
CABINET

Wednesday, 7th December, 2022

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

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

Apologies: Councillor Steven Smithson

207 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Steven Smithson.

208 Declarations of Interest and Dispensations

There were no reported declarations of interest or dispensations.

The following Agenda item was taken next at the meeting.

209 Reports of Cabinet Members

The Leader of the Council, Councillor Miles Parkinson OBE, announced that the authority had received confirmation of approval of Government funding from the UK Shared Prosperity Fund (UKSPF). This was extremely good news and reflected well on the hard work of the various stakeholders and the MP. The bottom-up approach to the bid had been led by the stakeholders and endorsed by the Council.

A summary of the schemes to be funded was as follows:

Business Support: Growth and New Business

- Boost (business support) - £ 260k
- Economic Development Function - £150k
- International Trade Support - £40k
- Tourism Attractions/Marketing - £20k

[Sub Total 1 - £470k]

Business Support: Low Carbon

- Business Support for Net Zero and Transition & Decarbonisation - £140K
- New Low Carbon Technology - £110K

[Sub Total 2 - £250K]

Regeneration

- Support the proposals to 'Green' the town centre and improve the Accrington Pals Memorial Garden - £560k
- Offer £75k each to the Market Hall and Burtons Chambers as first-year incentive/promotion packages in advance of the buildings opening. - £150k
- Support the Arts, Culture and Heritage package - £1.2465m comprising:
 - Arts, Culture & Heritage events budget - £250k
 - Marketing & Promotion £200k
 - Arts, Culture & Heritage Officer £125k
 - Events organiser & programmer consultant - £125k
 - Design and feasibility studies for Market Chambers Arts, Culture and Heritage Centre - £50k
 - Capital works budget for Market Chambers Arts, Culture and Heritage Centre - £470k
 - Business plan budget - £26.5k
- Support the Arndale Masterplan - £150k

[Sub Total 3 - £2,106.5k]

The Council now eagerly awaited an announcement on the Levelling Up Fund bid.

The Council's political leadership had already announced that it would not need to raise Council Tax by the Government's referendum limit of almost 5%. Hyndburn's Council Tax would be maintained at a 0% increase. The Council understood the pressures on its residents caused by the rising cost of living, including increasing energy costs. The Council Tax freeze could be attributed to strong financial management by the Portfolio Holder, Councillor Joyce Plummer and officers, including the Deputy Chief Executive, Joe McIntyre. In addition, there would be no increases to fees, such as those for the crematorium or waste services.

Leisure Transformation was being rolled out across the Borough and aimed to help residents become more active. Hyndburn Leisure were also seeking to maintain its charges at existing levels. Therefore, the Council would provide the Trust with £235k in management fees to help it keep charges at the same level.

The Russian invasion of Ukraine had precipitated the cost of living issue. The Leader read aloud a statement provided by Councillor Paddy Short, which indicated that no end was yet in sight to that situation. Councillor Short greatly appreciated and took pride in those in Hyndburn providing host homes. A further small number of Ukrainians would arrive in the near future. He thanked all organisations, such as the Council, Maundy Relief, the Food Pantry and Citizen's Advice, who had all provided some form of support to refugees. Many people had been helped into education or work. A small number of Ukrainians had left host households by choice. Any refugees who were being asked to leave homes would receive a full package of Council support and would be considered urgently for rehousing, either in a housing association tenancy or with a private landlord. The Council would support any household threatened with homelessness.

The Leader reiterated the three important announcements made regarding:

- UK Shared Prosperity Fund success;
- Council Tax freeze; and
- Support for Ukrainian homes.

Councillor Marlene Haworth, Deputy Leader of the Council, endorsed what had been said by the Leader and commented that the UKSPF outcome was excellent news and due to the hard work of all involved. The Council's political administration was committed to fulfilling its promises through restraining Council Tax and delivering on-going works to restore pride in the Borough.

Councillor Munsif Dad BEM JP commented that Ukrainians were being welcomed by all and he was pleased to see that the voluntary sector and Council were working hard to support them. He also welcomed that news about UKSPF award worth up to £2.9m. He had served on the Town Centre Board when the ideas were being put forward. The money sounded like a large amount, but he was concerned that previous funding streams had provided more money in the past. Councillor Dad hoped that the Council would be successful in receiving the other monies bid for. He asked whether the funding to Hyndburn Leisure would be for 2023/24. The Leader indicated that the funding announced was for the remainder of 2022/23.

Councillor Peter Britcliffe commented that the UKSPF was new money released due to the UK's decision to leave the EU. He added that the Levelling Up Fund bid submitted was currently being considered and the Council was expecting to receive good news shortly, with millions of pounds coming into the Borough. The investment showed what could be achieved when all politicians worked together.

Councillor June Harrison recorded her thanks to the Council's Finance Team, for their strong financial management.

Resolved - **That the verbal reports of Cabinet members be noted.**

210 Minutes of Cabinet

The minutes of the meeting of the Cabinet held on 19th October 2022 were submitted for approval as a correct record.

In respect of Minute 148 - Report of Cabinet Members (Local Plan) the Leader of the Council reminded Members that the Local Plan was currently out to consultation. Public meetings had already taken place in the various townships, with a meeting in Huncoat due to be finalised soon. The Plan was critical to the authority's aspirations for growth and development. The M65 had been constructed to bring economic development into East Lancashire. Accordingly, the best sites for employment land in the Borough were located by the motorway at Junctions 6, 7 and 8. He called upon Opposition Members to support the Plan, as employment sites provided local jobs and would lead to the economic prosperity of the area. The Altham industrial estate site was important, along with a smaller site Rishton. In the latter case, the green buffer between employment land at Whitebirk and the residential areas of Rishton would be maintained. He was disappointed that there was some resistance to this proposal.

In connection with Minute 152 – Medium Term Financial Strategy, the Leader reminded Members that there would be a rollover budget into 2023/24 to provide a period of financial certainty for managers.

With regard to Minute 154 – Huncoat Garden Village, the bid for funding was progressing. This would be the Council's main housing site for the duration of the Local Plan. The land allocated comprised mostly of a former power station and colliery site, not Green Belt. If this site were not to be used it would be difficult to identify other suitable housing land. The proposals for the Garden Village included biodiversity improvements and energy efficient

homes. New houses would help to retain talent within the Borough and this approach to growth was similar to neighbouring Labour controlled councils, such as Blackburn with Darwen and Burnley. This was a substantial and important development and not, as one commentator had described, 'a vanity project'. Residents in new dwellings would spend money in our towns. The example of Lyndon Playing Fields, in Great Harwood, had shown that new housing helped to make high streets more viable. Failure to build new homes would cause the area to stagnate, or even to slip backwards.

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

211 Minutes of Committees, Boards, Panels and Working Groups

The minutes of the following meeting were submitted:

- Cabinet Committee (Street Naming) – 26th October 2022

Councillor Peter Britcliffe commented that the proposals for street names in Great Harwood (Chimney Avenue and Saw Mill Close) were somewhat old fashioned, if not Dickensian. The replacement name of Reed Avenue, instead of Chimney Avenue, was an improvement.

The Leader indicated that this development, off Britannia Street, in Great Harwood, and the Clayton Triangle scheme demonstrated the Council's commitment to regenerating derelict mill sites. He understood that people were sometimes reluctant to accept change, but if people were to look at old maps of Great Harwood, for example, they would see how the town has grown over the years. There was a need to develop land sustainably and these two sites, which were not Green Belt land, had now been brought back into use. For employment land, some Green Belt land would need to be allocated, as these were the sites adjacent to the motorway junctions

Councillor Munsif Dad BEM JP commented that Great Harwood did previously have a saw mill and the name selected by the Committee reflected this historical connection. He also indicated his support for the site allocations approach, provided that these areas were in the right place with the right numbers of developments proposed. Councillor Britcliffe asked Councillor Dad if he supported that Great Harwood development. Councillor Dad indicated that he would respond to this at the appropriate time. He noted that the detail of any development proposals would need to be considered by the Planning Committee.

The Leader summed up by indicating that the moderate housing growth was planned for Hyndburn and that this was not considered to be excessive.

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

212 Identification of an External Project Director – LUF

The Cabinet considered a report of Councillor Miles Parkinson OBE, Leader of the Council, seeking approval to waive the Council's Contracts Procedure Rules to identify and appoint a suitably experienced consultant, who would act as the Council's Project Director in delivering the Council's Levelling Up Fund Interventions.

Councillor Parkinson reminded Members that a decision on the Levelling Up Fund bid was still awaited, but it was necessary to put things in place now in order to progress any issues quickly. Councillor Munsif Dad BEM JP asked how long a traditional recruitment exercise might take. He highlighted possible negative public perceptions about the waiving of

Standing Orders. Steve Riley, Executive Director Environmental Services, indicated that traditional recruitment might take up to 6 months. It was necessary to recruit now in order to 'hit the ground running'. The Leader reiterated that all of the principal proposals had come from stakeholders using a bottom-up process. The Council needed to be proactive and could not, therefore, delay recruitment of a Project Director. David Welsby, Chief Executive, interjected, noting that the volume of projects planned was significant and there were high expectations around delivery. Many were large scale projects and the timescales for delivery were very tight. Government announcement dates around bids had been delayed, but the project completion dates had not been pushed back. The Council was committed to delivery of these schemes. He indicated that the public could be reassured if this explanation was made clear to them.

Approval of the report was not deemed a key decision.

Reasons for Decision

A £20m funding bid into Round 2 of the Levelling Up Fund had been submitted at the end of August 2022 and the Government's announcement on successful bids was likely to be made before the end of December 2022.

The Levelling Up Fund spending timescales were extremely tight, with funding criteria requiring some capital spending to be made within the financial year 2022/23 and all spending to be completed by 31 March 2025. Whilst there was a suggestion in the Levelling Up Grant (LUG) guidance that spending might be permitted within the financial year 2025/26, this was only in exceptional circumstances and at the sole discretion of the funding body, the Department of Levelling Up, Housing and Communities (DLUHC). It was therefore prudent to continue at risk with some elements of work before any announcement, where not doing so would most likely lead to unacceptable project delays.

It was recognised that the Council did not have the specific knowledge or experienced staff 'in house' to manage contractors and professional consultants on the delivery of such high value construction projects. Many other local authorities were in the same position. Round 1 funding saw £1.7bn allocated to councils, a large proportion directed into the construction industry and further funding from Round 2 would lead to people with key project management skills becoming even more sought after.

To ensure the Council had the opportunity to secure someone with the necessary skill set to take on this role, three external Project Directors had been identified as having the required skills, knowledge and experience, (two were individual consultants and the third was employed within a large consultancy organisation). All had a track record of delivering successful large scale, (£20m+) construction related projects and understood the importance of delivering externally funded projects on time and to budget.

Waiving the Council's Contract Procedure Rules, would mean the Council could undertake the interview/selection process to identify a preferred project director before other Council's in the NW commenced their search for project management support. Following the announcement of the Council's submission being successful, they could commence work quickly afterwards, which would avoid the longer timescales involved in waiting until the announcement was made before undertaking a far longer, formal tendering exercise.

The Council would of course consider which proposal was the most advantageous and where there was any added value to the Council, which should ensure value for money. In addition, the Council would be comparing three potential providers on cost and quality grounds, which should provide a necessary element of competition.

Alternative Options considered and Reasons for Rejection

One option was to wait until the outcome of the Council's submission and then undertake an open tender, but it was recommended that this be rejected. This was because it was important that the search was undertaken quickly as the timescale for delivering all LUF interventions was extremely tight.

Resolved

- **That Cabinet agrees to waive the Contracts Procedure Rules and grants delegated authority to the Executive Director (Environment), following consultation with the Executive Director (Legal and Democratic Services), to agree the terms of the agreement to appoint an external consultant who will act as the Council's Project Director in delivering the Council's Levelling Up Fund Interventions as set out in the report.**

213 Accrington Town Centre Parking

The Cabinet considered a report of Councillor Marlene Haworth, Deputy Leader of the Council, which provided information relating to current arrangements for the Shoppers Car Park located at Abbey Street and Abbey Grange (Cross Street) in Accrington Town Centre so that Members could make a decision on whether to maintain or revoke the current three hour parking Traffic Regulation Order. The report also provided information relating to the current situation of delivery vehicles entering the Broadway Shopping Pedestrian Zone (between Union Street and Cornhill) to enable Members to make a decision on whether to revoke the current Traffic Regulation Orders and employ a private parking enforcement company to regulate vehicle deliveries on Broadway.

Councillor Haworth gave a verbal summary of the decisions proposed. Councillor Munsif Dad BEM JP commented that he supported the proposed changes and that the car parking changes might help to increase footfall in the Town Centre. Councillor Peter Britcliffe also welcomed the report. He added that, at a meeting at Lancashire County Council on Friday, Members had asked if that authority would consider on-street parking restrictions to provide greater standardisation of the restrictions. An increase of 2 to 3 hours parking might be better. The County Council was also asked to review the one way system in Accrington Town Centre, which potentially had the effect of diverting all traffic away from the main retail area.

Approval of the report was not deemed a key decision.

Reasons for Decision

Abbey Street and Abbey Grange (Cross Street) Car Parks

Following the closure of the closure of the Blackburn Road car park for the new bus station, the Council now administered only two Traffic Regulation Orders (TRO's) on car parks located on Abbey Street and Abbey Grange (Cross Street), Accrington. The TRO's limited parking to a maximum of 3 hours. The Council employed parking enforcement officers from Ribble Valley Borough Council to carry out parking enforcement on the two car parks on one day per month.

Any fines issued were then processed by an external company, Chipside. The whole process was overseen by the Parking and Traffic Regulations Outside London (PATROL)

joint committee. All the above charged for their services and the Council did not profit from the outcome of enforcement.

Due to the light touch procedure of enforcement on the two car parks, with a one day visit per month, this had shown to be confusing and frustrating to parking users. Also, the administration of the parking restrictions, including enforcement, back office and appeals had to be dealt with, which was quite onerous and time consuming especially with the current strain on Council resources.

It was for the reasons above it was recommend the TRO's on the two car parks be revoked and the car parks be opened up to unrestricted all day parking, in line with all other Council owned car parks in the borough.

If approved, the Council would need to make a request to Lancashire County Council for the removal of the TRO's to be added to annual review of Traffic Regulation Orders for Lancashire. Once the request had been approved and implemented, the contract agreements with Ribble Valley Borough Council, Chipside and PATROL would also be terminated without any costs incurred.

The time from commencement to completion of the above would be approximately 12 months.

Broadway Traffic Regulation Orders

Located at the Union Street entrance to Broadway there was Traffic Regulation Order with signage stating "Pedestrian Zone Except Emergency Vehicles", the meaning of which was that no vehicles were allowed to pass the signs and enter the Broadway Pedestrian Zone at any time except for emergency vehicles.

Located at the gateway adjacent to Cornhill on Broadway, there was a TRO with a sign stating "Pedestrian Zone Permit Holders Only for Loading and Unloading" the meaning of which was no vehicles were allowed to pass the sign and enter the Broadway Pedestrian Zone except for vehicles holding a permit issued by the Council.

Not all shop units on Broadway had access to a rear service yard and therefore they did require vehicular access to the frontage for deliveries.

A private company had been employed to carry out parking enforcement on Broadway and to regulate loading and unloading to shops restricting the time when loading and unloading could take place, to between the hours of 7am to 8.30am and 5.30pm to 7pm. However, this had caused a contradiction. In order for vehicles to load and unload on Broadway as per the private company signs, vehicles would need to pass the Traffic Regulation Order signs located at either end of the Broadway pedestrian zone, illegally contravening the Order. The Council had asked the private company to stop enforcement until the situation was resolved.

It was recommended that the Traffic Regulation Orders be revoked and the signs be removed. This would be brought about by making a request to Lancashire County Council for the removal of the TRO's to be added to annual review of Traffic Regulation Orders for Lancashire. Once the request had been approved and implemented, the agreement with the private enforcement company would then be reinstated to carry out parking enforcement and regulate loading and unloading on Broadway. The agreement with the private enforcement company was that it was at no cost to the Council as the company retained the income from any fines issued.

The time from commencement to completion of the above would be approximately 12 months.

Alternative Options considered and Reasons for Rejection

In respect of Car Park TRO's, an Option considered was to do nothing. The reason for rejection was the confusion and frustration to users leading to complaints.

Regarding the Broadway TRO's, an Option considered was to do nothing. The reason for rejection was that retailers on Broadway would continue to drive delivery vehicles on to Broadway unregulated. The TRO's on Broadway were not being enforced by the Police.

Resolved

- (1) That the current three hour parking limit Traffic Regulation Order on the Abbey Street and Abbey Grange (Cross Street) Car Parks be removed opening the car parks to unrestricted all day parking in line with all Council owned off street car parks.**
- (2) That the current Traffic Regulation Orders effecting Broadway at the Union Street entrance and the gateway near Cornhill be removed and for a private parking enforcement company to be employed to regulate vehicle deliveries.**

214 Memorial Park Heritage Lottery Bid

Members considered a report of Councillor Steven Smithson, Portfolio Holder for Environmental Services, informing the Cabinet of progress in relation to the National Lottery Heritage Fund (NLHF) funding bid relating to Memorial Park in Great Harwood.

In the absence of Councillor Smithson, the Leader of the Council introduced the report. Councillor Miles Parkinson reported that the successful bid was good news for Great Harwood and for the Friends of Memorial Park who had been involved in an earlier unsuccessful bid for refurbishment of the park. The Council was continuing to rejuvenate many of its parks. This was the first phase for Memorial Park and additional opportunities for funding would be sought to regenerate the sports pavilion and to carry out levelling of the sports pitches. The overall improvements to parks would help residents to become more active and would be delivered in conjunction with activity by local schools and the Council's investment in other sports provision, such as tennis courts. The Council remained committed to investing in Great Harwood, including the repurposing of Mercer Hall.

Councillor Munsif Dad BEM JP welcomed the report and noted that the current proposals built upon work by the previous political administration to make repairs to parks. The Leader acknowledged that there had been good work undertaken to improve the Borough's parks over the last 20 years.

Approval of the report was not deemed a key decision.

Reasons for Decision

In 2008, the Parks & Cemetery Service had started working with the Friends of (FO) Memorial Park to explore the possibility of applying for funding administered via the National Lottery Heritage Fund (NLHF) to refurbish Memorial Park in Great Harwood. An

initial bid had been submitted to the then Heritage Lottery Fund, but this had been unsuccessful.

In 2021, the outcome of a consultation with the local community had showed that residents would like to see the refurbishment of park facilities, better use of the Biological Heritage Site (BHS) in the park, better access into the BHS, refurbishment of the war memorial and gardens, interpretation, sustainable horticultural improvements and footpath improvements.

In addition to the refurbishment work, there was a desire to have more activities in the park post capital works to encourage participation and develop the audience of people who would use the park.

Before submitting the NLHF bid, enquiries had been made with the NLHF and their preferred way forward was for the Council to work with a partner organisation who had the appropriate skills and abilities to enable a first class project to be delivered. Proffitts CIC were a community interest company who had expertise in green space improvement projects and audience development.

Cabinet had agreed on 21 March 2018 for the Council to work with Proffitts CIC to secure NLHF funding for Memorial Park in Great Harwood and had noted the proposal to appoint Proffitts as project manager should the funding bid be successful.

The Council had received news that the NLHF funding bid relating to Memorial Park in Great Harwood had been successful. The project had been allocated £248,650 for the delivery stage of the project by the HLF. The total value of the project including funding from landfill tax and the Council, plus gift in kind work, was £338,650.

The funding secured for this project would allow for:

- (i) Replacement of damaged boundary railings;
- (ii) Repairs to the war memorial and memorial grounds;
- (iii) Repairing stone tree pits;
- (iv) Tree management work;
- (v) Upgrading paths and installing boardwalks in the woodland;
- (vi) Installing bins/seating;
- (vii) Installation of bird box camera;
- (viii) A programme of activities and engagement with the local community.

As Memorial Park in Great Harwood would be the beneficiary of the grant funding from NLHF, it had been agreed with NLHF that the Council would act as accountable body for the project because the Council as landowner and grant recipient would need to abide by their terms and conditions.

Proffitts CIC were the applicant on behalf of the Council in relation to the successful NLHF funding bid and had detailed knowledge of the project. To ensure consistency in the delivery phase it was proposed the Council should waive its Contract Procedure Rules to continue to work in partnership with Proffitts CIC to implement and complete the Project. It had been agreed with NLHF that Proffitts CIC would act as project manager for the delivery

phase of the project. The costs relating to Proffitts CIC undertaking this work had been set and agreed with the NLHF and would fall within the overall project budget.

The delivery stage work would commence on site once all permissions had been finalised and secured.

Alternative Options considered and Reasons for Rejection

Not to continue with the delivery stage of National Lottery Heritage Fund funding award and try to undertake improvements to Memorial Park via a piece meal approach. This was not recommended, as grant funding had now been secured and this work could be undertaken as one project.

Resolved

- That Cabinet:

- (1) Continues to support the refurbishment and improvement of Memorial Park as outlined in the report (“the Project”) and welcomes receipt of the National Lottery Heritage Funding.**
- (2) Agrees to the Council being accountable body in respect of the Project and in accordance with the HLF’s terms and conditions in connection with the Project**
- (3) Delegates authority to the Executive Director (Environment) to take all reasonable steps to implement and complete the Project, including entering into the necessary agreement with the NLHF, engaging consultants and contractors as required to deliver the Project and obtaining all necessary permissions and consents.**
- (4) Recommends that the Council supports the Project and allocates £50,000 from the Council’s 2023/24 capital programme as match funding, subject to approval of the Council’s budget for 2023/24.**
- (5) Agrees to waive the Contracts Procedure Rules and grants delegated authority to the Executive Director (Environment), following consultation with the Executive Director (Legal and Democratic Services), to agree the terms of the agreement to appoint Proffitts CIC as set out in Paragraph 3.10 of the report.**

215 Matters arising from Overview and Scrutiny - Town Centre Events

The Cabinet considered a report of Councillor Susan Hayes, Vice-Chair of the Special Overview and Scrutiny Committee, on the outcome of a recent scrutiny review of town centre events.

The Leader of the Council outlined the recommendations set out in the review report. Councillor Marlene Haworth, Deputy Leader of the Council, welcomed the report, and indicated that she had attended the relevant meeting of the Overview and Scrutiny Committee. She reminded Members that a number of events had been laid on over the last few weeks in conjunction with the Leisure Trust, Market Hall and Amazing Accrington. The Council's partners had worked very hard to deliver quality events within the limitations of available staffing. She thanked all who had contributed to these events.

Councillor Miles Parkinson OBE reminded members that the Council would operate a rollover budget in 2023/24 and indicated that a letter was expected to be sent out before Christmas inviting bids for events in 2023. The detailed submissions would be discussed in the New Year. This activity would be complemented by the proposals in relation to the Hyndburn Culture & Heritage Investment Board included elsewhere on the Agenda. The proposals would ensure that Hyndburn was an appealing place to visit. The events formed part of an interlinked strategy which was supported by various stakeholders and the MP.

Approval of the report was not deemed a key decision.

Reasons for Decision

At its meeting on 27th September 2022, the Special Overview and Scrutiny Committee had carried out an in-meeting review of Town Centre Events.

The Portfolio Holder, Councillor Marlene Haworth and Victoria Tindall, Business and Marketing Co-ordinator had provided a report to the Committee. The report had set out detailed information about the application process for events and for Council funding. A breakdown of events funded by the Council had been provided for the last few years including some brief evaluation information.

The Council had established a budget which provided funding for external organisations to organise events via an application process. In order to be considered for funding, event applications were assessed against four primary objectives:

- Increase visitors to the town centre (increase footfall);
- Engage with people who live in and around Hyndburn;
- Create an event which can engage with the widest possible audience; and
- Demonstrate value for money and maximise the event outcomes.

The Portfolio Holder had reported on capacity issues. Some Councils had Town Teams which supported the organisation of events, with others having a larger team of officers. The Council's current team was Ms Tindall plus an Events Coordinator, who supported over 100 event applications right through the Events Safety Advisory Group (ESAG) process, which was resource intensive. The Committee had agreed and suggested that Cabinet should review the current resources available to the team with a view to providing additional resources to increase their ability to support events further.

The Committee had discussed the potential Levelling Up investment, and the potential that large scale events could have in attracting people back into the town centre. The Committee was of the view that ensuring a well-resourced events programme was vital to this.

Committee members had highlighted a need to better evaluate events funded by the Council. More robust evaluations would give the Council a clearer picture of which events

worked and which did not. It was suggested that local education providers might have resource to support event evaluation, and the Portfolio Holder/Officer could make enquiries.

Alternative Options considered and Reasons for Rejection

Cabinet might choose to accept or reject any of the recommendations made by Scrutiny Committees

Resolved

- **That Cabinet, accepts the recommendations of the Special Overview and Scrutiny Committee, arising from its review of Town Centre Events, and:**
 - (1) Agrees to consider providing additional resources to the Events Team to increase their capacity and ability to support events further.**
 - (2) Requests that the Portfolio Holder work with the Events Team to come up with ways to improve data collection and the evaluation of events funded by the Council.**
 - (3) Requests that the Portfolio Holder make contact with local colleges/education providers to support the above recommendation.**

216 Outcome of the Call-In of the Cabinet Decision - Subsidised Pest Control Treatments

The Cabinet considered a report of Councillor Loraine Cox, Chair of the Communities and Wellbeing Overview and Scrutiny Committee, on the outcome of the Call-In of the following decision made by Cabinet on 21st September 2022.

“That Cabinet agrees to reduce the subsidy to pest control treatments for rodents relating to domestic properties through a £30 appointment fee.”

The Leader of the Council summarised the recommendations of the Communities and Wellbeing Overview and Scrutiny Committee. Councillor Munsif Dad BEM JP welcomed the recommendation at Paragraph 2.2 of the report, which would enable those who could least afford it to be supported. The Leader conformed that this fit in well with the Council’s proposal not to increase Council Tax and to highlight to residents what other support was available.

Approval of the report was not deemed a key decision.

Reasons for Decision

At its meeting on 21st September 2022, Cabinet had considered an item on Subsidised Pest Control Treatments. The report related specifically to issues with the waiting list for pest control treatments for rodents at domestic properties, currently at 5 weeks. Cabinet had made the decision indicated above.

In accordance with the Call-In procedure for Cabinet decisions, the procedure had been activated on 7th October 2022 by two members of the Communities and Wellbeing Overview and Scrutiny Committee. The Call-In had been sponsored by Councillor Scott Brerton. Several reasons had been given for the Call-In, full details of which were set out in

the Call-In Form, which had been included with the agenda for the Committee on 19th October 2022.

Councillor Scott Brerton had presented the reasons for the Call-In to the Committee. Councillor Steven Smithson, Portfolio Holder for Environmental Services had presented the reasons for the original decision, and had responded to some of the points made on the Call-In Form.

The Chair had invited the Committee to ask questions of the Portfolio Holder, Sponsor of the Call-In and Officers in attendance. The following issues had been discussed:

- Councillors were aware that current waiting times were a problem, but asked what other methods could be used to reduce the waiting list other than implementing a charge;
- Affordability of the payment, particularly during current economic times;
- Public Health concerns;
- Consultation with the public;
- The rented sector and irresponsible landlords;
- Environmental Health powers to deal with landlords who did not take responsibility for rodents in their domestic properties;
- 40% of pest control appointments resulted in no pest control work being carried out, mainly due to no access to properties; and
- Plans to reduce the waiting time from 5 weeks to between 2 and 5 days if the decision was implemented.

Councillors Scott Brerton and Steven Smithson had then been given the opportunity to sum up before the Committee made its decision.

The Committee had discussed several options, including delaying the decision, or introducing alternative methods to reduce the number of no access appointments, such as phone call/text message reminders.

The Household Support Fund had been brought into the discussion. The fund was to provide support to vulnerable households in most need of support through the winter, and was managed by Hyndburn Leisure. Round 3 of the fund was due to open in November 2022 until the end of March 2023.

The Chief Executive of Hyndburn Leisure had been in attendance at the meeting to report on the fund under a later agenda item, and was able to respond to questions from committee members on how the fund could be used to support vulnerable residents to access funds to cover the cost of pest control appointments. It had been confirmed that referrals from Pest Control services would be eligible, should the resident meet the eligibility criteria of the fund.

Alternative Options considered and Reasons for Rejection

The Council's Call-In procedure gave Scrutiny Committees three options when dealing with a Call-In decision:

- To release the Cabinet decision in full for implementation;
- To release the Cabinet decision in part for implementation, and refer the outstanding part of the decision back to the decision making body for reconsideration, setting out in writing the nature of its concerns; or
- To refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. The decision maker should then consider amending the decision or not, before adopting a final decision.

Cabinet might choose to accept or reject the recommendations from the Scrutiny Committee.

Resolved

(1) That Cabinet notes the following resolutions of the Communities and Wellbeing Overview and Scrutiny Committee relating to the above decision:

“(a) The Committee releases the Cabinet decision in part for implementation, and refers the outstanding part of the decision back to the decision making body for reconsideration, setting out in writing the nature of its concerns”

(b) In reference to the above, and following the procedure for Call-In of Cabinet decisions, the Committee releases the implementation of a £30 appointment fee, but recommends:

(i) That Cabinet sets up a suitable mechanism to refer those residents who cannot afford the £30 fee into the Household Support Fund, who can provide funding for those eligible to meet the costs; and

(ii) That Cabinet reviews the impact of the decision in 12 months-time and reports back to the Communities and Wellbeing Overview and Scrutiny Committee.”

(2) That Cabinet agrees to adopt the recommendations at (b)(i) and (ii) above.

217 Outcome of the Call-In of the Cabinet Decision - Leisure Transformation Project: Consultant Appointment

The Cabinet considered a report of Councillor Patrick McGinley, Chair of the Resources Overview and Scrutiny Committee, on the outcome of the Call-In of the following decision made by Cabinet on 21st September 2022:

“That Cabinet:

- 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;

- Agrees to waive the Council's Contract Procedure Rules in respect of the proposed appointment for the reasons set out in the report; and
- Delegates authority to the Executive Director (Legal and Democratic Services) to prepare and settle the terms of the deed of appointment of Hyndburn Leisure in respect of the above."

The Leader of the Council summarised the recommendations of the Resources Overview and Scrutiny Committee.

Approval of the report was not deemed a key decision.

Reasons for Decision

At its meeting on 21st September 2022, Cabinet had considered an item on Leisure Transformation Project: Consultant Appointment. Cabinet had made the decision outlined in Paragraph 1.1 of the report.

In accordance with the Call-In procedure for Cabinet decisions, the procedure had been activated on 7th October 2022 by two members of the Resources Overview and Scrutiny Committee. The Call-In had been sponsored by Councillor Scott Brerton. Several reasons were given for the Call-In, full details of which were provided in the Call-In Form, which had been included with the agenda for the Resources Overview and Scrutiny Committee on 20th October 2022.

Councillor Scott Brerton had presented the reasons for the Call-In to the Committee. Councillor Miles Parkinson OBE had presented the reasons for the original decision, and responded to the points made on the Call-In Form.

Committee members had submitted questions, with responses provided by Councillors Miles Parkinson OBE, Marlene Haworth and the Deputy Chief Executive.

As part of the summing up process, outlined in the Council's Call-In Procedure, Councillor Scott Brerton had recommended:

"To refer the decision back to Cabinet for reconsideration, based on the reasons outlined in the Call-In Form"

The recommendation had been seconded by Councillor Bernard Dawson. The recommendation received only 2 votes, with 7 votes against.

Therefore, the Chair recommended that having considered all the information provided to the Committee, to release the Cabinet decision in full for implementation. The recommendation was seconded by Cllr Paddy Short and received 7 votes in favour.

Alternative Options considered and Reasons for Rejection

The Council's Call-In procedure gave Scrutiny Committees three options when dealing with a Call-In decision:

- To release the Cabinet decision in full for implementation;

- To release the Cabinet decision in part for implementation, and refer the outstanding part of the decision back to the decision making body for reconsideration, setting out in writing the nature of its concerns; or
- To refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. The decision maker should then consider amending the decision or not, before adopting a final decision.

Cabinet might choose to accept or reject the recommendations from the Scrutiny Committee.

Resolved - **Cabinet notes that, after consideration of the Call-In relating to the decision outlined in Paragraph 1.1 of the report, the Resources Overview and Scrutiny Committee releases the Cabinet decision in full for implementation.**

The following Agenda items were taken next at the meeting.

218 Private Sector Housing Enforcement Policy

The Cabinet considered a joint report of Councillors Kath Pratt, Portfolio Holder for Housing Health and Wellbeing and Steven Smithson, Portfolio Holder for Environmental Services on an updated Private Sector Housing Enforcement Policy.

Councillor Pratt commented that most private sector landlords provided a good service, but a small element did not meet the requisite standard. The Council would be tough on those landlords and this Policy would help to drive the improvement of standards and define the remedial actions to be taken, if necessary. The Policy explained the enforcement actions available and would let both the landlord and tenant know what to expect.

Councillor Munsif Dad BEM JP commented that the loss Selective Landlord Licensing Scheme meant that this Policy was needed.

Councillor June Harrison asked what provision was in place to remove rubbish either dumped by existing tenants, or left behind by tenants moving out of a property. She also asked whether the landlord could be held responsible for its removal or be prosecuted. Mark Hoyle, Head of Regeneration and Housing responded that generally this would be a fly tipping issue, which would be dealt with by Waste Services. However, a full written reply would be provided.

Approval of the report was not deemed a key decision.

Reasons for Decision

The last Private Sector Housing Enforcement Policy had been approved in June 2017 and was due for review in June 2019. Due to further changes in legislation since 2017, and the need to refresh and strengthen a range of enforcement options, it was proposed that the policy be updated.

The primary purpose of the Private Sector Housing Enforcement Policy was to ensure that:

- Tenants of private landlords and registered social landlords live in homes that were free of unacceptable hazards and risks to their health and safety;

- All houses in multiple occupation (HMO's) were safe and well managed and all relevant management regulations were adhered to;
- All licensable properties were licensed and all licensing conditions were met;
- Private housing was not left empty for an unreasonable amount of time and/or became an eyesore and nuisance to neighbouring properties;
- Privately owned property and land did not present a statutory nuisance to other land owners, and did not directly or indirectly present an unacceptable risk to public health, safety or the environment; and
- The Council met its statutory obligations in relation to private housing.

There had been a strengthening of legislation in a number of areas, including electrical safety and energy efficiency and this has been addressed in the Policy and Appendices.

The Housing and Planning Act 2016 provided new powers for local housing authorities and the previous policy outlined these. However, those powers had been developed since their introduction, and the revised policy reflected this.

The updated Policy was attached to the report and included revised content relating to: calculation of financial penalties, civil penalty notices, enforcement fees and charges, smoke and carbon dioxide.

There were other minor technical alterations to reflect wording and regulation changes by National Government.

Overall, all of the changes would enhance the Council's' ability to enforce the relevant legislation and comply with its statutory duties.

Enforcement and collection of fees at the proposed rate would provide income in accordance with services provided and should act as a deterrent to poor quality and "rogue" landlords.

By law all fees recovered were ring fenced to Environmental Health's Housing Standards budget and would be used, for example, to support the service, to improve service delivery and / or offer enhanced services.

There were no alternative options for consideration or reasons

Resolved

- **That Cabinet:**

- (1) Notes the report on the updated Private Sector Housing Enforcement Policy.**
- (2) Approves the Private Sector Housing Enforcement Policy attached to the report and delegates authority to the Head of Environmental Health to make any necessary changes to the Policy to reflect future changes to legislation and case law.**

219 House in Multiple Occupation (HMO) Policy

Members received a joint report of Councillors Kath Pratt, Portfolio Holder for Housing Health and Wellbeing and Steven Smithson, Portfolio Holder for Environmental Services, which provided details of an updated House in Multiple Occupation (HMO) Policy.

Councillor Kath Pratt indicated that the report complemented the previous item on Private Sector Housing Enforcement and set out the policy framework and fees for HMOs. The fees would be set to cover the licensing costs, application process, compliance monitoring and enforcement.

Approval of the report was not deemed a key decision.

Reasons for Decision

The existing House in Multiple Occupation (HMO) mandatory licence scheme had been reviewed and the range of properties now falling under the scheme had been extended. The report therefore recommended the setting of fees in line with the new regulations which required Cabinet approval.

Selective Licencing which had designated parts of Accrington and Church for selective licensing was coming to an end on the 4th March 2023, and this updated policy strengthened the Council's position to deal with non-compliance.

The Housing Act 2004 introduced provision for licensing in the private rented sector (PRS) to raise standards in properties considered to present the highest risk to the health, safety and welfare of occupiers. In 2006 the mandatory licensing regime for Houses in Multiple Occupation (HMOs) had come into force.

The legislation prior to 1st October 2018 had required properties with 3 or more storeys and let to 5 or more people from 2 or more households who shared amenities (kitchens and bathrooms), to be licensed by the local authority.

In December 2017 the Government announced that it would extend mandatory licensing of HMOs to cover all properties with 5 or more occupiers living in 2 or more households and sharing amenities, regardless of the number of storeys. The necessary regulations had been brought into force in October 2018.

The proposals would bring smaller privately rented properties into the licensing regime e.g. two storey shared terraced housing, as well as purpose built flats where there were up to two flats in the block and one or both of the flats were occupied by 5 or more persons in 2 or more separate households. This meant some shared flats above shops would need a licence as well as some small blocks of flats not connected to commercial premises.

It would be the individual HMO that needed a licence and not the building within which the HMO was situated e.g. where a building had two flats and each was occupied by 5 persons living in 2 or more households, each flat would require a separate HMO licence.

The benefits of extending HMO licensing included increased regulation of the private rented sector which should improve property condition and management standards through a cost recovery regime.

Potential impacts included increased costs for landlords relating to the purchase of a licence and meeting property standards and management regulations. Some landlords might also be required to reduce occupancy in their properties, if the property was found not to be suitable for the existing number of tenants.

Section 63(3) of Part 2 of the Housing Act 2004 provided that a Local Housing Authority (LHA) might require an application for an HMO licence to be accompanied by a fee. This

fee was at the discretion of the LHA but should, according to Section 63(7), reflect the following:

- a) all costs incurred by the LHA in carrying out their functions under this part of the Act; and
- b) all costs incurred by them in carrying out their functions under Chapter 1 of Part 4 of the Housing Act 2004 in relation to HMO's (insofar as they were not recoverable under, or by virtue of, any provisions of that chapter).

As noted above the costs of implementing mandatory licensing would be covered by the licence fee, on an officer cost recovery basis.

The fee charged by local authorities must be in two parts:

- Part 1 for the consideration of an application and the determination of the application, and
- Part 2 for the monitoring of the licensing scheme and housing conditions where a licence application had resulted in the granting of a licence.

The model was based on a proposed fee of £790 for a new HMO licence application, inclusive and the processing of a licence (new or renewal) for either 2 or 5 years (including granting and rejecting the licence).

The current level of mandatory HMO fee income did not cover the full cost of managing and operating the licensing scheme. The recommendation within the report sought to address that issue.

The Act permitted Councils to charge a fee that covered the costs incurred in carrying out the function of licensing HMOs, including the cost of promoting and effectively implementing the scheme. The proposed fee for the HMO licence running costs, including compliance monitoring, inclusive of a full inspection visit on two occasions throughout the licence period for both 2 or 5 year periods was £440 (Appendix 1).

Collecting fees at the proposed rates would provide income in accordance with services provided.

Fees would be reviewed annually to better reflect any demand or cost savings.

There were no alternative options for consideration or reasons

Resolved

- That Cabinet:

- (1) Note the report on the updated House in Multiple Occupation Policy; and**
- (2) Approves the Policy for immediate implementation and the associated fees and charges for implementation with effect from 1 January 2023.**

The Cabinet considered a report of Councillor Miles Parkinson OBE, Leader of the Council, on the draft terms of reference for the Hyndburn Culture & Heritage Investment Board (CHIB).

The Leader reminded Members that this item was linked to the UK Shared Prosperity Fund announcement made earlier in the meeting, which would help the Borough to build on its heritage and bring events into the town. A number of interested bodies had been brought together and terms of reference drafted for a Board which would develop an investment plan based on the needs of various groups. The Council would remain the decision-making body for any investments proposed. A 'shadow' Board was already in existence and was chaired by the Chief Executive of the Hyndburn Leisure.

Councillor Munsif Dad BEM JP asked if the Board would include councillor representatives. The Leader responded that the intention was to include stakeholders and volunteers with the relevant expertise. Councillors would only be included if they could demonstrate that they provided added-value to the Board as constituted.

Approval of the report was not deemed a key decision.

Reasons for Decision

Interested bodies had recently come together to discuss how they could support heritage and culture within Hyndburn and had produced proposals to formally establish a CHIB. The report included Terms of Reference, which detailed the intended aims, structure and operation of the proposed Board.

The CHIB would link to the Council's aspirations and funding bids around Levelling Up and Town Centre improvement and was intended to enrich the whole Borough of Hyndburn. It would develop a draft Cultural Investment Plan based on a consideration of the needs and aspirations of all groups, especially those who were currently excluded, for a variety of reasons, from cultural activities and the Plan would be presented to the Council for consideration and approval.

The CHIB would make recommendations to the Council, who would remain the decision-making body for any strategies and plans the CHIB brought forward. The CHIB would support the Council's work to develop and promote cultural / heritage activity in the Borough by helping to develop policy and suggested programmes and activities.

A 'shadow' version of the CHIB had been set up already and this was currently chaired by the CEO of Hyndburn Leisure and included, besides relevant Council officers, representatives with expertise in the cultural and heritage landscape. Board membership would be refreshed, or additional co-optees sought, based on specific or changing needs, having regard to the CHIB's work programme.

The CHIB would consider the best way to engage other stakeholders in its work, recognising that there were individuals and groups not represented on the Board who had much to offer and who were already engaged in cultural and heritage-based activity.

There were no alternative options for consideration or reasons

Resolved

- That Cabinet:

- (1) Approves the draft terms of reference for a Hyndburn Culture & Heritage Investment Board (CHIB), as set out at Appendix 1 to the report.**

- (2) Delegates authority to the Council's Chief Executive to agree or cease the membership of any individual appointee of the CHIB.

221 Exclusion of the Public

Resolved

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

222 Hippings Vale Community Centre, Owsaltdwistle

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

The Cabinet received a report from Councillor Kath Pratt, Portfolio Holder for Housing, Health and Wellbeing, seeking authority to negotiate, agree terms and grant a proposed lease in respect of Hippings Vale Community Centre, Oswaldtwistle. Councillor Pratt outlined the proposed decision and the reasons for it. The Leader commented on the Council's overall approach to repurposing its vacant buildings in order to bring them back into use. Councillor Munsif Dad BEM JP asked a question about the financial stability preferred bidder, which was answered by the Head of Regeneration and Housing.

Approval of the report was not a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

Resolved

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

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

