleaners but can also include sandwich bars. Prior approval required for change of use to A3 up to 150m ² ;
A3 Restaurants and Cafes	For the sale of food and drink for consumption on the premises including restaurants, snack bars and cafes. Permitted development to change use from A3 to A1 or A2 (professional services);
A4 Drinking establishments	Public houses, wine bars or other drinking establishments (but not night clubs) including drinking establishments with expanded food provision;
A5 Hot food take-aways	For the sale of hot food for consumption off the premises. Permitted development to change use from A5 to A1, A2 or A3.

This report is primarily concerned with the use of the land for an A3 Use, i.e. Restaurants and Cafes.

- 2.5 Whilst the planning permission will be concerned with the use of the land, the application for a licence to operate under the Highways Act 1980 should address matters such as the design and appearance of the external seating area, barriers, and the management of those areas.
- 2.6 Whilst hot food take-aways play a role in the town centre economy, the planning policy framework seeks to ensure that they do not dominate street frontages because they are often closed during the early part of the day and use shutters to protect the frontage / window. An over-concentration of hot food take-aways can give rise to dead frontages, hence the need to introduce planning controls.

Accrington Area Action Plan (Accrington AAP)

- 2.7 The Accrington AAP uses a variety of policies that are aimed at improving the vitality and viability of Accrington Town Centre. Along Primary Frontages (the Arndale) the policy framework seeks to prevent an over-concentration of A1 (shops) uses and does not support hot food take-away uses. Cafes (A3) would be supported provided they would not contribute towards an over-concentration of non A1 uses. At the moment this is not likely to be the case because there are relatively few cafés on Primary Frontages.
- 2.8 Policy ATC3 Markets and Street Stalls, of the Accrington AAP states that the Council will:
- Retain and enhance the Victorian Market Hall and associated Pavillions through its role in managing and licencing the markets;
 - Encourage the use of temporary well designed and well sited market stalls to add diversity to the town centre.



Extract from Accrington Area Action Plan, an indicative image of how the Town Square could look.

- 2.9 The Accrington AAP also contains a variety of policies that seek to ensure that developments in the town centre is designed to a high standard and relate well to the public realm. It is also important that new development in the town centre does not have an adverse impact on the setting of listed buildings or the conservation area.
- 3. A Policy for Pavement Cafés**
- 3.1 It is recommended that a policy framework is developed that will encourage and facilitate the development of food and drink establishments in Accrington Town Centre. When considering proposals each application will be considered on its merits, but it is recommended that the following matters will need to be taken into consideration.

Contribution to Street Scene

- 3.2 The policy framework should seek to ensure that pavement café's and food and drink establishments in Accrington Town Centres make a positive contribution to the street scene whilst considering the needs of all highway users. Café / restaurant frontages should be well designed and the applicant should demonstrate a commitment to improve / maintain the appearance of their premises. The owner / applicant should submit sufficient information to enable the application to be considered.

To be removed when not in use

- 3.3 When they are not in use, pavement cafes and associated infrastructure should be removed. There should be no permanent attachments to the footway/pavement or highway.

Pedestrian and Highway Safety

- 3.4 The policy framework should recognise that there is a need to ensure that the development of pavement café's and food and drink establishments allow the safe movement of pedestrians and other highway users, they should avoid conflict with principal lines of pedestrian movement. A minimum width of 2 metres should be kept free between proposed seating areas and this width may be increased if the remaining footway has highway infrastructure (lamp posts, signs, bus stops, crossings or seats etc..) within it. Further space will be required where the site is on a street corner and visibility splays are required.
- 3.5 Where possible, outdoor seating areas should be located adjacent to the host café or restaurant. However, where this is not possible, the location of seating where it is separate from the host premises should seek to avoid conflict between customers/staff and pedestrians. Some policy frameworks insist that food and drink is brought to the customers by staff.

Means of enclosure

- 3.6 It will be necessary to define the licenced area and enclose the tables and chairs. The means of enclosure / barrier should have some form of solid bar or element at about 100mm and 800mm above ground level. The design of the layout and means of enclosure should make adequate provision for customers with impaired vision, mobility difficulties and people using prams. The design of the barrier should complement the character of the surrounding area.

Furniture

- 3.7 Furniture – tables, chairs and mobile canopies should be of a high quality design and construction, for example aluminium, charred steel or wood. White plastic furniture, picnic tables or a mix of furniture types would not normally be supported.

Cleanliness, litter and damage

- 3.8 It will be necessary for café / restaurant owner to keep the area clean and free of litter. Tables and chairs must be cleaned regularly. The conduct of customers will also be the responsibility of the owner/operator. The costs arising from the repair arising from any damage caused by the operation of the café / food premises to the surface of the highway or public area will be recharged to the business in question.
- 3.9 Amplified music is not usually supported.
- 3.10 Recognising issues caused by pigeons and other birds, some local authority areas insist on the use of canopies or umbrellas for customers to sit under. Canopies and umbrellas may also help protect customers from rain or sun.

Event Management

- 3.11 As a means of attracting people into Accrington Town Centre a number of events are planned to take place on Broadway and in the Town Square. There is a need to ensure that the presence of street cafés do not prejudice the ability of these areas to host events. The increased footfall generated by events may also attract entice café / restaurant owners to consider the development of a street café in order to benefit from the increased custom.
- 3.12 Whilst the presence of street cafés along the edges of Broadway (under existing canopies) is unlikely to present an issue, it is the extent to which they should be permitted outside the Town Hall and Market Hall that requires careful consideration. Blackburn Road (between Town Hall and Eagle Street) also becomes very busy during events so it is important that street cafés do not obstruct footways.

Planning Permission

- 3.13 The development of a restaurant, café or hot food take-away will normally require planning permission or in some circumstances prior approval under the permitted development regulations. However, although the approach taken to street cafés does differ between authorities, planning permission for a street café is not generally required provided it is in association with a premises that already benefits from having planning permission.
- In Lincolnshire It has been agreed between the District Councils that for Lincolnshire, planning permission is required for pavement cafes on the public highway, but in practice it is not expedient to pursue. It should be noted that relevant planning permission for your existing premises must be already in force before consent for a pavement café will be considered.
 - In Chorley, the Pavement Café design and Licence Guide states that it will not normally be necessary to obtain permission for outdoor street cafes on the public highway, provided that the main existing premises have planning permission for an A3 Use.
- 3.14 The development of canopies (retractable or fixed) attached to and extending from buildings would require permission. However, the use of large umbrella's to shelter customers in

outdoor café's would fall under the licencing regime provided the host premises has planning permission.

Other Legislation

- 3.15 It will be the responsibility of the owner / operator to ensure that their premises complies with all relevant legislation including that associated with food safety, health and safety and alcoholic sales requirements. Cafes would also be expected to have customer toilets that can be accessed by customers using outdoor seating.

Fees for applying for a licence

- 3.16 The annual fee for a licence in Preston is £310. In Chorley the fee for applying for a Highway Amenity Licence is £306.50 whilst the fee for the renewal of a licence is £251.50. The fee paid should reflect the cost of processing the application. When submitting an application, the applicant would also need to submit various forms of information. An example of the information required by Preston City council is attached at Appendix 1.
- 3.17 An example of conditions attached to a licence in Preston is attached at Appendix 2. Licences may be subject to review on an annual basis for which a fee may also be payable.

Location

- 3.18 Although applications for street cafés could be submitted for locations across Hyndburn, the report is seeking to focus on Accrington Town Centre and three important areas:

i. Town Square

The area outside the Market Hall (Grade II Listed Building) and Town Hall (Grade II* Listed Building) is also at the heart of the Town Centre Conservation Area. There has been recent investment in this area through Townscape Heritage Funding that is aimed at both enhancing the heritage assets and improving the vitality and viability of the town centre through its use for events and activities.

Whilst there is good opportunity for premises on the southern side of the square to develop pavement cafés in accordance with the suggested requirements above, the position is not as clear with regard to cafés outside either the Market Hall or Town Hall. These are likely to be located further from the host café and would be immediately outside the listed building.

In Preston, the Code of Practice seeks to ensure that outside café areas must be well related to the unit from which it is intended to service pavement café and applicants must be able to demonstrate the integration of their internal and external activities. Applications for pavement cafés not related to the main use of the premises will be refused.

If licences for pavement cafés or restaurants outside the Market Hall / Town Hall this could have a detrimental impact on the ability of these areas to host events. Given their location immediately adjacent to two of the towns most attractive listed buildings, careful consideration would need to be given to the design of these areas. There is a need to determine whether outdoor cafés or restaurants related to activities in the Market Hall (or adjacent Pavillions) and Town Hall should be permitted in the area to the front of these buildings or whether it should be kept vacant.

ii. Blackburn Road

Blackburn Road, from the Town Hall to Eagle Street, has recently been improved and the design of this area now dovetails with the Town Square. There are a number of cafés, pubs and hot food take-aways along this stretch of Blackburn Road. Although in shade, premises on the southern side of the road benefit from the presence of a wide footway/pavement on which it would be possible to locate street cafés without obstruction.

There are a number of food premises on the norther side of this stretch of Blackburn Road. The pavement on this side of Blackburn Road is narrower but there remains scope for outdoor tables and chairs. The premises do not have canopies.

iii. Broadway

The shops on the northern side of Broadway benefit from having a permanent canopy that extends approx. 2.5m from the front of the shop, making them ideal for outdoor cafés / restaurants. The more recent extension to the Arndale Centre also includes a glass canopy that would also facilitate outdoor cafés / restaurants in the same way that Costa currently uses that area of land.

It is recommended that the policy framework be developed in consultation with shops and businesses in Accrington Town Centre and

The Display of Goods on Pavements

- 3.19 The consultation will also consider the most appropriate means by which the display of goods on pavements / footways should be managed so that those seeking to do this make a positive contribution to the street scene and do not present a danger to other users of the highway. In developing this aspect of the framework, consideration will be given to the approach taken by other local authorities and any guidelines that are used to ensure that the goods displayed are properly managed, do not obstruct and make a positive contribution.

4. Recommendation

- 4.1 It is recommended that a policy framework be developed for the management of pavement cafés / outdoor eating and the use of pavements to display goods in Accrington Town Centre.

4.2 Whilst this report considers some of the issues that need to be addressed by such a policy, it recommended that it be developed in consultation with local residents and businesses, as well as Lancashire County Council, so that it thoroughly considers any issues raised before being adopted by the Council.

5. Alternative Options considered and Reasons for Rejection

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

6. Consultations (to be undertaken)

6.1 Town Centre Manager

6.2 Regeneration

6.3 Lancashire County Council

6.4 Legal Services

7. Implications

Financial implications (including any future financial commitments for the Council)	Applications would attract a fee to cover the cost of managing them.
Legal and human rights implications	The Granting of a licence is a legal process that has a statutory basis, Highways Act 1990, and will therefore need to be undertaken in accordance with the legislative requirements. In Preston, applications are managed by the Planning Service and if that is the case in Hyndburn it will be necessary to provide guidance for applicants and a schedule of fees.
Assessment of risk	To be considered as part of the development of policy.
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.

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

8.1 The following documents have been referred to in the preparation of this report:

- Chorley Council / Lancashire County Council, Pavement Café Design and Licence Guide;
- Preston City Council, Code of Practice and Conditions for Pavement Cafes;
- Hyndburn Borough Council, Accrington Area Action Plan
- Hyndburn Borough Council Report – Summer 2017, Accrington Town Centre Report
- Springboard and NPD Group, Retail Destinations: The Eating Out Opportunity

Appendix 1 Application requirements in Preston

- 1 Applications for consent to use the highway for purposes of operating a pavement cafe must be made on the appropriate application form.
- 2 Five copies of the application form should be submitted, together with full details in plan form of the layout etc. of the proposal, in sufficient detail and scale to enable proper consideration of the proposals. Five copies of a block plan should also accompany the application. This should be to a scale of 1/1250, showing sufficient area surrounding the application site to enable consideration of all highway matters.
- 3 The application should be accompanied by details of the furniture, chairs, tables, umbrellas, etc. to be used (Manufacturers detailed brochures or extracts would be an advantage).
- 4 A statement setting down full details of the proposal, its proposed use, including type of food to be served, method of operation, hours of operation and style of service to the outdoor areas should accompany the application.
- 5 Applicants are advised to consult the Planning Division of the Development Directorate before making an application. Under certain circumstances planning permission may be required.
- 6 Applications involving the sale of beef burgers, hot dogs and similar hot food usually associated with a hot food take away will not normally be permitted.
- 7 No work must be commenced on site prior to the receipt of permission.

Appendix 2 Conditions for Pavement cafés in Preston

- 1 On a normal street, there must remain at least 1.8 metres (6 feet) of unobstructed space between the carriageway and the front of the pavement cafe to allow pedestrians to pass by safely. On streets with high pedestrian usage, there must remain at least 2.75 metres (9 feet) of unobstructed space. Each case will be judged on its merits and the unobstructed space will be set between 1.8 and 2.75 metres according to the frequency of pedestrian usage. Certain exceptions may apply to streets such as Fishergate for example.
- 2 In a pedestrianised area there must be at least 3.6 metres (12 feet) of unobstructed space in front of the pavement cafe area.
- 3 If the pavement cafe is directly in front of the premises there must be a 1.5 metre wide (5 feet) unobstructed corridor to the shop entrance at all times.
- 4 If the pavement cafe is directly outside the shop-front then a physical barrier of not less than 0.6 metres (2 feet) height must be provided to guide people with disabilities around the area. These barriers must not be permanently fixed to the ground or pavement and must be of a design agreed by the Council.
- 5 Tables, chairs and any associated structures must be moved from the area after trading, but in any case before 7.00pm.
- 6 Pigeons and other birds could be a potential health hazard in some areas of the city centre. In all locations table-umbrellas or canopies will be essential to minimise this risk.
- 7 Tables, chairs and the outdoor cafe area must be cleaned regularly and food debris and other waste removed immediately.
- 8 Food and drink must be transferred from indoor premises to the outdoor area by waitress or waiter service and must be consumed while seated.
- 9 Noise disturbance, litter, or smells, which are a nuisance to other premises, are not permitted.
- 10 Amplified music will not be permitted.
- 11 All tables, chairs and structures, relating to pavement cafes, must be approved by the Council. Furniture must be regularly inspected and maintained in a clean and safe condition.
- 12 For outdoor cafes on pavements, proof of indemnification against all claims, injuries or accidents with public liability cover up to £5 million for any one event will be required.
- 13 Preston City Council reserves the right to charge a rental fee if your proposed outdoor cafe is on its land.

- 14 The granting of a licence for establishing an outdoor cafe does not permit the sale of alcohol within the outdoor cafe area. Separate licensing arrangements apply.
15. Preston City Council will not be liable for any loss of business or other disruption caused by third parties including private contractors or works by utilities services companies.
- 16 Access for emergency vehicle must be maintained at all times.
- 17 Existing refuse disposal facilities must be adequate to cope with increased provision.
- 18 No cooking or displays of high-risk food outside the premises or outside recognised cooking, storage or serving area will be permitted
- 19 Pavement cafes must not obstruct any existing doorway or fire exit whether belonging to the premises or not.
- 20 Furniture stored within the premises should not at any time block a fire exit
- 21 If any of the above conditions are violated, Preston City Council reserves the right to revoke the licence.
22. On days when it is inappropriate to set-out a pavement cafe area, for example on very windy days, then all of the pavement cafe furniture / barriers etc must be safely stored within the premises so not to cause an obstruction.

Report to: Cabinet

Date: August 2018

Portfolio: Planning, Councillor Miles Parkinson

Report Author: Chief Planning and Transportation Officer

Title of Report: The development of a Policy Framework for Pavement Cafés and the display of goods on pavements in Hyndburn and in particular Accrington Town Centre.

Customer First Analysis

The Council's 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 the Council must carry out the analysis before making the relevant policy decision, and include consideration as to whether it is possible to reduce any detrimental impact. The Council has developed a template for this to be assessed that requires four areas to be considered:

1. Purpose

- 1.1 The purpose of the report is to seek approval from Cabinet to develop a policy that will control the development of Pavement Cafés, and the use of pavements for the sale of goods, across Hyndburn. The report is recommending the following:
- i. That a policy framework is developed for the operation of Pavement cafés and the use of pavement other activities (such as the display of goods) on pavements in Hyndburn, and in particular Accrington Town Centre, and;
 - ii. That the policy framework is developed in consultation with relevant stakeholders including town centre businesses, Lancashire County Council and the Town Team, before being presented to Cabinet for approval, and;

- iii. That the policy framework is accompanied by guidance for applicants on how to apply for a licence to operate a pavement café and what information they need to submit, and details of model conditions that might be considered necessary on any licence granted, and;
- iv. That the policy framework is accompanied by a schedule of fees that will set out the initial cost of managing an application and the annual cost associated with renewal of a licence.

2. Evidence

- 2.1 The request to develop this policy arises from the need to provide a supportive environment in the town centre for people that are seeking to develop their business out onto the footway or pavement. It is principally aimed at cafés and those seeking to display goods on pavements outside their premises.
- 2.2 There are a number of the groups listed above where it will be necessary to give particular attention:
 - **Age.** The Borough has a population that is aging and it is necessary to ensure that we plan for our elderly residents. It will be necessary to ensure that Pavement cafés do not act as an obstacle to elderly people and sufficient space is provided to allow people to pass safely. This will be addressed by the policy framework when it is developed.
 - **Disability.** The design of the new highway arrangements and the area of public realm should ensure that it caters for disabled people, however, it is important that sufficient space so that disabled people that use wheel chairs can pass safely. It is also important for the policy framework to address the needs of partially sighted and blind people.
 - **Race / religion or belief.** The changes that could arise from this report would have no impact on people by virtue of their race or religion.

3. Impact

- 3.1 It is necessary to ensure that the impacts of the recommendations are taken into consideration and regard is had to any adverse impact and the approach adjusted if necessary. At this stage only positive benefits have been identified.

4. Actions

- 4.1 At the moment authority is sought for a framework to be developed. During the development of the framework it will be necessary to consult statutory agencies as well as users of Accrington Town Centre to ensure that it meets the needs of a wide range of groups. For example, it will be necessary to ensure that any barriers erected around seating incorporate features that allow them to be detected by blind or partially sighted people and that they do not present an obstacle to pedestrians.

4.2 When the framework is presented to cabinet for final approval, a final Customer First analysis will also be undertaken.

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Agenda Item 8.

REPORT TO:	Cabinet		
DATE:	29 August 2018		
PORTFOLIO:	Cllr Paul Cox - Deputy Leader - Environmental Services		
REPORT AUTHOR:	Steve Riley – Head of Environmental Services		
TITLE OF REPORT:	The Waste (England and Wales) Regulations 2011 (Amended 2012) Review of Waste Collection Arrangements		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	Options	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. **Purpose of Report**

- 1.1 To advise Members on the implications of The Waste (England and Wales) Regulations 2011, (amended 2012) and the outcome of the Technically, Environmentally, and Economically Practicable, (TEEP) test on the Council's new collection arrangements for certain recyclable materials (paper and card, glass, metals and plastics).

2. **Recommendations**

- 2.1 That Cabinet endorse the outcome of the Necessity and Technically, Environmentally and Economically Practicable, (TEEP) assessments, carried out on the Council's revised recycling collection arrangements that were implemented in July 2018.
- 2.2 That Cabinet authorise the Cabinet Portfolio Holder, Head of Environmental Services and Head of Legal Services to sign off the new assessment document, in line with best practice guidance as per item 3.5, (WRAP's Route Map).

3. **Reasons for Recommendations and Background**

- 3.1 The Waste (England and Wales) Regulations 2011 (Amended 2012) are designed to implement the requirements of the EU Waste Framework Directive, Article 4, which relates to the handling and processing of certain recyclable materials. The aim is to ensure that materials collected as recyclables are recycled and not disposed of in another way. The Directive is therefore concerned with the quality of materials

collected and the ability of material reprocessors to sort materials and provide high quality materials for subsequent closed loop recycling.

- 3.2 Regulation 13 of The Waste (England and Wales) Regulations 2011 (Amended 2012) states that from 1st January 2015, all Waste Collection Authorities (WCAs), will be required to collect paper, metals, plastics and glass separately, where doing so is:
- *Necessary to ensure that waste undergoes recovery operations in accordance with Articles 4 and 13 of the Waste Framework Directive and to facilitate or improve recovery (the 'Necessity Test'); and*
 - *Technically, environmentally and economically practicable (the 'Practicability' or 'TEEP Test').*
- 3.3 In practical terms, this means that WCAs will need to consider their collection arrangements against these requirements. The regulations do not prohibit commingled collections, rather they establish separate collections as the default position and it is for the WCA to demonstrate that separate collections are not necessary or practicable.
- 3.4 The regulations are about improving the quantity and quality of the material collected and the ability of reprocessors to sort materials and provide high quality materials for closed loop recycling.
- 3.5 A Route Map has been published to aid WCAs assess their compliance to the regulations. The map has been developed by a working group comprising of members of the Local Authority Waste Networks, co-ordinated through the London Waste and Recycling Board, The Waste Network Chairs and WRAP.
- 3.6 The support tool provides a clear, step by step process for WCAs to follow to review their collection practices and help decide whether or not they are compliant or whether they need to consider making changes to their collection service. Following the route map consists of the following steps:
1. Review what materials are currently collected and how;
 2. Appraise how collected materials are managed;
 3. Apply the waste hierarchy to materials to assess options (Regulation 12);
 4. Apply the necessity and technically, environmentally and economically Practicable, (TEEP) tests to paper, glass, plastic and metal (Regulation 13);
 5. Propose and agree a future approach for collected materials;
 6. Retain evidence to support a decision; and
 7. Set up regular reviews to ensure continued compliance
- 3.7 If separate collection of a material fails any one of the technically, environmentally and economically practicable tests then it will be deemed to not have met the Practicability (TEEP) Test.
- 3.8 As the Council has substantially changed its method of collecting domestic recycling it was necessary to undertake a new TEEP assessment, (previous assessment was signed-off in August 2015). A review of the Council's waste collection arrangements

has therefore been undertaken by the Head of Environmental Services applying this Route Map, although it must be stressed that this has no formal status in law.

- 3.9 The Environment Agency (EA) is responsible for regulating compliance with the Waste Regulations in England. The EA has stated that the aim of its enforcement regime will be to help WCAs meet their obligations and for them to do so willingly. It has previously said that it will take enforcement action where necessary but wants to keep that to the absolute minimum.
- 3.10 The assessments concludes that Regulation 12 requiring Hyndburn Council to meet the waste hierarchy for all wastes it is responsible for, has been met and that the collection system operated by the Council, ensures that a high yield of material is collected through its kerbside collections.
- Commingled paper and cardboard is kept separate from other materials so the quality of the material is good and it goes for closed loop recycling. Therefore the collection method is permitted under these Regulations.
 - Comingled plastic and metal can be separated by simply industry techniques to achieve a good quality material and that meets reprocessors specifications for closed loop recycling. Therefore, the collection method is permitted under these Regulations.
 - The separate collection of glass is unlikely to facilitate increased recovery but it would improve the amount of glass that could be used for closed loop recycling. The TEEP test shows that whilst it is technically practicable to introduce separate collections, it is neither environmentally practicable, due to an increase in carbon dioxide emissions, (increased number of collection vehicles), nor economically practicable, (high capital costs for the additional collection vehicles and containers plus increased annual revenue costs for additional collection crews). A separate collection of glass at the kerbside is not environmentally or economically practicable and therefore the proposed kerbside collection method of commingled glass, cans and plastics is permitted under these Regulations.
- 3.11 The TEEP assessment and associated documentation will need to be retained in order to demonstrate compliance with Regulation 13 of the Waste Regulations and to facilitate subsequent TEEP assessments.
- 3.12 The assessment will be reviewed in the event of any of the following key triggers:
- A waste collection contract procurement exercise;
 - Substantial variations to existing waste collection methods;
 - New legislation which may affect the overall conclusion of this assessment.

4. Alternative Options considered and Reasons for Rejection

- 4.1 Around 10 different collection methods were proposed and evaluated. All were rejected due to issues around vehicle sizes, cost of providing additional containers and the number of vehicles/crew members required for each option. However, the two stream recycling collection model utilising wheeled bins; maintains the existing alternate weekly collections calendar, (i.e. recycling week 1, residual week 2, recycling week 3 residual week 4 and so on), allows for a reduced standardised Refuse Compaction Vehicle fleet and simplifies recycling for residents. Overall, this option was considered the best and widely supported by Cabinet members and Officers.
- 4.2 Due to the Council's financial pressures, it was not economically practical to maintain the 'status quo' of utilising bags and boxes. Moving to a two stream recycling collection method provided substantial financial savings on vehicles, the requirement for a third recycling wheeled bin and staff costs.
- 4.3 Whilst not part of the Necessity and Technically, Environmentally and Economically Practicable, (TEEP) assessments, evidence from other WCAs which moved from bags and boxes to wheeled bins, suggests an increase in capture rates which would also suggest an increase in the recycling rate. The removal of bags and boxes will also lead to a significantly improvement in the cleanliness of the environment as there will be very little wind-blown litter.

5. Consultations

- 5.1 The Portfolio Holder, Executive Director for Legal and Democratic Services and Executive Director of Finance.

6. Implications

Financial implications (including any future financial commitments for the Council)	None for this report.
Legal and human rights implications	The Council has duties under various UK and EU legislation to deliver waste collection and disposal services, principally the Environmental Protection Act 1990 and the revised EU waste framework directive 2008. All Waste Collection Authorities have to consider certain implications of The Waste (England and Wales) Regulations 2011 (Amended 2012) and the outcome of the Technically, Environmentally, and Economically Practicable, (TEEP) test that has to be applied on the Council's waste collection arrangements.
Assessment of risk	Not having undertaken the appropriate

	Necessity or TEEP Assessment could leave the Council open to enforcement action by the Environment Agency.
<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 TEEP assessments which have been carried out will not result in any changes to services or service delivery at this time, as wheeled bins are already a major element of the waste collection system and the Council already offers assistance for wheeled bin collections.</p> <p>Future assessments may result in service changes that have an impact on residents, at which point it will be subject to an equality impact assessment.</p>

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

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HYNDBURN

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an excellent council

TEEP Assessment to comply with the
Waste (England and Wales)
Regulations 2011 and Waste
England and Wales (Amendment)
Regulations 2012

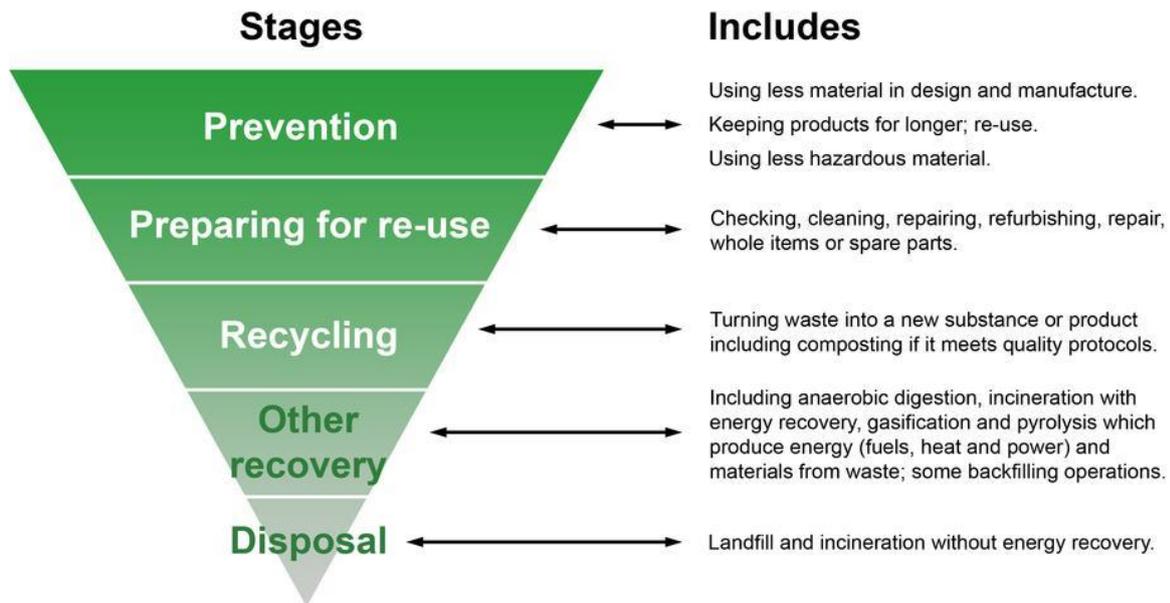
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1. Introduction

The Waste (England and Wales) Regulations 2011 require Local Authorities to apply the waste hierarchy (Regulation 12) to the waste they are responsible for and to determine whether they are required to collect glass, metal, paper and plastic separately (Regulation 13). Regulation 12 requires Local Authorities to apply the waste hierarchy to each material they collect.

The Waste Hierarchy



Departure from the hierarchy is permissible when the measures that would be required would not be “reasonable in the circumstances” or when departure will “achieve the best overall environmental outcome where this is justified by life cycle thinking on the overall impacts of generation and management of the waste”.

Regulation 13 states that from 1st January 2015 all Waste Collection Authorities will be required to collect paper, metal, plastic and glass (the materials) separately, where doing so is;

- Necessary to ensure that waste undergoes recovery operation in accordance with Articles 4 and 13 of the Waste Framework Directive and facilitate or improve recovery; and
- Technically, Environmentally and Economically Practicable.” (TEEP)

A route map to help Local Authorities understand the steps they need to undertake to see if their collection method is compliant was produced by the Waste Resource Action Programme (WRAP) in April 2014. This assessment follows their route map.

Lancashire County Council (LCC), the Waste Disposal Authority (WDA) announced the end of their financial support to all Waste Collection Authorities in Lancashire, (WCA) via the Cost Sharing Agreement (CSA) from 1st April 2018. This also included taking ownership of all recyclable materials collected by the WCA’s. This action has resulted in a

loss of £800k+ in annual revenue for Hyndburn Borough Council (HBC) and has forced HBC to rethink the way recycling is collected. A proposed new service structure/collection method will produce approximately £300k of savings. Other measures to close the gap include charging for green waste collections, which is estimated to produce approximately £150k of additional income.

If all the above savings are realised, HBC will still be facing a £350k+ shortfall in its annual revenue budget, which will have to be addressed by a review across the whole Waste Services area and how HBC provides a range of services.

2. Background to the Regulations

The Lancashire Waste Partnership, (LWP) membership is made up of WCA's and WDA and 2 unitary Council's. The LWP developed a 20 year Lancashire Waste Strategy that set out a strategy to agree a common 3 stream collection service to all households to deal with Lancashire's waste. There is currently a high level of participation with HBC's recycling scheme, partly due to the simplicity of the collection system and range of materials collected against that offered by other Council's (i.e. mixed plastic and waxed cartons).

As the WDA, LCC is responsible for providing disposal and recycling facilities for waste collected by HBC. All non-recyclable waste collected by HBC has historically been taken to Whinney Hill Landfill site. HBC has never been directed to deposit its recycling waste by LCC so HBC retained and organised the sale to the marketplace itself. However, from the 1st April 2018, along with withdrawing all financial support to collection authorities, LCC has taken back ownership of recycling collected by all the WCA's.

The EU Waste Framework Directive, (WFD) provides the legislative framework for the collection, transportation, recovery and disposal of waste. The directive requires all member states to take the necessary measures to ensure waste is recovered or disposed of without endangering human health or causing harm to the environment and includes permitting, registration and inspection requirements.

The directive also requires member states to take appropriate measures to encourage firstly, the prevention or reduction of waste production and its harmfulness and secondly the recovery of waste by means of recycling, reuse or reclamation or any other process with a view to extracting secondary raw materials, or the use of waste as a source of energy. The directive's requirements are supplemented by other directives for specific waste streams.

The UK Government transposed the Waste Framework Directive into UK law through the Waste Regulations 2011 (WR 2011), which came into force on 1st October 2012. The regulations stated that as from 1st January 2015, WCA's must collect paper, glass, metal and plastic separately. It also imposes a duty on WCA's, from that date, when making arrangements for the collection of such waste, to ensure that those arrangements are by way of separate collection.

Originally, the regulations WR 2011 stated that commingled collections of recycling were an acceptable way of meeting that duty. However, the regulations were amended in 2012 (WR 2012) to remove the statement about commingled collection being acceptable.

The amended regulations state that separate collections of at least paper, glass, metal, plastic are required where they are Technically, Environmentally and Economically Practicable and appropriate to meet ‘the necessary quality standards for the relevant recycling sectors’ by January 2015. Therefore, if a WCA does not collect the 4 recycling materials separately, it must apply the Necessity and TEEP tests to determine if this is needed in their circumstances.

3. Waste Regulations Route Map

In April 2014, the Waste Regulations Route Map, (WRRM) was launched in order to help guide WCA’s. It was developed by a working group comprising WRAP, London Waste Recycling Board, (LWARB) and the Waste Network Chairs from Local Authority Recycling Advisory Committee, (LARAC), Local Government Association, (LGA) assisted by environmental consultancy Eunomia.

In the absence of any case law and formal government guidance, the Route Map forms the basis for tackling the recent legislative changes, by offering guidance on assessments in the form of step by step guide, with ‘tests’ to determine the likelihood of meeting the regulation requirements. The purpose of this document is to undertake a high level assessment of compliance to the separate collection requirement in The Waste (England and Wales) Regulation 2011 (the Regulations). This document follows the WRAP Route Map process (as below)



4. The Lancashire Waste Partnership

The LWP was formed in 1997 to address the emerging waste management agenda in relation to the implementation of the then draft Landfill Directive. It was appreciated by all members that as a two tier local authority area, there were major benefits to be gained from working together to address this issue.

The first step forward in this process was the development of a Joint Municipal Waste Management Strategy, (JMWMS). LCC, reporting through the LWP, led to the development of this policy document. The final document was approved and adopted by all 15 Partners in April 2001.

In developing the strategy, the LWP carried out a lot of research including waste composition analyses and two extensive public consultation exercises which used leaflet drops, newspaper adverts, press releases, public forums, a Citizens' Jury and website to ask the people of Lancashire for their views on how we should deal with our waste.

This shaped the way in which Lancashire WCA's were asked to collect their waste in order to meet the targets of the strategy as well as providing the material needed for waste treatment and disposal via a network of facilities funded via a Private Finance Initiative (PFI) contract. The targets set in the 2001 strategy were:

- Recycle/compost 36% of Lancashire's municipal waste by 2005
- Recycle/compost 58% of Lancashire's municipal waste by 2015

A ten-year CSA was developed as a binding contract between LCC and its WCA's and was prescriptive as to types of recycling to be collected in return for a financial payment per property from LCC to WCA's. HBC entered into this agreement in 2004. Under the CSA, the dry recycling that HBC collected was as follows: paper & card, glass, ferrous & non-ferrous metal, plastic and textiles.

The CSA allows glass, ferrous & non-ferrous metal and plastic to be commingled. However, HBC chose to provide a separate collection of glass since 2003.

The CSA was amended and extended for a further 5 years in 2012, although this related to financial matters and the type of material to be collected as the dry recycling fraction was unchanged. A record of the decision is shown below.

1997	HBC joined the LWP.
2001	HBC adopted Lancashire's Municipal Waste Management Strategy 2001-2020 (A Greener Strategy for a Greener Future).
2003	HBC introduced kerbside recycling rolled out over a 3 year period.
2004	HBC signed the 10 year CSA with LCC.
2008	HBC adopted Lancashire's Municipal Waste Management Strategy 2008-2020 (Rubbish to Resources).
2012	HBC agreed to the extension of CSA up to 2018, accepting a reduction in the annual payment made by LCC.
2013	HBC signed a CSA Deed of Variation/ Extension.
2016	In January 2016, LCC announce that from 1 st April 2018 CSA would end. LCC also informed HBC they would take ownership of all recycling materials collected

from 1st April 2018. This decision presented HBC with an £820k deficit in its ongoing annual revenue budget.

Due to LCC's decision, Hyndburn has been forced to rethink its collection methods and develop a more cost efficient streamlined process for all domestic waste collections to reduce the shortfall.

2017 Recycling of green/garden waste moved to a fortnightly subscription service.

2018 From July HBC will continue to collect commingle paper & card but will now collect commingled glass, metal & plastic. Both streams will be kept separate. The collection method will move from box and bags to 240ltr wheeled bin collections, one 240ltr brown bin for paper & card and one 240ltr blue bin for glass, metal & plastic. Recycling collections will continue to be fortnightly but now alternate between each coloured bin.

5. Is Separate Collection of the Four Materials Required?

The four materials defined in the regulations are simply described as paper, glass, metal and plastic. Regulation 13 of the Waste Regulations says: the separate collection of these materials is required where it "is necessary to ensure that waste undergoes recovery operations in accordance with Articles 4 and 13 of the WFD and to facilitate or improve recovery".

The two references to WFD articles do have some bearing on the interpretation of the requirement:

- The reference to Article 4 means that the approach taken must fit the waste hierarchy as described in step 3.
- The reference to Article 13 means that the method of recovery must meet the requirement to protect human health and the environment.

However, the core of the test is whether separate collection is necessary to "facilitate or improve" recovery. If separate collection is necessary either to facilitate or improve recovery, it follows that the Necessity Test is passed. However, if both of these aims can be achieved just as well with one or more streams of material collected commingled, separate collection is not necessary.

The question which needs to be asked is whether separate collection will facilitate or improve recovery. Since facilitate means 'make an action or process easier than it may be expected' this would lead to an increase in material sent to recycling rather than disposal. Recovery is improved if there is a better result. Therefore, this means that both more waste should be recycled and/or more of the recycling is higher quality. However, it should be noted that the European Commission has confirmed that commingled collections will be allowed under the revised Waste Framework Directive, provided high quality is achieved.

The key question is whether collecting the material separately will lead to an increase in:

- a) quantity available for recycling; and/or
- b) quality available for recycling.

Quality may be defined in different ways but to ascertain a clear assessment, quality has been defined as 'the quantity of material available for closed loop recycling'. If a commingled system makes the same quantity of material available for closed loop applications, compared to separately collecting each material, then the environmental benefits can be considered the same.

HBC has collected paper & card, glass, metal & plastic for recycling from the kerbside since 2003. These materials are currently collected in 3 streams; stream 1: paper & card in a 60ltr reusable sack, stream 2: glass in a 55lt box, stream 3: metal & plastic in a 60lt reusable sack.

From the July 2018, HBC is proposing to collect its recycling as two separate streams;

- Stream 1: paper & card in a 240ltr brown wheeled bin,
- Stream 2: glass, metal & plastic in a 240ltr blue wheeled bin.

Non-recyclable, residual, waste will continue to be collected using wheeled bins on a fortnightly basis, with HBC operating a 'no side waste' policy.

Due to access/storage/operational difficulties, there are a small number of properties that will remain on orange sacks, (residual waste) and blue and white sacks, blue boxes (recyclable waste). However, they will still be collected on a fortnightly basis and HBC still operates the no side waste policy.

6. Collections of the Following Types of Waste:

Materials	In House, contracted or partnership?	Proposed container type and volume
Residual waste	In House	Grey 240lt or 140lt wheeled bins. Orange Sacks for those properties that cannot accommodate a wheeled bin. All collections once a fortnight via refuse collection vehicle.
Glass, Metal & Plastic	In House	Blue 240lt or 140lt wheeled bins. Recycling collections fortnightly, alternating between each recycling stream via refuse collection vehicle.
Paper & Cardboard	In House	Brown 240lt or 140lt wheeled bins. Recycling collections fortnightly, alternating between each recycling stream via refuse collection vehicle.
Textiles	In House	Collected through the Council's Bulky Waste Collection service via box / cage vehicles.
Garden waste	In House	Green 240lt wheeled bins. Collections fortnightly via refuse collection vehicle for households that subscribe to service.
Fridges and other WEEE, TV's and recyclable bulky household items	In House	Collected through the Council's Bulky Waste Collection service via box / cage vehicles.
Non-recyclable bulky household items	In House	Collected through the Council's Bulky Waste Collection via refuse collection vehicle.
Street cleansing waste	In House	Collected by a range of mechanical sweeping vehicles and manual hand sweepers plus caged vehicles.
Fly tipped waste	In House	Collected by range of vehicles depending on location, size and nature of fly tipped material. Majority collected by main domestic rounds via refuse collection vehicle.
Clinical Waste	Contracted	Yellow sacks / sharps box. Clinical waste is generally collected by contractor on a fortnightly basis. Number of sacks, boxes and frequency agreed with resident.

6.1 How the Collected Materials will be Recycled / Treated

Waste Type	Collected	Delivered to	Treatment method
Non-recyclable residual waste	HBC	Suez Landfill Site at Whinney Hill	Landfilled
Paper & Card	HBC	HBC's depot in Church then on to Palm Recycling	Recycled
Glass, Metal & Plastic	HBC	Rishton Waste Paper in Rishton	Recycled
Batteries	HBC	HBC's Depot in Church then	Recycled
Textiles	HBC	HBC's depot in Church then on to Salvation Army	Recycled / Reused
Garden Waste	HBC	Suez Transfer Station in Darwen	Composted
Fridge / Freezer's	HBC	HBC's depot on Willows Lane then on to Sims Group Newport	Recycled
WEEE and other electrical bulky items	HBC	LCC's HHWC at Whinney Hill	Recycled
Timber / Wood bulky items	HBC	Suez Transfer Station in Darwen	Recycled
Mattresses	HBC	HBC's depot on Willows Lane then on to HML Recycling in Altham	Recycled
Street Cleansing Waste	HBC	Suez Landfill Site at Whinney Hill	Landfilled
Mechanical Street Sweeping (detritus)	HBC	Suez Transfer Station in Darwen	Recycled
Clinical Waste	Contractor	HBC's depot on Willows Lane then on to Lancashire Ambulance Service	Incinerated

There are a few materials that are not targeted for recycling at the kerbside or through the HBC's bulky waste collection service. However, potential recycling of carpets and soft furnishing are being discussed within the LWP and separately with LCC.

In terms of fly tipped waste, HBC endeavours to separate material types where physically safe to do so and moved higher up the waste hierarchy if practicable. A good example of this is the new contract with HML recycling for recycling dirty/wet mattresses.

6.2 Compliance with the Waste Hierarchy

Material	Current Management Method and Actions	Can it be moved up waste hierarchy?
Newspapers and Magazines	Promoted by general recycling messages. Collection at the kerbside and recycled.	No.
Other recyclable paper	Promoted by general recycling messages. Collection at the kerbside and recycled.	No.
Waxed cartons i.e. tetra pack	Promoted by general recycling messages. Collection at the kerbside and recycled.	No.
Cardboard packaging	Promoted by general recycling messages. Collection at the kerbside and recycled.	No.
Plastic bottles	Promoted by general recycling messages. Collection at the kerbside and recycled.	No.
Plastic packaging and plastic film	Promoted by general waste prevention campaigns i.e. bags for life. Collection at the kerbside and disposed of at landfill.	Yes, but cost of separation uneconomical and little market for post-consumer material.
Ferrous food cans	Promoted by general recycling messages. Collection at the kerbside and recycled.	No.
Ferrous beverage cans	Promoted by general recycling messages. Collection at the kerbside and recycled.	No.
Non-ferrous food cans	Promoted by general recycling messages. Collection at the kerbside and recycled.	No.
Non-ferrous beverage cans	Promoted by general recycling messages. Collection at the kerbside and recycled.	No.
Glass bottles / jars	Promoted by general recycling messages. Collection at the kerbside and recycled.	No.
Garden waste	Promoted by general recycling messages. Collection at the kerbside and recycled.	No.
Food waste	Promoted by general waste prevention campaigns - Love Food Hate Waste Not collected at kerbside and recycled.	Yes, but cost of providing separate collections not economically practicable.
Bulky Household waste	Promoted by general recycling messages. Collections at kerbside.	No. Non-recyclable waste landfilled.
Textiles / Clothes / Shoes	Promoted by general recycling messages and promotion of local charities. Collected at Kerbside and recycled.	No.
Mattresses	Promoted by general recycling messages. Collection at the kerbside and recycled.	No. Both clean and dirty/wet mattresses are recycled. Hazardous mattresses incinerated.

Material	Current Management Method and Actions	Can it be moved up waste hierarchy?
Clean timber/wood	Promoted by general recycling messages. Collection at the kerbside and recycled.	No.
White goods	Promoted by general recycling messages. Collection at the kerbside and reused / recycled.	Yes if reusable/repairable. No if unusable but items separated for recycling.
Large electronic goods	Promoted by general recycling messages. Collection at the kerbside and reused / recycled.	Yes, if reusable/repairable. No if unusable but items separated for recycling
TVs and Monitors	Promoted by general recycling messages. Collection at the kerbside and reused / recycled.	Yes if reusable/repairable. No if unusable but items separated for recycling
Other WEEE	Promoted by general recycling messages. Collection at the kerbside and reused / recycled.	Yes, if reusable/repairable. No if unusable but items separated for recycling
Household batteries	Promoted by general recycling messages. Collection at the kerbside and recycled.	No.
Household non-recyclable waste	Promoted by general waste prevention campaigns. Collection at the kerbside and disposed of at landfill.	Yes, potential for waste to be further process through a Material Recycling facility (MRF), but not economical practicable.
Street Cleansing waste	Waste tipped in transfer station and delivered to landfill.	No. Percentage of mechanical sweeper detritus already recycled. Other street cleansing litter could be further process through MRF, but not economical practicable.
Fly Tipped waste	Waste delivered to transfer station and disposed of at landfill.	Yes, but cost of separating material not economical practicable.
Clinical waste	Collected via contractor	No. All waste is required to be incinerated under relevant legislation.

Summary

HBC has applied the waste hierarchy, using communications to prevent waste, aiding reuse, and setting up comprehensive recycling systems covering nearly all waste types where technically feasible, and only the minimum is landfilled. The Authority therefore meets the requirements of Regulation 12.

6.3 How does Hyndburn Compare?

The yield for HBC's dry recyclate, (kg) per household, per year, is provided by WRAP's Performance Benchmarking Portal, the latest published data is for 2015/16. The table below compares HBC's performance against four other authorities. The four nearest neighboring authorities that are most similar to HBC based on key population characteristics. The figures show HBC's performance compared to these authorities.

The Council's dry recycling rate for the same period was 23% with a composting rate of 9%. This gives a combined recycling / composting rate for HBC of 32.5%.

Authority	Paper	Card	Metal	Glass	Plastic bottles	Mixed plastic Packaging	Textiles	All 5 widely recycled
Hyndburn	45.9	21.6	10.5	45.3	15.1	6	0.3	138.3
Burnley	41.6	19.6	10.9	49.7	11.6	0	0.7	133.3
Pendle	45.2	21.3	15.2	69.3	16.1	0	1.0	167.1
Bolton	56.0	26.4	13.4	61.1	14.2	0	0	171.0
Rossendale	40.2	18.9	12.6	71.4	17.0	6	0	160.1

DEFRA provide annual statistical data on authorities in relation to collected household waste per person (kg) (Ex BVPI 84a). The table below compares HBC's performance in 2016/17 against all other local authorities in the country. Waste minimisation / waste generation performance is excellent and HBC is 15th nationally and number 1 in the North West.

Authority	Region	Authority Type	Total Waste Collection Per Head (Kg per head) (Ex BVPI 84a)
Tower Hamlets LB	London	Unitary	244.5
Ealing LB	London	Collection	250.7
Islington LB	London	Collection	253.0
Lambeth LB	London	Collection	260.7
Exeter City Council	South West	Collection	279.6
Hammersmith and Fulham LB	London	Collection	280.2
Gosport Borough Council	South east	Collection	283.9
East Devon District Council	South West	Collection	285.3
Lewes District Council	South east	Collection	286.2
Oxford City Council	South east	Collection	290.4
Crawley Borough Council	South east	Collection	291.2
Brent LB	London	Collection	293.5
Oadby and Wigston Borough Council	East Midlands	Collection	299.4
Camden LB	London	Collection	301.1
Hyndburn Borough Council	North West	Collection	302.4

7. The Necessity Test

The purpose of this test is to see if separate collection of “the materials” is necessary to ensure the waste is recycled and to “facilitate or improve recovery”. Improved recovery is where more waste is recycled than subject to other recovery and/or more of the recycling is “high quality”. High quality recycling is generally thought of as closed loop recycling where the material is reprocessed back into a product of similar quality to what it was originally.

By following step 4 of the WRAP’s Route Map, each material will be assessed in turn to see if the proposed collection method meets the necessity and practicability tests.

The current kerbside collection system ensures a high yield of good quality material that was separated as follows:

- Glass is collected separately from other materials;
- Paper & card is commingled but kept separately from other materials;
- Metal & plastic is commingled but kept separate from other materials.

It is proposed that from July 2018, the kerbside collection will be as follows:

- Paper & card is commingled but kept separately from other materials and collected from a 240ltr wheeled bin.
- Glass, metal & plastic is commingled but kept separate from other materials and collected from a 240ltr wheeled bin.

7.1 Necessity Test for Paper

From July 2018, paper & card will be collected commingled from a 240ltr wheeled bin but separate from the other dry recycling material streams.

Paper & card can be easily separated using infrared / air jet technology and final hand sort, with the paper element taken to the mill where it can be reprocessed into new paper. These reels are then sent on to print houses that produce daily/weekly newspapers. The card element of the material is sent to a packaging manufacturer that reprocesses this grade and makes food packaging and cardboard boxes.

Waxed cartons are also separated out and sent for recycling at a specialised facility.

The Council is not aware of rejections by our end market partners and the material is a good mix of: paper, (58%) card, (38%) and waxed cartons (4%). The moisture levels are also within the tolerance due to being stored under cover. This is an example of closed loop recycling.

The tonnage of paper recovered has dropped over the years but this is in line with national trends on an ever reducing volume of news print and magazine/book market.

A separate collection of paper is also required under the current LWP strategy and provided by all the WCA's across Lancashire. Any proposed change to the collection methodology will be reviewed to ensure it is still compliant with relevant legislation.

Paper will continue to be of a high quality and quantity and go for closed loop recycling. Therefore, it is not deemed necessary to subject paper & card to the TEEP test.

7.2 Necessity Test for Glass

Glass is currently collected separately via a box with 75% of glass going to re-melt, (the best glass re-melt figures achieve around 85% by using the very latest up to date MRF technology). Glass can be separated into colours via simple industry techniques such as infrared / air jet technology. Makeup is around 7% amber, 40% flint and 28% green. The other 25% is too small to process for re-melt so goes as aggregates for highway construction. Rejections are currently running at less than 1%.

It is proposed that from July 2018, glass will be commingled with metal & plastic and collected from a 240ltr wheeled bin via refuse compaction vehicles, (RCV's) but separate from the other dry recyclate. The material stream will then need to be process through a MRF to separate the various materials before going to the market.

Based on the evidence available, it may be necessary to consider collecting glass separately as the proposed collection and separation process may not produce a material which can be used for full 'closed loop' recycling. The process of recovery for glass may be improved if separate collections are undertaken or an increase in the amount of glass which can be sent for closed loop recycling.

The collection of glass must therefore be subjected to the TEEP test to see if it is practicable to collect as a separate waste stream.

7.3 Necessity Test for Metal

It is proposed that from July 2018 metal will be collected commingled with glass and plastics from a 240ltr wheeled bin via RCV's but separate from the other dry recyclate.

Currently metal is collected commingled with plastic but separate from glass and sent to a processed at a MRF.

The current commingled stream is separated by simple industry techniques, magnets and eddy currents. Metal is split into two streams; ferrous (82%) and non-ferrous (18%). The two fractions are high quality and sent to national re-processors. Both re-processors manage the quality of the material they accept for reprocessing. High quality ferrous metal is used in steel production and non-ferrous used to make drinks cans. These are examples of closed loop recycling.

Separate collections for metal would still need the material to be sorted at a suitable MRF and therefore provide little saving in the sorting process and would achieve the same quality.

Separate collections would require additional vehicles and labour over the proposed and previous method.

Based on the evidence available, it is not necessary for metal to be collected separately as a simple magnet / eddy current technology sorts the stream into ferrous and non-ferrous materials. Any proposed change to the collection methodology will be reviewed to ensure it is still compliant with relevant legislation.

Metal will continue to be of a high quality and quantity and go for closed loop recycling. Therefore, it is not deemed necessary to subject metal to the TEEP test.

7.4 Necessity Test for Plastic

It is proposed that from July 2018 plastic will be collected commingled with glass & metal from a 240ltr wheeled bin via RCV's but separate from the other dry recycle.

Currently plastic is collected commingled with metal but separate from glass and sent to a MRF.

The commingled stream is separated at the MRF by simple industry techniques infrared / air jet technology. Once separated from the metal, plastic is further separated into HPDE (29%), PET/PTT (67%) and Film/Polythene (4%). The fractions are good quality and sent off to various national re-processors. The plastic is recycled into drinks packaging and waterproofing membrane / drainage products. This is a good example of closed loop recycling.

Separate collections for plastic would still need the material to be sorted at a suitable MRF and therefore provide little saving in the sorting process and achieve the same quality. Separate collections would require additional vehicles and labour over the proposed and previous method.

Based on the evidence available, it is not necessary for plastic to be collected separately as simple infrared / air jet technology sorts the different plastics. Whatever collection method is provided, further sorting within a MRF facility will always be needed to produce the quality product streams. Any proposed change to the collection methodology will be reviewed to ensure it is still compliant with relevant legislation.

Plastic will continue to be of a high quality and quantity and go for closed loop recycling. Therefore, it is not deemed necessary to subject plastic to the TEEP test.

7.5. Closed Loop Recycling Assessment (proposed)

Material	Average Annual Tonnage (based on last 3 years)
Paper & Cardboard	2387
Plastic & Metal	1226
Glass	1754

Materials	Second stage Re-processor	Open Recycling (%)	Closed recycling (%)	Will Separate Collection Increase Quality or Quantity
Paper & Card	Palm recycling	0	100	Already separated
Metal	Rishton Waste Paper	0	100	Unlikely, industry wide magnet / eddy current separation techniques provides quality streams
Plastic	Rishton Waste Paper	0	100	Unlikely, industry wide infrared / air jet separation techniques provides quality streams
Glass	Rishton Waste Paper	40	60	Separate collections may increase quality and therefore the % used in closed loop recycling

8. The TEEP Assessment

There are a number of options for how glass could be collected in Hyndburn.

- Option 1: A two stream collection system with glass, metal & plastic commingled as one stream and paper & card commingled as the other stream. Both streams are collected from 240ltr wheeled bins via 26 tonne narrow bodied rear end compaction loader 'RCV' which can access back streets.
- Option 2: Kerbside sort utilising bags and boxes where the four materials are separated at the Kerbside and placed into their specific compartments within the collection vehicle. This requires a 'Kerbsider' (multi compartmental) vehicle with separate storage for each material stream but cannot access back streets due to the width of the vehicle.
- Option 3: Separate collection by an 'RCV' where residents keep their glass separate in 204ltr wheeled bin. This vehicle can access the back streets.

Option 1, is the most cost efficient and provides an excellent collection method for residents and crews with a good recovery levels. There is minimal spillage and provides for a reduction in overall vehicle numbers, (emissions and capital costs) and a reduction in collection staff (labour costs). This method also provides for collections to move to the rear of terrace properties, (back streets) as the majority of the Borough's housing is terrace properties.

It is anticipated that moving to wheeled bins will encourage and improve recycling rates as residents no longer have to carry recycling bags and boxes through their house to present at the front door. Other benefits include reduced environmental 'wind-blown' litter pollution as the materials will be securely contained in a 240ltr wheeled bin instead of bags and boxes.

Option 2, has been HBC's method of collection since 2003. This probably provides the best method of recovered material available for closed loop recycling but possibly lower recovery

levels due the restriction of container type/size (bags and boxes). However, this method is no longer affordable due to the extreme reduction in the Central Government settlement grant and the withdrawal of all Cost Share financial support from LCC.

Option 3, involves an increase in costs by having to providing additional wheeled bins, collection vehicles and staff to collect glass separately. As an alternative, HBC could utilise its RCV's more effectively by extending the collection frequency between the 3 streams to once every 6 weeks. However, no other WCA is considering extending collection frequencies to this extreme and it is not known if there would be sufficient capacity from a 240Ltr wheeled bin.

Authorities that have extended their recycling collection frequencies have settled for three or four weekly. Currently there is no member support to move recycling stream collection frequencies beyond 4 weekly.

From July 2018, HBC is implementing Option 2, with paper & card, collected from a 240ltr wheeled bin and glass, metal & plastic collected from a second 240ltr wheeled bin. Therefore, this option is looked at in further detail and also compared against our existing collection method.

8.1 Technically

Kerbside sort, where all the materials are collected in a single multi compartmental vehicle, (non-compaction) is suggested as the collection method most likely to increase and/or maintain the quality of glass available for 'closed loop' recycling.

Glass that is commingled with metal & plastic, but separate from other materials, may reduce the quality but may increase the quantity if collected from wheeled bins. However, ongoing improvements in new technology used within MRF's have the ability for the three materials to be easily separated to produce the same quality as separate collections.

It would be technically feasible to operate a separate glass collection but there would be significant financial pressures that would need to be addressed. These include;

- Additional staff numbers and an additional container, (wheeled bin).
- There is potentially a greater health and safety risk where operatives are required to sort waste.
- There would be storage and presentation issues for residents if glass had a separate wheeled bin, (especially in terrace properties). Households would potential have up to five 240Ltr wheeled bins to store on their property.

8.2 Environmentally

This assessment was based on the carbon dioxide equivalent tonnages avoided or increased as a result of the different collection methods. Carbon dioxide is a major contributor to climate change.

Overall, the carbon impact of providing three separate glass collection vehicles shows there would be an increase in carbon dioxide emissions of 29,160kg per vehicle (87,400kg per year). The simple outcome from commingling glass with cans and plastics actually provides for a reduction in HBC's current carbon dioxide emissions of around 16,500kg per year.

Metal and plastic is sorted via simple MRF industry techniques, with each element being further sorted to separate ferrous and non-ferrous metal and the different grades of plastics.

As the current metal and plastic stream already goes through the MRF, adding glass into the stream will not dramatically increase the energy required to sort this material. HBC's material will just be added to the material that other customers deliver into the facility thereby utilising the additional glass sorting process that is already required and is in place.

The result may mean a larger percentage of the glass collected can only be re-used in road aggregate, rather than 'closed loop' recycling. However, it is not anticipated to greatly increase the amount of material that is landfilled as the 'smaller' rejected sizes will still be suitable for road construction.

8.3 Economically Practicable

To provide a separate collection for glass would incur significant costs. It is calculated there would be a one off capital cost of around £500k to finance three new collection vehicles, £750k to finance 36,600 wheeled bins along with annual revenue costs of around £300k for the extra crews.

Kerbside sort has been HBC's method since 2003. However, due to the severe reduction in the annual government settlement grant and end of the CSA by LCC, HBC cannot afford to provide a separate glass collection service.

HBC is facing huge pressures to make significant savings across the Council and cannot meet any increase in its collection costs. It is therefore not economically practicable to provide a separate glass collection system.

8.4 Conclusion

Separate collections for paper & card are already in place and achieve a good capture rate and a high quality material that is used for closed loop recycling.

A separate collection of metal or plastic is unlikely to improve recovery as simple industry techniques are used to separate them. These materials are currently collected commingled and achieves a high participation, generates high quality materials that go for closed loop recycling with low levels of rejects.

Whilst a separate collection of glass is likely to increase the quality collected for closed loop recycling, the glass from a commingled stream will still be of sufficient quality to be used in road construction and therefore will continue to be diverted from landfill.

Glass was taken through the TEEP test to determine if it was Technically, Environmentally and Economically Practical to provide and operate a separate collection. However, the results demonstrated that it is not environmentally or economically practical to provide a separate kerbside collection for glass. Put simply;

- in tonnage terms, glass will make up around 60% of the co-mingled stream (1754 tonnes) and cans and plastics 40% (1226 tonnes). Where glass is a part of a comingled collection stream, MRF's can recover around 60% for closed loop recycling, leaving around 40% to be used as a road aggregate. In simple terms, is it practically beneficial to provide a separate collection to recover 701 tonnes of glass that will not be sent for closed loop recycling but, which is still diverted from landfill? (this is just 2.6% of total waste arisings collected by HBC).
- HBC cannot meet the capital and ongoing revenue costs to provide a separate collection for glass.

9. Overall Conclusion

Regulation 12 requires local authorities to meet the waste hierarchy for all wastes it is responsible for. This assessment concludes that this regulation has been met.

Regulation 13 states that from 1st January 2015 all Waste Collection Authorities will be required to collect paper, glass, metal and plastic (the materials) separately, where doing so is;

- Necessary to ensure that waste undergoes recovery operation in accordance with Articles 4 and 13 of the Waste Framework Directive and facilitate or improve recovery; and
- Technically, Environmentally and Economically Practicable.

The new 2 stream, (2 wheeled bins) collection system to be operated by HBC will ensure that a high yield of material is collected. The introduction of separate collections for these materials has been subjected to the necessity test with the following conclusions;

- Paper & card will be kept separate from other materials so the quality of the material is high and it can go for closed loop recycling. Therefore the collection method is permitted under these regulations.
- Metal & plastic can be easily sorted to achieve a good quality material that meets closed loop re-processors specifications.
- The separate collection of glass via kerbside sort is unlikely to facilitate higher recovery but it may provide a greater amount of glass for closed loop recycling due to a higher quality material being captured. Under the TEEP test it is technically practicable to kerbside sort. However, it is not environmentally or economically practicable due to an increase in carbon dioxide emissions of over 87,400kg per year, around £500k and £750k capital costs for additional vehicles and wheeled bins respectively and additional revenue costs of around £300k per year for collection crews.

- Glass, metal & plastic will be commingled but kept separate from paper and card and will still provide a quality recyclate stream, as can be seen from a wide number of WCA's and MRF's across the country that already process this common waste stream. Whilst it may increase the quality of glass available for closed loop recycling, it is highly unlikely to increase quantity if collected as a separate stream. Therefore, the proposed collection method is permitted under these regulations.
- The changes to the previous recycling scheme are deemed necessary to close the financial gap through the continued reduction in HBC's annual settlement grant from central government and the loss of £820k by LCC through the ending of the CSA.

Separate collection of glass at the kerbside is not environmentally or economically practicable. Therefore the 2 stream collection method is permitted under these Regulations.

10. Sign Off and Review

This report will be signed off by the Cabinet Portfolio Holder for Environmental Issues, the Head of Community Services and Head of Legal Services.

Cabinet Portfolio Holder Date

Head of Environmental Services Date

Head of Legal Services Date

This assessment will be reviewed in the event of key triggers:

- Waste collection contract procurement;
- Substantial variations to existing waste collection methods;
- New legislation which may affect the overall conclusion of this assessment.

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Agenda Item 9.

<u>AGENDA ITEM</u>			
REPORT TO:		Cabinet	
DATE:		29 August 2018	
PORTFOLIO:		Councillor Clare Cleary Portfolio Holder for Housing and Regeneration	
REPORT AUTHOR:		Ian Marfleet, Regeneration Projects Manager	
TITLE OF REPORT:		Garage Plot Rental Charge 1 st April 2019	
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 increased garage plot rents from 1st April 2019.

2. **Recommendations**

2.1 That Cabinet authorise an increase in garage plot rents from £90.00 to £96.00 per annum (excluding VAT) with effect from 1st April 2019.

3. **Reasons for Recommendations and Background**

3.1 For clarification when the term “garage plot” is used in this report it means an area of land owned by the Council roughly equal in size to that which permits the erection of a 3m x 6m single garage, together with a narrow strip of land around the plot thereby permitting vehicle access and garage maintenance.

3.2 Garage plots are rented to members of the public (the tenants) who may, at their own expense, erect a garage which can be used for parking a domestic motor vehicle. Some plots are used for parking cars or caravan storage without a garage building. It is a condition of the agreement that the garage plots are not used for commercial purposes and that the garage itself and the plot are maintained by the tenant. The tenants are also responsible for obtaining planning permission and for paying rates in connection with their use of these plots.

3.3 The Council has 184 garage plots, of which 182 are tenanted at the time of writing.

- 3.4 The Council last increased the annual garage plot rent on the 1st April 2016. Allowing for an annual rate of inflation of 2.2% since 2016, and rent comparisons charged by neighbouring authorities, it is recommended that the annual rent be increased to £96.00.
- 3.5 The Council completes a garage rent review every 3 years, with the aim of ensuring that the garage plot rents keep pace with inflation. It is reasonable for the Council to increase the garage plot rents having taken into consideration annual inflation since the last rent increase and rents charged by neighbouring local authorities.
- 3.6 The Councils proposed annual rent of £96.00 is comparable with neighbouring local authorities. The recommended rent of £96.00 is the average of the four neighbouring Lancashire authorities.:

Blackburn with Darwen Borough Council	£77.02 (not increased since 2007)
Pendle Borough Council	£94.55
Burnley Borough Council	£89.15
Rossendale Borough Council	£125.00

- 3.7 In reaching the recommended rent, consideration has been given to the annual rate of inflation since 2016.

The recommended rent increase is 2.2% (year on year from 2016), which is slightly less than the national annual rate of inflation at 2.44%, (Office National Statistics).

4. Alternative Options considered and Reasons for Rejection

- 4.1 No change. Continue to charge rents at the existing amount. This option has been rejected on the grounds that a larger rent increase will be required at a future date. It is reasonable for the Council to review the rents charged every 3 years.
- 4.2 Set a lower rent increase. This option has been rejected on the grounds that the annual rate of national inflation since 2016 is 2.44%. The Council has set the rent increase marginally lower than the national rate of inflation, and to a rate comparable with other neighbouring local authorities.
- 4.3 Set a higher rent increase. This option has been rejected on the grounds that the increase would be greater than the national rate of inflation.

5. Consultations

- 5.1 The proposal has been discussed with the Portfolio Holder discussions as part of ongoing service arrangements.

6. Implications

Financial implications (including any future financial commitments for the Council)	The recommendation will result in an increased annual rental income of £996.00 to £17,400 at the present level of occupation.
Legal and human rights implications	None
Assessment of risk	As the weather protection of cars has been increased the keeping of cars in garages has declined and a significant proportion of garages are now used for domestic storage. Whilst the occupation level of the garage sites is good, increasing the rent may lead to increased plot vacancy. The vacancy levels will be closely monitored with consideration of alternative use in accordance with the Councils Asset Management Strategy.
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>	A Customer First analysis is appended.

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

[Cabinet Report Dated 2nd December 2015](#) “Garage Plot Rental Charge 1st April 2016”

8. Freedom of Information

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

REPORT TO: Cabinet

DATE: 29th August 2018

PORTFOLIO: Councillor Joyce Plummer
Portfolio Holder for Resources

REPORT AUTHOR: Ian Marfleet, Regeneration Projects Manager

TITLE OF REPORT: Garage Plot Rental Charge 1st April 2019

Customer First Analysis

1. Purpose

- 1.1 The purpose of the report is to seek approval for an increased garage plot rent from 1st April 2019.
- 1.2 The key aim of the garage service is to provide a sufficient number of good quality garage sites, which can be used for the purpose of storing a domestic vehicle or building a garage for keeping a domestic vehicle or domestic storage. The garages are available to all residents of Hyndburn, although take up is mostly by residents living near to each garage site.
- 1.3 Increasing the garage rents has no detrimental impact on any specific person, or any person based on the following characteristics:
 - age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - gender;
 - sexual orientation; and, for some aspects,
 - marriage and civil partnerships.

There are no equality characteristics which are relevant to the garage service. The garage plots are subject to a waiting list and let to any person coming forward in waiting list order.

2. Evidence

- 2.1 The increase in garage rent is comparable to rent charged by other local authorities in East Lancashire.
- 2.2 The garage service maintains a register of complaints. Complaints will be monitored to ensure that the Council continues to provide a good quality and beneficial garage service.

3. Impact

- 3.1 There is no evidence to suggest there will be any detrimental impact to any specific user group as a consequence of the proposed changes to the garage service.

4. Actions

- 4.1 The impact of the rent increase will be monitored to ensure that the uptake of garages is not compromised.
- 4.2 We will be alert to any suggestions or evidence of equality-related concerns and respond accordingly



Name: Simon Prideaux Signed:

Service Area Planning and Transportation Dated: 18 7 2018

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