

Agenda



HYNDBURN

The place to be
an excellent council

Cabinet

Wednesday, 25 January 2023 at 3.00 pm,
QER, Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Miles Parkinson OBE (in the Chair)

Councillors Peter Britcliffe, Marlene Haworth, Joyce Plummer, Kath Pratt and Steven Smithson

AGENDA

PART A: PROCEDURAL AND INFORMATION ITEMS

1. **Apologies for Absence**
2. **Declarations of Interest and Dispensations**
3. **Minutes of Cabinet** (*Pages 3 - 30*)

To approve the Minutes of the meetings of Cabinet held on 30th November (Special Meeting) and 7th December 2022.

PART B: PORTFOLIO ITEMS

4. **Reports of Cabinet Members**

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



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Leader of the Council (Councillor Miles Parkinson OBE)

5. Council Tax Base - 2023-2024 (Pages 31 - 38)

Report attached.

Portfolio Holder for Resources (Councillor Joyce Plummer)

6. Amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing - Removal of the upper age limit to which a vehicle can remain licensed (Pages 39 - 62)

Report attached.

7. Performance Indicator Monitoring and Treasury Management Strategy Update (Pages 63 - 70)

Report attached.

8. Financial Monitoring Report - Revenue Budget 2022-2023 as at Period 08 (November 2022) (Pages 71 - 74)

Report attached.

9. Capital Spend Report 2022/23 (Pages 75 - 82)

Report attached.

Matters Arising from Overview and Scrutiny

10. Grant to Citizens Advice Rossendale and Hyndburn (Pages 83 - 92)

Report of Councillor Loraine Cox, Chair of the Communities and Wellbeing Overview and Scrutiny Committee, attached.

PART C: EXEMPT ITEMS

Nil

CABINET

Wednesday, 30th November, 2022

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

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

200 Apologies for Absence

There were no apologies for absence submitted on this occasion.

201 Declarations of Interest and Dispensations

There were no reported declarations of interest or dispensations.

202 Revised Proposals for the new Parliamentary Constituency Boundary Review 2023 for Hyndburn

The Leader of the Council, Councillor Miles Parkinson OBE, provided a report giving an update on the Parliamentary Boundary Review 2023, notifying members of the latest proposals from the Boundary Commission for England (the Commission) concerning the Hyndburn constituency. The report sought the Cabinet's view on the Commission's latest proposals as part of the final stage of the consultation.

Councillor Parkinson commented that throughout the review the Council had sought to maintain a Parliamentary constituency which was co-terminus with the Hyndburn Borough boundary. The Commission's proposals had reflected this principle at all previous consultation stages of the review and the Council had agreed this key aim on several occasions.

The current document was the final draft and its recommendations were again out for formal consultation. It was envisaged that the outcome would be in place by July 2023. The intention was to recommend Council to approval the current proposals and to request the Mayor to write a letter to the Commission on behalf of all Hyndburn councillors.

One issue which had arisen was in respect of the proposed name of the constituency. The review document suggested 'Hyndburn County Constituency', whereas there was some support for the name 'Hyndburn and Haslingden' to recognise that part of the constituency which was not located within the Borough boundary. Councillor Peter Britcliffe spoke in favour of the proposals and the request to revise the name of the constituency. He noted that the MP frequently referred to Hyndburn and Haslingden to ensure that Haslingden residents felt included in national debates. He also expressed the view that the designation 'County Constituency' was somewhat misleading.

Councillor Munsif Dad BEM JP welcomed the proposals in the Commission's latest document. He noted that everyone had had an opportunity to comment on the various proposals at each stage of the review. It was pleasing to see that the Commission had decided to retain the existing constituency boundary. Councillor Dad had not been in

favour of the previous consultation version, which had included some wards from the Ribble Valley and had omitted Haslingden. On balance, he supported the proposed name change. He reported that the former MP had also referred to Haslingden when speaking about the constituency. Councillor Dad anticipated that Haslingden residents would appreciate being formally recognised.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Boundary Commission for England (the Commission) was an independent and impartial non-departmental public body, which was responsible for reviewing Parliamentary constituency boundaries in England.

Following the passing of the Parliamentary Constituencies Act 2020 in December 2020, and the publication of the relevant Parliamentary electorate data in January 2021, the Commission had begun a new review of all Parliamentary constituencies in England. They referred to this as the '2023 Review', as they were required to report with their final recommendations by 1st July 2023.

The Commission had been undertaking an independent review of all constituencies in England since January 2021. The number of electors within each constituency currently varied widely due to population changes since the last boundary review. The 2023 Boundary Review would rebalance the number of electors each MP represented, resulting in significant change to the existing constituency map. Each constituency that the Commission recommended would have to contain no fewer than 69,724 Parliamentary electors, and no more than 77,062 (except two 'protected' constituencies for the Isle of Wight). By law, these electorate figures related to the electorates as they were on 2nd March 2020.

Applying the statutory formula to the electorate figures meant the total 650 constituencies were distributed during the review to the four parts of the UK, with England receiving 543 seats, Scotland with 57, Wales with 32 and Northern Ireland with 18 seats. This Commission had applied the same distribution formula to the English allocation, which resulted in the following redistribution of constituencies among the nine English regions for the 2023 Review.

- East Midlands = 47 (increase of one)
- Eastern = 61 (increase of three)
- London = 75 (increase of two)
- North East = 27 (decrease of two)
- **North West = 73 (decrease of two)**
- South East = 91 (increase of seven)
- South West = 58 (increase of three)
- West Midlands = 57 (decrease of two)
- Yorkshire and the Humber = 54 (no change)

The Commission had revised the composition of 32 of the 73 constituencies they had proposed in June 2021 for the North West, and maintained their initial proposals for the remainder. They had revised the name of 17 of their initially proposed constituencies. The Commission's revised proposals would leave 13 existing constituencies in the North West region wholly unchanged, and five unchanged except to realign constituency boundaries with local government ward boundaries.

As it was not always possible to allocate whole numbers of constituencies to individual counties, these were sometimes grouped into sub-regions, meaning some constituencies crossed county boundaries. The Commission had explained, after consideration of the responses to the sub-regions in the initial proposals, that the revised proposals were based on unchanged sub-regions, as follows: Cumbria and Lancashire (allocated 20 constituencies); Merseyside and Cheshire (allocated 26 constituencies); and Greater Manchester (allocated 27 constituencies). 30 constituencies would cross local authority boundaries (three more than the initial proposals): four would contain parts of more than two local authorities (the same as the initial proposals). The Commission were proposing comprehensive change in both Cumbria and the south of Lancashire, having reflected on the evidence received in opposition to the initial proposals.

Proposals for Hyndburn

The latest proposal from the Commission indicated no changes to the Hyndburn Parliamentary Constituency boundary from the current version in operation, which included the two wards of Greenfield and Worsley wards from the Rossendale Borough Council area.

All the way through the process the Commission had kept Hyndburn coterminous with 100% of the district area within the parliamentary seat of Hyndburn whilst keeping its name Hyndburn. The Commissioners might consider including Haslingden in the constituency name, reflecting on the fact that not all of the area was within the Borough of Hyndburn.

The previous 2018 review recommended that Padiham wards were included in the Hyndburn constituency proposals, and the initial 2023 proposals included the three wards of Billington & Langho; East Whalley, Read & Simonstone; and Whalley & Painter Wood from the Ribble Valley constituency area to be included.

Whilst there might be differing opinions regarding preferences of which additional wards should make up electorate numbers within the parliamentary seat, the Council followed and supported the Commission's impartiality and understood that the seat required a certain number of voters to represent voter equality and tolerance levels and be within the Commission's recommendations.

The main Council's objective was to support the proposal for keeping Hyndburn in one parliamentary constituency area and would like to thank the Commission for retaining the Hyndburn area.

Final Consultation and Next Stage

The Commission had published the latest proposals for constituencies across the country and opened a third and final month-long consultation on the new map of revised constituency proposals. The Commission had taken into consideration over 45,000 comments (over 400 responses referenced to Hyndburn) sent in by the public during the previous two stages of public consultation, and had changed nearly half of its initial proposals based on this feedback.

The public were invited to view and comment on the new map at bcereviews.org.uk giving the public a last opportunity to send in their views before the 5th December 2022.

After this final consultation the Commission would analyse the responses and form its final recommendations. These would be submitted to Parliament by 1st July 2023. This would be the end of the Commission's involvement in the process.

Within four months of the last of the four Commission's submitting their report, the UK Government would have to prepare the Order that would bring all their recommendations into law. Following recent changes, this Order no longer needed the approval of Parliament: It was sent directly to the Privy Council. If the Privy Council approved the Order, the new constituencies would be used at the next General Election following that.

Alternative Options considered and Reasons for Rejection

The Council was not compelled to respond to the consultation, however this was an opportunity for the Council to support the Boundary Commission for England

The Commission would be particularly interested to hear from people about the extent to which the proposals reflected local ties in the area, and if people disagreed with the proposals, how they thought they should be amended.

Resolved

- (1) That Cabinet notes the contents of the report on the Revised Proposals for the Parliamentary Constituency Boundary Review 2023;**

- (2) That Cabinet, having considered the Commission's proposal to keep the Borough of Hyndburn as one parliamentary constituency (including the two wards of Greenfield and Worsley from the Rossendale Borough Council area), makes the following recommendation to the Council at its meeting on 1st December 2022:**

“That this Council supports the Commission's proposal to keep the Borough of Hyndburn as one parliamentary constituency (including the two wards of Greenfield and Worsley from the Rossendale Borough Council area)”;

- (3) That Cabinet having considered the Commission's proposed name for the constituency as Hyndburn CC (County Constituency) makes the following recommendation to the Council at its meeting on 1st December 2022:**

“That this Council requests the Commission to consider the name ‘Hyndburn and Haslingden’ to formally recognise that part of the proposed constituency which is not within the Hyndburn Borough boundary”;

- (4) That Cabinet thanks the Commission for the opportunity to comment on their recommendations and for all their hard work in developing these proposals.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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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

Agenda Item 5.

REPORT TO:	Cabinet		
DATE:	25 January 2023		
PORTFOLIO:	Cllr Miles Parkinson, Leader		
REPORT AUTHOR:	Martin Dyson – Executive Director Resources		
TITLE OF REPORT:	Council Tax Base – 2023-2024		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	Options	Not applicable	
KEY DECISION:	Options	If yes, date of publication:	

1. **Purpose of Report**

1.1 To inform Members of the Council Tax Base for the financial year 2023-2024.

2. **Recommendations**

2.1 Cabinet approves the report and is recommended to pass the following resolution:

“That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012, the amount 21,945”.

“That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012, the amount calculated by the Council for its Council Tax Base for the parish of Altham for the financial year 2022-2023 shall be 317.

3. **Reasons for Recommendations and Background**

3.1 In accordance with Section 35 of the Local Government Finance Act 1992, the Council is required to formally determine the Council Tax Base for 2023/2024 prior to 31st January 2023. This allows the Council to notify the major preceptors (Lancashire County Council, the Police and Crime Commissioner for Lancashire and Lancashire Combined Fire Authority) by the 31st January of the Council Tax Base.

3.2 The requisite calculation (Appendices A and B) has to be carried out in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012. Once

determined the Council Tax Base cannot be changed and has to be used when the Council set their Council Tax for the financial year 2023/2024.

- 3.3 The calculation of the Tax Base for Hyndburn and Altham for 2023/2024 is attached. It is proposed that the Tax Base for Hyndburn 2023/2024 shall be 21,945. This is an increase from last year's Tax Base of 895 (21,050). The 2023/2024 Tax Base for Altham is 317, this an increase from last year's Tax Base of 7 from 310.

The Local Authorities (Calculation of Council Tax Base) Regulations 2012 specify formulae for calculating the Council Tax Base which must be set between the 1st December 2022 and the 31st January 2023.

The Council Tax Base is the measure of the number of chargeable dwellings held on the valuation list as at the 12 September 2022 and then adjusted to take account of discounts, exemptions, re-bandings and Council Tax Support to arrive at the Authority's Council Tax Band D.

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

- 4.1 This is a statutory requirement, therefore no other options can be considered.

5. **Consultations**

- 5.1 N/A

6. **Implications**

Financial implications (including any future financial commitments for the Council)	The Council Tax Base is a factor in the determination of the planned level of Council Tax Income which will be collectable in the next financial year – 2023/2024.
Legal and human rights implications	<p>The calculation of the Council Tax Base has been carried out in accordance with the relevant legislation; and is required thereby to be approved by Member(s) within the period 1st December to 31st January proceeding the financial year concerned.</p> <p>The Local Government Act 2003 (s84) enables delegation on this matter, so that the formal determination of Council Tax base by Member(s) does not have to be done by the full Council.</p>
Assessment of risk	If the Council Tax Base is not set then the Council cannot determine the Council Tax for the following financial year.

<p>Equality and diversity implications A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</p>	<p>The Customer First Analysis is attached at Appendix C</p>
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**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

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

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

8. Freedom of Information

- 8.1 The report 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.

HBC Total		AA	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
1	Total Dwellings on Valuation List at 12/09/2022	0	21918	5739	5776	2804	852	276	172	14	37551
2	Exempt Dwellings	0	595	113	77	43	13	5	5	0	851
3	Disabled reduction	0	55	31	49	32	11	10	6	8	202
	Disabled reduction	55	31	49	32	11	10	6	8	0	202
A	Adjusted Dwellings	55	21299	5644	5682	2740	838	267	169	6	36700
4	25% Discount	16	10236	1994	1547	591	156	41	27	2	14610
	Other Discount	4	728	144	104	58	26	30	34	2	1130
	Total Discount	20	10964	2138	1651	649	182	71	61	4	15740
B	25% of Discount	5.00	2741.00	534.50	412.75	162.25	45.50	17.75	15.25	1.00	3935.00
5	Long Term Empty Property Premium		120	9	9	3	4	1	0	0	146
C	Net Chargeable Dwellings	50.00	18675.00	5118.50	5278.25	2552.25	796.50	250.25	153.75	5.00	32879.50
	Estimated changes from 03/10/2022										
6a	FYE New Properties (incl Appeals incr)	0	200	136	57	30	0	0	0	0	423
6b	Re-occupied properties(former Exempt class C)	0									0
6c	Total	0	200	136	57	30	0	0	0	0	423
7a	FYE Properties removed from list (incl Appeals)	0	0	2	12	12	30	0	0	0	56
7b	FYE Discount (New)(not in 4 above)	0	85	32	1	0	0	0	0	0	118
7c	Re-occupied properties Long Term empties(>6mths< 2yrs)	0	21	3	3	1	1	0	0	0	29
7d	Re-occupied premium cases qual for SPD	0	12	1	1	0	0	0	0	0	14
7e	Cancelled Premium	0	120	9	9	3	4	1	0	0	146
7f	FYE Adjustment to 2 above	0	0	0	0	0	0	0	0	0	0
7g	Disabled relief adj	0	0	0	0	0	0	0	0	0	0
7h	Total	0	238	47	26	16	35	1	0	0	363
D	Net FYE changes during year	0	-38	89	31	14	-35	-1	0	0	60
E	Net Chargeable Dwellings for year (C+/-D)	50.00	18640.00	5207.50	5309.25	2594.75	761.50	249.25	153.75	5.00	32939.50
8	Local Council Tax support	-12.41	-3,437.58	-382.45	-219.16	-46.11	-16.38	-2.59	-4.53	0.00	-4121.21
	In Year adjustment		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Total	-12.41	-3437.58	-382.45	-219.16	-46.11	-16.38	-2.59	-4.53	0.00	-4121.21
F	Net Chargeable Dwellings for Year less CTS	37.59	15202.42	4825.05	5090.09	2548.64	745.12	246.66	149.22	5.00	28818.29
9	Ratio to Band D	5	6	7	8	9	11	13	15	18	
10	Band D Equivalentents	20.90	10134.90	3752.80	4524.50	2548.60	910.70	356.30	248.70	10.00	22507.40
11	Grand Total										22507.40
12	Collection Rate %										97.50
13	Tax Base										21945

Altham Parish		AA	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total
1	Total Dwellings on Valuation List at 12/09/2022	0	93	106	127	89	16	4	6	0	441
2	Exempt Dwellings	0	7	1	1	1	0	0	0	0	10
3	Disabled reduction	0	0	1	3	0	0	0	0	0	4
	Disabled reduction	0	1	3	0	0	0	0	0	0	4
A	Adjusted Dwellings	0	87	107	123	88	16	4	6	0	431
4	25% Discount	0	38	39	28	22	0	1	1	0	129
	Other Discount	0	2	0	0	0	2	0	2	0	6
	Total Discount	0	40	39	28	22	2	1	3	0	135
B	25% of Discount	0.00	10.00	9.75	7.00	5.50	0.50	0.25	0.75	0.00	33.75
5	Long Term Empty Property Premium	0	1	0	0	0	0	0	0	0	1
C	Net Chargeable Dwellings	0.00	78.00	97.25	116.00	82.50	15.50	3.75	5.25	0.00	398.25
	Estimated changes from 03/10/2022										
6a	FYE New Properties (incl Appeals incr)	0	5	6	4	1	0	0	0	0	16
6b	Re-occupied properties(former Exempt class C)	0	0	0	0	0	0	0	0	0	0
6c	Total	0	5	6	4	1	0	0	0	0	16
7a	FYE Properties removed from list (incl Appeals)	0	0	5	6	4	1	0	0	0	16
7b	FYE Discount (New)(not in 4 above)	0	0	0	0	0	0	0	0	0	0
7c	Re-occupied properties Long Term empties	0	0	0	0	0	0	0	0	0	0
7d	Re-occupied premium cases qual for SPD	0	0.25	0	0	0	0	0	0	0	0.25
7e	Cancelled Premium	0	1	0	0	0	0	0	0	0	1
7f	FYE Adjustment to 2 above	0	0	0	0	0	0	0	0	0	0
7g	Disabled relief adj	0	0	0	0	0	0	0	0	0	0
7h	Total	0	1.25	5	6	4	1	0	0	0	17.25
D	Net FYE changes during year	0	3.75	1	-2	-3	-1	0	0	0	-1.25
E	Net Chargeable Dwellings for year (C+/-D)	0.00	81.75	98.25	114.00	79.50	14.50	3.75	5.25	0.00	397.00
8	Local Council Tax support	0.00	-10.44	-8.56	-2.58	-2.52	0.00	0.00	0.00	0.00	-24.1
	In Year adjustment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Total	0	-10.44	-8.56	-2.58	-2.52	0.00	0.00	0.00	0.00	-24.10
F	Net Chargeable Dwellings for Year less CTS	0.00	71.31	89.69	111.42	76.98	14.50	3.75	5.25	0.00	372.90
9	Ratio to Band D	5	6	7	8	9	11	13	15	18	
10	Band D Equivalentents	0.00	47.50	69.80	99.00	77.00	17.70	5.40	8.80	0.00	325.20
11	Grand Total										325.20
12	Collection Rate %										97.50
13	Tax Base										317

NOTES

1. Line 1 shows the number of dwellings on the Valuation List.
2. Line 2 shows the number of dwellings in the Valuation List which are considered to be exempt or demolished. Examples of exempt dwellings are those left empty by deceased persons or hospital patients, etc.
3. Line 3 shows dwellings in the Valuation List which will be transferred to a different band because of disabled relief. Line A then gives the number of chargeable dwellings in the Band prior to discount.
4. Line 4 shows the dwellings eligible for discounts which are 25% for single person properties and 50% for empty dwellings or properties occupied by one or more residents who are all to be disregarded.
Line B gives the dwellings eligible for discount multiplied by 25%.
5. Line 5 shows the number of long-term empty dwellings (over 2 years) subject to the empty property premium
Line C gives the Net Chargeable Dwellings in the Valuation List after allowing for discount and the long-term empty premium
6. Lines 6 and 7 give the changes which it is estimated will occur during the year after the 3rd October 2022
7. Line 6c gives the Full Year's Equivalent of new properties, re-valued properties and cancelled discounts.
8. Line 7h gives the Full Year's Equivalents of properties estimated to be removed from the Valuation List, re-valued properties and new and cancelled discounts, together with properties estimated to be come exempt.
9. Line D gives the Net Full Year's Equivalent of changes estimated to take place during the year.
10. Line E gives the Net Chargeable Dwellings for year after taking account of changes estimated during this year.
11. Line 8 is the estimated expenditure and adjustments for the year in respect of Local Council Tax Support.
12. Line F is the Net Chargeable Dwellings for the year after taking into account all adjustments including Local Council Tax Support.
13. Line 9 is the Band D equivalent ratio as set out in The Local Government Finance Act 1992.
14. Line 10 is the Band D equivalents.
15. Line 11 is the total of all Band D equivalents.
16. Line 12 is the estimate of the ultimate collection rate to collect 95% of the amount due in 2023/2024
17. Line 13 is the estimated Tax Base for the authority which is the number of equivalent Band D properties after allowing for losses on collection. (This is the figure which will be used as a divisor for the net budget after deducing Revenue Support Grant and National Non-Domestic Rate Grant, etc.).

Customer First Analysis

Purpose

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

Who defines and manages it?

Who do you intend to benefit from it and how?

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

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

Comment:

The Council is required by law to formally determine the Council Tax Base prior to the 31st January each financial year in respect of the next financial year.

Evidence

How will you know if the policy delivers its intended outcome / benefits?

How satisfied are your customers and how do you know?

What existing data do you have on the people that use the service and the wider population?

What other information would it be useful to have? How could you get this?

Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)?

Are you using partners, stakeholders, and councillors to get information and feedback?

Comment:

This enables the Council to notify the respective preceptors by the 31st January as well as being a contributory factor in determining its own level of Council Tax

Impact

Are some people benefiting more – or less - than others? If so, why might this be?

Comment: N/A

If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it?

Is it discriminatory in any way?

Is there a possible impact in relationships or perceptions between different parts of the community?

What measures can you put in place to reduce disadvantages?

Do you need to consult further?

Have you identified any potential improvements to customer service?

Who should you tell about the outcomes of this analysis?

Have you built the actions into your Business Plan with a clear timescale?

When will this assessment need to be repeated?

Comment: N/A

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Agenda Item 6.

REPORT TO:	Cabinet		
DATE:	25 January 2023		
PORTFOLIO:	Cllr Joyce Plummer - Resources		
REPORT AUTHOR:	Wendy Redfern – Licensing Manager		
TITLE OF REPORT:	Amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing - Removal of the upper age limit to which a vehicle can remain licensed		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To ask members if they would like to approve an amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing to remove the upper age limit to which hackney carriage and private hire vehicles can remain licensed.

2. Recommendations

- 2.1 Cabinet considers the contents of the report and the additional information provided and determines whether to approve the amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing as set out in this report.

3. Reasons for Recommendations and Background

- 3.1 Under Section 47 and 48 of the Local Government (Miscellaneous Provisions) Act the Council may attach to the grant of a hackney carriage and private hire vehicle licence such conditions as the Council may consider reasonably necessary. Any person aggrieved by a condition may appeal to the magistrate's court. In pursuance of the above Sections the Council attached the following conditions to hackney carriage and private hire vehicle licences:

'When a car already licensed by this Council reaches **2 years of age** it will be required to pass the Council's vehicle examination test **twice yearly**. Any vehicle over the age of 2 years will only be issued with a 6 month plate. When a vehicle reaches **10 years of age** it will be subject to the Council's vehicle examination test **three times per year** and it will only be issued each time with a four month licence. With the exception of electric or hybrid vehicles which will be issued with a 6 months licence up to the age of 15 years. When a vehicle reaches the age of 15 years it will cease to be licensed.'

- 3.2 A consultation has recently been carried out with the taxi trade and members of the public to consider whether the upper age limit to which a vehicle can be remain licensed should be removed. This is as a result of a request from some elected

members and some members of the trade and is based on drivers complaints about the financial difficulties of having to buy newer vehicles. However when making a decision members should be minded that the Councils main concern should be for public safety.

3.3 The DFT have issued Guidance relating to vehicle age a set out below:

'Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.'

3.4 Vehicles over the age of 2 years are currently tested every 6 months and vehicles over the age of 10 years are tested every 4 months. If the age limit was to be removed the testing regime should help to ensure that only vehicles that are safe and suitable and in good condition are licensed in the Borough. The Council should ensure that a robust testing system remains in place especially if the age limit is removed.

3.5 There were 52 responses to the consultation. Of those 10 are against the removal of the age limit and 42 are in favour. Members will note from the attached table of responses that only the taxi and private hire trade are in favour of removing the age limit. Members of the public along with 2 members of the trade are against the proposal. The responses to the consultation are attached at appendix 2 to this report.

3.6 Many members of the trade have stated that most other authorities in the area allow any age of vehicle to be licensed. However this is not the case. A comparison table has been attached setting out the age requirements of other authorities in the area at appendix 3 to this report.

3.7 The Council's CVMU centre where the tests are carried out have been consulted. They have no objection to the proposal however they have said that the situation will have to be monitored as the older vehicles may take longer to test and the testing fee may have to be adjusted accordingly.

3.8 An analysis of vehicle spot checks carried out in 2022 does show that the older the vehicle that is checked the more likely it is to have faults. This evidence may not be overly helpful as inevitably due to the age range of the vehicles that are licensed in the Borough there is a higher ratio of older vehicles that are subject to spot check as they make up the majority of the fleet. However the results do show that of the vehicles over the age of 12 years that were checked almost 50% failed the check and a third of them were give immediate prohibitions by VOSA. An immediate prohibition means that the vehicle cannot be driven on a public highway until faults have been rectified. A copy of the results broken down by vehicle age is attached at appendix 4 to this report.

3.9 Figures from the Council's testing center taken over the last 6 months show that of the vehicles under the age of 7 that have been tested there is a 67.5% pass rate and a 32.5% fail rate. However the fail rates rise in vehicles that are over the age of 7 to 58.8% pass rate and a 41.2% fail rate. Unfortunately we do not have a further break down of the fail rates of vehicles over the age of 10 years. The figures have been included in the same appendix as the figures from the safety operations at appendix 4 to this report.

3.10 Members are asked to consider all the information available in the report and accompanying appendices and consider whether they wish to amend the Rules, Regulations and Procedures to remove the upper age limit to which a vehicle can remain licensed in the Borough. Members should be mindful that public safety should always be at the heart of any decision made.

3.11 If members wish to remove the upper age limit they may wish to impose the following condition:

'Any vehicle over the age of 15 years that is presented for test in such a condition that it fails the test on 3 consecutive occasions shall no longer be eligible to be licensed by this authority.'

3.12 Whilst it may be perfectly reasonable for a proprietor who has maintained his vehicle to a high standard to wish to continue to licence it beyond the age of 15, a change to the policy would open the floodgates for people to buy old unsuitable vehicles and try to get them licensed. This practice has recently been recognized by the vehicle examiners at CVMU as vehicles with numerous faults, up to 35 in one instance, have been presented for test. Copies of some sample test fail sheets are attached at appendix 5 to this report. If members are minded to remove the upper age limit, they may wish to further safeguard public safety by adding a further condition as set out below:

'The maximum age that a vehicle can be when first submitted for licensing is 10 years old.'

3.13 If members are minded to remove the age limit they may also wish to consider whether this should be for a trial period of 3 years initially so that the impact can be monitored via spot check and test results. A further report could be presented at the end of the trial period for members to determine whether they wish to make the change permanent.

4. Officer Recommendations

4.1 Officers recommend that the following amendments be made to the Taxi Licensing Policy:

4.2 The upper age limit to which a vehicle can remain licensed should be removed to enable those members of the trade who maintain their vehicles to a high standard to continue to be issued with a licence.

4.3 Vehicles must be under the age of 10 years when first licensed.

4.4 If a vehicle over the age of 15 fails to be properly maintained by the owner and it fails a test of 3 consecutive occasions it will be deemed no longer suitable to be licensed by this Authority

4.5 Further officers recommend that the amendments should initially be made for a trial period of 3 years so that the situation can be monitored. A further report should be submitted at the end of 3 years so that members can determine whether, in the interest of public safety, the changes can be made permanent.

5. Alternative Options considered and Reasons for Rejection

5.1 The Council could take no action and continue with the current policy.

6. Consultations

6.1 Members of the trade and public have been consulted.

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

6. Implications

Financial implications (including any future financial commitments for the Council)	None
Legal and human rights implications	None
Assessment of risk	No specific risks have been identified.
<p>Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. <p>For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Cabinet in this regard a Customer First Analysis has been carried out as part of the review process and is attached as Appendix 1 to this report. Cabinet is advised to consider the Customer First Analysis and its obligations in respect of the public sector equality duty when making a decision in respect of the recommendations contained in this report.</p>

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

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

Appendix 1 - Customer First Analysis.

Appendix 2 - Consultation responses

Appendix 3 - Vehicle age comparison table

Appendix 4 - Safety Operation and testing results

Appendix 5 - Sample of test fail sheets.

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Hyndburn Borough Council
Customer First Analysis

What is it for?

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

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

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

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

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

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

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

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

Kirsten Burnett
Head of HR

Customer First Analysis

1. Purpose

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

Assist taxi and private hire owners in the current cost of living crisis. Ensure that the Borough can maintain a suitable number of licensed vehicles in order to service the public.

- Who defines and manages it?

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

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

Members of the travelling public and those people who may be looking to enter the trade but are restricted from doing so by the current policy. Night time economy practitioners. By ensuring that there are adequate numbers of licensed vehicles available in the Borough to service user needs. Particularly late at night in order to clear the streets of revellers in a timely manner.

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

Poor uptake of new licences

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

Consultation with stakeholders

2. Evidence

Maintaining a good level of licensed vehicles.

3. Impact

The changes to the policy will hopefully ease the issue of a shortage of licensed vehicles servicing the night time economy. The policy will assist existing drivers during the current cost of living crisis. Safety of vehicles will be maintained due to a robust testing regime. All vehicles will have to pass an emissions test up to 3 times per year.

Name: Wendy Redfern

Signed: _____

Service Area: Licensing

Dated: 6th December 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.

Response	Who from	In Favour
I think the age of Taxis and hackney cabs should remain at 15 and under years. In past years I have been in cars almost rattling to bits. I feel safe4 in the cars on the road now . This is our safety in your hands.	Public	No
I feel the age limit should be scrapped as long as the vehicle is in a good condition and safe to transport customers. Yours sincerely	Driver	Yes
Regarding the age limit on taxis 15 years old is quite a remarkable age for a taxi considering the mileage a taxi may do. Personally I would set the age limit to a max of ten years, however, I would like to think that regular spot checks are made on the cars, especially the tyres.I have on more than one occasion been driven in a taxi only to find near bald tyres when leaving the car. I have politely mention this to the drivers concerned only to be told to keep my f..... nose out I have also mentioned this to our police	Public	No
I would like the vehicle age to be increased however could the vehicle MOT checks also be increased to 6 months for all vehicles. Thank you for your support	Driver	Yes
As I have always been very vocal and advocating this change in policy for a number of years looking at what some surrounding boroughs have in place already. I fully support the proposal for removing the age limit for Hackney and private hire taxi vehicles. Also, with keeping safety of taxi drivers and general public as a priority and to look at reducing frequency of MOT's for hybrid and other vehicles for up to 10 years old vehicles.	Cllr	Yes
I wish my comments to be added to the file. The age limit should <u>not</u> be removed. If anything, it should be reduced to 10 or 12 years. The mileage taxis do is horrendously high. Has your team viewed older taxis? you need to do so. They are terrible - the seats are broken; the engine noise and smoke emissions poor; and the springs are broken. They are a health hazard. Not safe. unsuitable - especially for disabled people.	Cllr	No

I ask that this email be shared with all members of the committee.		
It makes sense to me, but would the MOT Test not cover some of the requirements?	Cllr	Yes
We should ensure that climate change considerations are taken into account when making the decision, given that presumably older vehicles may be more polluting? Don't know if the proposal would depend on emissions?	Public	
<p>The age of vehicles is a perennial issue and shows the conflict between the Council protecting the safety of taxi passengers and the taxi trade trying to reduce their overheads and increase their profits.</p> <p>I don't think the DfT guidance is helpful. Obviously an older vehicle can be in good condition, but only if it has been well looked after and carefully driven. And we are not looking at an individual vehicle here, but a fleet of vehicles most of which may well be driven for a much greater mileage than the average car. An age limit is neither arbitrary nor inappropriate, but an essential part of protecting passenger safety.</p> <p>It is common sense that wear and tear over time causes mechanical failure and the longer the time the greater the chance of failure. It is not only the engine that suffers. There is the braking system, the steering, the bodywork, the chassis. Regular testing of vehicles does not remove the risk of older vehicles.</p> <p>The age limit should remain.</p>	Public	No
<p>I lived in Germany for 3 years in the 80s all taxis were Mercedes and in immaculate condition inside and out.</p> <p>Spain, when getting to and from the airport every time I use a taxi in Spain, all their taxi are immaculate inside and out.</p> <p>Most of the taxis in Hyndburn are not the best inside and some are tatty on the outside, I don't think that extending the age of vehicle will help this situation, I would of though lowering the age would make a significant difference.</p> <p>Just my personal thoughts</p>	Public	No
Hi Wendy – I totally agree with [REDACTED] We should be thinking about how we promote / encourage electric /	Public	No

<p>hybrid low emission vehicles amongst the Taxi & Private hire industry.</p> <p>Back in 2014 Miles as Leader wanted us to install EV infrastructure and encourage taxi's to move to electric vehicles – we had two or three drivers move over just because they were able to charge their vehicles free of charge. That's all changed now and it costs to charge. I've noticed we have a few hybrid / electric vehicles – it would be interesting to see what proportion of licensed vehicles in Hyndburn are classed as low emissions.</p> <p>Perhaps there is some incentive to encourage taxi drivers to move over to low emission vehicles – but if we allow older more polluting vehicles it sends a message to Hyndburn residents / businesses the council is not concerned about clean air and public health concerns. This should be one of our priorities on how we reach net zero.</p>		
<p>Hi I would like the age limit on all cars to be any age</p>	<p>Driver</p>	<p>Yes</p>
<p>From my point of view I think you should end the removal of age limit because the cars that are used for taxis are fit and safe to drive on the road because they get m.o.t done every 3 to 6 months, so why should you have to give that car up for another car just of its age limit, I was never happy with this rule from the beginning, so I hope on the 29th November the meeting goes well and all drivers get good news about the cars getting to stay in taxi and that the age limit has ended, I hope you understand what I mean thankyou</p>	<p>Driver</p>	<p>Yes</p>
<p>Yes think it's good idea to be honest</p>	<p>Driver</p>	<p>Yes</p>
<p>Would be happy for the age limit for vehicles to be removed.</p>	<p>Driver</p>	<p>Yes</p>
<p>I completely agree with the removal of the age limits as it will put Hyndburn on a competitive line with other local councils who have already enforced this.</p> <p>Especially with how inflation is affecting cost of living with the addition of consistently having to worry about the age limit of my private hire vehicle.</p> <p>Thanks for considering this.</p>	<p>Driver</p>	<p>Yes</p>
<p>Yes that would be perfect</p>	<p>Driver</p>	<p>Yes</p>

I would like the age limit to be any age and also 6 months MOT for all cars. Many thanks	Driver	Yes
Hi Wendy I am for the removal of age limits and the reasons are - current economic climate - more revenue for Hyndburn Borough as many drivers get licensed in Blackburn because of their age of vehicle - gives more opportunity	Driver	Yes
Age restrictions should be removed if the car is mechanically fine then there should be no issue of age of the vehicle plus there should be 6 month mot on all cars and not just for new cars and hybrid cars,used cars and especially hybrid cars have gone really expensive and it's difficult to buy I am personally struggling to save up 5 to 6 grand for a decent hybrid car and I'm sure there many out there like myself it doesn't mean some can afford them that the rest of us can, times are hard.	Driver	Yes
Hello, i highly agree with the decision to remove the age limit on taxi vehicles. Thank you for letting us give our opinion. Ahmed Nawaz Zahid	Driver	Yes
Thanks for your email. I fully support the removal of age limit for Hackney and private vehicles. As long as they pass the safety test. Thanks	Driver	Yes
I am happy to hear that you are considering age limit on taxi vehicles. In my opinion I agree with the age limit being removed.	Driver	Yes
I agree the age limit should be removed, cars are MOT'd thoroughly so as long at it has passed taxi MOT age is irrelevant	Driver	Yes
Wendy all vehicles should be 3 yrs old when put on and you can use the vehicles till they are seven old yrs and they should have one mot year there is more scrap on the road now there has ever been before	Driver	No
As long the vehicle meets the strict mot requirements I don't see why not. What would the cut of limit be or	Driver	Yes

is it any vehicle you can licence When will the decision be made Thanks		
Yes I would like old cars to be allowed on taxi as long as they are in good condition	Driver	Yes
I agree that's the vehicles should be any age. If they pass M.O.T I don't see a reason why have vehicle age.	Driver	Yes
I am in favour of removing the age limit on Hackney and Private hire vehicles	Driver	Yes
Yes, please go ahead	Driver	Yes
Yes am happy with that thankyou	Driver	Yes
Yes need to finish age limits	Driver	Yes
Hope you are well, age limits should be removed because other closer boroughs have allowed any age of the vehicle. Also it is the maintenance of the vehicle that should looked at not the age, hope this will make a difference.	Driver	Yes
I think that when someone wants to start taxi in a different vehicle, the vehicle should not be older than 2 years old and then be allowed to work as a taxi until the vehicle is 15 years old. After the age of 15 years the vehicle will not be fit to use as a taxi Thanks with Regards	Driver	No
Hi there should be no age limits for private hire vehicles	Driver	Yes
I think taking off age limits for vehicles will be a great idea. I feel that the age of the vehicle should not make a difference to the functionality of being a private hire vehicle or hackney. As long as the car is well maintained and is road worthy then keeping it as a private hire or Hackney should be fine. Another issue is that allot of the older cars are in great condition and well kept which I personally try to do to mine and if it reaches the age limit and having to change it when it was perfectly fine causes financial stress on the owner.	Driver	Yes

I would be in strong favour of the age limit being removed that is a great idea.		
I think the vehicle age limit should be removed for hackney and private hire vehicles. As long as the vehicle is fit and road worthy and in good condition. The prices of new vehicles are high. Removing vehicle age Limit would help all drives.	Driver	Yes
Thank you for your email on vehicle age limit removal certainly it should be any age of car to put on private hire or Hackney carriage as long as the condition of the vehicle is very good so I support consultation for any age to be put on taxi	Driver	Yes
Hi there we are happy if you think about us and make better decision am really appreciated money thanks	Driver	Yes
Any age cars should be allowed in hyndburn as it's not really a big city. As Blackburn is a bigger town than Accrington and there are no age limits on cars there. As long as the cars pass mot of course and the body work is reasonable. Minor scratches shouldn't matter either as they don't affect the running of the vehicle. Otherwise there wouldn't be any point of any age limit cars being put on taxis in Accrington.	Driver	Yes
I am a taxi driver in hyndburn.In my opinion taxi age limit should be scrapped because taxi vehicles go through mot tests 2- 3 times per year.If a taxi pass mot its means it's safe to drive and if a vehicle safe to drive free from defects ,clean and up to standard then then it doesn't matter how old is the vehicle so it should be allowed to use as taxi and phv.Thankyou	Driver	Yes
I agree. I think if a vehicle passes its inspection at cvmu then it should be allowed to remain on regardless of its age. Kind regards	Driver	Yes
My view is that I was going to apply for Blackburn badge because of any age and 6 month mot interval, but if you do it in Hyndburn then I will wait for the outcome.	Driver	Yes
Age restrictions on Taxis should be removed. I dont see any reason why there should be an age limit, on a vehicle that meets MOT requirements. As long as the vehicle is mechanically sound, clean and meets all	Driver	Yes

<p>safety measures then this should be sufficient.</p> <p>Taxi drivers spend significant amount of money to ensure their vehicles are road worthy, irrespective of age. Our utmost priority is customer safety and we certainly deliver on that. Having a lower age car will still have its issues, we will also have to spend more money to get one and with current economic crises, its going to be difficult for many.</p> <p>In the last month I have spent just under £2000 on my car. Car maintenance takes a big chunk out of our earnings but we try and manage. Using the latest reg car as a Taxi especially in Hyndburn, financially it would not make any sense. To recoup the money spent would take a very long time, especially with what is happening with living costs etc including the cheap taxi fares.</p> <p>I trust you will have a look at this age criteria with great importance. Thankyou for taking the time in reading this.</p>		
<p>I would be for the the removal of the age. Driver's have also requested a bit of leniency on Mots.</p>	Driver	Yes
<p>I hope your well. Regarding the situation with vehicle age limit this should be removed as long as the vehicle is passed on the MOT and is legally on the road to transport customers.</p> <p>This has a major impact on the cost of living as you know we are in an economical/financial crisis and our council should put in steps to help cut any additional costs instead of increasing them.</p> <p>As your aware due to the Covid-19 pandemic the production of cars has decreased and the cost of second hand cars have increased so this will become a bigger cost and have an impact on the cost of living.</p> <p>My opinion is that all the age limits should be removed and drivers that transport and help the community as well as healthcare professionals in this dire time, should not be pressured in spending thousands of pounds and impacting the cost of living.</p>	Driver	Yes
<p>Thanks for sending me this email, under current circumstances removing age limit will be a big favour to drivers, as the second hand vehicle prices are sky high and finding a new vehicle is another issue. I am in favour of removing age limit.</p>	Driver	Yes
<p>I agree with this it should be removed</p>	Driver	Yes

Absolutely not. Too many poorly looked after vehicles. More stringent inspections required	Public	No
With the prices of vehicles and fuel cost going through the roof I think its only fair to remove restrictions as long as they have mot I don't see what the problem is for using older cars.	Driver	Yes

Authority	Age limit
Blackburn	None
Pendle	12 years saloon cars. 15 years Hybrid, electric and WAV's
Chorley	None but Euro Emissions 5 and NCAP Safety rating of 4 stars
Wyre	None but Euro 6 for petrol and Euro 4 for Diesel vehicles.
Preston	None
Burnley	8 years saloon cars, 12 years small MPV's, 15 years large MPV's
Rosendale	10 years or 12 years for purpose built vehicles
South Ribble	8 years or 12 years for Euro 6 petrol or diesel or Hybrid/Electric vehicles

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Vehicles Checked during Safety Operations in 2022

Age of Vehicle (years)	Number checked	Number passed	Number failed	Prohibitions issued
14 (2008)	2	1	1	1 - immediate
13 (2009)	5	2	3	2 - immediate
12 (2010)	7	5	2	1 - immediate
11(2011)	3	2	1	1 - immediate
10 (2012)	1	1	0	0
9 (2013)	2	2	0	0
5 (2017)	1	1	0	0

Vehicle Test results June - November 2022

	All Vehicles Tested	%	Vehicles under 7 Tested	%	Vehicles over 7 Tested	%
Fail	290	39.9	39	32.5	248	41.2
Pass	436	60.1	81	67.5	354	58.8
Total	726		120		602	

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HYNDBURN

The place to be
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No. F 84062

HYNDBURN BOROUGH COUNCIL

Environmental Services, Central Vehicle Maintenance Unit,
Library Street, Church, Accrington, BB5 4JY
Telephone: 01254 871912

E-Mail: enquiries@hyndburnbc.gov.uk

NOTIFICATION OF REFUSAL FOR PRIVATE HIRE/HACKNEY CARRIAGE LICENCE

Issued in accordance with the MOTOR VEHICLE (TESTS) REGULATIONS 1981 and in accordance with SECTION 50 LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976.

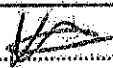
The MOTOR VEHICLE of which the registration mark is: SE09 BMY PRIVATE HIRE/HACKNEY CARRIAGE No. NEW having been examined *(1) under SECTION 43 of the ROAD TRAFFIC ACT 1972 it is hereby notified that a CERTIFICATE OF EXEMPTION in respect of the vehicle is refused on the grounds that, at the date of examination, the statutory requirements prescribed by regulations made under the said SECTION 43 were NOT COMPLIED WITH.

*(2) Under SECTION 50 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 it is hereby notified that a CERTIFICATE OF EXEMPTION in respect of the vehicle is refused on the grounds that at the date of the examination the statutory requirements as laid down by the BOROUGH OF HYNDBURN in accordance with SECTION 50 were NOT COMPLIED WITH for the following reasons:

- ① NO SWITCH ON STALL
- ② NO HIGH BEAM
- ③ CENTRE ROW CENTRE SEAT BELT CLASP
- ④ REAR ROW MIDDLE BELT
- ⑤ CENTRE ROW N/S BELT MECH EXPOSED
- ⑥ N/S/R DOOR SEAL MISSING
- ⑦ CENTRE SEAT REAR TORN
- ⑧ REAR SEAT BACK TORN
- ⑨ ROOF LINING INSECURE
- ⑩ N/S/F DOOR CATCH STRIP INSECURE
- ⑪ N/S/F DOOR INNER HANDLE SHARP EDGE
- ⑫ FUEL FLAP MISSING
- ⑬ O/S/R LENS ON LIGHT CRACKED
- ⑭ WINDSCREEN CRACKED + SCRATCHED
- ⑮ NO WATER COMING THROUGH SETS
- ⑯ O/S/R + N/S/R INDICATORS NOT SHOWING ORANGE LIGHT
- ⑰ O/S/F ARCH LINER INSECURE
- ⑱ N/S/R ARCH LINER INSECURE
- ⑲ SILLS ON BOTH CORRODED NEED REPLACING
- ⑳ GEAR BOX HAS LEAK
- ㉑ ENGINE HAS LEAK
- ㉒ EXHAUST BRACKET CENTRE BROKEN
- ㉓ N/S/F CV BOOT LEAKING
- ㉔ GAS STRUT FOR W/C RAMP CORRODED
- ㉕ FRONT AXLE HAS INCORRECT TIRK

- (26) N/S/F + O/S/F ANTI ROLL BAR BOOTS SPLIT
- (27) O/S REAR QUATER PANEL SCRATCHED
- (28) O/S PASSENGER DOOR SCRATCHED
- (29) O/S WING DENTED
- (30) BONNET SCRATCHED
- (31) N/S WING DENTED
- (32) N/S PASSENGER DOOR SCRATCH AND DENT
- (33) N/S DOOR SCRATCH
- (34) N/S REAR QUATER SCRATCHED
- (35) STEEL WHEELS RUSTY NEED PAINT OR COVERS

WARNING in my opinion the vehicle is DANGEROUS to drive because of defects marked thus*

DATE OF ISSUE 07/09/12	SIGNATURE 	INSPECTOR APPOINTED
MAKE OF VEHICLE P. EXPERT		BY/FOR & ON BEHALF OF
APPROX YEAR OF MANUFACTURE 2009		HYNDBURN BOROUGH COUNCIL
RECORDED MILEAGE 125181		VEHICLE MAINTENANCE UNIT
RETEST FEE APPLICABLE YES/NO FULL TEST		LIBRARY STREET
(DELETE AS APPLICABLE) REQUESTED		CHURCH

When the defects listed above have been rectified an appointment for a retest should be made with TAXI LICENSING (01254) 388111

KEEP THIS NOTIFICATION SAFELY - BRING IT WITH YOU WHEN YOUR VEHICLE IS RE-TESTED. PLEASE NOTE THAT YOU HAVE FOURTEEN DAYS IN WHICH TO BRING THIS VEHICLE BACK FOR RETEST. AFTER FOURTEEN DAYS A FULL TEST WILL BE CARRIED OUT AND A FULL TEST FEE CHARGED.

Details entered: 1 December 2022 at 11:40 by Karen Hall
Date requested: Reason:
Date received:
Appointment date: Appointment time:
Result: Awaiting Return Result Date:
Name: Mileage:
Date commences: Date expires:

Notes: Failed - needs full retest as unable to complete full test - 21 Day improvement notice and Section 68 issued

REQUIRES FULL TEST

UNABLE TO PERFORM BRAKE TEST DUE TO CALTRIC LEAKING



HYNDBURN

The place to be an excellent council - as rated by the audit commission

No. F 84061

HYNDBURN BOROUGH COUNCIL

Environmental Services, Central Vehicle Maintenance Unit,
Library Street, Church, Accrington, BB5 4JY
Telephone: 01254 871912
E-Mail: enquiries@hyndburnbc.gov.uk

UNABLE TO PERFORM EMISSIONS TEST

NOTIFICATION OF REFUSAL FOR PRIVATE HIRE/HACKNEY CARRIAGE LICENCE

Issued in accordance with the MOTOR VEHICLE (TESTS) REGULATIONS 1981 and in accordance with SECTION 50 LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976.

The MOTOR VEHICLE of which the registration mark is: G260 00V..... PRIVATE HIRE/HACKNEY CARRIAGE No. 382..... having been examined *(1) under SECTION 43 of the ROAD TRAFFIC ACT 1972 it is hereby notified that a CERTIFICATE OF EXEMPTION in respect of the vehicle is refused on the grounds that, at the date of examination, the statutory requirements prescribed by regulations made under the said SECTION 43 were NOT COMPLIED WITH.

*(2) Under SECTION 50 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 it is hereby notified that a CERTIFICATE OF EXEMPTION in respect of the vehicle is refused on the grounds that at the date of the examination the statutory requirements as laid down by the BOROUGH OF HYNDBURN in accordance with SECTION 50 were NOT COMPLIED WITH for the following reasons:

- ① O/S/F INDICATOR SHOWING WHITE LIGHT
- ② O/S/F WING MIRROR INDICATOR
- ③ N/S/F WING MIRROR INDICATOR
- ④ BOOT STRUTS NO LONGER SUPPORT WEIGHT OF BOOT LID
- ⑤ O/S/R SEAT BULKIE UNSAFE MODIFICATION (S)
- ⑥ SEAT BASE INSECURE
- ⑦ SEAT BACK INSECURE
- ⑧ SEAT COVERS TORN
- ⑨ N/S/R CALTRIC LEAKING FLUID
- ⑩ HEADLAMPS LOOSE
- ⑪ ENGINE HAS OIL LEAK

WARNING in my opinion the vehicle is DANGEROUS to drive because of defects marked thus*

DATE OF ISSUE <u>07/12/22</u> SIGNATURE <u>[Signature]</u>	INSPECTOR APPOINTED
MAKE OF VEHICLE <u>SHODA</u>	BY/FOR & ON BEHALF OF
APPROX YEAR OF MANUFACTURE <u>2010</u>	HYNDBURN BOROUGH COUNCIL
RECORDED MILEAGE <u>235246</u>	VEHICLE MAINTENANCE UNIT
RETEST FEE APPLICABLE YES/NO <u>FULL TEST</u>	LIBRARY STREET
(DELETE AS APPLICABLE)	CHURCH

When the defects listed above have been rectified an appointment for a retest should be made with TAXI LICENSING (01254) 388111

KEEP THIS NOTIFICATION SAFELY - BRING IT WITH YOU WHEN YOUR VEHICLE IS RE-TESTED. PLEASE NOTE THAT YOU HAVE FOURTEEN DAYS IN WHICH TO BRING THIS VEHICLE BACK FOR RETEST. AFTER FOURTEEN DAYS A FULL TEST WILL BE CARRIED OUT AND A FULL TEST FEE CHARGED.

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Agenda Item 7.

REPORT TO:		CABINET	
DATE:		25 th January 2023	
PORTFOLIO:		Cllr Joyce Plummer - Resources	
REPORT AUTHOR:		C Worthington – Principal Accountant / A Martin – Principal Accountant M Dyson – Executive Director - Resources	
TITLE OF REPORT:		Prudential Indicators Monitoring and Treasury Management Strategy Update	
EXEMPT REPORT:	No		
KEY DECISION:	No	If yes, date of publication:	

1. PURPOSE OF REPORT

This report updates Cabinet on activities in this area since the start of this financial year.

2. RECOMMENDATION(S)

2.1 To note the report.

3. REASONS FOR RECOMMENDATION(S)

3.1 To keep Cabinet updated on the activities in the report.

4. BACKGROUND

4.1 The *Prudential Code for Capital Finance in Local Authorities* requires the Council to set Prudential Indicators annually for the forthcoming three years to demonstrate that the Council's capital investment plans are affordable, prudent and sustainable. The Council adopted its current prudential indicators at its meeting in February 2022.

4.2 The Prudential Code requires the Council, having agreed at least a minimum number of mandatory prudential indicators (including limits and statements), to monitor them - in a locally determined format and frequency. This half-year report to Cabinet complements a more regular review by the Deputy Chief Executive.

4.3 The indicators are purely for internal use and not designed to be used as comparators between authorities. If it should be necessary to revise any of the indicators during the year, the Executive Director of Resources will report and advise the Council further.

4.4 *'Treasury Management'* relates to the borrowing and cash activities of the authority, and the effective management of any associated risks. On 24th February 2022 in the same report referred to at 4.1 above the Council also set out and then approved its current Treasury Management Strategy. This was in accordance with the CIPFA (Chartered Institute of Public Finance & Accountancy) code of practice on treasury management in public services, the Council having previously adopted, via Cabinet, the then revised code of practice. Associated treasury management Prudential Indicators were included in the February 2021 report.

5. PRUDENTIAL INDICATORS MONITORING

5.1 Table 1 and Table 2 (**Appendix 1**) show the monitoring information for each of the prudential indicators, limits and statements. They relate to:

- External debt overall limits – Table 1
- Affordability (eg implications for Council Tax) – Table 2
- Prudence and sustainability (eg implications for external borrowing)
- Capital expenditure
- Other particular indicators for Treasury Management.

6. TREASURY MANAGEMENT UPDATE

6.1 Current Treasury Position

Portfolio Position 2022/23	Original Estimate 2022/23 £000	Projected Outturn 2022/23 £000
External Debt		
Debt at 1 st April	9,595	9,595
Expected Change in Debt	-	-
Other Long Term Liabilities	612	493
Gross Debt at 31 st March	10,207	10,088
Capital Financing Requirement (CFR)	8,776	8,657
Under / (over) borrowing	(1,431)	(1,431)
TOTAL INVESTMENTS (other than short-term)	-	-

6.2 As can be seen from the above table we are performing within the original targets set at the start of the year. Within the prudential indicators there are a number of key indicators to ensure that the Council operates its activities within well-defined limits. In general the requirement is that CFR exceeds gross debt. However in 2022/23 the gross debt will exceed CFR. This is due to the annual payment of Minimum Revenue Provision (MRP). Other Liabilities reflect the transfer of contract hire leases to balance sheet to comply with IFRS16.

6.3 The requirement to have CFR exceed Gross Debt centres around providing an assurance that borrowing is not taking place for Revenue purposes. However, as the Council is not borrowing additional funds at this time, this is not an issue.

6.4 The current position of the treasury function, and its expected change in the future, introduces risk to the Council from an adverse movement in interest rates. The Prudential Code is

constructed on the basis of affordability, part of which is related to borrowing costs and investment returns.

- 6.5 The Capital Programme 2022/23 will be funded by the use of Government Grants (including New Homes Bonus Grant and S31 Grants) and other external financing. It will also be supported during the year by greater use of internal sources of capital finance (including capital receipts reserve) because of the reduced level of external grant allocation. It is not anticipated currently that any capital borrowing will be required.

7 Expected movement in interest rates

- 7.1 The Council appointed Link Asset Services as treasury adviser to the Council and part of their service is to assist the Council in formulating a view on interest rates. The following table gives Link's latest available view of the expected future movement in interest rates, from quarter ending 31st December 2022 (their Qtr3 2022) onwards.

	Qtr 3 2022	Qtr 4 2022	Qtr 1 2023	Qtr 2 2023	Qtr 3 2023	Qtr 4 2023	Qtr 1 2024	Qtr 2 2024	Qtr 3 2024	Qtr 4 2024
Base Rate	3.50%	4.25%	4.50%	4.50%	4.50%	4.00%	3.75%	3.50%	3.25%	3.00%
5 yr PWLB	4.30%	4.30%	4.20%	4.10%	4.00%	3.90%	3.80%	3.60%	3.50%	3.40%
10 yr PWLB	4.50%	4.50%	4.40%	4.30%	4.20%	4.00%	3.90%	3.70%	3.60%	3.50%
25 yr PWLB	4.70%	4.70%	4.60%	4.50%	4.40%	4.30%	4.10%	4.00%	3.90%	3.70%
50 yr PWLB	4.30%	4.40%	4.30%	4.20%	4.10%	4.00%	3.80%	3.70%	3.60%	3.40%

- 7.2 The latest forecast sets out a view that both short and long-dated interest rates will be elevated as the Bank of England seeks to squeeze inflation out of the economy. This has happened but the new Government's policy of emphasising fiscal rectitude probably means the Bank Rate does not now need to increase to further than 4.5%.
- 7.3 The Council's exposure to interest rate movements is largely neutralised currently as our borrowings are effectively at a fixed rate until a trigger point is reached, where the lender believes a better rate can be achieved elsewhere. Interest rates would have to exceed 4% and possibly 5% before this is likely to happen. The above table indicates that this is unlikely to happen in the next few years.
- 7.4 The Council has invested relatively small amounts of surplus cash on a short-term, temporary basis. The interest received from these investments is above the budgeted expectations for the six months to 30 September, mainly due to the Bank of England increasing the interest rates. Our strategy continues to focus on the security of deposits and the liquidity of funds. The additional interest generated as a result of rate increases is forecast to be in the region of £200k for the year ending March 2023. This increase will offset the additional inflation pressures in the current year and future year's financial forecasts.
- 7.5 The Council continues to invest surplus cash in the top rated financial institutions. We continue to spread our money around a number of institutions to ensure that we are not potentially damaged by the unforeseen collapse of any one bank. Deposits are also held with banks where we believe that the respective governments are likely to be able to guarantee deposits in the event of bank failure. This strategy is continuing to yield an appropriate rate of return,

though at a lower rate, as there is less risk attached to these deposits. We also operate a policy of holding no more than £2m in any one bank (with the exception of the liquidity account held with Nat West Bank where the limit is £3m) to ensure that the risk is spread.

7.6 It is recommended that the policy on external investment is changed by increasing the maximum limit for investment with the Governments Debt Management Agency Deposit Facility (DMADF) from £2m to unlimited. This will allow greater flexibility for placing of funds with potential for higher returns with minimal risk. This recommendation will be included in the updated Treasury Management Strategy to be approved at full Budget Council in February 2023.

8. ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

None applicable.

9. CONSULTATIONS

None applicable in this instance.

10. IMPLICATIONS

Financial (Including any future financial commitments for the Council)	There are none arising directly from this report.
Legal and human rights implications	The Local Government Act 2003 (part 1) and associated regulations gave statutory recognition to the Prudential Code - therefore there is a statutory backing to the background and local purpose of the report. Treasury Management activities of local authorities are prescribed by statute – the source of powers is, in England & Wales, the 2003 Act. ‘Statutory Guidance’ on investment is given by the MHCLG to local authorities.
Assessment of risk	There are inherent risks in capital finance and treasury management. When appropriate the risks are identified and assessed as part of the various recommendations made on Prudential Capital Finance and in the Council’s Treasury Management Strategy.
Equality and diversity implications	There are no specific implications for customers’ equality and diversity arising directly from the recommendations in this report

12. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

- Background papers are the legislation referred to in section 10 above, and the report approved by Council on 24th February 2022.
- Part 1 of the Local Government Act 2003 and related regulations
- The Prudential Code for Capital Finance in Local Authorities (CIPFA 2017)
- The Council’s Policy Statement on Treasury Management (Full Council February 2022)
- The Councils Policy on Treasury Management Practices (Full Council February 2022)

13. FREEDOM OF INFORMATION

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.

Contact Officer(s):

Martin Dyson, Head of Accountancy Services, tel 380973 (internal 2973)

Carol Worthington, Principal Financial Accountant, tel 380124 (internal 2124)

Amanda Martin, Principal Accountant (Capital), tel 380668 (internal 2668)

TABLE 1

TREASURY MANAGEMENT INDICATORS

Prudential Indicators – actual and projected	Original Indicator Estimate 2022/23 £'000	Actual 6 months £'000	Projected Outturn 2022/23 £'000	Note
External Debt - Gross Borrowing	10,207	10,088	10,088	1
Authorised limit for external debt	35,000	35,000	35,000	
Operational boundary for external debt	20,000	20,000	20,000	
Maximum principal sum invested >364 days	0	0	0	
Limit on fixed interest rate for net borrowing	100%	57%	100%	2
Limit on variable interest rate for net borrowing	100%	43%	43%	2
Maturity structure of borrowing limits (Upper Limit)				
Under 12 months	43%	43%	43%	3
12 months - 24 months	0%	0%	0%	
24 months - 5 years	0%	0%	0%	
5 years - 10 years	0%	0%	0%	
10 years and above	57%	57%	100%	

- Includes the minor portion of borrowing from Charities (Internal Borrowing) - approximately £70k. The debt is based on the capital value of mainly loans outstanding and does not include accrued interest or effective rate of interest adjustment (accounting adjustments to be made).
No temporary borrowing is expected.
The figure also reflects the liability for finance leases. Several leases have had their terms extended rather than be replaced due to the Coronavirus situation.
Contract hire leases are also included in this figure to comply with IFRS requirements
- In 2016/17 Barclays notified Hyndburn that they will class £5.4m LOBO debt as fixed rate debt. The interest rate has remained the same. The balance of debt outstanding remains as LOBO's which are classed as variable. It is not expected that these loans will be "called" and repaid during 2022/23. However the projection reflects that this may be a possibility (depending on movements within the market) and replaced with fixed rate debt.
- Borrowings of £4.12m are via LOBO agreements. As they have a call period of 6 month intervals they are classed as borrowing under 12 months. £5.4m former Barclays LOBO's are classed as long term debt.

TABLE 2

CAPITAL FINANCE PRUDENTIAL INDICATORS

Prudential Indicators - Latest Estimate	Original Indicator Estimate 2022/23 £'000	Latest Estimate 2022/23 £'000	Note
Capital Financing Requirement (CFR)	8,776	8,657	1
Estimated Capital Expenditure	38,594	7,242	2
Ratio of Financing Costs to Net Revenue Stream	4%	4%	

1. The capital financing requirement (CFR) includes the finance lease position for the Council. CFR is a prescribed measure of the capital expenditure incurred historically by an authority which has to be financed.
The increase in CFR reflects the transfer of contract hire leases to comply with IFRS16 requirements.
2. Approved capital programme, including slippage b/fwd and additional fully funded schemes.
The reduction in estimated capital expenditure reflects the expected slippage regarding schemes to be funded from levelling up funds.

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Agenda Item 8.

REPORT TO:	Cabinet		
DATE:	25 January 2023		
PORTFOLIO:	Cllr Joyce Plummer - Resources		
REPORT AUTHOR:	Martin Dyson Executive Director - Resources		
TITLE OF REPORT:	Financial Monitoring Report – Revenue Budget 2022/2023 as at Period 08 / November 2022		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. PURPOSE OF REPORT

- 1.1. The report informs Cabinet of the financial spending of the Council up to the end of November 2022 and the financial forecast outturn position for the Accounting Year 2022/23.

2. RECOMMENDATION(S)

- 2.1 Cabinet notes the report and asks CMT to continue to reduce expenditure and increase income so as to further improve the overall financial position of the Council over the remaining months of the year.

3. LATEST REVENUE FORECAST

- 3.1 The financial detail of the report is shown as a table at the end of this document.
- 3.2 The latest forecast spend to the end of the financial year in March 2023 is £12,181,000 compared to a Budget of £12,334,000. This forecast produces a positive variance of £153,000 by the end of the financial year.

4. FORECAST VARIANCE BY SERVICE

- 4.1 Environmental Services are predicting a year-end adverse variance of £170,000 and the main variances are:

Waste Services are predicting an adverse variance for the year of £152,000. This is due to £73,000 of additional staffing costs, £76,000 of increased costs in vehicle fuel and waste supplies and a predicted decline in income of £3,000.

The Parks & Cemetery Service is forecasting a positive variance of £114,000, due to additional income of £162,000 largely from burials and cremations netted off by other vehicles and supplies and services costs of £105,000 and staffing savings of £57,000.

The Town Centre & Market Budget is predicting an adverse variance of £7,000, with £10,000 of additional income less £17,000 of additional staffing costs.

Other Environmental Health and Maintenance services are predicting an adverse variance of £125,000 due to reduced income of £13,000 and increased operating costs largely around vehicles and depots of £96,000, plus additional staffing costs of £16,000.

4.2 Culture and Leisure Services are indicating a positive variance of £123,000.

Service expenditure on Leisure is forecasting a positive variance of £125,000 through reduced management fees, while the Haworth Art Gallery is predicting an adverse variance of £2,000 due to increased expenditure on staff of £6,000, and £16,000 of additional expenditure less £18,000 additional income.

4.3 Planning & Transportation are predicting an adverse variance for the year of £187,000.

This is due to predicted unfinanced additional spend on agency / salary costs of £144,000, £27,000 of extra miscellaneous costs and £16,000 forecast fee income shortfall.

4.4 Regeneration & Property Services are predicting an adverse variance of £62,000 at year-end.

This is due to £26,000 of additional staffing costs, £87,000 of increased costs largely due to external consultancy fees and costs associated with empty / void investment properties. These additional costs are offset by increased fee income for Disabled Facility Grant works undertaken and one-off additional income from reclaimable premises insurances totalling £51,000.

4.5 Policy & Corporate Governance are predicting an adverse variance of £50,000.

This is due to Staffing Costs exceeding Budget by £118,000 which includes the Corporate Saving Target of £101,000. These adverse variances were offset by £131,000 of other savings, mainly from insurances and housing benefit costs plus increased income of £38k.

4.6 Non Service Items are predicting a positive variance for the year of £501,000.

This is due to forecast savings on borrowing and leasing costs of £301,000 plus additional treasury investment income of £200,000 due to utilising new investment funds and the increase in interest rates available.

5. ROBUSTNESS OF THE FORECAST & OTHER ISSUES

- 5.1 The Council is facing a period of inflationary pressure, particularly in relation to energy and fuel costs and the national pay award for Local Government Employees remains unsettled. The current forecast includes the latest assumptions around these developments but the situation remains volatile. Any significant changes in the underlying Budget assumptions that impact the overall outturn forecast will be reported at the next Cabinet meeting.
- 5.2 As in the previous two years, if there is a spike in COVID 19 that requires the Council to take action to prevent the spread of the virus or to provide additional support to the local community, it is expected that additional funding provided by Government will be used to meet any additional costs the Council incurs.

6. ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

- 6.1 Not applicable. This report is for information purposes.

7. CONSULTATIONS

- 7.1 None applicable in this instance.

8. IMPLICATIONS

Financial implications (including any future financial commitments for the Council)	As outlined in the report.
Legal and human rights implications	Not applicable
Assessment of risk	Not applicable
Equality and diversity implications <i>A <u>Customer First Analysis</u> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	Not applicable

9. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985: LIST OF BACKGROUND PAPERS

Council Meeting 24th February 2022
General Revenue Budget 2022/23 (Full Council February 2022)

Summary for Budget Monitoring Report Month 8 - November 2022

Description	Year-To-Date			Month 8			Full Year Forecast		
	Budget	Actual	Variance	Budget	Actual	Variance	Budget	Actual	Variance
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Environmental Services	3,068	2,703	(365)	383	372	(11)	4,601	4,772	170
Culture & Leisure	176	(24)	(201)	22	28	6	264	141	(123)
Planning & Transportation	362	201	(161)	45	66	20	543	730	187
Regeneration & Housing	442	(26)	(469)	55	(234)	(290)	664	726	62
Policy & Corporate Governance	3,409	5,442	2,033	426	204	(222)	5,113	5,164	50
Total Net Cost of Services	7,457	8,295	838	932	436	(496)	11,186	11,534	348
Non-Service	766	(15)	(780)	96	(15)	(111)	1,149	647	(501)
Total Net Expenditure	8,223	8,280	57	1,028	422	(606)	12,334	12,181	(153)
Contribution (from) / to Reserves							-	153	
Total Net Requirement							12,334	12,334	

REPORT TO:		Cabinet	
DATE:		25 January 2023	
PORTFOLIO		Cllr Joyce Plummer – Resources	
REPORT AUTHOR:		Martin Dyson, Executive Director – Resources	
TITLE OF REPORT:		Capital Spend Report 2022/23	
EXEMPT REPORT:	No		
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

1.1 The Report informs Cabinet of the progress of the 2022/23 Capital Programme.

2. Recommendations

2.1 Cabinet notes the progress on capital expenditure to date.

3. Reasons for Recommendations and Background

3.1 Summary

The Council approved its Capital Programme for 2022/23 at its meeting on the 24th February 2022.

The total value of the capital expenditure authorised in the budget in February 2022 was £38.594m and this has been increased to £45.132m with carry forward projects from the previous year and new in-year authorisations. The current predicted spend against Budget is £7.27m with £37.886m to be slipped into 2023/2024 leaving a small overspend of £23,800 in year that it is hoped will be funded from an additional grant claim.

3.2 Detail

The Council authorised a capital programme of £38.594m at its meeting on the 24th February 2022 and the programme was subsequently increased to £45.132m upon the authorisation of the carry forward of projects from the previous year and a variety of in-year authorisations using existing internal funds or new external funding. The programme was largely funded from existing resources with the exception an approval of £5m of borrowing (if required).

Spend to date has been £2.498m which is equivalent to 34.4% of the final forecast spend in year. There are 47 individual projects underway across the Council at this time. In addition to the actual spend to date, there is a further £4.886m forecast to be spent in year.

The forecast total spend against all the capital projects is now £7.270m, with an estimated £37.862m of spend to be slipped into the next financial year. The forecast slippage includes £35m relating to the Accrington Town Centre Levelling Up Project and the Leisure Estate Investment Project.

There are currently 3 projects that are indicating a negative variance at this moment in time and the overall additional costs from these 3 projects is expected to be less than £48,000. There are some predicted savings on other projects that offset any overspend which reduces the overall forecast overspend to around £23,800. It is anticipated that additional external funding could be claimed or costs reduced to eradicate any overspend in year.

The significant elements of the programme are as follows,

Programme Area	Actual spend to Date £'000	Committed Expenditure £'000	Forecast Outturn £'000
Total Market Renewal Programme	80	28	108
Housing Improvement Programme	619	805	1,424
Other Priority Projects	1,799	3,939	5,738
Total	2,498	4,772	7,270

The detail of individual project budgets and expected costs to complete the projects is provided at Appendix 1.

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

4.1 Not applicable

5. **Consultations**

5.1 Not applicable

6. **Implications**

Financial implications (including mainstreaming)

As outlined in this report

Legal and human rights implications None

Assessment of risk None

Equality and diversity implications None
A [Customer First Analysis](#) should be completed in relation to policy decisions and should be attached as an appendix to the report.

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

[Council 24th February 2022 Capital Programme 2022/23](#)

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.

APPENDIX 1

Original Capital Programme Approved By Council

	New Authorised Budget	Expected Outturn	Variance	Slippage to 2023/24
Wi-Fi Upgrade Scaitcliffe House	£ 10,000	£ 10,000	£ -	
Tech Refresh - Upgrade QE Room	£ 15,000	£ 15,000	£ -	
Accrington Cemetery Welfare & Depot Facilities	£ 458,744	£ 458,744	£ -	
Play Area Knuzden Recreation Ground	£ 203,386	£ 203,386	£ -	
Planned Asset Improvement Programme - unallocated	£ 56,254	£ -	-£ 56,254	£ 56,254
PAIP Oakhill Bowls Pavilion	£ 7,316	£ 7,316	£ -	
PAIP Peel Park Bowls Pavilion	£ 8,732	£ 8,732	£ -	
PAIP Rhyddings Park Bowls Pavilion	£ 10,974	£ 10,974	£ -	
PAIP Lift Improvements Various Sites	£ 20,000	£ 20,000	£ -	
PAIP Oakhill Bandstand	£ 15,059	£ 15,059	£ -	
PAIP Oakhill Tennis Pavilion	£ 9,558	£ 9,558	£ -	
PAIP Mercer Park Bowls Pavilion	£ 35,000	£ 35,000	£ -	
Disabled Facility Grant	£ 2,166,777	£ 1,100,000	-£ 1,066,777	£ 1,066,777
Gatty Park Polytunnels & Greenhouse Replacement	£ 20,000	£ 20,000	£ -	
War Memorial Restoration	£ 20,000	£ 2,395	-£ 17,605	£ 17,605
Willows Lane Stores Upgrade Work	£ 70,000	£ 70,000	£ -	
Vehicle & Plant Annual Replacement Programme	£ 55,000	£ 55,000	£ -	
CVMU Yard & Roadway Resurfacing	£ 22,500	£ 22,500	£ -	
Hyndburn Leisure 3G Pitch Full Replacement	£ 280,000	£ 317,000	£ 37,000	
Stanley Sports Hub - contribution to the extension of indoor sports facility	£ 236,000	£ 236,000	£ -	
Artificial Cricket Wicket	£ 14,000	£ 14,000	£ -	
Leeds Liverpool Canal Cycle Path	£ 235,000	£ 235,000	£ -	
Chip & Pin Devices	£ 22,880	£ 27,222	£ 4,342	
Accrington Town Centre Levelling Up Project	£ 24,000,000	£ 1,000,000	-£ 23,000,000	£ 23,000,000
Leisure Estate Investment Project	£ 11,225,000	£ -	-£ 11,225,000	£ 11,225,000
Leisure Estate Investment Project - Hyndburn Leisure Centre	£ 387,500	£ 387,500	£ -	
Leisure Estate Investment Project - Wilsons Playing Fields	£ 387,500	£ 387,500	£ -	
	£ -	£ -	£ -	
Sub Total	£ 39,992,180	£ 4,667,886	-£ 35,324,294	£ 35,365,636

Additions to Capital Programme 2021/22

	New Authorised Budget	Expected Outturn	Variance	Slippage to 2023/24
Projects Brought Forward from Previous Years				
Haworth Art Gallery Lighting & Wedding Venue	£ 35,178	£ 35,178	£ -	
Bolton Avenue Play Area	£ -	£ -	£ -	
Bullough Park Building Asset Rationalisation	£ 22,967	£ -	-£ 22,967	
Bolton Avenue MUGA	£ 99,184	£ 105,522	£ 6,338	
Oakhill Park Service Building (Improve Welfare Facilities & Drainage)	£ 17,250	£ 17,250	£ -	
Cutwood Park Paths	£ 25,500	£ -	-£ 25,500	£ 25,500
Baxenden Woodland Improvements	£ 11,980	£ 7,250	-£ 4,730	£ 4,730
Lowerfold Park Building Asset Rationalisation	£ 24,512	£ 24,512	£ -	
Lowerfold Play Area	£ 7,230	£ 7,230	£ -	
HLC Mechanical & Electrical Plant Replacement	£ 369,274	£ -	-£ 369,274	£ 369,274
HLC Mechanical & Electrical Plant Replacement - Reline Pool Balance Tank	£ 36,000	£ 36,000	£ -	
Fire Assessment Building Alterations Elmfield Hall	£ 27,455	£ 27,455	£ -	
Tech Refresh	£ 3,094	£ 3,094	£ -	
Financial System Software	£ 207,820	£ 20,000	-£ 187,820	£ 187,820
Fire Assessment Building Alterations Various Buildings	£ 22,561	£ 22,561	£ -	
Willows Lane Depot	£ 40,000	£ 40,000	£ -	
Acc Town Hall External Improvements	£ 236,799	£ -	-£ 236,799	£ 236,799
Scaitcliffe House Reception	£ 9,215	£ 9,215	£ -	
Fire Assessment Building Alterations Acc Crematorium	£ 50,000	£ -	-£ 50,000	£ 50,000
Accrington Townscape Heritage Initiative	£ 24,000	£ 24,000	£ -	
Internal Development of Accrington Market Hall	£ 469,061	£ 19,061	-£ 450,000	£ 450,000
Acc Market Hall External Improvements	£ 234,853	£ -	-£ 234,853	£ 234,853

Additions to Capital Programme 2021/22

	New Authorised Budget	Expected Outturn	Variance	Slippage to 2023/24
AMH Pavillions / Landscaping Peel St	£ 749,365	£ 9,365	-£ 740,000	£ 740,000
Cremators Acc Crematorium	£ 6,997	£ -	-£ 6,997	£ 6,997
PAIP HAG Re-roof	£ 8,500	£ 8,500	£ -	
PAIP Electrical Works Various Buildings	£ 8,894	£ 8,894	£ -	
PAIP Replacement Boilers	£ 44,033	£ 44,033	£ -	
PAIP Asbestos Removal	£ 5,140	£ 5,140	£ -	
PAIP Legionella Plumbing Works	£ 11,198	£ 11,198	£ -	
PAIP HAG Potting Shed	£ 8,554	£ 8,554	£ -	
PSDS - Hyndburn Leisure Centre	£ 1,029,556	£ 1,029,556	£ -	
PSDS - Hyndburn Leisure Centre - Project Management Support	£ 2,865	£ 2,865	£ -	
PSDS - Scaticliffe House	£ 20,512	£ 20,512	£ -	
PSDS - 10% Contingency (Cabinet report)	£ 9,616	£ 9,616	£ -	
Mercedes Atego DK65 FFN	£ 14,815	£ 14,815	£ -	
Local Area Management Capital Improvement Schemes - unallocated	£ 45,102	£ -	-£ 45,102	£ 45,102
Age Concern Building Renovation Grant	£ 8,776	£ 8,776	£ -	
Arden Hall & Peel Parl LNR Improved Access	£ 240	£ 240	£ -	
Christmas Decoration Replacement	£ 18,177	£ 9,177	-£ 9,000	£ 9,000
CCTV Upgrade Various Buildings	£ 35,000	£ 35,000	£ -	
Amenity Lighting Large Scale Project - Car Park Lighting HLC	£ 50,000	£ -	-£ 50,000	£ 50,000
Computer Aided Facilities Management System	£ 50,000	£ 50,000	£ -	
Wilson Playing Fields Storage & Welfare Facilities	£ 10,000	£ -	-£ 10,000	£ 10,000
External Security Improvements	£ 15,000	£ 15,000	£ -	
ICT Replacement Microsoft Dynamics	£ 250,000	£ 150,000	-£ 100,000	£ 100,000
Transitional Housing Programme	£ 28,567	£ 28,567	£ -	
Lower Woodnook Housing Renewal Scheme	£ 100,000	£ 100,000	£ -	
DFG Affordable Warmth Grant	£ 150,000	£ 150,000	£ -	
DFG Emergency Works Grant	£ 50,000	£ 50,000	£ -	
DFG Home Security Grant	£ 25,000	£ 25,000	£ -	
Rhyddings Park Play Area	£ 11,800	£ 11,800	£ -	
PlanT Treescapes	£ 552	£ 552	£ -	
Lowerfold Park Bowls Shelter	£ 8,150	£ 8,150	£ -	
Nook Lane / Bury Meadows Acquisition	£ 245,000	£ 245,000	£ -	
Pleck Meadow Access Improvements & Wetland Creation	£ 56,264	£ 56,264	£ -	
Accrington Town Centre Paving	£ 7,997	£ 7,997	£ -	
Phoenix 1D	£ 80,000	£ 80,000	£ -	
misc underspend	£ -	-£ 889	-£ 889	
Total	£ 5,139,603	£ 2,602,010	-£ 2,537,593	£ 2,520,075
Total	£ 45,131,783	£ 7,269,896	-£ 37,861,887	£ 37,885,711

Forecast Overspend

£ 23,824

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Agenda Item 10.

REPORT TO:	Cabinet		
DATE:	25 th January 2023		
REPORT OF:	Councillor Loraine Cox, Chair of the Communities and Wellbeing Overview and Scrutiny Committee		
REPORT AUTHOR:	Ben Caulfield, Scrutiny and Policy Officer		
TITLE OF REPORT:	Matters Arising from Overview and Scrutiny – Grant to Citizens Advice Rossendale and Hyndburn		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To inform Cabinet of the vital support provided to residents by Citizens Advice Rossendale and Hyndburn and seek Cabinet support to continue to provide financial and other support to the service.

2. Recommendations

- 2.1 That Cabinet agrees to include a minimum grant in line with the previous year for Citizens Advice Rossendale and Hyndburn in its 2023/24 Budget Proposals (Note that actual approval of the grant will be subject to Council approval of the 2023/24 Revenue Budget); and;
- 2.2 That Cabinet agrees to work with the Chief Executive of Citizens Advice Rossendale and Hyndburn to explore further options of support which could be provided by the Council to help enable the service to meet current levels of demand.

3. Reasons for Recommendations and Background

- 3.1 At its meeting on 14th December 2022, the Communities and Wellbeing Overview and Scrutiny Committee carried out a short review of the service provided by Citizens Advice Rossendale and Hyndburn, who submitted an annual report to the Committee.

3.2 In their report and presentation to the Committee, Citizens Advice Rossendale and Hyndburn provided the following information.

- People's health, education, work and social lives have been affected in ways we could never have imagined before COVID-19 and the current cost of living crisis. The Citizens Advice service is a charity and has delivered independent and impartial advice for over 80 years. They're at the forefront of advice delivery. The Citizens Advice service across Hyndburn has highly-trained, professional and experienced advisers assisted by trained volunteers, available to help with any issue, whoever you are and whatever your problem. They also have many specialist caseworkers who can provide information, signposting and complex casework in Welfare Benefits, Energy, Money & Debt, and Housing.
- They remain located in the New Era centre on Paradise Street and receive a grant from Hyndburn Borough Council of £25,000 per year. This enables them to leverage further funding from:
 - The National Lottery for dealing with clients in a crisis
 - Energy companies for energy related advice to reduce usage and energy debt
 - Henry Smith Foundation funding for homeless prevention advice
 - Money and Pensions Service for debt and money advice
- Advice was given to 1577 Hyndburn residents in the past 12 months and over 1800 Hyndburn residents were unable to make contact via telephone this year due to unprecedented demand for the service and lack of paid advisors due to a lack of funding. Volunteers also work on the advice line but the cost of recruiting, training and supervising a volunteer is over £1,000 each. They have a volunteer team of 20 volunteers and 12 full time paid advice staff across Rossendale and Hyndburn. Energy related queries followed by debt and personal independence payments were the Top 3 enquiry issues since October 2022. They have had the highest ever number of people contacting them for charitable support and food bank assistance with a 50% increase since 2021.

3.3 In addition to the grant from Hyndburn Council, Rossendale Council provides a grant of £35,000 per year, pays for an additional part time specialist debt advisor for Rossendale residents and provides offices in Bacup for a peppercorn rent of £1 a year.

3.4 The following achievements were highlighted:

- 1477 Hyndburn Residents Advised (1800 Rossendale)
- Benefit gains - over £200,000 of additional income brought into Hyndburn via new benefit claims, winning appeals, successfully challenging decisions
- Debts written off via insolvency options - £209,952
- Debt Repayments rescheduled - £88,765
- Social Value - For every £1 invested in Citizens Advice, delivered over £14 in public value, through economic and social benefits. The CAB consider that they save government and public services money by helping stop problems occurring or

escalating, and reduce pressure on public services like health, housing or out-of-work benefits.

- Launched a dedicated food and fuel voucher line on the 3rd of October 2022 and have received over 1000 calls so far across Hyndburn & Rossendale in just 2 months

3.5 Due to the current economic climate and cost of living crisis, demand for the services of Citizens Advice and other similar local services is at never before seen levels, and the Scrutiny Committee were very much in favour of the Council providing support to the service were possible.

3.6 The Council provided a grant of £25,000 in 2022/23 to support the services provided by Citizens Advice Rossendale and Hyndburn. The Scrutiny Committee have recommended that as a minimum the same grant be awarded for 2023/24, and have also requested that the Leader of the Council meets with the Chief Executive of Citizens Advice Rossendale and Hyndburn to explore other areas where the Council may be able to offer support.

4. Alternative Options considered and Reasons for Rejection

4.1 **Cabinet may accept or reject any recommendation from Overview and Scrutiny Committees. Should Cabinet reject the recommendation, it is likely that Citizens Advice Hyndburn and Rossendale would need to significantly scale back the support offered to Hyndburn residents in 2023/24.**

5. Consultations

5.1 None

6. Implications

Financial implications (including any future financial commitments for the Council)	A minimum of £25,000 revenue funding for 2023/24 (This is the same amount as the previous year and will be subject to the Council's budget approval process). Any additional support agreed may have additional financial implications
Legal and human rights implications	The current grant agreement between the Council and Citizens Advice Rossendale and Hyndburn would be extended for a year
Assessment of risk	There is low risk to the Council
Equality and diversity implications	Citizens Advice Rossendale and Hyndburn

A [Customer First Analysis](#) should be completed in relation to policy decisions and should be attached as an appendix to the report.

value diversity, promote equality and challenge discrimination as part of their core business.

The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation; and
- advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and
- foster good relations between those who share a relevant protected characteristic and those who don't.

For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Cabinet in this regard a Customer First Analysis has been carried out as part of the review process and is attached as an Appendix to this report. Cabinet is advised to consider the Customer First Analysis and its obligations in respect of the public sector equality duty when making a decision in respect of the recommendations contained in this report.

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

- 7.1 *Agenda, reports and minutes of the Communities and Wellbeing Overview and Scrutiny Committee on 14th December 2022*
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=129&MId=2705>

8. Freedom of Information

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

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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?

Cabinet to commit to including Minimum £25k grant funding in its 2023/24 Budget Proposals for Citizens Advice Rossendale and Hyndburn.

- Who defines and manages it?

Cabinet

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

Hyndburn residents. Citizens Advice Rossendale and Hyndburn is available to all Hyndburn residents.

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

Lack of funding. Should not grant funding not be provided the current level of service for Hyndburn residents could not be maintained.

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

Not applicable

2. Evidence

- How will you know if the policy delivers its intended outcome / benefits?

Citizen's Advice Rossendale and Hyndburn will report annually to the Communities and Wellbeing Overview and Scrutiny Committee

- How satisfied are your customers and how do you know?

Customer satisfaction information could be requested from the organisation.

- What existing data do you have on the people that use the service and the wider population?

Individual user data is not available to the Council due to data protection.

- 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

- Are you using partners, stakeholders, and councillors to get information and feedback?

No

3. Impact

- Are some people benefiting more – or less - than others? If so, why might this be?

The service is available to all Hyndburn residents.

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?

No

- Is it discriminatory in any way?

No

- Is there a possible impact in relationships or perceptions between different parts of the community?

No

- Do you need to consult further?

No

- Have you identified any potential improvements to customer service?

Not applicable

- Who should you tell about the outcomes of this analysis?

Cabinet

- Have you built the actions into your Business Plan with a clear timescale?

Not applicable

- When will this assessment need to be repeated?

Not applicable

Name: Ben Caulfield **Signed:** B Caulfield

UNCLASSIFIED

Service Area: _____ Policy _____ Dated: 12/1/2022 _____

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.