

# Agenda



**HYNDBURN**

The place to be  
an excellent council

## Cabinet

**Wednesday, 19 October 2022 at 3.00 pm,**  
QE Room, Scaitcliffe House, Ormerod Street, Accrington

### Membership

Chair: Councillor Miles Parkinson OBE (in the Chair)

Councillors Marlene Haworth, Peter Britcliffe, Kath Pratt, Steven Smithson 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 3 - 22*)

To approve the Minutes of the last meeting of Cabinet held on 21<sup>st</sup> September 2022.

### PART B: PORTFOLIO ITEMS

4. **Reports of Cabinet Members**

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



**Deputy Leader of the Council (Councillor Marlene Haworth)**

**5. Market Hall Rent Concessions (Pages 23 - 26)**

Report attached.

**Portfolio Holder for Environmental Services (Councillor Steven Smithson)**

**6. Allotment Rental Charge 2024 (Pages 27 - 36)**

Report attached.

**7. Oakhill Park Tennis Court (Pages 37 - 44)**

Report attached.

**PART C: EXEMPT ITEMS**

**8. 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 Act specified at the items.

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

**Statement in response to any representations – not required.**

**Leader of the Council (Councillor Miles Parkinson OBE)**

**9. Property Acquisitions - LUF Interventions (Pages 45 - 58)**

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval is being sought from Councillor Josh Allen, Chair of the Special Overview and Scrutiny Committee, to the following decision being made by Cabinet on 19<sup>th</sup> October 2022, in private, on the grounds that the decision is urgent and cannot reasonably be deferred.

Exempt information by virtue of Paragraph 3 - Relating to the financial or business affairs of any particular person (including the authority holding that information)

Report attached.

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## CABINET

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**Wednesday, 21st September, 2022**

**Present:** Councillor Miles Parkinson OBE (in the Chair), Councillors Peter Britcliffe, Kath Pratt, Steven Smithson and Joyce Plummer

**In Attendance:** Councillors Noordad Aziz, Munsif Dad BEM JP, Bernard Dawson and June Harrison

**Apologies:** Councillor Marlene Haworth

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**97 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor Marlene Haworth.

**98 Declarations of Interest and Dispensations**

There were no reported declarations of interest or dispensations.

**99 Minutes of Cabinet**

The minutes of the meeting of the Cabinet held on 13<sup>th</sup> July 2022 were submitted for approval as a correct record.

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

**100 Urgent Decisions Taken**

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

No.	Decision Heading	Portfolio Holder	Date of Approval
(a)	Household Support Funding	Councillor Kath Pratt	25 <sup>th</sup> July 2022
(b)	Huncoat Garden Village	Councillor Loraine Cox	21 <sup>st</sup> March 2022

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

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

The minutes of the following meetings were submitted:

- Local Plan Member Working Group – 2<sup>nd</sup> February 2022
- Leader's Policy Development Board – 28<sup>th</sup> March 2022
- Regeneration and Housing Panel – 11<sup>th</sup> April 2022

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

## 102 Reports of Cabinet Members

The Leader reported that the Government's announcement today of an energy price cap for businesses would have a positive effect on the Council. A more detailed report would be available in October 2022 when the authority would consider its Medium Term Financial Strategy (MTFS). The Council had already committed to absorbing the costs of any increase in energy prices and this was now likely to be lower than originally anticipated. The Council had also committed to maintaining a 0% increase in its share of the Council Tax demand.

Councillor Peter Britcliffe, Deputy Leader of the Conservative Group, commented that the Government's announcement was good for the Borough Council and would ease energy bills over the coming winter months. Overall, the deal would save hundreds of thousands of pounds and would help businesses across Hyndburn. The move would take the sting out of the rising energy costs caused by the Russian invasion of Ukraine.

The Leader indicated that a booklet would be circulated at the Council meeting tomorrow on 'Transforming Hyndburn'. The Council's political administration had been working closely with outside partners and the public to develop this programme of change. The programme would include:

- The environment and green spaces;
- Refreshing Mercer Park playground and a programme of similar enhancements at other locations;
- Decarbonisation;
- Wellbeing;
- UK Shared Prosperity Fund projects;
- Leisure Transformation;
- Local Plan;
- Huncoat Garden Village;
- Accrington Town Centre Investment Plan (supported by Levelling Up bids by HBC and LCC)

Some of the projects were deliverable with 3 years whereas others, such as the Local Plan, would run until 2037. The programme had been made possible by all interested parties working together and the MP had participated fully in this process. Councillor Britcliffe considered that all Members would be looking forward to the publication of the document. It served as a fine example of what could be achieved by working together.

## 103 Leisure Transformation Project: Consultant Appointment

Councillor Miles Parkinson OBE, Leader of the Council, provided a report seeking approval to appoint Hyndburn Leisure to provide consultancy services to the Council in respect of the Leisure Transformation Project and associated regeneration / transformation projects.

The Leader of the Council outlined the proposal to engage consultants due to the lean nature of the Council's internal staffing resource. It was also intended to waive the usual Contract Procedure Rules around procurement to prevent any delay to the Leisure Transformation Project.

Councillor Munsif Dad BEM JP welcomed the Leisure Transformation Project and wider proposals. He enquired whether the Leisure Trust had the right expertise to provide advice. The Leader responded that the Trust had a proven track record during the COVID

pandemic of working with voluntary groups and the wider community and had a keen desire to improve the Borough. Councillor Noordad Aziz asked a number of questions which are summarised below, along with the responses given:

- What were the necessary skill sets required, was there was a deficiency in the Council's management or project delivery capacity and would value for money would be achieved? - The Leader reiterated the above point about Hyndburn Leisure's track record regarding delivery and reminded Members that on-going scrutiny by the Council would be undertaken by the relevant Overview and Scrutiny Committee. The Executive Director (Legal and Democratic Services) clarified that the contract would provide access to the knowledge and expertise of the Chief Executive of the Leisure Trust, Lyndsey Sims, particularly around arts and culture.
- Was the Council satisfied that the advice received would be objective and that there was no conflict of interest? - The Executive Director (Legal and Democratic Services) confirmed that the role was advisory only and that the Council would retain decision making powers and would be mindful of any potential conflicts of interest.
- Did the Council provide any financial services to Hyndburn Leisure? - The Deputy Chief Executive indicated that the Council provided free Payroll services and some Human Resources support to Hyndburn Leisure under the existing agreement.

Councillor Britcliffe advised that Councillor Aziz should submit any detailed questions before Cabinet meetings in order to receive a fuller response.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

Members were informed that the Council had a substantial workload arising from the various ongoing transformation projects and some external consultancy support was needed to address in-house gaps in knowledge, experience and / or capacity.

The Council had identified a need for additional capacity, advice and support in respect of the delivery of the Leisure Transformation Project and also in respect of delivery of aspects of the Council's UK Shared Prosperity Fund should the current bid be successful (including, for example, leading the work of the proposed Arts and Cultural Investment Board and preparation and submission of an associated bid for Arts Council funding). Hyndburn Leisure had to date been heavily involved in the preparation and planning of these projects and the advice and support provided by the current manager of Hyndburn Leisure had been a key success factor. The continuation of this support was considered to be important for the future delivery of the Leisure Transformation Project in particular and the current proposal had been brought forward as a result.

It was proposed that the Council would engage Hyndburn Leisure for a three year period at a cost of £28,748.00 per annum, with the figure being adjusted upwards in years two and three by the local government pay settlement percentage and to reflect any actuarial changes to Hyndburn Leisure's pension contribution rate. Hyndburn Leisure would be engaged by contract to provide consultancy advice and support in respect of the delivery of the Leisure Transformation Project and the arts and cultural aspects of the UK Shared Prosperity Fund, with the Council having the ability to terminate the arrangement should the current manager of Hyndburn Leisure cease to be the lead officer involved in delivery of the services on behalf of Hyndburn Leisure.

Hyndburn Leisure would provide advice and support only. Implementation, design and financial decisions would remain the responsibility of the Council as the owner of the land and buildings concerned, and as the funder for these projects. It was therefore anticipated that conflict of interest concerns could be avoided.

*Alternative Options considered and Reasons for Rejection*

The Council could seek to appoint a consultant through a procurement process. This was not recommended as:

- (i) it was likely to add delay and would risk a loss of momentum, especially with the Leisure Transformation Project;
- (ii) the proposed fee was viewed as excellent value for money given the time commitment envisaged to be required to successfully deliver these projects;
- (iii) Hyndburn Leisure had been heavily involved in the development and delivery of the Leisure Transformation Project to date and was uniquely placed to assist the Council going forward, especially given its knowledge and experience of the operation of the local sports centres.

**Resolved**

**- That Cabinet:**

- (1) Agrees to appoint Hyndburn Leisure to provide consultancy services and advice to the Council in respect of the Leisure Transformation Project and associated projects (such as the UK Shared Prosperity Fund and the proposed Arts and Cultural Investment Board) on the terms set out in the report;**
- (2) Agrees to waive the Council's Contract Procedure Rules in respect of the proposed appointment for the reasons set out in the report; and**
- (3) Delegates authority to the Executive Director (Legal & Democratic Services) to prepare and settle the terms of the deed of appointment of Hyndburn Leisure in respect of the above.**

**104 Hargreaves Warehouse - Fire and Partial Demolition**

The Cabinet considered a report of Councillor Miles Parkinson OBE, Leader of the Council, advising Members on the actions taken to make Hargreaves Warehouse safe following the recent fire.

The Leader indicated that the report highlighted the swiftness of the Council's response, alongside partners, to the incident. The immediacy of the response had minimised disruption to local businesses who were able to continue to operate during and after the fire, notwithstanding the proximity of the warehouse to a main highway artery within the Borough.

Councillor Britcliffe added that the Council would need to seize the opportunity now to revitalise this important gateway into the Borough, which had presented as an eyesore for a long time. The building was listed, but realistically had little intrinsic value. Councillor Dad

thanked the Chief Executive and his Team for their swift response. He regretted the loss of a second important listed building (following the fire at the former Conservative Club in Accrington), but accepted the need to improve the Church Gateway.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

Members were informed that Hargreaves Warehouse was a stone built, canal-side warehouse designed on an L-shaped plan and was of four storeys, plus an attic. The front and side elevations fronting onto Blackburn Road and Bridge Street were faced with course hammer dressed, watershot sandstone, and the dressings to the opening were monolithic blocks. When it was present, the building had a Welsh slate roof, although originally this was likely to have been a sandstone roof.

The building lay a short distance to the south west of Accrington Town Centre, in the heart of the Church Canalside Conservation Area. This incorporated the historic core of Church together with the canal corridor, including the Aspen Valley area of Oswaldtwistle. The designated area was characterised to a large extent by industrial features dating back to the Georgian era, including the Leeds and Liverpool Canal and associated basin and coke ovens.

Hargreaves warehouse was a Grade II Listed Building. The listing referred to the building as “Canal Warehouse, 49-53 Blackburn Road” and was reference 1072724. The building was listed on 13<sup>th</sup> September 1976. The listing was as follows:

*“Canal warehouse on Leeds-Liverpool canal, 1836. Watershot coursed front and side (rubble at rear), slate roof. L shaped plan, 4 storeys; to road, 2 gables with short linking range which contains a giant arch with rusticated voussoirs and a 2<sup>nd</sup> floor window, and each side of this 2 windows on each floor. Block on right continues as long wing to rear, with round arched openings at ground floor (now windows), 3 windows on each of two floors above, and three tiered round arched loading doors in side and gable walls of end bay. History: built by Hargreaves Brothers (calico printers etc) of Broad Oak, Accrington.”*

The report provided detailed information in respect of the following matters

- The Condition of the Building;
- The Fire;
- Critical Incident Team response;
- Road Closures;
- Blythes (Health and Safety Executive) Consultation Zone;
- The works needed to make the building safe; and
- Emergency works needed to make a listed building safe

In conclusion, Hargreaves warehouse was a four storey building constructed almost 200 years ago. Following the Fire on 20<sup>th</sup> August 2022 Council officers believed that the building was immediately dangerous and urgent works were needed to make the building safe.

Although the consultant structural engineer had initially recommended works to the top of the walls and an internal scaffold, this was not considered a practicable option to pursue because of the condition of the building. The contractors on site refused to send operatives into the building and the scaffolding option would have extended the period when there

would have been high, unsupported walls fronting a public highway and would have necessitated prolonged closure of the public highway.

The survey of the building undertaken in January 2022 had confirmed that, at that time (even before the fire), parts of the building were unsafe to enter and that there was a risk of collapse in areas.

The decision had therefore been taken to reduce the height of the walls to a safe level and to seal up opening and secure the building to prevent unauthorised entry. Given the findings of the January 2022 survey it was considered that the lowering of the walls was the only reasonable, safe and practicable way of making the building safe.

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

Initially, the option of scaffolding the building from the inside had been considered, however, this had been discounted in favour of a reduction in height of the building walls for the following reasons:

- (i) The contractors were not prepared to undertake this work because of fears over the safety of the building;
- (ii) Scaffolding works would have resulted in the long term closure of part of Blackburn Road to accommodate contractors plant and equipment, and;
- (iii) The development of a scaffolding plan, clearance of the material within the building to allow the scaffolding to take place, and the time taken to erect the scaffolding would have left high stone walls of the building un-supported for an in-determinant period of time, increasing the risk of uncontrolled collapse and placing people at risk.

#### **Resolved**

- (1) That the report on Hargreaves Warehouse be noted.**
- (2) That Cabinet agree retrospectively to the waiver of the Contract Procedure Rules on the grounds that the need to procure a contractor was urgent and a procurement exercise could not have been conducted within the timescales needed.**

#### **105 Subsidised Pest Control Treatments**

Councillor Steven Smithson, Portfolio Holder for Environmental Services, provided a report seeking the views of Cabinet on a proposal to reduce the subsidy on pest control treatments for rodents relating to domestic properties.

Councillor Smithson outlined the reasons for the proposed changes and intention to seek a fee for rodent treatments. Currently up to 4 visits were free, however waiting times could be up to 5 weeks. This was due in part to a high rate (40%) of appointments resulting in no treatment for a variety of reasons. A trial of a retrospective charge of £25 for missed appointments had not been successful. Also, some private landlords took advantage of the free scheme by asking their tenants to book the appointment, notwithstanding the fact that they were responsible and ought to pay. Comparative information was provided regarding other Lancashire district councils. It was proposed to commence the new arrangements with effect from 1<sup>st</sup> November 2022.

Councillor Dad asked how long it would take to clear the backlog and whether those now waiting would have to pay. He also asked if there was any data to show that the proposals

might adversely impact the poorest and/or most affected communities within the Borough. Given the cost of living increases this might not be the right time to increase fees. Councillor Smithson responded that the backlog would be cleared by 1<sup>st</sup> November 2022 hence those currently waiting would not have to pay. Councillor Smithson reiterated that the system needed to change to reduce the level of non-productive appointments to improve response times.

Councillor Britcliffe recalled the work of the (now disestablished) Environmental Health Committee, which used to monitor lists of call outs. Officers were under pressure to break the cycle of 21 days gestation period of rats wherein each new litter could produce up to 12 new animals. If rats were discovered, all properties in the same street might than log a call, but then not all of the residents would answer the door to pest control officers. The new proposals still represented good value for money. Any excess income generated could be used to carry out additional sewer baiting of drains to reduce rodent population levels. This was the right time to change the service.

The Leader of the Council summarised by stating that other methods had been tried to reduce waiting times, but had not been effective. Delays had been exacerbated by some private landlords avoiding payment. The proposed changes should help to minimise any potential abuse of the system.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

Members were informed that the Council's pest control service comprised of a working manager and 2 pest control officers who undertook work for both domestic and commercial customers. For commercial pest control work, the Council did not provide any subsidy. For domestic work the Council had reduced the subsidy for all pest control treatments except for rodents.

Councillors had for some time received complaints from residents that the average waiting time was too long for a rodent treatment. The general feedback was that residents would prefer a shorter time period from booking an appointment to officers undertaking the visit.

When examining some of the reasons for such a long waiting list, statistics from the pest control team showed that 40% of pest control appointments for rodents booked with the Council resulted in no pest control work being undertaken. This could be for a variety of reasons such as no access (i.e. no one at home), advice only (whereby residents had already paid for a private contractor to undertake pest control work and they had kept their appointment just to seek confirmation from Council officers on the contractors work) or extremely short notice cancellations which gave pest control officers no time to reschedule appointments.

To try to reduce the number of no access appointments the Council had introduced a retrospective charge of £25 for missing appointments. This meant that should customers book another appointment within 6 months of the missed appointment a £25 charge was levied prior to booking a new appointment. Unfortunately, this has had produced very little effect on the number of missed appointments as people waited until the charge had dropped off and then booked again.

#### Rented Accommodation

Concern had been raised by Members that should the subsidy for rodent treatments be reduced, those people living in the rented sector would be unduly affected. There was a

significant amount of legislation (e.g. The Homes (fit for human habitation) Act 2018, The Housing Act 2004, The Landlord and Tenant Act 1985, The Environmental Protection Act 1990 and The Prevention of Damage by Pest Act 1949) which required landlords to provide properties which were free from vermin. Residents living in rented accommodation would be advised to contact their landlord in the first instance should they have a pest control problem.

The Council's environmental health team could take action against landlords who did not deal with poor quality housing which led to rodent infestations.

In addition, there were landlords who had properties in both Hyndburn and other Boroughs within Lancashire, where undertaking rodent treatments in their properties was chargeable. These landlords did pay for pest control services in their properties on behalf of their tenants.

### Across Lancashire

There were 12 District Councils within Lancashire and ten provided a variety of subsidised and non-subsidised pest control services. Excluding Hyndburn, six District Councils had no subsidy for rodent treatments and three District Councils did subsidise.

District Councils who did not or who had reduced the subsidy for rodent treatments had an average waiting time of between 2 and 5 days from booking to an officer undertaking the visit. District Councils who did subsidise rodent treatments had waiting times between 2 and 8 weeks. The waiting time in Hyndburn was currently 5 weeks and as such meant that the current policy was not providing an effective service for residents.

### Recommended Actions

In order to shorten the time frame for a rodent treatment to an average 2 to 5 days i.e. from booking a pest control appointment to an officer undertaking the visit, it was recommended that the subsidy be reduced (rather than removed) via a new £30 appointment fee.

Each rodent treatment would consist of an initial visit and up to a maximum three follow up visits to ensure the treatment was a success. This would equate to £7.50 per officer visit. The average fee for a rodent treatment by Lancashire authorities was £48.62, which was over 50% higher than what was being recommended.

The implementation date for the proposed new way of working was 1<sup>st</sup> November 2022. There would be a few weeks before this date where new appointments could not be taken, which was necessary to clear the current back log.

The situation relating to pest control waiting lists would be monitored over the next 12 months and the results reported back to Cabinet Members.

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

Keeping the current level of subsidy in place had been rejected as the current waiting time for an appointment would remain the same.

Removing all of the subsidy for rodent treatments had been rejected to ensure treatment for rodents remained affordable to residents of the Borough.

### **Resolved**

- (1) That Cabinet notes the report on Subsidised Pest Control Treatments.**

- (2) That Cabinet agrees to reduce the subsidy to pest control treatments for rodents relating to domestic properties through a £30 appointment fee.**

## **106 Creation of Net Zero Working Group**

The Cabinet considered a report of Councillor Steven Smithson, Portfolio Holder for Environmental Services, about the creation of a Net Zero Working Group to support the work of Cabinet in addressing climate change.

Councillor Smithson indicated that the proposal supported the Council's declaration of a Climate Emergency and its journey towards carbon neutrality. The Group would report to the Leader and Cabinet and would offer advice. Its membership would comprise the Council's Green Agenda Champion (Councillor Caroline Montague), the Business Ambassador for Marketing Lancashire (Councillor Zak Khan) and the Chair of the Special Overview and Scrutiny Committee (Councillor Josh Allen).

The Leader commented that the initiative might appear to be modest, but it was important in addressing climate change, in the light of the UN Charter and increasing energy costs. The appointments comprised councillors with expertise from relevant backgrounds. The group would be well placed to provide advice on the environmental challenges facing the Borough and potential solutions including the use of innovative energy sources and the provision of warm homes.

Councillor Munsif Dad BEM JP welcomed the report and requested the opportunity for a Labour Member to be included on the Working Group in the spirit of working together. The Leader responded that Opposition Members could speak at and feed into the Group, but the intention was to establish a small Advisory Group at this stage. Councillor Noordad Aziz suggested that the terms of reference of the group were currently limited and needed to be expanded to include more detail, in view of the importance of the group. The Leader responded that the terms of reference were deliberately broad, but the group would provide detailed advice to cabinet. All Members could provide suggestions by contacting Councillor Zak Khan.

Approval of the report was not deemed a key decision.

### *Reasons for Decision*

The report reminded Members that the Council had declared a Climate Change Emergency and was working to become carbon neutral. The Cabinet was also actively promoting a green agenda to address the threats posed by climate change. To support the work of the Cabinet in this regard it was proposed that a Net Zero Working Group be created which would report to Cabinet, offering advice and recommendations on "green" issues. Proposed terms of reference for the new Working Group were set out at Schedule 1 of the report.

It was proposed that the following councillors be appointed to the new Working Group:

- Councillor Zak Khan;
- Councillor Caroline Montague; and
- Councillor Josh Allen.

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

Cabinet could chose not to support the proposal or might wish to revise the Working Group's proposed terms of reference or membership.

**Resolved**

- **That the Cabinet approves the creation of the Net Zero Working Group on the terms set out in the Schedule attached to the report and with the membership as set out in Paragraph 3.2 of the report.**

**107 Elections Act 2022: Update**

Councillor Joyce Plummer, Portfolio Holder for Resources, provided a report to advise Members of the upcoming changes to elections as a result of the Elections Act 2022.

Councillor Plummer indicated that the report summarised the main changes to the rules regarding future local and national elections. To date, none of the supporting regulations or guidance had been published, nor had there been any confirmation of the availability of New Burdens funding. Of the changes detailed in the report, two were due to be introduced from next May, comprising a requirement for voter ID at polling stations and enhanced support for disabled persons.

Councillor Munsif Dad BEM JP welcomed the report and in particular the implications for reducing potential fraud by setting a limit on the number of postal votes that could be handled. However, he raised a concern over the limit on the number of proxies, as this could affect larger families. The Executive Director - Legal and Democratic Services, responded that this was a national requirement and that the authority had no local discretion in the matter. The detailed guidance had yet to be received. The Chief Executive reiterated that the report dealt with nationally introduced changes.

Councillor Dad asked whether voter ID might put off people from voting. The Leader of the Council responded that this issue would have been discussed in Parliament. The Council was bound to implement the new rules.

Councillor Noordad Aziz enquired if the reduction in the renewal period for postal votes, from 5 to 3 years, would create an additional administrative burden on the Council and if representations had been made to the Government. The Executive Director - Legal and Democratic Services. Indicated that an announcement on New Burdens funding was awaited. There would be an increased workload initially, but the much of the administration could be carried out outside of the main election period.

Approval of the report was not deemed a key decision.

*Reasons for Decision*

The Elections Act 2022 sought to make a number of changes to the elections process at local, Parliamentary and Police and Crime Commissioner (PCC) elections. The Act was intended to reduce the risk of election fraud, whilst make the voting process more accessible, both physically and through greater use of digital technology. The main changes were as summarised below:

Voter ID Requirement

Voters would be required to produce an approved form of photographic ID at the polling station before they could be issued with a ballot paper. The Council would have to provide

either a permanent or an interim Voter Card (a photographic ID document) free of charge to voters who did not have one of the approved forms of photographic ID, such as a passport or driving licence.

The Council would be required to deal with voter enquiries, determine voter card applications and then print and issue the same. The Government were currently indicating that the voter cards would have an A4 paper format with “inherent security features”. Producing the cards would require sufficient trained staff and the necessary (but currently unspecified) equipment / technology.

Applications for a voter card could be submitted up to 6 working days before polling day. Anyone whose ID was no longer available on polling day (e.g. lost or stolen) could apply for an emergency proxy up to 5.00pm on polling day.

It was currently anticipated that the voter ID requirement would be brought into force from January 2023.

### Three Yearly Postal Vote Refresh

The maximum “life” of a postal vote would be limited to 3 years and, thereafter, voters would have to submit a fresh application. It was anticipated that the Council would be asked to write to all existing postal vote holders to advise them of the change and would also have to issue reminders to voters on an ongoing basis when their postal vote was about to expire. The reapplication and reminder process would be an additional administrative requirement, especially as Hyndburn had approximately 11,500 postal vote holders currently.

The implementation date for this new requirement was currently unknown.

### Accessibility

The Council would be required to improve support in polling stations for people with a wide range of disabilities and would be subject to an obligation to provide equipment to support disabled people to vote.

Full details of the new obligation were not yet available, but the objective was clearly laudable. However, there might be cost implications if all polling stations were required to have disabled access. A small number of the Council’s polling stations currently did not, including those based in porta-cabins. There would be increased costs and possible logistical difficulties of providing suitable ramps for the same, given the size of wheelchair accessible ramps.

The implementation date for this new requirement was currently unknown.

### End of Supplementary Voting

The count at Police and Crime Commissioner (PCC) elections would move to the “first past the post” system which would reduce the length and complexity of such counts.

### Political Campaigners Banned from Handling Postal Votes

Political campaigners would be banned from handling postal ballot papers (unless they were a family member or carer of the voter concerned) and a new criminal offence would be created.

The Council would take steps to make candidates and political parties aware of the new rules which might create the potential for an increase in complaints and allegations of malpractice in the pre-election period.

It was currently thought that these rules would be introduced in Autumn 2023.

#### Limit on Handing in Postal Votes

There would be a limit (still to be set) on the number of postal votes a person (including candidates and party workers) could hand deliver to the Council. When a person handed in postal votes they would be required to fill in a form, giving their name and address and the number of electors whose postal votes they were delivering to the Council. If this information was not provided the postal votes would be rejected. If a person insisted on handing in more than the permitted number all of the postal votes would be rejected. The Council would then have to notify all those voters whose votes had been rejected.

The Council would take steps to make candidates and political parties aware of the new rules. Elections staff would be required to keep a running tally of the number of postal votes each person hand delivered to the Council in the pre-election period to ensure that the threshold was not exceeded.

It was currently thought that these rules would be introduced in Autumn 2023.

#### Limit on Proxys

People would only be able to act as a proxy for 4 voters (including overseas and service electors), and so in most cases the limit would be 2. Although not legally required to do so, it was likely that elections staff would monitor proxy appointments to ensure that the limit was not exceeded and the Council would take steps to raise awareness with candidates and the political parties.

#### Online absent vote applications

Although paper applications would still be possible, people would be able to apply online for postal and proxy votes and there would be a new online process for verifying the identity of applicants. Details of the new arrangements were currently unknown.

#### Overseas electors

The 15 year limit on expatriates right to vote in Parliamentary elections would be removed and ex-pats would be able to register in respect of their last UK address. The Council would be required to verify such applications, including the claimed connection to a previous UK address

*There were no alternative options for consideration or reasons*

**Resolved** - **That Cabinet notes the update report on the Elections Act 2022.**

### **108 Hyndburn Selective Landlord Licensing Scheme (2018-2023)**

Councillor Kath Pratt, Portfolio Holder for Housing, Health and Wellbeing, provided a report to update Cabinet on progress with the Council's designated Selective Landlord Licensing Scheme (the Designation), and to advise Cabinet of the reasons why the Designation would end on the 4<sup>th</sup> March 2023.

Councillor Pratt gave a verbal introduction to the report, highlighting the estimated number of private rented properties currently in the designated area (2,150), the proposed end date of the scheme and an explanation of the three main reason for ending the scheme including:

- Five Year Term Ending (having regard to the fact that the scheme was never intended to be permanent);
- Improving Housing Market Conditions (therefore, less evidence of the need for a scheme); and
- Housing Enforcement Powers (other powers available to officers to maintain standards).

Councillor Munsif Dad BEM JP noted that Accrington West had been a big beneficiary of the Selective Landlord Licensing Scheme. He asked if there would be any job losses as a result of ending the scheme. He also expressed some disappointment that the scheme was coming to an end. The Head of Regeneration and Housing reported that a very small number of staff who were dedicated to the scheme were at risk, but opportunities for redeployment were being considered. The Leader indicated that the rationale for the ending of the scheme was set out clearly in the report. This was a logical progression and housing standards could be maintained using a range of other powers available to officers. Councillor Noordad Aziz asked if there would be sufficient staffing resource available to exercise those powers. The Leader indicated that officers could provide a written response to any detailed questions on this matter after the meeting.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

This report provides an update on the Council's Selective Landlord Licensing Scheme which came into force on the 5<sup>th</sup> March 2018.

On 7<sup>th</sup> July 2017 the Council, acting as local housing authority in exercise of its powers under Sections 80 – 84 Housing Act 2004 ("the Act"), designated parts of Accrington and Church for selective landlord licensing. The selective licensing designation is based on one ground under Part 3 of the Housing Act 2004 as follows:-

*That the area is, or is likely to become, and area of low housing demand and That making a designation will, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to the improvement of the social or economic conditions in the area – S80 (3) (a) and (b).*

The designation required confirmation by the appropriate national authority. The Secretary of State considered it appropriate to confirm the proposed designated area on the 27<sup>th</sup> November 2017 and the Designation came into force on 5<sup>th</sup> March 2018.

The report also explained that the Designation would come to an end on the 4<sup>th</sup> March 2023 for the following reasons:

- (i) Term – under the Housing Act 2004, section 84(2) a designation might be up to 5 years. This meant that the Designation would end on 4<sup>th</sup> March 2023;
- (ii) Low housing demand – the housing market within the designation was showing signs of some recovery and therefore the low housing demand justification was

- weakened when considering a further five year designation beyond 4<sup>th</sup> March 2023;  
and
- (iii) Housing enforcement powers – there were a range of legal powers and enforcement measures available to the Council for tackling poor housing conditions and rogue landlords in the private rented sector.

The report also set out the achievements of the scheme to date, priorities and steps being taken to conclude the Selective Landlord Licensing Scheme under the following headings:

- Licences Issued;
- Licences Revoked;
- Tenant Complaints/Compliance Checks;
- Reasons for the Designation Ending;
- Financial issues; and
- Priorities for the Next 3 - 6 Months:

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

Under legislation the Designation was required to end on 4<sup>th</sup> March 2023, which really limited the scope for alternative options. The reasons for ending the Designation and not proposing a further Designation of the selective landlord licensing area were covered in Paragraph 4.4 of the report.

#### **Resolved**

#### **- That Cabinet:**

- (1) Notes the progress with the Council's designated Selective Landlord Licensing Scheme; and**
- (2) Notes and acknowledges that the Designation will end on 4<sup>th</sup> March 2023 for the reasons set out in the report.**

#### **109 Leisure Estate Investment Programme - Review of Alternative Proposals from the Public**

The Cabinet considered report of Councillor Miles Parkinson OBE about the work undertaken by independent consultants to the Council on potential alternative sites for the development of leisure facilities in Great Harwood suggested by members of the public.

The Leader indicated that Hyndburn faced some major economic and health challenges and had some of the most deprived wards in the country with consequential poor health outcomes. The Council was committed to addressing those issues and Levelling Up Funding and the UK Shared Prosperity Fund would help. The Council was working with the NHS and other partners to address ill-health and to encourage those who were inactive to be more active and to help those who were already active to sustain their levels of activity. This task would require the provision of modern facilities. The Leader outlined the main elements of the report which considered this process of improvement and, in particular, the issues surrounding leisure facilities in Great Harwood.

Councillor Munsif Dad BEM JP welcomed the report and overall investment in leisure in Hyndburn. He referred to comments made previously by the Leader of the Conservative Group in support of the retention of a swimming pool in Great Harwood and he affirmed his desire to see some form of leisure facility retained in that town. The Leader noted that

Councillor Dad had been fully involved in the Leisure Transformation project under the previous administration. The report now provided addressed specific issues raised by members of the public. The Council remained committed to wider investment in Great Harwood including at Bank Mill House, Memorial Park and in the repurposing of Mercer Hall. Councillor Britcliffe also spoke to clarify the stated position of the Conservative Group Leader and to highlight that the proposals were being driven by the Leisure Trust and would be evidence-based.

Councillor Dad clarified that as a Trust Board member he had been required to act in the interests of the Trust. His focus was on providing realistic facilities in Great Harwood. However, he noted that the Conservative Group had proposed an amount within the draft Budget 2022/23 for expenditure on Mercer Hall. The Leader confirmed that there could be a significant investment in Mercer Hall, but this would depend on any business case put forward by the Leisure Trust. The Council remained committed to the townships, with projects planned or completed, such as Clayton Civic Hall, Bank Mill House and similar community centre proposals for Oswaldtwistle and the latest Highams Playing Field development.

Councillor Noordad Aziz asked if there were any implications for the proposed development at Wilson Playing Field in Clayton-le-Moors due to the site being in the Green Belt. He also commented that the fees for using the facilities could potentially be set at a premium making them unaffordable to some residents. The Leader responded that the Wilson Playing Field was within the urban boundary and that Green Belt status did not prevent appropriate development. Fees would be set to generate income from those who could afford them, so as to enable access for those who could not afford them to be addressed.

Councillor June Harrison enquired if facilities for disabled users would be provided at Wilson Playing Fields. The Leader confirmed that details were being worked up by Hyndburn Leisure as part of the bid. The aim was to develop a sporting village which would provide better all-round value for money.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

The overarching report examined 3 possible alternative sites suggested by the public for the Council's intended investment in Leisure. The underpinning Consultant's Report had indicated that none of the 3 sites were viable alternatives to the development planned for Wilson Playing Fields. Accordingly, it was proposed that the Council should continue to develop its proposals for Wilson Playing Field.

The Council had been working with Hyndburn Leisure for a number of years to improve the Leisure Estate by significant financial investment. The aim of that investment was to ensure that Hyndburn had appropriate leisure facilities that would help reduce poor health outcomes across Hyndburn, encourage more people to lead active lifestyles and place Hyndburn Leisure on a sound financial footing for the future, by boosting its income from increased usage of the enhanced facilities provided and providing facilities that allowed Hyndburn Leisure to lower its overall operating costs.

Hyndburn Leisure and the Council had identified that there were 3 significant buildings that required major investment to continue. These were Hyndburn Leisure Centre in Church, Mercer Hall in Great Harwood and Wilson Playing Fields in Clayton.

After analysis following the Sport England model to determine the appropriate level of sporting activity needed within Hyndburn for leisure facilities and a major consultation

exercise, the preferred options that emerged were to invest in a significant refurbishment of Hyndburn Leisure Centre and to repurpose the facilities at Wilson Playing Field into a multisport facility by expanding the current offer there to include a variety of new activities including swimming, a gymnasium, the development of a café and other facilities and target the development of a wide range of other sports and activities. Mercer Hall had been assessed as unable to continue to fulfil its current role as a leisure centre, due to the age and construction of the building and it needed to be repurposed for other usage.

In response to these proposals a number of Great Harwood residents had approached Hyndburn Leisure and suggested that other sites in Great Harwood should be considered as alternatives to the proposal to carry out major investment in facilities at Wilson Playing Field. These other sites were:

- Windsor Road;
- Alan Ramsbottom Way; and
- Former Gas Works.

In order to assess whether any of the suggested alternative sites had any merit and should be pursued further, the Council had commissioned an independent report by external consultants in the leisure industry. The draft report of the Consultant was included as an Appendix to the report.

The Consultant's conclusion was that each of the sites proposed by members of the public had significant limitations in terms of potential development and were considerably less attractive as a proposition than Wilson Playing Field and that, as such, the Council should continue with the development at that location.

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

The report had considered alternative options to the proposal to invest at Wilson Playing Field. The recommendations from the independent report were that the proposed sites were not viable alternatives and that the investment should be made at Wilson Playing Field.

**Resolved** - **That Cabinet notes the report on the Review of Alternative Proposals in connection with Leisure Estate Investment Programme.**

#### **110 Proposed Disposal of the Charter Street Site, Accrington**

The Cabinet received a report of Councillor Kath Pratt, Portfolio Holder for Housing, Health and Wellbeing, seeking approval for the disposal of the Council's interest in the Charter Street site.

Councillor Pratt summarised the content of the report, which indicated that the proposed purchasers, Building for Humanity, had initially offered to purchase the premises for nil consideration. However, their business model had subsequently changed. Cabinet was being requested to approve disposal at best consideration. The development would provide good quality housing with appropriate support, which would also meet the Council's wider aims. The scheme would make use of innovative construction methods and would provide some 46 homes.

The Leader remarked that Councillor Paddy Short, Armed Forces Community Covenant Champion, had lobbied for this development for many years. It was pleasing to see this

project now moving forward. It was also understood that Building for Humanity had underlined their commitment to the Borough by taking over the former premises of Age Concern on Whalley Road, Accrington.

Councillor Munsif Dad BEM JP welcomed the proposals. He asked why the Council would retain 50% nomination right to the housing. Councillor Aziz asked whether the Council was confident that the sale would complete, given that the previous agreement had not come to fruition and that there was now an economic downturn and rising interest rates. Councillor Pratt replied that confidence in completion was high. The Head of Regeneration and Housing added that the agreement had been 5 years in development and the purchasers had risen to each challenge presented. Building for Humanity had made a significant investment in the project and the Council had completed its due diligence. The land was being sold for development like any other land transaction, but in this case the Council would receive a capital receipt at best consideration and some nomination rights.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

On 12<sup>th</sup> September 2019, Cabinet had given consent to dispose of the Charter Street site, Accrington, to Building for Humanity for residential development at nil value subject to a number of preconditions. Building for Humanity had subsequently secured planning approval for a residential development, but had not been able to progress other preconditions within set timescales. These included commencement of development within 6 months of securing planning permission and becoming a registered provider with the Regulator of Social Housing. On the latter point, Building for Humanity still intended to become a registered provider, but would not be able to do so until it was owning and managing housing stock.

In addition, Building for Humanity was not able to acquire the Council's land under terms favourable to the Council in order to acquire the site at nil value. To protect the Council's interest, the Council required the land to be purchased under a building licence arrangement, however Building for Humanity were not able to acquire the land under this type of arrangement.

Building for Humanity had secured planning approval on 14<sup>th</sup> July 2021 for a 100% affordable, zero carbon housing scheme comprising 46 dwellings across a mix of apartments and family homes, a community training hub and communal growing space and gardens.

Following further consideration, Building for Humanity had secured finance for the proposed development and to acquire the Council's land at best consideration. The Council had valued the land for residential purposes at £200,000. If the Council agreed to dispose of the site to Building for Humanity at open market value the Council would have a weaker bargaining position in terms of imposing conditions on the sale, but the Council would still seek 50% nomination rights to the accommodation in perpetuity and would seek to include this in the contract for sale. Building for Humanity had agreed in principle to grant the Council 50% nomination rights, stressing it wanted to support the Council in meeting local housing needs.

The site, which was illustrated in an Appendix to the report, could be considered public open space and therefore the Council would follow the requirements of Section 123 (2A) of the Local Government Act 1972, by advertising its intention to sell the land, and consider any objections to the proposed disposal which might be made.

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

As described in the report, Cabinet had previously agreed to the sale of the land to Building for Humanity at nil value, but this approach had proved problematic for Building for Humanity who had been unable to acquire the land on terms that would be favourable to the Council, and therefore this option had to be ruled out. Whilst Building for Humanity had secured in principle funding for the proposed development it could not secure that funding under a building licence arrangement and therefore following further discussions with Building for Humanity it had been decided the best approach would be to acquire the land at open market value which would give a freehold interest, which was acceptable to the funder.

#### **Resolved**

#### **- That the Cabinet:**

- (1) Considers and gives in principle approval to the disposal of the Charter Street site (Appendix 1) to Building for Humanity CIC at open market value of £200,000, subject to the outcome of the Council's advertisement of its intention to dispose of public open space in accordance with Section 123 (2A) of the Local Government Act 1972 and consideration of any responses received; and**
- (2) Delegates authority to the Head of Regeneration and Housing to consider any responses received following the advertisement of the intention to dispose of public open space in accordance with Resolution (1) above and following consultation with the Portfolio holder for Housing and Regeneration, to decide whether to proceed with the disposals in light of those responses, if any.**
- (3) Delegates authority to the Head of Regeneration and Housing in consultation with the Executive Director (Legal and Democratic Services) to agree and finalise detailed terms in relation to the disposal recommended by Resolution (1).**

#### **111 Proposed Submission Version Local Plan**

Councillor Miles Parkinson OBE, Leader of the Council, provided a report which sought approval to take the Proposed Submission Version Local Plan out to public consultation as representing the settled view of the Council on what the Plan should contain (under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012). This was also known as the "Pre-submission" Plan as, after the consultation had concluded, it would be the version which was submitted to an Inspector for examination in public

The Leader summarised the content of the report, which described the work undertaken over a number of years to develop the latest Local Plan. The latest version would go out to public consultation shortly and would involve public roadshows in the various townships.

The Plan supported the Council's need to deliver new housing and employment land. Any responses would be considered and a version of the Plan would be sent for examination by the Planning Inspectorate and later for ratification by the Secretary of State potentially in 2024. Councillor Munsif Dad BEM JP expressed his support for the consultation exercise.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

The Council, as Local Planning Authority (LPA), had a statutory duty to prepare and review the Local Plan for the Borough. The Local Plan was the long-term development framework for the area. Together with the Development Management **Development Plan Document** DPD (2018) and Accrington Area Action Plan (2012), the Local Plan (Strategic Policies and Site Allocations) would set out the planning policies which the Council would use to determine planning applications in the Borough.

The Local Plan (Strategic Policies and Site Allocations) provided the overarching policy framework for development and regeneration in the distinctive Hyndburn context. It identified the level of growth to be planned for in Hyndburn up to 2037, where that growth should be located and how it should be delivered. An up-to-date Local Plan was fundamental to facilitating investment and growth that was economically, environmentally and socially sustainable, whilst securing benefits for residents. Once adopted, these documents would replace the final saved elements of the 1996 Local Plan and the 2012 Core Strategy.

Section 20(2) of the Planning and Compulsory Purchase Act 2004 stated that the Local Planning Authority must not submit the plan unless they thought it was ready for independent examination. The Planning Inspectorate's Procedure Guide on Local Plan Examinations (June 2019) stated that the plan that was published for consultation at Regulation 19 stage should therefore be the plan that the Council intended to submit to the Planning Inspectorate for examination.

The Proposed Submission Version of the Local Plan was intended to be published for comment for a 6 week period. A library of documents which had informed the plan would be made available throughout the consultation period. Public drop-in events were being scheduled to take place from mid-afternoon into the evening at venues in Accrington, Clayton-le-Moors, Great Harwood, Huncoat, Oswaldtwistle and Rishton. In addition, there would be a presentation to Altham Parish Council.

Preparation for the public consultation commencing on 17<sup>th</sup> October involved thinking ahead to the examination process and finalising the Local Plan and supporting evidence, with the legislative requirements and tests of soundness in mind. Work would continue on the completion of key pieces of work underpinning the Submission Version of the Local Plan including:

- The sustainability appraisal report. Sustainability Appraisal was an integral part of the plan making process and this had been undertaken during the preparation of the Local Plan. The final sustainability appraisal would undergo examination alongside the Local Plan document itself.
- Site Allocations Methodology. This explained the process by which sites made available for consideration in the Local Plan (by or on behalf of landowners) had been assessed to determine those selected for 'allocation' in the Plan for housing or employment development or conservation.

- The Consultation Statement including who had been invited to make representations on the plan at the previous Regulation 18 consultation stage, how those representations had been invited, a summary of the main issues raised, and how the representations had been taken into account.

Once the Regulation 19 consultation stage was complete, the next stage would be for the Council to submit the Plan to the Secretary of State for independent examination by a Government appointed Inspector. The Council would need to demonstrate that the Plan had been prepared in accordance with legal and procedural requirements and that it was 'sound'. The tests of soundness were set out in national planning policy.

It was proposed that the following timetable revisions were made to the Local Development Scheme (February 2022):

<b>Local Plan Stage</b>	<b>Local Development Scheme (Feb 2022)</b>	<b>Proposed</b>
Reg 19 publication consultation	May 22 – July 22	Oct 22 – Nov 22
Submission (Reg 22)	Jul 22 – Nov 22	Dec 22 – Apr 23
Examination (Reg 23 – 25)	Nov 22 – Oct 23	May 23 – Feb 24
Adoption (Reg 26)	Oct 23 – Jan 24	Mar 24 – Jun 24

*There were no alternative options for consideration or reasons*

**Resolved**

**- That Cabinet:**

- (1) Agrees to undertake a 6 week statutory public consultation process between Monday 17<sup>th</sup> October to Monday 28<sup>th</sup> November in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This is on the subject of the Council's proposed Local Plan and supporting evidence base intended for submission to the Planning Inspectorate for examination.**
- (2) Delegates Authority to the Chief Planning and Transportation Officer, following consultation with the Portfolio Holder for Planning, to agree any minor modifications suggested by representations received during the 6 week period, and to submit the Local Plan to the Planning Inspectorate.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed

# Agenda Item 5.

<b>REPORT TO:</b>	Cabinet		
<b>DATE:</b>	19 October 2022		
<b>PORTFOLIO:</b>	Cllr Marlene Haworth - Town Centre and Markets		
<b>REPORT AUTHOR:</b>	Steve Riley – Executive Director (Environment)		
<b>TITLE OF REPORT:</b>	Market Hall Rent Concessions and Service Charges		
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>Options</b>	Not applicable	
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:	

## 1. Purpose of Report

- 1.1 For Cabinet to consider continuing the support for the ground floor indoor market hall traders by extending the current period of rent concessions.

## 2. Recommendations

- 2.1 Cabinet note the report and the work undertaken by the Market Manager in continuing to implement improvements within the market hall, which contributes to the retention of existing traders.
- 2.2 Cabinet approves an extension to the current rent concessions applied to ground floor market hall traders for a further 9 months from 1 April 2023 to 31 December 2023 and note the reduced income levels within this period.
- 2.3 Cabinet support a scheme to introduce a service charge for balcony units as set out in paragraph 3.8 and 3.9 of the report and delegate authority to the Executive Director (Environment), following consultation with the Legal Services Manager, to incorporate this charge, where applicable, in new leases.

## 3. Reasons for Recommendations and Background

- 3.1 Throughout the downturn in trading on our high streets and difficulties throughout the Covid-19 lockdown/restrictions, Cabinet have supported the market hall traders through various rent concessions. Whilst the Covid restrictions have been fully lifted and footfall levels were slowly improving, unfortunately there has been a dramatic downturn in the economy. Businesses are now facing sever cost increases and there is a reduction in household income/spending levels not seen since for over half a century.

- 3.2 The Council wishing to support the indoor market hall traders, has approved a number of concessions over the past 4 years. However, without any further extension, the current rent concessions will expire at the end of this financial year.
- a 50% concession on rents and service charges for two months in 2018
  - a permanent reduction in rents of 13.4% in 2019
  - a 30% concession on rents for a period of three years in 2020
  - a 22.5% concession on rents for twelve months in 2020
  - an extension to the 22.5% concession on rents for a further six months in 2021
  - an further extension to the concessions on rents until 31 March 2023 in late 2021
- 3.5 Whilst there is a 'potential' loss of income circa £24k from extending the rent concessions, this assumes traders are able and willing to pay the level of rent set many years ago when trading conditions were very different. Where rents are too high and not aligned with other local commercial rents, there is a risk many traders would simply leave the market hall, meaning all of a trader's rental income would be lost.
- 3.6 If approved, the concession being proposed will be as per previous agreements:
- that traders continue to make all monthly rent or other payments via Direct Debit and adhere to the Council's Market Regulations.
  - where a current trader is in rent arrears, this concession will not be applied to the arrears and if applicable, any credits due will be used to reduce the outstanding debt.
  - where a trader is up to date, and if applicable, any credits will be returned in full.
- 3.7 The traders within the balcony units or outside Peel Street Kiosks will not be eligible for the proposed rent concessions.
- 3.8 Historically, there has been no separate service charges applied to the balcony units within the Market Hall and rents were set low to provide 'incubator units' for new a business to test the market with their offering, before hopefully moving on to bigger premises in the town centre. There have been a number of recent examples to highlight the success of this offer. Whilst the vast majority of balcony tenants only have simple strip lighting and one or two small appliances, recently, the market manager has been approached by a potential tenant needing the use of large chest freezer and fridge. Given the recent rises in electricity costs and the use of these very energy hungry appliances 24/7, the electric cost could be greater than the rent paid by the tenant.
- 3.9 The small balcony units are unmetered and therefore it is not possible to take meter readings. It is therefore proposed the Executive Director (Environment) be given authority, following consultation with the Portfolio Holder, and at their sole discretion, to agree the addition of separate service charges to new leases to enable service costs, including utility costs to be recovered from tenants where such costs are not otherwise already the responsibility of the tenant.

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

- 4.1 The Council could let the current rent concessions expire. However, this has been rejected because the indoor market hall traders continue to raise concerns around high rents compared to other commercial units in the town centre and trading viability if the concessions did not remain.
- 4.2 The Council could look to make the concessions permanent, rather than an extension. This has been rejected given the potential redevelopment works in the market hall which would necessitate decanting traders from December 2023 and most likely there will be new agreements/leases when traders return.

#### 5. Consultations

- 5.1 The Deputy Leader of the Council / Portfolio Holder for the Town Centre and Markets.

#### 6. Implications

<b>Financial implications (including any future financial commitments for the Council)</b>	Based on the current number of ground floor market traders at September 2022 and assuming they were able and willing to pay the full rental charges, the annual income would be circa £70,000. The proposed concession extension for 9 months from 1 April 2023, will reduce this potential income by circa £24,000.
<b>Legal and human rights implications</b>	Further leases would be issued detailing the rent concession proposed within this report.
<b>Assessment of risk</b>	<p>The Council could allow the existing rent concessions to expire and returned to the previous level of rents but there is a risk that a large number of traders would leave. However, as highlighted in earlier reports, the Council cannot support every business within the indoor market hall and there may be some that are simply no longer economically viable, no matter what level of rent the Council charged.</p> <p>Not agreeing to incorporate separate service charge for tenants which operate energy hungry appliances within new leases will leave the Council to pick up these costs and no way of recovering from the tenant.</p>

<p><b>Equality and diversity implications</b>  <i>A <a href="#">Customer First Analysis</a> 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>
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**7. Local Government (Access to Information) Act 1985:  
List of Background Papers**

- 7.1 Cabinet Report of the 14<sup>th</sup> of February 2018: - Market Hall Rents and Charges Review  
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2192&Ver=4>
- Cabinet report 29 August 2018: Accrington Market – Review of Charges  
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2368&Ver=4>
- Cabinet Report of the 13<sup>th</sup> November 2019 – Accrington Markets – Review of Rents and Charges  
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2465&Ver=4>
- Cabinet Report of the 21 October 2020 – Temporary Rent Concession for the Indoor Market Hall Traders due to Coronavirus  
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2573&Ver=4>
- Cabinet Report of the 14 July 2021 - Temporary Rent Concession for the Indoor Market  
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2610&Ver=4>
- Cabinet Report of the 8 December 2021 – Rent Concession for the Indoor Market Hall Traders  
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2614&Ver=4>

# Agenda Item 6.

<b>REPORT TO:</b>	Cabinet		
<b>DATE:</b>	19th October 2022		
<b>PORTFOLIO:</b>	Cllr Steven Smithson - Environmental Services		
<b>REPORT AUTHOR:</b>	Ian Marfleet, Regeneration Projects Manager		
<b>TITLE OF REPORT:</b>	Allotment Rental Charge 2024		
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>No</b>	Not applicable	
<b>KEY DECISION:</b>	<b>Yes</b>	If yes, date of publication:	20 <sup>th</sup> September 2022

## 1. **Purpose of Report**

- 1.1 To seek approval for a proposed increase in allotment rent charges from the 1st January 2024.

## 2. **Recommendations**

- 2.1 Cabinet approves the increased allotment rent charges from 1st January 2024 as set out in Paragraph 3.1 of the report, allowing for the statutory notification period, as noted in Paragraph 3.5 of the report.

## 3. **Reasons for Recommendations and Background**

- 3.1 It is recommended that from 1st January 2024 the allotment rent charge be increased from 24.0p/m<sup>2</sup> annum to 25.0p/m<sup>2</sup> annum (4.2% increase).

The allotment rent increment 2025 onwards will be considered in subsequent Cabinet reports during 2024, at a time when the increased inflationary pressures on the Councils service costs are known.

- 3.2 During 2012 the Council consulted with the allotment tenants. 83% of those responding said that rent should be increased regularly in small amounts rather than a single large increase at irregular intervals.

3.3 Since 2014 the Council has progressively increased the allotment rents in small annual increments to ensure that the annual rate of increase is kept reasonable. Allotment rents are charged by calendar year.

2014	11p/m <sup>2</sup> annum. *Minimum charge £35.00.
2015	12p/m <sup>2</sup> annum. Minimum charge £35.00.
2016	13p/m <sup>2</sup> annum. Minimum charge £35.00.
2017	14p/m <sup>2</sup> annum. Minimum charge £35.00.
2018	16p/m <sup>2</sup> annum. Minimum charge £40.00.
2019	18p/m <sup>2</sup> annum. Minimum charge £40.00.
2020	22p/m <sup>2</sup> annum. Minimum charge £45.00.
2021	23p/m <sup>2</sup> annum. Minimum charge £50.00.
2022	23.5p/m <sup>2</sup> annum. Minimum charge £50.00.
2023	24p/m <sup>2</sup> annum. Minimum charge £50.00.
2024	25p/m <sup>2</sup> annum. Minimum charge £50.00.

\*The minimum charge is the lowest amount of rent charged per plot regardless of plot size.

3.4 Prior to 2014 the allotment rents had not been increased since 2006 and were amongst the lowest in England (data supplied by the National Allotment Society). Between 2006 and 2014 the annual allotment rents were charged at an average of 7.5p/m<sup>2</sup>

3.5 The Council has a legal duty to notify tenants 12 months in advance of an allotment rent increase. To facilitate the 1st January 2024 rent increase, allotment tenants must be advised by the 31<sup>st</sup> December 2022.

3.6 The Councils allotment service is operated 'cost neutral' ie without profit. Having taken into account inflationary pressures 2023-2024, and increased Council costs, the recommended rent increase will enable the Council to continue to provide the present 'cost neutral' service level. The Councils allotment related costs have been estimated to increase 4.88% 2023 to 2024.

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

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

### 3.8 Comparison with neighbouring allotment authorities:

The following information was supplied by the various allotment authorities attending the North West Allotment Officers meeting held on the 16<sup>th</sup> October 2019. The following rents are charged in 2019:

Bradford	17p/m <sup>2</sup>
Bury	68p/m <sup>2</sup> (includes water)
Cheshire West	16.5p/m <sup>2</sup>
Colne	36p/m <sup>2</sup>
Haworth Cross	14p/m <sup>2</sup>
Kendal	37p/m <sup>2</sup>
Leeds	29p/m <sup>2</sup>
Preston	34p/m <sup>2</sup>
Skipton	35p/m <sup>2</sup>
St Helens	24p/m <sup>2</sup>
Tameside	44p/m <sup>2</sup>
Trafford	41.5p/m <sup>2</sup>

The following rents are charged in 2022:

Blackburn with Darwen	26p/m <sup>2</sup>
Burnley	30p/m <sup>2</sup>

There is a high degree of variability in the amount of allotment rents charged amongst local authorities and parish councils. It is evident that a number of local authorities have not increased their rent for several years, others are using self-managed options to keep costs down, whilst others provide a far greater range of direct allotment services, including toilets, and similar.

The average 2019 rent charged (excluding Bury) is 26.2p/m<sup>2</sup>, whilst the 2022 average of Blackburn with Darwen and Burnley is 28p/m<sup>2</sup>.

The allotment rent charged by Hyndburn remains year-on-year below average and extremely favourable when compared to the rents presently charged by Hyndburn's immediate neighbours Blackburn with Darwen and Burnley. It is reasonable to conclude that the proposed rent increase is consistent and below average when compared to other local authorities.

- 3.9 There are no local recreational activities which are directly comparable to the allotments. The Council has introduced rents for the use of football pitches and bowling greens, set at an incremental rate to ensure that the use of these facilities become cost neutral. The increase in allotment rents has followed the same trajectory.

3.10 The National Allotment Society has produced Policy Document 103 – Rents. The National Allotment Society recognises within its Policy the significance of rent to the allotment provider as an income, and further adds that rents must be reasonable and set in accordance with the legal requirement (Section 3.11). When considering NAS Policy 103 the Council has taken the following into account:

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

With reference to the NAS Policy 103 it is reasonable for the Council to make the allotment service cost neutral. The demand created on the service has established the management cost to the Council, and therefore through necessity the level of rent charged onward to the allotment tenants.

### 3.11 Summary of legislation, case law and procedures

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

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

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

- The rate by which the allotment rent has been increased is comparable to that set by other recreational activities within Hyndburn.
- The tenant consultation during 2012 established that allotment tenants were in favour of small regular increases, rather than large increases at irregular intervals.
- The allotment rent set by Hyndburn Borough Council remains comparable to that set by neighbouring local authorities.

- Consultation with the Hyndburn Federation of Allotments (HFA), has produced a favourable response, accepting that a rent increase is needed to enable the service to continue at its present level.
- The rent increase takes into consideration the rent policy set by the National Allotment Society.

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

##### **4.1 No rent change or reduced rate of rent increment:**

Owing to inflationary pressures and increased Council costs the allotment service will become under-funded during 2024 resulting in the need to achieve cost savings. In this event the allotment service would reduce its ability undertake functions in compliance with its management role and that described within the allotment tenancy agreement.

In officers' opinion, there are no other reasonable alternatives. Officers recommend that option 4.1 is rejected on the grounds that the allotment service must continue to provide a cost neutral, effective and efficient service in its present format. The recommended option (Section 3.1) is reasonable to ensure that the allotment service continues to provide the level of service expected by allotment tenants.

#### **5. Consultations**

- 5.1 The proposed allotment rent increase was consulted with the Hyndburn Federation of Allotments on the 16<sup>th</sup> August 2022. Cath Holmes, Chair of the Hyndburn Federation of Allotments, held no objections to the proposed rent increase and said *"The rents are still good value for money and less than many neighbouring authorities and nationally, based on comments on facebook groups I'm a member of."*
- 5.2 Regular Portfolio Holder discussions are part of the active allotment service arrangements.
- 5.3 A consultation with the allotment community was carried out by questionnaire during October/November 2012, which has informed some content of this report.

6. **Implications**

<b>Financial implications (including any future financial commitments for the Council)</b>	Please refer to Sections: 3.1
<b>Legal and human rights implications</b>	Please refer to Sections: 3.5 3.7 3.11 3.12
<b>Assessment of risk</b>	N/A
<b>Equality and diversity implications</b> <i>A <a href="#">Customer First Analysis</a> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	Attached

**List of Background Papers**

- [Cabinet Report dated 9<sup>th</sup> January 2013](#) “Allotment Rental Charges Review”
- [Cabinet Report dated 23<sup>rd</sup> October 2013](#) “Allotment Rental Charge 2015”
- [Cabinet Report dated 3<sup>rd</sup> December 2014](#) “Allotment Rental Charge 2016”
- [Cabinet Report dated 21<sup>st</sup> October 2015](#) “Allotment Rental Charge 2017”
- [Cabinet Report dated 7<sup>th</sup> December 2016](#) “Allotment Rental Charge 2018”
- [Cabinet Report dated 6<sup>th</sup> December 2017](#) “Allotment Rental Charge 2019”
- [Cabinet Report dated 6<sup>th</sup> June 2018](#) “Allotment Rental Charge 2020 and 2021”
- [Cabinet Report dated 21<sup>st</sup> October 2020](#) “Allotment Rental Charge 2022 and 2023”

**Report to:** Cabinet

**Date:** 19<sup>th</sup> October 2022

**Portfolio:** Cllr Steven Smithson - Environmental Services

**Report Author:** Ian Marfleet, Regeneration Projects Manager

**Title of Report:** Allotment Rental Charge 2024.

## **Customer First Analysis**

### **1. Purpose**

- 1.1 The purpose of the report is to introduce of a reasonable level of allotment rent charge from the 1<sup>st</sup> January 2024.
- 1.2 Two key aims of the allotment service are to maximise the productive use of the allotment resource and to enable more people to benefit from food growing and the wider social, health and well-being benefits of allotment life. This includes encouraging and providing opportunities for more people from disadvantaged groups to get involved.
- 1.3 There are a number of the equality characteristics which are relevant to the allotment resource and service:-
  - Age, with consideration of older age groups and younger people
  - Disability, including wider considerations of well-being, mobility and mental health
  - Pregnancy and maternity, in relation to suitability of site conditions and facilities
  - Race, religion or belief, in relation to ethnic communities

### **2. Evidence**

- 2.1 An allotment consultation carried out in November 2012. Although the consultation is somewhat out of date the cohort of allotment users is not expected to have altered greatly since. A second consultation was carried out in 2018, however the response rate was so low that the results cannot be effectively considered. The low response rate may be considered as an overall indicator of satisfaction with the allotment service.
- 2.2 122 people responded to the 2012 allotment consultation. While it is not certain that they are representative of the whole of the allotment community, the results provide an indication of equality related characteristics of the allotment community.

## Age

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

## Health

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

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

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

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

## 3. Impact

- 3.1.1 The Council now has tangible evidence that allotment provision contributes to improved health and well-being.
- 3.2 The key equality consideration relating to the rental increase proposal is to ensure that no-one is discriminated from being able to access the allotment resource for reasons of affordability.

- 3.3 The rent review has taken account of all of the relevant factors as follows:-
- Consultation with the Hyndburn Federation of Allotments.
  - Rent comparison with other North West Local Authorities.
  - Comparison of costs with other recreational activities.
  - National Allotment Society policy.
  - Affordability, social and health improvement considerations.
- 3.4 The allotment resource includes special provisions with raised beds and ‘easy access’ beds on a number of sites and accessible and manageable plots of small sizes at Meadoway, Norden, Woodnook, Heys and Peel Park. These provide for people with limited mobility, including older age groups, activities for young people and schools involvement, disability support groups and encourage involvement from more people who are new to food growing or who only have limited time for example due to work, family or study commitments.
- 3.5 The Cabinet report shows that the recommended rent increase is reasonable by, balancing all the relevant considerations, including comparison with other similar recreational activities, and other local authorities.
- 3.6 The allotment resource is very wide ranging with plots of many sizes available. This means that people can choose a plot type and size that is directly relevant to their needs and affordability. It is also often possible for an existing plot holder to reduce the size of their plot, or to move to more suitable provision, should their needs change over time.
- 3.7 The proposal ensures that the Councils allotment resource remains affordable and accessible to all the residents of Hyndburn, regardless of individual circumstances.
4. Actions
- 4.1 The proposals inherently provide for equality considerations and no further action is required.

Simon Prideaux  
Chief Officer Planning and Transportation  
1 9 2022

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# Agenda Item 7.

<b>REPORT TO:</b>	Cabinet		
<b>DATE:</b>	19 October 2022		
<b>PORTFOLIO:</b>	Cllr Steven Smithson - Environmental Services		
<b>REPORT AUTHOR:</b>	Craig Haraben (Deputy Head of Environmental Services)		
<b>TITLE OF REPORT:</b>	Oakhill Park Tennis Court		
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>No</b>	Not applicable	
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:	

## 1. **Purpose of Report**

- 1.1 To inform Cabinet about an offer from the national governing body for tennis in the UK, the Lawn Tennis Association (LTA), to fund the refurbishment of the tennis courts in Oakhill Park.

## 2. **Recommendations**

- 2.1 That Cabinet accepts the offer from the LTA to refurbish the tennis courts in Oakhill Park
- 2.2 That Cabinet delegates authority to the Executive Director (Environment) to negotiate and agree terms of the funding agreement with the LTA to deliver this project
- 2.3 That cabinet delegates authority to the Executive Director (Environment) to enter into a license or other suitable written agreement with the LTA to enable the LTA's preferred contractor to undertake the proposed works in Oakhill Park

## 3. **Reasons for Recommendations and Background**

- 3.1 The majority of park tennis courts in the UK are owned by Local Authorities, however, increasing pressure on Local Authority budgets over the years has resulted in significant underinvestment, leaving approximately 45% of all park tennis courts in a poor, very poor, or unplayable condition.
- 3.2 Research has found that poor quality courts are disproportionately found in lower income areas. The LTA's Parks Investment Funding aims to help address this

underinvestment, opening up the sport to people of all backgrounds, and ultimately providing greater opportunities for everyone to follow the Chief Medical Officer's guidance on physical activity.

- 3.3 At the Autumn Budget 2021, funding of £21.9m was made available for investment into rejuvenating dilapidated park tennis courts throughout the UK. Alongside this, a further £8.4m of funding committed was committed by the LTA, taking the total funding package for the two year investment programme to £30.3m.
- 3.4 Park tennis courts are particularly important in providing affordable opportunities for anyone to pick up a racquet, with over 1.7 million adults playing on park courts every year, parks play a critical role in ensuring the sport is accessible to all and tennis can contribute to well-being benefits.
- 3.5 Through this Investment Programme, LTA's ambition is to support local authorities to develop quality, sustainable park tennis facilities for all, and attract 1 million more players to the sport across the UK, contributing to health, social and wellbeing outcomes for residents and communities.
- 3.6 There are three tennis court sites located within parks in Hyndburn. There are tennis courts in Oakhill Park & Peel Park in Accrington and Lowerfold Park in Great Harwood. Over the last few years the tennis courts at Peel Park and Lowerfold Park have received some investment.
- 3.7 Oakhill Park is the largest tennis venue with three individual courts. Unfortunately the surface is uneven and line marking faded which makes for a poor tennis experience. The courts at Oakhill Park were surveyed by the LTA and categorised as poor which meant they were eligible for funding.
- 3.8 The LTA offer is to invest circa £50,000 into the tennis courts at Oakhill Park which will lead to the surface being refurbished, the lines being re-painted and some of the fencing being replaced.
- 3.9 The LTA's own contractor will undertake the refurbishment work at Oakhill Park under license from the Council. The LTA are using their own contractor to ensure that all sites refurbished via the investment programme, are done so to a specific standard required by the LTA which will be the same across the UK, so as to provide a national standard of park tennis court.
- 3.10 As the LTA investment programme is designed to produce sustainable tennis courts a condition of the funding is that use of the courts at Oakhill Park will become a chargeable leisure activity with all income derived put into a sinking fund used to resurface the courts so they remain in good condition for the long term. The Council must also ensure the courts are swept, kept clean and nets installed to facilitate tennis.
- 3.11 The tennis courts at Oakhill Park will be booked via an online booking system which will provide a code to gain entry to the tennis courts.

3.12 The LTA will work with the Council (post capital works) to offer coaching opportunities and increase opportunities for participation.

3.13 As the courts at Peel Park and Lowerfold Park are not included in this project, the use of these courts remains free of charge.

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

4.1 Do not accept the LTA funding offer to refurbish the tennis courts at Oakhill Park. This has been discounted as the tennis courts are in need of refurbishment and this funding will provide a quality tennis facility for the people of Hyndburn, both in the short and long term.

**5. Consultations**

5.1 Portfolio holder, parks staff and the LTA have been consulted in relation to this project.

**6. Implications**

<b>Financial implications (including any future financial commitments for the Council)</b>	<p>The costs proposed by the LTA for use of the refurbished tennis courts at Oakhill Park are pay as you play £5 per hour or £25 annual household pass.</p> <p>The grant terms and conditions require the court to be resurfaced during the obligation period of 15 years. The cost of this at today's prices would be approximately £20,000. It is anticipated that the income derived from tennis activities will pay for this work. However if the income wasn't enough to fund this work the Council would need to make up any shortfall.</p> <p>In the event of non-compliance with the terms and conditions of the LTA grant, the LTA could require the Council to pay the grant back in part or in full.</p>
<b>Legal and human rights implications</b>	<p>The Council will need to enter into an agreement with LTA on their standard terms and conditions. This will require the Council to maintain the tennis courts in Oakhill Park during the obligation period of 15 years.</p> <p>A license will need to be issued to the LTA appointed contractors to work on Hyndburn</p>

	<p>BC land.</p> <p>The funding does not require a restriction on title for Oakhill Park</p>
<b>Assessment of risk</b>	<p>Contractors appointed and paid directly by the LTA will undertake this work. The Council will need to ensure it is provided with suitable risk assessments, method statements and public liability insurance before any work takes place on site. This is to ensure the planned work will be undertaken in a safe manner and in accordance with health and safety legislation.</p>
<p><b>Equality and diversity implications</b>  <i>A <a href="#">Customer First Analysis</a> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>See attached customer first analysis</p>

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

7.1 There are no background papers to this report

**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.



**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 improve the tennis offer for Borough residents
- Who defines and manages it?
- Hyndburn BC manages Oakhill Park tennis courts
- Who do you intend to benefit from it and how?
- All residents in the Borough who want to play tennis
- What could prevent people from getting the most out of the policy / service / function?
- By having poor quality tennis courts which are not fit for purpose
- How will you get your customers involved in the analysis and how will you tell people about it?
- The proposed outcome will lead to a more interactive service whereby people can feedback in relation to their tennis experience

### 2. Evidence

- How will you know if the policy delivers its intended outcome / benefits?
- The amount of tennis played on the tennis courts in Oakhill Park has increased
- How satisfied are your customers and how do you know?
- The courts are currently used infrequently. Use going forward will be tracked via the on line booking system so usage data can be provided.
- What existing data do you have on the people that use the service and the wider population?
- Only anecdotal evidence based on observations of court use. The proposed online system will provide accurate usage data going forward.
- What other information would it be useful to have? How could you get this?
- Information relating to how many people in the Borough play tennis would be useful. This should be available going forward via the proposed on line booking system
- 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)?
- No not at this time
- Are you using partners, stakeholders, and councillors to get information and feedback?
- The Council will be using the LTA to get information and feedback in addition to local Cllrs and cabinet.

### 3. Impact

- Are some people benefiting more – or less - than others? If so, why might this be?
- The courts are easier to travel to from Accrington than other parts of the Borough, although the courts are accessible to all who want to use them in the Borough

### 4. Actions


- If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it?
- There is no evidence of this
- Is it discriminatory in any way?
- There is no evidence of this

UNCLASSIFIED

- Is there a possible impact in relationships or perceptions between different parts of the community?
- The tennis courts are available to all residents in the Borough
- What measures can you put in place to reduce disadvantages?
- Continue to offer this service to all residents of the Borough
- Do you need to consult further?
- Should the policy not increase participation in tennis in the Borough
- Have you identified any potential improvements to customer service?
- A much better tennis playing experience for residents
- Who should you tell about the outcomes of this analysis?
- The service portfolio holder
- Have you built the actions into your Business Plan with a clear timescale?
- Yes necessary actions have been built into the plan for upgrading the tennis courts at Oakhill Park
- When will this assessment need to be repeated?
- If there are any significant changes to service provision

**Name: Craig Haraben**

**Signed:**



**Service Area: Environmental Services**

**Dated: 10 October 2022**

**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.**

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# Agenda Item 9.

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