



Agenda



HYNDBURN

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Cabinet

Wednesday, 15 September 2021 at 3.00 pm,
Council Chamber, Town Hall, Accrington

Membership

Chair: Councillor Miles Parkinson OBE (in the Chair)

Councillors Paul Cox, Loraine Cox, Munsif Dad BEM JP and Joyce Plummer

AGENDA

PART A: PROCEDURAL AND INFORMATION ITEMS

1. **Apologies for Absence**
2. **Declarations of Interest and Dispensations**

3. **Minutes of Cabinet** (*Pages 5 - 14*)

To approve the Minutes of the last meeting of Cabinet held on 14th July 2021.

4. **Urgent Decisions Taken** (*Pages 15 - 28*)

In accordance with Executive Procedure Rule B16(c), to receive a report on decisions taken under urgency procedures. The following decisions are attached:-

No	Decision Heading	Portfolio Holder	Date of Decision
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(a)	Sale of Clayton Civic Hall	Councillor Loraine Cox	7 th July 2021

PART B: PORTFOLIO ITEMS

5. Reports of Cabinet Members

To receive verbal reports from each of the Portfolio Holders, as appropriate.

Leader of the Council (Councillor Miles Parkinson OBE)

6. Levelling up Funding Bid - Update *(Pages 29 - 34)*

Report attached.

Deputy Leader of the Council (Councillor Paul Cox)

7. Public Space Protection Order relating to Dog Control *(Pages 35 - 114)*

A notice has been published in accordance with Regulation 10(1)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that the matter is key decision being considered under the General Exception procedure.

Report attached.

Portfolio Holder for Resources (Councillor Joyce Plummer)

8. Amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing *(Pages 115 - 120)*

Report attached.

PART C: EXEMPT ITEMS

9. Exclusion of the Public

Recommended	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 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 Local Government Act 1972 specified at the items.
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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.

10. Urgent Decisions Taken *(Pages 121 - 126)*

Exempt information by virtue of Paragraph 3 - 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), to receive a report on decisions taken under urgency procedures. The following decisions are attached:-

No.	Decision Heading	Portfolio Holder	Date of Approval
(a)	Public Sector Decarbonisation Scheme	Councillor Miles Parkinson OBE	20 th August 2021

Portfolio Holder for Regeneration and Wellbeing (Councillor Loraine Cox)

11. (Item Withdrawn)

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CABINET

Wednesday, 14th July, 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 and Marlene Haworth

52 Apologies for Absence

There were no apologies for absence submitted on this occasion.

53 Declarations of Interest and Dispensations

Councillor Munsif Dad BEM JP, declared a personal interest in respect of Agenda Item 6 – Hyndburn Leisure Transformation, in the light of his role as a member of the Board of Trustees of Hyndburn Leisure.

There were no reported dispensations.

54 Minutes of Cabinet

The minutes of the meeting of the Cabinet held on 9th June 2021 were submitted for approval as a correct record.

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

55 Urgent Decisions Taken

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

No.	Decision Heading	Portfolio Holder	Date of Approval
(a)	Extension to the enhanced building cleaning contract in response to Covid pandemic	Councillor Paul Cox	28 th June 2021

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

56 Reports of Cabinet Members

There were no verbal reports provided on this occasion.

57 Hyndburn Leisure Transformation - Investing in the Health of Hyndburn

Councillor Miles Parkinson OBE, the Leader of the Council, provided a progress report on Hyndburn Leisure Transformation. Following a previous report to Full Council on 19th November 2020 and to Cabinet on 10th February 2021, a public consultation had been

carried out and further work to progress and maximise opportunities to enhance leisure facilities across the Borough had taken place.

The report provided an update on progress to ensure the provision of high quality sports and leisure facilities in Hyndburn, creating a platform upon which to reduce physical inactivity, and develop a sustainable funding model in relation to Hyndburn Leisure.

The Leader provided a lengthy verbal update which highlighted the main issues included within the report.

Councillor Marlene Haworth, Leader of the Opposition, commented that a recent briefing held for the Conservative Group had been useful and had provided an opportunity for the Group's questions and concerns to be raised. The Leader responded that the Chair and Chief Executive of Hyndburn Leisure had endeavoured to be transparent about the proposals and that decisions taken had been and would be made following analysis and logic. It was acknowledged that there were strong feelings in Great Harwood about the future of Mercer Hall and, accordingly, the partners wished to provide something better overall as a result of any changes. Mercer Hall was a high quality building, but was no longer suitable or financially viable for use as a swimming pool.

Councillor Peter Britcliffe, Joint Deputy Leader of the Opposition, indicated that Mercer Hall had always been costly to maintain. The Conservative Group still had some reservations about its change of use, and believed that it would be difficult for Great Harwood residents to access alternative swimming facilities via public transport. There were also concerns about the option of opening a new pool in Clayton-le-Moors, which would not be suitable for swimming clubs. It was noted that Hyndburn Borough Council was one of only a few authorities that did not subsidise its leisure services provider. Overall, the Conservative Group was supportive of the improvements proposed, but with some caveats. The Leader reiterated that the Council supported the retention of the Mercer Hall building, but needed to consider its future use as a swimming pool. The options would be analysed further. Sports England had identified that swimming clubs and communities had differing requirements for pool use, as clubs need cooler water. The whole Leisure Transformation project would be underpinned by professional analysis. For example, table tennis had at one time been popular at Hyndburn Sports Centre, but gymnastics was now in the ascendancy and could be a more effective use of that space. The Sports Hub at Highams Playing Fields was a good example of what could be achieved with appropriate investment. It was noted that, if the Wilsons site was selected for further development, it was located on a good bus route.

Councillor June Harrison spoke in favour of the proposals and direction of travel. She noted that the charity, Play 4 uz 2, was being consulted about using a space in Mercer Hall for an inclusive play facility for children with special educational needs and disabilities, but was uncertain whether this would come to fruition. The Leader suggested that this could be a facility which had a Lancashire-wide catchment.

Councillor Peter Britcliffe indicated that one issue raised during the Conservative Group briefing was that of the provision of cricket pitches in the Borough. Cricket was known to be very popular and, particularly so, in the Asian heritage community. The Leader indicated that this had been raised previously by Councillor Munsif Dad BEM JP. However, there was a balance to be found between publicly provided sports facilities and those that could best be supported by established sports clubs, such as cricket clubs. Those private clubs also needed new members to sustain their existence. The Council would need to provide a business case for investment in its own sports and leisure facilities. Councillor Munsif Dad BEM JP welcomed the Opposition's comments. Partner organisations were working together to try to improve the lives of local people. Hyndburn Leisure and the Council were

progressing the project in a transparent way and were continuing to consult stakeholders about future leisure provision.

Approval of the report was not deemed a key decision.

Reasons for Decision

Poor health and well-being in Hyndburn was a major issue, highlighted during the current Covid pandemic and the Council and its partners needed to maintain and improve the offer to the local community if they were to challenge the current position.

The current indoor and outdoor sport and leisure facilities in Hyndburn were ageing and required significant levels of investment to maintain the current service offer. The work of the Council and Leisure Trust over the past two and a half years had aimed to understand where best that investment should be targeted and the potential to enhance the existing leisure offer to maximise positive outcomes for the local community.

The overall objective of this project was to develop a shared local strategic vision that was deliverable and distinctive whilst at the same time, creating the optimal mix of facility and service interventions with a strong sense of place and good connections with the wider area.

This report detailed the progress being made on that journey. Once all the steps had been completed, the Council's partners would be in a position to make appropriate recommendations and in the meantime, would regularly update Cabinet on what had been found and would communicate with the public.

The report included detailed information on the following matters:-

- Outcomes of the Feasibility Study (Stages 1-3 of the Strategic Outcomes Planning Model – SOPM);
 - Stage 1 - National Strategy summary;
 - Stage 1 – Summary;
 - Stage 2 – Establishing where we are now and where we want to be in the future. The Outcomes were as follows:
 1. Support people in our communities to live their lives well
 2. Improving quality of services and facilities
 3. High quality and valued environment with good connections between urban and rural areas
 4. Maintaining effective financial management;
 - Stage 3 – Facility Mix Options (Active Environment; Hyndburn Leisure Centre; Wilsons Playing Fields; Wilson Athletics Track);
- Public Consultation Analysis (including both the Leisure Transformation Survey and the Mercer Hall Repurposing Survey outcomes);
- Progress against Phase 1 – 3 of the Leisure Transformation (2021-24);
- Additional development opportunities; and
- Next steps.

The next stage of feasibility work would include a sequential assessment of potential replacement sites in Great Harwood and Rishton, alongside the site that was currently being proposed at Wilsons Playing Fields. This work would take the project to the end of the Royal Institute of British Architects (RIBA) Stage 1 and would provide detailed business modelling and costed architectural designs.

The Council and Leisure Trust would continue to progress external funding applications with a range of organisations including Sport England, the Football Foundation, Rugby Football League and England Athletics.

Detailed work would take place to complete Stage 4 of the SOPM to assess the overall affordability of the Leisure Transformation, identifying resource requirements to implement the scheme.

In connection with Mercer Hall, the partners expected to hear the outcome of a bid to the Architecture Heritage Fund (AHF) Project Viability Grant programme by September 2021. The public consultation process highlighted that there was a very strong interest from the community to engage in identifying and agreeing the future use of Mercer Hall and the partners planned to establish a local steering group to progress this work.

There were no alternative options considered or reasons proposed for rejection

Resolved

- (1) That Cabinet notes the on-going joint work between the Council and Hyndburn Leisure to develop detailed proposals around a potential investment programme in leisure facilities owned by the Council and operated by Hyndburn Leisure, to assist in significantly improving the health and well-being of the local population**
- (2) That Cabinet asks that further reports are brought back to Cabinet as studies for this project are concluded and final investment recommendations are identified.**

58 Garage Plot Rental Charge 1st April 2022

In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012, a notice had been published on 5th July 2021 under the General Exception Procedure confirming that Councillor Paddy Short, Chair of the Resources Overview and Scrutiny Committee had been informed that the following key decision was to be made by Cabinet on 14th July 2021 without publishing details of the decision at least 28 days before the meeting.

Councillor Loraine Cox, Portfolio Holder for Regeneration and Wellbeing, provided a report seeking approval for increased garage plot rents from 1st April 2022. Councillor Cox outlined the main purpose of the report.

Councillor Peter Britcliffe noted that there would be administrative costs to implementing the increased rents and on-going collection costs. He enquired if it would be more economical to sell the garages to the tenants. The Leader responded that The Council's Estates Team were currently involved in some large scale projects and did not have spare capacity to deal with smaller sales. Historically, the Council had made every effort to review its estate and to dispose of any land which was surplus to requirements. However, now was not the most appropriate time to consider the matter of garages.

Approval of the report was deemed a key decision.

Reasons for Decision

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

The Council had last increased the annual garage plot rent on the 1st April 2019.

Allowing for the annual rate of inflation from 2019, and rent comparisons charged by neighbouring local authorities, it was recommended that the annual rent be increased to £102.00 from 1st April 2022.

The term “garage plot”, for the purpose of this report, meant an area of land owned by the Council roughly equal in size to that which permitted 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.

Garage plots were rented to members of the public (the tenants) who might then, at their own expense, erect a garage which could be used for parking a domestic motor vehicle. Some plots were used for parking cars or caravan storage without a garage building. It was a condition of the agreement that the garage plots were not used for commercial purposes and that the garage itself and the plot were maintained by the tenant.

The Council had 184 garage plots, all of which were tenanted at the time of writing.

The Council’s proposed annual rent of £102.00 was comparable with neighbouring local authorities.

Blackburn with Darwen Borough Council	£96.00
Pendle Borough Council	£94.55
Burnley Borough Council	£89.15
Rossendale Borough Council	£165.00

In reaching the recommended rent, consideration had been given to the annual rate of inflation since 2018 and that predicted from 2021 onwards, which ranged by year from 1.5-2.48%, albeit somewhat reduced in 2020 as a result of the Covid-19 pandemic. The recommended garage plot rent increase was 2.0% (year on year from 2019), which was comparable to the national rate of annual inflation.

Alternative Options considered and Reasons for Rejection

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

Set a lower rent increase. This option had been rejected on the grounds that the annual rate of national inflation since 2018 and predicted 2021 onwards ranged from 1.5% to 2.48%. The Council had set the rent increase comparable to that of the national rate of inflation, and to a rate comparable with other neighbouring local authorities.

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

Resolved - **That Cabinet authorises an increase in garage plot rents from £96.00 to £102.00 per annum (excluding VAT) with effect from 1st April 2022.**

59 Temporary Rent Concession for the Indoor Market Hall Traders

The Cabinet considered a report of Councillor Paul Cox, Deputy Leader of the Council, asking Members to consider offering a further rent concession for the indoor Market Hall traders, due to the unrepresented pressures involved around the Coronavirus pandemic

The Deputy Leader highlighted the existing 30% rent concession to market traders agreed in November 2019 and the additional 22.5% concession applied from 1st April 2020 to 31st March 2021. The proposal was to extend the latter concession until the end of December 2021.

As an aside the Deputy Leader also drew attention to the rejuvenated flower planters outside the Market Hall, which now displayed herbaceous perennials and which would help to improve the overall shopping experience for visitors.

Councillor Marlene Haworth expressed delight at the proposals, which reflected well on the political parties' ability to work together for the benefit of the Borough. The concessions would help traders through these difficult times. She had spoken to a number of traders who had expressed their gratitude. Councillor Peter Britcliffe also welcomed the proposals, although noted that this was not a complete solution to trading issues. Millions of pounds had been spent on the Market Hall and town centre over the years, but the fundamental issue remained the need to attract in new traders into the town. To a large extent the Market Hall was living in the past. Half day closing on Wednesdays was a throwback to a bygone era. Nationally, the public spent twice as much money on a Wednesday than on a Monday. Furthermore, on Sundays, Accrington town centre was busy, but the Market Hall was closed. Traders needed to recognise new shopping patterns and respond to them, so as to attract the 'Leisure Pound'.

The Leader considered that these were valid points. Both political administrations had spent money on the Market Hall and Town Hall over the years, but they had not flourished as expected. The proposed Town Centre Investment Plan would look at these issues. The public sector could deliver some services, but the private sector was better certain activities. The Borough remained a long way from being able to attract visitors from out of town in large numbers yet, but this was an aspiration. These suggestions were welcomed and would be added to the matters being considered by the stakeholders and consultants working on the Plan. The Deputy Leader noted that shopping habits had changed and that new approaches and alternatives were required. For example, a pop-up bakery stall had been piloted on Saturday and had sold out of goods within two hours. The Market Hall needed to be a focal point and, as such, its opening hours were important. He would be happy to discuss these issues further in a face to face meeting with the Leader of the Opposition. Councillor Haworth indicated that she had not been aware of the pop-up stalls and suggested that such attractions needed to be better advertised to have a greater impact.

The Leader reiterated that all suggestions would be fed into the Levelling Up Fund bid. It was acknowledged that the Council could only do so much to stimulate trade, as had been demonstrated by the Christmas Lights switch on event. This event had originally been staged by the Council to promote late-night shopping, but had not been universally supported by traders, with a number of flagship shops remaining closed.

Approval of the report was not a key decision.

Reasons for decision

Trading was not back to normal in Accrington Town Centre, even as restrictions on Covid-19 were being considered/lifted. This was probably due to the relatively high incidence rates in the Borough, meaning many residents continued to exercise caution when shopping in the town centre.

In February 2018, Cabinet had approved a 50% concession on rent and service charges for 2 months. In August 2018, Cabinet approved a permanent reduction in rents of 13.4%, and in November 2019 had approved a 30% rent concession for a period of three years commencing 1 January 2020.

In August 2020, Cabinet had approved a 22.5% rent concession for the period 1st April 2020 to 31st March 2021 to support the traders during the initial Covid lockdown. This was on top of the agreed 30% three year rent concession already approved, in effect giving a 52.5% concession on rents for indoor market hall traders.

To alleviate cash flow problems for the indoor Market Hall traders and help them get back on their feet, it was proposed to reinstate the 22.5% concession in rents for the six month period 1st July to 31st December 2021. This concession did not apply to the traders within the balcony units.

The concession offered to the Market Hall traders would be on the condition that they continued to make all monthly rent or other payments via Direct Debit, (DD) and adhere to the Council's Market Regulations, which would include remaining trading during the agreed Market Hall opening hours. Where a current trader was in rent arrears, no concession would be applied to the arrears and if applicable, any credits would be used to reduce the outstanding debt. Where a trader was up to date, any credits would be returned in full. Any tenant not agreeing to these conditions would remain on the existing sq. ft. rental charge.

Alternative Options considered and Reasons for Rejection

The Council could leave the rents at the current level. However, a motion proposed at the Council meeting held on 1st July 2021 had support for the rent concession set out within this report.

Resolved

- (1) That Cabinet approves the 22.5% rent concession for the indoor Market Hall traders set out in paragraph 3.4 and subject to the conditions in paragraph 3.5 of this report, with effect from 1st July 2021 and until 31st December 2021.**
- (2) That Cabinet notes the rent concession will reduce income levels for the financial year 2020/21 and it is unlikely any efficiency or other savings will offset this.**

60 Additional Christmas Lighting Displays

The Cabinet considered a report of Councillor Loraine Cox, Portfolio Holder for Regeneration and Wellbeing, updating Members on the suggested enhanced offering of Christmas lights on street lighting columns within the Borough.

Councillor Loraine Cox summarised the report which proposed the purchase of lights for those townships which did not currently have displays, in the sum of £39k for 2021 and an

increase to the Christmas Decorations revenue budget with effect from 2022. The new LED lights would reduce carbon emissions and have lower operating costs.

The Leader reminded Members that new lights had been purchased for Accrington and the larger townships last year. The current proposals would extend this provision to the remaining townships. The installation of any new power supplies needed and the erection and dismantling of all Christmas lights would be undertaken by Lancashire County Council under the existing contract.

Councillor Peter Britcliffe indicated that he had been disappointed with the lights in Oswaldtwistle last Christmas. He also expressed a view that the new lights should appropriately reflect the Christian heritage of the celebration. This point was echoed by Councillor June Harrison. The Leader responded that the old illuminated Father Christmas figures had reached the end of their useful life and had been replaced. The new lights would be multi-coloured, globe rope lights to wrap around the lamp posts. If other designs were desired additional budget provision would need to be identified. However, the existing lighting budget was already significant.

Approval of the report was not a key decision.

Reason for Decision

At the request of the Leader in 2020, 110 new Christmas Lights had been purchased to replace the existing street lighting column features across the Borough for the 2020 switch on within the townships of Great Harwood, Oswaldtwistle, Baxenden and Accrington. The Leader had now requested additional Christmas Lights in order to enhance the new displays across the whole Borough.

It was therefore proposed to purchase an additional 50 new lights, as this would provide the greatest impact to the remaining townships of Altham, Clayton, Rishton and Huncoat, all of which currently did not have any street lighting column displays. This would ensure these remaining townships felt more included.

The new 50 LED lights, manufactured by the same local lighting company as those installed in 2020, i.e. multi coloured, globe rope lights, would provide a consistent and co-ordinated approach across the Borough, making erection and maintenance far simpler.

As well as being lightweight, waterproof and durable, the lights used LED bulbs which was in line with the Council's carbon reduction commitment and also ensured the electrical running costs were kept as low as possible.

The lightweight nature of using rope lights, rather than an animated display, meant that structural testing of the street columns should not be necessary, but this was ultimately at the discretion of Lancashire County Council (LCC).

Whilst there was the initial Capital cost of purchasing the rope lights and LCC's costs for providing a new electrical supply at the top of all the 50 street lighting columns, there would be a need to increase the Christmas Decorations contract budget for the erection and dismantling of the lights from 2022 onwards. The additional cost to the contract would be £148.84 per unit with a 5% increase for each year after, as this was part of the contract that LCC were awarded in 2020 to erect and remove the Council's Christmas decorations / trees.

LCC had informed the Council that they had a 'window' of availability in July to undertake this work, but after which they were not able to guarantee the necessary works would be completed in time for the switch on.

Alternative Options considered and Reasons for Rejection

Not adding to the display in 2021. This would leave numerous townships without any street lighting column Christmas lights.

Adding supplementary lights in the townships which had new displays installed in 2020 (Great Harwood, Oswaldtwistle, Baxenden, Accrington) was deemed not necessary, as those areas had already been enhanced by new LED lights.

Resolved

- **That Cabinet approves the enhanced Christmas light offering for 50 street lighting columns for 2021 at a cost of £39,000 and approves an increase in the Christmas Decorations revenue budget from 2022, as per paragraph 3.6 within the report.**

61 Hyndburn Arts Strategy

The Cabinet considered a report of Councillor Munsif Dad BEM JP, Portfolio Holder for Education, Leisure and Arts, seeking approval for the development of a Hyndburn Arts Strategy.

Councillor Dad highlighted that an Arts Strategy could improve the mental health of residents and ensure their wellbeing, as well as supporting the local arts and cultural offer. Contact would be made with the Arts Council England which was the lead development agency for creative culture, to see what assistance they might offer. The report sought funding in the sum of £5k to develop the Strategy, which had the potential to unlock funding from elsewhere and could support cultural events in Accrington Town Square and the Borough's parks.

Approval of the report was not deemed a key decision.

Reasons for decision

The Council had not developed a formal Arts Strategy for over 15 years, which whilst not a legal requirement, the lack of such a long term strategic plan might be a disadvantage when trying to attract external grant funding, which for example could be used to support the Council's Levelling Up Fund bid, which was due to be submitted in the Autumn.

Hyndburn Arts Ltd had approached the Council offering to develop a long term Arts Strategy for the Borough, details of which were appended to the report by way of an introduction letter, quotation and proposal brief.

Hyndburn Arts Ltd, had recognised the limited timescales of developing the strategy in time for the Council's Levelling Up Fund bid and had indicated that a draft version would be available within four weeks of a signed agreement.

The Chief Executive of the Leisure Trust was aware of the proposal by Hyndburn Arts Ltd and had made contact with their Creative Director to discuss how other local arts and culture partners/stakeholders might be able to support the proposed work and would also

be making contact with the Arts Council to enquire if they could offer any support/financial assistance to develop the strategy.

Alternative Options considered and Reasons for Rejection

The Council was not required to have an Arts Strategy, but not having one could restrict the Council when considering external funding opportunities, such as the Government's Levelling Up Fund.

Resolved

- **That Cabinet approves the proposal from Hyndburn Arts Limited to develop a 10 year Hyndburn Arts Strategy at a cost of £5,000 and that this is met from the Economic Development fund already set aside by the Council.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

HYNDBURN BOROUGH COUNCIL

APPROVAL FOR URGENT CABINET DECISION

(Executive Procedure Rule B16)

Summary and Approvals

1. **Title of Report** Sale of Clayton Civic Hall
2. **Report Author** Mandy Catterall – Estates Manager
3. **Purpose of Report** To seek approval to the disposal of Clayton Civic Hall, Pickup Street, Clayton-le-Moors, BB5 5NR to Hyndburn Leisure for £1
4. **Decision requested**
 - 4.1 Cabinet notes the report in reference to the sale at undervalue and considers that the disposal is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being within the Borough.
 - 4.2 Cabinet agrees to dispose of Clayton Civic Hall as shown edged red on the attached plan for £1 to Hyndburn Leisure
 - 4.3 Cabinet delegates authority to the Head of Housing & Regeneration to advertise the intention to dispose of an Asset of Community Value and proceed with the disposal in the moratorium period as an exempt disposal to a local community interest group
 - 4.4 Subject to paragraph 4.2, Cabinet delegates authority to the Head of Housing & Regeneration to agree the detailed terms of the disposal and to instruct Legal Services to complete the transaction with Hyndburn Leisure.
5. **Reason for Urgency** Hyndburn Leisure have supported a grant application by the Boxing Club to Sport England to secure £50,000 to carry out the first stage of the building improvement works. Sport England require a commitment by HL to grant a lease to the Boxing Club by the end of June 2021 or the funding will be withdrawn; HL are unable to give this commitment in advance of Cabinet Approval.
6. **Approvals of Members and Officers**

Designation	Signature to give approval
<u>Officers</u>	
Chief Executive *	Approved by e-mail 07/07/21
Executive Director (Legal and Democratic Services)	Not required
Deputy Chief Executive	Not required
Chief Officer/Head of Service – Mark Hoyle	Approved by e-mail 07/07/21
<u>Elected Members</u>	
Leader	Approved by e-mail 30/06/21
Deputy Leader	Approved by e-mail 07/07/21
Portfolio Holder – Loraine Cox	Approved by e-mail 03/07/21
Mayor (to agree to exempt from call-in)	Approved by e-mail 02/07/21

* or Deputy Chief Executive in his absence, or if Chief Executive is the decision-taker

7. **Date of Decision (when finally approved): 7th July 2021**

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REPORT TO:		Cabinet	
DATE:		14 July 2021	
PORTFOLIO:		Cllr Loraine Cox - Housing and Regeneration	
REPORT AUTHOR:		Mandy Catterall – Estates Manager	
TITLE OF REPORT:		Sale of Clayton Civic Hall	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No		
KEY DECISION:	No	If yes, date of publication:	

1. **Purpose of Report**

- 1.1 To seek approval to the disposal of Clayton Civic Hall, Pickup Street, Clayton-le-Moors, BB5 5NR to Hyndburn Leisure for £1

2. **Recommendations**

- 2.1 Cabinet notes the report in reference to the sale at undervalue and considers that the disposal is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being within the Borough.
- 2.2 Cabinet agrees to dispose of its freehold interest in Clayton Civic Hall as shown edged red on the attached plan for £1 to Hyndburn Leisure
- 2.3 Cabinet delegates authority to the Head of Housing & Regeneration to advertise the intention to dispose of an Asset of Community Value and proceed with the disposal in the moratorium period as an exempt disposal to a local community interest group
- 2.4 Subject to paragraph 2.2, Cabinet delegates authority to the Head of Housing & Regeneration to agree the detailed terms of the disposal and to instruct Legal Services to complete the transaction with Hyndburn Leisure.

3. **Reasons for Recommendations and Background**

- 3.1 The property comprises a 1960's purpose built Civic Hall standing on 1,256 sq m of land, or thereabouts, at Pickup Street, Clayton-le-Moors. The building is of pre-cast concrete construction under a pitched roof.
The property offers the following accommodation:
- | | |
|--------------|---|
| Ground Floor | Civic Hall, dressing rooms, storage, kitchen, toilets
Former Library |
| Lower Ground | Children's Nursery
Undercroft storage, plant room |
- The property offers a total of 944 sq m net internal area
- 3.2 Lancashire County Council took occupation of the basement Children's Centre under the terms of a Tenancy at Will dated 9th July 2012 pending completion of a formal lease. Despite negotiations being resurrected on a number of occasions, the lease has never been completed. Lancashire County Council currently pay an annual rent of £6,500 plus VAT. Negotiations have commenced for a new lease of the Children's Centre and heads of terms for a 6 year lease at an asking rent of £8,670 per annum have been proposed.
- 3.3 Lancashire County Council occupied the library as part of its statutory functions by arrangements agreed in 1969, which were never formally documented. The library closed in 2016, and in 2018 Lancashire County Council made enquiries of the Borough Council to surrender any occupation rights they might have. This request has been refused pending completion of a lease of the Children's Centre. As negotiations have now commenced with the County Council for a new lease of the Children's Centre it had been the intention to make completion of that lease a condition of accepting any surrender of the library. It should be noted however, Lancashire County Council have served a notice to terminate their occupation of the Library on 17th September 2021 in any event and therefore it is unlikely that any grant of the lease of the Children's Centre will proceed as a condition of the surrender.
- 3.4 Hyndburn Leisure manage the remainder of the building under the terms of an annual management agreement along with other properties across the Borough, with the Council picking up all of the costs of repairs
- 3.5 The Borough Council has been considering the future of the building and has received an expression of interest from Hyndburn Leisure (HL) to acquire the building for £1 and develop the use as a community facility. It is the intention of HL to develop the building as a Community Hub (rehousing those groups and activities that have been displaced following closure of the Arthur Wilson Centre), sports hub (the provision of accommodation for the local boxing club), community library, etc.
- 3.6 HL is committed to playing a key role in the preventive health agenda working with and leading local partnerships to support the community to be active and healthy. Currently, HL deliver three distinct Health projects that focus on prevention, early intervention, combating the effects of inactivity and tackling inequalities, some of the effects of which have been and continue to be highlighted during the Covid Pandemic
Each year, targeted support is provided to people who face the greatest barriers to being active, such as women and girls, people living with health conditions, disabled people, older adults, minority ethnic groups and those from low-income and

disadvantaged backgrounds. HL deliver a wide range of community classes each week such as cardiac rehabilitation, weight management and ladies only exercise sessions. The classes also provide opportunities for people to connect socially, to tackle loneliness and social isolation.

HL receives referrals every month from a range of health and social care professionals, which evidences the demand for its support in Hyndburn's local communities and health/social care settings.

HL also works with a wide range of organisations, groups and clubs across the borough and is leading the recently launched 'Let's Move Hyndburn' pilot on behalf of the Council

- 3.7 HL currently host a variety of community classes and a community Jujitsu Club at Clayton Civic Hall. The Jujitsu Club have been running their club at the venue for over 10 years, operating twice a week for training, as well as using the venue for their grading's and training courses. The club encourage local youths to take part and offer it as a low-cost session and any monies made go directly back into the club to provide uniforms / grading's for those who may not be able to afford.

HL are looking to build up the use of Clayton Civic Hall so that it is accessible for more people to use. There are currently enquiries from Weight Watchers and a mum & baby franchise to look at hiring out the hall once works have been completed. Hyndburn Leisure would like to grow usage to include a wide range of businesses, charities, community and grass root organisations. Their vision includes using the space for projects, training, functions, activities and meetings, growing the community programmes alongside existing hirers.

HL are also hopeful that they will be able to transfer the community library which closed in permanently in 2020 from the Arthur Wilson Centre along with any groups who had been using the facility to Clayton Civic Hall and have identified space at the site to develop to support local food banks. Working alongside the Volunteer Hub, they also aim to recruit and deploy volunteers to help run the facility and to deliver community projects such as Youth engagement work.

- 3.8 HL's vision for the facility also includes capital improvements and will seek external funding to help build the community facility into a well-being centre. HL have been working closely with Clayton Amateur Boxing Club and assisted them to obtain £50k of external funding to relocate the club to the venue. HL look forward to working closely with the Boxing Club to develop a variety of sessions for their members, community and sessions for local schools to be able to access and use the facilities

- 3.9 HL's work remains rooted in local communities, providing bespoke opportunities and programmes to meet the needs of the local population, with a commitment to providing inclusive, supportive & welcoming environments for people from across Hyndburn. Over the next three years, HL plans to develop the Community Wellbeing Hub at Clayton Civic Hall. The Wellbeing Hub will be home to a broad mix of community activities, clubs and groups. It will be developed in partnership with local communities, engaging a wide range of residents in positive wellbeing activities. HL's Health & Wellbeing team, funded by Sport England will lead community engagement events to co-design the weekly programmes and will aim to recruit and train a team of volunteers to help to operate the site and support the activity programmes taking place at the Hub.

The vision for the Hub also includes reinvesting any profits and attracting external funding to carry out further capital improvements.

3.10 HIL intend to invest circa £100,000 over the first 3 years to improve the quality of the facilities internally and the aesthetics of the building externally and will continue to improve energy efficiency when carrying out maintenance works and apply for external funding to reduce carbon output. The detail of the first 3 years investments is as follows:

During 2021/22

- Transform the old library site into a boxing space
- Renovate the kitchen area
- Make improvements to the exterior of the building e.g. new signage
- Renovate the toilets/changing facilities
- Develop plans to remodel the storage and toilets area to the right of the hall
- Submit an application to the Lancashire Environment Fund to make energy saving improvements to the site

During 2022/23:

- Develop the boxing space to incorporate a community gym & boxing offer, bringing new equipment, IT and access controls into the building
- Introduce a reception area to the centre of the building
- Make energy saving changes to the facility to improve efficiency and reduce carbon output
- Introduce a community library space, run by volunteers
- Submit grant applications to remodel the storage/toilets area

During 2023/24:

- Remodel the storage and toilets areas to the right of the hall to provide a more functional use of this space that can be used for consultations, small group sessions and/or office space
- Apply for external funding to improve the exterior of the building

3.11 Over the next three years HIL plan to expand the programme of weekly activities at the site and will be working in partnership with Clayton Amateur Boxing Club to introduce a fitness and boxing membership. HIL will also be marketing the facility to other community groups. Anticipated income from the facility is as follows:

	21/22	22/23	23/24
Income from facility hire to organised groups (Boxing and Ju Jitsu with 150 members)	£7,102	£14,285	£15,170
Income from health & fitness activities and memberships	£0	£10,928 (40 members, 100 casual visitors)	£17,200 (60 members, 100 casual visitors)
Income from Super Gymnastics	£0	£8,545	£11,205

and other sport activities		(35 members)	(45 members)
Grant Income	£41,200	£9,000	£12,500
Total Income	£48,302	£42,756	£56,075

The 3-year budget forecast indicates that HIL will make a small year-on-year surplus. It is the intention that this surplus will be reinvested into the site either providing match funding towards larger capital grant bids or to carry out ongoing required maintenance and improvement works.

- 3.12 The property has been valued at £196,000 (date of valuation 10th July 2020) and therefore this would be a sale at undervalue and consent from the secretary of state is required. The Local Government Act 1972 general disposal consent (England) 2003, removes the requirement for local authorities to seek specific consent from the secretary of state for any disposal of land where the difference between the unrestricted value of the interest to be disposed of and the consideration accepted ("the undervalue") is £2,000,000 (two million pounds) or less where the local authority considers that the purpose for which the land or property disposal is to be disposed is likely to contribute to the achievement of securing the promotion or improvement of the economic, social or environmental well-being of its area
- 3.13 It is proposed that the disposal will include a clawback provision and restriction on the freehold title to minimise the risk of a future sale of the property by HL which is either inconsistent with the proposed use of the building as outlined in this report or otherwise result in a freehold or long leasehold disposition without the Council being entitled to receive a significant percentage of the proceeds.
- 3.14 It is considered that the purpose for which the land is to be disposed is likely to contribute to the achievement of one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area:
- i) the promotion or improvement of economic well-being;
 - ii) the promotion or improvement of social well-being – this is being achieved by continuing and developing the use of the building as a community and sports hub as set out in paragraph 3.5 – 3.11;
 - iii) the promotion or improvement of environmental well-being – the building has been blighted by anti-social behaviour in the last 18 months including a number of small fires. The increased use of this building, including youth promotion activities, will reduce and hopefully remove this risk.
- 3.15 Clayton Civic Hall is registered as an Asset of Community Value. Therefore, prior to any disposal the Council, as owner, must serve on the relevant authority, the Council, notice of its intention to sell. The nominating group would then be notified and asked whether they are interested in formulating and submitting a bid and there is an interim moratorium period of 6 weeks. The regulations do not impose any obligation on the owner to market the property. In this instance however, the nominating group, Mercer House 1842 Ltd, have disbanded and dissolved and therefore notification is not necessary. If any expression of interest is received, there is a full moratorium period of

6 months during which a disposal cannot take place unless it is to a local community interest group that either did, or would have been eligible to, trigger the full moratorium. As a registered charity, Hyndburn Leisure qualifies as a local community interest group.

4. Alternative Options considered and Reasons for Rejection

4.1 Obtain Vacant Possession, demolish and dispose on the open market

Enquiries have been made of Planning Officers who have reported that the Civic Hall is a Brutalist building of good quality, is a rare building type, if not unique in Hyndburn making it a striking counterfoil to the nearby listed church and is a structure to be proud of. Consequently, it is much more suited to reuse than demolition. Policy DM22: Heritage Assets would also apply

4.2 Grant a long leasehold interest in the property

A lease would be a recognised means by which any restrictions on the use of the property and any other obligations relating to the operation of the building (e.g. re refurbishment) could be enforced by the Council in future. Such restrictions may not be enforceable if the sale proceeds by way of a freehold disposal as currently recommended. However, there appears to be no desire by HL to take a leasehold interest of any length of term in the building.

4.3 Continue with the existing management arrangement

This is not recommended as the Council will continue to be responsible for the repair and maintenance of the property at a cost of £55,000 in 2020, and the £19,200 per year grant funding to Hyndburn Leisure.

6. Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>The annual expenditure on Clayton Civic Hall by the Council is £19,200 by way of a grant to Hyndburn Leisure. Repairs and maintenance costs which in 2020 are in the region of £55,000. The current income from Lancashire County Council is £6,500 per annum. This gives a potential saving to the Council of £12,700 per annum or £10,550 if the new lease of the children’s centre is successfully concluded.</p> <p>The loss of a potential capital receipt of £196,000 by not advertising the property on the open market</p>
<p>Legal and human rights implications</p>	<p>The consent of the Secretary of State is required where the Council disposes of interests in land or property for less than best consideration. The Council can rely upon the</p>

	General disposal consent 2003 without need for specific consent where the undervalue is less than £2 million and if it considers that the disposal will secure the promotion or improvement of the economic social or environmental well-being of its area See also the legal implications set out in paragraphs 3.12 – 3.14 of this report.
Assessment of risk	If the sale does not proceed then the Council will need to have future plan for the site and may have to find additional funding to invest in the building which is underused and abused with ASB resulting in fires being set regularly and the local community frustrated and fearful of a major fire. If the sale proceeds at £1 then there is the loss of a potential capital receipt, however this risk is mitigated by the insertion of a clawback provision
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>	Customer First Analysis completed. The disposal will benefit the residents of the Borough as an underused and unappreciated building will become a social hub and focal point in Clayton Le Moors for a wide range of users (Library, Boxing, activities displaced from AWC etc)

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

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

If the report is public, insert the following paragraph. If the report is exempt, contact Member Services for advice.

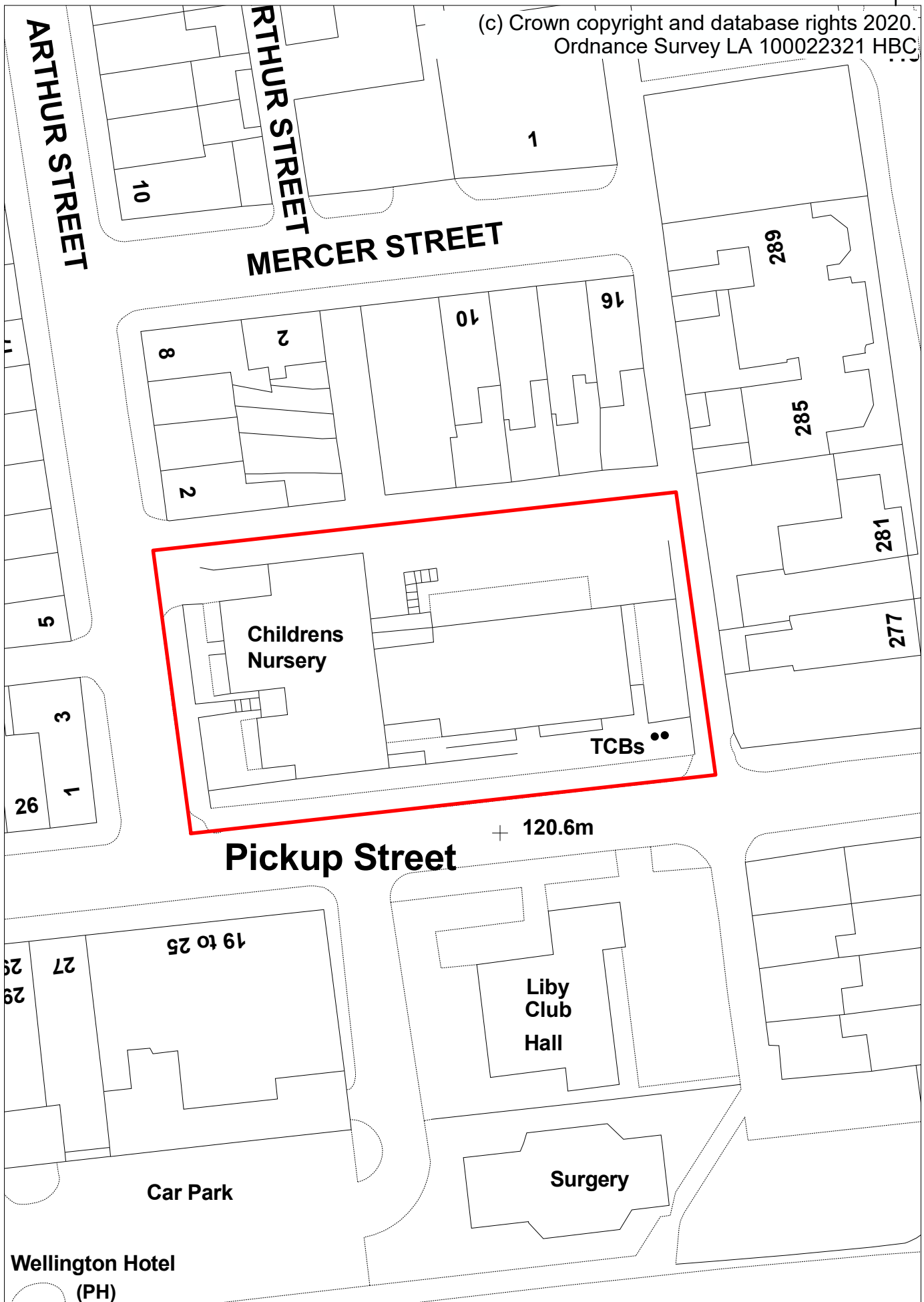
8. Freedom of Information

- 8.1 The report contains exempt information under the Local Government Act 1972, Schedule 12A and no information can be disclosed under the Freedom of Information Act 2000.

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Hyndburn Borough Council
Customer First Analysis

What is it for?

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

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

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

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

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

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

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

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

Kirsten Burnett
Head of HR

Customer First Analysis

1. Purpose

- What are you trying to achieve with the policy / service / function? **To encourage the continuing use and further development of a community facility in Clayton-le-Moors**
- Who defines and manages it? **Hyndburn Leisure**
- Who do you intend to benefit from it and how? **Residents of Clayton-le-Moors predominantly but the service will be open to all. The disposal will benefit the residents of the Borough as an underused and unappreciated building will become a social hub and focal point in Clayton Le Moors for a wide range of users (Library, Boxing, activities displaced from AWC etc)**
- What could prevent people from getting the most out of the policy / service / function? **Closure of the building**
- How will you get your customers involved in the analysis and how will you tell people about it? **The facility will be managed by Hyndburn Leisure**

2. Evidence

The facility will be managed by Hyndburn Leisure

- How will you know if the policy delivers its intended outcome / benefits?
- How satisfied are your customers and how do you know?
- What existing data do you have on the people that use the service and the wider population?
- What other information would it be useful to have? How could you get this?
- Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)?
- Are you using partners, stakeholders, and councillors to get information and feedback?

3. Impact

- Are some people benefiting more – or less - than others? **No, the service will be open to all** If so, why might this be? **The proposal would extend the facility to more people in line with HL's objectives, which include supporting the health and wellbeing of residents across the Borough. We would therefore expect this proposal to improve outcomes of anyone disadvantaged by reason on a protected characteristic and support our approach to Equality and Diversity**

4. Actions

The facility will be managed by Hyndburn Leisure

- If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it?
- Is it discriminatory in any way?
- Is there a possible impact in relationships or perceptions between different parts of the community?
- What measures can you put in place to reduce disadvantages?
- Do you need to consult further?
- Have you identified any potential improvements to customer service?
- Who should you tell about the outcomes of this analysis?
- Have you built the actions into your Business Plan with a clear timescale?
- When will this assessment need to be repeated?



Name: Mandy Catterall Signed:

Service Area: Corporate Property Dated: 24/06/2021

If applicable, please attach copy of – or website link to - the cabinet report for reference.
Don't forget to return your written record to HR.

Agenda Item 6.

<u>AGENDA ITEM X</u>			
REPORT TO:		Cabinet	
DATE:		15 September 2021	
PORTFOLIO:		Miles Parkinson OBE – Leader of the Council	
REPORT AUTHOR:		Steve Riley - Executive Director, Environment	
TITLE OF REPORT:		Levelling up Funding Bid - update	
EXEMPT REPORT:	No		
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To update Cabinet on the progress to date, appointment of external consultancy work and spend to date.

2. Recommendations

- 2.1 That Cabinet notes the report.

3. Reasons for Recommendations and Background

- 3.1 The Levelling Up Fund (LUF) was announced at the 2020 Spending Review and will focus on capital investment in local infrastructure projects that require up to £20m of funding and builds on prior programmes such as the 'Local Growth Fund' and 'Towns Fund'.
- 3.2 It is recognised that the Council does not have the specific knowledge, experienced or indeed time to produce a first class bid submission into the LUF. Due to the short timescales involved, a report was presented to Cabinet seeking approval to waive the Council's Contracts Procedure Rules for the appointment of Bradshaw Advisory Limited, (BA) a known experienced Consultant in the field of bid writing to quickly start work on developing, writing and leading on the Council's bid process.
- 3.3 Following a previous bid for High Street funding, the Government appointed High Street Experts to work with around 20 Local Authorities, including Hyndburn, under a pilot project with the aim to help rise future bid submissions. A review of the bid, visit to Accrington and discussion with stakeholders, identified Accrington as having many strengths, particularly its heritage buildings and whilst acknowledging there was a huge amount of enthusiasm and support for the town, they felt the Council could improve its partnerships and communications with business leaders and wider community. To address this, a wide range of stakeholders were invited to form a new Town Centre Partnership Group, with the initial task of supporting the Council in submitting a bid into

the LUF but over the longer term, the continued regeneration of Accrington Town Centre.

- 3.4 The Stakeholder Group comprises representatives from the following organisations: Hyndburn Chamber of Trade, Hyndburn Independent businesses, 5 x Town centre (TC) businesses, Accrington Arndale, East Lancashire Chamber of Commerce, the Leader of Hyndburn Council and Leader of the Opposition, Chief Executive of Hyndburn Council, The MP for Hyndburn, Hyndburn Leisure, Accrington and Rossendale College, NISIAC, Lancashire Police, Lancashire County Council, Accrington Stanley Community Trust, YnotAspire, Accrington Town Team, Accrington Community Events Team.
- 3.5 Above the Stakeholder Group sits a Stakeholder Board. This is chaired by David Sanderson, the Deputy Lord Lieutenant, and comprises of the following organisations: Hyndburn Chamber of Trade, Hyndburn Independent businesses, Accrington and Rossendale College, East Lancashire Chamber of Commerce, NISIAC, Accrington Town Team, Leader of Hyndburn Council and Leader of the Opposition, the MP for Hyndburn.
- 3.6 Following the appointment of BA, it became quickly apparent the Council was not in a position to submit a bid into Round 1, (June 2021) and BA made a recommendation to the Stakeholder Group that they should instead focus on a Round 2 submission. Whilst no formal date has been announced, is likely to be early 2022, possibly January/February. The stakeholder group acknowledged and supported the recommendation to work towards submitting a Round 2 bid.
- 3.7 BA have been engaged to undertake two separate but linked projects. The first, to produce a 10/15 year strategic Town Centre Investment Plan, (TCIP) which will build on/update the currently adopted Accrington Area Action Plan. The second, will be to develop and write the Council's LUF bid.
- 3.8 The current LUF guidance states the first round of the fund will focus on three themes: Smaller transport projects that make a genuine difference to local areas; Town centre and high street regeneration; and Support for maintaining and expanding the UK's world-leading portfolio of cultural and heritage assets. The suggested interventions put forward have been influenced by these themes but BA recently highlighted a possible risk as themes for Round 2 bids have yet to be formally announced. However, BA recalled previous funding bid themes did not deviated greatly between multiple rounds suggesting only 'slight tweaks' took place as take-up around the themes became known.
- 3.9 A wide number of suggestions have come forward to the stakeholder group, with the larger themes highlighted below:
 - The redevelopment of The Arndale shopping centre
 - External redevelopment around the Market Hall
 - Internal redesigning / repurposing of the Market Hall
 - Improved gateway junctions off Eastgate to improve traffic flow into and around the Town Centre (TC)

- Heritage themed improvements along the main TC gateways
- Further cycle paths linked to the existing routes / network
- Property façade improvements to key TC heritage buildings and others along the main gateways into the TC
- Greening of the TC
- Rejuvenating properties facing the town square and along main gateway routes
- Rethinking of bus priorities, traffic routes and one way systems

3.10 BA's initial work in developing a TCIP and follows Prof Richard Rumelt's approach through the following process:

- Undertake an in-depth diagnosis by using both quantitative data i.e. from the Office for National Statistics and Ministry of Housing, Communities and Local Government etc. Plus qualitative data i.e. 1-2-1 interviews with key stakeholders, which will draw out the fundamentals of the challenges and the opportunities.
- The creation and agreement to a vision and set of objectives.
- The agreement to a set of guiding principles and policies. This is a high level approach that will create principles and guidelines to realise the vision and tackle challenges in the diagnosis. For a TCIP this needs to include a Logic Model which emphasises why the proposed investment supports economic, community and cultural priorities.
- Seek to identify relevant interventions / actions that can be delivered. These being a set of coherent, precise and clear actions that align with the guiding approach and hence meet the vision and address the diagnosis.

It should be highlighted that the TCIP will contain all the interventions suggested by the various stakeholders, with only those that score highly on the agreed selection guidelines and are in line with the agreed vision for the TC put forward for to the stakeholder group for adoption within the LUF bid.

3.11 In addition to the appointment of BA at a cost of £120,000 for the two projects, additional work to the value of £85,000 has been needed to provide the required level of evidence necessary for assessing the various projects, namely:

- Resident polling - £6,450
- Town centre footfall counting - £6,015
- Production of schematic designs and budget estimates for the Highway Interventions - £40,000
- High level Property Cost Estimates for some key TC interventions / redevelopment work - £15,500
- Specialist legal advice - £12,000
- Production of a Arts Strategy - £5,000
- Survey of town centre property owners – (this was delivered by an on-line survey and therefore there were no additional costs)

There may be further costs involved in the bid submission, as traffic modelling work may well be needed to support the highway interventions discussions with LCC prior to

the inclusion within the LUF bid, (no costs estimated available at time of writing report) and potentially the need for architectural redevelopment design work, (estimated at between £19k-£26k) if the Council's Broadway offices is considered by the stakeholder group to be one of the interventions within the LUF bid.

4. **Alternative Options Considered and Reasons for Rejection**

4.1 Report is for information only.

5. **Consultations**

5.1 Regular meetings are being held with the Stakeholder Group and Board and BA. A briefing session was also held on the 26 August to update Councillors on the work undertaken so far in developing the Council's LUF bid.

6. **Implications**

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>The Council had set aside £150,000 from the Additional Restrictions Grant to create an Economic Recovery fund and will use this fund to cover the costs involved in preparing the bid.</p> <p>IN addition, the Round 1 funding guidance states £125,000 of capacity funding will be allocated from the Levelling Up Fund to all eligible local authorities to support the development of bids for later rounds of the fund and the Council has just received this funding on the 1 September 2021.</p>
<p>Legal and human rights implications</p>	<p>None from this report</p>
<p>Assessment of risk</p>	<p>There is a potential risk to the Council's bid if there are substantial changes made to the funding themes for Round 2. However, the consultant has advised that in their experience this is generally not the case for funding streams that have multiple bidding rounds.</p>
<p>Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>None from this report</p>

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

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2609&Ver=4>

8. Freedom of Information

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

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Agenda Item 7.

REPORT TO:	Cabinet		
DATE:	15 September 2021		
PORTFOLIO:	Cllr Paul Cox - Deputy Leader - Environmental Services		
REPORT AUTHOR:	Craig Haraben (Deputy Head of Environmental Services)		
TITLE OF REPORT:	Public Space Protection Order relating to Dog Control		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	Yes	If yes, date of publication:	7 September 2021

1. Purpose of Report

- 1.1 To request Cabinet consider making a Public Spaces Protection Order (PSPO) pursuant to section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("The Act") relating to dog control within the Borough of Hyndburn

2. Recommendations

- 2.1 That Cabinet agrees to make a PSPO having taken in consideration the outcome of the consultation exercise.
- 2.2 That Cabinet agrees to make a PSPO being satisfied that the conditions in section 59 (2) and (3) of the Act have been met. Those conditions being:
- (i) Activities carried on in a public place within the authority's area have had a detrimental effect on the quality of those in the locality
 - (ii) It is likely that activities will be carried on in a public place within that area and they will have such an effect
 - (iii) Is or is likely to be persistent or of a continuing nature
 - (iv) Is or is likely to be such as to make the activities unreasonable
 - (v) Justifies the restriction imposed

- 2.3 That Cabinet agrees to make a PSPO which imposes the following requirements (for a detailed list of the different sites outlined below refer to Appendix 1):
- i. The exclusion of dogs from Council owned children's play facilities.
 - ii. The exclusion of dogs from designated Council owned bowling greens.
 - iii. The requirement that the owner or person in charge of a dog having to clear up after their dog if the dog fouls on any open land in the Borough to which the dog has access
 - iv. The requirement for dogs to be kept on leads within Hyndburn's main townships.
 - v. The requirement for dogs to be kept on leads in the Borough's cemeteries.
 - vi. The requirement for dogs to be kept on leads on Council owned sports pitches
 - vii. The requirement for dogs to be kept on leads within the grounds of Churchfield House in Great Harwood
 - viii. The requirement for dogs to be kept on leads within the rose garden in Haworth Park
- 2.4 That Cabinet agree on the level of any Fixed Penalty Notices (FPN) issued for contravening a PSPO (recommended at £80 with no discount) and delegate authority to the Executive Director (Environment) to amend the level of FPN in the future in consultation with the relevant portfolio holder and the Executive Director (Legal and Democratic Services).

3. Reasons for Recommendations and Background

- 3.1 Legislation relating to Dog Control changed in 2014 with the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014. The Act superseded The Clean Neighbourhoods and Environment Act 2005 in relation to dog control.
- 3.2 The Act required local authorities to use PSPOs instead of dog control orders. To make a PSPO a local authority had to be satisfied that activities carried on in a public place had or were likely to have a detrimental effect on the quality of life of those in the locality (s 59 (2) of the Act) and that those activities were unreasonable, likely to persist or continue and justified the making of the PSPO.
- 3.3 Officers take the view that the statutory conditions are met because:
- (i) There are ongoing concerns about dog fouling in the Borough
 - (ii) There have been issues for users of play facilities and bowling greens with dogs running around disrupting their activities, jumping up at people and fouling in these areas
 - (iii) There have been issues are issues with dogs off leads running in town ships causing disruption for shoppers and dogs running into the highway
 - (iv) There are ongoing concerns about dogs not on leads being able to run onto graves and foul in the boroughs cemeteries
 - (v) There are concerns about dogs off leads fouling, disrupting users and attacking other dogs at Churchfield House in Great Harwood
- 3.4 In addition nominated sports pitches and the rose garden in Haworth Park have been added to the areas covered by the proposed PSPO. This is because there have been

complaints from sports pitch users about dog fouling on sports pitches where children and adults are going to participate in football or rugby, caused by dogs not being on leads and the owners not knowing the dog has fouled. Also due to the fact that the Rose Garden in Haworth Park is used for weddings and art events there have been complaints about dogs off leads running around disrupting activities and fouling which has created an unpleasant environment for such activities.

3.5 PSPO's are live for a maximum of three years and at that point can be extended and varied if necessary, for them to remain in force.

3.6 Section 60 (2) of the Act permits local authorities to extend the period during which an existing PSPO has effect if it is satisfied on reasonable grounds that the restrictions in that PSPO are still required.

3.7 A consultation exercise was undertaken during June of 2021. Key stakeholders such as the Police & Crime Commissioner Office, Dogs Trust and user groups such as Sports Teams & local 'Friends Of' groups were informed of the consultation to ensure those most invested had a chance to comment. A summary of the results are in the table below:

Consultation Question	In Favour	Against
Exclude dogs from Council Play Facilities	83.79%	16.21%
Exclude dogs from Council bowling greens	77.78%	22.22%
That dog owners or those in charge of a dog clear up after the dog fouls	99.6%	0.4%
Dogs are kept on leads in Borough townships	85.71%	14.29%
Dogs are kept on leads in the Boroughs cemeteries	87.25%	12.75%
Dogs are kept on leads on designated sports pitches	65.08%	34.92%
Dogs are kept on leads within the grounds of Churchfield House in Great Harwood	75.29%	27.71%
Dogs are kept on leads within the rose garden at Haworth Park	65.86%	34.14%

3.8 As part of the consultation an online survey was available for Borough residents to indicate which of the proposals for inclusion within the PSPO they were for or against. A total of 257 responses were received via the on-line survey. The results are available in Appendix 2 of this report.

3.9 Within the consultation document there was a space available on the online survey for anyone wishing to make a specific point or comment about the proposals. A total of 104 responses were received via the on line survey. A copy of these responses are in Appendix 3 of this report.

3.10 During the consultation a request was made by the Lancashire Wildlife Trust to include Foxhill Bank Local Nature Reserve (LNR) within the PSPO to require users to keep their dogs on leads when within the LNR. This requirement will be considered for the next consultation in three years time.

3.11 While the PSPO restricts how dog walkers can exercise their dogs in specified areas, the Borough's eleven major parks and many other open spaces throughout Hyndburn are available for dog walkers to exercise their dogs without restrictions.

4. Alternative Options considered and Reasons for Rejection

4.1 Do not make a Public Space Protection Order relating to dog control in Hyndburn pursuant to Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. This has been rejected as evidence and experience has shown that practical measures, like a PSPO help balance the needs of dog owners with the wider use of public spaces.

5. Consultations

5.1 A public consultation exercise took place for one month between 1 June 2021 and 30 June 2021. The consultation was open to all residents of Hyndburn. In addition, certain parties were contacted directly about the consultation which included Police & Crime Commissioners Office, The Dogs Trust, Lancashire County Council, 'Friends of' and other community groups with an interest in green spaces and users of Council sports facilities.

6. Implications

Financial implications (including any future financial commitments for the Council)	There will be a cost to the purchase and installation of signage relevant to the Public Space Protection Orders. The cost is estimated at £1,000 and will be fund rom existing Environmental Services budgets.
Legal and human rights implications	Making a Public Space Protection Order must be undertaken as per guidelines and in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014. Officers have had regard to the attached national guidelines in progressing the making of the proposed PSPO.
Assessment of risk	No specific risks have been identified. However not having PSPO for dog control in the Borough as outlined above could lead to an imbalance between the needs of dog owners and the wider use of public spaces
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>	The PSPO does not have any particular impact on equality targets groups as assistance dogs are exempt from the PSPO.

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

- 7.1 Home Office guidance relating to Public Space Protection Orders (attached)
- 7.2 The results of the consultation (via survey monkey) and the comments made in the comments section of the consultation are located in appendices 2 & 3 of this report

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PLAY AREAS

Play Areas in Accrington/Baxenden/Church/Huncoat.

Gatty Park play area.
Milnshaw Park play area.
Bullough Park play area.
Springhill Play area.
Park Road play area.
Highams play area.
Bolton Avenue Recreation Ground play area.
Peel Park play area.
Peel Park tennis courts.
Oakhill Park play area.
Church Street play area.
Baxenden Recreation Ground play area.

Play Areas in Great Harwood/Rishton/Clayton le Moors.

Lowerfold Park play area.
Lowerfold Park tennis court.
Windsor Road Recreation Ground play area.
Milton Close play area.
Cutwood Park play area
Harwood Road Recreation ground play area.
Mercer Park play area.
Burnley Road Recreation Ground play area.

Play Areas in Oswaldtwistle/Knuzden/Belthorn.

Rhyddings Park play areas.
West End play area.
Brookside View play area.
Rhoden Road play area.
Knuzden Recreation ground play area.
Belthorn Recreation ground play area.

Skate Park Areas.

St James Street skate park in Accrington.
Mercer Park skate park in Clayton le Moors.
Harwood Road skate park in Rishton.

Multi Use Games Areas

Bullough Park Multi Use Games Area in Accrington.
Peel Park Multi Use Games Area in Accrington.
Baxenden Recreation Ground Multi Use Games Area.
Church Street Multi Use Games Area in Accrington.
Holt Street Recreation Ground Multi Use Games Area in Rishton.
Burnley Road Recreation Ground Multi Use Games Area in Clayton le Moors.
Mercer Park Multi Use Games Area in Clayton le Moors.
Rhyddings Park Multi Use Games Area in Oswaldtwistle.
Game Street Multi Use Games Area in Great Harwood.
Milnshaw Park Multi Use Games Area in Accrington
Oakhill Park Multi Use Games Area in Accrington

BOWLING GREENS

Milnshaw Park bowling greens (two).
Oakhill Park bowling greens (two).
Gatty Park bowling green (one).
Mercer Park bowling green (one).
Lowerfold bowling green (one).
Peel Park bowling green (one).
Parker Street bowling green (one).
Rhyddings Park bowling green (one).

CEMETERIES

Accrington Cemetery, Burnley Road, Accrington.
Church and Clayton Le Moors Cemetery, Dill Hall Lane, Church, Accrington.
Great Harwood Cemetery, Blackburn Road, Great Harwood.
Rishton & Great Harwood Cemetery, Lee Lane, Rishton.

TOWN CENTRES

Accrington Town Centre
Clayton le Moors Town Centre
Great Harwood Town Centre
Oswaldtwistle Town Centre
Rishton Town Centre

SPORTS PITCHES

Bullough Park playing fields, Willows Lane, Accrington
Foxhill & Whiteash playing fields, Harvey Street, Oswaldtwistle
Memorial Park playing fields, Church Lane, Great Harwood
Norden Valley playing fields, Harwood Road, Rishton

SPECIFIC SITES

Churchfield House, Church Street, Great Harwood
The Rose Garden, Haworth Art Gallery, Baxenden

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Public Space Protection Orders Consultation - Dog Control

[All Pages](#)

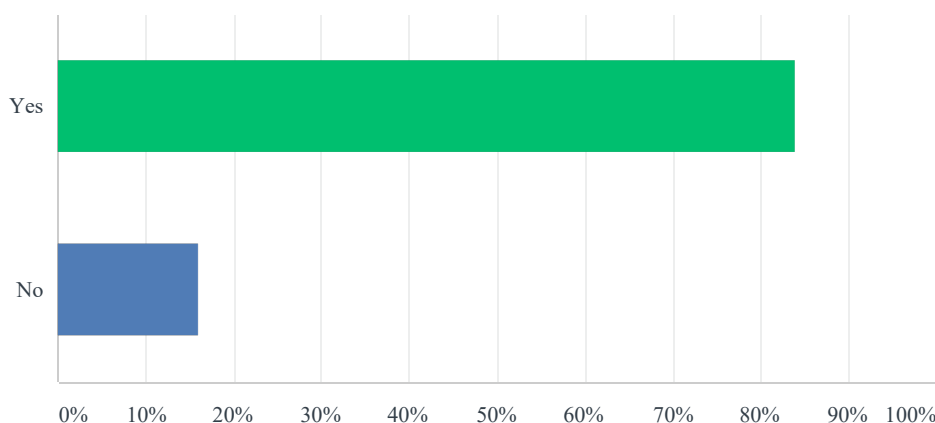
Page 1

Q1 w0

[Customize](#)

Would you support the proposal to continue to exclude dogs from children’s play facilities? (these are listed on the Council’s web pages and a plan of these areas can be viewed by following the link) Click here to follow the link

- Answered: 253
- Skipped: 4



Answer Choices – Responses –

–	83.79%
Yes	212
–	16.21%
TOTAL	253

Answer Choices –Responses –

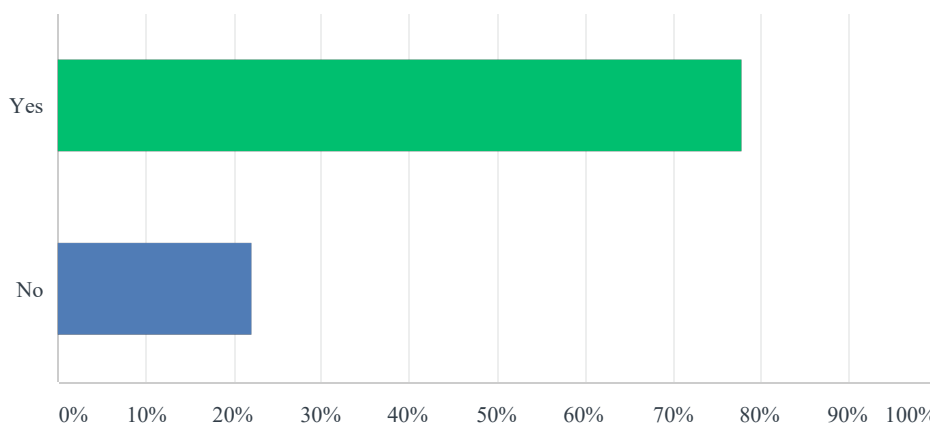
No 41
 TOTAL 253

Q2 w0

[Customize](#)

Would you support the proposal to continue to exclude dogs from bowling greens? (these are listed on the Council’s web pages and a plan of these areas can be viewed by following the link) Click here to follow the link

- Answered: 252
- Skipped: 5



Answer Choices –Responses –

– 77.78%
 Yes 196

– 22.22%
 No 56

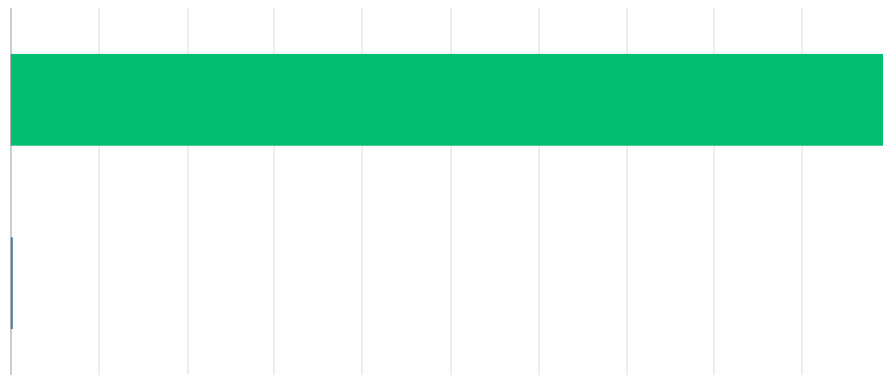
TOTAL 252

Q3 w0

[Customize](#)

Would you support the continuation of the requirement for dog owners or the person in charge of a dog having to clear up after their dog if their dog fouls any open land in the borough to which the public have access

- Answered: 253
- Skipped: 4



Answer Choices – Responses –

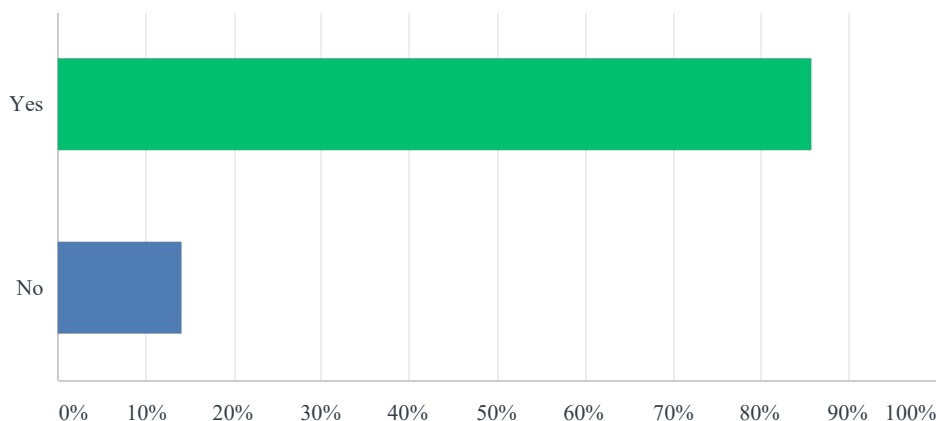
–	99.60%
Yes	252
–	0.40%
No	1
TOTAL	253

Q4 w0

[Customize](#)

Would you support the continuation of the requirement for dogs to be kept on leads within Hyndburn’s main townships? (these are listed on the Council’s web pages and a plan of these areas can be viewed by following the link) Click here to follow the link

- Answered: 252
- Skipped: 5



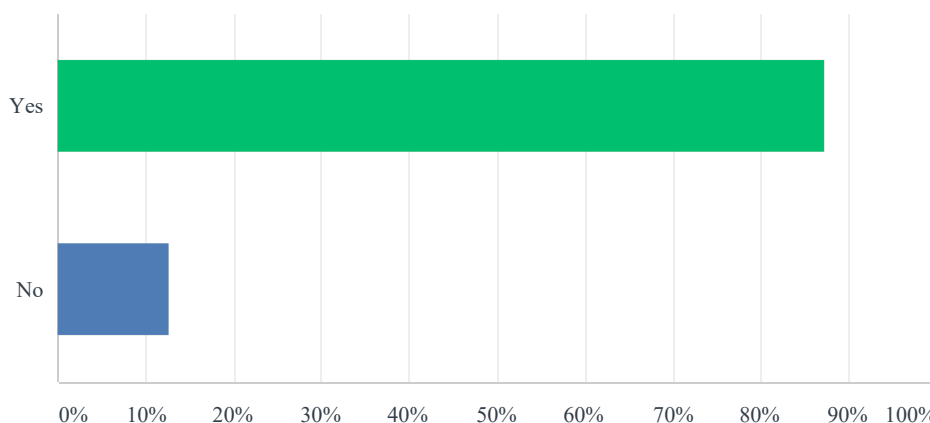
Answer Choices – Responses –

–	85.71%
Yes	216
–	14.29%
No	36
TOTAL	252

Q5 w0
[Customize](#)

Would you support the continuation of the requirement for dogs to be kept on leads in the Borough’s cemeteries? (these are listed on the Council’s web pages and a plan of these areas can be viewed by following the link) Click here to follow the link

- Answered: 251
- Skipped: 6



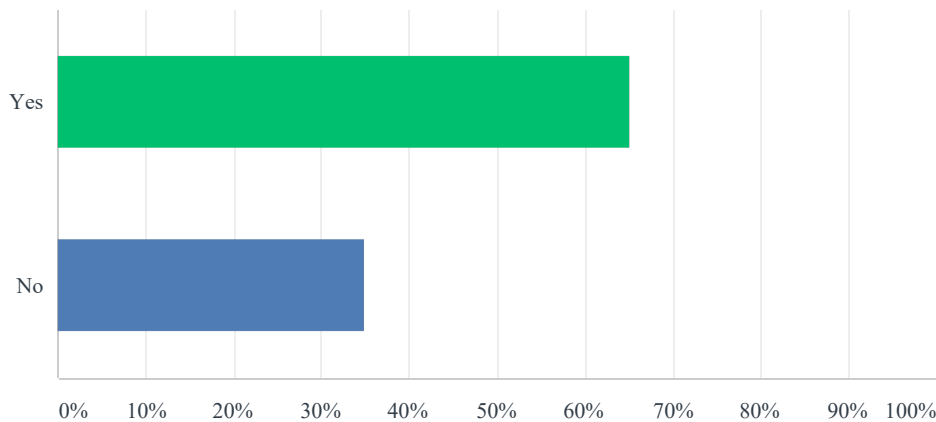
Answer Choices – Responses –

–	87.25%
Yes	219
–	12.75%
No	32
TOTAL	251

Q6 w0
[Customize](#) Yes

Would you support the proposal to require dogs to be kept on leads within designated areas of Council owned sports pitches? (these are listed on the Council’s web pages and a plan of these areas can be viewed by following the link) Click here to follow the link

- Answered: 252
- Skipped: 5



Answer Choices –Responses –

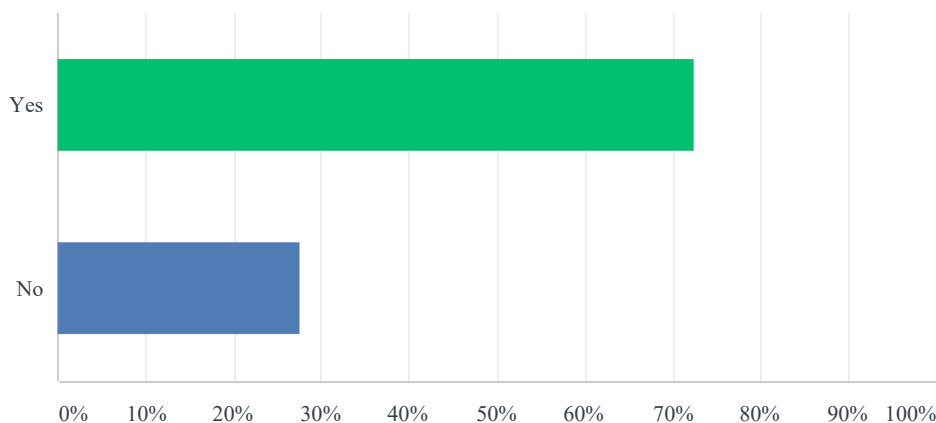
–	65.08%
Yes	164
–	34.92%
No	88
TOTAL	252

Q7 w0

[Customize](#)

Would you support the continuation of the requirement for dogs to be kept on leads within the grounds of Churchfield House in Great Harwood? (a plan of this area can be viewed on the Council’s web pages by following the link below) Click here to follow the link

- Answered: 249
- Skipped: 8



Answer Choices –Responses –

–	72.29%
Yes	180
–	27.71%
TOTAL	249

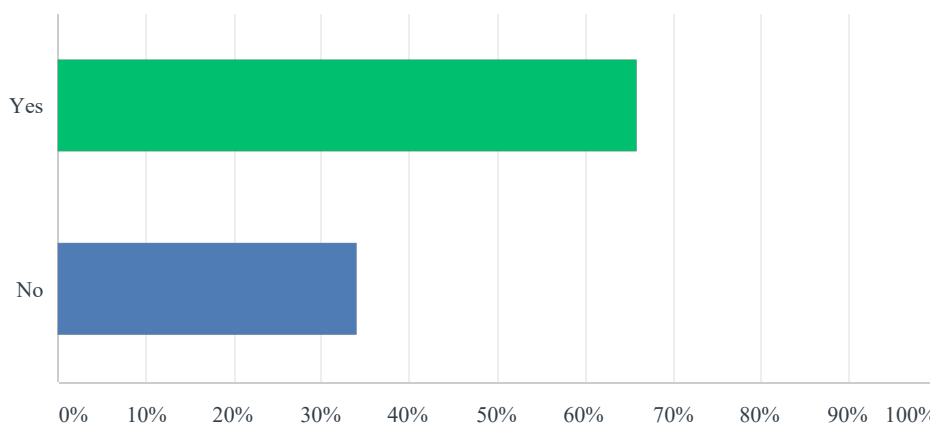
Answer Choices –Responses –

No 69
 TOTAL 249
 Q8 w0

[Customize](#)

Would you support the proposal for dogs to be kept on leads within the Rose Garden at Haworth Park in Baxenden? (a plan of this area can be viewed on the Council’s web pages by following the link below) Click here to follow the link

- Answered: 249
- Skipped: 8



Answer Choices –Responses –

– 65.86%
 Yes 164
 – 34.14%
 No 85
 TOTAL 249

Page 2
 Q9 w0

Any further comments please make them here:

- Answered: 104
- Skipped: 153

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◦

Engage

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◦

Usabilla

Get in-the-moment feedback across all digital channels

◦

TechValidate

Create marketing content from customer feedback

◦

Apply

Collect, review, & manage applications online

◦

Wufoo

Gather data & accept payments with online forms

◦

GetFeedback

Customer feedback for Salesforce

◦

View all products

2. Solutions 

◦

Customers

Win more business with Customer Powered Data

o

Employees

Build a stronger workforce with Employee Powered Data

o

Markets

Validate business strategy with Market Powered Data

o

Customer Experience

Delight customers & increase loyalty through feedback

o

Human Resources

Improve your employee experience, engagement & retention

o

Marketing

Create winning campaigns, boost ROI & drive growth

- o Customer Satisfaction
- o Customer Loyalty
- o Event Surveys
- o Employee Engagement
- o Job Satisfaction
- o HR Surveys
- o Market Research
- o Opinion Polls
- o Concept Testing

o

o

Explore more survey types

3. Resources

o

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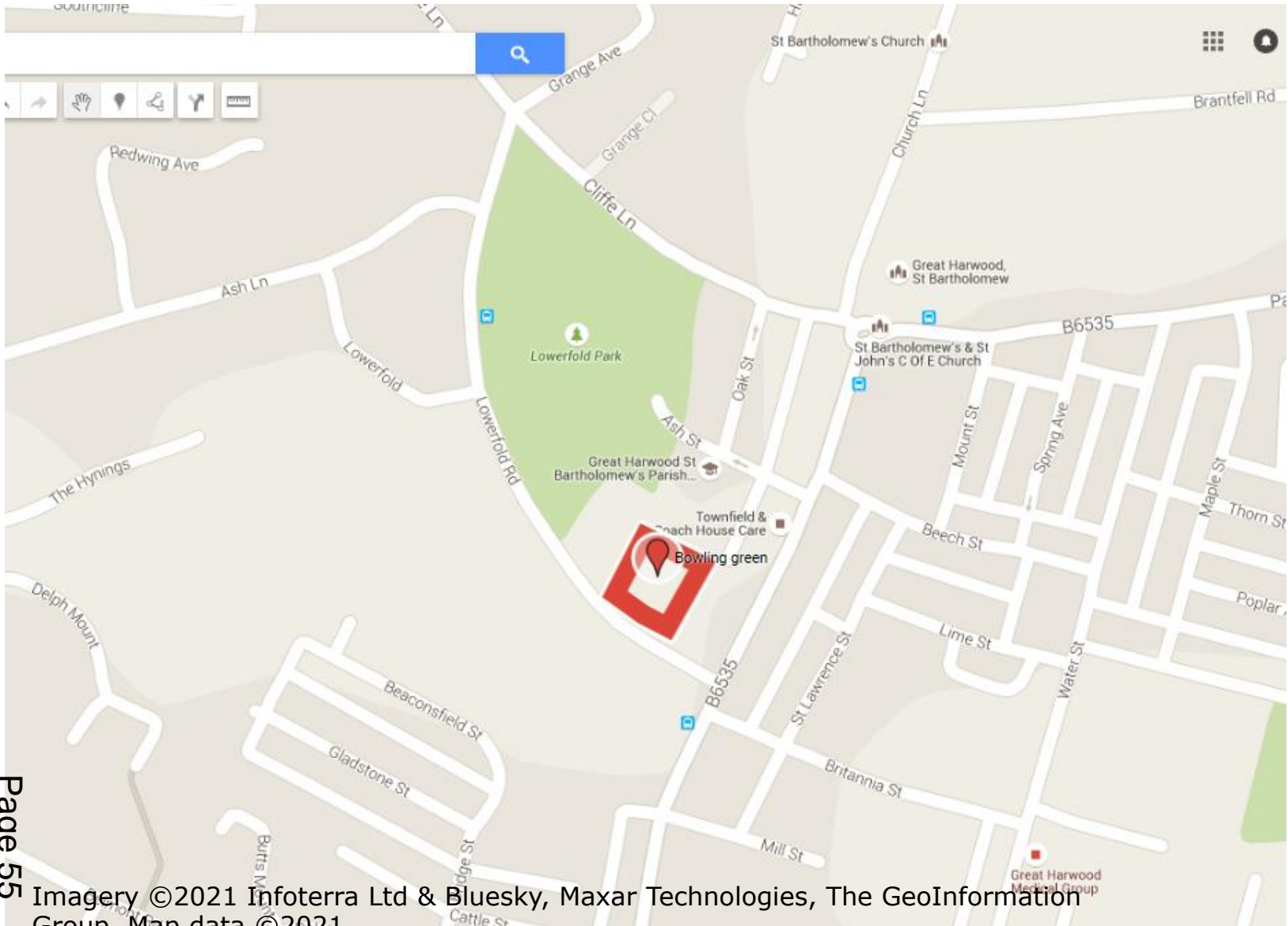
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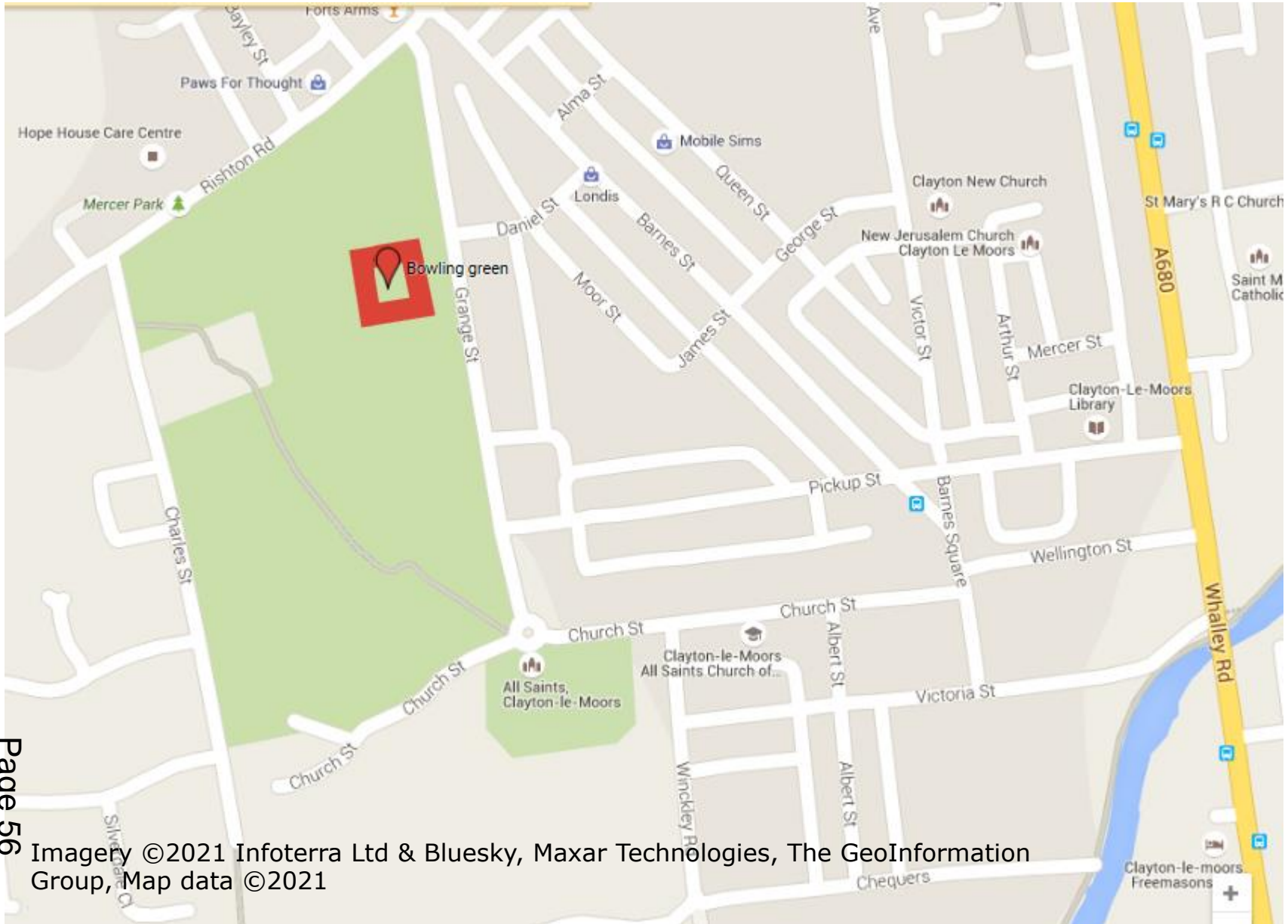
4. [Plans & Pricing](#)
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- 7.

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Lowerfold Park Bowling Green, Great Harwood



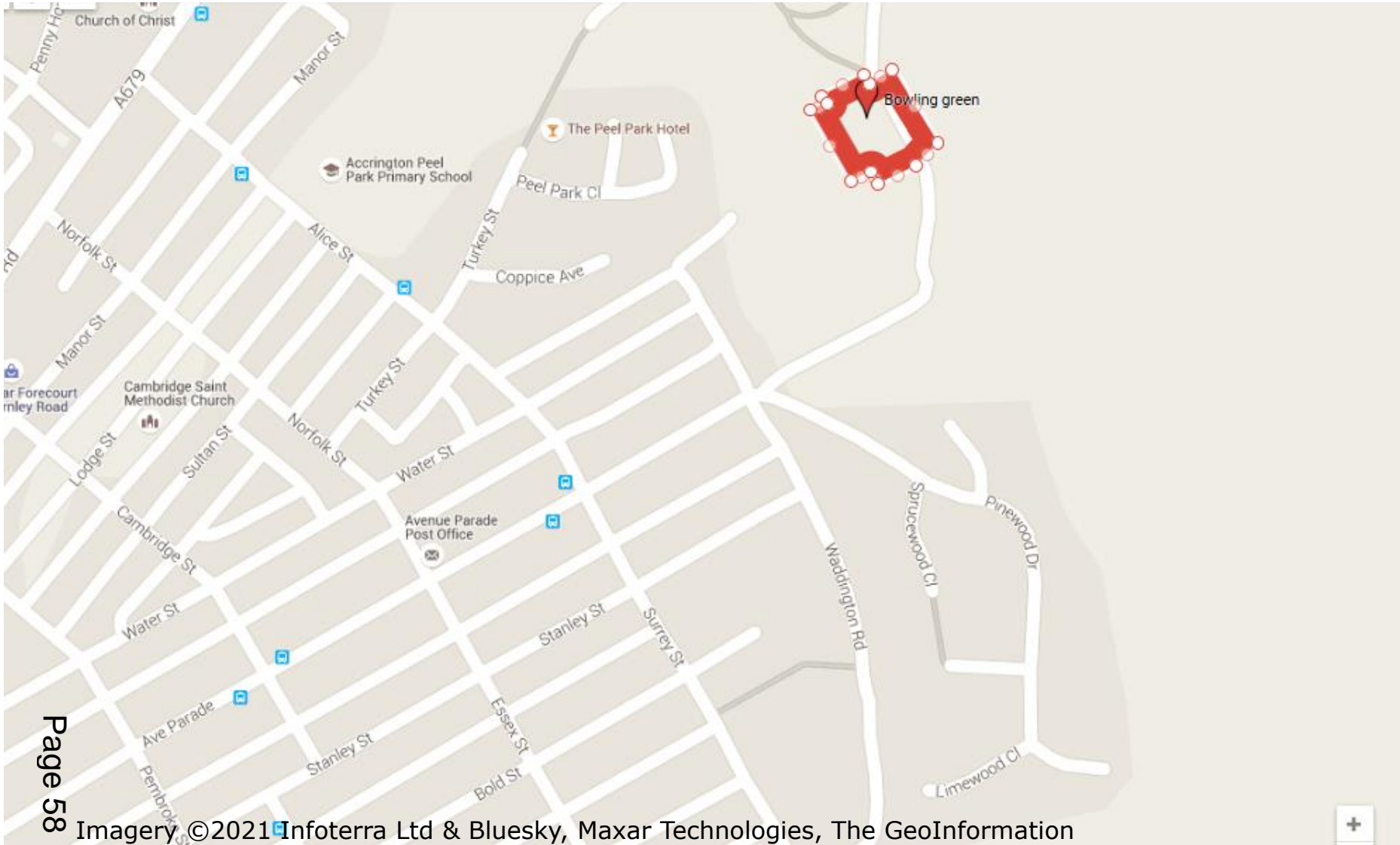
Mercer Park Bowling Green, Clayton Le Moors



Milnshaw Park and Gatty Park Bowling Greens, Accrington



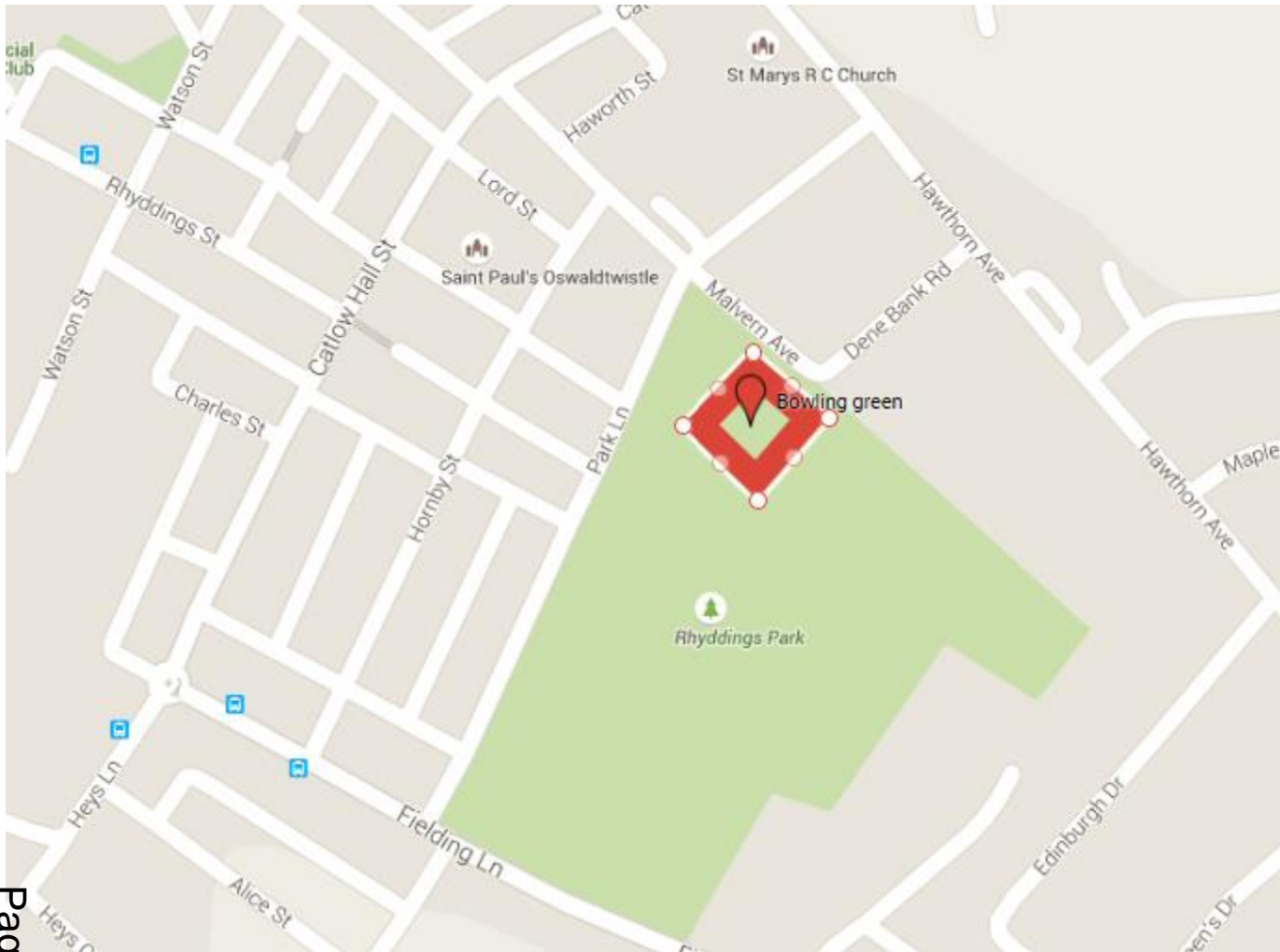
Peel Park Bowling Green, Accrington



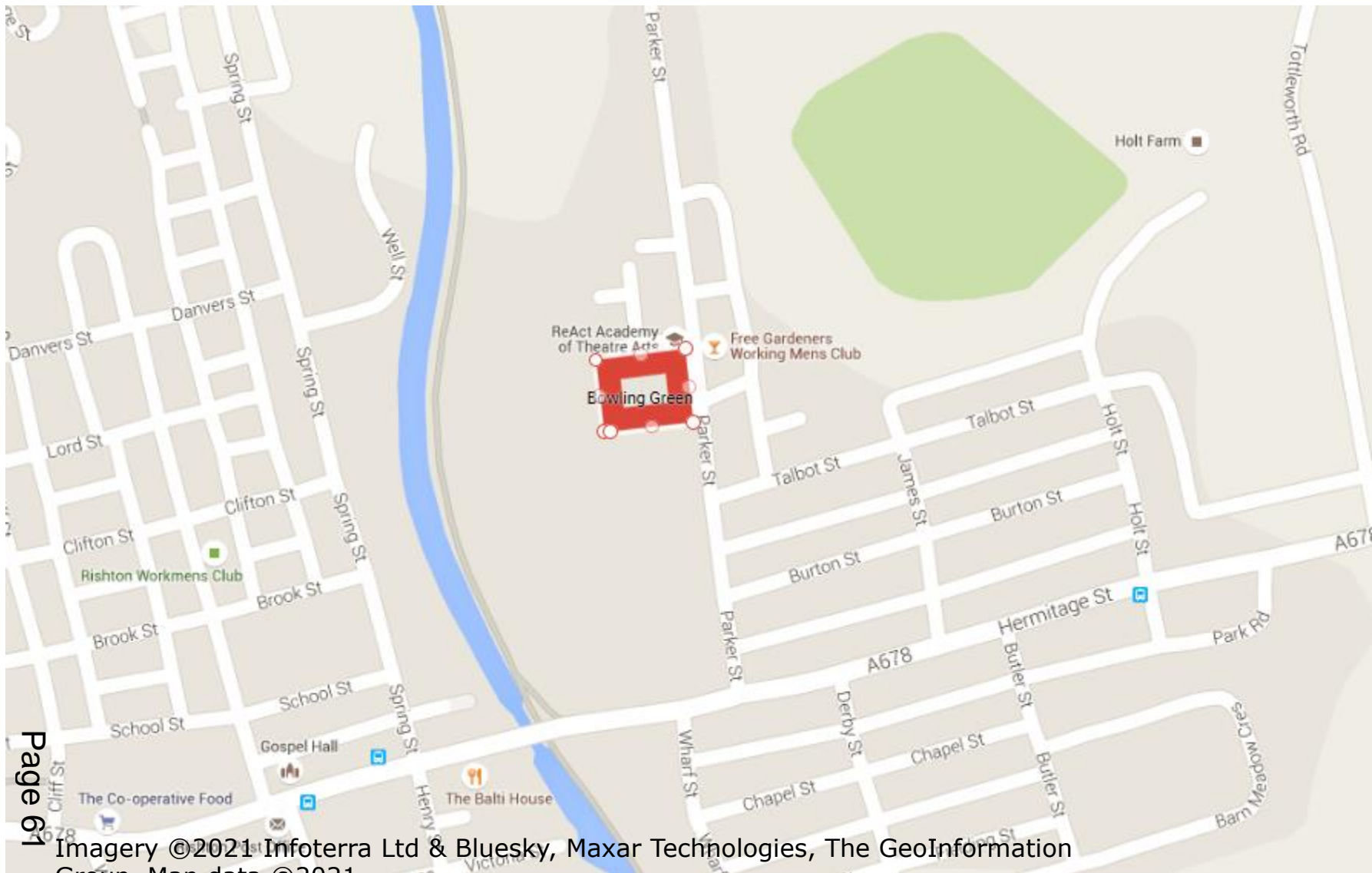
Oak Hill Park Bowling Greens, Accrington



Rhyddings Park Bowling Green, Oswaldtwistle



Parker Street Bowling Green, Rishton



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Accrington Cemetery & Crematorium



EA Plot : Site of former Church of England Chapel
 DA Plot : Site of former Non-Conformist Chapel
 CB Plot : Site of former Roman Catholic Chapel

Plot references beginning with
 D - Non conformist
 E - C of E
 M - Muslim
 R - RC


- Key**
1. CREMATORIUM & BOOK OF REMEMBRANCE
 2. CAR PARKS
 3. TOILETS (DISABLED ACCESS)
 4. CEMETERIES & CREMATORIUM OFFICE
 5. GARDENS OF REMEMBRANCE
 6. ASHES BURIAL PLOTS
 7. INFANT MEMORIAL GARDEN
 8. NEW INFANT MEMORIAL GARDEN
 9. MUSLIM INFANT MEMORIAL GARDEN
 10. WAR MEMORIAL
 11. MEMORIAL WALL
- Taps

Church and Clayton-le-moors Cemetery



*Toilets - only open when services are booked at the cemetery

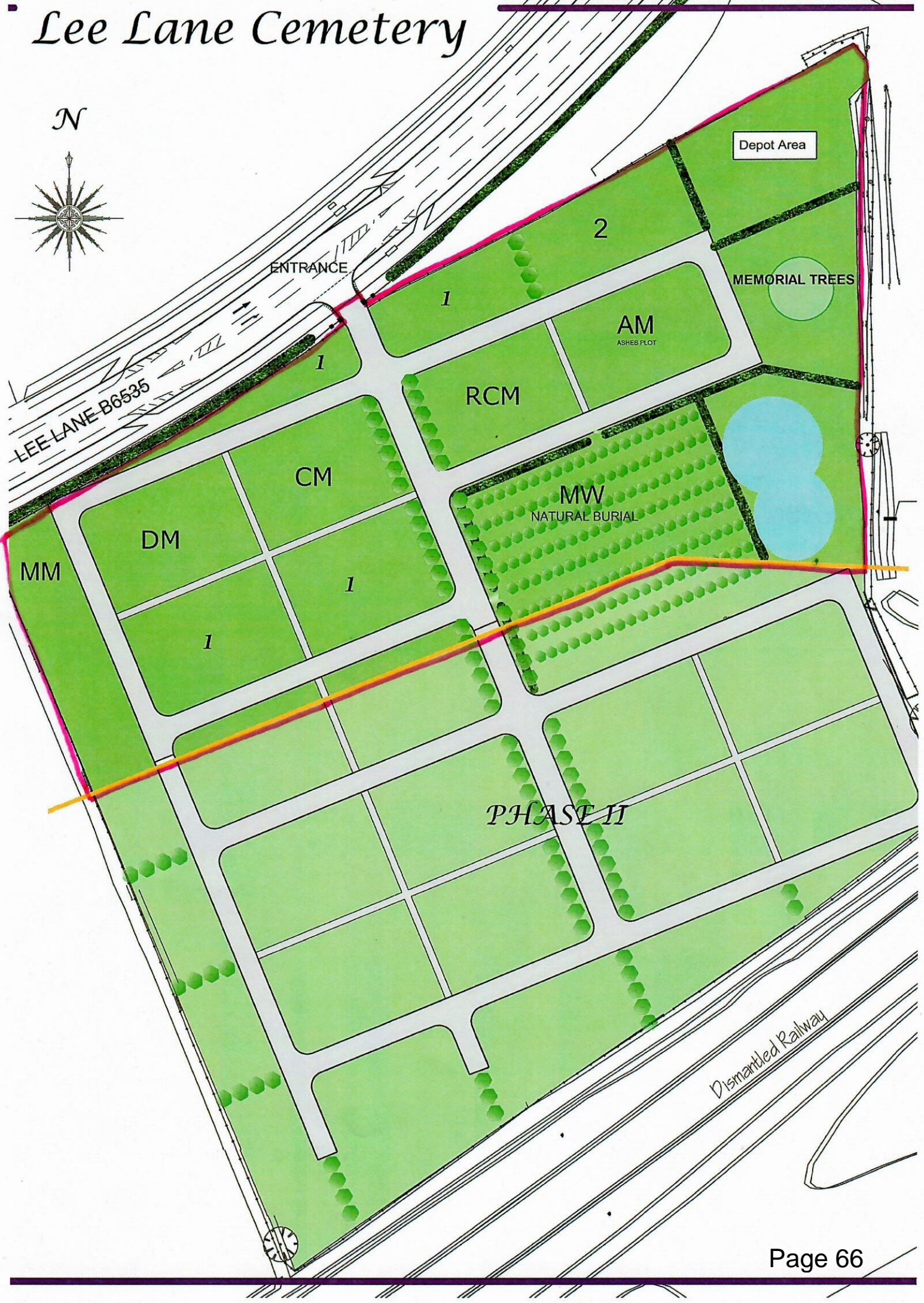
KEY

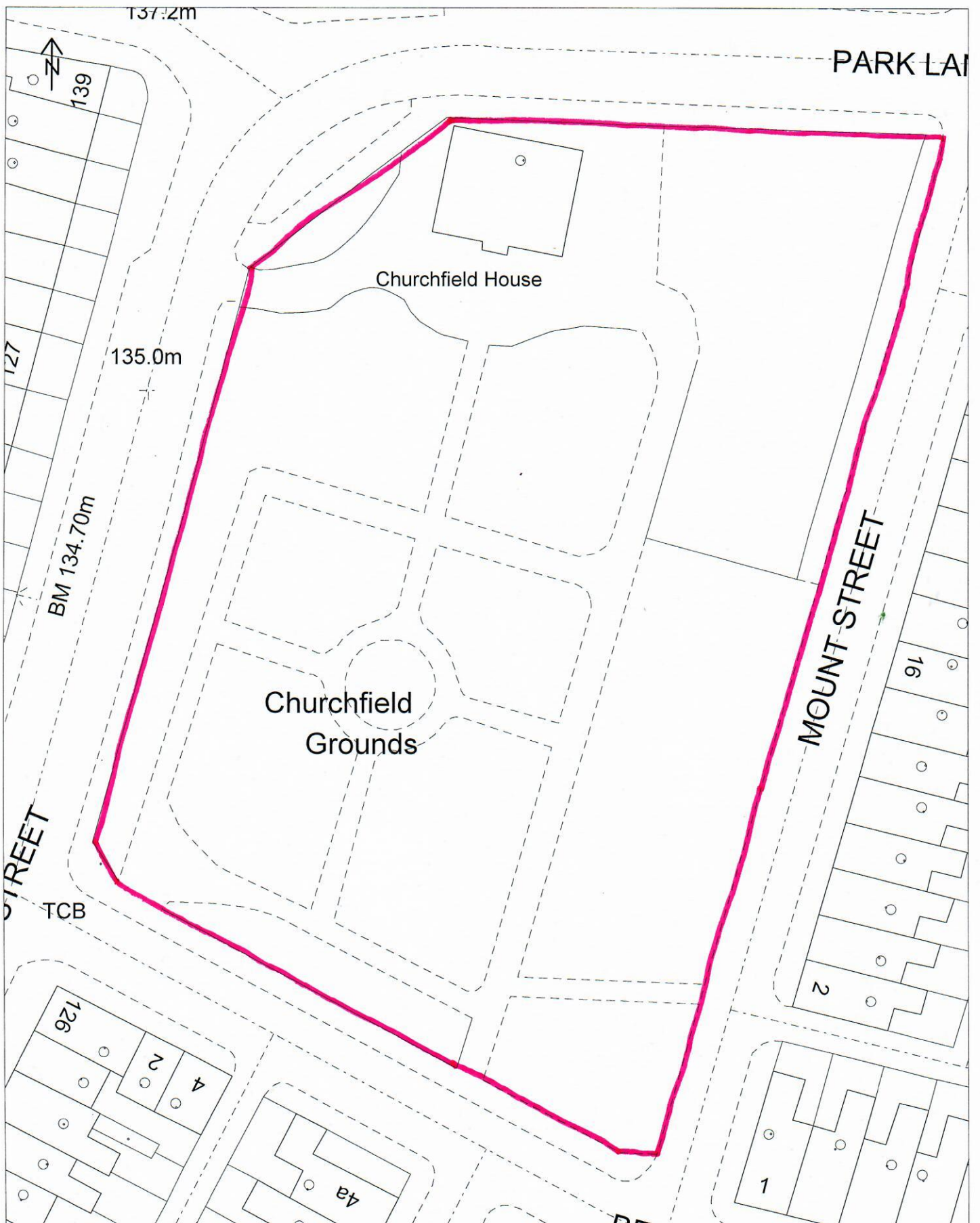
 Taps

Plot references beginning with

- E - C of E
- N - Non conformist
- R - Roman Catholic
- A - Ashes burial plots

Lee Lane Cemetery





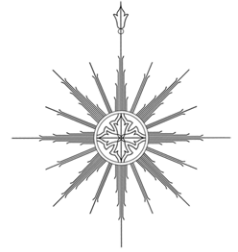
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<p>Job Title:</p> <p>Drawing: Churchfield House Great Harwood</p>	<p>Drawn:</p> <p>Scale: 1:500</p> <p>Date:</p> <p>No.:</p>		<p>HYNDBURN BOROUGH COUNCIL</p> <p>Operations Department, Technical Client Group</p> <p>Willows Lane, Accrington, Lancashire BB50RT</p> <p>Tel: (01254) 385021 Fax: (01254) 356280</p> <p>Allan Hodge: Director of Operations</p>
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HAWORTH PARK

N



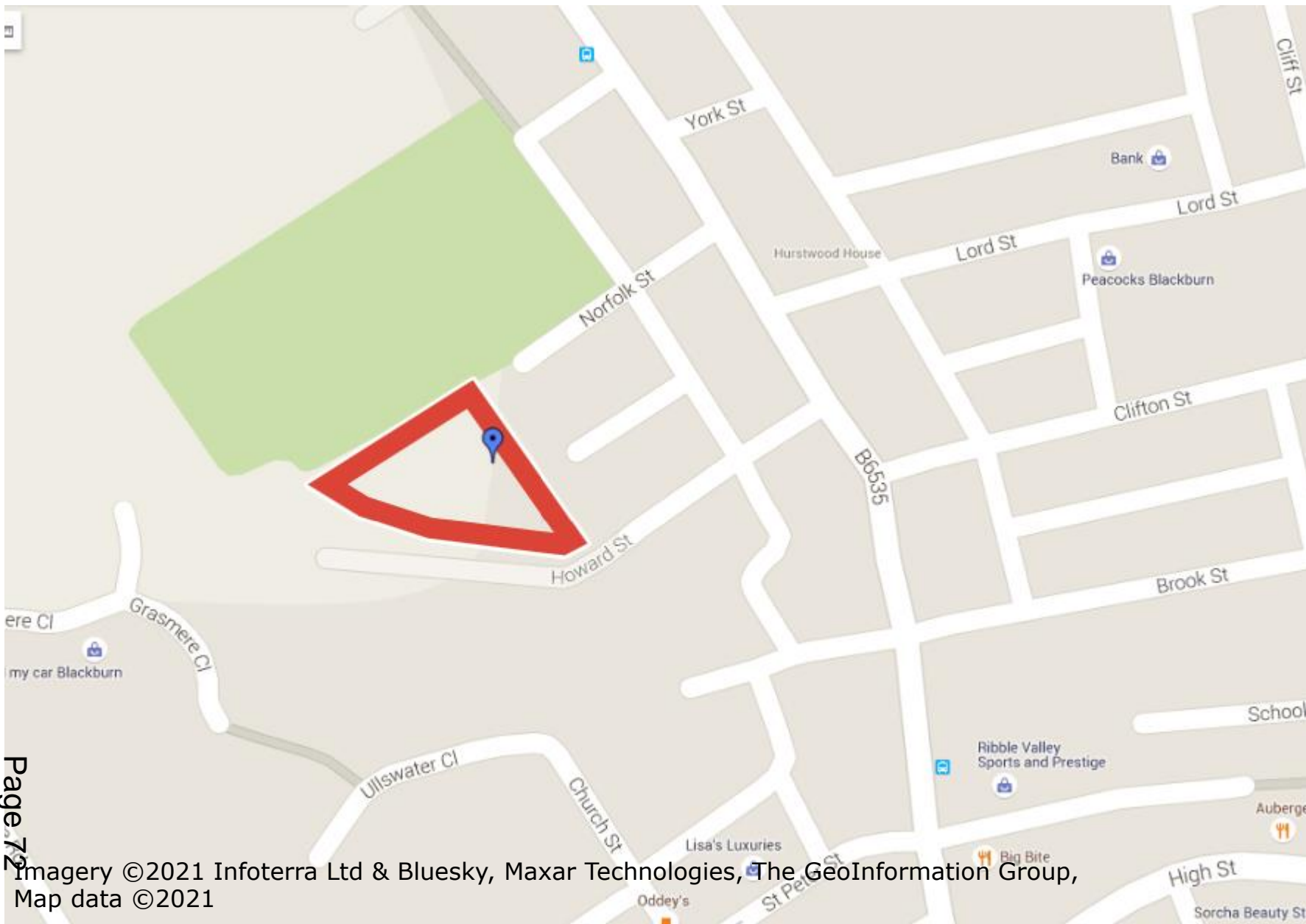
KEY

1. Haworth Art Gallery
2. Car Park
3. Disabled Car Park
4. Outdoor events area
5. Picnic Area
6. Old Stables
7. Accrington Pals Memorial
8. Natural Grassland
9. Herbaceous Border
10. Rose garden

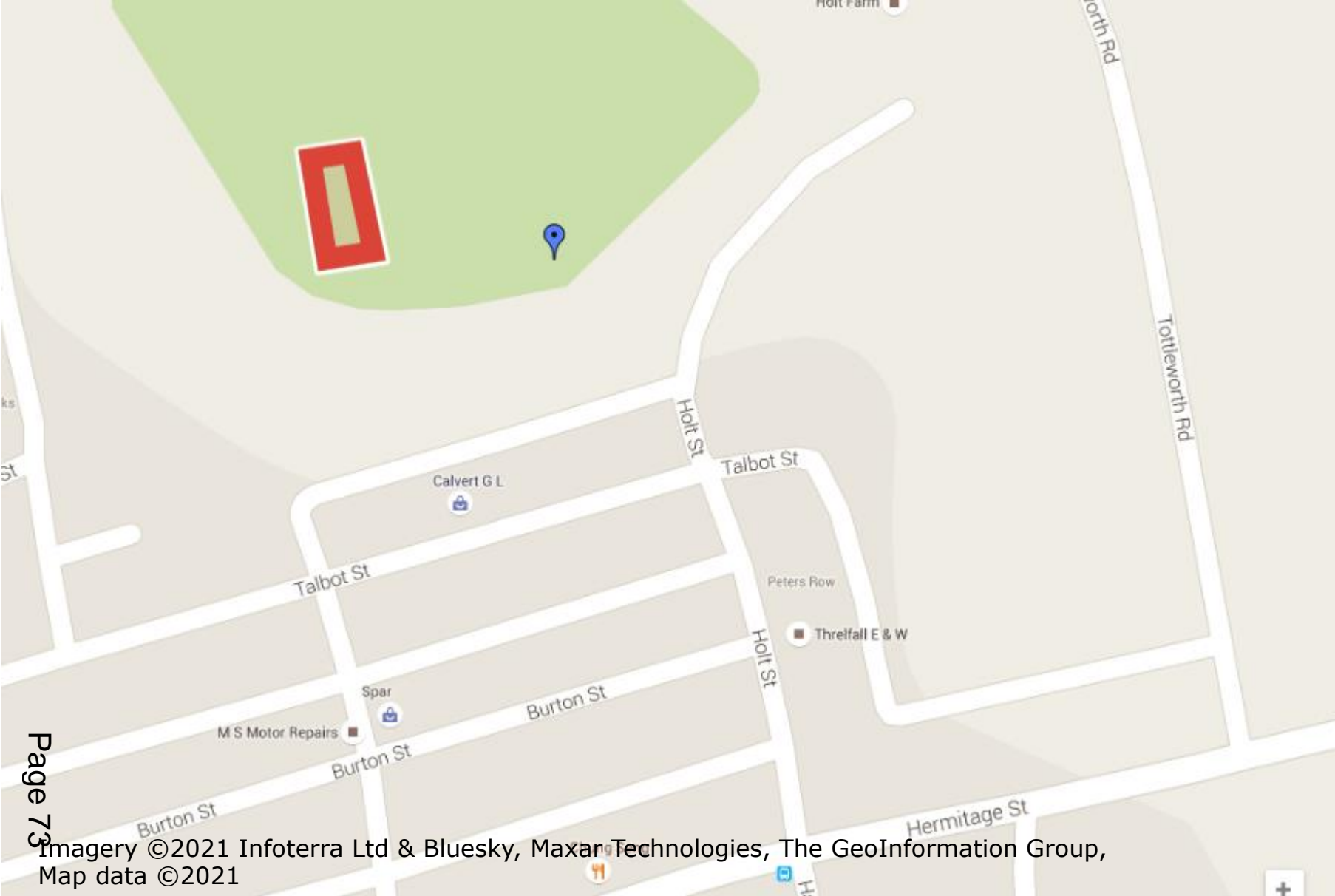
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Rishton

Harwood Road Play Area, Rishton



Holt Street MUGA, Rishton



Cutwood Park, Rishton

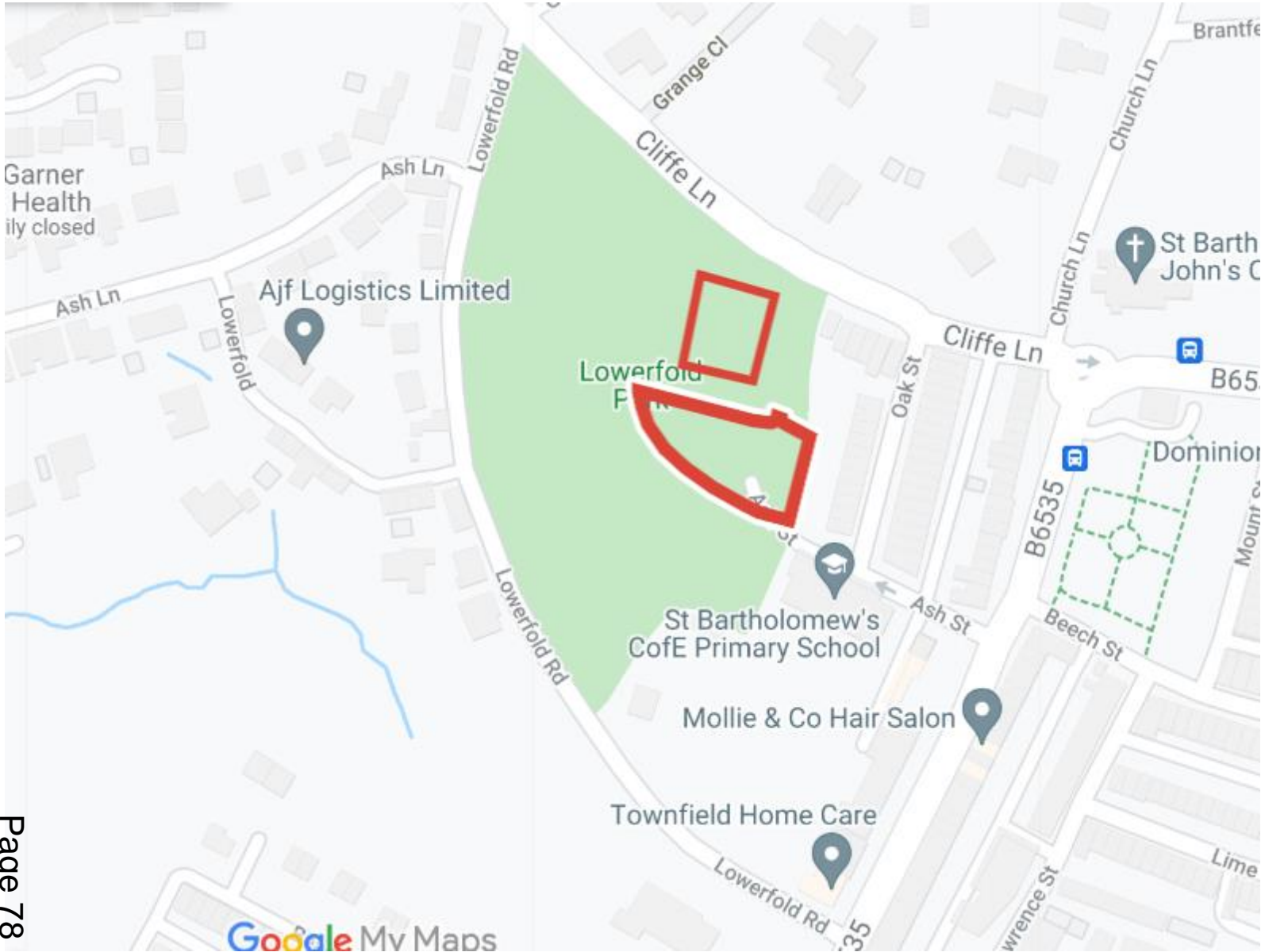


Great Harwood

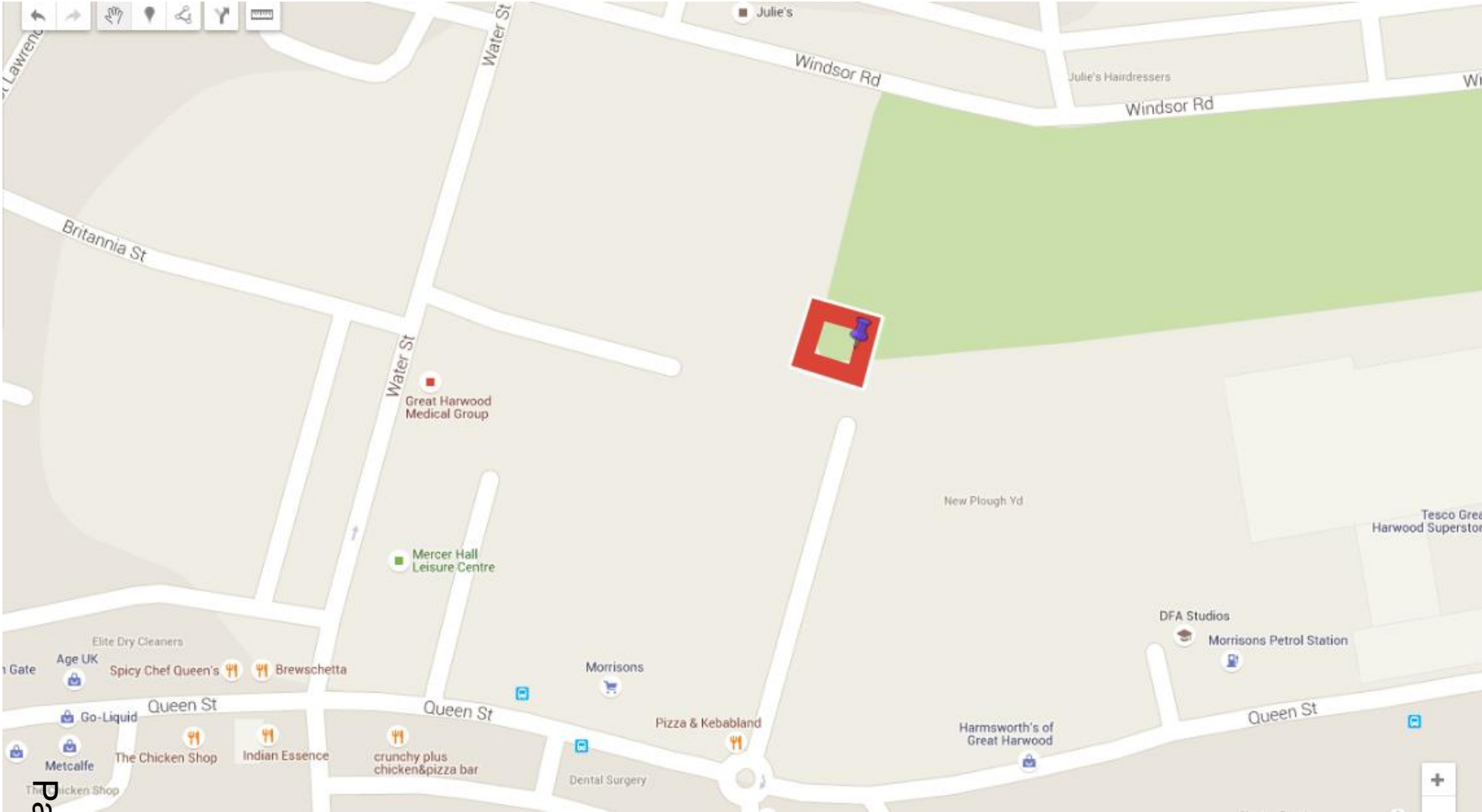
Edge End Ballcourt, Great Harwood



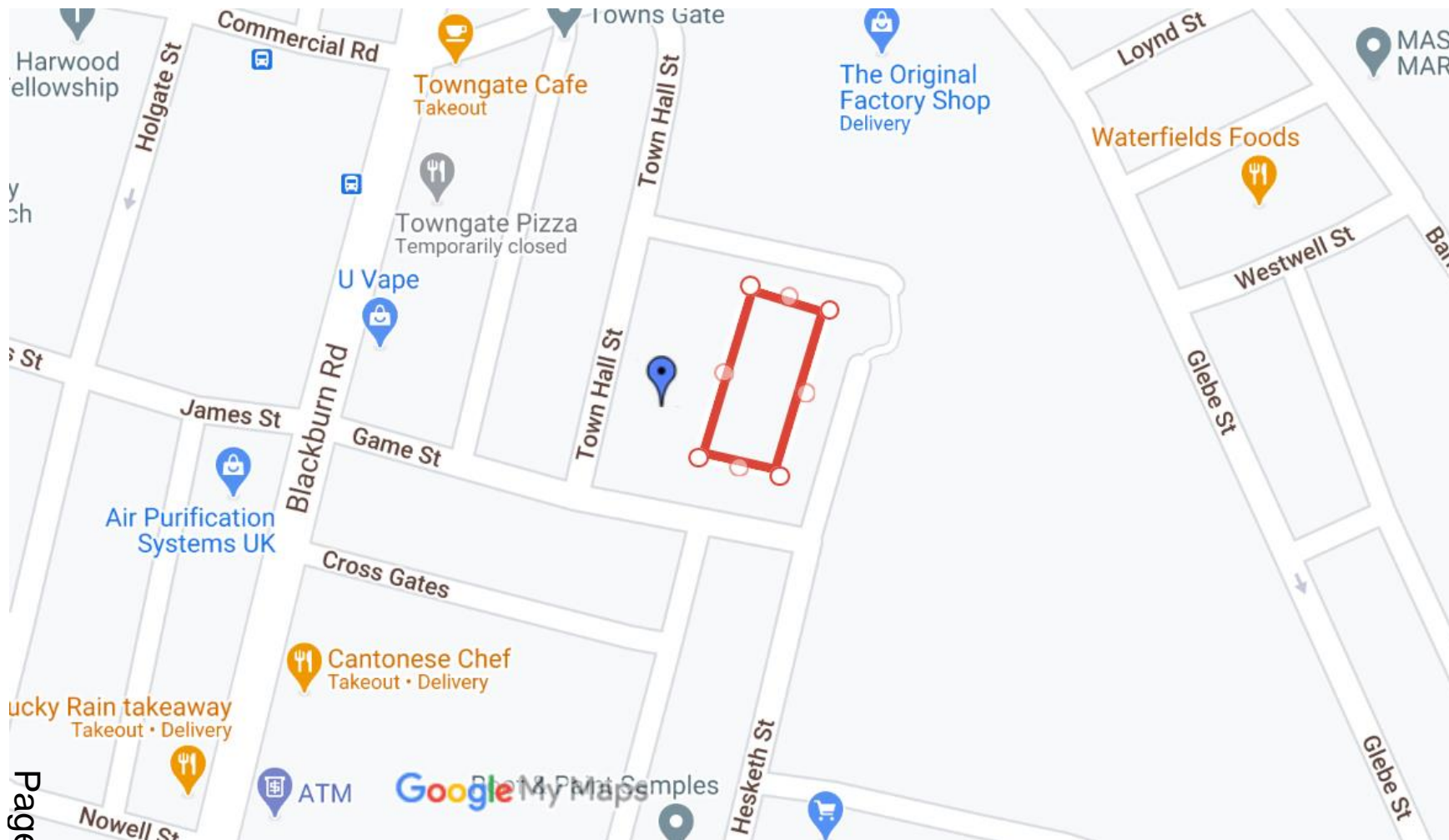
Lowerfold Park Play Area, Great Harwood



Windsor Road Play Area, Great Harwood



Game Street Multi-use Games Area, Great Harwood



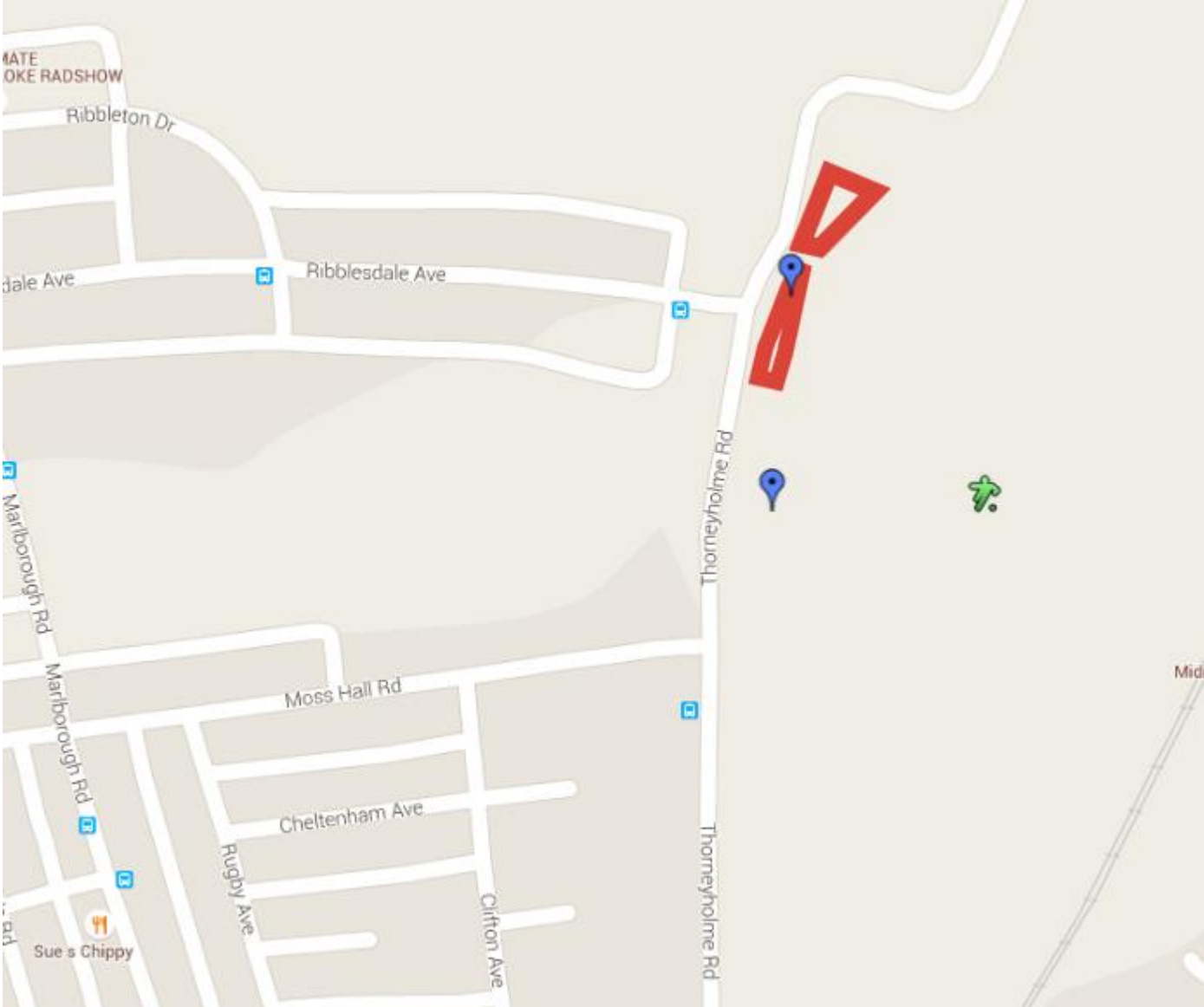
Clayton

Mercer Park Play Area, MUGA and skatepark, Clayton Le Moors



Accrington, Huncoat, Baxenden & Church

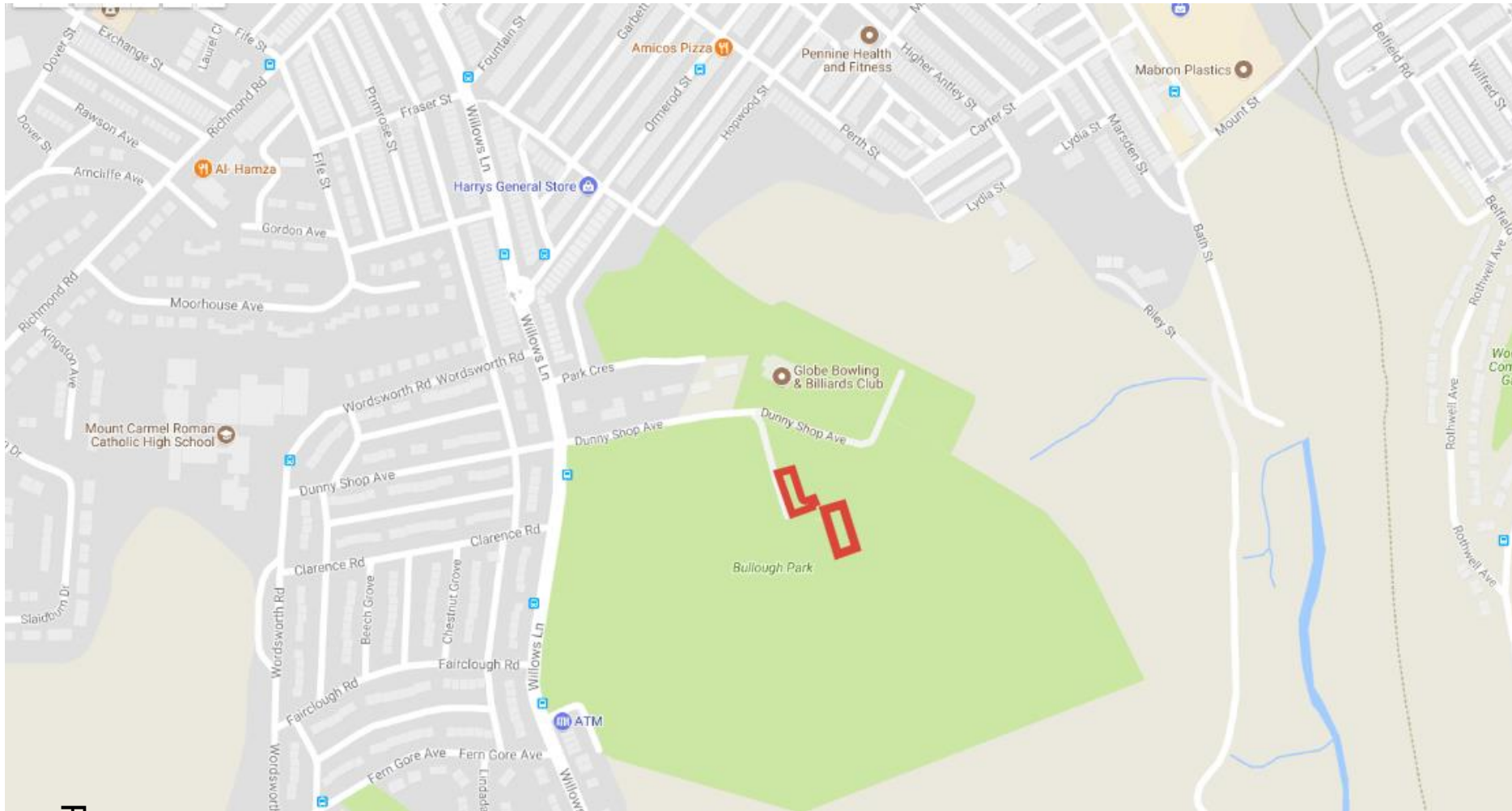
Highams Play Area, Accrington



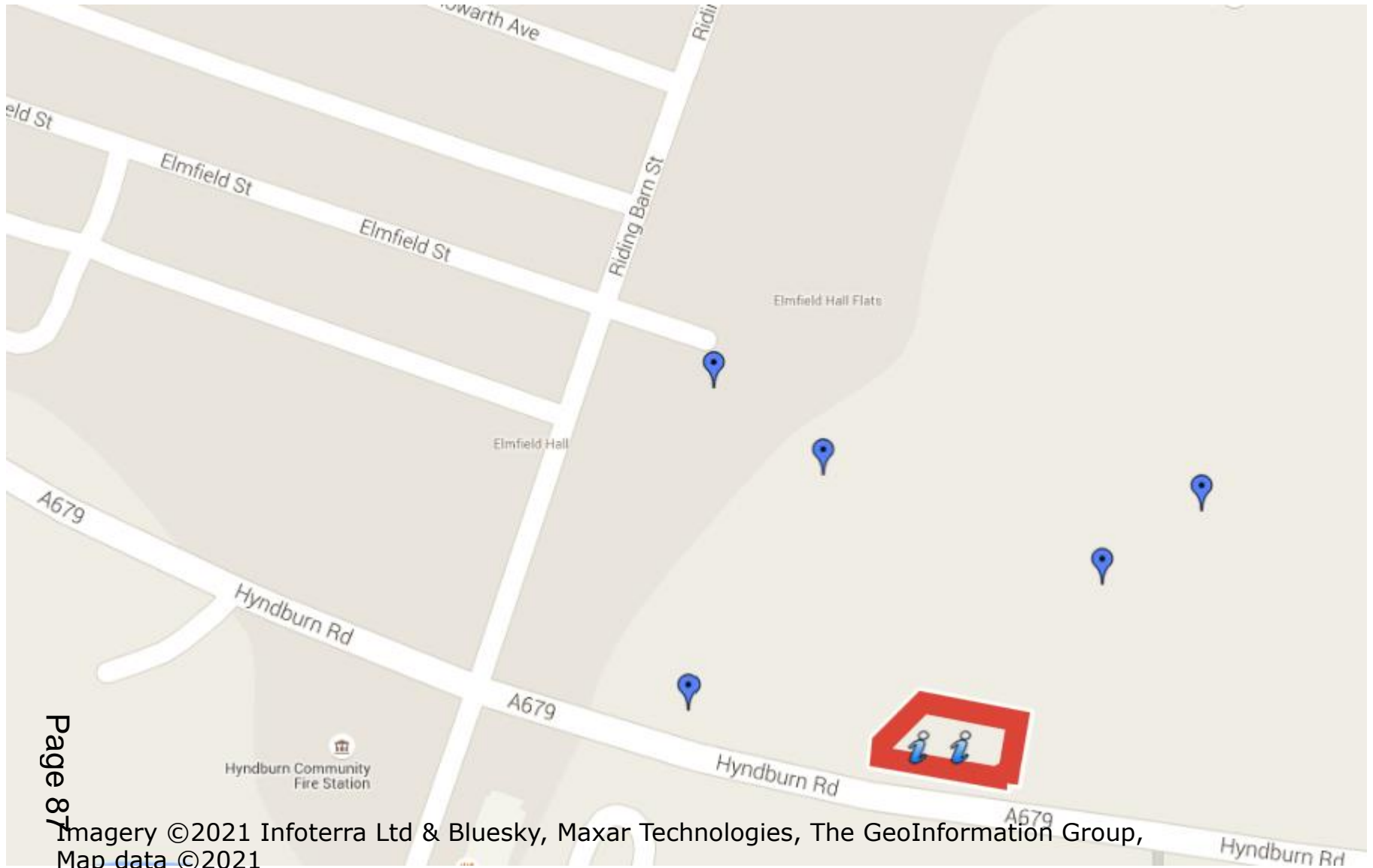
Park Road Play Area , Accrington



Bullough Park Play Area and MUGA, Accrington



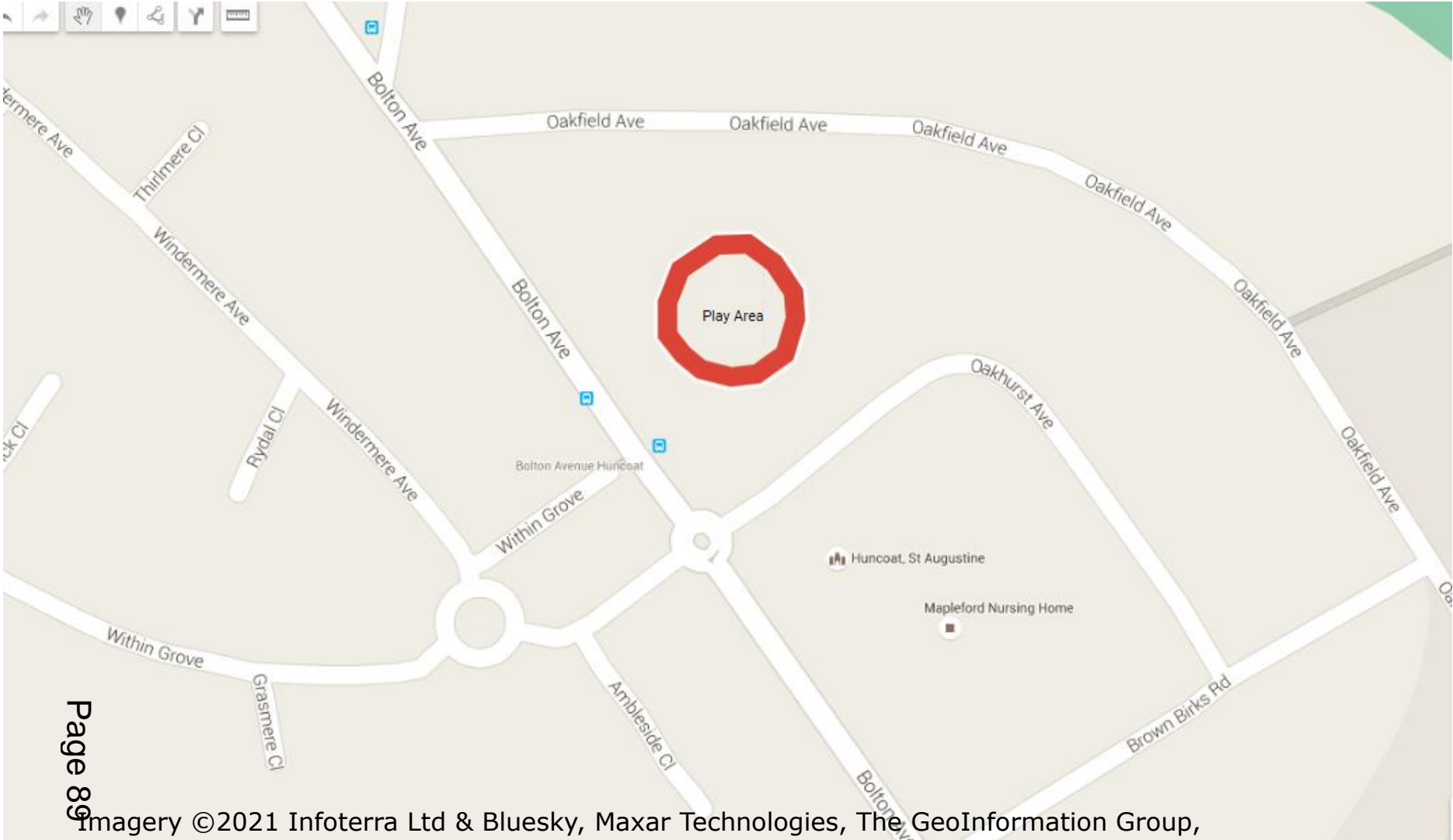
Gatty Park Play Area, Church/Accrington



Peel Park Play Area and MUGA, Accrington



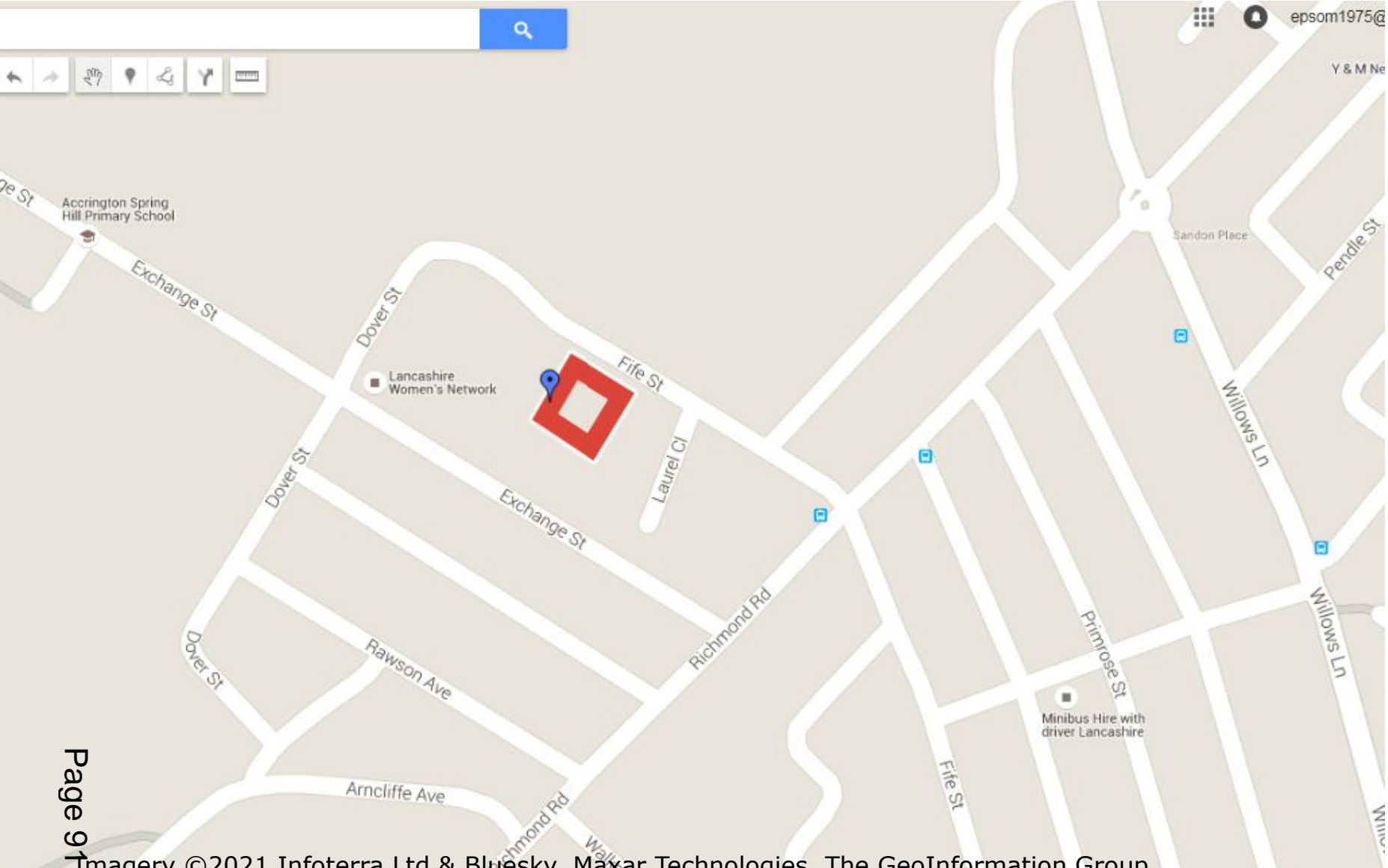
Bolton Avenue Play Area, Accrington



Church Street Play Area and MUGA, Church



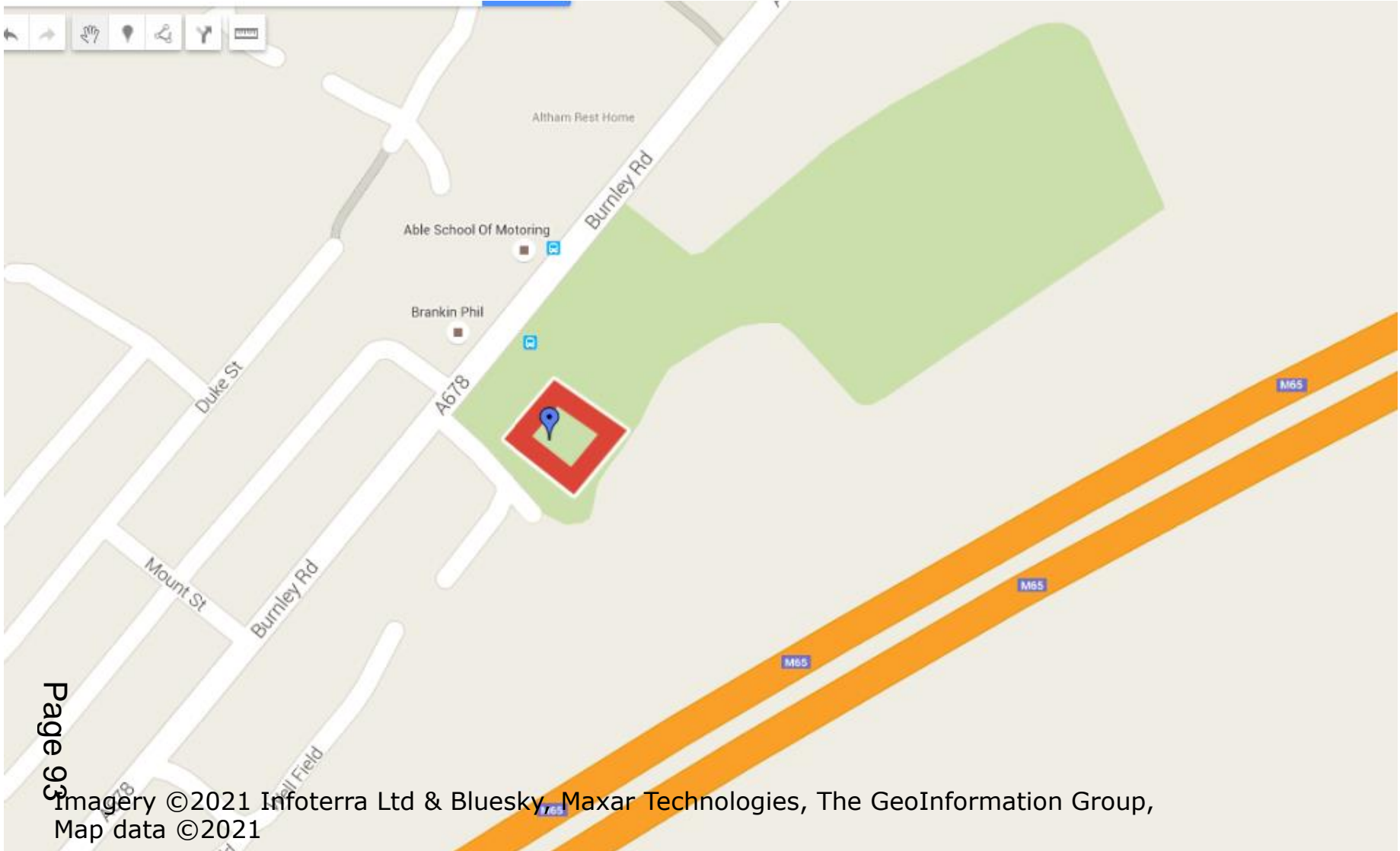
Springhill Play Area, Accrington



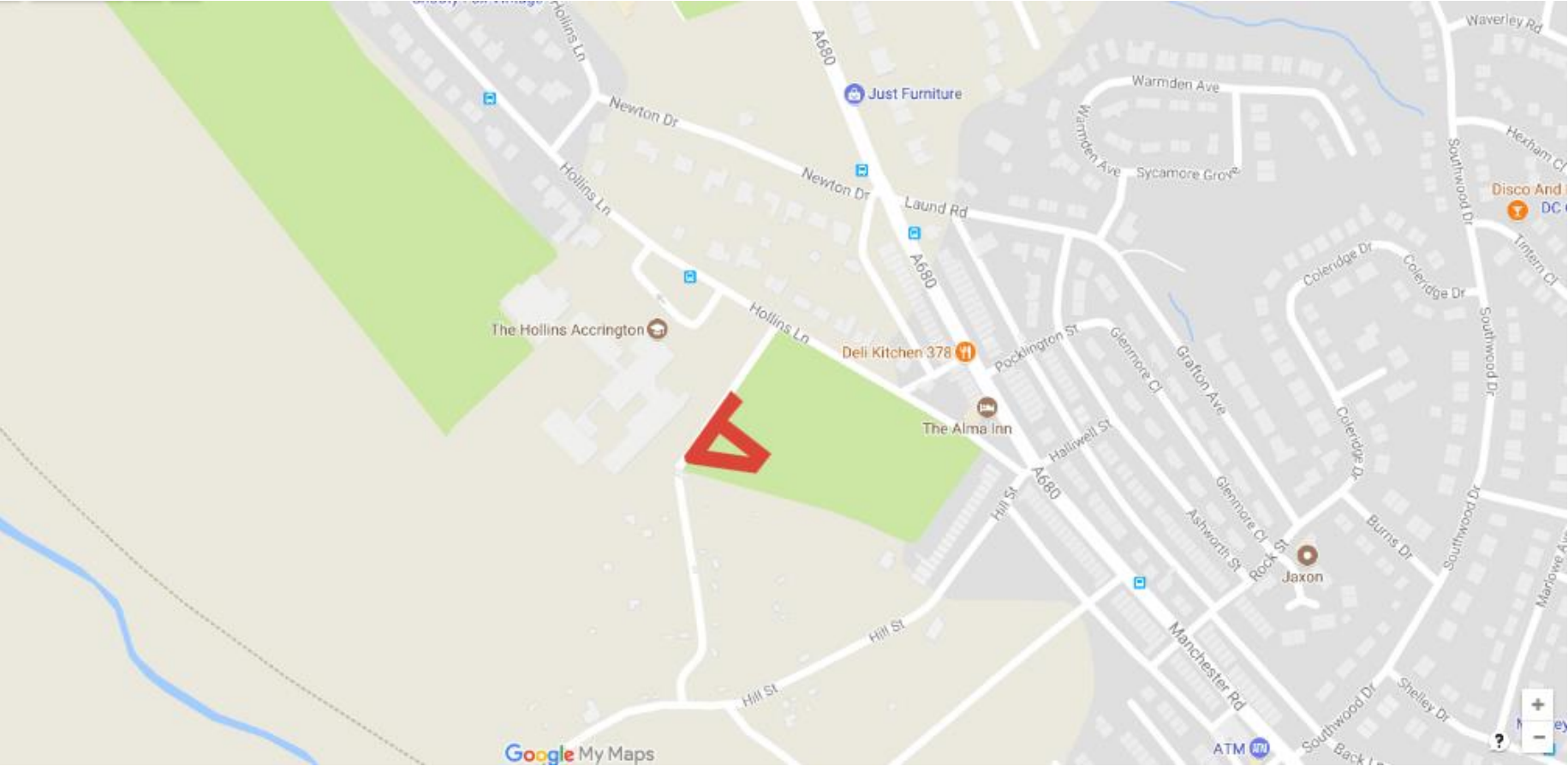
Oak Hill Park Play Area and MUGA, Accrington



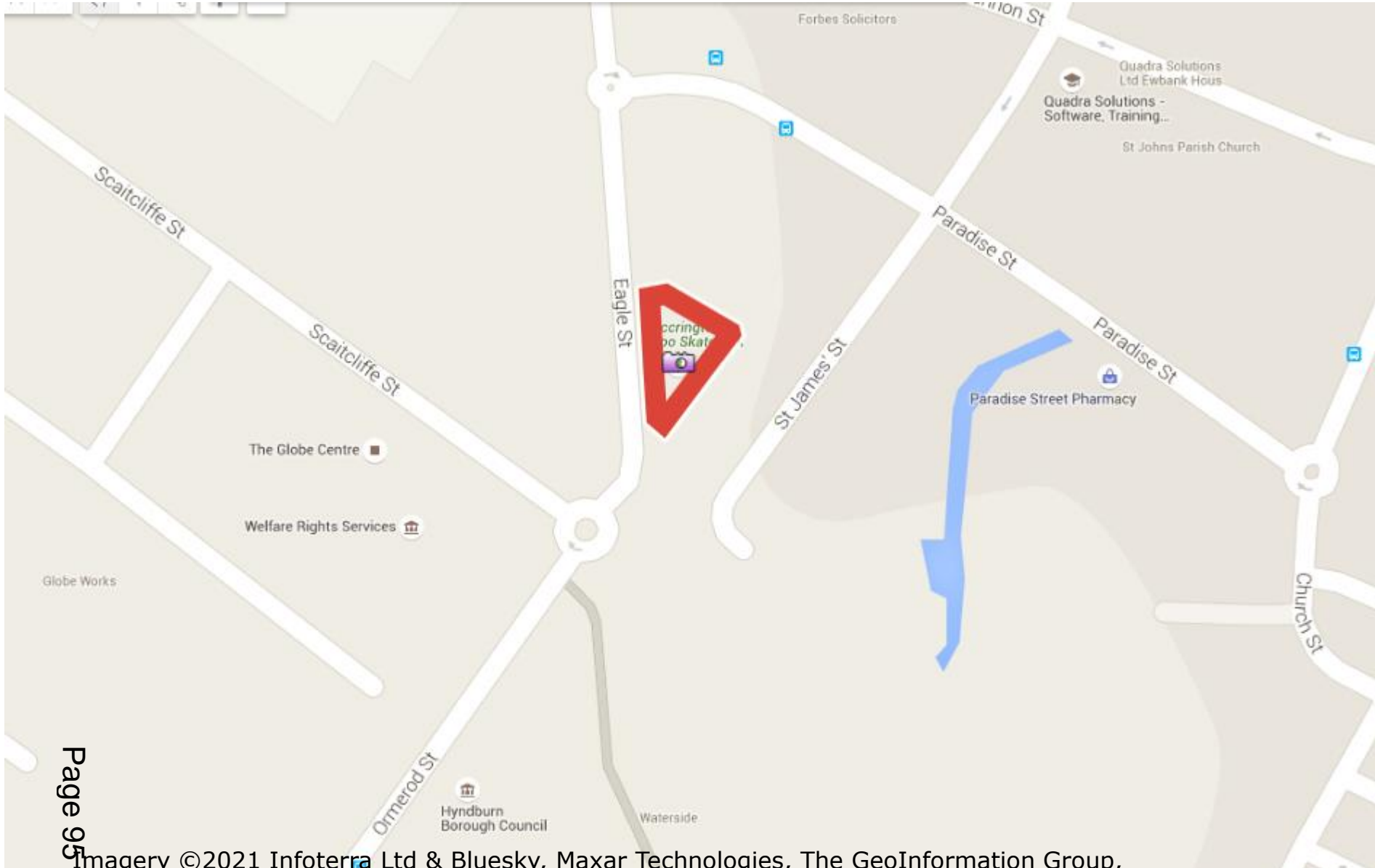
Burnley Road Play Area, Altham



Baxenden Rec Play Area and MUGA, Baxenden



Saint James' Skateboard Park, Accrington

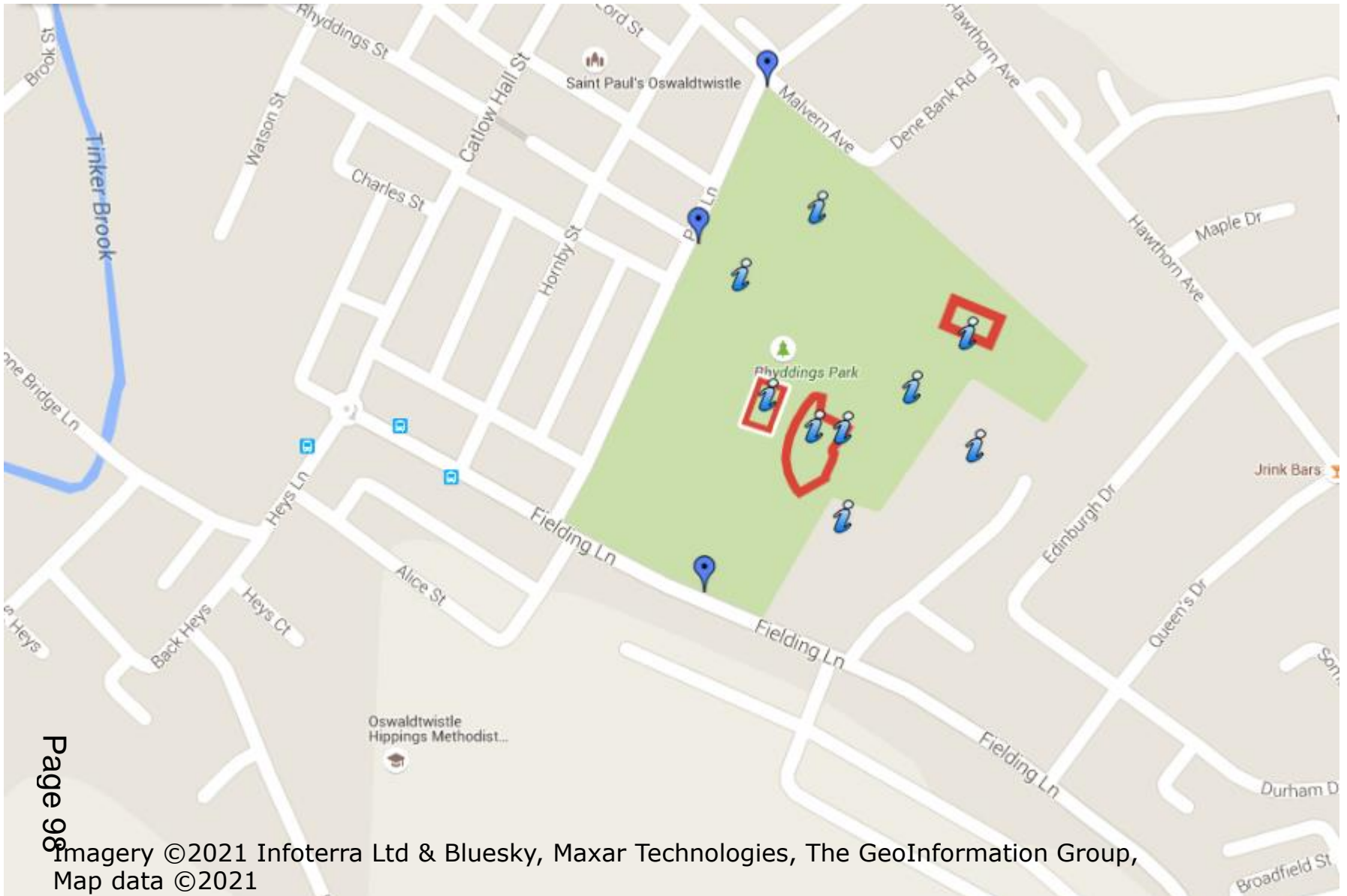


Milnshaw Park Play Area and MUGA, Accrington

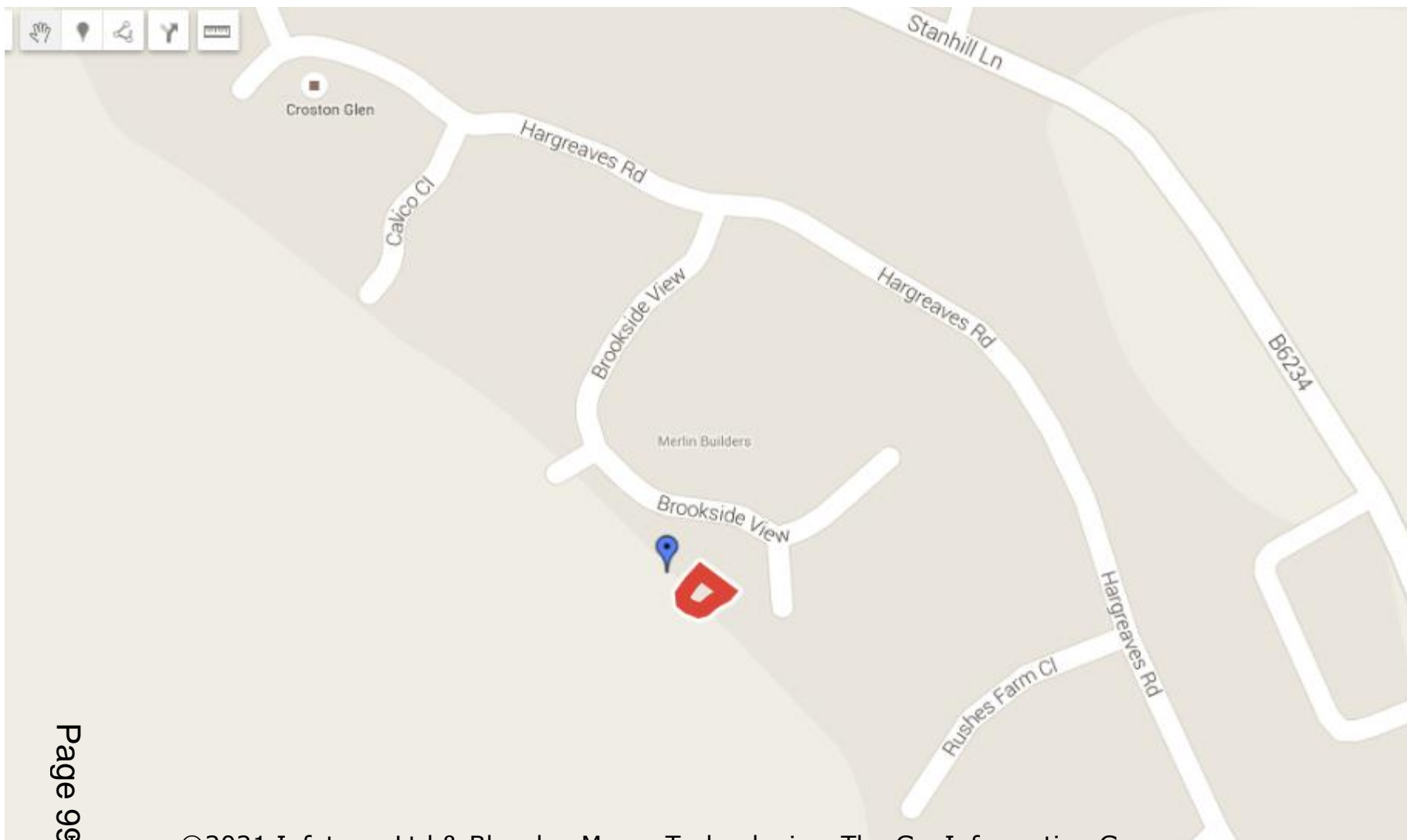


Oswaldtwistle, Belthorn and Knuzden

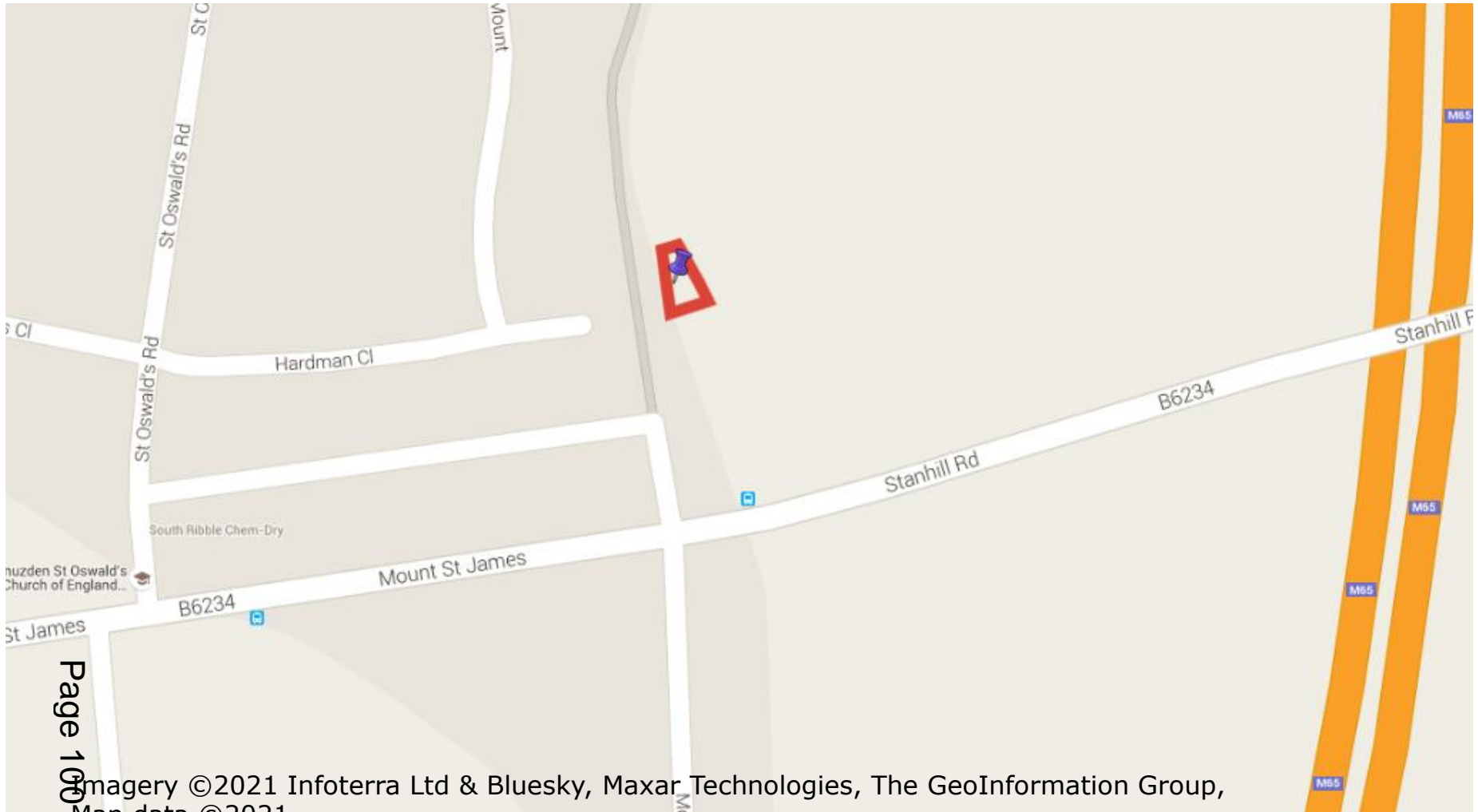
Rhyddings Park Play Area and MUGA, Oswaldtwistle



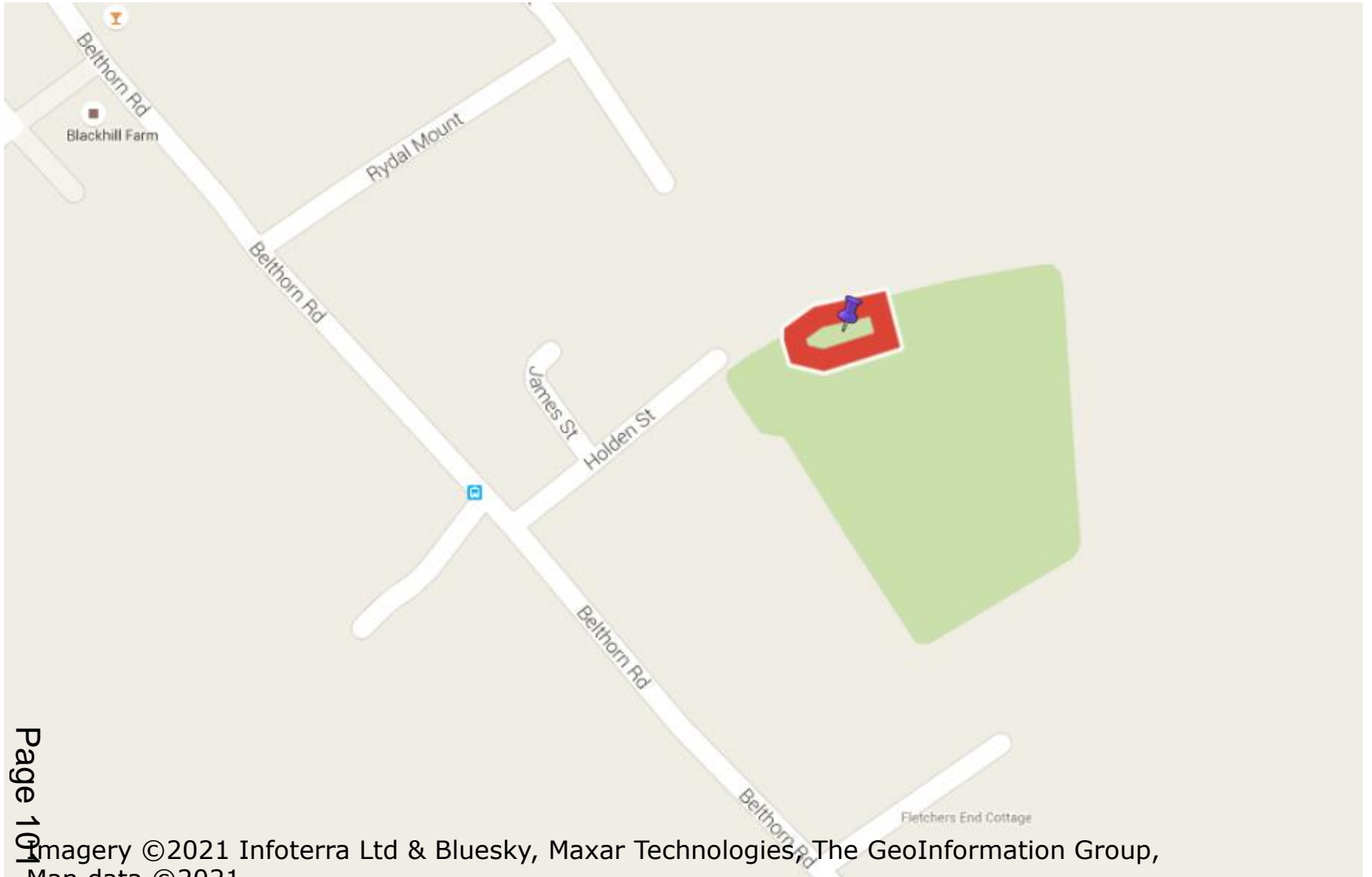
Brookside View, Oswaldtwistle



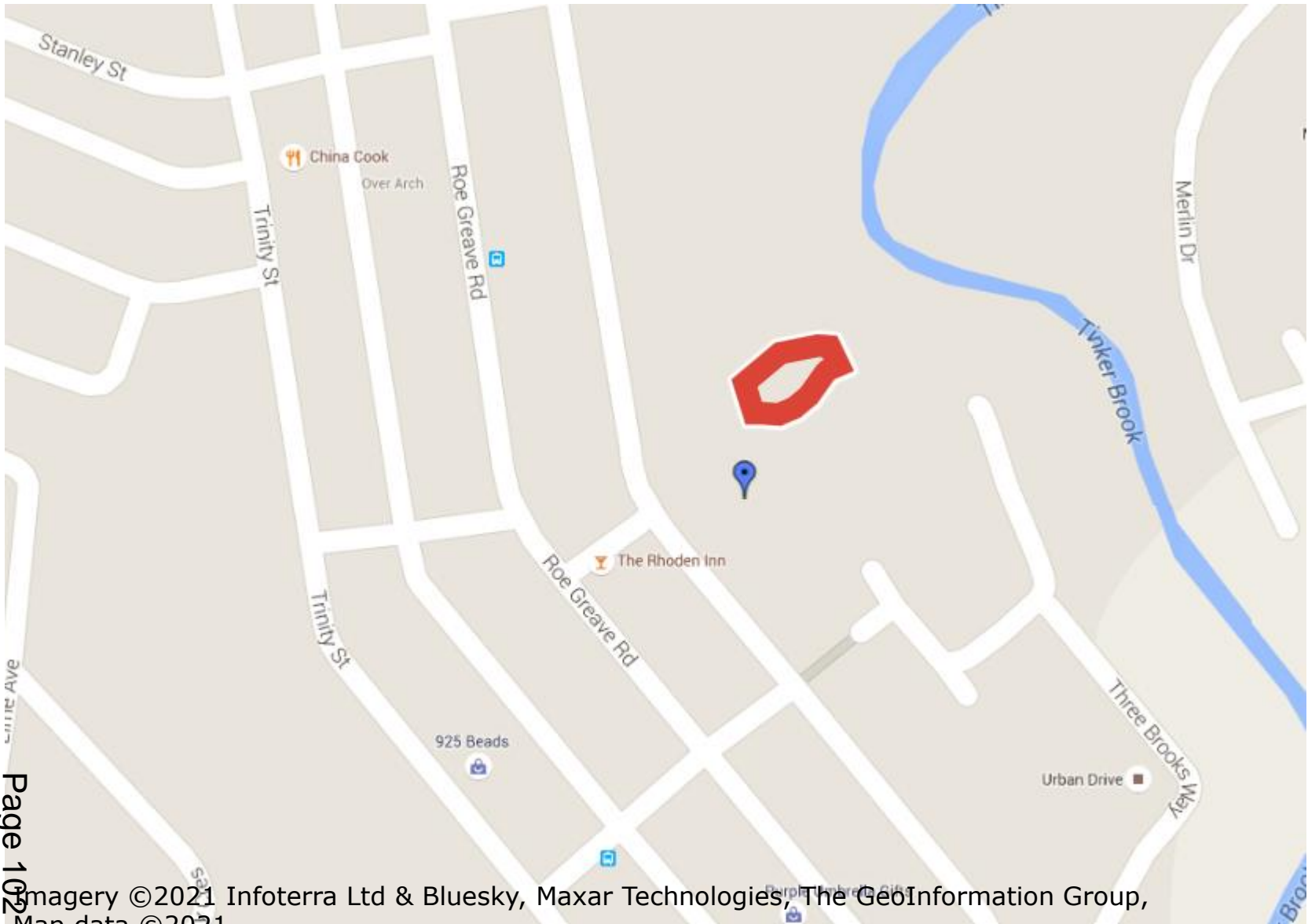
Knuzden Play Area, Knuzden



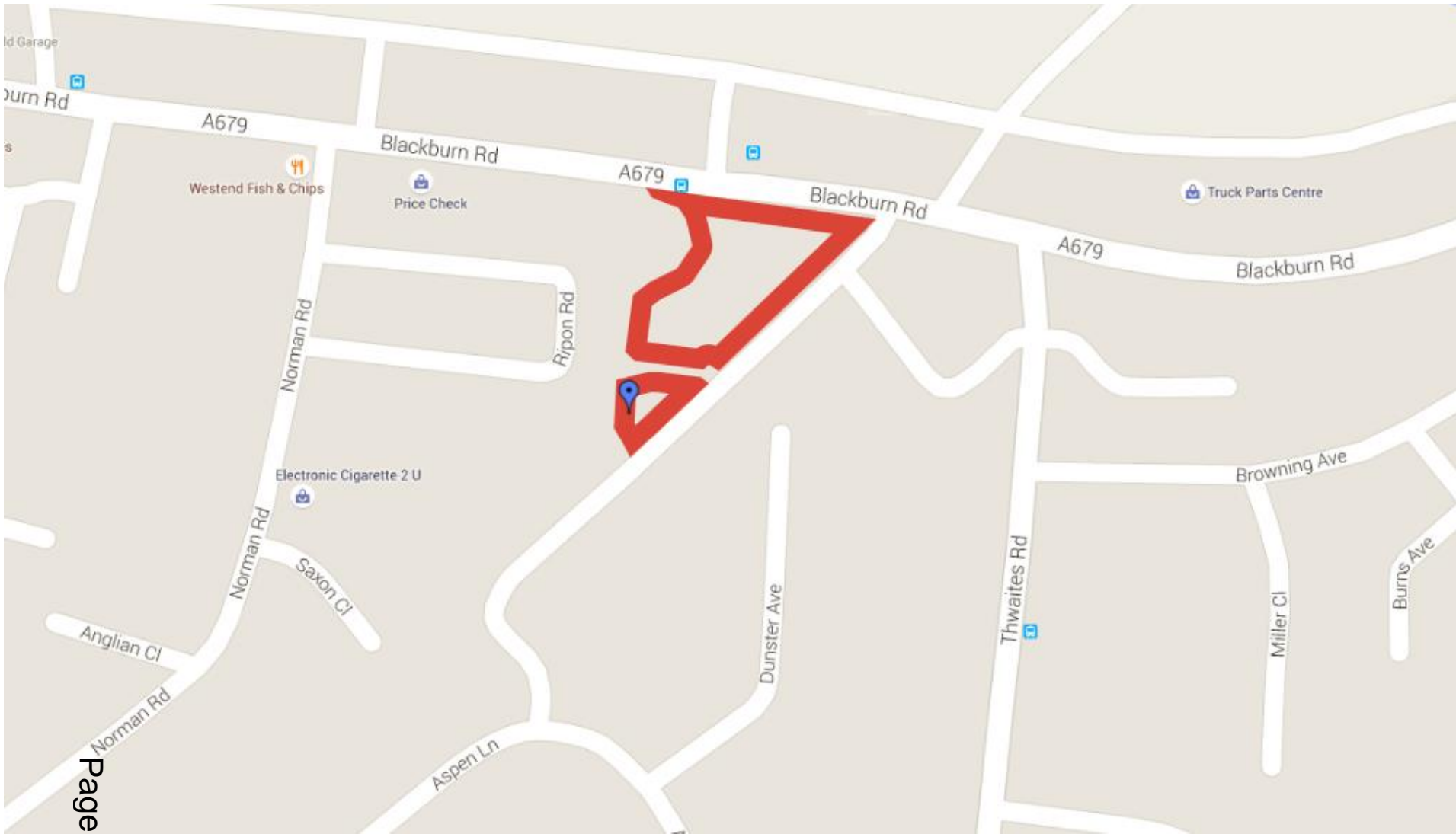
Belthorn Play Area, Belthorn



Rhoden Road Play Area, Oswaldtwistle

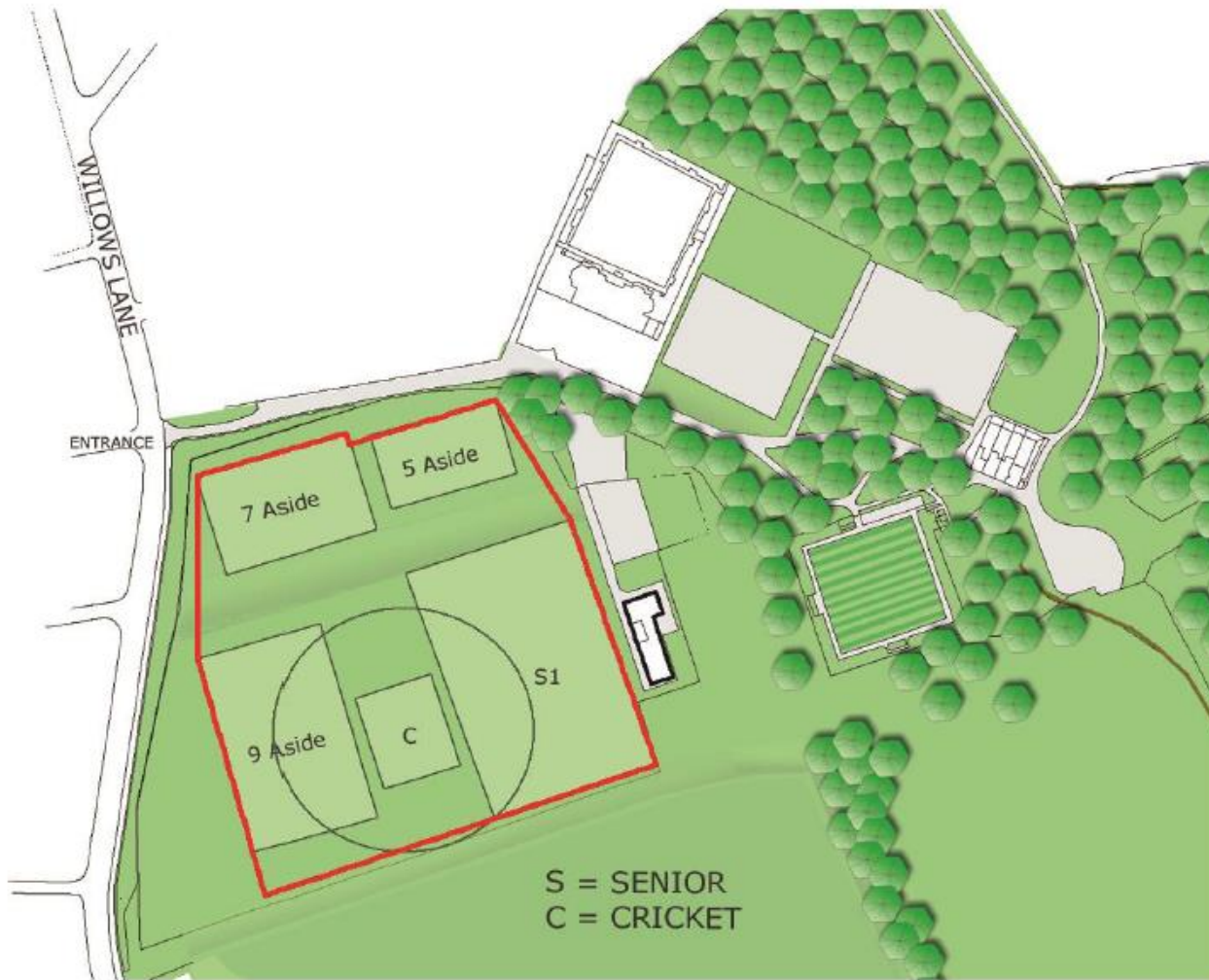


West End Play Area, Oswaldtwistle



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BULLOUGH PARK - SPORTS PITCHES



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Ordnance Survey LA 100022321 HBC

FOXHILL / WHITEASH - SPORTS PITCHES

J = JUNIOR 7 ASIDE PITCH
S = SENIOR
R = RUGBY



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MEMORIAL PARK

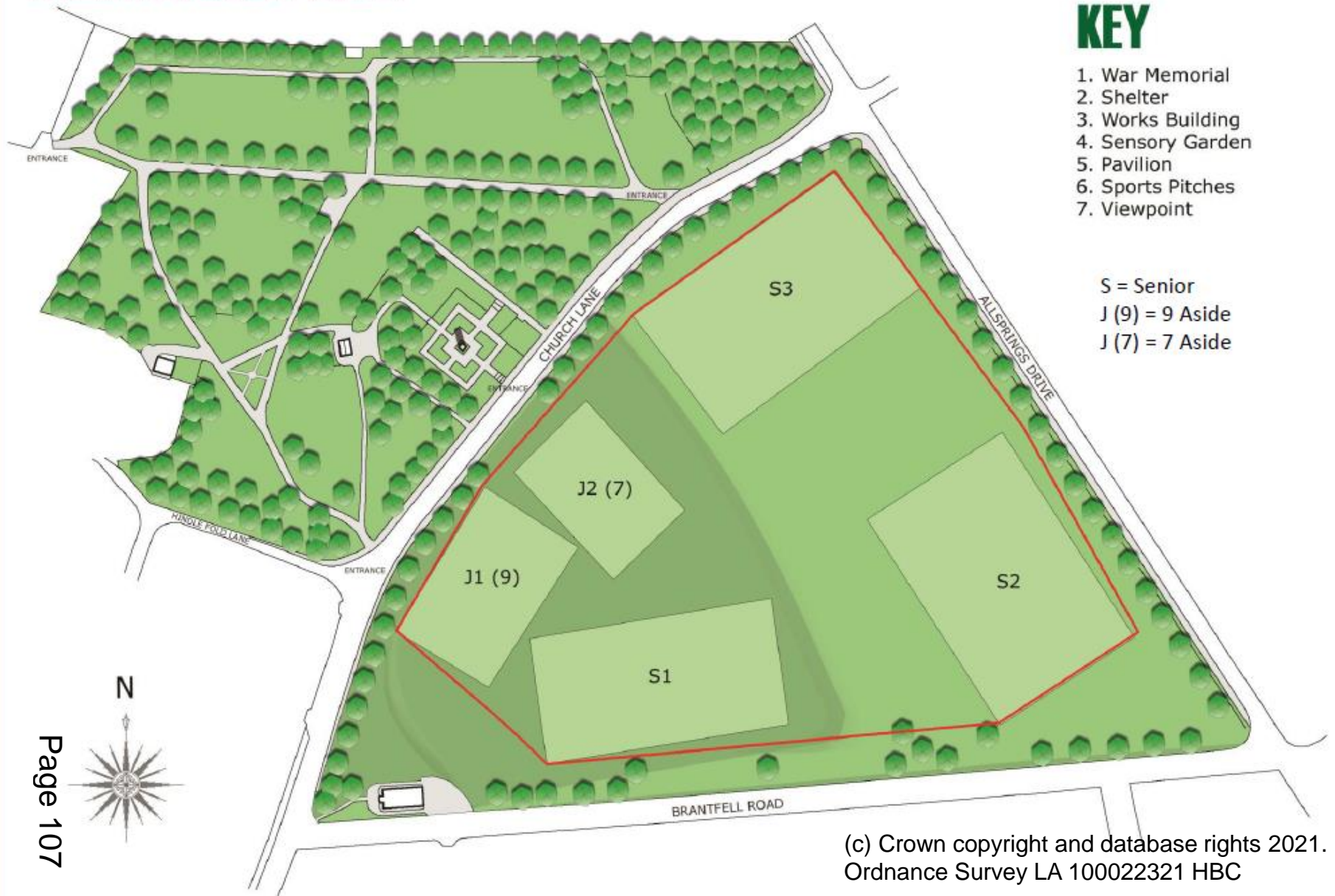
KEY

1. War Memorial
2. Shelter
3. Works Building
4. Sensory Garden
5. Pavilion
6. Sports Pitches
7. Viewpoint

S = Senior

J (9) = 9 Aside

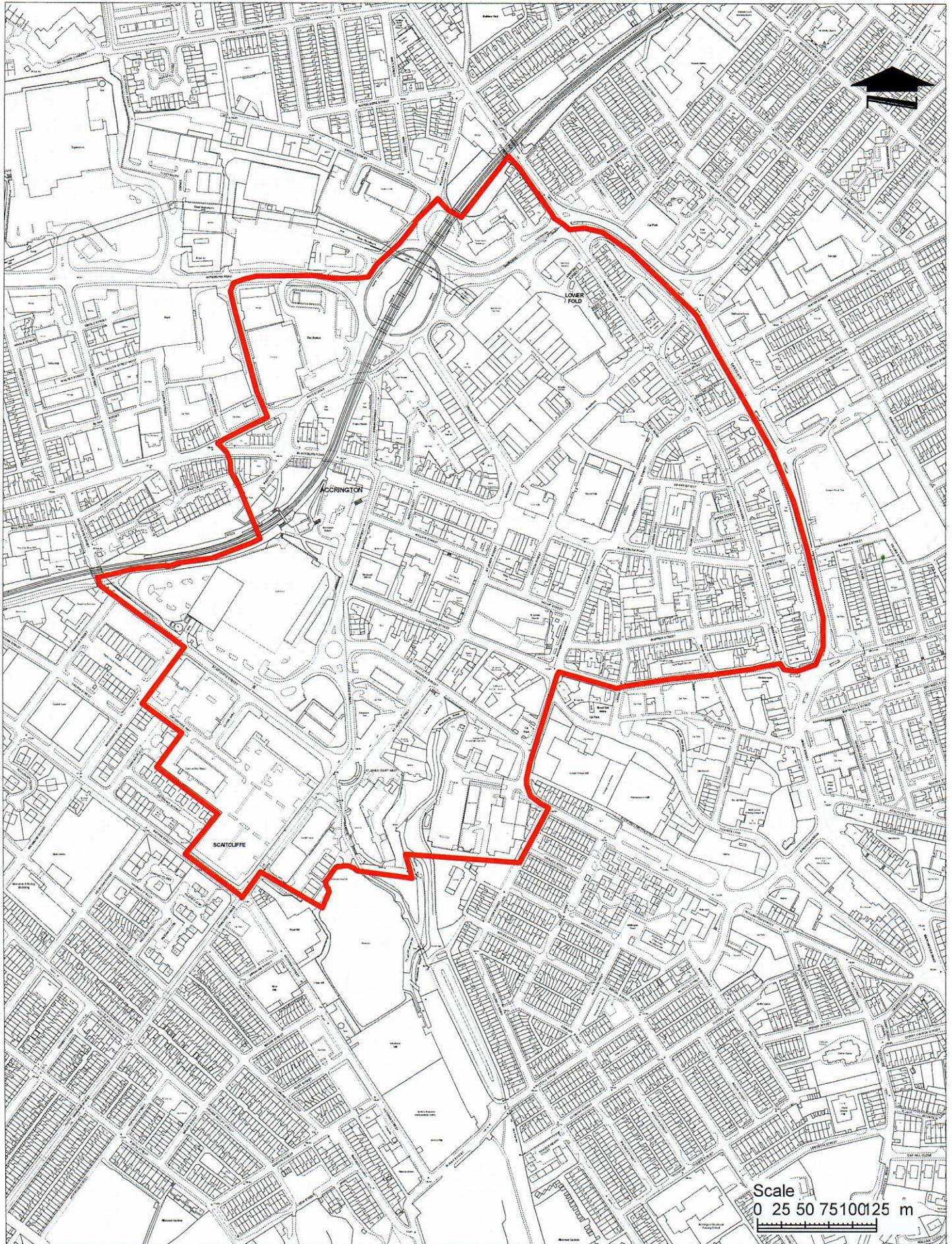
J (7) = 7 Aside

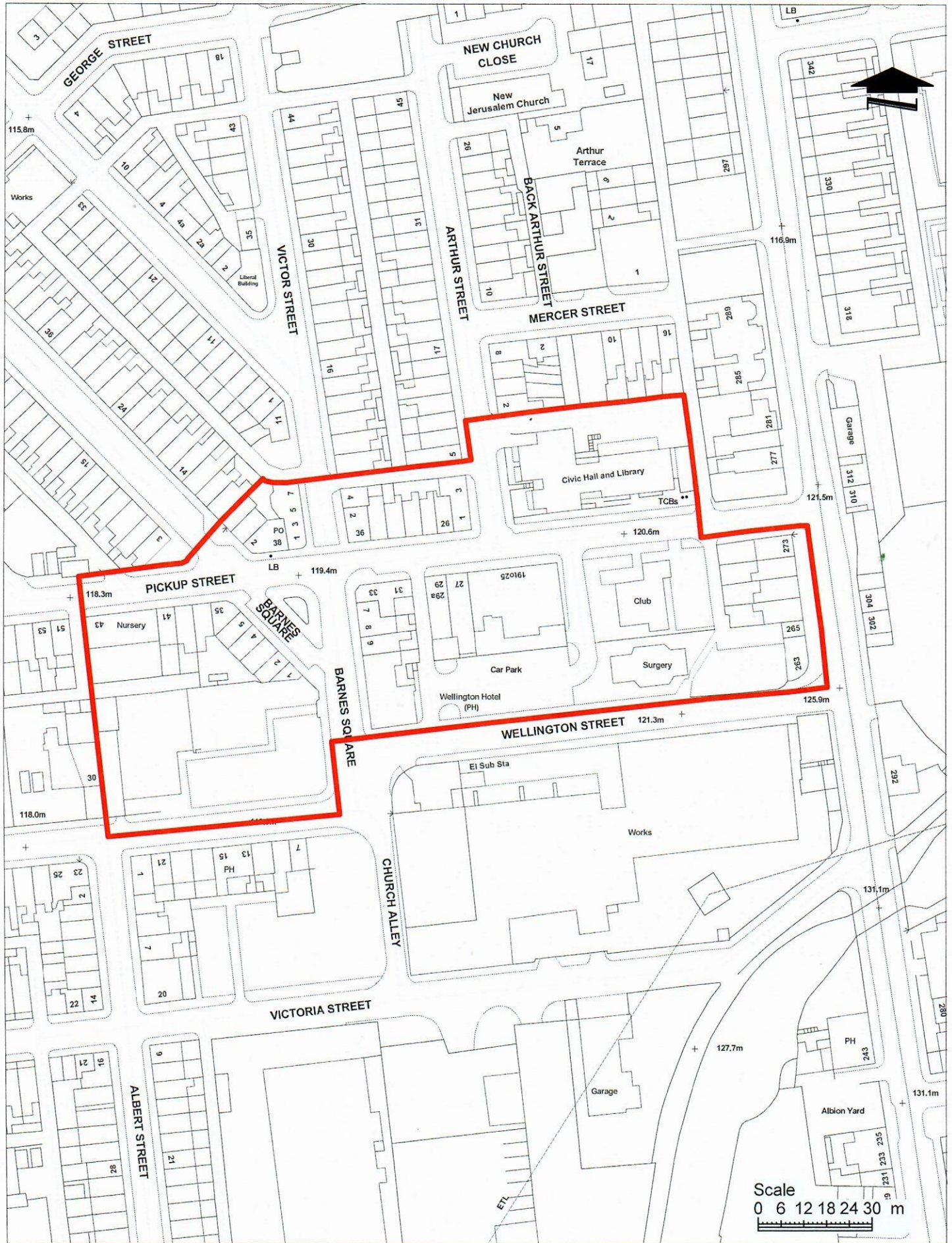


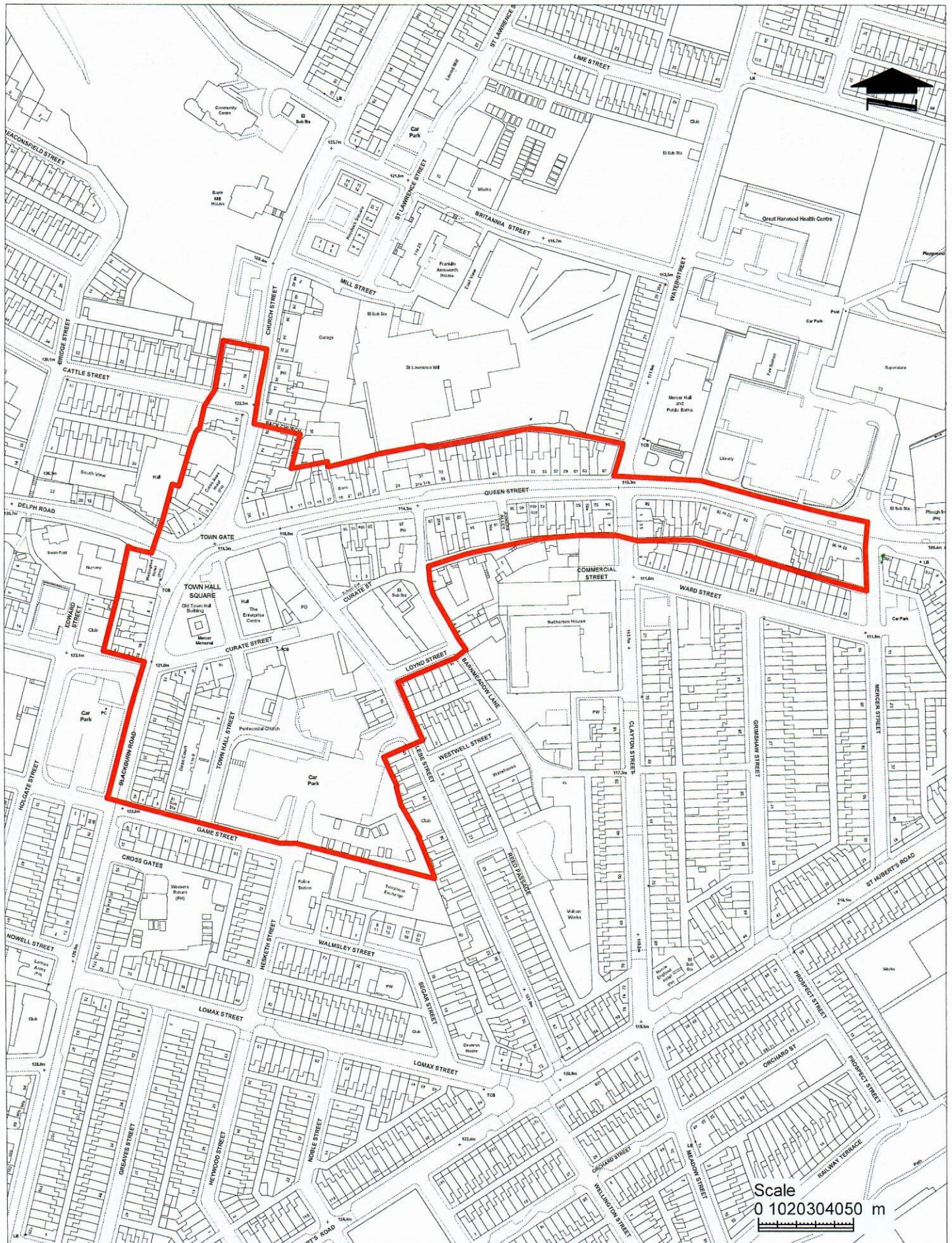
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Ordnance Survey LA 100022321 HBC

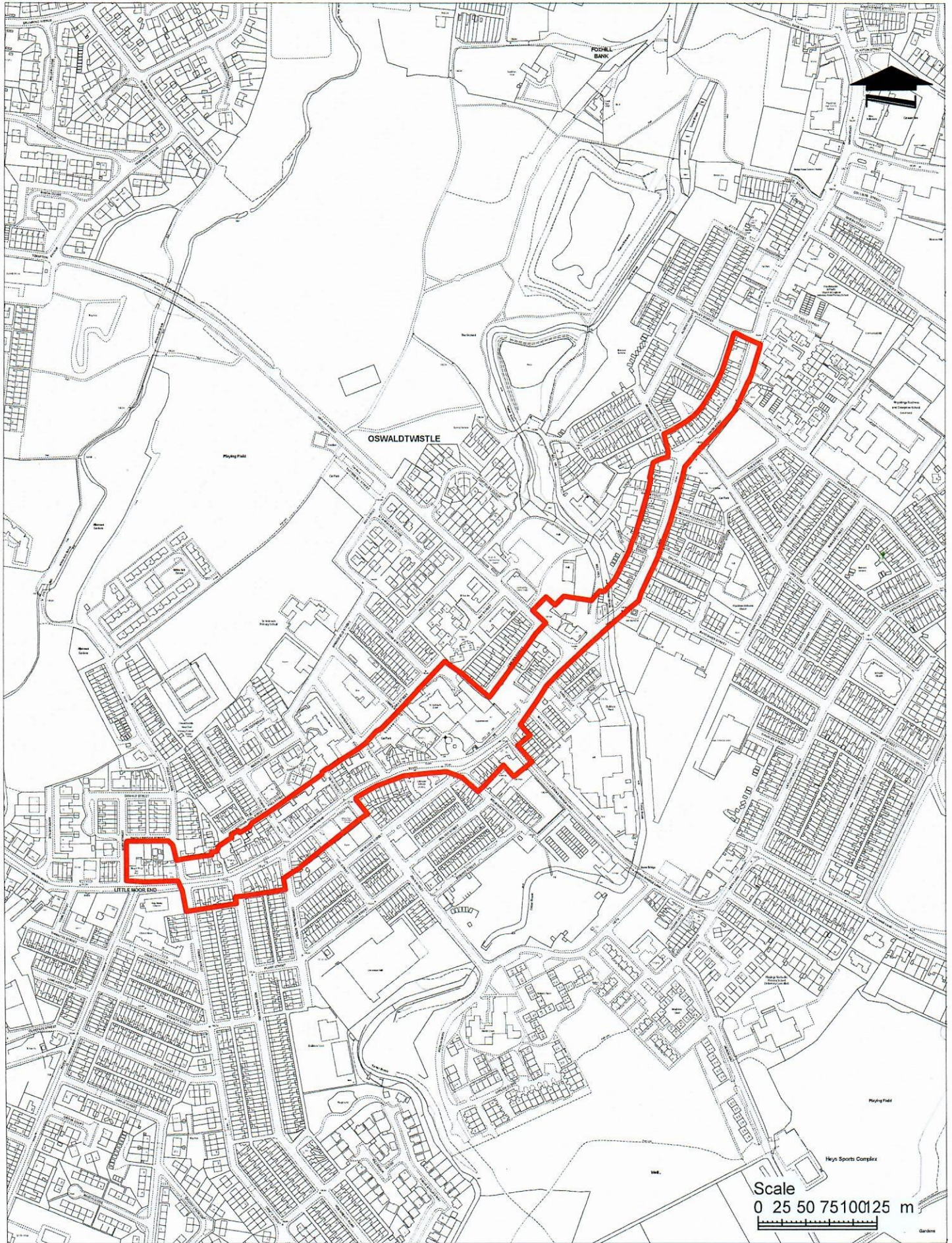
WILSON PLAYING FIELDS and WOODLANDS

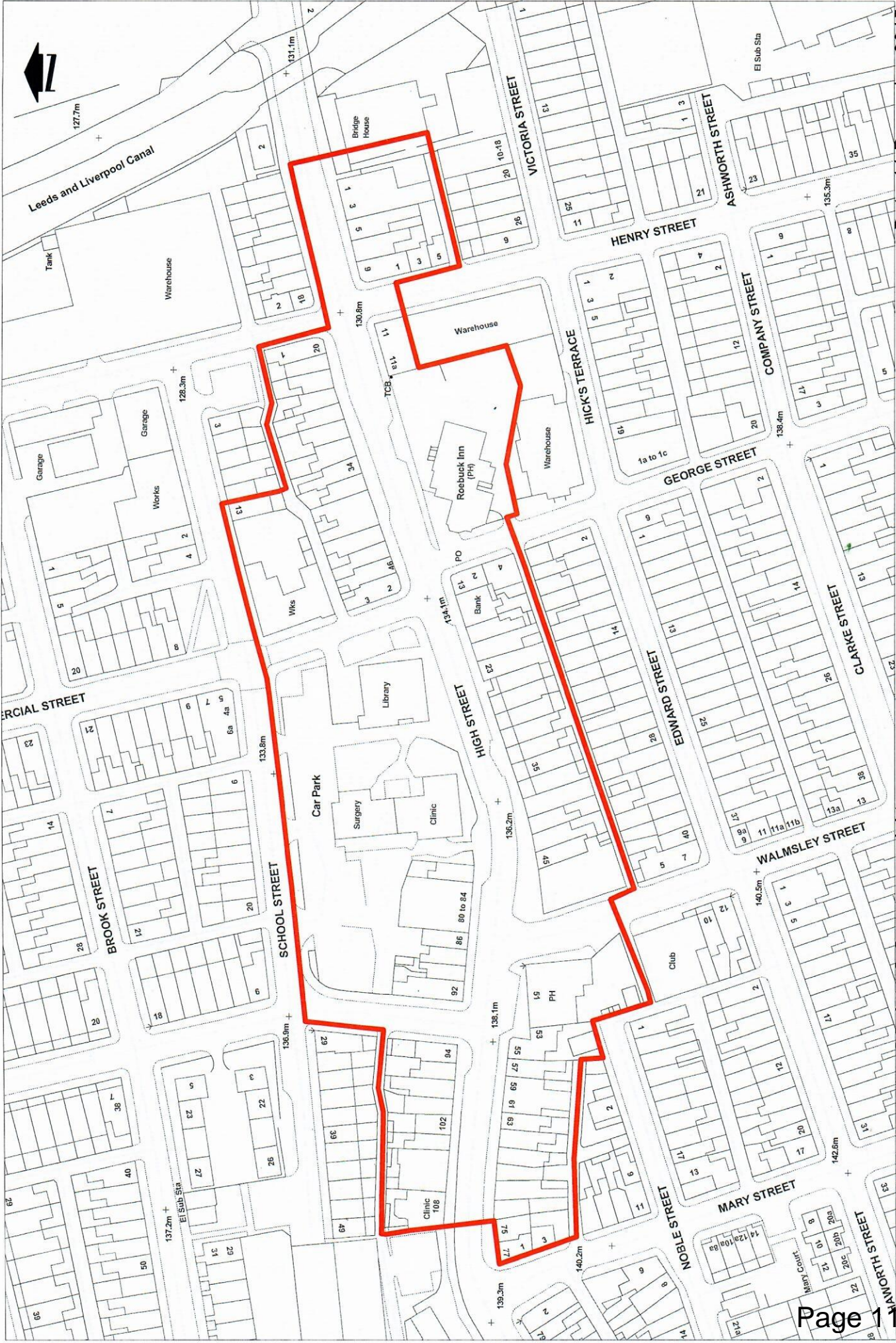












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Agenda Item 8.

REPORT TO:	Cabinet		
DATE:	18 March 2020		
PORTFOLIO:	Cllr Joyce Plummer - Resources		
REPORT AUTHOR:	Wendy Redfern – Licensing Manager		
TITLE OF REPORT:	Amendment to the Rules, Regulations and Procedures for Hackney carriage and Private Hire Licensing		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	Options	Not applicable	
KEY DECISION:	Options	If yes, date of publication:	

1. Purpose of Report

- 1.1 To seek approval for the amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing to remove the requirement for swivel seats to be fitted in all saloon type hackney carriage vehicles for the front passenger.

2. Recommendations

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

3. Reasons for Recommendations and Background

- 3.1 Under Section 47 of the Local Government (Miscellaneous Provisions) Act the Council may attach to the grant of a hackney carriage vehicle licence such conditions as the Council may consider reasonably necessary. Any person aggrieved by a condition may appeal to the magistrate's court. In pursuance of Section 47 some time ago the Council attached the following conditions to hackney carriage vehicle licences:

“All new or replacement hackney carriage vehicles must be;-

a “London” type hackney carriage, or a suitable wheelchair accessible vehicle, approved by the Council, for licence numbers 54 to 62

a saloon car approved by the Council to be fitted with a swivel seat for licence numbers 1 to 53

Swivel seats must be fitted to compatible vehicles by an authorised company in accordance with the vehicle and seat manufacturers guidance and the company concerned must provide certification of compliance with these requirements; and

The swivel seat must be fitted when the vehicle is presented for a taxi vehicle test. If a swivel seat isn't fitted, the vehicle will fail its test.

Swivel seats are not available for **every** make and model of vehicle manufactured. Vehicles in which it is not possible to install such a seat, will **NOT** be acceptable for licensing unless the height of the seat (28" from the ground to highest part of seat squab) is such that it offers no benefit to the disabled (e.g. some MPV's and purpose built people carriers).

A swivel seat is required to allow access for disabled or elderly people in and out of the vehicle. The seat works by rotating 90° and then sliding forwards. The person can then sit on the seat and rotate back in to the vehicle. You must ensure that the seat is then locked back in to position".

- 3.2 During the Covid 19 Pandemic protective screens were provided for all hackney carriage and private hire vehicles licensed in Hyndburn. The screens separate the front driver compartment from the rear passenger compartment with a view to protecting both drivers and customers from infection from Covid 19 whilst being in such a small enclosed space. It quickly became apparent that the swivel seats would not operate with the protective screens in place.
- 3.3 At a recent Taxi Liaison Group meeting the viability of the swivel seats was raised and a discussion took place, not only about the issue raised by the protective screens, but also about how practical the seats were to use and how often they are used in spite of the substantial expense of having the seats fitted. There is also an issue which arises when a replacement vehicle is required following an accident, even if it is only required for a short period of time, the replacement vehicle must comply with the policy and must have a swivel seat fitted.
- 3.4 As a result of the discussions a group consisting of elected members and the licensing manager visited the taxi rank on Union Street and attempted to get in and out of one of the hackney carriage vehicles that did not have a protective screen fitted, using the swivel seat. All present found the seats to be cumbersome and it also appeared to be a health and safety risk. Those attempting to get in the vehicle bumped their heads on the doorframe and would not have been able to turn the legs into the footwell without physical assistance (handling by the taxi drivers or another helper). Additionally, whilst getting onto the seat all found that their feet were quite a distance from the ground, a sensation that was quite unnerving for an able bodied person and would probably be even worse for someone with a disability. All came to the conclusion that the swivel seats were not fit for purpose.
- 3.5 Discussions were held with the drivers present at the rank who stated that they had never been asked to use the swivel seat, one stated over a period of 19 years and another said over a period of 12 years. All drivers stated that disabled people have their own methods of getting in and out of vehicles and would not want to use something alien to them like a swivel seat.
- 3.6 It is proposed that the policy in relation to hackneys 54 to 62 remains as it is.

4. **Alternative Options considered and Reasons for Rejection**

4.1 The Council could take no action and continue with the current policy. However as the group who attended the rank consider the seats to be a health and safety risk whilst adding no real value to the hackney carriage fleet for reasons set out in the report, officers would recommend that members amend the policy as requested.

5. **Consultations**

5.1 Members of the trade have been consulted verbally and are fully supportive of this change.

5.2 Further members of the trade have elected a number of representatives to attend the Taxi Liaison Group meetings to raise any issues and make any suggestions for improvements, and the Taxi Liaison Group has been consulted and supports this proposal.

6. **Implications**

Financial implications (including any future financial commitments for the Council)	None
Legal and human rights implications	None
Assessment of risk	No specific risks have been identified.
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none">• eliminate unlawful discrimination, harassment and victimisation; and• advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and• foster good relations between those who share a relevant protected characteristic and those who don't. <p>For these purposes the relevant protected characteristics are: age, disability, gender</p>

	reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Cabinet in this regard a Customer First Analysis has been carried out as part of the review process and is attached as Appendix 1 to this report. Cabinet is advised to consider the Customer First Analysis and its obligations in respect of the public sector equality duty when making a decision in respect of the recommendations contained in this report.
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**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing.

Appendix 1 - Customer First Analysis.



Hyndburn Borough Council

Customer First Analysis

What is it for?

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

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

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

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

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

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

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

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

Kirsten Burnett
Head of HR

Customer First Analysis

1. Purpose

- What are you trying to achieve with the policy / service / function?

Improve public safety whilst removing unnecessary and burdensome conditions

- Who defines and manages it?

Licensing Officers/ Licensing Manager and the Executive Director of Legal and Democratic Services.

- Who do you intend to benefit from it and how?

Hackney carriage drivers and passengers. Reduction in cost to fit seats that are not used and not effective. Safety for drivers and customers due to the installation of the safety screens. Better safety for customers as the seats are unstable and not suitable.

- What could prevent people from getting the most out of the policy / service / function?

Nothing

- How will you get your customers involved in the analysis and how will you tell people about it?

Consultation with stakeholders

2. Evidence

Improved safety

3. Impact

The changes to the policy will ensure that seats that do not appear to be fit for purpose will no longer be required to be installed into hackney carriage vehicles. The seats cannot swivel with the safety screens in place and the safety screens protect both the users of taxis and the drivers. There will remain 6 mandatory fully wheelchair accessible vehicles on the hackney carriage fleet which equates to just under 12% of the hackney carriage vehicles licensed.

Name: Wendy Redfern

Signed: _____

Service Area: Licensing

Dated: 29th July 2021

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

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

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

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