
CABINET

Wednesday, 13th November, 2019

Present: Councillor Miles Parkinson OBE (in the Chair), Councillors Loraine Cox, Paul Cox, Munsif Dad BEM JP, Jenny Molineux and Joyce Plummer

In Attendance: Councillors Tony Dobson and June Harrison

165 Apologies for Absence

There were no apologies submitted.

166 Declarations of Interest and Dispensations

There were no reported declarations of interest or dispensations.

167 Minutes of Cabinet

The minutes of the meeting of Cabinet held on 12th September 2019 were submitted for approval as a correct record.

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

168 Reports of Cabinet Members

There were no reports provided by Cabinet Members present at the meeting.

169 Gypsy and Traveller Planning Policy (Local Plan Regulation 18(3) Consultation)

Councillor Miles Parkinson OBE, the Leader of the Council, reported the completion of a new part of the Local Plan evidence base, the Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA), and its key findings. The report set out a proposed planning policy approach to address the needs of travellers in the new Local Plan and sought approval for a consultation process under Regulation 18(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Leader reported that the Council had a good track record of meeting its responsibilities in relation to Gypsy, Traveller and Travelling Showpersons over a long period of time, but that other Lancashire authorities had not been as proactive. Councillor Tony Dobson, Leader of the Opposition, commented that the Conservative group supported the proposals and echoed the comments made about other authorities needing to meet their responsibilities.

Approval of the Report was not deemed a key decision.

Reason for Decision

The GTAA included information on gypsy and traveller pitch requirements and travelling showpeople plot requirements. The new Local Plan should seek to address the net

requirement for 42 new gypsy and traveller pitches over the period of the plan as set out in the GTAA. A consultation paper was provided, which set out a proposed 3-step sequential policy approach for the Local Plan, as follows, to help meet those requirements:

1. Allocate and safeguard all existing authorised traveller sites;
2. Ensure all pitches on authorised traveller sites are fully utilised; and
3. Identify additional new traveller sites either through the expansion of existing authorised sites or the identification of new sites.

Any responses to the Regulation 18(3) consultation, including details of any further site option submissions, would be brought to Cabinet in early 2020. Further site assessment work and evidence base work would then be required before the Publication version of the new Local Plan could be prepared.

Alternative Options Considered and Reasons for Rejection

The Local Plan is being prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. As the preparation of a Local Plan is to be in accordance with this legal framework there are no alternative options for its preparation. Specific policy options have been considered and addressed through the previous Regulation 18(1) and (2) consultations, and are set out in the accompanying sustainability appraisal reports. A further sustainability appraisal will be published alongside the Regulation 18(3) consultation documents, along with other supporting justification papers.

- Resolved**
- (1) That Cabinet notes the content and findings of the Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2019 (included in the report as background paper 1);**
 - (2) That Cabinet notes and approves the content of the Gypsy and Traveller Policy and Site Options Consultation paper (included in the report as background paper 2);**
 - (3) That Cabinet delegates authority to the Chief Planning and Transportation Officer, following consultation with the Portfolio Holder for Planning, to make any final minor changes to the Consultation paper as they consider necessary or appropriate; and**
 - (4) That Cabinet approves the publication of the Consultation paper for a 6 week consultation period recommended to commence on Friday 29th November 2019 (concluding on Friday 10th January 2020).**

170 Political Canvassing on Broadway Accrington and Town Square Great Harwood

The Leader of the Council reported on a proposal to remove any restrictions relating to political canvassing (the systematic initiation of direct contact with individuals commonly used during political campaigns) on (i) Broadway Accrington (“Broadway”) and (ii) the Town Square Great Harwood (“the Town Square”).

The approval of Cabinet was also sought to the use of Broadway and the Town Square for political canvassing and to authorise the Executive Director (Environment) to agree the operation and management of political canvassing in those locations.

Councillor Tony Dobson queried the rationale for and timing of the changes. The Leader responded that enforcement of the current rules was not practical and that the political climate had eased since the original restrictions had been applied. Other safeguards now existed, as legislation was in place to govern the promulgation of extremist views. Accordingly, the time was now right to test a less restrictive approach to political canvassing.

Approval of the report was not deemed a key decision.

Reason for Decision

Broadway and the Town Square are popular spaces and the Council wants to make the best use that it can of these areas to benefit the residents of Hyndburn.

The Council is keen to encourage activities, events and entertainment on areas such as Broadway and the Town Square and now intends to widen the approved uses of both these areas. Currently charitable and leisure activities are generally permitted in these areas, subject to having been given the appropriate permissions and licences.

Political canvassing on Broadway and the Town Square has been prohibited for a number of years. At the time that this decision was taken by the Council it was considered to be a proportionate and reasonable approach. However, as there have been significant changes in the political climate over recent years it is not considered that the previous prohibition is still required.

The Council has approached the Company that manages the letting of space on Broadway. The detail as to how requests for political canvassing on Broadway will be processed and managed has not yet been agreed with the Company. The Council's Executive Director (Environment) will finalise this process in respect of both Broadway and the Town Square.

Alternative Options Considered and Reasons for Rejection

The Council could continue to prohibit political canvassing on Broadway and the Town Square, but this may mean not using these public spaces to their full potential.

- Resolved**
- (1) That Cabinet agrees to the removal of the current restrictions prohibiting political canvassing on Broadway and the Town Square;**
 - (2) That Cabinet approves the use of Broadway and the Town Square for political canvassing; and**
 - (3) That Cabinet delegates to the Executive Director (Environment) authority to finalise the detail of how political canvassing will be managed and operated on Broadway and the Town Square, including agreeing the process with the Company that the Council has appointed to manage Broadway.**

171 Littering and Dog Fouling Enforcement - 12 Month Update

Councillor Paul Cox, Deputy Leader of the Council, provided an update on the 12 month pilot agreement on littering and dog fouling enforcement approved by Cabinet on 18th July 2018 and which commenced on 5th November 2018.

Councillor Tony Dobson queried whether the income generated by the enforcement company through fines was sufficient to sustain the contract, given that the Council's 10% share amounted to approximately £3,000. Councillor Paul Cox responded that some of the fines were still progressing through the courts and that some had been written off. However, the enforcement company believed that they could fund four enforcement officers.

A written response would be provided to Councillor Dobson in connection with matter of the income available to the enforcement company.

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 those irresponsible residents whose actions blemish the local environment.

As there were insufficient resources in-house to undertake a major drive in tackling litter and dog fouling and in line with a wish to have enforcement officers on the ground for the opening of Accrington's new Town Square, Kingdom Services Group was appointed on a pilot 12 month service level agreement, (a subsequent review of its structure saw the enforcement side of Kingdom changed to 'LA Support Ltd').

Enforcement staff were authorised by the Council to issue 'on the spot fines' through the use of Fixed Penalty Notices, (FPNs) at an agreed value of £75, with 14 days to make the payment. Cabinet members requested a 2 week period of public education prior to the first FPNs being issued, to raise public awareness of the need to dispose of litter responsibly and clean up after dogs.

The 12 month pilot agreement would enable the Council to gain a better picture of its long-term operational and resource requirements for a service of this type and allow the Council to procure a service that meets its needs over the longer term.

During the two week education period, four officers undertook 314 hours patrolling the town centre handing out around 500 letters advising offenders they could be issued with a FPN in future.

The table below shows how many PFNs were issued for each of the 11 months of the pilot. The reasons for the variances can be partly answered by: fluctuating staffing levels; FPN's only starting to be issued from 19th November; and no patrols over the Public Holiday periods.

2018		2019								
Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep
128	178	184	230	284	160	159	217	177	208	219

Under the agreement, the Council has access to view 'live' information on LA Services recording system. The report provided statistical information compiled over the pilot period in relation to the following categories:

- Gender/age;
- Ethnicity;

- Number of allocation of PFNs issued;
- FPN Status; and
- Prosecutions.

The report also provided information in relation to the payment process, the policies and procedures for handling complaints and the number and types of cases arising, together with details of the income generated by the service.

The 12 month pilot agreement expires on 4th November 2019. However, LA Services are in agreement to continue with the current pilot agreement/arrangements until 31 March 2020. Extending the pilot agreement would allow sufficient time for a tender exercise to be undertaken for the provision of Litter and Dog Fouling Enforcement Services and would also include the option for enforcement action against litter being thrown from vehicles following new legislation that allows enforcement action to be taken against the vehicle's registered keeper.

Alternative Options Considered and Reasons for Rejection

The Council no longer undertakes enforcement action against littering and dog fouling. Not providing enforcement services is not recommended and would reverse the improvements seen in street cleansing as people would quickly become aware there was no longer the potential for being issued with a FPN if they dropped litter or did not clean up after their dog.

Resolved

- (1) Cabinet approves the continued use of external enforcement services to tackle littering and dog fouling offenders;**
- (2) Cabinet agrees to waive the Council's contract procedures rules and approves an extension to the existing 12 month service level agreement with LA Services up to 31st March 2020; and**
- (3) Cabinet requests the Executive Director (Environment) to undertake a tendering exercise and delegate authority to him, following consultation with the Portfolio Holder, to agree terms with and appoint a suitably experienced external enforcement contractor as set out in paragraphs 3.12 and 3.13 of the report.**

172 Accrington Markets - Review of Rents and Charges

Councillor Paul Cox, Deputy Leader of the Council, provided a report requesting Cabinet to consider offering a discount on rents at the Market Hall to certain traders in return for those traders agreeing to new leases and working practices which would help the Council reduce its ongoing operating costs.

Councillor Munsif Dad welcomed the proposals and believed that this would help existing Market Hall traders to continue. The Leader added that this was part of a wider group of measures being undertaken to rejuvenate Accrington town centre, and would be complemented by the Council's investment in town centre events in the Town Square and Hyndburn Leisure's marketing of the Town Hall. The Council was an enabler in the programme to develop the town centre as a social hub, of which the retail offer was a constituent part. Making the best use of internet marketing might also benefit traders.

Councillor Tony Dobson concurred that there were no easy solutions and added that the Conservative Group would be supportive of the Council being proactive. The group had already committed to sharing its ideas through a cross-party working group.

Councillor June Harrison enquired about whether a particular market trader who had given notice to quit had now decided to return. Councillor Paul Cox confirmed that that was the case. He also indicated that the any plan for reinvigorating the town centre would require the support of traders and that market hall traders had been involved in the proposals now presented.

Approval of the report was not deemed a key decision.

Reasons for Decision

Trading conditions on the high street continue to face unprecedented pressures from reduced footfall, on-line shopping and out of town centre retail centres/supermarkets. The indoor Market Hall has not been immune from these pressures, as shown by a number of traders recently leaving and current occupancy levels are at 55%.

On 22nd September 2017, the Council's Estates Manager produced a Valuation Report recommending charges per square foot that could be used to determine the level of rents within Accrington Market. At its meeting on 29th August 2018, Cabinet agreed to a reduction in rents by 13.4%, and adjustments to service charges for the indoor Market Hall traders, phased in over a 12 month period from 1st October 2018 and gave authorisation to consider extended incentive terms/rates under exceptional circumstances for incoming indoor tenants that would provide significant added value to all stall holders. At that time, Cabinet was not asked to consider extended incentives terms/rates to current indoor tenants that would also continue to provide significant added value, but it is now recognised this was an oversight.

The indoor Market Hall traders, whilst acknowledging the 13.4% reduction, continued to make representations to Officers, the Portfolio Holder responsible for Markets and other Councillors, that the rents are too high compared to those being offered for other buildings around the town centre. A number of tenants that left to set up trading elsewhere cited high rents as the main factor and provided an example to the Portfolio Holder. A discount in rents could place the Markets in a stronger position to retain existing tenants and attract new traders, as well as an incentive for some outside traders to move into the indoor Market Hall.

The proposal sets out a 30% discount in rental charges within the indoor Market Hall, which would reduce the current £19 sq. ft. charge to £13.30 sq. ft. There is no proposal to make any further adjustments to service charges and the following traders will not benefit from any discount in their rental charges.

- Indoor Balcony traders – Current average weekly rent £35
- Peel Street shops – Current average charge £19.44 sq. ft.
- Pavilion Kiosks – Current average charge £18.52 sq. ft.

The 30% discount would see the monthly rental charge for an average indoor Market Hall stall reduce from around £577 + VAT to around £405 + VAT. This is a decrease of £172 per month or £43 per week and would reduce rental income to the Council by approximately £54,000 per annum. Whilst this will place additional financial pressures on the Market's current overspend forecast for 2019/20, for 2020/21 and beyond, most of this discount could be offset by the expected savings proposal.

The discount offered to indoor Market Hall tenants is conditional that they sign a new 3 year lease and make all monthly rent or other payments via Direct Debit, (DD) and adhere to the Council's Market Regulations. Where a current indoor market trader is in arrears, no discount will be applied to the arrears and this must still be cleared within the previously agreed timescales. The 30% discount will only commence once the new 3 year lease has been signed by the tenant and the tenant has provided proof the DD mandate is in place. Any tenant not agreeing to these conditions will remain on the £19 sq. ft. rental charge.

A review of the market staffing structure is currently underway and should be implemented before the end of the financial year. If approved and implemented, the proposals could have the potential to offer savings in the region of £50,000 per annum.

Alternative Options considered and Reasons for Rejection

The Council could leave the rents at the current level. This has been rejected because there is a political wish to see the Market Hall occupied and operating a range of traditional market stalls and no desire for lower occupancy levels.

The Council could consider discounting a different rate. Property owners/landlords are offering substantially lower rents or 12 month free rent / service charges for comparable trading premises. Whilst the Council is not in a position to match long period rent free, there is a political wish to see the full efficiency savings offered up as the discount.

Resolved

- (1) That Cabinet approves the discount in rental charges for the indoor Market Hall set out in paragraphs 3.4 and 3.5 and subject to the conditions in paragraph 3.6 of this report with effect from 1st January 2020 for a period of 3 years;**
- (2) That Cabinet delegates authority to the Executive Director (Environment) in consultation with the Executive Director (Legal & Democratic Services) to agree the terms and conditions of the leases between the Council and each individual indoor Market Hall tenant and to sign the same on behalf of the Council;**
- (3) That in exceptional circumstances, authorisation be given to the Executive Director (Environment), following consultation with the Portfolio Holder responsible for the Markets and Leader of the Council, to negotiate and agree other or additional incentives with current market trader/s where the trader/s concerned is/are considered to contribute significantly to the appeal of all stall holders or footfall in the Market or otherwise brings significant added value to the Market as a whole;**
- (4) That Cabinet notes the discount in rents will reduce income levels for the final quarter of the financial year 2019/20 and it is unlikely any efficiency savings will offset this immediately as they will take time to implement and filter through; and**
- (5) That Cabinet delegates authority to the Executive Director (Environment) following consultation with Portfolio Holder responsible for the Markets to periodically review**

and amend the Council's Market Regulations as they shall consider expedient.

173 Annual Ombudsman Letter 2019

Councillor Joyce Plummer, Portfolio Holder Resources, reported on the annual Local Government Ombudsman's (LGO's) letter for 2018/19.

Approval of the report was not deemed a key decision.

Reasons for Decision

The LGO has published its annual complaint figures in respect of each local authority.

The LGO receives a low level of complaints about Hyndburn, which makes it difficult to identify trends from the statistical information provided. The low level of complaints may however reflect good service delivery and / or a good internal complaint handling process.

In summary, in 2018/19 the LGO received 8 complaints about the Council. The table below shows the service areas to which the complaints related and compares this to the position in the last two financial years:

2018/19		2017/18		2016/17	
Benefits & CT	3	Benefits & CT	1	Benefits & CT	0
Environmental Services	1	Environmental Services	4	Environmental Services	2
Housing	1	Housing	2	Housing	1
Planning	3	Planning	7	Planning	2
Corporate Services	0	Corporate Services	0	Corporate Services	1
Total	8	Total	14	Total	6

During this period the LGO also determined 11 complaints about the Council. Details are set out in the table below, which also compares this to the position in the last 2 financial years:

2018/19		2017/18		2016/17	
Complaint not upheld	4	Complaint not upheld	3	Complaint not upheld	0
Sent back to HBC	5	Sent back to HBC	6	Sent back to HBC	3
Closed after initial enquiry	2	Closed after initial enquiry	2	Closed after initial enquiry	3
Upheld	0	Upheld	0	Upheld	1
Total	11	Total	11	Total	7

Complaints will usually be referred back to the Council for resolution because the complaint to the Ombudsman was made before the complainant had been through the Council's own complaints procedure.

Most importantly, the Ombudsman's letter does not flag up any areas of concern about either the Council's services or its procedures for dealing with complaints.

The table below shows a comparison between the Council's position and that of neighbouring District Councils over the same period. This exercise also does not indicate

any obvious cause for concern in respect of the Council, with Hyndburn receiving a comparable number of complaints to its neighbours:

Council	Complaints received	Complaints decided	Complaints upheld after detailed investigation
Hyndburn	8	11	0
Burnley	7	7	0
Pendle	8	8	1
Rossendale	18	19	2
Ribble Valley	8	9	1
Chorley	10	12	3
South Ribble	16	15	0
Preston	26	25	3
West Lancs	9	11	1
Lancaster	9	7	0

There were no alternative options for consideration or reasons

Resolved - **That Cabinet welcomes the Ombudsman’s letter for 2018/19 and notes this report.**

174 Amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing

Councillor Joyce Plummer, Portfolio Holder Resources, provided a report seeking approval for an amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing, so as to extend the issue of a 6 month licence plate to vehicles up to the age of 10 years old.

Councillor Plummer indicated that, although there were no specific funding implications for the Licensing Service, there might be a loss of around £8,000 for the Vehicle Maintenance Unit, due to the reduction in the frequency of vehicle tests for vehicles over the age of 7 years. Councillor Munsif Dad commented that the reductions in testing would be welcomed by the taxi trade. He agreed that it was important that those taxis working in Hyndburn should continue to be licensed in the Borough for enforcement purposes.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Council are responsible for setting the vehicle testing frequency for hackney carriage and private hire vehicles, which in turn determines the period of the licence that is issued. Currently vehicles under the age of 2 years are tested annually and issued with a 12 month licence. Vehicles between the age of 2 years and 7 years are tested every 6 months and issued with a 6 month licence and vehicles over the age of 7 years are tested every 4 months and issued with a 4 month licence. A vehicle cannot remain licensed beyond the age of 15 years.

Recently, when carrying out impromptu roadside inspections of licensed vehicles in conjunction with the police and officers from DVSA it has been noted that the standards of the vehicles being checked have risen and that less improvement notices are being issued.

The hackney carriage and private hire proprietors have taken on board guidance from licensing officers and have co-operated with them to ensure that the standards are raised.

Officers now believe that the 6 month licence could be extended to include vehicles up to the age of 10 years. This is because of the improvements as set out above and because officers are now carrying out more frequent roadside inspections which would highlight any potential issues between tests. Blackburn Council which is our closest neighbour issues licences for 6 months and if Hyndburn do not consider doing the same, it is possible that vehicles will be taken to Blackburn to get a 6 month licence and then come back into Hyndburn to work. If this were to happen we would have no authority over the standard of the vehicles.

Alternative Options considered and Reasons for Rejection

The Council could take no action and continue with the current policy and frequency of testing, however officers do not feel that there would be any additional benefit to public safety and in fact there could be a detrimental effect to public safety as owners migrate to neighbouring authorities to have vehicles tested and licensed then come back into this area to work leaving the Council with no control over the safety and comfort of the vehicles.

Resolved - **That Cabinet approves the amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing as set out in the report.**

175 Lease Renewal - Hyndburn Voluntary & Community Resource Centre, St James Old School Building, Cannon Street, Accrington

Councillor Loraine Cox, Portfolio Holder Housing and Regeneration, provided a report seeking approval, taking into account amended financial implications, to accept the surrender of the existing lease of St James Old School Building, Cannon Street, Accrington from Hyndburn Voluntary & Community Resource Centre Ltd (HVCRC) and grant them a new 25 year lease.

The Leader confirmed that the current voluntary and community sector usage of this building was very successful and that the building itself contributed to the overall quality appearance of St James Square. Councillor Munsif Dad added that the management team at the Resource Centre was very effective and that the success of the Centre was a credit to them.

Approval of the report was not deemed a key decision.

Reasons for Decision

HVCRC currently hold a lease of St James Old School Building, Cannon Street, Accrington which is due to expire on 18th September 2024. HVCRC have requested a new 25 year lease on similar terms to the existing lease to satisfy conditions required in relation to a grant of £165,708 from the Reaching Communities - Buildings Big Lottery Fund (BLF). This lease will assist HVCRC to satisfy conditions of the grant offer from BLF by enabling BLF to be provided with a satisfactory certificate of title from their solicitor, together with a completed deed of dedication and evidence that a restriction on the title of the land and buildings has been registered in favour of BLF.

The offer of the grant of £165,708 from BLF has been made to the HVCRC in an offer letter dated 24th April 2018. HVCRC will be expected to deliver building works comprising new, modern and accessible facilities, including new kitchens and toilets, redecoration and

replacement of internal doors throughout, in addition to an automated door entry system at the main entrance of the building. This work aims to increase the number of activities and services, and number of people attending them, who are elderly, disabled and indeed all members of the community, thus improving community cohesion, health and wellbeing and reducing social exclusion.

The original lease of the building was granted for a term of 7 years less one day from 20th September 2004. The replacement lease was for a term of 3 years to 19th September 2014. The current lease is for a period of 10 years from 19th September 2014. All previous leases including the current one were granted, subject to the tenant paying a nominal peppercorn rental.

The lease will include a user clause which stipulates that the building should be used as a community resource centre in accordance with the tenant company's charitable objectives.

The building is currently used by a range of organisations delivering key services to a diverse range of groups and clients with over 300 people visiting the site weekly. A range of social activities take place including yoga, dance and fitness classes available to young and old, both during the day and in the evenings. The centre also hosts the Red Rose Recovery and Smart Recovery Circle. Both groups work with vulnerable members of the community in helping them deal with addictions, behavioural issues, encourage self-development and rebuild self-esteem and confidence. They provide help and support through activities and training and the groups work with multi-agencies to aid recovery and reduce dependency on drugs and alcohol.

The grant offer is conditional on BLF approving a Capital Delivery Plan and Business Plan (which is currently a work in progress by HVCRC) and entering into a lease with the Council and this has been suggested by the BLF to be for a term of 25 years.

The lease will include a full repair and maintenance clause and, as such, it is expected that income derived from the activities will be reinvested into the building for maintenance and repairs, including those identified in a recent condition survey of the building, and are not dependant on HVCRC receiving the grant from BLF. In 2017 HVCRC reported to BLF a surplus of £29,018.

The tenant will, in accordance with the lease, be expected to ensure they comply with all relevant legislation whilst in occupation and provide the Council as landlord with evidence of that compliance.

Alternative Options considered and Reasons for Rejection

The building could be used as offices with a potential annual rental income of £25,000. However, there is currently a surplus of office accommodation in the Borough and therefore this income is not guaranteed.

If an alternative use were to be supported, the Council would need to bring the current lease to an end by serving the appropriate notice. It would then need to advertise the building available to let or for sale. There is already a surplus of vacant buildings in the town centre and the current proposal supports the Council's policy to transfer under-used assets to suitable community groups where this is possible.

The building could be opened up to other community groups, but the Council has not been approached by others to manage this building. In addition, the current tenant has a good track record of providing community based activities and services from this building. Another group may not have the same success rate.

The new 25 year lease is a prerequisite of the BLF providing £165,708 to HVCRC, which will be used to upgrade the building and facilities. Not providing the lease will jeopardise this funding opportunity and HVCRC would then be unlikely to be able to afford to carry out these improvements. This does not negate their liabilities under the terms of the lease to carry repairs and maintenance of the site.

To charge market rent for the building could mean the tenant does not enter a new lease, the BLF funding opportunity would be lost and vital services could cease.

- Resolved**
- **That Cabinet agrees to accept the surrender of the current 10 year lease of St James Old School Building, Cannon Street, Accrington, by Hyndburn Voluntary & Community Resource Centre Ltd and agrees to grant a new 25 year lease to Hyndburn Voluntary and Community Centre Ltd for nil consideration on the basis that, having considered part 3 of this report and the amended financial implications in part 6 of this report, Cabinet is satisfied that the grant of the lease and the proposed usage of the building will continue to promote the social, economic and environmental wellbeing of the Borough.**

With the agreement of the meeting the next three Items were taken ahead of Agenda Item 12.

176 Hyndburn Green Review

The Leader of the Council presented a report by Councillor Noordad Aziz, Chair of the Resources Overview and Scrutiny Committee, requesting Cabinet to consider the recommendations arising from the Committee's meeting held on the 31st October 2019 in relation to the Hyndburn Green Review- Overview and Scrutiny Panel Report.

The Leader reminded Members that the Council at its meeting on 19th September 2019 had signed up to the declaration of a 'Climate Emergency'. Subsequently, the Council had engaged One Carbon World, a delivery partner for the UN 'Climate Neutral Now' campaign, to provide advice upon carbon neutrality. The cost of engaging this organisation was £3k, but grants were available for up to 80% of this cost. The grant funding would also be available to other Lancashire authorities, but Hyndburn was the first to sign up.

Councillor Tony Dobson was pleased at the announcement and that Hyndburn was the first authority in Lancashire to engage One Carbon World. He commented that there was cross-party support for the green initiatives indicated that the Conservative Group looked forward to the details that would follow.

Approval of the report was not deemed a key decision.

Reasons for Decision

At its meeting on 11th September 2018, the Resources Overview & Scrutiny Committee resolved to establish a Scrutiny Panel to look at environmental issues which affect Hyndburn. The Scrutiny Panel would be called "The Hyndburn Green Review".

It was determined at that meeting that the quantity of work required, background research to be carried out and consultation with Hyndburn Borough Council departments, Lancashire County Council and local organisations needed could not be done thoroughly within the

confines of a formal committee meeting, therefore the Hyndburn Green Review Scrutiny Panel was established.

It was agreed that Councillors Jenny Molineux and Stephen Button would act as Co-Chairs of the Panel, and that an open invitation should be submitted to all non-Cabinet members to become part of the Panel. Councillors Noordad Aziz, Tim O’Kane and Michael Miller were appointed to the Panel, as was Joan West, a member of the Green Party who the Panel determined could add some real knowledge to the review being carried out.

It was agreed that the Panel would set its own terms of reference and project plan. There was much debate on establishing the particular terms of reference, with several variations discussed before agreement was made, as follows:

- (i) To review Hyndburn Borough Council’s contribution to improving the environment including, but not limited to, energy usage, carbon footprint, recycling and service areas linked to the green agenda.
- (ii) To investigate whether or not the Council has environmental objectives, and if so, its performance against those objectives.
- (iii) To review on a wider scale, environmental issues in Hyndburn which are not related to Hyndburn Borough Council, including, but not limited to LCC, transport, landfill and other organisations with a green agenda.

The Panel held its first meeting on the 13th November 2018. This initial scoping meeting would determine exactly what Members wished to get out of the review and the scrutiny review process. The subject of this review had potentially endless angles which could be considered relevant, therefore the Panel felt it was important to narrow down exactly where they wished the review to focus.

The Overview and Scrutiny Officer and Chair of the Panel collated all the information to produce the Panel’s report. A final meeting was held with the Panel to agree the document and recommendations, which was held on the 24th October 2019.

As part of the Scrutiny process, the full report of the Panel was submitted to the Resources Overview and Scrutiny Committee on the 31st October 2019 for approval prior to submission to an upcoming Cabinet meeting.

Due to the number of recommendations in the report, the Panel would not expect instant responses to the recommendations from Cabinet and instead hoped that Cabinet will report back to the Resources Overview and Scrutiny Committee with its responses once it has had time to consider the report by the Panel in full.

Alternative Options considered and Reasons for Rejection

Cabinet may choose to agree to any or none of the recommendations made by the Resources Overview and Scrutiny Committee, Hyndburn Green Review Panel.

- Resolved**
- (1) That Cabinet notes the contents of the Hyndburn Green Review - Overview and Scrutiny Panel Report.**
 - (2) That Cabinet approves the implementation of a cross-party Member and Officer working group to analyse the summary of information within the report and make progress on the recommendations of the Panel.**

177 Financial Position September 2019 - Report for the Year Ending 31st March 2020

Councillor Joyce Plummer, Portfolio Holder Resources, reported on the financial spending of the Council up to the end of September 2019 and the financial forecast outturn position for the Accounting Year 2019/20. Members considered a table within the report, which set out the core financial details.

Councillor Tony Dobson enquired about the likely impact of the 30% discount in rental charges within the indoor market approved under Agenda Item 8. The Leader acknowledged that it was easier for some services to break even than others. The challenges faced by the Market Hall were as a result of changing shopping habits. However, the building was a grand centre-piece to the town centre and the long term vision was for it to at least break even. Councillor Paul Cox highlighted Paragraphs 3.5 – 3.8 of the report at Agenda Item 8, which addressed some of the financial issues raised.

Approval of the report was not deemed a key decision.

Reasons for Decision

The spend for the first 6 months of the financial year to the end of September 2019 is £5,663,000 compared to a Budget of £5,744,000 giving a positive variance of £81,000 over the first 6 months of the year.

The current forecast spend to the end of the financial year in March 2020 is £10,913,000 compared to a Budget of £10,993,000. This forecast produces a positive variance of £80,000 by the end of the financial year. There are small adverse forecasts for Planning & Transportation, Policy & Corporate Governance, Regenerations and Property Services and Environmental Services, with positive variances elsewhere producing an overall surplus.

Environmental Services

Environmental Services are predicting a year end adverse variance of £75,000. This stems from salary savings of £11,000 on Food Safety, Waste Services income down £9,000 and £1,000 of additional miscellaneous costs offset by £103,000 of positive variance against Budgets on Recycling and £15,000 of salary savings. Parks & Cemeteries are predicting an adverse variance of £15,000 due to a predicted shortfall in income of £36,000 less £13,000 saved on salary costs and £6,000 of other savings while the Cemetery and Crematorium Service are forecasting £5,000 more income and £3,000 net additional spend by the year end. The Town Centre and Market Halls Budget is indicating an overall adverse variance of £177,000, comprising £190,000 reduced income at the Market Hall and income from CCTV down by £10,000 less £12,000 of salary savings and £11,000 of miscellaneous cost savings.

Culture & Leisure Services

Culture and Leisure Services are indicating a positive variance of £25,000 due to £30,000 of savings on leisure budgets less £5,000 additional net expenditure at the Haworth Art Gallery.

Planning & Transportation

Planning & Transportation are predicting an adverse variance for the year of £38,000. This is due to a predicted shortfall in income compared to budget on Building Control of £65,000 and additional salary expenditure in this area of £21,000. Elsewhere on the Budget there

are £23,000 of staff savings and £46,000 of additional income less £21,000 of miscellaneous additional expenditure.

Regeneration & Property Services

Regeneration & Property Services are predicting an adverse variance of £89,000 at year-end with salary costs up by £63,000 over the year compared to budget and expected additional costs of £56,000, less £30,000 of additional income.

Policy & Corporate Governance

Policy & Corporate Governance are predicting an adverse variance of £134,000. This stems from salary savings of £78,000 less the Corporate Savings Target for the year of £165,000, predicted increases of £100,000 on Housing Benefit Costs, along with £10,000 of additional miscellaneous costs less £63,000 of additional income.

Non Service Items

The current estimate for the year is a positive variance of £389,000.

There were no alternative options considered or reasons proposed for rejection

Resolved - **That Cabinet notes the report and asks Corporate Management Team to continue to reduce costs and increase income over the remaining months of the financial year.**

178 Medium Term Financial Strategy 2020/21 to 2022/23 - October 2019 Update

Councillor Joyce Plummer, Portfolio Holder Resources, provided a report informing the Cabinet of the 3-year projections of income and spending for the Council ahead of formulating its 2020/21 Revenue and Capital Budgets.

The detailed Medium Term Financial Strategy (MTFS) was provided as an appendix to the report.

The Leader expressed his satisfaction with the report and the commented on the accessibility of the information provided. It was noted that next year's finances would now be relatively straightforward due to the delay of the Government's Fair Funding Review and that there were some positives for the future taking into account likely increases in Council Tax and the growth in business rates predicted. Overall, Hyndburn had consistently been able to deliver below inflation Council Tax rises, at the same time as dealing with the pressures of austerity.

Councillor Tony Dobson welcomed the announcement that the Council was expected to continue to receive £1.5M Revenue Support Grant for 200/21. It was acknowledged that all local authorities' finances had been squeezed in recent years.

Councillor Plummer thanked the Deputy Chief Executive and his staff for their work in providing the report.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Cabinet requires an update on its medium term financial outlook ahead of setting the Budget for 2020/21 and determining the level of Council Tax for the new financial year. This report also ensures those decisions are taken with a view to the overall position of the Council going forward and are not limited to a narrow one year perspective.

There were no alternative options considered or reasons proposed for rejection

Resolved - **That Cabinet approves the report and the accompanying Medium Term Financial Strategy (MTFS).**

179 Exclusion of the Public

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

180 Accrington Stanley Community Trust Loan

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was given by Councillor Glen Harrison, Chair of the Communities and Wellbeing Overview and Scrutiny Committee, to the following decision being made by Cabinet on 13th November 2019 in private, on the grounds that the decision was urgent and could not reasonably be deferred.

Reason for Urgency

To enable progress to be made on the arrangements for a loan to the Trust, at the earliest opportunity, to aid them with their development of a Sport Hub at Higham Playing Fields.

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 & Arts, Councillor Munsif Dad BEM, JP provided a report informing the Cabinet of a request from Accrington Stanley Community Trust (ASCT) for a loan in connection with the Trust's development of a Sport Hub at Higham Playing Fields.

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 exempt report be approved.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed