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# CABINET

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**Wednesday, 9th June, 2021**

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

**In Attendance:** Councillors Peter Britcliffe, June Harrison, Marlene Haworth and Paddy Short

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**15 Apologies for Absence**

There were no apologies for absence submitted on this occasion.

**16 Declarations of Interest and Dispensations**

Councillor Munsif Dad BEM JP, declared a personal interest in connection with Agenda Items 5 and 11 Urgent Decisions Taken, in connection with his role as a member of the Board of Trustees of Hyndburn Leisure.

There were no reported dispensations.

Councillor Miles Parkinson OBE made a brief announcement as follows:-

“I can report that following the statements made at Council highlighting concerns about financial inducement, all matters have now been referred to the Police so that we can uncover any improper activity or alternatively receive the appropriate reassurance.”

**17 Minutes of Cabinet**

The minutes of the meeting of the Cabinet held on 17<sup>th</sup> March 2021 were submitted for approval as a correct record.

In respect of Minute 171 - Rent and Service Charge Concessions for the Indoor Market Hall, Councillor Peter Britcliffe, Joint Deputy Leader of the Opposition, enquired what support was available for existing stall holders. Councillor Paul Cox, Deputy Leader of the Council, responded that a 30% reduction had been granted prior to the pandemic and a further 22.5% had been applied during the COVID outbreak. A number of other concessions had also been made. Full details could be provided outside of the meeting.

In respect of Minute 173 - Proposed Sale of Land at Church Canal Gateway, Councillor Peter Britcliffe noted that the proposals had been on-going for some time and queried whether there remained restrictions on housing development on the land due to neighbouring chemical industries. He asked how hopeful the Council was of the proposals coming to fruition. Mark Hoyle, Head of Regeneration and Housing Services, indicated that the land was subject to a current planning application. It was likely that housing would be excluded from the site, but a commercial development remained a strong possibility. The Council was hopeful that the site would be developed and was in touch with the agents acting on behalf of the developer. There had also been wider interest expressed in the site at an earlier stage.

In connection with Minute 174 – Grant of Lease of King George V Playing Fields to Accrington Stanley FC (ASFC), Councillor Marlene Howarth, Leader of the Opposition, asked if the site would still be accessible to the general public. She expressed concern that the site might no longer be available for informal recreation, but would only be open for organised sports. Councillor Miles Parkinson OBE, Leader of the Council, responded that the proposal was the subject of negotiations between the Sport England, ASFC and the Council. The site would be mainly for the use of ASFC, but there would be some interaction with the community. Mr Hoyle reported that there would be a community use agreement in place giving wider access through schools and ASFC’s own academy. Community use was likely to be a condition of the planning approval. However, the site would be fenced off for security reasons, meaning that residents would not have the same unrestricted access. The Leader of the Council added that the situation was not unlike that of Highams Playing Field. The site had previously cost a lot for the Council to maintain and was under-used by formal bookings, at less than 2 hours per week. There remained other recreational space in the vicinity.

Regarding Minute 175 – Financial Position January 2021, Councillor Peter Britcliffe asked about the total amount of Government support to Hyndburn during the Coronavirus pandemic. The Leader and Joe McIntyre, Deputy Chief Executive, indicated that at the last reckoning this had been around £37M in Business Support Grants and furlough money, as well as around £2M paid directly to the Council. Councillor Britcliffe asked about the reason for the positive variance of £1.53M for the first 10 months, compared to the anticipated adverse variance forecast at year end of £225k. He also asked if there was any evidence that the Government would meet its promise that all authorities would be able to balance their books at year end. The Leader responded that Council expenditure had slowed during the early phases of the pandemic, but then the on-going impacts had started to become a factor. The Deputy Chief Executive added that a further factor was that the Government had given some grants early on to fund the immediate crisis in September and October 2020, but that had started to be used up, leading to the predictions of an adverse variance. The Government’s promise about balancing the books had been noted, but noting further had been heard about the details. Notwithstanding the above, the Council was in a much better financial position than had been first thought.

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

**18 Minutes of Boards, Panels and Working Groups**

The minutes of the following meeting were submitted:

- Cabinet Committee (Street Naming) – 17<sup>th</sup> March 2021

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

**19 Urgent Decisions Taken**

In accordance with Executive Procedure Rule B16(c), Members considered a report on the following decisions taken under the urgency procedure:

No.	Decision Heading	Portfolio Holder	Date of Approval
(a)	National Recovery Leisure Fund (NRLF) Award	Councillor Munsif Dad BEM JP	23 <sup>rd</sup> March 2021

(b)	Appointment of an external expert consultant to work on the Council's Levelling Up Fund bid	Councillor Miles Parkinson OBE	26 <sup>th</sup> March 2021
(c)	Super Slow Way project contribution	Councillor Munsif Dad BEM JP	22 <sup>nd</sup> April 2021

Councillor Munsif Dad BEM JP highlighted some key elements of the decision taken around the NRLF and the reasons for urgency.

Councillor Miles Parkinson OBE outlined the members of the interview selection panel for the Levelling Up consultants, Bradshaw Advisory, and their two main tasks:

- to work with the Stakeholder Group review the Accrington Area Plan 2012 and to produce an new Strategic Town Centre Investment Plan and
- to utilise their proven experience when submitting the bids for projects for inclusion in the Council's Round 2 Levelling Up Fund submission, the date of which was likely to be announced in the Autumn.

The Stakeholder Group had also met on a number of occasions to discuss with the Design Council a shared vision for Accrington Town Centre and to consider partnership models and a governance structure to oversee stakeholder engagement.

**Resolved** - **To note the report on urgent decisions taken.**

## 20 Reports of Cabinet Members

There were no verbal reports provided on this occasion.

## 21 Portfolio Responsibilities 2021/22

Councillor Miles Parkinson OBE provided a list of the Cabinet Portfolio Holders and details of their respective Portfolio responsibilities for 2021/22. A summary the Portfolios is as follows:

- Councillor Miles Parkinson OBE – Leader of the Council
- Councillor Paul Cox – Deputy Leader of the Council
- Councillor Loraine Cox – Regeneration and Wellbeing
- Councillor Joyce Plummer – Resources
- Councillor Munsif Dad BEM JP – Education, Leisure and Arts

Approval of the report was not deemed a key decision.

### *Reasons for Decision*

The decision of the Leader with regard to the appointment of the Cabinet for 2021/22 was reported to Members for information purposes.

*There were no alternative options for consideration or reasons*

**Resolved** - **To note the decision of the Leader of the Council in respect of the size of the Cabinet, the appointment**

**of its Members and the allocation of areas of responsibility to Cabinet Members.**

**22 Appointment of Cabinet Committees and Cabinet Groups 2021/22**

Councillor Miles Parkinson OBE, Leader of the Council, provided a report on the establishment of Cabinet Committees and Cabinet Groups for the 2021/22 Municipal Year and the appointment of members to those Committees and Groups.

Approval of the report was not deemed a key decision.

*Reasons for Decision*

In June 2015, Cabinet had established the Cabinet Committee (Scrap Metal Dealers Act 2013). The Cabinet Committee determined whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013, where the applicant or licensee (as the case may be) had informed the Council that they wished to make oral representations. This enabled compliance with statutory requirements.

In December 2017, Cabinet had established the Cabinet Committee (Street Naming). The Cabinet Committee discharged the Council's functions in respect of the naming and renaming of streets pursuant to Sections 17 and 18, Public Health Act 1925.

In June 2018 the Cabinet had established the Cabinet Committee (Digital Committee). The Cabinet Committee provided a forum for Cabinet to consider the impact of the digital economy on the Borough and its town centres in particular.

In June 2015, Cabinet had also established the following three Cabinet Groups which acted in an advisory capacity to Cabinet and did not have any delegated or decision making powers:

- Covenant Commemoration Working Group (formerly Accrington Pals Centenary Commemorations Group);
- Cabinet Public Transport Group; and
- Cabinet Waste and Recycling Group.

It was proposed that the above Groups continued into 2021/22, subject to the following consideration. An exercise had been undertaken by Member Services in July 2020 to ascertain the activity status of a number of Working Groups and Panels, as Coronavirus restrictions started to ease. The Public Transport Group, had not met since November 2016 and the Head of Planning and Transportation had identified this Group as potentially surplus to requirements. It was acknowledged that some of the projects identified within the Group's terms of reference had now been completed. However, there were other matters, such as on-going rail transport considerations, which might warrant the continuation of this Group. Members were, therefore, invited to confirm the retention of this Group.

The terms of reference for all of the bodies were appended to the report and Cabinet was also asked to appoint Members to those bodies. Members were asked to note that provision set out in the terms of reference of the three groups identified at Paragraph 3.4 of the report, for a nominee from the Independents (a notified political group which no longer existed in Hyndburn), would not normally be construed as applying to an individual Independent Member.

The proposed membership was as follows:-

Cabinet Committee (Scrap Metal Dealers Act 2013)	Councillor Loraine Cox (Chair) Councillors Paul Cox and Miles Parkinson OBE
Cabinet Committee (Street Naming)	Councillor Loraine Cox (Chair) Councillors Munsif Dad and Miles Parkinson OBE Councillor Judith Addison (attending)
Cabinet Committee (Digital Economy)	Councillor Munsif Dad BEM JP(Chair) Councillors Joyce Plummer and Paul Cox
Covenant Commemoration Working Group	Councillor Miles Parkinson OBE (Chair) Councillors Judith Addison and Paddy Short
Cabinet Public Transport Group	Councillor Miles Parkinson OBE (Chair) Councillors Judith Addison, Noordad Aziz, Michael Hindley and Tim O'Kane
Cabinet Waste and Recycling Group	Councillor Paul Cox (Chair) Councillors Michael Miller, Joyce Plummer and Kate Walsh

*Alternative Options considered and Reasons for Rejection*

An option not to appoint any of the proposed Panels and Groups was considered, but would not meet the Cabinet's need to establish effective arrangements for the discharge of specialist areas of its business.

**Resolved**

- (1) That Cabinet agrees to the establishment of the Cabinet Committees and Cabinet Groups, and with the terms of reference, as set out in the Appendix to the report.**
- (2) That the membership of the Cabinet Committees and Cabinet Groups, as set out in paragraph 3.7 of the report be approved.**

**23 Council Tax Data Sharing Agreement**

The Cabinet considered a report of Councillor Joyce Plummer, Portfolio Holder for Resources, informing Members that the Council had been asked to enter into a Data Sharing Agreement (DSA) with the Office for National Statistics (ONS) for the purpose of sharing Council Tax data to ensure the Council supported ONS to deliver an accurate population count in the latest Census 21 and future ONS general statistical returns.

Jane Ellis, Executive Director, Legal and Democratic Services, provided a brief introduction to the report. The Council had initially be reluctant to enter into a formal agreement around data sharing, but had reconsidered the matter in the light of the fact that most authorities had now done so. ONS had provided the necessary assurances around data security to the satisfaction of the Council.

Approval of the report was not a key decision.

*Reasons for decision*

Every decade the Office for National Statistics carried out a national Census and worked with local authorities to deliver a successful campaign encouraging the local community to participate to help plan for future needs, ensuring that big decisions facing the country were based on the best information possible.

The Census was a way the country could help plan its way out of a pandemic and help underpin economic benefits by providing accurate low lying data which was used in many aspects of lives e.g., statistics to support decision making, to steer policy, allocating resources, funding bids, education and planning services. Accordingly, it was beneficial that each area encouraged as many households as possible to complete the survey to provide an accurate picture and representation of their local area.

The Council had been asked to share its Council Tax data on a monthly basis with the ONS to help improve the accuracy and quality of the Census both locally and nationally by entering into a Data Sharing Agreement with the ONS. The ONS had also asked the Council to continue to share Council Tax data with it on an ongoing monthly basis once the work on the Census had concluded.

The DSA contained a list of variables that would need to be extracted from the Council's Revenue and Benefit System, which would include information such as name, address, Council Tax band, amount paid, reduction, amount liable, disability reduction, exemption type, and empty or second home supplied to ONS on a monthly basis using extraction software called Movelt. This would be managed on the authority's behalf, unless the Council agreed to use a different software with ONS. Then, the Council Tax Data would be stored securely in ONS's Data Access Platform (DAP) and would be de-identified at the earliest possible point by business areas who would use it.

Council Tax data would be key to quality assuring Census data. Moreover, in the longer-term Council Tax data would be used to help ONS contribute towards statistics across many areas such as socio-economic indicators, housing stock, social mobility and so on. This would also enable ONS to produce timely, locally stratified data for councils across the country.

ONS would only use the data provided to produce anonymised statistics. There would be no direct impact at all on individual members of the public from the use of this data. Record level data would be used for data linkage, but this would be done by algorithms so personal data would not be seen by ONS researchers and statisticians, further minimising any risk to individuals.

Council Tax data would help support ONS to produce regular government statistical releases to inform policy-making decisions, provide mid-year population estimates, help to monitor the economy and was a primary measure of inflation. The data was also used by businesses, universities, the media and the public to monitor the Government's performance and gain a better understanding of the UK economy. At local authority level it helped the Council understand housing need, future housing growth and many more vital indicators involved in the whole decision making process and in steering future policy.

The reasons ONS required Council Tax data was because Personal Identifiable Information was required to enable ONS to link to other administrative data sources, which would allow the ONS to produce statistics beyond what was possible using Council Tax data in isolation. Names, for example, were one of the most important linkage variables that were used to ensure that agencies could have a high degree of confidence in the match, something that could not be achieved without using people's names.

By linking datasets rather than treating them individually analysts could draw insights from across the data, which helped ONS find new patterns that otherwise might not be seen. The matching and linking was carried out by algorithms which meant that the names were not actually seen by ONS statisticians or researchers using the data, who received an aggregate or anonymised output.

The Information Commissioner's Office (ICO) stated that Data Sharing Agreements were not intended to be legally enforceable – 'drafting and adhering to an agreement does not in itself provide you with any form of legal indemnity from action under the data protection legislation or other law.' It was, however, something that the ICO would take into account should either party make a complaint.

Data Sharing Agreements were created to provide clarification and understanding to what data was being shared, for what purpose and whether there was a lawful basis for doing so. It addressed legal concerns, but it did not enforce them.

The DSA was simply a memorandum of understanding with agreed steps for both parties to take. Once the Council data was passed to ONS they were responsible for the data. If there was ever a data breach or ONS broke GDPR guidelines, then the ICO would hold ONS to account. Accordingly, there was a legal enforcement route, albeit not between ONS and Hyndburn Borough Council directly. From the information supplied by the ONS, the ONS appeared to have appropriate data security measures in place.

The DSA was not specific to the Census and ONS would continue to collect data after the Census had been completed.

To date Council Tax data was already being submitted to the ONS on this basis and for these purposes by 313 councils.

#### *Alternative Options considered and Reasons for Rejection/*

If the Council did not agree to share the data there was a possibility of implications on the Local Authority being served with a Notice.

Under s45C Statistics and Registration Service Act 2007 (SRSA), the UK Statistics Authority had the power to issue a Notice on public authorities, in this instance Local Authorities (LAs), requiring them by law to share the information ONS were requesting in order to exercise our statistical functions. This differed from the current request for information under s45A SRSA, which allowed the LA to exercise their own discretion as to whether or not to share the information.

At present, non-mandatory data requested allowed for a degree of negotiation on the terms of data sharing and came with the added benefit of flexibility around submission dates. However, voluntary agreement was also suggested to avoid the risk of criminal liability for the Council and its staff which might arise if provision of the data was mandated.

Failure to comply with a Notice once it had been served constituted a criminal offence. Such an offence would have been committed not only by the local authority, but also by any officer of that local authority with responsibility for the breach (see sections 45F(4) and 45F(5)). Such an offence might or might not be prosecuted by the Crown Prosecution Service depending on the circumstances.

#### **Resolved**

- **That the Council enter into a Data Sharing Agreement with the Office for National Statistics (ONS) to share Council Tax data as outlined in the report provided, for the purpose of:**
  - (a) **assisting the ONS to deliver an accurate Census 2021 for Hyndburn; and**

- (b) **setting a framework for the ongoing monthly supply of Council Tax data to the ONS to improve the quality and accuracy of ONS general statistical data and the locally stratified data relating to the Borough and its population.**

## 24 Overview and Scrutiny Work Programme

A report was presented requesting that the Cabinet to give consideration to and comment on the draft work programmes for Overview and Scrutiny for 2021/22. Councillor Paddy Short, Chair of the Resources Overview and Scrutiny Committee, outlined the proposals and explained the consultation process used to identify topics for inclusion in work programme.

Approval of the Report was not deemed a key decision.

### *Reason for Decision*

At the beginning of each municipal year, the Council’s Overview and Scrutiny Committees each agreed a work programme for the year.

The process for agreeing the work programme was set out in Overview and Scrutiny Procedure Rule C6(a) as follows:

“A draft work programme will be submitted for comment to the first appropriate meeting of the Cabinet at the beginning of each new Municipal Year and the draft work programme for each overview and scrutiny committee will then be submitted to the next following meeting of that committee (together with any comments or recommendations from the Cabinet) for approval”.

A draft work programme for each of the Committees was submitted for comment. This would be sent in draft to Cabinet, then to both Scrutiny Committees along with any comments from Cabinet. The Scrutiny Committees would then approve a full programme.

The work programmes had been developed following consultation including:

- Multiple emails to all Councillors;
- Suggestions sought from all service managers;
- Press release/social media coverage for public suggestions; and
- Informal meeting with the Cabinet.

Twelve items had been suggested by Councillors and Service Managers. A further item had been suggested by an external organisation working on a local project. No items had been submitted directly by the public.

A full list of items submitted by Councillors and reasons why they had been included / not included was provided in the main report. However, a summary is shown below:

<b>Subject</b>	<b>Status</b>	<b>Committee</b>
Council AEDs	Accepted	Communities
Progress on the Council’s green agenda/climate pledge	Accepted	Resources

Impact of the pandemic	Accepted – could be done in 2 stages.	Communities (potential for Resources to consider impact on the Council)
Review of progress on the Huncoat Strategic Housing site	Rejected – now progressing with local plan	Resources
Performance of Council owned properties leased to community and charitable organisations	Rejected – staff resources not available to carry out review to this extent. Possibility to consider a lighter touch review more focussed on those organisations working in the buildings	Resources
Hyndburn Leisure	Accepted	Resources
Performance Review	Accepted	Resources
Healthy Weight Declaration	Accepted	Communities
Air Pollution	Rejected – reviewed in recent past	Communities
PREVENT	Accepted	Communities
Mental Health	Accepted	Communities
Childhood Obesity	Accepted	Communities

The following were standing items and would appear on the work programme:

- Crime and Disorder (Community Safety); and
- Budget Scrutiny.

The following additional items had been agreed at the informal meeting of Scrutiny Chairs and Cabinet:

- Invite PCC Andrew Snowden to report on local policing;
- Review of Council's Reserves (including free and earmarked reserves and any current risks);
- Suicide Prevention;
- Domestic Violence;
- Parliamentary Boundary Review; and
- Recycling.

The Chair of the Resources Overview and Scrutiny Committee had also requested the following item be added:

- Review of Business Rates Collections.

Items had been provisionally allocated to specific meetings. However, these might be subject to change during the year, particularly where they involved the attendance of external and partner organisations, when attendance at meetings may be more difficult as organisations recovered from the pandemic.

As in previous years, additional items could be added to the work programmes as the year progressed, in accordance with the Scrutiny Procedure Rules.

*There were no alternative options for consideration or reasons*

**Resolved** - **That Cabinet notes the work programmes for the Overview and Scrutiny Committees contained in Appendix 1 to the report.**

## **25 Scrutiny Panel Report - Council Automated External Defibrillators (AEDs)**

A report was presented from the Communities and Wellbeing Scrutiny Panel established to consider the matter of Automated External Defibrillators (AEDs). Councillor June Harrison, a member of that Panel, introduced the report. The Communities and Wellbeing Overview and Scrutiny Committee had considered this matter on 25<sup>th</sup> November 2020 and had determined to establish a Scrutiny Panel to consider a number of issues about AEDs. Public AEDs were an important life-saving tool and the Council had invested in their provision. However, a number of AEDs sited on buildings not owned by the Council were now offline. The recommendations of the Panel were set out in section 5 of the Panel's report and reproduced in the covering report to the Cabinet.

Approval of the report was not deemed a key decision.

*Reasons for decision*

At its meeting on 25<sup>th</sup> November 2020, the Communities and Wellbeing Overview and Scrutiny Committee had resolved to establish a Scrutiny Panel to look at current issues associated with AEDs in Hyndburn. The Scrutiny Panel would be called "The Hyndburn AED Review."

It had been determined at that meeting that there were several issues causing problems with AEDs in Hyndburn, and the Panel wished to make recommendations to resolve those issues urgently. The Committee had received detailed reports regarding AEDs in Hyndburn, but felt the need to carry out a more detailed review, with a particular focus on resolving the issues identified in the report.

An Automated External Defibrillator (AED) was commonly referred to as a defibrillator or 'defib'. It was a device that gave an electric shock to the heart through the chest wall to someone in cardiac arrest. Without defibrillation a person in cardiac arrest would die. There were defibrillators in many public places such as shopping centres, airports, train stations, schools and businesses which anyone could use - even those without awareness training - in the event of a cardiac arrest.

In the UK, around 60,000 people had an out-of-hospital cardiac arrest every year and less than one in 10 people survived. One of the main reasons for this was the lack of action from bystanders before ambulance crews arrived. Defibrillation within five minutes could result in survival rates as high as 70%. For this to happen, it was essential that bystanders took action by using defibrillators in the community. For that to happen, defibrillators needed to be made as readily available as fire extinguishers. For each minute without defibrillation, a person's survival chances decreased by 10%.

In 2016, Huncoat and Central/Springhill Area Councils had authorised capital expenditure on 9 Defibrillators which had been installed at publically accessible sites across these areas. These had been installed on a mixture of Council, private and third sector buildings

in strategic places in line with guidance from North West Ambulance Service (NWAS). As part of the installation process, the Council, with support from NWAS, had produced an agreement which laid out the responsibilities of each party (Council, NWAS and building owner) with regards to the ongoing maintenance of each AED. Building owners had agreed to supply electricity to the cabinet and to carry out regular visual inspections to ensure the AED was functional, and report any issues to NWAS.

Since then, additional AEDs had been installed, including directly on Council buildings, via further Area Council expenditure and through Area Council grants. There were currently 19 AEDs with which the Council had had some involvement. There were numerous other AEDs across Hyndburn owned by other organisations, charities and private businesses across the Borough.

There was currently no single Council department with responsibility for the authority's AEDs. At the time of writing, 8 of the AEDs were currently offline on the NWAS system, meaning they were not available for public use. There were no issues with AEDs on Council buildings, the problems mainly lying with those AEDs purchased by the Council and located on non-Council buildings or with those AEDs purchased by third parties using an Area Council Grant.

A budget requirement of £12,000 was required annually in order for the Council to maintain the AEDs and for the officer time to carry out the required weekly checks. The budget requirement was viewed as a maximum and could be reduced significantly in subsequent years by implementing measures discussed in the appendix, such as seeking agreement from the current building owners/occupiers to carry out checks and basic maintenance or relocating AEDs to Council buildings where weekly visual checks could be carried out more efficiently by Council staff.

The AED Scrutiny Panel had investigated the issues and produced a comprehensive report on its findings.

Councillor Miles Parkinson OBE commented that the Cabinet would be happy to accept the recommendations, but that Recommendation 2.7, concerning getting AEDs back online quickly, might take a little while longer to implement than anticipated, but that every effort would be made to do this as soon as possible.

#### *Alternative Options considered and Reasons for Rejection*

Remain as is – This was not recommended as the current system was not working, 8 AEDs were currently offline and, therefore, not available should someone go into cardiac arrest in the vicinity of one of those devices. During the course of the review the Facilities Team had worked to ensure all the AEDs on Council buildings were back online, but the problem still persisted with those not on Council buildings.

Decommission the AEDs – This was not recommended as although it was recognised that the provision of public AEDs was not a statutory duty of the Council, they were important items of emergency equipment which had been proven to save lives in the community. Decommissioning should only be considered for those AEDs which were returned to the Council and where no suitable place for relocation could be found, or where the AED unit was no longer viable.

#### **Resolved**

- **That Cabinet:**

**(1) Delegates responsibility to the Chief Executive to make suitable arrangements for the ongoing**

management of Council AEDs having regard to the recommendations in the Scrutiny report provided.

- (2) Agrees that the required budget of up to £12,000 annually be found from the remaining underspends budget for 2021/22 to be followed by a growth bid for budget provision for subsequent years.
- (3) Agrees that, having public AEDs which are not available for use is worse than having no AED at all. Therefore, officers in consultation with the North West Ambulance Service (NWAS) should write to the building owners/occupiers and seek agreement that they will carry out weekly checks, reporting to NWAS, and maintenance, or return the AED to the Council.
- (4) Agrees that, should any AEDs be returned, officers in consultation with NWAS consider whether it would be appropriate to relocate any of the AEDs or decommission them, having regard to the recommendations in the Scrutiny report provided.
- (5) Agrees that Officers give consideration to what action should be taken at the end of each AED unit's shelf life.
- (6) Agrees that weekly checks, reporting and maintenance of the AED be included in any new lease agreement for the Arthur Wilson Centre.
- (7) Agrees that the above recommendations should be carried out as soon as practicable in order to get the AEDs back online quickly.
- (8) Agrees that officers liaise with NWAS to ensure they are fully aware of any changes to arrangements for AEDs.
- (9) Agrees that officers be asked to report back to the Communities and Wellbeing Overview and Scrutiny Committee in approximately 6 months time to provide an update.

## **26 Financial Position February 2021 - Report for the Year Ending 31st March 2021**

Councillor Joyce Plummer, Portfolio Holder for Resources, provided a report informing Cabinet of the financial spending of the Council up to the end of February 2021 and the financial forecast outturn position for the Accounting Year 2020/21.

Councillor Plummer highlighted key elements of the report, as follows:

- The adverse variance forecast for February 2021 had been reduced to £188,000, which was an improvement on the forecast as at January 2021;

- This was a welcome direction of travel and reflected both the amount of Government grants received and widespread efforts of staff to contain expenditure;
- Any overspend was unwelcome, but the gap was continuing to narrow. There was a possibility that the authority would break even, or even have a positive variance at year end;
- The Council had handled more monies than ever before, which raised the possibility of any variance being significant. However, Hyndburn's variance was in fact very small compared to the overall turnover.

Councillor Peter Britcliffe expressed disappointment that the report had not been available sooner, as this had given little time to analyse the information. The Leader of the Council responded that officers were currently stretched, but that the positive message in the report reflected the hard work of all staff.

Approval of the report was not deemed a key decision.

#### *Reason for Decision*

The spend for the first 11 months of the financial year to the end of February 2021 was £9,469,000 compared to a Budget of £11,204,000, giving a positive variance of £1,735,000 over the first 11 months of the year.

The current forecast spend to the end of the financial year in March 2021 was £11,415,000 compared to a Budget of £11,227,000. This forecast produced an adverse variance of £188,000 by the end of the financial year. The adverse variance across the Council was attributable to the impact of COVID 19 on the Council's overall financial position, requiring it to spend additional sums to address the impact of the pandemic while at the same time suffering a reduction in its income, due to the downturn in economic activity stemming from the pandemic.

The predicted level of variance against the Budget could be managed within the Council's overall reserves.

The financial detail was set out in a table at the end of the report. The report also included a more detailed commentary about expenditure in the following service areas:

- Environmental Services;
- Culture and Leisure Services;
- Planning and Transportation ;
- Regeneration and Property Services;
- Policy and Corporate Governance; and
- Non Service Items.

The figures for service areas included estimated losses in income due to the pandemic, less additional specific Government funding to help offset some of the losses incurred. Overall, the authority had estimated a loss in income across the Council of £1,033,000 and had assumed that the Government would provide a grant of £588,000 to offset those losses. The estimate was based around the Government guidance issued in this area. This process was subject to further review and a year-end reconciliation under the Government's rules around this grant, so the figures were subject to confirmation and revision. This would only take place after the financial year-end. As such the figures could move upwards or downwards as a consequence, potentially by significant amounts as the scheme was new and untested.

The estimates around expenditure necessary to fight COVID 19 were subject to more uncertainty than in the normal forecasting of expenditure, given the unprecedented demands and changing nature in this area and, therefore, these forecasts were subject to larger variance than usual within a local authority Budget.

The authority expected a substantial increase in the non-payment of Council Tax and Business Rates, as well as a large rise in the numbers of Council Tax Support Claimants due to the pandemic. Due to the statutory requirements around accounting for these transactions, the losses in these areas this year would not manifest themselves until future year budgets and would be dealt with by adjustments to the Council's revenue levels in later years.

The Government had potentially indicated that it would ensure all Tier 3 Councils were able to balance their 2020/21 and 2021/22 Budgets and, therefore, funding might be available to reduce the adverse variance to zero by the end of the year. However, at this stage no details had been provided around this potential extra financial support that might be available and, therefore, this funding was not included within this Budget forecast.

The level of adverse variance currently predicted would need to be funded from existing reserves if the extra funding did not materialise. The existing level of Council Reserves would be able to absorb such an adverse variance without a major impact on the Council's overall financial position.

*There were no alternative options for consideration or reasons*

**Resolved** - **That Cabinet notes the report on the financial position as at February 2021 and asks Corporate Management Team to continue to reduce costs and increase income over the remaining weeks of the financial year.**

**27 Exclusion of the Public**

**Resolved** - **That, in accordance with Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during the following item, when it was likely, in view of the nature of the proceedings that there would otherwise be disclosure of exempt information within the Paragraph at Schedule 12A of the Act specified at the item.**

**28 Urgent Decisions Taken**

*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)*

In accordance with Executive Procedure Rule B16(c), Members considered a report on the following decisions taken under the urgency procedure:

No.	Decision Heading	Portfolio	Date of
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		<b>Holder</b>	<b>Approval</b>
(a)	Loan to Hyndburn Leisure Ltd	Cllr Munsif Dad BEM JP	5 <sup>th</sup> May 2021

Councillor Marlene Haworth enquired if an assessment had been made of the viability of Hyndburn Leisure Ltd being able to repay the loan while continuing to fund their day to day operating expenses, particularly if business recovery from the pandemic was slow. She expressed concern and there might be a need to renegotiate the arrangement within the next 5 years. She also enquired if the matter had been considered by overview and scrutiny.

The Leader of the Council responded that a long term loan would help the organisation to recover from the effects of pandemic. Hyndburn Leisure was a valuable local asset and over the last 20 years had enable the Council to save money on its leisure offer. Grant funding to Hyndburn Leisure had reduced significantly over that time, whereas other Lancashire authorities continued to provide subsidies to their leisure organisations. In the same way that other businesses had suffered during the pandemic, so too had the restrictions had a significant impact on Hyndburn Leisure. It would not be in the interests of the Council to see Hyndburn Leisure fail. However, in the worst case scenario the assets would simply return to the Council. Prior to the pandemic Hyndburn Leisure was at the point of 'standing on its own two feet' financially.

Joe McIntyre, Deputy Chief Executive, reported that Hyndburn Leisure had produced a business plan for the proposals, which showed that it was financially viable and that the repayments could be afforded. The plan had been approved by the company's external auditors and the Deputy Chief Executive, as Responsible Finance Officer for the Council, was satisfied with the plan. The plan recognised the volatility of the market due to the pandemic, but provided for contingencies. The Trust had been on a journey to reduce their level of subsidy and, but for the pandemic, would have much further on course. The Council could have written off the loan or provided a loan interest free, but had instead decided to provide a loan at a reasonable rate of interest.

The Leader of the Council referred to the need to tackle obesity in the Borough and the proposed investment in Hyndburn Sports Centre and the repurposing of Mercer Hall. The local leisure offer included working with a range of partners, such as Accrington Stanley Community Trust at Highams Playing Fields and local schools, to provide excellent facilities and to bring in grants from elsewhere. Schemes such as the Decarbonisation Programme had secured major investment and would dovetail with other projects, such as the Levelling up agenda.

**Resolved** - **To note the report on urgent decisions taken.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed