

Agenda



HYNDBURN

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Council

Thursday, 22 September 2022 at 7.00 pm,
Council Chamber, Town Hall, Accrington

Membership

Councillor Abdul Khan (Mayor) in the Chair,
Councillors Judith Addison, Dominik Allen, Josh Allen, Mohammad Ayub, Noordad Aziz,
Scott Brerton, Peter Britcliffe, Danny Cassidy, Andrew Clegg, Jodi Clements, Loraine Cox,
Paul Cox, Munsif Dad BEM JP, Bernard Dawson, Peter Edwards, Melissa Fisher, June Harrison,
Marlene Haworth, Susan Hayes, Carole Haythornthwaite, Eamonn Higgins, Terry Hurn, Zak Khan,
Sajid Mahmood, Patrick McGinley, Colin McKenzie, Caroline Montague, Miles Parkinson OBE,
Joyce Plummer, Kath Pratt, Paddy Short, Steven Smithson, Kate Walsh and Kimberley Whitehead

AGENDA

1. **Apologies for absence**

2. **Declarations of Interest and Dispensations**

3. **Announcements**
 - a) Mayor
 - b) Leader of the Council
 - c) Chief Executive

4. **Confirmation of Minutes** *(Pages 5 - 18)*



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Published on Wednesday, 14 September 2022

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To confirm as a correct record the minutes of the Council meeting held on 30th June 2022.

5. Declaration of the Returning Officer for the Overton Ward By-Election held on 14th July 2022

The following person was elected at the Borough Council By-Election held on 14th July 2022:

Electoral Ward	Name and Address of Elected Councillor	Party
Overton	Colin John McKenzie 56 Moss Street, Great Harwood, BB6 7EY	Labour

6. Question Time

To deal with any questions submitted under Council Procedure Rule A2.2(vi).

7. Appointments to Committees and Constitutional Issues

The report will follow.

8. Revised Licensing Act 2003 Policy - 2022 - 2027 (Pages 19 - 68)

Report attached.

9. Minutes of Cabinet (Pages 69 - 98)

To receive the Minutes of the Cabinet meetings held on 22nd June and 13th July 2022 (attached).

Rules of Debate

- The Leader of the Council will move the Minutes, the Deputy Leader of the Council will second the Minutes.
- Non-executive Members will be invited to make comment or ask questions on the Minutes (5 Minutes).
- Cabinet Members will be invited to make comments and respond to any points raised (5 Minutes).
- The Leader of the Council will be given up to 15 Minutes to respond and to answer any questions raised.

10. Minutes of Committees (Pages 99 - 132)

To receive the Minutes of committees, as set out below:

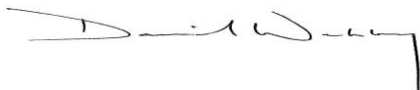
Rules of Debate

- The Leader of the Council will introduce the Minutes as a whole.
- Any Member may raise any issue from the Minutes; the Chair of the relevant Committee may respond (5 Minutes).
- The Leader of the Council will close the debate (5 Minutes).

Meeting (Municipal Year 2021/22)	Date
Communities and Wellbeing Overview & Scrutiny Committee	20 th October 2021
Judicial Committee (Private Hire & Hackney Carriage Licensing)	1 st December 2021
Meeting (Municipal Year 2022/23)	
Planning Committee	23 rd June 2022
Judicial Committee (Private Hire & Hackney Carriage Licensing)	12 th July 2022
Audit Committee	18 th July 2022
Resources Overview & Scrutiny Committee	19 th July 2022
Judicial Committee (Private Hire & Hackney Carriage Licensing)	25 th July 2022
Planning Committee	3 rd August 2022

11. Motion(s) submitted on Notice (Pages 133 - 134)

Report attached.



Chief Executive
Scaitcliffe House,
Ormerod Street,
ACCRINGTON BB5 0PF

Tuesday, 13 September 2022

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COUNCIL

Thursday, 30th June, 2022

Present: Councillor Terry Hurn (Deputy Mayor in the Chair), Councillors Judith Addison, Dominik Allen, Josh Allen, Mohammad Ayub, Noordad Aziz, Scott Brerton, Peter Britcliffe, Andrew Clegg, Jodi Clements, Loraine Cox, Paul Cox, Bernard Dawson, Peter Edwards, Melissa Fisher, June Harrison, Marlene Haworth, Susan Hayes, Carole Haythornthwaite, Eamonn Higgins, Zak Khan, Sajid Mahmood, Patrick McGinley, Caroline Montague, Miles Parkinson OBE, Joyce Plummer, Kath Pratt, Paddy Short, Steven Smithson, Kate Walsh and Kimberley Whitehead

Apologies: Councillors Abdul Khan (Mayor), Danny Cassidy, Munsif Dad BEM JP and Abdul Khan

41 Apologies for absence

Apologies for absence were submitted on behalf of Councillors Abdul Khan (Mayor), Danny Cassidy and Munsif Dad BEM JP

42 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations notified.

Councillor Miles Parkinson OBE, Leader of the Council, read out a statement on behalf of Councillor Joyce Plummer, which clarified why she had been unable to respond publicly to various comments made about her in the media and posted on social media. The statement confirmed that Councillor Plummer had been suspended by the Hyndburn Labour Party and that she had received a formal letter from the Labour Party on 22 June 2022 in connection with an internal party matter. The matter was still at the investigation stage. The letter had confirmed that an investigation was not an indication of wrongdoing and operated on a confidential basis to protect all concerned and to comply with data protection rules. The individuals involved were advised to keep the matter private and not to share information with the media or on social media. Failure to observe those rules could potentially lead to disciplinary action. An individual subject to investigation remained a member of the Labour Party and had to abide by the decisions of the political group.

Subsequently, Councillor Plummer had received information from other sections within the Labour Party organisation which had caused her some confusion. Councillor Plummer had now been informed that she would have to be classed as an independent councillor on Hyndburn Council. She reiterated that she was still a member of the national Labour Party and remained loyal. She had also expressed disappointment about a lack of support from the Labour Party regional office last year when she had raised concerns about the content of an e-mail received from a party member during a period of bereavement after the loss of her husband of 62 years. At that time she had relied heavily upon the support of her family.

The current discussion in the public domain had caused Councillor Plummer considerable distress. In response to the comments posted, she reiterated that she had not chosen to become an Independent councillor. She confirmed that she had not joined a coalition by

serving on the Cabinet, as no coalition existed. Nor was Councillor Plummer motivated to serve on the Cabinet for financial reward. She considered that she was the victim of bullying behaviour and would consider taking legal advice.

Councillor Walsh clarified that Councillor Plummer remained a member of the national Labour Party, but not the local Labour Party. This was as a result of an alleged breach of the national rules, but it was not possible to say more at this time for reasons of confidentiality.

Councillor Walsh reported that an Independent Member had challenged Labour Party members outside of the meeting this evening in a way which she considered was not appropriate. This action might be referred to the Standards regime. She asked that any future discussions be conducted in a manner which was more respectful.

43 Announcements

The Deputy Mayor made the following announcements:

1) Mayor's Engagements

The reason for the Mayor's absence this evening was that he was taking part in a four day visit with other Civic dignitaries to Sheffield Memorial Park, near Serre-les Puisieux, in northern France. This was the site of the First World War Accrington Pals Memorial and several other memorials commemorating Pals battalions from the North of England.

The visit, which had been postponed for 2 years due to COVID, was to celebrate the upgrading and reopening of the track from the village to the site to make the memorials more accessible. The Council had contributed £5,000 to these works, along with contributions from other local authorities and their French counterparts.

Over the four days, the Mayor would be taking part in a number of services of remembrance and civic events and would be visiting other cemeteries, memorials and monuments in the area. Given that tomorrow marked the anniversary of the Battle of the Somme, the Mayor was very proud to have been asked support this event.

2) Battle of the Somme and Re-Dedication of Cenotaph

On a similar theme, the Deputy Mayor confirmed that he would be attending the Battle of the Somme commemoration tomorrow at 10am, in Church Street Gardens and later, at 2.30pm, he would be at the centenary event for the Cenotaph in Oak Hill Park.

3) Other Engagements

Earlier this month the Deputy had been proud to attend an event organised by Lancashire Fire and Rescue Service, which supported The Prince's Trust. The event was to recognise the achievements of the latest cohort of young adults completing The Prince's Trust programme, for those not in education, employment or training.

This Saturday the Deputy Mayor would be attending Rishton Festival in celebration of the Queens Jubilee. The day would begin with a parade through Rishton's terrace streets before arriving at the festival ground at Hyndburn Academy, including stalls and musical and dance acts.

4) Queen's Award for Voluntary Service

On 2nd June 2022, two local winners of the Queen's Award for Voluntary Service had been announced. The two groups had been included in the list of 244 charities, social enterprises and voluntary groups to receive the prestigious award this year, 6 of which had come from Lancashire. This year's Hyndburn winners included:

- Friends of Rhyddings Park, Hyndburn - For playing a key role in reviving the park and transforming its cafe to provide a base for community activities such as gardening, walks, craft, well-being sessions.
- Church & Oswaldtwistle Rotary - For improving life for the whole community through an impressive range of environmental, social and youth projects, which went far beyond simple fundraising.

Each of the groups would receive a certificate signed by HM The Queen and an exclusive commemorative crystal, presented by the Lord-Lieutenant of Lancashire, The Lord Shuttleworth KG KCVO, at an award ceremony which would be held on Monday 11 July at County Hall in Preston. The Council added its congratulations to these two outstanding groups.

5) Queen's Birthday Honours 2022

The Council also placed on record its congratulations to the following individuals who had been named in the Queen's Birthday Honours list on 1 June 2022 and who all had strong links to Hyndburn:

- Miranda Rosemary Barker, Chief Executive Officer, East Lancashire Chamber of Commerce who had been awarded an OBE for services to business and to the community in Lancashire.
- Deborah Patricia Clark, Founder and (former) Chief Executive Officer, Community Solutions North West Limited, who had received the MBE for services to the community in Lancashire.
- Lieutenant Stephen Hutchinson RNR, Chair, Accrington and District Unit, Sea Cadets, who had received the BEM for voluntary service to young people in Lancashire.

6) Support for Batten Disease

Finally, the Deputy Mayor announced that he was wearing a tangerine coloured tie this evening to raise awareness of Batten disease and to show support for the charities that worked with people with this inherited condition and their families.

The Leader of the Council, Councillor Miles Parkinson OBE, made the following announcements:

7) Update on Future Developments

Summer was fast approaching and the next meeting of Council would not be until September 2022. There would be only one further meeting of the Cabinet in July 2022. Accordingly, it would be useful to provide an update on future developments in Hyndburn.

The Town Centre Partnership Board and Stakeholder Group had produced a foreword to the funding bid which explained their ambition for Accrington to be a vibrant, bustling market town, underpinned by its existing strengths, new investment and the town's architectural heritage. The plans would tap into the visitor economy, which would open up opportunities for local people too. There was a strong architectural base in the town centre encompassing the Town Hall, Market Hall, Burtons Chambers and the Town Square. The plans would also restructure some green spaces to create activities for all the family and to make Accrington a destination again.

The Council had worked with the community to understand the town and had consulted residents and visitors through both meetings and polling. Three projects had been selected for investment which included the Market Hall; Burtons Chambers, proposed as a flexible office space; and Market Chambers, which would include renovations to the shop fronts with a view to future use of the building as an arts and cultural space. The bid would be signed off by David Sanderson MBE DL, Sara Britcliffe MP, the Chief Executive and the Leader of the Council. The MP and Partnership Board had played a crucial role in compiling this bid.

At the same time, the Borough had benefited from the support of Councillor Peter Britcliffe, as Chair of the County Council, and the Lancashire Leader, County Councillor Phillippa Williamson. East Lancashire had been the birth-place of the industrial revolution. The County Council's Levelling Up Fund bid would support the fine townscapes and natural beauty of the area. It was acknowledged that the economic base of the area had declined and fallen behind other regions over the years. Some aspects of economic growth had been very slow and there were associated health issues and deprivation. The Council aimed to tackle both economic and social inequalities. The plan would address these issues up to 2050, working with relevant Government departments. There was a collaborative, place-based leadership approach to improvement, which would focus on transportation; regeneration of the town centre and cultural investment. Members were invited to support this approach.

A meeting on Monday had revealed some windfall funding which had demonstrated the benefit of tiers of local government working closely together. A new fund had been created for major infrastructure schemes which would complement the Levelling Up funding. £5M was available across Lancashire for match funding with Levelling Up Fund 2 bids. This would help to accelerate high impact projects. Some criteria had been set and the County Council would match fund up to 50% of each scheme up to a maximum project size of £1M. A bid had been submitted on Monday and the Council had been allocated £1M under this process. This was as much as the Council's total annual capital programme in recent years. The funding would top up the Levelling Up Fund monies to around £23M.

LCC's own Levelling Up Fund bid for East Lancashire was around £50M, which would include monies for:

- Liveable Neighbourhoods;
- Active Travel Project;
- Public Transport - Bus Project; and
- Public Transport – Rail Project.

Levelling up was expected to:

- Boost productivity;
- Increase accessibility to jobs;
- Tackle health inequalities;
- Instil a sense of local pride and community; and
- Empower local leaders.

Hyndburn could potentially expect to receive some £18M-£19M on top of the Levelling Up monies from other sources.

The UK Shared Prosperity Fund would provide some £2.943M and had been allocated to the following schemes:-

- Growth Hub (Boost) - £ 260k;
- Economic Development Function - £150k;
- International Trade Support - £40k;
- Tourism Attractions/Marketing - £20k;
- Business Support for Net Zero and Transition & Decarbonisation - £140K;
- New Low Carbon Technology - £110K;
- Support for the Arndale Masterplan - £150k;
- Support for the Arts, Culture and Heritage package - £1.25M;
- Support for the proposals to 'Green' the town centre and improve the Accrington Pals Memorial Garden - £560k; and
- Offer £75k each to the Market Hall and Burtons Chambers as first-year incentive/promotion packages in advance of the buildings opening - £150k.

The Council had also recently purchased, at auction, land known as Bury Meadows, off Nook Lane, Oswaldtwistle. This land comprised some 87 acres, which would become a country park and could include sculptures. A group based in Stanhill and other local residents were currently engaged with this project and the land would provide an investment for generations to come.

Townships including Oswaldtwistle, Clayton-le-Moors and Church would all see investment over the coming years. It was noted too that Hyndburn Leisure had particularly strong ties with Church.

This update tonight was seen as important, as there was no Council meeting planned during the summer recess.

Councillor McGinley thanked the Leader for this information which heralded a huge investment in the Borough. He asked if all councillors could have a copy of the announcement to enable them to respond to residents' queries. He also asked when information would be circulated about the funding available to enable councillors to apply for monies for their areas. The Leader confirmed that he would provide the relevant information in due course.

There were no announcements from the Chief Executive, Mr David Welsby, on this occasion.

44 Confirmation of Minutes

The Minutes of the Council meetings held on 19th and 21st May 2022 were provided. The following points relate to the Minutes of 19th May 2022 only.

The Leader reported that at Minute 4 - Declaration of Interest and Dispensations, Councillor June Harrison had clarified at the meeting that she had not supported the appointment of Councillor Munsif Dad as the Labour Group Leader, and would wish for this statement to be recorded in the minute.

At Minute 5 - Announcements, Section (c) – Annual Review and Future Plans, the Leader was due to attend the opening ceremony of Clayton Civic Centre to see the investment delivered by the Leisure Trust. The Leisure Transformation Programme was being rolled out across the Borough. It was acknowledged that there were some on-going issues around leisure facilities in Great Harwood. A review of leisure facilities had been commenced in 2019 by the Leisure Trust. The organisation had gone to great lengths to look at what facilities were needed. A series of reports had been provided to the Council and Cabinet since then. The Lead Member during this period, Councillor Munsif Dad BEM JP, had been supportive of the progress being made.

Also recorded under this Minute was information about the membership of the Cabinet, which had led to the situation described previously concerning Councillor Plummer. Newspapers had incorrectly described the administration as a coalition, which was not the case. The arrangements in place within Hyndburn's Cabinet were no different from the cooperation taking place between elected Leaders of various parties across all Lancashire authorities. The Leader expressed gratitude to Councillor Plummer for her work to manage the Council's finances, which built upon the work of her predecessor, former councillor, Gareth Molineux. Good financial management explained why the Council was now able to afford to fund its ambitious plans.

In respect of Minute 8 – Appointment of Committees, etc. at Paragraph 4, Councillor Parkinson responded to Councillor Dad's comment that nominations had been 'imposed by the Leader of the Council'. He refuted the assertion that nominations had been imposed and advised that all appointments had been voted upon by the Council. The proposals had been circulated in sufficient time in advance of the meeting for alternative nominations to be made.

In relation to Minute 7 – Declaration of the Returning Officer, Councillor Noordad Aziz asked whether the Chief Executive had any knowledge of an arrest made by the Police in connection with an electoral matter and what progress had been made. Mr Welsby confirmed that he had no knowledge of any arrest and was unable to provide any further information on this allegation.

A brief exchange of views took place between Councillors Melissa Fisher, Miles Parkinson and Joyce Plummer about the suspension issue raised previously. It was recognised that the situation had caused distress to a number of individuals. The Chief Executive confirmed that the Council had acted in accordance with the written instructions of the Deputy Leader of the Labour Group, the outcome of which had been explained to Councillor Plummer. A number of councillors spoke about the negative impact of personal comments made recently on social media. Councillors Zak Khan and Kate Walsh both called for personal issues not to be played out in the Council Chamber and for Members to focus on the business on the Agenda.

Resolved

- **That, subject to the insertion of the following words at the end of Paragraph 5 at Minute 4 of the minutes of 19th May 2022:**

“Councillor Harrison responded that she had not in fact supported the appointment of Councillor Dad as Leader of the Labour Group.”

the Minutes of the Council meetings held on 19th and 21st May 2022 be approved as correct records.

45 Question Time

Five questions had been submitted under Council Procedure 2.2(vi) as detailed below. The Deputy Mayor read out each question and a response was provided as indicated:

1) Islamophobia

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

“On Thursday 4th July 2019, Hyndburn Borough Council adopted the Definition of Islamophobia agreed by the All-Party Parliamentary Group (APPG) on British Muslims

Does the Council and the Council Leader agree that all incidents of Islamophobia are abhorrent and have no place in Hyndburn?

What steps has the council taken to train staff and councillors on Islamophobia?

What Council policy and procedure documents now includes reference to the Islamophobia definition

What engagement has the Council had with Hyndburn Muslim community to address incidents of Islamophobia related to Council?”

Submitted by Councillor Mohamad Ayub

The Leader responded that the authority had adopted the policy as originally put to the Council.

2) Indices of Multiple Deprivation

To the Leader of the Council (Councillor Miles Parkinson OBE) and Deputy Leader of the Council (Councillor Marlene Haworth)

“The Indices of Multiple Deprivation under the leadership of the current coalition over 23 years has moved the Borough from 54th to 16th most deprived. Do the two leaders accept responsibility for the official figures and what are the leadership going to do to change this?”

Submitted by Councillor Kate Walsh

The Leader indicated that deprivation levels had increased across Lancashire in general during successive Labour and Conservative Governments, including throughout the terms of office of former MPs Greg Pope and Graham Jones. Some Labour councillors had previously held out Burnley as an example of good practice, but that authority was further down the table than Hyndburn. All councillors were invited to come together to work for the

good of the Borough. There was now an opportunity for all to join the decision-making process to make things better for everyone.

3) Debate and Fresh Ideas is a Great Thing for Democracy

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

“Prior to Covid, there was no limit to the number of motions any councillor could submit?”

Motions submitted and passed from this Council have shaped policy and discussion at County Hall and Parliament. You only have to look at the documents that are presented for the case for Skipton to Colne Rail Link. They now begin the journey from Accrington to Yorkshire.

When is the limit going to be removed for the number motions as we are now in a post Covid era?”

Submitted by Councillor Noordad Aziz

The Leader responded that this matter was due to be considered at Agenda Item 6 – Constitution Update. The limit had been 1 motion per Group when this question had been submitted. The proposal above to relax this restriction was supported. He thanked Councillor Aziz for his question.

4) Clayton Triangle

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

“Is Clayton Triangle still progressing?”

Submitted by Mr Tim O’Kane (address supplied)

The Leader indicated that the Council was in receipt of a planning application at the moment, which would need to follow due process.

5) Swimming Facilities in Great Harwood

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

“During the recent local election in Great Harwood, both Labour and Conservative candidates campaigned for swimming facilities to remain in Great Harwood, as did local MP Sara Britcliffe. Will the Conservative Group continue to commit to retaining swimming facilities in Great Harwood?”

Submitted by Councillor Scott Brerton

Councillor Marlene Haworth, Deputy Leader of the Council, responded ‘Yes’ to the question.

Resolved

- That the Council notes the questions received and responses provided in connection with the matters set out above.

46 Constitution Update

Members considered a report of Councillor Joyce Plummer, Portfolio Holder for Resources, proposing a number of further updates to the Council's written constitution.

The Council was required by law to have a written constitution. The Council's written constitution was reviewed regularly and a copy of the constitution was available on the Council's website. A further review of the constitution had recently taken place to:

- ensure the constitution took account of the Council's new political management arrangements; and
- determine whether the current restrictions on motions were still appropriate given the relaxation of Covid restrictions;

and, following consultation with the Leader's Policy Development Board, a number of amendments to the constitution were proposed for approval as follows:

Motions

It was proposed that the current limit on the number of motions (to one per group) was removed, but to facilitate the conclusion of meetings by 10.00pm, it was proposed that:

- Debate was limited to a maximum of 20 minutes per motion; and
- A maximum of 1.5 hours was allowed for motions at each Council meeting (with the suspension of standing orders being required as previously to permit a meeting to go on beyond 10.00pm); and
- Any motions not debated by the end of a Council meeting would require resubmission in order to be included on the agenda at the next Council meeting, rather than being automatically carried over to the next agenda.

Leaders Policy Development Board

Membership of this body currently comprised: Leader of Council, Deputy Leader of Council, 1 Cabinet member, Leader and Deputy of the main opposition group and Leaders of any minority political groups. The current wording could cause an issue if the leader of the largest political group wasn't Leader or Deputy Leader of the Council.

It was therefore proposed to close the potential loophole by revising potential membership to include:

- Leader of Council
- Deputy Leader of Council
- 1 Cabinet member,
- Leader and Deputy of the main opposition group
- Leaders of any other political groups.

Scheme of Delegation

When determining exceptions to our Flying The Flag policy the Chief Executive was currently required to consult with the Mayor and political group leaders, which would exclude the Leader of the Council.

It was proposed to change this to the Mayor, Leader of the Council and group leaders.

Council Procedure Rules

Currently urgent Committee / Sub-Committee decisions could be taken by the Chief Executive following consultation with:

Chair and Vice Chair if they were from different political groups; or

Chair and Vice Chair, plus main opposition group spokesperson for the Committee / Sub-Committee.

This has ensured that the authority's urgency process involved consultation with the political groups. However, this did not take account of Independent Chairs and Vice Chairs, did not allow for the possible formation of new groups and it did not allow for situations where the Council might have, say, a Labour Chair and an Independent Vice Chair, as at least one political group would not be consulted.

It was therefore proposed that the Council Procedure Rules were amended to require consultation as follows:

Chair and Vice Chair, plus the main spokesperson for each other political group represented on the Committee / Sub-Committee.

Resolved

- That Council:

- (1) Agrees to amend the Council Procedure Rules to remove the current limit on motions of one per Group at each Council meeting; and**
- (2) Approves an amendment to the Council Procedure Rules to add the revised restrictions on motions proposed in paragraph 3.2 of the report; and**
- (3) Agrees to amend the composition of the Leaders Policy Development Board as set out in paragraph 3.3 of the report; and**
- (4) Agrees to amend the Scheme of Delegation to Officers as set out in paragraph 3.4 of the report in respect of the Flying The Flag Policy; and**
- (5) Agrees to amend the Council Procedure Rules as set out in paragraph 3.5 of the report in**

respect of those to be consulted when decisions are taken under emergency powers.

47 Minutes of Cabinet

The minutes of the meeting of Cabinet held on 16th March 2022 were submitted.

In respect of Minute 295 – Town Centre Investment Plan and Levelling Up Funding Bid Submission, the Leader reminded members of the three key projects within the submission:

- Redevelopment to an area within the Indoor Market Hall and outdoor pavilions along Peel Street.
- Improvements and redevelopment to the properties of 43-59 Blackburn Road / 2-4 Church Street.
- Improvements and redevelopment to the block 61-69 Blackburn Road, commonly known as Burtons Chambers.

Councillor Peter Britcliffe congratulated the Leader for working cross-party with the local MP to develop the Levelling Up proposals and to support progress. This illustrated the benefits of like-minded people working together.

In connection with Minute 296 – Hyndburn Local Plan, the Leader reported that the plan had now been approved for consultation, which would commence in late summer or early September. The Local Plan would identify employment and housing land up to 2037. The document was ambitious and provided a step change, which would support strong financial growth within the Borough. Councillor Britcliffe reiterated his concern about Blackburn with Darwen's Local Plan and the impact on Green Belt land on the outskirts of Belthorn. He asked that any response from the authority be made in the strongest possible terms to prevent further loss of Green Belt land.

Regarding Minute 298 – Capital Report – Outturn 2020/21, the Leader reminded Members that Councillor Plummer's report had highlighted that this was the fifteenth year that all capital projects had been funded from internal reserves or external grant, rather than from borrowing. He outlined a number of the capital schemes supported within the programme. The report had demonstrated strong financial management. This was a good example of the political parties working collaboratively.

Minute 299 – Museum Accreditation, had demonstrated on-going support for the Haworth Art Gallery.

In respect of Minute 300 – Financial Position Report January 2022, the Leader noted Councillor Plummer's forecast of a positive variance for the year ending 2022. Since that report, the variance was anticipated to improve further to give a final underspends figure of around £600k. This would put the authority in a very strong position and would give the current administration some additional resources from which to consider other programmes. The Leader hoped to be able to say more about this at the September Council meeting. Councillor Paul Cox requested that some money be allocated to improving the grass cutting provision, as complaints had been received recently from residents in Milnshaw that the grass was too tall. The Leader acknowledged that grass cutting was important and agreed to raise this matter with the contractor. Part of the UK Shared Prosperity Fund allocation was to 'green up' the town. Councillor Parkinson referred to his predecessor who had launched the floral market town initiative, which was well liked, but had been scaled back due to

financial constraints. Individual councillors often still supported green initiatives within their own wards. However, the Council wanted to see more colour brought back and had ambitious plans over the next 15 years. Councillor Britcliffe thanked Councillor Plummer for her strong financial control and indicated that the position might lead to a zero percentage increase in Council Tax for next year.

In connection with Minute 301 – Former Lyndon Playing Fields Land Transfer, the Leader highlighted the money due from Keepmoat Homes. Councillor Aziz commented that additional resources had been promised previously for Great Harwood as part of this development, but as yet no additional play areas had been provided. He asked when these would be available, as this should be a priority matter. The Leader confirmed that there would be additional funding available for Great Harwood and that a new playground would be developed when the Keepmoat site had been completed. Other investment, such as proposals in relation to Bank Mill House, would flow from the anticipated Leisure Transformation recommendations. The Chair of the Leisure Trust was a local former Labour councillor and county councillor. The Trust’s recommendations were awaited and would be considered carefully, as well as other options which had been put forward for consideration.

Regarding Minute 305 – Arthur Wilson Centre, Councillor Melissa Fisher noted that the reports had been taken in the private part of the Cabinet meeting, but asked why Clayton-le-Moors ward Members had not been kept informed of the developments. She requested that she and Councillor Edwards be kept informed as to any progress. The Leader responded that from time to time confidential reports were presented to the Cabinet as appropriate, but that relevant ward Members were entitled to view the reports and recommendations.

The Leader thanked Councillor Britcliffe for his comments and for his hard work as Cabinet member and county councillor. Local politicians had worked well together during COVID, although some people had been critical of cross-party cooperation. The Leader thanked the MP for her on-going support for the Council’s funding bids to Government.

Resolved - That the Minutes be received and noted.

48 Minutes of Committees

The Minutes of the following meetings were submitted:

Meeting (Municipal Year 2021/22)	Date
Audit Committee	7 th March 2022
Resources Overview and Scrutiny Committee	17 th March 2022
Licensing Sub-Committee	22 nd March 2022
Planning Committee	23 rd March 2022

Resolved - That the Minutes be received and noted.

49 Motion(s) submitted on Notice

1) Live Streaming Council Meetings

The following **motion** was proposed by Councillor Josh Allen and seconded by Councillor Dominik Allen under Council Procedure Rule A9:-

“That this Council requests the Cabinet to investigate the feasibility of Live Streaming Council Meetings.

As we're all aware, during COVID the Council moved its meetings online via Teams. Although this was a necessity at the time, the return to in person meetings now means residents don't have the ability to view Council meetings from their own homes.

As we move forward in an age of connectivity and instant access, I think it right that the Council now begin to move into the 21st century and follow what many other councils are already doing, by implementing live streamed meetings.

Not only will this mean residents get to view what goes on during these meetings, something which many did tune in for during COVID, but most importantly, it will bring transparency and help to build trust in what "goes on behind closed doors" at the Council.

We as a Council need to be more accessible and be seen to be working for the residents of this Borough.”

Councillor Josh Allen provided a brief introduction to the motion. As an aside, he mentioned the threat to personal freedom posed by the recent US Supreme Court decision, which had removed the constitutional right for women to seek an abortion in the US.

In Hyndburn, livestreaming of Council meetings using MS Teams had been introduced temporarily during the pandemic, although this had proved a little difficult at first. Live streaming was becoming more of a necessity now, as people wanted to see how the Council operated. Other local public bodies such as Burnley Borough Council and Lancashire County Council, as well as Members of Parliament, already participated in live streaming of meetings. Access via the internet was crucial for some individuals who were without transport, or who had other mobility issues. Live streaming would ensure greater transparency and improve public confidence around decision-making.

Councillor Dominik Allen reiterated the need for live streaming, which presented a great opportunity for the Council. Space in the public gallery was limited and the risks posed by COVID had not disappeared. Hyndburn was a forward thinking authority and should embrace this opportunity.

Councillors Noordad Aziz, Bernard Dawson, Kate Walsh, Melissa Fisher and Paul Cox all spoke in favour of the motion and raised various issues, including the following:

- The improvements sought would better reflect the digital age;
- The recording of live streamed meetings could also be useful;
- Consideration would need to be given to what content should be included;
- Live streaming meetings could help to reduce journeys and traffic;
- Improved access could support those with learning difficulties or disabilities;
- Live streaming could help to showcase the Council's planned investment programmes; and
- Live streaming should be one of the Council's priorities.

The Leader summarised by stating that the Cabinet would be happy to accept the proposal and to look into the issues. Given that the technology would have moved on considerably, since this was last looked at, now would be an appropriate time to reconsider live streaming.

Resolved

- **That this Council requests the Cabinet to investigate the feasibility of live streaming Council meetings.**

Signed:.....

Date:

Chair of the meeting
at which the minutes were confirmed

Agenda Item 8.

REPORT TO:	Council		
DATE:	22 September 2022		
PORTFOLIO:	Cllr Joyce Plummer - Resources		
REPORT AUTHOR:	Wendy Redfern – Licensing Manager		
TITLE OF REPORT:	Revised Licensing Act 2003 Policy - 2022 - 2027		
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 to approve the Council's revised Licensing Act 2003 Policy 2022 - 2027

2. **Recommendations**

- 2.1 Consider and agree the final draft of the revised Licensing Act 2003 policy 2022 – 2027 attached at appendix 1.

3. **Reasons for Recommendations and Background**

- 3.1 Under section five of the Licensing Act 2003 we are required as the Licensing Authority to produce a Statement of Licensing Policy every five years. The Policy sets out how we have interpreted the Act and the basis which decisions are to be made.
- 3.2 The existing Policy came into force in July 2017 and it is now required to be updated.

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

- 4.1 The Licensing Act 2003 requires that the Licensing Authority must review and publish its policy every five years, consequently any decision not to review or publish the policy would be contrary to the Act.

5. Consultations

- 5.1 A consultation on the proposed revisions has taken place between April and June of this year. The Draft Policy was published on the Council's website and copies were placed at public libraries and at The Town Hall in Accrington and at Scaitcliffe House. Letters were sent to all stakeholders; all responsible authorities and to all senior Council Management, as well as voluntary organisations and groups. There were no responses received.
- 5.2 Officers now recommend that the attached draft Licensing Act 2003 Policy 2022-2025 be approved for publication.

6. Implications

Financial implications (including any future financial commitments for the Council)	None
Legal and human rights implications	<p>The proposals are within the Council's licensing powers under the Licensing Act 2003</p> <p>A statement of principles must be reasonable and proportionate. However, the proposed statement of principles cannot fetter the Council's discretion and each matter will be judged on its own merits, but having regard to the statement of principles. Any statement of principles introduced will, therefore, guide the Council, but cannot bind it in every case.</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.</p> <p>To assist the Members in this regard a Customer First Analysis has been prepared in respect of the proposed new policy and is attached as Appendix 2 to this report. The members are 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> <p>The final decision as to the adoption of the proposed statement of principles is to be determined by the Council.</p>
Assessment of risk	Adoption of the draft statement of principles outlined in this report should not result in any adverse implications or risk for the Council
<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>	Customer First Analysis attached.

7. **Local Government (Access to Information) Act 1985:**

List of Background Papers

Appendix 1 Licensing Act 2003 Policy 2022- 2027

Appendix 2 Customer first analysis.

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HYNDBURN

**The place to be
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LICENSING ACT 2003

LICENSING POLICY

2022 - 2027

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HYNDBURN BOROUGH COUNCIL
STATEMENT OF LICENSING POLICY
LICENSING ACT 2003

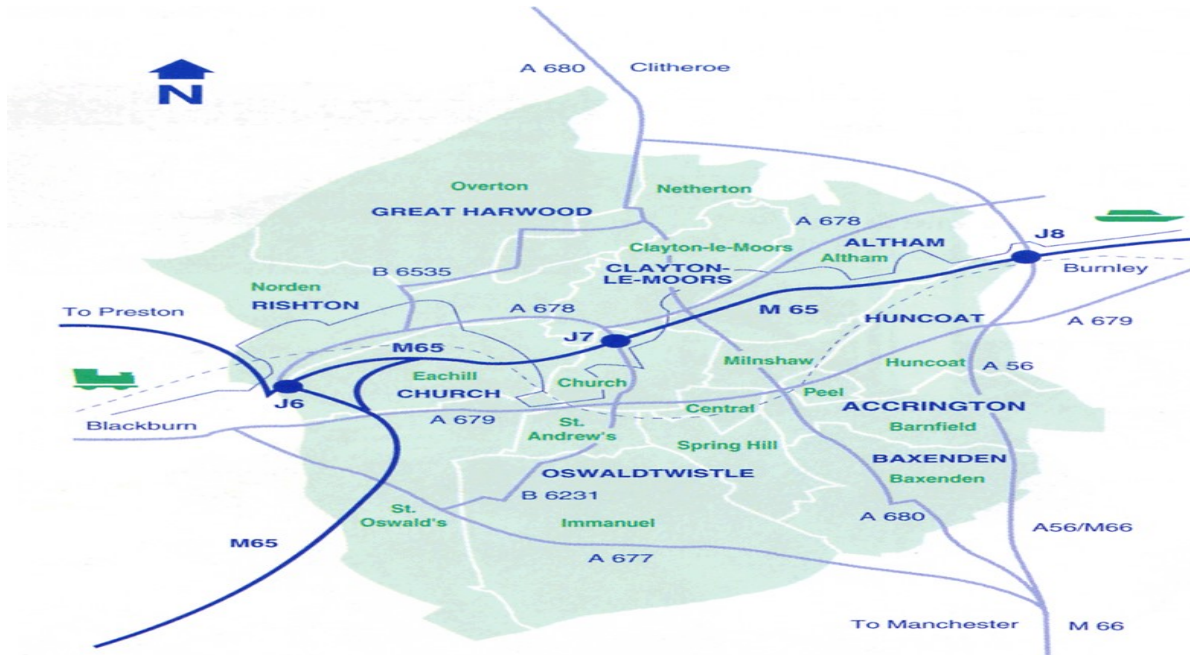
1 Introduction

- 1.1 This document sets out the revised Licensing Policy of Hyndburn Borough Council, which is the Licensing Authority, under the Licensing Act 2003 (“the Act”).
- 1.2 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs, and at temporary events within the terms of the Act. Conditions attached to various authorisations will focus on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. Regulation is also about the suspension and discontinuation of licensable activities in certain circumstances.
- 1.3 This statement of licensing policy is a requirement of Section 5 of the Act and has been prepared in accordance with the provisions of the Act and the Guidance issued by the Home Office under Section 182 of the Act (currently dated April 2017). The Licensing Authority is, therefore, bound by the Act, any regulations made under it and the Section 182 guidance.
- 1.4 The Licensing Authority is committed to carrying out its statutory duties under the Act with a view to promoting the four licensing objectives:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 1.5 The Licensing Authority will consider all applications under the Act in accordance with the Act, Government Guidance, and this policy. It will expect applicants to comply with the procedural requirements of the Act and Regulations thereunder, and would encourage applicants to make themselves aware of the contents of this Policy, and to discuss their applications in advance with the Licensing Authority’s administrative staff, and with relevant responsible authorities (see below) and interested parties.

- 1.6 The policy covers new applications, transfers, variations of licences and certificates and provisional statements. It also includes the review of licences and certificates.

2.0 The Borough of Hyndburn

- 2.1 The Borough of Hyndburn is situated within Lancashire, a county made up of twelve district councils and two Unitary Council's located within the North West region of England.
- 2.2 Along with the neighbouring boroughs of Blackburn-with Darwen, Burnley, Pendle, Ribble Valley and Rossendale it forms part of the Pennine Lancashire sub-region.
- 2.3 Hyndburn Borough Council was formed in 1974 and the Borough now covers an area of seventy three square kilometres, is made up of sixteen wards and is home to a population of 81,043 (*ONS 2019 mid-year estimate*) and is the second highest densely populated area at 1,110 per sq.km across Lancashire.
- 2.4 The Borough is well connected to other Lancashire towns and service centres via the M65 motorway running east to west across the County, and the A56/M66 provides access to Greater Manchester which lies 20 miles south of the Borough. The Northern Rail network running through the Borough creates direct rail links westwards to Preston and Blackpool, eastwards into Yorkshire and southwards into Manchester.
- 2.5 Settlements in the Borough range from a single home, often a farm in the rural area, to the large urban concentrations of housing and other land uses. The main urban areas in Hyndburn includes Accrington, Huncoat, Oswaldtwistle, Church, Clayton le Moors, Rishton and Great Harwood and rural settlements such as Belthorn and Altham.
- 2.6 Accrington forms the heart of the Borough, with Oswaldtwistle, Clayton Le Moors, Rishton, Great Harwood, Church, Baxenden, Altham and Huncoat being areas of residential and commercial importance, supporting the main town.
- 2.7 The Council is working hard with its partners and the community in order to regenerate Hyndburn's social, economic and physical infrastructure



- 2.8 The Licensing Authority recognises that the entertainment, hospitality and leisure industry within its area is a major contributor to the economy of the area.
- 2.9 The area has a substantial residential population, whose amenity the Licensing Authority has a duty to protect. In particular, there are many residential properties within the town centres and also in the rural areas. Occupiers of commercial premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses.
- 2.10 It is appropriate to balance all these competing interests, especially at night time.
- 2.11 The Authority wishes to encourage licensees to provide a wide range of entertainment activities within Hyndburn throughout their opening hours and to promote live music, dance, theatre etc. for the wider cultural benefit of the community.
- 2.12 This policy sets out the general approach that the Licensing Authority will take in considering licence applications, both for new licences and for variations of existing licences. However, it is important to recognise that all applications will be considered on their individual merits. It is also important to recognise that if no relevant representations are received from responsible authorities or other persons, the application must and will be granted a licence in the terms sought with no additional conditions imposed over and above the required mandatory conditions as set out at paragraph 10 of this policy.
- 2.13 The purpose of the policy is to assist officers and members in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition, the policy seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the area with some measure of certainty.

3.0 Consultation

3.1 Section 5 of the Licensing Act 2003 requires each licensing authority to prepare and publish a statement of its licensing policy every five years. This document provides a revision of the statement of policy and will be developed to represent the Authority's policy for the period 2022 - 2027.

3.2 It has been prepared in accordance with the Act's provisions concerning statutory consultation. Accordingly the following authorities and persons have been consulted:

- Lancashire Constabulary
- the Fire Authority
- representatives of existing holders of premises and personal licences
- representatives of existing holders of club premises certificates
- local businesses and their representatives
- local residents and their representatives
- Lancashire County Council Director of Public Health and Wellbeing

3.3 The views of the various consultees have been given 'proper weighting'.

3.4 Consultation has taken place between 27th April 2022 and 22nd June 2022 and has followed the Cabinet Office consultation principles guidance document published in January 2016, which is available at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>

4.0 Scope of the Licensing Act 2003

4.1 Subject to exemptions set out in the Act, the Act and this Policy apply to applications for:

- Retail sale of alcohol
- Supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- Provision of 'regulated entertainment' – to the public, to club members or with a view to profit; and
- The provision of late night refreshment

4.2 Subject to the conditions, definitions and the exemptions referred to in Schedule 1 of the Act, the types of entertainment regulated by the Act (as amended by the Live Music Act 2012 ("the 2012 Act") and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) ("the 2013 Order") are:

- a performance of a play;
- an exhibition of a film;

- an indoor sporting event;
- a boxing or wrestling entertainment;
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”);
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.
- The supply of hot food and/or drink from any premises between 11.00 p.m. and 5.00 am

4.3 To be licensable, one or more of these activities needs to be provided (at least partly) to entertain an audience; has to be held on premises made available (again, at least in part) for the purpose of enabling that activity; and must also take place either:

- in the presence of a public audience, or
- in private, where a charge is made with a view to profit.

4.4 The amendments made to the Act by the 2012 Act and the 2013 Order do not prevent more than one activity (or for a single activity, more than one performance or event) being held concurrently, provided that the audience for each such performance or event does not exceed the threshold at which such a performance or event becomes licensable. In some circumstances, there will be a clear distinction between performances or events; for example, in separate rooms or on separate floors. However, any person involved in organising or holding these activities must ensure that audiences do not grow or migrate so that the audience exceeds the relevant limit for any one performance or event at any time. If uncertain, it might be easier and more flexible to secure an appropriate authorisation.

4.5 **Circumstances under which activities will not be licensable.**

This Policy cannot give examples of every eventuality or possible entertainment activity. However, the following activities are examples of entertainment which are not licensable:

- education – teaching students to perform music or to dance;
- activities which involve participation as acts of worship in a religious context;
- activities that take place in places of public religious worship;
- the demonstration of a product – for example, a guitar – in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit (including raising money for charity);
- games played in pubs, youth clubs etc. (e.g. pool, darts, table tennis and billiards);
- stand-up comedy;
- the provision of entertainment facilities (such as dance floors, which were previously licensable under the Act before its amendment by the 2012 Act).

4.6 As a result of amendments to the Act by the 2012 Act and the 2013 Order, no licence is required for the following activities to the extent that they take place between 08:00-23:00 on any day:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people;
- most performances of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises:
 - a performance of unamplified live music;
 - a performance of live amplified music in a workplace with an audience of no more than 200 people; or
 - a performance of live music on licensed premises which takes place in the presence of an audience of no more than 500 people, provided that a number of important conditions are satisfied. (Paragraph 16)

So, for example, an indoor sporting event that takes place between 07:00 and 23:30 on a particular day is licensable in respect of activities taking place between 07:00-08:00 and 23:00-23:30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500.

5.0 Responsible Authorities and Other Persons

5.1 The Act defines “responsible authorities”, for the purposes of the Act.

5.2 For the purposes of the area of the Hyndburn Borough Council, these are:

Police – The Licensing Officer, Lancashire Constabulary, East Division Licensing, Clitheroe Police Station, Clitheroe, Lancashire, BB7 2EU

Fire Authority – Lancashire Fire and Rescue Services, E71 Blackburn Fire Station, Fire Safety Department, Byrom Street, Blackburn, BB2 2EU

Health and Safety at Work – Environmental Health Services, Hyndburn Borough Council, Willows Lane, Accrington, Lancashire, BB5 0RT

Noise Pollution –Environmental Services, Hyndburn Borough Council, Scaitcliffe House, Ormerod Street, Accrington, Lancashire, BB5 0PF

Planning – Planning and Transportation Department, Hyndburn Borough Council, Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF

Protection of Children from Harm – Safeguarding of Children Board, Mr Paul Jenkins, Lancashire County Council, Room B52, PO Box 61, County Hall, Preston, PR1 8RJ

Trading Standards – Lancashire County Council, Licensing Act 2003, 58-60 Guild Hall Street, Preston, PR1 3NU

Licensing Authority – Licensing Department, Hyndburn Borough Council, Scaitcliffe House, Ormerod Street, Accrington, BB5 0PF

Public Health – Lancashire County Council, Level 1, CCP Building, County Hall, Preston, Lancashire, PR1 8XB

Waterways Application – Environment Agency (Waterways applications), Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith

- 5.3 Other persons has now replaced the concept of interested parties and this means that the vicinity test has now been removed. Effectively anyone can now make a representation relating to an application for a premise licence as long as the representation is concerned with one of the four licensing objectives.
- 5.4 S33 of the Policing and Crime Act 2009 amended the definition of an interested party (now other persons) to include a member of the relevant Licensing Authority. As such, a Councillor of Hyndburn Borough Council may now make representations as an 'other person' This means that they could call for a review of a premise licence or continue to act in a representative capacity on behalf of ward residents for any new applications, or applications to vary.

6.0 Applications for Premises Licences and Club Premise Certificates.

- 6.1 The Licensing Authority requires that all applications for the grant, variation or transfer of any licence, permit or certificate detailed in the Act are made in accordance with the statutory requirements and any guidance issued from time to time by the Council. In particular, all such applications must be accompanied by the appropriate fee, where applicable, for them to be deemed to be properly made. Where such applications are statutorily required to be advertised, or notified to other specified persons, applicants are advised to confirm that such advertising or notification has been properly made. Applicants should be aware that failure to make an application in accordance with the statutory requirements will result in the application being returned and that the period for determination will not commence until a valid application has been submitted. Applications will not, however, be returned because of small administrative errors which can be easily corrected
- 6.2 Applicants must ensure that their application accurately reflects the intended operation of the premises. The application must be accompanied by a plan of the premises which shows the information required by the Act (Premises Licences and Club Premises Certificate) Regulations 2005. This includes marking the areas of the premises which are proposed to be used for each licensable activity. It is important to note that, although consumption of alcohol is not itself a licensable activity, if the plan does not show outside areas (e.g. beer gardens or similar) then any premises licence which authorises the sale of alcohol 'for consumption ON the premises' only, as opposed to 'on and off the premises' would not authorise the use of such areas. In other words, the plan

which is submitted as part of the application defines the 'premises' for the purpose of the licence.

6.3 As indicated above, the Act requires licence applicants to publicise their applications. This is to enable other persons and responsible authorities to make a representation if they wish. The Licensing Authority now has a statutory duty to advertise all applications on its website, however it is the Licensing Authority's opinion that statutory publicity may not always bring applications to the attention of all parties. Therefore, in addition to putting applications on our web site, we will notify all members of the Council on a weekly basis of applications for premises licences, club premises certificates and variations received.

6.4 The Licensing Authority will offer guidance as appropriate to applicants on the completion of necessary documentation. It will issue and make readily available guidance notes on the procedures it requires for making applications for licences and will from time to time review such guidance.

6.5 Individuals applying for a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. From 6th April 2017 the licensing authority must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual who does not have the right to work in the UK will be rejected. This applies to applications which include the sale of alcohol and the provision of late night refreshment, but does not include applications which apply to regulated entertainment only. For example, a person applying for a licence for a music venue who does not intend to sell alcohol or provide late night refreshment is not prohibited from applying for a licence on grounds of immigration status. However they will commit an offence if they work illegally.

6.6 Where an applicant's permission to work in the UK is time-limited the licensing authority will issue a licence for an indefinite period, but the licence will become invalid when the immigration permission expires.

7.0 **Applications made by the Local Authority**

7.1 When of the Council seeks a premises licence from itself in its capacity as the Licensing Authority, the Licensing officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly. Those making representations who are aggrieved by a positive decision in favour of an application by the Licensing Authority will generally be entitled to appeal to the magistrates' court and will thereby receive an independent review of any decision made.

8.0 **Variations**

8.1 Where a premises licence holder wishes to make changes to their licence or to their premises, the Act allows, in most cases, for an application to vary the licence to be made rather than requiring an application for a new premises

licence. The Licensing Authority considers that, in general, any changes to the licence which may impact on one or more of the licensing objectives requires an application under section 34 of the Act.

8.2 The Act does, however, allow for a simplified procedure for varying a licence where the changes do not have a detrimental effect on the licensing objectives. These are:

- Changes to the name or address of anyone mentioned on the licence
- Variations to specify a new individual as the designated premises supervisor
- To disapply the mandatory condition requiring the sale of alcohol to be carried out under the authority of a personal licence holder and the need to have a designated premises supervisor in community premises.
- Minor variations which do not impact on the licensing objectives

8.3 Minor variations can include the following:

- Minor changes to the structure or layout of a premises
- Small adjustments to the licensing hours
- The removal of out of date irrelevant or unenforceable conditions
- Adding certain licensable activities including live music

8.4 Changes to the structure of the premises will not fall within the definition of a minor variation if they have an adverse impact on the licensing objectives. For example, if it

- Increases the capacity for drinking on the premises;
- Affects access between the public part of the premises and the rest of the premises or the street or public way e.g. it blocks emergency exits or routes to emergency exits;
- Impedes the effective operation of a noise reduction measure such as an acoustic lobby

8.5 The following alterations to licensing hours are excluded from the minor variation procedures:

- Extending licensing hours for the sale of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- increasing the amount of time on any day during which alcohol may be sold or supplied for consumption off or on the premises.

8.6 Application to alter the times of other licensable activities under the minor variation procedure will be considered on a case by case basis but the following will be some of the matters considered:

- The nature of the licensable activity;
- The extent of the additional hours sought and whether it will involve later opening or opening between 23.00 and 07.00;
- Proximity of the premises to residential areas;
- Any licence conditions in already place to mitigate the impact of the activity and any additional conditions volunteered by the applicant;

- An arrangement for dispersal, i.e. when people leave the premises is there potential for noise and disturbance near the venue? Is the only means of dispersal a single route through residential areas?
 - Whether the proposed extension applies only at weekends;
 - Whether there will be any new admittances during the extended period;
 - The track record of the premises;
 - Whether the premises is already open during the extended period for other licensable activities;
 - Proximity and density of public houses, nightclubs, etc. if customers from these premises are likely to be attracted to the proposed licensable activities in large numbers. For example, people visiting a takeaway after leaving a public house
- 8.7 Applicants for minor variations may volunteer conditions to remove the risk of an adverse impact on the licensing objectives either as a result of their own risk assessments or after informal discussions with the responsible authorities. The Licensing Authority cannot, however, impose their own conditions during a minor variation procedure.
- 8.8 Where the Licensing Authority believes that a proposed minor variation will have an adverse effect on the licensing objectives the application will be refused. Any refusal of a minor variation application does not prevent an application for a full variation under section 34 of the Act being made.
- 9.0 Adult Entertainment**
- 9.1 Following the introduction of the Police and Crime Act 2009, schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 has been amended to incorporate Sexual Entertainment Venues and this Council has adopted the legislation
- 9.2 Premises offering lap dancing or any live performance or display of nudity on more than 11 occasions within a 12 month period, in addition to any relevant entertainment, will be required to obtain a Sex Establishment Licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (if adopted) from the Authority authorising such activity. Applications for such premises will be considered on their individual merits.
- 9.3 It is the view of the Licensing Authority that children should not be exposed to entertainments of a sexual nature or to strong language at a too early an age. Conditions may be imposed, if representations are received, aimed at preventing such exposure either intentionally or accidentally. In some premises entertainment of an adult nature may be occasional or restricted to certain times of the day. In these cases, any restrictive conditions to protect children will apply only at these times. When submitting an application, if no reference is made to the provision of adult entertainment or services within an operating schedule at "Box N", then the Authority will interpret this to mean that such entertainment will not be provided and a condition to this effect will be applied to the licence.

10.0 The Operating Schedule and Conditions

- 10.1 Part of the application form requires that an 'operating schedule' is submitted for all applications and variation applications. The operating schedule which must be submitted in a prescribed form, should be completed for all relevant applications. Where the application is for a variation to an existing licence, the operating schedule should detail any additional steps required in relation to that variation. It should outline how the premises will be operated, and the arrangements for promoting the four licensing objectives
- 10.2 The operating schedule must include all information necessary to enable the responsible authorities or other persons to assess whether the steps outlined for the promotion of the licensing objectives are satisfactory. This will generally mean that applicants will need to complete their own detailed risk assessments on their businesses. Where the operating schedule does not provide enough details, there is an increased likelihood that representations will be made. Where these representations are relevant to the promotion of the licensing objectives, a hearing will follow, unless all parties agree that this is unnecessary.
- 10.3 The Department for Culture Media and Sport (DCMS) have produced a pool of model conditions that may be applied. Where any control measure is not relevant in respect of particular premises or activities, the Licensing Authority will not expect that measure to be mentioned in the operating schedule. Some measures will clearly not be relevant in every case, and are not to be treated as absolute requirements and will not be used by the Licensing Authority to create standard conditions. Indeed, it is possible that, in respect of some premises no measures will be needed to promote one or more of the licensing objectives, for example, because they are adequately dealt with by other existing legislation.
- 10.4 The Licensing Authority acknowledges that where the responsible authorities and other persons do not raise any representations about an application, it is the duty of the Licensing Authority to grant the application subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Act.
- 10.5 Applicants should have regard to this licensing policy when preparing their operating schedules so that they are aware of the expectations of the Licensing Authority and of the other responsible authorities. Specific requirements to be met are detailed in this policy document. Other specific requirements are detailed in relevant legislation and in guidance documents.
- 10.6 In order to minimise problems and the necessity for hearings, applicants should consult with responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.
- 10.7 In the context of the above, the Licensing Authority will, as far as it is possible to do so, avoid imposing disproportionate and over-burdensome conditions on premises unless it is considered appropriate to do so. Conditions will be tailored to the individual style and characteristics of the premises and events concerned.

The Licensing Authority does not propose to implement standard conditions of licence as a matter of course, but may draw upon the pool of model conditions issued by the DCMS, a copy of which will be available to applicants from the Licensing Office. The Licensing Authority is aware that the Lancashire Constabulary have produced an additional pool of licence conditions which they may request the Licensing Authority to use in appropriate circumstances. These are available from the Lancashire Constabulary. However, the Licensing Authority emphasises that it will only attach conditions as appropriate in the circumstances of each individual case and to achieve the licensing objectives. References to the DCMS and Lancashire Constabulary pools of conditions are only included in this policy for the information and assistance of applicants, and the inclusion of a condition in either “pool” does not imply that the Licensing Authority will necessarily consider it appropriate to impose. Applicants are advised to approach the Lancashire Constabulary and other Responsible Authorities to discuss their application and operating schedule before submitting it to the Licensing Department.

- 10.8 Applicants may include any of the conditions from the “pools” in their operating schedules.
- 10.9 Conditions not listed in either “pool” may be specifically tailored by the Council and attached to licences as appropriate.
- 10.10 The model conditions cover, among other things, issues surrounding:
- crime and disorder
 - public safety
 - cinemas and fire safety
 - public nuisance
 - protection of children from harm.
- 10.11 Where no representations have been made, the power to impose conditions exists only when the Act makes them compulsory or when they reflect the operating schedule proposed by the applicant. The Licensing Authority acknowledges that it may not itself impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied of the appropriateness to impose conditions due to the representations made. It may then only impose such conditions as are appropriate to promote the licensing objectives arising out of its consideration of the representations
- 10.12 There are a number of mandatory conditions that are attached to licences. For a full list of all the mandatory conditions refer to Appendix E.

11.0 Licensing Objectives

- 11.1 Section 4 of the Act sets out the licensing objectives, which the Licensing Authority is under a duty to promote when carrying out its functions under the Act. The objectives are as follows:

- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm
- 11.2 These four objectives are the only matters that may be taken into account in considering an application, and any licence conditions attached following the consideration of relevant representations must be appropriate to achieve these four objectives
- 11.3 The Licensing Authority considers that each of the licensing objectives is of equal importance for the purposes of this policy.
- 11.4 The Licensing Authority is of the view that the objective of the licensing process is to allow for the provision of alcohol, regulated entertainment and late night refreshment in a way which prevents crime and disorder, public nuisance and harm to children, ensures public safety and is not a detriment to the amenity of residents or businesses. This policy statement is therefore designed to deal with matters within the control of the licence holder and will focus on the impact of activities taking place on those living, working or otherwise engaged in the vicinity. Whilst the Licensing Authority appreciates that the licence holder cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises as they enter and leave.
- 11.5 The Licensing Authority recognises that it is ultimately for the Designated Premises Supervisor to decide how best to manage the premises. However, the Authority expects that the DPS or another personal licence holder should normally be on the premises when alcohol is supplied.(except where in a case of a community premises the mandatory licence condition in S19 of the Act has been disapplied) If they are absent from the premises, they will still be ultimately responsible for the actions of those they authorise to permit sales of alcohol. It is considered good practice that any such authorisations should be in writing. Where any person who does not hold a personal licence is authorised to sell alcohol, the DPS is encouraged to provide, or ensure that, the authorised person has received some training on the requirements of the Licensing Act, and any conditions attached to the licence for the premises concerned. It is recommended that a record of such training be maintained.
- 11.6 The Licensing Authority recognises that Licensing functions are only one means of securing the delivery of the objectives. Delivery must therefore involve partnership working with local authorities, the Police, local businesses and local people working together towards the common promotion of the four objectives.
- 11.7 In particular, the Licensing Authority believes that this partnership working must involve the entertainment, hospitality and leisure industries. Co-operation and partnership are the best means of promoting the licensing objectives.

11.8 Each application will be considered on its individual merits. This policy does not seek to introduce 'zones' within the area where specific activities are concentrated.

12.0. Opening Hours

12.1 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance due to large concentrations of people leaving the premises at the same time.

12.2 This policy will not be used to fix those hours during which alcohol can be sold. In general, and subject to consideration by the Licensing Authority of any relevant representations, any licensed premises will be permitted to sell alcohol during the hours that they have applied for, provided that this is consistent with the licensing objectives.

12.3 However as stated above, there may be premises that are known to experience disorder and disturbance. Subject to representations from a responsible authority or other persons a limitation on licensing hours for those premises may be appropriate.

12.4 The Licensing Authority recognises that longer licensing hours can contribute to easing disorder and other problems that often occur at late night food premises, taxi ranks, private hire offices and other transport sources.

12.5 However, a limitation on licensing hours may be imposed in relation to individual premises if representations are received from a responsible authority or other persons and the premises are identified as a focus for disorder and disturbance.

12.6 As stated, the Licensing Authority will deal with applications on their individual merits. However as far as premises in residential areas are concerned, where relevant representations are received, stricter controls may be imposed in respect of opening hours to ensure that disturbance to local residents is minimised.

13.0 Protection of Children

13.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-aways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered appropriate to do so in order to protect them from physical, moral or psychological harm. Equally, no premises will be obliged to allow access by children.

13.2 The Licensing Authority is greatly concerned about the impact of children consuming alcohol both in terms of the consequent risks that can result to themselves and the nuisance and anti-social behaviour in the local community which often results

- 13.3 The Licensing Authority expects all applicants and licence holders to consider the potential harms to children which may arise from their licensable activities and put in place, and keep under review, appropriate safe guards to prevent such harms. Applicants and licence holders should be aware that the Licensing Authorities' Committee will impose conditions or revoke licences where they consider this is appropriate in order to protect children from harm.
- 13.4 If relevant representations are received in relation to limiting access to children, the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises:-
- where entertainment of an adult or sexual nature is provided
 - where there is a strong element of gambling taking place (but not, for example, the simple presence of a small number of cash prize gaming machines)
 - with a known association with drug taking or dealing
 - where there have been convictions of current members of staff for serving alcohol to those under 18
 - with a reputation for under age drinking
- 13.5 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself.
- 13.6 The options available for limiting access by children would include:-
- a limit on the hours when children may be present
 - a limitation or exclusion when certain activities are taking place
 - the requirement to be accompanied by an adult
 - access may be limited to parts of the premises but not the whole
 - an age limitation (for under 18s)
- 13.7 The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.
- 13.8 Under the Act, certain "responsible authorities" must be notified of and are entitled to make representations about applications for premises licences or club premises certificates or major variations of such licences or certificates, or to ask the licensing authority to review a licence or certificate. Applicants for premises licences and club premises certificates are required to send details of their applications to these bodies. In connection with the protection of children the Licensing Authority considers the local Area Child Protection Committee to be the responsible body to which applications should be copied.
- 13.9 Where a large number of children are likely to be present on any licensed premises, for example a children's show or disco, the applicant may wish to

consider including in the operating schedule arrangements for the presence of an appropriate number of adult staff to ensure public safety and the protection of the children from harm. The applicant should also consider whether employees working at the premises for such events and having unsupervised contact with children should have an enhanced Disclosure and Barring Service check.

13.10 Children may also be present at an event as entertainers, and where they are not accompanied by a parent or guardian, the applicant may wish to consider nominating an adult responsible for such child performers at such performances. The applicant should also consider whether a nominated adult should have had an enhanced DBS check.

13.11 Applicants may wish to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself. The Act provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.

13.12 The following matters will also be considered in relation to the protection of children from harm:

- Whether access of children to any gaming machines is restricted
- Where appropriate, the procedures for ensuring that any customer coming onto the premises is over the age of 18
- The steps taken to ensure that, where appropriate, all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to protect children from harm

13.13 **Premises licensed for the sale of alcohol/entertainment**

The following matters will also be considered in relation to the protection of children from harm

- Arrangements to prevent children from acquiring or consuming alcohol;
- Arrangements for the appropriate instruction, training and supervision of staff to prevent children from acquiring or consuming alcohol;
- Arrangements to prevent children from being exposed to gambling (gaming machines on licensed premises);
- Steps to prevent children from being exposed to entertainment of an adult or sexual nature;
- Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm;
- Means for ensuring that persons supervising children are suitable and where necessary, disclosures obtained from the Disclosure and Barring Service.

13.14 **Proof of Age Schemes**

The Licensing Authority considers preventing children from obtaining alcohol from licensed premises to be of great importance in protecting them from harm. Applicants must, therefore, be able to demonstrate that they have in place, satisfactory arrangements to prevent sales of alcohol to children including a recognised or appropriate proof-of-age scheme. The Licensing Authority would be supportive of arrangements, which include using the following documents to verify the age of customers

- Photo Card driving licence issued in the European Union
- Proof of Age Standards Scheme Card (PASS)
- Official ID card issued by the HM Forces or by a European Union country bearing a photo and date of birth of holder

The Licensing Authority supports the PASS accreditation system, which aims to approve and accredit various proofs of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. Staff should have received suitable training in relation to the proof of age scheme to be applied upon the premises and records evidencing this should be kept.

13.15 Applicants may wish to indicate in the operating schedule how the protection of children from harm will be addressed. The above items are not intended to be exhaustive, and the applicant should have considered all relevant aspects of the protection of children from harm applicable to the particular premises.

13.16 It is the view of the Licensing Authority that children should not be exposed to entertainments of a sexual nature or to strong language at a too early age. Conditions may be imposed, if representations are received, aimed at preventing such exposure either intentionally or accidentally. In some premises entertainment of an adult nature may be occasional or restricted to certain times of the day. In these cases, any restrictive conditions to protect children will apply only at these times. When submitting an application, if no reference is made to the provision of adult entertainment or services within an operating schedule at "Box N", then the Authority will interpret this to mean that such entertainment will not be provided and a condition to this effect will be applied to the licence.

13.17 **Sexual exploitation of children**

The risks will vary from premises to premises depending on the type of licensing activity and the age of the children, therefore the Licensing Authority encourages licence holders and operators of licensed premises to:

- ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and
- raise the awareness of their staff about the issues of child sexual exploitation to enable them to provide intelligence to the appropriate authorities about any concerns they may have about suspicious behaviour of this nature.

Care must be taken when staff are appointed, to ensure that individuals are not placed in an environment where they can exploit their position.

14.0 Prevention of public nuisance

14.1 The most obvious aspect of public nuisance is noise. The primary source of noise is amplified music, either uncontained outdoors or emanating from premises, which do not have sufficient measures in place to contain the sound. Late at night or in the early hours of the morning, individuals shouting in the street or groups of people talking in an animated fashion generate a substantial level of noise and in some cases this is aggravated by offensive language.

14.2 As customers leave licensed premises, the sound of their conversation can disturb residents. Potentially greater problems arise when customers congregate or accumulate outside the licensed premises. However, it is clear that the person in control of the premises has a responsibility to ensure that disturbance to residents and businesses are kept to a minimum.

14.3 In considering licence applications where relevant representations are received, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and disorder having regard to all the circumstances of the application. When addressing public nuisance, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent public nuisance, taking account of the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant's operating schedule and may include:

- The steps the applicant has taken or proposes to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, noise limitation devices and keeping windows closed during specified hours.
- The steps taken to ensure that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent public nuisance
- The steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises, for example warning signs at exits, and warning announcements within the premises, and the use of door supervisors to pass on the message
- The steps the applicant has taken or proposes to prevent queuing, or if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise manage and monitor the queue to prevent disturbance of obstruction, and to prevent patrons congregating outside the premises.
- The implementation of a last admission time, and how the last admission time relates to the closing time of the premises

- The steps the applicant has taken or proposes to take to manage queues so that patrons who will not gain admission before any last admission time are advised accordingly
- The steps the applicant has taken to reduce queuing outside the premises and to minimise the length of time people have to queue at the premises
- The steps the applicant has taken to advise patrons that they will not be admitted if they are causing a disturbance, and the steps taken to implement a procedure for banning patrons who continually leave or arrive at the premises in a manner which causes a public nuisance or disturbance.
- The arrangements made or proposed for parking by patrons and the effect of parking on local residents.
- The arrangements the applicant has made or proposes to make for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents.
- Whether there is sufficient provision for public transport for patrons, for example the provision of a free phone taxi service or other arrangements with taxi companies, and whether information is provided to patrons about the most appropriate routes to the nearest transport facilities.
- Whether taxis and private hire vehicles serving the premises or traffic flow from the premises are likely to disturb local residents.
- Whether routes to and from the premises pass residential premises.
- Whether other appropriate measures to prevent nuisance have been taken, such as the use of CCTV or the employment of an adequate number of licensed door supervisors.
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search and disposal procedures.
- The procedures in place for ensuring that no customer leaves with bottles or glasses
- If the applicant has previously held a licence within the area of the Council, the history of any enforcement action arising from those premises.
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- The steps the applicant has taken or proposes to take in order to ensure that standards of public decency are maintained in any entertainment provided at the premises.
- If appropriate, whether music is played at a lower level towards the end of the evening in a “wind down period”.
- The applicant’s proposals for the length of time between the last sales of alcohol, and the closing of the premises
- The steps the applicant has taken to prevent noise and other public nuisance from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking e.g. a street or pavement adjacent to the premise

The above list is not intended to be exhaustive, and the applicant should consider all aspects of the operation that may affect public nuisance.

- 14.4 Premises already in receipt of complaints should seek an early remedy to any confirmed problem, if necessary by engaging the services of a private consultant.

The Licensing Authority can act as arbiters in situations where the complaint is disputed or where the nature of the problem needs to be better defined. The organisers of temporary events should pre-empt potential nuisance, especially when complaints have previously arisen at the same venue.

- 14.5 Where the provision of existing legislation proves inadequate or inappropriate for control purposes, the licensing authority will consider imposing licensing conditions. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder, and designated premises supervisor.
- 14.6 Ultimately, if conditions or other legislation cannot adequately address the issues of nuisance, an application may be refused or a licence revoked.
- 14.7 Since the introduction of the Health Act 2006 the requirement for patrons to go outside a premises to smoke has caused an increase in the number of noise and anti-social behaviour complaints received by this and other Councils. It is therefore expected by the Licensing Authority that the management of licensed premises will ensure that adequate provision is made to supervise those patrons who leave the premises for a short time to smoke, having regard to the health and safety of their staff. In certain cases some form of regular engagement between businesses and residents can lead to better understanding of the needs of each party and inspire a degree of trust.
- 14.8 The cumulative effects of litter around premises carrying on licensable activities can amount to public nuisance. The Licensing Authority requires that any premises that can cause litter, be it from a take away food establishment or cigarette debris left by its customers, must remove it at regular intervals. At the end of trading, management of the premises should arrange for a final check of the area immediately outside the premises, to ensure that no litter, spilled food or cigarette debris is left. In some cases it may be appropriate to impose conditions on licences for take away premises which require litter bins to be provided or for litter dropped around of the premises to be collected and removed at regular intervals at the licence holder's expense including washing away to the gutter any spilled food.

15.0 The prevention of crime and disorder

- 15.1 The central concerns of licensing in relation to law and order are acts of violence and vandalism brought about by consumption of alcohol and the use of licensed premises as part of a distribution network for illegal drugs.
- 15.2 It is not the function of licensing to impose good practice in the adoption of wider crime reduction measures, such as those for securing premises outside of trading hours. It is also not a purpose of licensing to require that measures be put in place to enhance the opportunities for gathering evidence in relation to crime of a general nature. However, the Licensing Authority recognises that CCTV cameras at premises have an important role in preventing crime and disorder.

- 15.3 In order to improve the quality and effectiveness of CCTV recorded images and thereby promote the licensing objectives, the Licensing Authority encourages all applicants for the grant of premises licences in Hyndburn who include the provision of CCTV in their operating schedule, to consult with Lancashire Constabulary with regard to the installation and maintenance of equipment which will meet a minimum specification that will provide recorded images of evidential value. Failure to refer to this specification in the operating schedule could lead to Lancashire Constabulary making a representation.
- 15.4 The risk assessment approach remains fundamental. Licence holders and applicants are strongly recommended to work closely with the Police, and Council's Licensing Section in bringing into effect appropriate control measures to either overcome established or potential problems. A combination of short and longer term strategies may need to be deployed by the licence holder to sustain and promote the prevention of crime and disorder.
- 15.5 Any premises which require door supervisors by virtue of the Private Security Industry Act 2001 must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives he/she will need to be licensed by the SIA as a supervisor/manager.
- 15.6 The Licensing Authority will expect new applicants, existing licence holders and organisers of temporary events to adopt recognised good practices in whatever area of operation they are engaged.
- 15.7 The Licensing Authority encourages relevant businesses to participate in local Pub Watch schemes or similar forums where it is set up, and where this helps secure and/or promotes the licensing objective(s)
- 15.8 The Licensing Authority's starting point is to seek a reduction in crime and disorder throughout the area, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.
- 15.9 Where there are relevant representations, the Licensing Authority will generally not grant a licence where it is likely that the premises will be used for unlawful purposes or where it is considered that the use of the premises is likely to cause an increase in crime and disorder in the area or the premises and this cannot be prevented by the imposition of conditions. When addressing crime and disorder, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent crime and disorder, taking account the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant's operating schedule, and may include:
- Use of CCTV inside and outside the premises. The Lancashire Constabulary has produced suggested minimum requirements for CCTV and these are available from the Lancashire Constabulary or from the Licensing Authority's administrative staff

- Use of metal detection or other search equipment or procedures
- Crime and disorder risk assessment in relation to the proposed activities
- Measures to prevent the use or supply of illegal drugs and procedures for searching customers
- Ensuring that all staff are appropriately trained
- Ensuring that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent crime and disorder
- Employment of sufficient security staff where appropriate, controlling admission, monitoring capacity within the premises as a whole and in separate rooms/levels and patrolling the interior and exterior of the premises (any such staff must be licensed by the Security Industry Authority). The Licensing Authority recognises that there is a greater need for security staff in some premises than in others. For example there will be a greater need for security staff in a town centre nightclub than in a village pub. It will be for the applicant to consider the appropriate number of door staff required for the particular premises.
- Ensuring that a register of door staff and their working times is maintained
- Participation in Pub Watch, Best Bar None or other relevant schemes and using radio links/pages as a means of connecting to other licensed premises.
- Use of plastic or polycarbonate glasses and bottles, where appropriate, or toughened glass. Applicants are advised that the Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries
- Wherever possible, agreed protocols with police and other organisations and a commitment to co-operate and provide such evidence as the Police require.
- Adopting the “Night Safe Initiative” and “Safer Clubbing Guide” as statements of best practice
- Following the trade codes of practice, for example BBPA and Portman Group, and not carrying out any irresponsible drinks promotions
- Providing a suitable environment for customers having regard to the activities going on in the premises, in particular appropriate levels of seating
- Ensuring that there are sufficient transport facilities available to ensure that customers can leave the premises safely and swiftly.
- Maintaining an incident log
- The steps the applicant has taken to prevent crime and disorder issues from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking, due to location, control within and management of such areas.

It should be noted that this list is not intended to be exhaustive. It may be appropriate for the applicant to consider other steps. Equally, the Licensing Authority recognises that not all the items in the list will be applicable to all premises.

15.10 Following the receipt of relevant representations, the Licensing Authority will not normally allow a person to be specified as a designated premises supervisor where that is likely to undermine the prevention of crime and disorder by reason of that person's known past conduct. A person is likely to be considered unsuitable if he has previous unspent convictions for a relevant offence, notwithstanding that he may have been granted a personal licence. However, each case would be considered on its own merits in the light of representations received.

16.0 The promotion of public safety

16.1 The Act complements but does not seek to duplicate the statutory requirements of other legislation, which affect those who have responsibility for the conduct of licensed premises. However licence holders should be mindful of the requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes but not exclusively:-

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Health Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work Act 1974
- The Equality Act 2010

16.2 One of the things which the licensing system can provide is agreement in advance on a standard layout for furniture, location of stage, placing of linked seats etc. so that licensees can be confident about their practical arrangements, provided that they stick to that way of doing things. With other legislative controls, there may be no official inspection of the arrangements made, unless there is an investigation when something has gone wrong.

16.3 As a consequence of the many common features of leisure businesses, such as the operation of door policies, competition for taxis and the interaction with people on the street late at night, individual premises necessarily function as part of a network of businesses, sharing information on crime and disorder issues which affect them all.

16.4 The Licensing Authority recognises that participation in forums such as Pub Watch and the proper use of network radios are key to the safe operation of the majority of leisure businesses. It may be appropriate for an operating schedule to include these practical matters.

16.5 Fire safety requirements are determined principally by specific fire safety legislation. The overall standard of fire safety is an important consideration in determining the suitability of premises for licensable activities.

16.6 The Licensing Authority will not use the licensing process to secure routine compliance with fire safety requirements, which arise from other legislation. Nevertheless in circumstances where fire safety inadequacies indicate that

premises pose a risk to the health and safety to those who enter them and where specific fire safety enforcement does not provide a sufficient or sufficiently rapid remedy, the Licensing Authority will take appropriate steps to ensure that the risk is removed including, where appropriate, and where a review of the licence is requested, revocation of the licence.

16.7 In addition the Licensing Authority will also consider and deal with the introduction of further hazards to public safety which may be introduced to the premise as part of an event. The Licensing Authority may exercise controls over occupancy at such event so that premises can be cleared safely and efficiently, in the event of an emergency.

16.8 Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should indicate in the operating schedule the steps which will be taken to ensure public safety. Depending on the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided, the following issues may be of relevance:

- The maximum capacity of the premises, and the arrangements for ensuring that a capacity limit is not exceeded and for monitoring capacity. This applies to the premises as a whole and to different rooms or levels within the premises.
- Steps taken to ensure that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to ensure the safety of the public
- The design of the premises and in particular the capability of the structure to bear the likely loads to be imposed at maximum occupancy.
- The structural condition of the premises and state of repair.
- The condition of the electrical and gas services, and arrangements for temporary electrical installations.
- The lighting, heating and ventilation systems.
- The fire resisting and fire separation properties of the premises.
- The means of escape from the premises.
- The adequacy of the sanitary arrangements.
- The use of flame retardant materials on fixtures and fittings.
- The protection and safety of the audience, particularly at any indoor sporting event or boxing or wrestling entertainment.
- The availability of qualified first aiders when the premises are open.
- The protection and safety of performers of entertainment.

The Licensing Authority will expect the applicant to have carried out a risk assessment on these matters in producing the operating schedule. The above list is not intended to be exhaustive, and the Licensing Authority will expect the applicant to have considered all relevant aspects of the safety and suitability of the premises which are not dealt with under other legislation, and which are within the control of the applicant.

17.0 Live Music, Dancing, Theatre and Indoor Sport

17.1 The Licensing Authority recognises that proper account should be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be balanced with these wider benefits, particularly for children.

17.2 In determining what conditions should be attached to licences and certificates as a matter of appropriateness for the promotion of the licensing objectives, the Licensing Authority will be mindful of the need to avoid measures which deter live music, dancing and theatre, by imposing indirect costs of a disproportionate nature.

17.3 To encourage more performances of live music, the 2012 Act amended the Act by deregulating aspects of the performance of live music so that in certain circumstances live music is not a licensable activity. However, it remains licensable:

- where a performance of live music – whether amplified or unamplified – takes place before 08:00 or after 23:00 on any day;
- where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at relevant licensed premises at a time when those premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises
- where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 200 people; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the Act (as amended by the 2012 Act) when imposing a condition on a premises licence or club premises certificate as a result of a licence review

17.4 The amendments made to the Act by the 2012 Act affect conditions relating to live music in licensed premises. Any existing licence conditions on relevant licensed premises (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music remain in place, but are suspended between the hours of 08:00 and 23:00 on the same day where the following conditions are met:

- at the time of the live music, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the live music is amplified, the performance takes place before an audience of no more than 200 people; and
- the live music takes place between 08.00 and 23.00 on the same day.

- 17.5 However, even where the Act (as amended by the 2012 Act) has deregulated aspects of the performance of live music, it remains possible to apply for a review of a premises licence or club premises certificate if there are appropriate grounds to do so. On a review of a premises licence or club premises certificate, section 177A (3) of the Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to live music. Similarly, under section 177A(4), a licensing authority may add a condition relating to live music as if live music were regulated entertainment, and as if that premises licence or club premises certificate licensed the live music.
- 17.6 The Licensing Authority will monitor the impact of any restrictions on regulated entertainment in the Borough, particularly on live music and dancing. If there is evidence that licensing requirements deter such activities, it will consider how to prevent this and, if necessary will review this policy, but will remain mindful of the licensing objectives.
- 17.7 The Licensing Authority recognises that performances of live music and dancing are central to the development of cultural diversity and vibrant communities where artistic freedom of expression is valued. Music and dancing also help to unite communities, and in ethnically diverse communities, new and emerging musical and dance forms can assist the development of a fully integrated society.
- 17.8 As a result of the 2013 Order, a performance of a play or dance, or an indoor sporting event, will no longer require a licence to the extent that certain qualifying conditions (see paragraph 17.4) are satisfied. Similarly, to the extent that those qualifying conditions are satisfied, any current licence condition that relates to an activity for which a licence is no longer required will (except in the circumstances described in the next paragraph) have no effect
- 17.9 Where, however, non-licensable activities take place at the same time as other activities for which a licence is required (e.g. the sale or supply of alcohol for consumption on the premises), conditions included in a licence may nevertheless apply to the non-licensable activities in the circumstances set out in paragraphs 17.10 and 17.11 below.
- 17.10 If appropriate for the promotion of the licensing objectives, and if there is a link to remaining licensable activities, conditions that relate to non-licensable activities can be added to or altered on that premises licence or club premises certificate at review following problems occurring at the premises. This has been a feature of licence conditions since the Act came into force. A relevant example could be the use of conditions relating to large screen broadcasts of certain sporting events which, combined with alcohol consumption, create a genuine risk to the promotion of the licensing objectives. It is also not uncommon for licence conditions relating to the sale of alcohol to restrict access to outside areas, such as unlicensed beer gardens, after a certain time.
- 17.11 Similarly, while karaoke no longer needs licensing as the provision of entertainment facilities (and will generally be classed as a performance of live music) it might, for example, be possible on review to limit the use or volume of a microphone made available for customers, if a problem had occurred because of customers purchasing alcohol for consumption on the premises becoming louder

and less aware of causing noise nuisance later in the evening. Another example might be a condition restricting access to a dance floor, where the presence of customers who had been consuming alcohol on the premises had led to serious disorder.

17.12 The Licensing Authority recognises that the absence of cultural provision in any area can itself lead to young people being diverted into anti-social activities that damage communities and the young people involved themselves.

17.13 The Licensing Authority is mindful that the Council itself, as landowner, may seek in its own name premises licences for appropriate public spaces within the district. This will make it easier for people to organise suitable cultural events on Council property.

18.0 Boxing and Wrestling

18.1 The 2013 Order amended the existing descriptions of regulated entertainment to make clear that both an indoor boxing or wrestling entertainment cannot also be an indoor sporting event, and that any contest, exhibition or display combining boxing or wrestling with one or more martial arts ('combined fighting sports') is – whether indoors or not – a boxing or wrestling entertainment.

18.2 To the extent that a premises licence or club premises certificate purports to authorise a boxing or wrestling entertainment or combined fighting sports as an 'indoor sporting event', the 2013 Order provides that the authorisation will be treated as having authorised those activities as a boxing or wrestling entertainment. Those activities will continue to be subject to any relevant conditions attached to that authorisation.

19.0 Incidental Music

19.1 In addition to provisions introduced by the 2012 Act, the performance of live music or playing of recorded music is not regulated entertainment under the Act if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the Act.

19.2 As a result of the 2013 Order, the incidental music exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required as it takes place between 08:00 and 23:00 on the same day before an audience which does not exceed the relevant limit; such an activity would no longer be a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the Act. This means that, while a performance of live music or the playing of recorded music cannot be incidental to a boxing or wrestling entertainment, such music may be within the scope of the incidental music exemption for an indoor sporting event or performance of a play or dance for which no licence is required (e.g. because it is an indoor sporting event taking place between 08:00 and 23:00 before an audience which does not exceed 1,000).

19.3 Whether or not music is "incidental" to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one

relevant factor will be whether, against a background of the other activities already taking place, the addition of music` will create the potential to undermine the promotion of one or more of the four licensing objectives of the Act. Other factors might include some or all of the following:

- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
- Is the music advertised as the main attraction?
- Does the volume of the music disrupt or predominate over other activities, or could it be described as 'background' music?

19.4 Conversely, factors which would not normally be relevant in themselves include:

- The number of musicians, e.g. an orchestra providing incidental music at a large exhibition.
- Whether musicians are paid.
- Whether the performance is pre-arranged.
- Whether a charge is made for admission to the premises.

20.0 Link between Licensing and Planning and other Regulatory Regimes

20.1 The Licensing Authority is mindful that the licensing and planning regimes should be kept separate to avoid duplication and inefficiency. A licensing application should not be a re-run of the planning application. Where considered necessary, the Licensing Committee will report to the Planning Committee on the situation regarding licensed premises within the area, including the general impact of alcohol-related crime and disorder. This will enable the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

20.2 In general, planning permissions authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specified activities proposed by a prospective licence holder need to be considered when an application is made for a premises licence or club premises certificate.

20.3 An application for a premises licence or club premises certificate will normally only be considered where the activity to be authorised by the licence is a lawful planning use of the premises, as evidenced by a valid planning consent, and the hours sought do not exceed those authorised by such planning consent. However, the Licensing Authority acknowledges that there may be circumstances where it is appropriate to deal with a licensing application before the planning process has been completed, and notes in particular the provisions in the Act in respect of provisional statements.

20.4 The Licensing Authority recognises that matters such as health and safety and fire safety are dealt with in other legislation, and will avoid duplication with other regulatory regimes so far as possible. Only conditions that are appropriate for

the promotion of the licensing objectives will be imposed, and only following the consideration of relevant representations.

21.0 Provisional Statements

21.1 Where premises are being or are about to be constructed for the purpose of being used for one or more licensable activities, or are being or about to be extended or otherwise altered for that purpose (whether or not they are already being used for that purpose) a person (if an individual aged 18 years or over) may apply for a Provisional Statement if they have an interest in the premises.

21.2 Applications for Provisional Statements will be dealt with in a similar manner as applications for Premises Licences regarding holding of hearings if relevant representations are made.

21.3 When application for a provisional statement must be accompanied by a schedule of the following details:-

- details of the premises;
- the works to be done;
- licensable activities proposed;
- plan of the premises;
- any such other information as may be prescribed.

21.4 If available, the Authority would find the following additional information useful:-

- whether planning consent had been granted for the application;
- proposed time of activities;
- proposed hours of opening;
- steps to promote the licensing objectives.

21.5 Applicants will be required to notify responsible authorities and advertise their application in a similar way to the arrangements for applications for premises licences. Therefore where responsible authorities or interested parties make representations, a hearing will be held. In such circumstances, the Authority will decide whether, if the premises were constructed or altered in the way proposed in the schedule of works and if the premises licence were sought for those premises it would consider it necessary for the promotion of the licensing objectives to:-

- attach conditions to the licence;
- rule out any of the licensable activities applied for;
- refuse to specify the person nominated as the premises supervisor;
- reject the application.

21.6 If a Provisional Statement has been issued and the person subsequently applies for a premises licence in respect of the premises (or a part of the premises or premises which are substantially the same) representations by responsible authorities and interested parties will be excluded in certain circumstances.

These are where:-

- the application for a licence is in the same form as the licence described in the provisional statement;
- the work in the schedule of works has been satisfactorily completed;
- given the information in the application for a Provisional Statement, the person objecting could have made the same, or substantially the same, representations about the application but has failed to do so without reasonable excuse; and,
- there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

21.7 Applicants are advised that whilst there is no limit to the duration of a Provisional Statement, the longer there is a delay before a premises licence is applied for, the greater the potential is for representations not to be excluded due to genuine and material changes in circumstances occurring.

The Licence will not become effective until a date stipulated by the Licensing Authority.

22.0 Equalities Issues

22.1 The Council is subject to the public sector equality duty introduced by the Equality Act 2010 and in the exercise of its functions 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.

22.2 The Council is required under the Equalities Act 2010, to assess and consult on the likely impact of proposed policies on those with protected characteristics, monitor policies for any adverse impact on such people, and publish the results of such consultations, assessments and monitoring.

22.3 The Licensing Authority will monitor the impact of this policy on those with protected characteristics.

23.0 Administration, Exercise and Delegation of Functions

23.1 The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, a Sub-Committee, or by an officer acting under delegated authority.

- 23.2 Many licensing decisions will be purely administrative in nature, and where there are no relevant representations, the Licensing Authority takes the view that a decision should be delegated to officers in the interests of speed, efficiency and cost-effectiveness.
- 23.3 Accordingly, where there are no representations for example for an application for the grant of a premises licence or club premises certificate, the matter will be dealt with by officers. Applications where there are relevant representations will be dealt with by Members, as will any application for a review of a licence.
- 23.4 The public must see that the licensing Committee and sub Committee act in a fair and reasonable manner at all times, therefore, all members must have received suitable training before they can sit on the Licensing Committee or sub-Committee
- 23.5 If a member of the committee has an interest in premises or knows an applicant personally, they must declare an interest. They will then take no part in the decision. This reduces conflicts of interest and the perception of bias
- 23.6 Decisions on whether a representation is valid or whether it is repetitious, frivolous or vexatious will be delegated to the Executive Director of Legal and Democratic Services. Who will inform the author of a representation concerning an application, or for the review of a premise licence, in writing where that representation is considered to be repetitious, frivolous or vexatious and give reasons for his decisions.
- 23.7 Applicants are encouraged to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 23.8 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies, local crime prevention strategies, and any other documents setting out good practice in relation to some or all types of premises (for example, "Safer Clubbing"). Applicants will be expected to have taken these into account, where relevant and appropriate, and to demonstrate when formulating their Operating Schedule that such policies and documents have been considered.
- 23.9 Where the Act or Regulations thereunder require the submission of plans, the Licensing Authority will generally require these to be drawn to the scale of 1 centimetre representing 100 centimetres, although a different scale may be permitted by prior agreement for plans of open land.
- 23.10 When determining applications the Licensing Authority will have regard to any Guidance issued by the Home Office. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the

Licensing Authority's consideration will be balanced against the wider benefits to the community.

23.11 When attaching conditions following the consideration of relevant representations, the Licensing Authority will also be aware of the need to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature. However, this will be balanced with the need to promote the licensing objectives.

23.12 The Licensing Authority acknowledges the advice received from the Home Office that the views of vocal minorities should not be allowed to predominate over the general interests of the community.

23.13 The following table sets out the delegation arrangements established under Section 10 of the Act:

Matter to be dealt with	Sub Committee	Officers
Application for Personal Licence with relevant Unspent Convictions	If a Police representation made	If no Police representation made
Application for Personal Licence with unspent conviction/s	All cases	
Application for premises Licence/club premises Certificate	If a representation made	If no representation made
Application for Provisional statement	If a representation made	If no representation made
Application to vary premises licence/club premises certificate	If a representation made	If no representation made
Application to vary Designated premises Supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review Premises	All cases	

Licence/club premises Certificate		
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases
Decision to object	All cases	
Determination of a Police objection to a Temporary event notice.		
Determination of film classification		
Determination of Minor Variations		
Disapplication of the S19 requirement to have a designated premise supervisor in Community Premise when Local Authority is a Consultee and not the relevant authority		
Considering the Application.		

24.0 Integration Strategies

24.1 When it determines applications the Authority will have reference to other relevant policies and plans within the context of the Licensing Objectives, these policies may include:

- Community Safety Plan;
- Lancashire Children and Young People's Plan
- Enforcement Concordat
- Local Plan
- Lancashire Local Transport Plan
- Lancashire County Council Report of the Director of Public Health and Wellbeing
- Lancashire Health and Wellbeing Strategy

24.2 This Policy supports the Hyndburn Community Safety Partnership's Community Safety Plan and in particular the 'Proof of Age' scheme

aimed at reducing underage drinking and offending by young people the context of tackling business crime. *(For the Protection of Children from Harm and the Prevention of Crime and Disorder)*.

25.0 Enforcement Policy

25.1 The Licensing Authority has established protocols with amongst others, the Lancashire Constabulary and Lancashire Fire and Rescue Service and the Council's Environmental Health service on enforcement issues to ensure efficiency in the deployment of local authority staff and the other regulatory services who may be engaged in enforcing licensing law and the inspection of licensed premises. For this purpose, a M.A.L.T (Multi -Agency Licensing Team) has been set up by the relevant enforcement agencies to ensure effective and focussed enforcement. Inspections will take place if and when they are judged necessary, and this should ensure that resources are more effectively concentrated on problem premises. On occasions, multi-agency enforcement inspections will be carried out in conjunction with Home Office approved enforcement campaigns. The protocols will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained. The Authority recognises the Hampton principles of inspection and enforcement, which include:

- No inspection should take place without a reason , and
- Regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection

25.2 In any enforcement action taken by the Licensing Authority, the key principles of consistency, transparency and proportionality will be maintained.

25.3 The name of a Designated Premises Supervisor will be displayed on the summary of the licence, which must be prominently displayed at the premises. For enforcement purposes, if the Designated Premises Supervisor is not present at the premises, the Licensing Authority considers that it is good practice for name of the personal licence holder or another person authorised for the sale of alcohol to be displayed in a prominent position on the premises to provide a point of contact for the enforcement agencies.

26.0 Review of Licences

26.1 Following the grant of a Premises Licence or Club Premises Certificate a 'responsible authority' or 'interested party' may request the Authority to review the Licence/Certificate where problems associated with the four Licensing Objectives have occurred.

26.2 The Licensing Authority does now have the power to initiate its own review.

Council Officers who are designated as Responsible Authorities may request a review of the licence in a similar manner.

- 26.3 The Authority considers that interested parties and responsible authorities will give licence holders sufficient warning of any concerns they may have with regard to problems identified at the premises and the need for improvement. The Authority therefore expects licence holders to respond to such warnings and implement the necessary remedial action. A failure to respond to such a warning could lead to a decision by interested parties and responsible authorities to request a review of the licence.
- 26.4 In all cases where a representation for a review is made it must relate to a particular premises for which a Licence/Certificate is in force and must be relevant to the promotion of the four Licensing Objectives.
- 26.5 Where the request for a review originates from a source other than a responsible authority, the Licensing Authority has to first consider whether the representation made is not relevant, vexatious, frivolous or repetitious.

27.0 Licensing Hours

- 27.1 With regard to shops, stores and supermarkets, this policy will not be used to fix the hours during which alcohol can be sold and, in general, these establishments will be permitted to sell alcohol during the hours which they are normally open for trade. An exception to this may be where a responsible authority has identified a particular outlet as the focus for disorder and disturbance.
- 27.2 The policy will not set fixed trading hours within any designated area though the policy recognises that stricter conditions with regard to noise control may be necessary in more densely populated residential areas.

28.0 Early Morning Alcohol Restriction Orders

- 28.1 This section provides guidance about Early Morning Alcohol Restriction Orders (“EMROs”). The power conferred on licensing authorities to make, vary or revoke an EMRO (or propose to take any of these steps) is set out in sections 172A to 172E of the Act. This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 28.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 28.3 An EMRO:
- applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices;

- applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week, and can apply for different time periods on different days of the week;
- applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
- applies to the whole or any part of the licensing authority's area;
- will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January each year);
- will not apply to the supply of alcohol by those who provide hotel or similar accommodation to their residents between 12 am and 6am, provided the alcohol is sold at those times only through mini-bars and/or room service; and
- will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Act.

28.4 An EMRO can apply to the whole or part of the licensing authority's area. The area may, for example, comprise a single floor of a shopping complex or exclude premises which have clearly demonstrated to the licensing authority that the licensable activities carried on there do not contribute to the problems which form the basis for the proposed EMRO.

28.5 The final decision to make an EMRO (or to vary or revoke one) would be made by the full council of the licensing authority. Any preceding steps, including advertising the proposed EMRO, holding hearings and making a determination to put before the full council for its final decision, are for the licensing committee of the licensing authority.

28.6 Before the licensing committee determines to recommend that the full council make a proposed EMRO, it would have to be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The licensing authority would consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

29.0 Cumulative Impact

29.1 This policy will not seek to limit the number of licensed premises that will be permitted because the Authority considers that there are already enough licensed premises to satisfy the demand. This is not a matter for this policy - it is a commercial decision.

29.2 The 'cumulative impact' of the granting of an additional licence on the promotion of the Licensing Objectives is, however, a proper matter for the Authority to consider under this policy and the Authority may adopt a Special Saturation Policy.

29.3 Where the Authority receives representations from a responsible authority or an interested party that the cumulative effect of new licences is leading to an area becoming saturated with premises making it a focal point for large groups to gather in and circulate away from and that this is creating exceptional problems of disorder

and/or nuisance over and above the impact of the individual premises, the Authority can properly consider whether or not the granting of an additional licence might lead to one or more of the Licensing Objectives being undermined. The principle of cumulative impact will not be used to impose artificial restrictions as:-

- All applications will be considered on their merits.
- No 'quotas' are imposed by this policy.
- No restriction or limitation on trading hours in a particular area is imposed by this policy.

30.0 Personal Licences

30.1 Much of the foregoing policy inevitably relates to premises licences and club premises certificates. However, the Licensing Authority will also be responsible for issuing personal licences authorising individuals to supply alcohol or to authorise the supply of alcohol, in accordance with a premises licence.

30.2 Provided that an applicant fulfils the requirements of Section 120 (2) (a), (b) and (c), of the Act, and they can provide proof of their right to work in a licensable activity (see paragraph 30.4 below), a licence will be granted unless the applicant has a relevant conviction or a foreign conviction as defined in the Act. In the event of such a conviction, the application will be referred to the Police, and if the Police give an objection notice, a hearing will generally be held. Whilst each application and objection will be considered on its merits, the application will normally be rejected if the Licensing Authority considers this appropriate for the crime prevention objective.

30.3 The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend a personal licence. This is a discretionary power and may be exercised following any relevant offence as prescribed by the Act being brought to the authority's attention. The holder of the personal licence will be given the opportunity to make representations before any decision is made.

30.4 Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003 with effect from April 2017 so that an application made on or after that date by someone who is not entitled to work in the UK must be rejected. Licences will not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity. In order to discharge this duty, from 6th April 2017, the licensing authority must be satisfied that an applicant has the right to work in the UK and to undertake work in a licensable activity. The licensing authority will require applicants to submit one of the documents listed at appendix D, to show that the applicant has permission to be in the UK and to work in a licensable activity.

30.5 From the 1st April 2015 the requirement to renew a personal licence has been removed. As a result of that amendment a personal licence will no longer have an expiry date.

31.0 Permitted temporary activities

31.1 Where a person wishes to use premises for one or more of the licensable activities for a period not exceeding 168 hours or 7 days a premises licence is not required. The person can simply serve a temporary event notice on the Licensing Authority notifying them of the event. The notice must be served on the Licensing Authority and a copy served on the police and the local authority exercising environmental health functions no later than ten working days before the event is to begin (not including either the day the notice is received or the day of the event) or 5 working days in the case of a late TEN. However the Licensing Authority would encourage applicants to give as much notice as possible so that the notice can be given full consideration

31.2 The maximum number of persons allowed on the premises at the same time during the temporary event is 499.

31.3 If alcohol is to be supplied, all supplies must be carried out by or under the authority of the person who served the notice.

31.4 Only the police and the local authority exercising environmental health functions may object to the staging of a temporary event and they may do so only on the ground that allowing the premises to be used as proposed would undermine any of the four licensing objectives.

31.5 The Licensing Authority must consider an objection notice and any representations which the premises user may wish to make. This is likely to be by way of a hearing unless all parties agree that a hearing is unnecessary. The Licensing Authority will give notice of its decision and the reasons for the decision. If the Licensing Authority upholds the objection it may serve a counter notice and the temporary event will not be able to be staged or it may attach conditions to the TEN. The licensing authority acknowledges that it cannot attach any condition in relation to a TEN that is not already attached to the premise licence if applicable. It is hoped that organisers of such activities will voluntarily comply with the requirements of this policy in staging their events. When considering objections the Licensing Authority will take account of the provisions of this document.

31.6 Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised. The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

31.7 There are statutory limitations on the number of temporary event notices which can be given by individuals and which can be given in relation to particular premises.

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

31.8 For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices.

32.0 Contact Details /Advice / Guidance

Applicants can obtain further details about licensing or the application process from:

The Licensing Manager or any other officer in the Licensing Section.

Telephone: 01254 388111

e-mail: licensing@hyndburnbc.gov.uk

Licensing staff will be willing to give general advice to potential applicants. For specific advice on any intended application, an applicant may wish to consult a solicitor who has specialist knowledge of the Act.

Appendices:

The following appendices do not form part of the approved Statement of Licensing Policy but are included to assist applicants in meeting the requirements of the licensing process.

Appendix A	Mandatory Conditions
Appendix B	Standard Pool of Conditions
Appendix C	List of Responsible Authorities
Appendix D	Documents which demonstrate entitlement to work in the UK

DRAFT



**Customer First Analysis:
Revised Statement of Principles – Gambling Act 2005**

1. Purpose

- What are you trying to achieve?
 - a) To publish a Statement of Principles (Policy) that the Council will apply in exercising their functions under the Licensing Act 2003.
 - b) To promote the three licensing objectives under the Gambling Act 2005, namely-
 - (i) The prevention of Public nuisance
 - (ii) The protection of children from harm
 - (iii) Public safety
 - (iv) The prevention of crime and disorder
 - c) To ensure all licensing applications are treated fairly and in a consistent manner.
 - d) To further statutory objectives which are in place to protect vulnerable groups such as younger and older people, people with disabilities etc.
- Who defines and manages it?
 - a) The draft policy has been put together by the Licensing Manager. The policy must however be approved by Council before it becomes formal Council policy.
- Who do you intend to benefit from it and how?

Licence holders
Potential licence holders
Residents
Local businesses
Responsible Authorities, Police, Fire & Rescue, Trading Standards, HM Revenue & Customs, PCT's, Environmental Protection
Council departments such as Planning, Safeguarding children etc.
Councillors as the decision makers and representatives of residents

 - a) All the above will benefit because the policy will outline how the Council will exercise their functions under the Licensing Act 2003. This will help to ensure greater fairness in decision making by promoting transparency and consistency.

UNCLASSIFIED

b) To provide advice and information to the above list on how the Council will enforce, administer and make decisions under the Licensing Act 2003.

- What could prevent people from getting the most out of the change?

Not applicable, The Statement of Principles is controlled by legislation and the Council is required to produce one.

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

The proposed new policy has been the subject of consultation for 12 weeks. Details of the consultation are set out in the report.

2. Evidence

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

a) No legal challenge to the policy. A low level of complaints about the Council's dealings with the licensing or regulated activity and its handling of licensing issues generally.

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

a) The content of the Policy is heavily controlled by legislation and so there is very little room for local discretion. As it is a Licensing Act 2003 Policy historically there has been very little interest in the document and so satisfaction levels have not been measured.

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

a) There is no data on service users other than the Council's register for licence and permit holders.

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

a) Not applicable, The Policy is controlled by legislation.

- Are you breaking down data by equality groups where relevant?

a) Not relevant

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

a) Yes – details of the consultation undertaken is given in the report to Council.

3. Impact

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

a) No

4. Actions

UNCLASSIFIED

- If the evidence suggests that the service benefits a particular group is there a justifiable reason for this and if so, what is it?
 - a) Not applicable
- Is it discriminatory in any way?
 - a) No
- Is there a possible impact in relationships or perceptions between different parts of the community?
 - a) No
- What measures can you put in place to reduce disadvantages?
 - a) Not applicable
- Do you need to consult further?
 - a) No
- Have you identified any potential improvements to customer service?
 - a) No
- Who should you tell about the outcomes of this analysis?
 - a) The report will go Council along with the analysis. The trade and public will be made aware of the revised policy by way of public notice on the Councils website.
- Have you built the actions into your Business Plan with a clear timescale?
 - a) Yes
- When will this assessment need to be repeated?
 - a) 2027

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CABINET

Wednesday, 22nd June, 2022

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

In Attendance: Councillors Noordad Aziz, June Harrison and Kate Walsh

Apologies: Councillor Joyce Plummer

21 Apologies for Absence

Apologies were submitted on behalf of Councillor Joyce Plummer and from Councillor Munsif Dad BEM JP, who was a standing invitee to the meeting as Leader of the Opposition.

22 Declarations of Interest and Dispensations

There were no reported declarations of interest or dispensations.

23 Minutes of Cabinet

The minutes of the meeting of the Cabinet held on 16th March 2022 were submitted for approval as a correct record.

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

24 Urgent Decisions Taken

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

No.	Decision Heading	Portfolio Holder	Date of Approval
(a)	Town Centre Investment Plan	Councillor Miles Parkinson OBE	25 th May 2022

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

25 Reports of Cabinet Members

The Leader of the Council, Councillor Miles Parkinson OBE, commented that he was pleased to see all parties represented on the new Cabinet. Hyndburn had an ambitious 15 year strategy of improvements planned, including housing, employment and leisure developments.

26 Portfolio Responsibilities 2022/23

Councillor Miles Parkinson OBE provided a list of the Cabinet Portfolio Holders and details of their respective Portfolio responsibilities for 2022/23. A summary the Portfolios is as follows:

- Councillor Miles Parkinson OBE – Leader of the Council
- Councillor Marlene Haworth – Deputy Leader of the Council
- Councillor Joyce Plummer – Resources
- Councillor Steven Smithson – Environmental Services
- Councillor Peter Britcliffe – Levelling Up
- Councillor Kathleen Pratt – Housing, Health and Wellbeing

Approval of the report was not deemed a key decision.

Reasons for Decision

The decision of the Leader with regard to the appointment of the Cabinet for 2022/23 was reported to Members for information purposes.

There were no alternative options for consideration or reasons

Resolved - **To note the decision of the Leader of the Council in respect of the size of the Cabinet, the appointment of its Members and the allocation of areas of responsibility to Cabinet Members.**

27 Appointment of Cabinet Committees and Cabinet Groups 2022/23

Councillor Miles Parkinson OBE, Leader of the Council, provided a report on the establishment of Cabinet Committees and Cabinet Groups for the 2022/23 Municipal Year and the appointment of members to those Committees and Groups.

Approval of the report was not deemed a key decision.

Reasons for Decision

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

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

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

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

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

It was proposed that the above Groups continue into 2022/23,

The terms of reference for all of the bodies were appended to the report and Cabinet was also asked to appoint Members to these bodies. Members were advised that reference to 'controlling administration' in Appendix 1 should be taken as including Independent members.

The proposed membership was as follows:-

Committees	
Cabinet Committee (Scrap Metal Dealers Act 2013)	Councillor Miles Parkinson (Chair) Councillors Joyce Plummer and Kath Pratt
Cabinet Committee (Street Naming)	Councillor Miles Parkinson (Chair) Councillors Marlene Haworth and Kath Pratt 1 Labour Vacancy (attending as observer)
Cabinet Committee (Land and Property)	Councillor Miles Parkinson (Chair) Councillors Marlene Haworth and Joyce Plummer
Cabinet Committee (Digital Economy)	Councillor Miles Parkinson (Chair) Councillors Peter Britcliffe and Steven Smithson
Working Groups	
Covenant Commemoration Working Group	Councillor Paddy Short (Chair) Councillors Danny Cassidy and 1 Labour Vacancy
Cabinet Public Transport Group	Councillor Steven Smithson (Chair) Councillors Judith Addison, Caroline Montague and 1 Labour Vacancy
Cabinet Waste and Recycling Group	Councillor Miles Parkinson (Chair) Councillors Loraine Cox, Steven Smithson and 1 Vacancy

Work was on-going to seek nominations for vacancies identified above.

Alternative Options considered and Reasons for Rejection

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

Resolved

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

28 Leisure Estate Investment Programme - Procurement Strategy - June 2022

Members considered a report of Councillor Marlene Haworth, Deputy Leader of the Council, on a preferred procurement strategy for the design and construction components of the Leisure Estate Investment Programme (LEIP).

Councillor Haworth highlighted the main elements of the report and the Leader of the Council referred to the previous reports leading up to this point. The Investment Programme would help to get people active and tackle obesity.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Cabinet had considered reports on the Leisure Estate Investment Strategy in July 2021 and December 2021, building upon earlier work reported to Council in November 2020 and Cabinet in February 2021.

The reports highlighted the need for substantial investment in the Council's Leisure Estate to ensure that it remained relevant to the needs of the local community and addressed the challenges around improving health outcomes in Hyndburn which were some of the worst in the country.

The work undertaken also identified opportunities to expand and improve the leisure offer made to the public by providing modern facilities which would increase participation, widen the diversity of usage across the community and provide a broader and more encompassing range of activities. In addition, by increasing levels of participation through higher levels of activity, the future provision of leisure services would be protected by boosting income and reducing the marginal cost of operations.

As part of its preliminary work into its Leisure Estate, Hyndburn Council had undertaken a feasibility study to determine a provisional scope for the leisure transformation programme, including initial cost estimations, details of the existing facilities mix, along with assessing future development opportunities.

The key outcomes of the work to date indicated:

- the opportunity to repurpose the current facilities at Wilson Playing Field into a much wider leisure and sporting offer, with the development on the site of a swimming pool, gymnasium and other fitness offers, enhanced facilities for outdoor sports including the provision of modern changing facilities for a variety of team sports, with these improvements also supporting the Athletics Club and other users of the site and the ability to develop track and trail activities, as well as water sports and a café, turning an under used facility into a modern Sports Village.
- the opportunity to refurbish and redevelop Hyndburn Leisure Centre to upgrade its facilities, replace the mechanical and electrical plant within the building to substantially extend the building's useful life and modernise the building, so that it was more flexible to current user demands, boost the numbers using the building and help lower its operational costs.

The Council had set aside £10m in its Capital Budget in February 2022 to help achieve the necessary investment into its Leisure Estate to realise its vision. It was also seeking £2m of financial support from Sport England to assist with the overall costs of the programme of

changes and was pursuing other funding opportunities to help with the overall costs of the programme of change. Sport England had indicated they would expect to receive a formal Expression of Interest by September 2022 and would subsequently work with the Council to submit a full proposal for assessment at the end of the year.

In determining how to move forward into delivering the Leisure Estate Investment Programme, work had been undertaken to consider the most appropriate procurement route for the Council to follow. Sport England had suggested a model to assist the Council determine how to move through the key stage of making external appointments and this had been used as the basis for the production of the Leisure Estate Investment Programme Procurement Strategy. The Strategy was set out as Appendix 1 to the report.

The Procurement Strategy set out the current procurement landscape for major leisure projects and the issues that needed to be considered in determining how best to proceed to deliver the programme.

The Procurement Strategy followed a standardised approach to help determine the appropriate procurement route for major Leisure Investment Projects. It recognised that for each project or programme a different set of objectives and priorities would need to drive the choice of the route taken and that there was not a “one size fits all solution”. The approach ensured that the objectives and priorities determined the overall decision by putting these at the centre of the consideration of the options that faced the Council. Market Context, Procurement Law and the matrix of options available were then considered and tested against the objectives and priorities already set out in the strategy document. The Procurement Strategy then recommended the most appropriate way forward for the Council to progress the Programme and commence turning the vision into a reality.

Following on from the production of the LEIP Procurement Strategy and its conclusions, it was recommended that the UK Leisure Framework was used and that Alliance Leisure Ltd was appointed under this framework to assist the Council in the delivery of this £12m Programme.

The Framework had been produced in accordance with EU Procurement Regulations by Denbighshire County Council (DCC) in 2016 and updated in 2022.

The UK Leisure Framework provided for the appointment of a company that was able to provide all the necessary expertise, professional services and construction work under one umbrella, providing a turnkey approach to developments in the leisure arena.

This approach aimed to avoid the traditional much more time-consuming procurement process for public organisations in progressing specialist construction projects in the leisure industry.

In addition, in this approach the Council was able to examine a variety of innovative new developments during the design stage and assess their capacity to add to the overall outcomes of the programme or help manage the overall cost of the programme, without the need to make major financial commitments before full assessments or face major additional programme costs from redesign or delay.

This framework was recommended as it ensured the Council complied with the requirements of the Public Contracts Regulations which replaced the OJEC process post Brexit, secured the services of an experienced main contractor (Alliance Leisure Ltd) to progress the schemes through the remaining phases of feasibility study, ensured that the Council could meet the requirements of Sport England in bidding for financial support and

provided as much certainty as possible in areas such as buildability, construction cost management, timescale, risk management and professional liabilities.

The approach mirrored the successful approach the Council had adopted for the appointment of professional services and contract management for the Decarbonisation Project in 2021.

Alternative Options considered and Reasons for Rejection

Whilst there were other frameworks that could be utilised, none offered the specialist industry knowledge, which would combine both the design and construction/refurbishment of the facilities with the business knowledge of the leisure industry obtained from the UK Leisure Framework. The UK Leisure Framework also provided a much quicker route through the design and construction phases allowing the Council the opportunity to achieve its major objectives around improving health at a faster pace. This approach was deemed as the most likely route to secure the overall objectives of the programme at the best value to the Council.

Resolved

That Cabinet:

- (1) Agrees the Procurement Strategy for the Leisure Estate Investment Programme at set out at Appendix 1 to the report.**
- (2) Agrees to use the UK Leisure Framework to procure the appointment of a suitably qualified company to provide development management for scoping, design, refurbishment, construction and development of the programme for the Council's proposed investment into Wilson Playing Field and the refurbishment and upgrade of the facilities at Hyndburn Leisure Centre, as well as all ancillary and supporting tasks and to appoint Alliance Leisure Ltd for this purpose in accordance with the requirements of the Framework.**
- (3) Agrees to delegate authority to the Deputy Chief Executive to agree the terms of the proposed access agreement and development management agreement with Alliance Leisure Ltd pursuant to the terms of the UK Leisure Framework and to complete the same, together with power to agree and complete any related agreements or contract variations with Alliance Leisure Ltd or its sub-contractors.**
- (4) Agrees to delegate authority to the Deputy Chief Executive to agree the terms of, and complete, any necessary agreements with Hyndburn Leisure in respect of the proposed Leisure Estate Investment Programme at Hyndburn Sports Centre and Wilson Playing Fields, including any necessary variation to the lease of the building and any necessary licence to carry out alterations.**

- (5) **Agrees to delegate authority to the Deputy Chief Executive to agree the terms of any grant funding awards from Sport England and other bodies willing to support the Council's investment programme.**

29 **Taxi and Private Hire (Disabled Persons) Act 2022**

The Cabinet received a report from Councillor Joyce Plummer, Portfolio Holder for Resources, on the new requirements under the Taxi and Private Hire (Disabled Persons) Act 2022, seeking approval to an amendment to the Taxi and Private Hire Licensing Policy to reflect the new requirements. The Leader of the Council introduced this report in the absence of the Portfolio Holder.

Councillor Peter Britcliffe enquired about the number of designated wheelchair access vehicles licensed in the Borough. He also asked whether the new requirements might be a disincentive to undertaking the taxi driver role. The Leader indicated that Councillor Plummer should be in a position to respond to this upon her return.

Approval of the report was not deemed a key decision.

Reasons for Decision

On 28 June, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 ("the 2022 Act") would take effect in England, Scotland, and Wales. It would amend the Equality Act 2010 to introduce new, and amend existing, duties for local authorities and taxi and private hire vehicle (PHV) drivers and operators alike. The 2022 Act aimed to ensure that disabled people could use taxi and PHV services with confidence, that they would not be discriminated against, and local authorities had an important role to play in ensuring the requirements were implemented effectively.

The existing legislation required drivers of designated wheelchair accessible vehicles ("WAV's") to accept the carriage of wheelchair users, provide them with reasonable mobility assistance, and refrain from charging them more than other passengers. From 28 June, **all** taxi and PHV drivers and operators – regardless of whether the vehicle was wheelchair accessible – would be subject to duties under the Equality Act. The main changes were set out below.

Taxi and PHV drivers would be required to:

- Accept the carriage of **any** disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
- Provide any disabled passenger who requested it with assistance to identify the vehicle, at no extra charge.

PHV operators would be required to:

- Accept bookings for or on behalf of any disabled person, if they had a suitable vehicle available.

Currently the provision for the carriage of wheelchair users was contained in Section 165 and 167 of the Equality Act 2010. Section 167 of the Act provided local authorities with the

powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then required the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibited them from charging extra.

Under the amendments contained in the 2022 Act, from 28 June, **all** licensing authorities would have to maintain and publish a list of licenced taxis and PHVs they designated as being wheelchair accessible. This would identify the vehicles whose drivers were subject to the duties in section 165 to provide assistance to wheelchair users and refrain from charging extra for this. Currently the Council published a list of wheelchair accessible hackney carriage vehicles. From the 28th June 2022 the Council would have to include on the list all wheelchair accessible private hire vehicles too. If a vehicle was to be included in the designated list the authority would have to contact the owner of the vehicle to inform them before publishing the list.

Currently, drivers of designated WAVs were permitted to apply for an exemption certificate on medical grounds or where their physical condition made it impossible or unreasonably difficult to perform the section 165 duties. Exemptions were currently granted in respect of all of the duties in section 165. At the time of writing this report no one had requested an exemption certificate.

As a result of the new Act, from 28th June:

All taxi and PHV drivers could apply for an exemption certificate and notice on medical grounds or where their physical condition prevented them from performing the mobility assistance duties in sections 164a and 165 (as added/amended by the 2022 Act).

Both existing and new exemption notices, when displayed correctly, would exempt a driver **only** from the **mobility assistance** duties in sections 164a and 165 – meaning, for example, that a driver’s medical condition can no longer be used as a justification for charging a disabled person more than a non-disabled person.

The Council would be required to issue exemption certificates and notices where it was satisfied that it was appropriate to do so on medical or physical grounds. It was proposed that the policy be amended so that drivers would be required to provide evidence from an independent medical professional to support their application.

All of the drivers licensed by the authority would shortly be subject to the new duties introduced by the 2022 Act, therefore any who considered themselves medically or physically unfit to perform the mobility assistance duties and who did not already hold an exemption would need to contact the Council to seek an exemption as a matter of urgency.

It was proposed that the following 3 requirements be added to the Taxi and Private Hire Licensing policy to cover the changes introduced by the 2022 Act.

- “1. *The Council will maintain and publish a list of licenced taxis and PHVs we designate as being wheelchair accessible. This will identify the vehicles whose drivers are subject to the duties in section 165 of the Equality Act 2010 to provide assistance to wheelchair users and to refrain from charging extra for this.*
2. **All taxi and PHV drivers and operators – regardless of whether the vehicle is wheelchair accessible – will be subject to duties under the Equality Act. The main changes are set out below.**

Taxi and PHV drivers will be required to:

- *Accept the carriage of **any** disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.*
- *Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.*

PHV operators will be required to:

- *Accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available.*

3. *All taxi and PHV drivers may apply for an exemption certificate and notice on medical grounds or where their physical condition prevents them from performing the mobility assistance duties in sections 164a and 165 (as added/amended by the 2022 Act).*

*Both existing and new exemption notices, when displayed correctly, will exempt a driver **only** from the **mobility assistance** duties at sections 164a and 165 – meaning, for example, that a driver’s medical condition can no longer be used as a justification for charging a disabled person more than a non-disabled person.*

The Council will issue exemption certificates and notices, where we are satisfied that it is appropriate to do so on medical or physical grounds. Drivers will be required to provide evidence from an independent medical professional to support their application”.

In conclusion, disabled people should be able to travel by taxis and PHVs free from any fear of discriminatory treatment. The changes introduced through the 2022 Act would provide disabled passengers with the reassurance that they would receive appropriate assistance, wherever they travelled, without being charged extra. It was imperative that the Council’s Taxi and Private Hire Licensing Policy was amended to reflect the new legal requirements and to ensure these duties were implemented effectively.

There were no alternative options considered

- Resolved**
- **That Cabinet approve the amendment to the Taxi and Private Hire Licensing Policy as set out in paragraph 3.7 of the report, to give effect to the new statutory requirements as set out in the Taxi and Private Hire (Disabled Persons) Act 2022.**

30 Draft Financial Outturn Position - Financial Year 2021/22

The Cabinet considered a report of Councillor Joyce Plummer, Portfolio Holder for Resources, on the draft financial spending of the Council up to the end of the financial year in March 2022. The Leader of the Council introduced this report in the absence of the Portfolio Holder.

Councillor Britcliffe acknowledged that the Council faced growing financial pressures in the light of increasing inflation, but suggested that some small schemes be developed to help to restore pride in the Borough. He expressed a view that some items appeared to have been

neglected under the previous administration. Councillor June Harrison responded that this had been due to lack of sufficient funding from Government and the County Council. Service reductions on certain items had been necessary and could not be blamed on the previous administration. The Leader reiterated the need for all to continue to work together. Previously it had been necessary to make some difficult choices around budget savings, which had impacted on items such as flowerbeds. However, some schemes could be looked at now as part of the UK Shared Prosperity Fund bid.

Approval of the report was not deemed a key decision.

Reasons for Decision

The detailed figures underpinning the report were shown as a table at the end of the document provided.

The initial draft forecast year end position for the financial year 2021/22 was a spend of £10,631,000 against a Budget of £11,227,000. This gave an underspend of £596,000 compared to the Budget set at the start of the year.

Not all work on producing the Final Accounts had been completed as yet and the Accounts were still subject to External Audit, so the draft surplus figure of £596,000 could be subject to change. If there were any significant alterations to the figure, these would be reported at a later date.

The Council had received substantial funds from the Government or via Lancashire County Council and spent over £1m in combatting the effects of COVID 19. There remained a balance of the sums provided of £211,000. The Government had indicated councils could roll these sums forward into 2022/23 so long as they were deployed on activities that continued to help reduce the spread of the pandemic. If the funds were not used for this purpose they were to be returned to the Government. The Council had committed the funds to various activities to ensure the virus was contained as much as possible and it had the appropriate contingency arrangements in place to address any spike in infection rates.

The report included more detailed commentary about expenditure in the following service areas:-

Environmental Services

Environmental Services were predicting a positive variance of £7,000 at the end of the financial year. Food Safety had incurred significant additional costs in relation to activities in combatting COVID 19 with £928,000 of additional spend taking place during 2021/22. As the authority had contained the level of COVID 19 spend within the Government funding made available to combat the virus, there had been no overall negative impact on the Council's overall financial position. Normal activity on Food Safety was expected to show a positive variance of £43,000 for the year. Waste Services were predicting an adverse variance for the year of £93,000. This was due to £139,000 of additional costs, less £14,000 of salary savings and £32,000 of additional income. The Parks & Cemetery Service was forecasting a positive variance of £113,000, due to additional income of £145,000 and savings of £51,000 on staff costs less £83,000 of miscellaneous additional costs. The Town Centre & Market Budget was predicting an adverse variance of £56,000, with income down £53,000 and £20,000 of additional extra miscellaneous costs reduced by £17,000 of salary savings.

Culture & Leisure Services

Culture and Leisure Services were indicating a positive variance of £94,000. Service expenditure on Leisure was forecasting a positive variance of £115,000, while the Haworth Art Gallery was predicting its income would be down by £1,000 and that they would incur extra costs of £34,000, offset by savings of £14,000 on staff costs.

Planning & Transportation

Planning & Transportation were predicting a small adverse variance for the year of £3,000. This was due to additional spend on salary costs of £39,000 and £65,000 of extra miscellaneous costs less £101,000 of additional income.

Regeneration & Property Services

Regeneration & Property Services were predicting an adverse variance of £170,000 at year-end. This was due to £190,000 of additional staff costs and £241,000 of additional miscellaneous costs, less £261,000 of additional income.

Policy & Corporate Governance

Policy & Corporate Governance were predicting a positive variance of £434,000. This was due to £324,000 of salary savings less the Corporate Salary Savings Target of £116,000, an increase of income of £294,000 and £33,000 of savings on miscellaneous spend less £101,000 additional costs in relation to Housing Benefit.

Non Service Items

The current estimate for the year was a positive variance of £234,000.

In respect of the robustness of the forecast and other issues, throughout the year it had been necessary to qualify the forecast position due to the large amount of uncertainty over expenditure related to COVID 19. However, now that the year had ended, the figures presented were more robust and while there was some work necessary to conclude the overall picture for the year, the figures presented here gave the Council's draft position at the current time.

There were no alternative options considered

Resolved - **That Cabinet notes the report.**

31 UK Shared Prosperity Fund

Members considered a report of Councillor Miles Parkinson OBE, Leader of the Council, regarding the recommendation that has been made by the Town Centre Stakeholder Board for the use of the Borough's allocation of the UK Shared Prosperity fund. The report also sought delegated authority to submit a proposal to Government based on that recommendation.

The Leader highlighted the projects which were proposed for submission via an Investment Plan.

Approval of the report was not deemed a key decision.

Reasons for Decision

The UK Shared Prosperity Fund was a Government-allocated fund which was intended to reduce inequalities between communities as part of the Government's wider "levelling up" agenda. The Fund had been launched with the publication of its full prospectus on 13th April 2022.

The Shared Prosperity Fund had been allocated to lead local authorities across the UK using a formula rather than by inviting competitive bids. In two tier areas, the district councils had been classed as the lead authority rather than the County Council. The formula for the allocation reflected the amounts that areas had received from the EU structural funds, with some needs-based adjustments.

Hyndburn's allocation from the UKSPF for the period April 2022 to April 2025 was £2,943,592. This allocation could be used either for revenue or for capital purposes, subject to the approval of an investment plan that the authority was required to submit to Government sometime between 30th June and 1st August 2022. The Government was making £20,000 of funding available to each 'lead local authority' to undertake work for their application, including the Investment Plan preparation

Running in parallel with this, the Authority was currently finalising its £22m Levelling-Up Fund (LUF) bid. This needed to be submitted on or before 6th July 2022. Since the authority's LUF bid would be strengthened if the Council was able to cross-reference its intention to use the Shared Prosperity Fund to complement the levelling up projects, it was important to determine the authority's UKSPF investment plan by this earlier deadline.

To access its allocation, the Authority would have to submit an Investment Plan setting out how it would spend the money. It was also required to engage local partners in the preparation of the Investment Plan which should address one or more the fund's 3 main investment priorities. These were:

- i. Communities & Place - building pride in the community, restoring a sense of community and belonging and regenerating Town centres
- ii Supporting Local Business - increasing pay, employment chances and productivity
- iii People & Skills - supporting high quality skills and training.

In determining its priorities for the SPF Investment Plan, the authority had worked closely over recent weeks with the Accrington Town Centre Stakeholder Board. This body had originally established to assist with the Council's LUF bid, but had agreed to extend its remit to advise on the Shared Prosperity Fund too. Members were reminded, that the Stakeholder Board was an independently chaired body that involved a range of key stakeholders from the Borough.

Given the pressing deadlines involved, the Stakeholder Board had worked at pace to bring forward a set of proposals for the authority to consider. It was worth noting that a range of investment choices had been tabled by stakeholders and that this generated a 'long list' of projects with a potential cost of over £9m. At its meeting of 15th June, the Board had considered its options and had determined that it would recommend to the Council a package of investment choices that focused primarily on the 'Community & Place' and 'Supporting Local Business' strands of the Prosperity Fund's prospectus. The recommendation of the Board was provided within the report in more detail, with a slight adjustment to take account of the costs of the fund administration and overall level of fund available.

In summary, Hyndburn’s UKSPF Investment Plan would include the following items:

Business Support: Growth and New Business

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

Business Support: Low Carbon

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

Regeneration

- Support the Arndale Masterplan - £150k
- Support the Arts, Culture and Heritage package - £1.2465m
- 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

Fund Administration

- Accountable Body Fund Administration - £117k

The funding totals were as follows:

Growth and New Business	£470.0k
Low Carbon	£250.0k
Regeneration	£2,106.5k
Fund Administration	£117.0k
Grand Total	£2,943.5k

Alternative Options considered and Reasons for Rejection

It was possible for the Council to propose any number of alternative options provided that they met the criteria set out by Government. In this case the Stakeholder Board had considered a great number of investment choices, the value of which (£9m) had far exceeded the available funding. The proposals set out in the report reflected the recommendations of the Board.

- Resolved**
- **That Cabinet supports the recommendation of the Town Centre Stakeholder Board and delegates authority to the Chief Executive to prepare and submit an investment plan to Government that reflects this recommendation.**

The Cabinet considered a report of the Leader of the Council which provided some context around Blackburn with Darwen Borough Council's (BwDC) Regulation 19 Local Plan and which sought agreement to the amended Statement of Common Ground (SoCG) wording that Hyndburn had proposed and that BwDC had agreed to in principle.

The Leader commented that this issue was of particular concern to councillors serving Oswaldtwistle. Hyndburn Borough Council had a statutory duty to cooperate with Blackburn with Darwen Borough Council on the plan-making process. Councillors Peter Britcliffe and Marlene Haworth spoke about the impact on Belthorn residents of the loss of Green Belt land proposed in Blackburn with Darwen's Regulation 19 Local Plan. Councillor Britcliffe enquired about the details of Hyndburn's response to the Local Plan consultations and whether any reply had been received from Blackburn with Darwen Council. He also sought assurance that Hyndburn's comments would be submitted to the Planning Inspectorate at the appropriate time. The Leader indicated that the Head of Planning and Transportation would be invited to respond directly to Councillor Britcliffe on these matters following the meeting. It was understood that Blackburn with Darwen Council had identified only a limited amount of land available in the preferred localities for employment sites.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Blackburn with Darwen (Regulation 19) Local Plan had been subject to public consultation between February and March 2022. The Regulation 19 Plan contained strategic and detailed policies to guide development in Blackburn during the period 2021-2037. It was accompanied by a proposed Policies map which showed site specific allocations and designations to support the planned growth. Blackburn's Plan had six key strands:

- The Blackburn Growth Axis: linking strategic growth sites within the Borough with Samesbury and Preston beyond;
- Darwen Town Investment Plan;
- A New Strategic Housing Site in North East Blackburn;
- A New Strategic Employment Site in South East Blackburn (which formed part of the Growth Axis);
- Blackburn Town Centre Major Development Sites; and
- Infrastructure Delivery Plan: important interventions to improve infrastructure including roads, schools & health facilities

The plan sought to deliver a level of new housing to support an economic growth scenario as evidenced in the Housing and Economic Needs Assessment Update 2021 (carried out jointly with Hyndburn BC). This amounted to 447 dwellings per annum, (an increase from 411dpa in the Regulation 18 Plan). The employment land requirement was identified as 46.4 hectares to be delivered over the Plan period. The Plan allocated land to meet those needs fully in the plan period and wholly within the BwD administrative area. The housing requirement could be fully met on non-Green Belt sites whereas the employment land requirement could not be met without releasing existing Green Belt land.

The report included further information on the following matters:

- Proposed strategic employment site at Junction 5;
- Proposed strategic housing allocation NE Blackburn;
- Joint Housing and Economic Needs Assessment (HENA);
- Consultation on the Blackburn Local Plan;
- Duty to Cooperate and the Statement of Common Ground;

In relation to the latter bullet point, BwDC had first sent a draft SoCG to Hyndburn Council in February 2022, asking Hyndburn to agree that there were no unresolved issues in relation to these matters. The detailed wording was set out in the report. Hyndburn Council agreed to the first two points of both draft statements and did not seek to make amendments to those points. However, whilst Hyndburn Council agreed that there was a need for new housing and employment allocations, they did not consider it was for neighbouring authorities to agree that the specific location of allocations was appropriate. This was particularly the case given the potential impact they might have and the concerns raised by Hyndburn residents and Members. Therefore, amendments had been proposed to the statements (which had subsequently been agreed through informal discussion with BwDC), with the final wording as follows:

In relation to housing:

- *the proposed level of housing growth in Blackburn with Darwen is appropriate in the context of the evidence base that supports the Local Plan;*
- *there is no further unmet housing need in respective neighbouring authority areas required to be met in Blackburn with Darwen;*
- *It is for Blackburn with Darwen Council to justify the location of its development allocations through the Examination on the Local Plan.*

In relation to employment land:

- *the proposed level of economic growth in Blackburn with Darwen is appropriate in the context of the evidence base that supports the Local Plan;*
- *there is no further unmet economic need in respective neighbouring authority areas required to be met in Blackburn with Darwen;*
- *Hyndburn Council notes that objections have been raised to the Blackburn with Darwen Local Plan, particularly from residents of the village of Belthorn who have concerns about the proposed J5 employment site;*
- *It is for Blackburn with Darwen Council to justify the location of its development allocations through the Examination on the Local Plan.*

Alternative Options considered and Reasons for Rejection

The Council was under a legal duty to co-operate on the plan-making process with other local planning authorities and was therefore obliged to enter into discussions in relation to cross-boundary strategic issues. Therefore there were not considered to be any alternative options other than those set out in this report.

Resolved - **That Cabinet:**

- (1) Notes the context in which Blackburn with Darwen Council has prepared its Local Plan and identified its development land requirements, including the joint study it has carried out with Hyndburn Borough Council;**
- (2) Agrees the amended wording (set out in section 3.14 of the report) to the draft Statement of Common Ground prepared by Blackburn with Darwen Council (first sent in February 2022), taking account of the legal duty for Hyndburn to co-operate on the plan-making process and the need for Hyndburn to prepare its own Statement of Common Ground to agree with Blackburn.**

33 Super Slow Way Agreement

34 Domestic Abuse Act 2021 New Burdens Funding: Award of Grant to HARV Outreach Team

The Cabinet considered a report of Councillor Kath Pratt, Portfolio Holder for Housing, Health and Wellbeing, seeking approval to enter into a grant agreement with Hyndburn and Ribble Valley (HARV) Outreach Team for the support of victims of domestic abuse in Hyndburn. Councillor Pratt provided a brief introduction to the report and highlighted the funding available, which would amount to £61,756 over 2 years.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Domestic Abuse Act 2021 (the Act) had come into force on the 1 October 2021. The Act placed a new duty on local authorities to ensure that all victims of domestic abuse, including children, had access to safe accommodation and support when they needed it. It included a wide range of provisions intended to raise awareness and understanding about the devastating impact of domestic abuse on victims and their families.

The Act was supported by draft statutory guidance, which had been published in July 2021, and required local authorities to have regard to the guidance when carrying out their functions under the Act. The guidance distinguished between what it described as Tier 1 (upper tier local authorities) and Tier 2 local authorities (district councils). The new legislation and supporting draft guidance placed a new duty on “Tier 1” local authorities relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation. The Act therefore placed a duty on Tier 1 authorities to provide accommodation-based support to victims of domestic abuse and their children in refuge and other safe accommodation. The Act and guidance required “Tier 2” authorities to cooperate with the upper tier authority so far as reasonably practicable when requested to do so. Hyndburn Borough Council as a Tier 2 local authority was therefore required to cooperate with Lancashire County Council, the Tier 1 local authority.

The Act and supporting guidance placed the provision of safe accommodation and domestic abuse support central to the new duties; this included advocacy support, preventative advice, and specialist support for victims with protected characteristics, support for children including play therapy and child advocacy, housing related support, and counselling for adult victims and children. Safe accommodation included refuge, specialist safe accommodation, dispersed accommodation, sanctuary schemes and move-on

accommodation, but did not include generic bed and breakfast homeless units/hostels not dedicated to safe provision for domestic abuse victims.

The report set out the four key duties provided at Part 4 of the Act 2021 and guidance.

Government had allocated new burdens funding to Local Authorities to cover the cost of the new duty to provide support in safe accommodation for 2021-22 and in April 2022 had allocated further funding for 2022-23. Funding was allocated in Lancashire to the County Council (Tier 1) and to District Councils (Tier 2).

Lancashire County Council (LCC) had been awarded £2,493,526 for 2021-22 and £2,500,429 for 2022-23. Hyndburn Council had been awarded £30,865 for 2021-22 and £30,891 for 2022-23 to enable it to cooperate with Lancashire in the delivery of this duty. The grant for both financial years had been awarded via a memorandum of understanding.

In line with Hyndburn's duty to cooperate, the Council had sought advice from LCC on using its grant allocation to enhance HARV's existing domestic abuse services to provide and support safe accommodation in the Borough for victims of domestic abuse who needed:

- Emergency accommodation;
- Support to stay in their own accommodation safely;
- Support to access to legal remedies to enable them to remain in their homes; and
- The employment of a weekend emergency Safe Accommodation worker.

Following discussions with HARV about how they could best enhance their services with the funding available, it was proposed that the grant would be used by HARV to employ an additional refuge worker to provide weekend cover for emergencies and to ring fence an existing accommodation unit for referrals by the Council's Housing Advice and Homelessness Team. HARV had increased their services supporting victims of domestic abuse in Hyndburn on the basis that the Council would commit its funding to them.

LCC had welcomed the proposal to enhance HARV's services and saw this as linking with the outreach support it was commissioning with HARV to provide longer term support for victims.

Hyndburn's grant funding was specifically for the local authority area and would be used to support local victims of domestic abuse.

Alternative Options considered and Reasons for Rejection

The Council could consider awarding the funding to other agencies, however HARV was the only specialist agency in the Borough providing accommodation and support services for victims of domestic abuse and by making the grant award to HARV it would enable HARV to enhance and improve their services already in place.

Resolved

- **That Cabinet:**

- (1) Notes that the Council has secured grant of £30,865 for 2021/22 and £30,891 for 2022/23 for the support of victims of domestic abuse across the Borough.**

(2) **Considers and approves the award of a grant of £61,756 to HARV Outreach Team.**

(3) **Delegates authority to the Head of Regeneration and Housing in consultation with the Executive Director (Legal and Democratic Services) to draw up, finalise and execute a grant agreement with HARV Outreach Team.**

35 Rough Sleeping Accommodation Programme (RSAP): Award of Grant to Stepping Stone Projects

Members considered a report of Councillor Kath Pratt, Portfolio Holder for Housing, Health and Wellbeing, seeking approval to enter into a grant agreement with Stepping Stone Projects to assist them in providing access to accommodation with support for rough sleepers and those at risk of rough sleeping following the Council's success in securing funding under the Government's Rough Sleeping Accommodation Programme (RSAP) for the period 2021 to 2024. Councillor Pratt outlined the proposals and highlighted that Stepping Stone Projects was a specialist charity which had been operating in Hyndburn for a number of years.

Councillor Britcliffe commented that rough sleepers often left their bedding in town centre shop doorways and had been observed sleeping in the Market Hall service yard. This situation was having a negative impact on people's perceptions of Accrington town centre. Councillor Pratt responded that these issues were being looked into.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Rough Sleeping Accommodation Programme (RSAP) was one of a range of measures to meet the Government's manifesto commitment to end rough sleeping by the end of this Parliament.

This Programme provided for both capital and revenue funding to meet the cost of longer term accommodation and support to help rough sleepers rebuild their lives. Local authorities were expected to work with accommodation providers and specialist agencies to end rough sleeping, especially where local authorities were no longer a landlord.

Hyndburn Council had made a successful bid to the RASP for revenue grant funding in 2021 and had been awarded grant funding (no capital funding had been sought or awarded) for three years, to provide access to accommodation and support for rough sleepers and those at risk of rough sleeping, as follows:

- 2021/22 - £75,833
- 2022/23 - £50,000
- 2023/24 - £50,000.

The Council worked very closely with Stepping Stone Projects (SSP) which was a registered charity and company limited by guarantee, specialising in accommodation and support services for homeless households including those sleeping rough.

It was proposed to use the grant award to support the ongoing activities of SSP to enable them to enhance and extend the existing rough sleeping services they provided, which

included access to temporary, furnished accommodation with tenancy support and move-on arrangements to more secure, permanent housing. SSP would agree with the Council how the funding would be used, the details of which would be included in a grant agreement including outputs and outcomes from the funding. The grant would enable SSP to increase their capacity, and at the same time, utilise and expand their expertise and local knowledge. Hyndburn's proposed usage of the grant funding had been endorsed by the Department for Levelling Up, Housing and Communities (DLUHC) through the application process and subsequent funding award.

Alternative Options considered and Reasons for Rejection

Local authorities had been encouraged to submit proposals naming the proposed organisations they would support with, which limited alternative options now the Council had been successful in securing funding. Additionally, SSP was the only organisation operating in the Borough with appropriate expertise and local knowledge in the delivery of rough sleeping services. In the circumstances this was an opportunity to support and enhance existing initiatives to end rough sleeping in the Borough.

Resolved

- That Cabinet:

(1) Notes that the Council has been awarded grant funding through the Government's Rough Sleeping Accommodation Programme (RSAP) for three years as follows:

- **2021/22 £75,833**
- **2022/23 £50,000**
- **2023/24 £50,000.**

(2) Agrees to pay a grant to Stepping Stones Projects to support their activities equivalent to the amounts and for the term described in paragraph (1) above.

(3) Delegates authority to the Head of Regeneration and Housing in consultation with the Executive Director (Legal and Democratic Services) to draw-up, finalise and execute the grant agreement with Stepping Stone Projects.

36 Exclusion of the Public

There were no items considered under Part C of the Agenda (Exempt Items).

The Leader of the Council brought the meeting to a conclusion and looked forward to an interesting Agenda for the Council meeting next week. He commented that the Levelling Up Fund Bid and Infrastructure Bid were both due to be submitted soon and would support the Council's 15 year vision and strategy. Alongside the Government's financial contributions, all parties locally were working together to improve Hyndburn. The Council's ambition was also being supported by local businesses and community groups. Councillor Haworth noted that working together was the key to success.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

CABINET

Wednesday, 13th July, 2022

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

In Attendance: Councillors Munsif Dad BEM JP, Melissa Fisher and June Harrison

58 Apologies for Absence

There were no apologies for absence on this occasion.

59 Declarations of Interest and Dispensations

There were no reported declarations of interest or dispensations.

60 Minutes of Cabinet

The minutes of the meeting of the Cabinet held on 22nd June 2022 were submitted for approval as a correct record.

In connection with Minute 28 - Leisure Estate Investment Programme, Councillor Miles Parkinson OBE, Leader of the Council, commented that updates had previously been submitted to the Council. The Leisure Trust was continuing to develop its proposals around the Borough's leisure facilities. Members were reminded that the Leader of the Labour Group had been a party to discussions on Leisure Transformation from 2019 onwards as a member of the Trust Board.

The Leader had recently attended an event to mark to the opening of the new community centre in the former Clayton Civic Hall. The Leisure Transformation Programme would roll out this model across the Borough, with similar community facilities planned in West End, Oswaldtwistle and at Bank Mill House, Great Harwood.

Comments had appeared recently on social media about the future of Mercer Hall. Members were reminded that this proposal was being led by the Leisure Trust. The Chair of the Trust was a Great Harwood resident, former Labour councillor and former Lancashire County Councillor. This organisation would ultimately give its views as to the Trust's preferred option. It was acknowledged that residents and the Conservative Group had proposed alternative options and that all options would be subject to appraisal and come before the Council for a decision. At that time Councillor Joyce Plummer, Portfolio Holder for Resources, would take a view on the financial aspects of any proposals. One Councillor had even proposed a new Olympic-sized swimming pool and had cited his enjoyable experiences at the, now demolished, Waves centre in Blackburn. This served as a cautionary reminder of the need for a strong business case for any proposed swimming pool development.

Regarding Minute 30 – Draft Financial Outturn Position 2021/22, the Leader noted the anticipated underspend for the year and thanked Councillor Plummer for her excellent work.

In respect of Minute 29 – Taxi and Private Hire (Disabled Persons Act) 2022, Councillor Munsif Dad BEM JP asked if information had now been obtained in respect of the question raised about the number of designated wheelchair access vehicles licensed in the Borough. Councillor Plummer commented that she did not have the details to hand, but would look into the matter.

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

61 Reports of Cabinet Members

The Leader reported on the following matters:

- Work was on-going on the Lancashire devolution deal. Hyndburn did not wish to be absorbed into a unitary authority led by Blackburn with Darwen Borough Council, which could undermine this Council’s excellent financial position. Potentially, residents could benefit from a 0% rise next year in the Borough’s portion of the Council Tax. However, it was understood that some members of Hyndburn Council’s Labour Group and the Constituency Labour Party (CLP) wanted a unitary authority.
- Work was underway to consult residents and Friends of Parks groups about events in the townships, such as live music events. The Council wanted to see a vibrant and active community.
- The controlling administration was looking at supporting the Christmas lights switch on events for 2022 in the townships. Work was underway to reach out to community groups in staging their events and a fund would be made available to support bids.

62 Appointments to Cabinet Committees and Cabinet Groups 2022/23

Councillor Miles Parkinson OBE, Leader of the Council, provided a report seeking approval to the outstanding appointments of Members to Cabinet Committees and Cabinet Groups for the 2022/23 Municipal Year.

Approval of the report was not deemed a key decision.

Reasons for Decision

Members were reminded that, at its meeting on 22nd June 2022, the Cabinet had approved the continuation of various Committees and standing Working Groups for the Municipal Year 2022/23, along with their terms of reference. Cabinet had also approved the appointment of those councillors who had been nominated by the relevant political groups or proposed as Independent Members to serve on those bodies. However, at that time there were a number of seats for which no nomination had been received.

Following further consultation with the Leader of the Council and the relevant political groups, the following additional nominations had been received, which would ensure that all of the outstanding vacancies were filled:

Committees	
Cabinet Committee (Street Naming)	Councillor Bernard Dawson - Labour (attending as observer)

Working Groups	
Covenant Commemoration Working Group	Councillor Kimberley Whitehead - Labour
Cabinet Public Transport Group	Councillor Noordad Aziz - Labour
Cabinet Waste and Recycling Group	Councillor Caroline Montague – Independent

There were no alternative options considered

- Resolved** - **That Cabinet agrees to the appointment of those Members to the Cabinet Committees and Cabinet Groups for the 2022/23 Municipal Year, as set out in Paragraph 3.2 of the report.**

63 Levelling Up Funding Bid - Update

Members considered a report of Councillor Miles Parkinson OBE, Leader of the Council, which provided an update on the Council's Levelling Up Funding, (LUF) submission and the work on producing a preferred procurement strategy and framework.

Councillor Parkinson highlighted key elements of the report. The Council was currently waiting for the Government portal to open to enable the submissions to be made. The LUF was a bid for funding, whereas the UK Shared Prosperity Fund was a direct allocation. The Council's Town Centre Investment Plan was a 10-15 year strategy which contained 18 principal schemes. The Levelling Up bid would focus investment on three main projects: the Market Hall, Market Chambers and Burtons Chambers. Consultants, CBRE, had been engaged to try to purchase the various property interests by agreement in Burtons Chambers and Market Chambers. The Council was also considering the use of a third party operator for both the Market Hall and Burtons Chambers once redeveloped.

A revised Town Centre Stakeholder Group had been established to engage with key partners and a smaller Town Centre Partnership Board, chaired by David Sanderson, the Deputy Lord Lieutenant and CEO of the Rank Foundation charitable trust had been created to lead the programme.

Councillor Munsif Dad BEM JP asked when the portal would be open and whether there were any contingencies if there was a delay. The Leader responded that the Council would be notified when the portal was available and the bid would be submitted as soon as possible.

Councillor Britcliffe commented that the report was exciting news. The Government had set store by Levelling Up. The local MP had asked if there was likely to be any threat to Levelling Up due to the Conservative Party's leadership change, and assurances had been received from those asked that the new Prime Minister would be committed to it. The Leader indicated that a recent comment by an Opposition councillor that Accrington would receive all of the planned funding was not accurate. Councillors Parkinson and Britcliffe confirmed that extra investment in Accrington Town Centre would enable other monies to be released to be spread across the townships in the Borough. For example, a significant amount had already been spent on the development at Spring Street, Rishton. The Leader also noted that some unfair criticism had been levelled in the past at a different housing developer by a senior councillor. Councillor Plummer added that a close family member had recently purchased a home from this developer and were very happy with the standard of construction. Councillor Dad confirmed that the same firm had listened closely to

residents during a previous development in his ward. However, he accepted that individuals might have their own personal views.

Councillor Fisher welcomed the news about investment into Burtons Chambers, which she had proposed a number of years ago. She asked about the long term vision for this building. The Leader responded that it was proposed to use this building as shared office work spaces. The offer would be based around daily or weekly rental, which was a suitably different offer from the Globe Enterprises model. A third party operator had already shown an interest in the proposal. The Market Hall would be split between traditional traders and an events/eatery space, which should attract more visitors over time. A masterplan would be developed for the Arndale. Engagement was on-going with Historic England following a visit last week about the heritage assets within the town. Bricks and mortar could easily be repaired, but a cultural offer was also required so that there was always something going on.

Councillor Marlene Haworth, Deputy Leader of the Council, reiterated that the news was very exciting. By working together, local pride could be restored and Hyndburn could move forward. Councillor Dad welcomed what was proposed and acknowledged that investment had already occurred across Hyndburn.

Approval of the report was not deemed a key decision.

Reasons for Decision

Cabinet had given its formal approval in support of the Stakeholder Board's recommendations that the Council's LUF submission should focus around the following three principal interventions;

1. Redevelopment to an area within the Indoor Market Hall and outdoor pavilions along Peel Street – the intervention known as Market Hall.
2. Improvements and redevelopment to the properties of 43-59 Blackburn Road / 2-4 Church Street – the intervention known as Market Chambers.
3. Improvements and redevelopment to the block 61-69 Blackburn Road – the intervention known as Burtons Chambers.

Interventions 2 and 3 were not in the Council's ownership and so Cabinet had supported the appointment of CBRE, who were a nationally recognised property services consultant, to undertake acquisition discussions on behalf of the Council. Following the initial work around developing a Council acquisition strategy, CBRE had been in regular discussions with the owners of these key LUF buildings over the past six months. Discussions had progressed sufficiently to allow draft heads of terms to be issued and Cabinet was being asked to note this work and support the continued engagement of CBRE until February 2023, through a monthly retainer. This would allow further progress with the acquisition of the key intervention buildings Burtons Chambers and Market Chambers and reduce the risk of delays if the Council waited for the announcement of the LUF bid. The additional value of this extension, together with the expenditure to date was not likely to exceed the EU threshold.

CBRE had submitted heads of terms to the owners of the various interests in Burtons Chambers and Market Chambers with a view to enabling the Council to acquire these by agreement if possible so as to avoid the delays and uncertainties that would be involved in compulsory acquisition. It was anticipated that any purchase agreements or option agreements entered into prior to the outcome of the LUF bid would be conditional upon that bid being successful, although the Council would incur some legal and professional costs relating to the preparation of the conditional sale / option agreements. To avoid project

delays, it was not proposed that vacant possession was required as a condition of acquisition. The Council could therefore acquire the various freehold interests in one or both of these properties subject to existing tenancies remaining, but this did create an element of risk if the Council could not obtain vacant possession of the buildings by agreement when needed to commence redevelopment works, meaning compulsory acquisition might still be required.

A Procurement Strategy had been commissioned by MAC Construction Consultants and followed a standardised approach to help determine the appropriate procurement route for major redevelopment projects. A well-developed strategy recognised that each project or programme would have a different set of objectives and priorities which would help drive the choice of the route taken and that there was not a “one size fits all solution”. This approach ensured that the objectives and priorities determined the overall decision by putting these at the centre of the consideration of the options that faced the Council.

Following the production of the Procurement Strategy, the report concluded the preferred procurement route for a Council managed procurement was a Contractor led two stage, design and build for Burtons Chambers and the Market Hall, as it met or exceeded all of the Council’s procurement drivers. This approach allowed the Council and its preferred partner/operator to examine a variety of innovative new developments during the design stage and assess their capacity to add to the overall outcomes of the programme or help manage the overall cost of the programme, without the need to make major financial commitments before full assessments or face major additional programme costs from redesign or delay. At this stage, the report assumed it was a Council led procurement process, however this might not be the case, as the Council was currently procuring developer partners for both buildings.

As highlighted previously, the Council had commenced work to identify a preferred partner/operator for the Market Hall and Burtons Chambers by the time the Council should hear if the bid was successful or not. Depending on the agreement structure between the Council and partner/operator, it was quite possible that a bidder might wish to procure their own contractors and professional team as well as becoming the partner/operator once redeveloped and this option had been allowed for when publishing the Council’s Prior Information Notice. Where a potential partner/operator wished to lead and take responsibility for the construction works, further information around their procurement strategy including any frameworks for contractor and professional services would be sought as part of the Council’s evaluation process.

For a Council led procurement process, the report concluded the preferred Framework was the Scape Framework for Contractor selection and the NHS Shared Business Services was used for consultant selection to assist the Council in the delivery of the programme of works to Burtons Chambers and the Market Hall. This framework was recommended as it ensured the Council: complied with the requirements around public tendering under the Public Contract Regulations 2015, (the UK legislation that replaced the OJEC process), secured the services of an experienced main contractor to progress the projects through the remaining design phases, ensured that the Council could meet the requirements of the Levelling Up Fund criteria and provided as much certainty as possible in areas such as buildability, construction cost management, timescale, risk management and professional liabilities. This procurement route also aided the Council by appointing a main contractor and project management team who either had the relevant technical knowledge to fill all aspects of the work required or who had suitable arrangements in place to secure appropriate subcontractors with the professional and technical knowledge in construction industry and had the existing working relationships.

To improve the accuracy of the project cost estimates and reduce potential project delays, some work had been completed before any announcements had been made, although this was at the risk of wasted time and costs if the Council's bid was not successful.

- Building Condition Surveys to Burtons Chambers and Market Chambers to achieve minimum bid requirement of RIBA Stage 2 - £7,200
- Measured Survey to Burtons Chambers to achieve minimum bid requirement of RIBA Stage 2 - £18,500
- Development of two Business Plans and Procurement Strategy following changes in Round 2 bid criteria - £7,500
- Further costing work to ensure projects fit within the LUF bid envelope - £2,500
- External legal advice around Subsidy Control / State Aid - £2,000
- Continued engagement of CBRE to further progress acquisition discussions – at £3,500 per month

A revitalised Town Centre Stakeholder Group had been in operation since May 2020, with a specific aim to improve the Council's partnerships and communications with key partners, business leaders and community groups. A smaller subset of the Stakeholder Group – The Town Centre Partnership Board – had been created to expedite decision making and provide more regular oversight of the LUF and more recently, UKSPF bid developments. This board, independently chaired by David Sanderson, the Deputy Lord Lieutenant and CEO of the Rank Foundation charitable trust, helped refine the designs for the LUF schemes and brought forward recommendations for the UKSPF investment plans.

Following the conclusion in developing the Town Centre Investment Plan, (TCIP) and the two funding bids, (LUF and UKSPF) the Council was now considering moving towards project implementation and delivery stage. To this effect, discussions would shortly commence with the current Stakeholder Board and wider Stakeholder Group, to understand individual stakeholder's continued working commitments / arrangements, future remit/s, membership / composition and potential discussion around renaming to reflect this next phase and/or the wider Levelling Up agenda.

There would also be the need to create an internal officer project group and also to commence the procurement and selection of temporary internal officer support to service areas, such as Legal and Financial Services. Any contractual agreements would be conditional on the Council's LUF bid being successful.

Alternative Options considered and Reasons for Rejection

Cabinet could choose not to support the continued work by CBRE but this was not recommended as the LUF timescales were extremely tight and continuing the ongoing discussions with property owners to a stage where all parties had sale agreements ready, pending acknowledgement of the Council's bid, would help reduce any potential delays around acquisition.

Cabinet could choose not to support the preferred procurement route and framework options, if for example a preferred partner/operator wished to lead on their own procurement route. However, whether there was a Council led procurement or preferred partner/operator led procurement, the final recommendation, once funding had been secured, would need to meet the overall objectives of the programme and secure the best value to the Council and external funders.

Resolved

(1) That Cabinet supports and approves the continued engagement of the Council's externally appointed

property services consultant CBRE, to ensure the best possible chance for sale by agreement, as set out in paragraph 3.2 of the report.

- (2) That Cabinet delegates authority to the Executive Director (Environment), following consultation with the Executive Director (Legal & Democratic Services) to enter into any conditional sale agreements or option sale agreements for Burtons Chambers and/or Market Chambers prior to the outcome of the Council's LUF bid announcement, as set out in paragraphs 3.2 and 3.3 of the report .
- (3) That Cabinet notes the Procurement Strategy produced by MAC Construction Consultants (appended to the report) and supports in principal the preferred procurement route and preferred framework, as set out in paragraphs 3.4 to 3.7 of the report.
- (4) That Cabinet notes the additional work and the associated costs involved with submitting the Council's Levelling Up Fund bid, as set out in paragraph 3.8 of the report.
- (5) That Cabinet notes and places on record its gratitude for all the work undertaken by the Chair, David Sanderson, stakeholder board members and wider stakeholders in assisting with the development of the Accrington Town Centre Investment Plan, the Council's Levelling Up Funding submission and the Council's UK Shared Prosperity Funding submission.

64 Overview and Scrutiny Work Programmes

The Cabinet considered a report of Cllr Patrick McGinley, Chair of the Resources Overview and Scrutiny Committee; Cllr Loraine Cox, Chair of the Communities and Wellbeing Overview and Scrutiny Committee; and Cllr Josh Allen, Chair of the Special Overview and Scrutiny Committee, which was presented by the Leader of the Council.

Councillor Munsif Dad, BEM JP, commented that there were numerous topics which would benefit from the involvement of overview and scrutiny and that the Labour Group looked forward to participating fully in that process. The Leader of the Council noted that the proposed work programmes were substantial.

Approval of the report was not deemed a key decision.

Reasons for Decision

At the beginning of each municipal year, the Council's Overview and Scrutiny Committees each agreed a work programme for the year. The process for agreeing the work programme was set out in Overview and Scrutiny procedure rule C6(a) as follows:

“The chair and vice chair of each overview and scrutiny committee will meet with the Cabinet within four weeks of each Annual Meeting to discuss the Cabinet’s policy priorities for the coming year. The chairs and vice chairs will propose a draft work programme for their committee within two weeks of that meeting. The draft work programmes will be submitted to the next following meeting of the Cabinet for comment and the draft work programme for each overview and scrutiny committee will then be submitted to the next following meeting of that committee (together with any comments or recommendations from the Cabinet) for approval.”

A draft work programme for each of the Committees had been compiled. These were now being provided to the Cabinet for comment, then would be returned to the Scrutiny Committees along with any comments received. The Scrutiny Committees would then approve a full programme.

The work programmes have been developed following consideration of the Council’s guide for selecting items for scrutiny and consultation including:

- Multiple emails to all Councillors;
- Suggestions sought from all service managers;
- Social media coverage for public suggestions; and
- Informal discussions with the Cabinet.

Thirty requests for items to be considered for Scrutiny had been submitted by Service Heads, Councillors (Including Cabinet Members), Co-optees and members of the public. There had been several requests of a similar nature so in some cases, requested items had been merged. These items had been discussed in depth between the Scrutiny Chairs and Cabinet Members before producing the work programmes.

In addition, 3 items had been included as standing or statutory items (Budget, Crime and Disorder, and Hyndburn Leisure Annual Review).

It was acknowledged that, for the Special Overview and Scrutiny Committee, with a remit to consider Levelling Up, County Deals and Accrington Town Centre, the Work Programme should take a more flexible approach allowing for items to be scrutinised at the most appropriate times.

Not all suggested items had been deemed suitable for Scrutiny, in which case these suggestions had not been included in the programme.

Members and Officers had sought to provisionally allocate items to specific meetings. However, these might be subject to change during the year. As in previous years, additional items could be added to the work programmes as the year progressed, following scrutiny procedure rules.

The three Overview and Scrutiny Work Programmes were set out in detail in the report, however, a summary of the main topics identified is provided below:

Resources Overview and Scrutiny Committee

- Hyndburn Leisure Annual Update;
- Council Tax Energy Rebate Scheme;
- Performance Review;
- Accrington Stanley Community Trust Capital Funding Grant;
- Leisure Transformation;

- Prudential Indicators and Treasury Management;
- Medium Term Financial Strategy;
- General Fund Revenue Budget;
- Capital Programme;
- Transparency;
- Mayoralty;
- Smart Working Policy; and
- Land and building assets update.

Communities and Wellbeing Overview and Scrutiny Committee

- Allotments;
- Pest Control;
- Mental Health Update;
- Household Support Fund;
- Fly Tipping;
- Sports Pitches, Grass Cutting and Planting Programmes;
- Play Areas; and
- Crime and Disorder.

Special Overview and Scrutiny Committee

- Levelling Up Bid;
- UK Shared Prosperity Fund Plan; and
- Devolution and County Deal.

There were no alternative options considered

Resolved - That Cabinet endorses, without comment, the Draft Work Programmes for the Overview and Scrutiny Committees for 2022/23, which will be considered further by the Committees before final approval.

65 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.

66 Urgent Decisions Taken

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

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

No.	Decision Heading	Portfolio Holder	Date of Approval
(a)	Land at Nook Lane, Oswaldtwistle	Councillor Miles Parkinson OBE	29 th June 2022

Resolved - To note the report on urgent decisions taken.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

COMMUNITIES AND WELLBEING OVERVIEW AND SCRUTINY COMMITTEE

Wednesday, 20th October, 2021

Present: Councillors Dominik Allen, Carole Haythornthwaite, Bernadette Parkinson (Vice Chair), June Harrison and Kate Walsh and Paddy Short

In Attendance: Cooptees Bernard Dawson, Paul Barton, Jean Battle and Kimberley Whitehead

Apologies: Cllr Jenny Molineux

328 Apologies for Absence and Substitutions

Apologies were received from Councillor Jenny Molineux. Councillor Paddy Short substituted for Councillor Molineux.

329 Declarations of Interest and Dispensations

There were no Declarations of Interest and Dispensations.

330 Minutes of Last Meeting

To receive the Minutes of the meeting of the Communities and Wellbeing Overview and Scrutiny Committee held on Wednesday, 8th September 2021 for approval as a correct record.

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

331 Appointment of Co-optees

Councillor Bernadette Parkinson introduced a report on the appointment of co-optees to the Overview and Scrutiny Committee. The report was for information only. Councillor Parkinson highlighted that Bernard Dawson, Paul Barton, Jean Battle and Kimberley Whitehead had been appointed and welcomed them to the Committee.

Recommended - That the report be noted.

332 Suicide Prevention Scrutiny Panel Report

The Scrutiny and Policy Officer, introduced the report on behalf of the Suicide Prevention Scrutiny Panel. The Scrutiny and Policy Officer reported that the Communities and Wellbeing Overview and Scrutiny Committee received a report and presentation from Lancashire County Council Public Health at its meeting on 8th September. The report highlighted concerns that Real Time Surveillance data of suspected suicide rates in Hyndburn have increased. Consequently, the Committee resolved to appoint a short task

and finish group to determine what action the Council takes, and what further action the Council could take to support suicide prevention.

The Officer reported that the Suicide Prevention Panel contained 5 Councillors from this Committee, and was supported by officers from Lancashire County Council Public Health, and the Head of Policy and OD and the Head of Audit and Investigations from Hyndburn Borough Council.

All details of the review were included in the report. The role of this Committee was to consider and approve the recommendations to be submitted to Cabinet.

Questions were raised on the following topics:

- How the Council works with LCC Public Health?
- What is the role of the Member Champion?
- What further role was there for Councillors to support the agenda?
- What is the time frame for the action plan?
- Who would be responsible for monitoring the action plan?

Councillor Kate Walsh, suggested an additional recommendation be added to ensure that this Committee receives regular updates on the action plan, if it is approved by Cabinet.

Recommended - That the Committee submits the following recommendations to Cabinet:

That Cabinet resolve:

- **To sign up to the Mental Health Challenge for Local Authorities.**
- **To appoint an elected member as the Council's 'Mental Health Champion'.**
- **To identify a member of staff within the Council to act as 'Lead Officer' for mental health and wellbeing.**
- **To implement a Mental Health and Suicide Prevention Action Plan, as detailed in Appendix 1.**

And:

That the Communities and Wellbeing Overview and Scrutiny Committee receive regular updates on the implementation of the action plan.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Wednesday, 1st December, 2021

Present: Councillor Melissa Fisher (in the Chair), Councillors Peter Britcliffe, Sajid Mahmood, Tim O'Kane, Diane Fielding (Vice Chair) and Joyce Plummer

333 Apologies for absence, Substitutions, Declarations of Interest and Dispensations

There were no apologies for absence, declarations of interest or dispensations declared at the meeting.

334 Minutes of Last Meeting held on 13th October 2021

The Minutes of the Judicial Committee (Private Hire and Hackney Carriage) held on 13th October 2021 were submitted for approval as a correct record.

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

335 Licensing Procedure for Meetings of the Committee

The General Licensing procedure to be followed at the meeting in relation to hackney carriage and private hire drivers' and operators' licences was submitted. A copy had been provided to the licence holder.

Resolved - That the Procedure be noted.

336 Licensing Guidelines

The Institute of Licensing's Guidelines for Hackney Carriage and Private Hire Trades was submitted, which was used to assist Hyndburn Borough Council when determining the suitability of applicants and licensees in the Hackney Carriage and Private Hire trades. A copy of the Guidance had been sent to the licence holder.

Resolved - That the Guidance be noted.

337 Exclusion of the Public

Resolved - That, in accordance with Section 100A(4) Local Government Act 1972, the public were excluded from the meeting during the following item, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act, specified at the item.

338 Report relating to an application submitted for a Private Hire Drivers Licence.

(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 1 – Information relating to any individual)

In accordance with the licensing procedure the driver (MM) had been invited to attend the meeting and was present and accompanied by a friend.

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services), submitted a report informing the Committee of relevant issues relating to an application for a private hire licence (MM). Members were asked to consider matters contained in the report and any representations made by the applicant. The applicant’s previous history was summarised in 3.0 of the report.

The applicant and their representative provided a number of relevant points in response to the issues raised at the meeting, which the Committee were requested to take into consideration whilst making their decision.

The Committee was requested to consider the issues raised in the meeting and:

- (a) Determine whether the complaint was established;
- (b) Having made a finding of the facts, decide whether those facts revealed if the driver had acted in any way which would bring into doubt whether he was safe and suitable to hold a driver’s licence with the Council; and
- (c) Determine what action, if any, should be taken against the driver.

Decision of the Committee:

Resolved - That, having taken into account representations made at the Committee, the driver’s previous history and the fact that the driver had been co-operative and truthful when dealing with Licensing Officers and that he had not had any further convictions since the original offence, the Committee considered that there were exceptional circumstances which would justify departing from the Council’s Convictions Policy and were satisfied that the applicant was a fit and proper person to hold a private hire driver’s licence.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

PLANNING COMMITTEE

Thursday, 23rd June, 2022

Present: Councillor , Councillors Judith Addison (Vice Chair), Mohammad Ayub, Bernard Dawson, Melissa Fisher, June Harrison, Susan Hayes, Zak Khan, Caroline Montague and Kimberley Whitehead

Apologies: Councillors Loraine Cox, Paul Cox, Eamonn Higgins and Terry Hurn

37 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations

Apologies for absence were received on behalf of Councillors Loraine Cox and Paul Cox.

Councillor Kimberley Whitehead declared personal interests in the following items:

(3A) 11/21/0644: Land at Maple Crescent, Rishton; and

(3C) 11/21/0524: Land at Oswaldtwistle Moor South of Haslingden Road, Oswaldtwistle, Accrington

This was due to her employment by Electricity North West and the company being a consultee on the above planning applications. She remained in the meeting and participated in the debate and decision making.

Councillor Caroline Montague declared a pecuniary interest in item 3C 11/21/0524: Land at Oswaldtwistle Moor South of Haslingden Road, Oswaldtwistle, Accrington – due to being a Council representative on the Prospects Foundation Management Committee. On having declared the interest in the meeting she took no further part in the debate and did not participate in the decision taken.

There were no dispensations declared at the meeting.

38 Minutes of the Last Meeting

The Minutes of the last Planning Committee held on 23rd March 2022 were submitted for approval as a correct record.

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

39 Town and Country Planning Act 1990- Planning Applications for Determination

The Chief Planning and Transportation Officer submitted a report setting out recommended action on the following planning applications.

Resolved (1) **That consideration of planning permission for the following planning application be deferred for a site visit.**

- 11/21/0644 - Land at Maple Crescent, Rishton, Blackburn
Variation of Condition No 2 of 11/20/0096 including changes to roof design, external appearance and alterations to fenestration, balcony and porch

Members requested a site visit to Maple Crescent, Rishton before consideration of the report. A vote was taken on deferring the determination of planning permission to allow Members to visit the site first.

N.B. 1. Councillor Whitehead declared a personal interest in the above application due to her employment by Electricity NW. She participated in the debate and decision making of the application.

2. Councillor Walsh, Ward Councillor for Rishton, spoke against the Officer's recommendation for approval of planning permission of the above planning application.

Resolved (2) That the following planning application be refused for the reasons as set out in the report:-

- 11/21/0593 Outline: Erection of 12 no one bedroom flats Use Class C2 (all matters reserved).
Land bounded by Simpson Street, James Street and Kay Street, Oswaldtwistle

N.B. 1. Sarah Baughmont, representative of the applicant, spoke in support of the planning application and against the Officer's recommendation of refusal.

2. Councillor Smithson, Ward Councillor for St. Andrew's Ward, spoke against the planning application and in favour of the Officer's recommendation.

Resolved (3a) That the following planning application be approved to amend condition 4 of the original application 11/09/0512, subject to the three conditions as set out in the report; and (3b) That authority be delegated to the Chief Planning and Transportation Officer to make any minor changes to the wording of the conditions:-

- 11/21/0524 Variation of condition no 4 (first export date of electricity to the grid and decommissioning of development) pursuant to 11/09/0512 under Section 73 of the Town and Country Planning Act 1990.
Land at Oswaldtwistle Moor south of Haslingden Road, Oswaldtwistle, Accrington

N.B. 1. Councillor Whitehead declared a personal interest in the above application due to her employment by Electricity NW. She participated in the debate and decision making of the application

2. Councillor Montague declared a pecuniary interest in the above planning application due to her being a Member of the Prospect Foundation who have a financial interest in the application and therefore, she did not participate in the debate of decision of the application.

40 Major Planning Applications

The Chief Planning and Transportation Officer submitted a report to inform Members of a request submitted at the Planning Committee held on 23rd March 2022 for details of major planning applications determined using delegated powers and those that had been determined by Planning Committee. He explained that during 2020 and 2021 changes in the use of the scheme of delegation, due to Covid, had meant fewer planning meetings and more planning applications being determined by delegated powers meaning that this information would not be representative of that period. He therefore, submitted, as appendix 1 of the report, all major planning applications determined in 2018 and 2019. He reported that there were 27 major planning applications, 10 of these were determined by Planning Committee as well as a variety of other planning applications also determined by Planning Committee during this time.

Resolved - That the report be noted.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Tuesday, 12th July, 2022

Present: Councillor Peter Britcliffe (in the Chair), Councillors Bernard Dawson, Susan Hayes, Sajid Mahmood (Vice Chair) and Joyce Plummer (substituting for Loraine Cox)

Apologies Loraine Cox and Melissa Fisher

50 Apologies for absence, Substitutions, Declarations of Interest and Dispensations

Apologies for absence were submitted on behalf of Councillors Loraine Cox and Melissa Fisher. Councillor Sajid Mahmood was present from 3.00pm in connection with Agenda items 6 and 7.

Councillor Joyce Plummer was attending as a substitute on behalf of Councillor Loraine Cox.

There were no declarations of interest or dispensations declared at the meeting.

51 Minutes of Last Meeting

The Minutes of the last meeting of the Judicial Committee (Private Hire and Hackney Carriage) held on 1st December 2021 were submitted for approval as a correct record.

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

52 Licensing Procedure for Meetings of the Committee

The General Licensing procedure to be followed at the meeting in relation to hackney carriage and private hire drivers' and operators' licences was submitted. A copy had been provided to the licence holders/applicants.

Resolved - **That the Procedure be noted.**

53 Licensing Guidelines

The Institute of Licensing's Guidelines for Hackney Carriage and Private Hire Trades were submitted, which were used to assist Hyndburn Borough Council when determining the suitability of applicants and licensees in the Hackney Carriage and Private Hire trades. A copy of the Guidance had been sent to the licence holders/applicants.

Resolved - **That the Guidance be noted.**

54 Exclusion of the Public

Resolved - **That, in accordance with Section 100A(4) Local Government Act 1972, the public were excluded**

from the meeting during the following items, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act, specified at the item.

With the consent of the meeting, Agenda Item 8 was taken next.

55 Consideration of an Existing Hackney Carriage and Private Hire Joint Driver's Licence

(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 1 – Information relating to any individual)

In accordance with the licensing procedure the driver, (TY), had been invited to attend the meeting but was not able to be present today. The complainants had been invited to attend but were also not present. Members decided to determine the matter in the absence of the parties on the basis that they considered that they had all of the information necessary to consider the matter properly.

The Licensing Manager submitted a report informing the Committee of relevant background relating to the period of time during which the licensee had held a private hire an hackney carriage joint driver's licence. The report also contained information about a complaint received from a group of customers about a journey undertaken on 25th May 2022, alleging issues in relation to the driver's fitness to drive due to fatigue.

The licence holder had responded in writing to those allegations and outlined the circumstances of the fare.

The Committee was requested to consider the issues raised in the report and determine whether there was reasonable cause to suspend or revoke the licensee's private hire and hackney carriage joint driver's licence, whether to issue a warning, or whether to take no further action.

Decision of the Committee:

Resolved

- (1) That, having taken into account the written information submitted to the Committee, including the information from the complainants and the licence holder, as well as the driver's previous history and the hours worked as recorded in the taxi operator's log of jobs, the Committee determined to issue the licence holder (TY) with a written warning about the need to carefully manage his hours of work to prevent fatigue.**
- (2) That a reminder letter be sent to all taxi operators to remind them of the need to ensure drivers take sufficient breaks during their working day and should under no circumstances drive while feeling excessively tired or sleepy.**

- (3) That the Licensing Manager be requested to send a response to the complainants about the action taken by the Council.**

The meeting was adjourned at approximately 2:15pm until 3:00pm. Councillor Sajid Mahmood was in attendance when the meeting reconvened.

56 Consideration of an Existing Hackney Carriage and Private Hire Joint Driver's Licence

(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 1 – Information relating to any individual)

In accordance with the licensing procedure the driver, (HY), had been invited to attend the meeting. The driver and his representative, Mr Mohammed Younis, were both present. The complainant, another licenced driver, had been invited to attend and was also present.

The Licensing Manager submitted a report informing the Committee of relevant background relating to the period of time during which the licensee had held a private hire an hackney carriage joint driver's licence. The report also contained information about a complaint received from another licensed taxi driver about an alleged incident which had occurred on Sunday 5th June 2022, which had been captured on CCTV.

The licence holder had been provided with an opportunity to respond to the complaint and had subsequently received a copy of the CCTV footage.

Members viewed a copy of the CCTV footage. The Committee was reminded of the Council's policy with regard to violence. The Committee was requested to consider the issues raised in the report and determine whether there was reasonable cause to suspend or revoke the licensee's private hire and hackney carriage joint driver's licence, whether to issue a warning, or whether to take no further action.

Decision of the Committee:

Resolved

- **That, having taken into account the written information submitted to the Committee, including the information from the complainant, as well as the driver's previous history, together with the CCTV footage and the oral representations made by the both complainant and the licence holder and his representative, the Committee determined to suspend the driver's (HY's) licence for a period of 2 months with immediate effect, for the reasons set out in the decision notice.**

The Chair requested that officers review the procedure note used for the hearings, in the light of some potential inconsistencies with the current practice.

57 Consideration of a Grant of a Private Hire Driver's Licence

(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 1 – Information relating to any individual)

In accordance with the licensing procedure the applicant, (WH), had been invited to attend the meeting. The applicant and his representative, Mr Mohammed Younis, were both present.

The Licensing Manager submitted a report informing the Committee of relevant information and background relating to the application.

The Chair noted the time was now quite late and that if the case were to commence it might need to be adjourned part way into the hearing. Accordingly, he asked if the applicant would agree to postpone the case for approximately two weeks. The applicant and his representative agreed to defer the case.

Decision of the Committee:

- Resolved** - **That with the agreement of the applicant (WH) and his representative, the hearing be deferred for a period of approximately two weeks.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

AUDIT COMMITTEE

Monday, 18th July, 2022

Present: Councillor Dominik Allen (in the Chair), Councillors Noordad Aziz, Bernard Dawson, Peter Edwards (Vice Chair) and Carole Haythornthwaite

67 Apologies for Absence

There were no apologies for absence submitted.

68 Declarations of Interest and Dispensations

There were no Declarations of Interest or Dispensations notified.

69 Minutes of the Last Meeting

The minutes of the last meeting of the Audit Committee held on the 7th March 2022 were submitted for approval as a correct record.

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

70 Annual Internal Audit Report and Audit Opinion 2021/22

Mark Beard, Head of Audit & Investigations provided a report to inform and update the Committee on the Annual Internal Audit Report and Audit Opinion for 2021/22 and to give details on the performance of the Internal Audit Team and final outturn position for 2021/22.

The production of an Annual Internal Audit Report & Audit Opinion was a requirement of the Public Sector Internal Audit Standards (PSIAS) which were jointly published by the Chartered Institute of Internal Auditors (CIIA) and the Chartered Institute of Public Finance and Accountancy (CIPFA). The Annual Internal Audit Report & Audit Opinion was also an aid to those charged with governance in their consideration of the Annual Governance Statement in support of the Council's Financial Statements. The report also enabled those charged with governance to gain an independent viewpoint on the Council's Control Environment.

The Annual Internal Audit Report & Audit Opinion was a supporting piece of evidence and did not replace or prevent the Council's requirement to produce the Annual Governance Statement.

A copy of the Annual Internal Audit Report & Audit Opinion 2021/22 was provided as an appendix to the report and included the following sections:

- Executive Summary;
- Audit Opinion;
- Purpose and Boundaries;
- Review of Internal Control;
- Significant Issues Arising;

- Audit Performance; and
- Analysis of Audit Time – 2021/22.

The key information arising from the report was as follows:

- The Head of Audit & Investigations was able to issue a positive opinion on the systems of Internal Control based on the work carried out in 2021/22. The opinion score had very slightly dropped from 1.36 in 2020/21 to 1.40 in 2021/22. The number of recommendations had increased from 8 in 2020/21 to 13 in 2021/22.
- Internal Audit had not identified any issues in 2021/22 during the course of their audit work that would have had a material effect on the Council's Financial Statements.
- Internal Audit had achieved audit plan coverage of 97.21% in 2021/22. This was 0.79% below the annual target of 98%.
- Production and publication of the report was a requirement of the Public Sector Internal Audit Standards. The report satisfied the requirements for those charged with governance and formed a supplementary piece of evidence to the Annual Governance Statement.

Mr Beard highlighted trends from the information contained within the Tables set out in the report.

The Chair asked about Project Management in Table 6 (Block 2 on p.20) and whether this was expected to overrun further. Mr Beard indicated that the work had been paused because key individuals were not available. Some areas had had to be covered again with new staff and in some areas the remit had been extended.

The Chair asked about the 8 audit engagements that had not been completed mentioned at a Paragraph 4.4 and when these would be ready. Mr Beard reported that detail should start to come through at the next meeting and that Project Management was, in fact, already mentioned in the Appendix 1 of the report at Agenda Item 5. There were some 16 engagements currently being progressed.

Councillor Dawson asked about staff numbers within the internal audit team. Mr Beard responded that there were 2 staff plus himself. He also reported that a significant proportion of his time was spent on wider Council responsibilities, not audit, including anti-money laundering, safety, anti-fraud & corruption and data protection roles.

Councillor Carole Haythornthwaite enquired about the Ad Hoc Work and Investigations in Table 6 (Block 3 on p.20), particularly with regard to Discretionary Business Support Grants and Financial Controls work. Mr Beard commented that both of these engagements had been deferred. The latter was a niche piece of work requested by the Deputy Chief Executive which had been deferred due to a change of personnel, namely the Head of Accountancy. Regarding Discretionary Business Support Grants, a significant amount of time had been spent by the Audit Team discussing this with the Revenues Manager, but the nature of the engagement had been to dip in and out and to provide on-going monitoring. Therefore, the time spent had been recorded elsewhere under Audit Advice.

The Chair commented that he was pleased to see that 97.21% of the Audit Plan work had been achieved, against a target of 98%. Mr Beard added that Hyndburn was one of only a small number of Lancashire authorities to get close to its target. However, it was

understood that some of the larger authorities, unitary authorities and county council had seconded staff to Track and Trace during the pandemic.

Resolved - **That the Committee notes the content of this report for informational purposes**

71 Audit Reports and Key Issues - Progress Report for the Period February 2022 - July 2022

Mark Beard, Head of Audit & Investigations presented a routine report to inform Members of the Audit Reports issued during the period February 2022 – July 2022 and to bring to the attention of the Committee what the key issues were.

The report included a list of the audits carried out and any key issues, a summary of which is provided below:

Service/Topic	Audit Assurance Opinion Issued	Comments
Creditors	Substantial assurance	<ul style="list-style-type: none"> The audit found that the authorised signature list could be updated to fully reflect changes in staffing which had occurred. Management agreed to update the list. The audit found that a control sheet was not consistently being fully completed with all the required information, this varied from some sheets not being signed to others having some missing information which was particularly where cheques had been used. It should be noted that the majority of payments are electronically made via BACS.
Safeguarding	Substantial assurance	<ul style="list-style-type: none"> The audit found that whilst the majority of staff (13 out of 14 who responded) knew their responsibilities regarding Safeguarding all stated that they would welcome refresher training. It should be pointed out that all new starters have Safeguarding Training as part of their induction and there are number of modules for Safeguarding Training on internal online training platform. Management agreed to facilitate some refresher training during the course of 2022
Project Management	Comprehensive assurance	No issues arising

Members were reminded that the number of audit reports that were issued between each Committee meeting was subject to variation dependent on the size of the audit and any non-routine audit work, such as investigations, that the Team might become involved in. Therefore, for the purpose of reporting, only the audit reports fully completed, issued and agreed would be included.

Any investigations that might be carried out would not be included as a matter of routine in the report, particularly if they related to a specific individual or individuals.

There was a target of 98% of the audit plan to be completed by the end of the 2021/22 financial year in terms of audit days completed.

Position as at end of March 2022 = 97.21% of the plan completed

The position at the end of March 2022 could be broken down as follows:-

Month	% of the Plan Completed that Month
April 2021	7.54%
May 2021	6.35%
June 2021	6.44%
July 2021	10.09%
August 2021	7.89%
September 2021	6.83%
October 2021	8.72%
November 2021	8.46%
December 2021	5.69%
January 2022	10.72%
February 2022	9.77%
March 2022	8.71%

Completion rates fluctuated from month to month as staff leave was factored in. Despite the impacts caused by the pandemic, the Internal Audit Team was 0.79% from achieving the planned target for the year.

With regards to 2022/23 there was a target of 98% of the Audit Plan to be completed by the end of the current financial year in terms of audit days completed. As the Audit Team completed timesheets which then fed into the audit plan, it was possible to state the progress to date and the projected end of year position if that date was extrapolated out. Therefore:-

Position as at end of June 2022 = 19.75% of the plan completed
 Projected out-turn position for 2022/23 = 78.99% of the plan completed

The position at the end of June 2022 could be broken down as follows:-

Month	% of the Plan Completed that Month
April 2022	7.09%
May 2022	7.25%
June 2022	5.41%

The final out-turn position for 2022/23 was likely to be higher than 78.99% as some months would be more productive than others. The Chair asked if the final figure could be estimated yet. Mr Beard indicated that it was too early to give an accurate picture and this could be impacted by external factors, such as a resurgence in the pandemic.

Resolved - That the Committee notes the content of this report for informational purposes.

Mark Beard, Head of Audit & Investigations presented a report to inform Members of the outcome of routine follow-ups following the previously agreed action plans for completed Audit Reports.

The report covered the period March 2022 – June 2022. Details of the follow-ups carried out and actions implemented were provided as Appendix 1 and, at the meeting, Mr Beard outlined the actions carried out. A list of the topics/service areas covered is as shown below:-

- Creditors; and
- Facilities.

Following the agreement of the recommendations between Management and Internal Audit following the completion of the audit assignment, the area was revisited by Internal Audit and the recommendations were reviewed to ensure they had been implemented as agreed. This process was known as the 'Follow-Up'.

Internal Audit assessed the current position against what had been agreed at the end of the audit. Where no action had been taken by the Service Area, then Internal Audit would question why and issue a revised Action Plan. Part of the control within this process was consideration by Audit Committee of any issues that arose. The Committee had the ability to ask questions of Management in the relative service areas why they had not acted upon the agreed Action Plan. The Committee could also express what its expectations would be with regard to such a problem occurring.

Internal Audit aimed to carry out a Follow Up for each completed audit area within 6 months of completion. However there were a number of exceptions to that aim:-

- i.) Follow-Up in 6 months would be pointless if the recommendations were a low enough priority to allow a longer time frame.
- ii.) Work of the Audit Team did not allow the Follow-Up to be carried out. Although Follow Ups were an important part of the process the Head of Audit & Investigations would always have to weigh this against the need for achieving the Audit Plan and auditing the risks the Council faced.
- iii.) There were no recommendations arising from the original audit.

The Chair asked whether partially completed items would continue to be reported. Mr Beard responded that the partial implementation would be noted and picked up again at the next audit. Councillor Dawson asked about the Facilities Service Desk role. Mr Beard responded that it logged the calls for repairs for the Council's estate, which could include anything from a leaky tap, to broken windows, fire safety or structural issues. Health and safety issues would be given priority. Some repairs could be carried out by the Council's handyman, but others required external contractors.

Resolved - **That the Committee notes the content of this report for informational purposes.**

73 Internal Audit Charter

Mark Beard, Head of Audit & Investigations presented a report on the revised Internal Audit Charter which had been updated to reflect both good working practices and also to ensure it remained aligned with the Public Sector Internal Audit Standards (PSIAS).

Mr Beard outlined that the Charter set out the rules and ethos within which Internal Audit operated and how it interacted with the Corporate Management Team and the Audit

Committee. It had originally been planned to update this Charter around 18 months ago, but the work had been put on hold due to other priorities. The PSIAS were based on international standards which could be applied equally to the private sector. The 'governing board' in the context of a local authority was generally the Audit Committee. The Charter would be taken into consideration when the Internal Audit function was externally inspected.

The report indicated that the PSIAS were the standards within which Internal Audit worked and had to comply with and stated that an Internal Audit function must have in Internal Audit Charter.

The Internal Audit Charter established the framework within which Hyndburn Borough Council's Internal Audit Service operated to best serve the Council and to meet its professional obligations under the PSIAS.

The previous version of the Internal Audit Charter had been adopted in 2017. The 2022 Charter replaced the earlier version and had been updated to reflect current working practices by the Internal Audit Service and also ensured that it remained aligned to the requirements of the PSIAS.

The Internal Audit Charter covered:-

- Relevant Regulations and Interpretation;
- Definitions;
- Mission & Core Principles;
- Responsibilities;
- Independence, Objectivity and Integrity;
- Reporting Lines and Relationships;
- Access to Information;
- Internal Audit Resources;
- Competency;
- Quality Assurance and Improvement;
- Investigations and Counter-Fraud;
- Engagement Planning;
- Performing the Engagement;
- Communicating Results;
- Monitoring Progress of Actions Agreed; and
- Responsibilities in relation to the Internal Audit Service.

The areas contained within the Internal Audit Charter linked back into the PSIAS requirements.

Councillor Carole Haythornthwaite enquired if there was a requirement to submit the Hyndburn Charter to the overseeing body for the PSIAS. Mr Beard indicated that each authority would produce its own bespoke Charter and there was no requirement to submit the document to any other body. However, it would be subject to scrutiny during the external review of Internal Audit and would be mentioned if there were any issues. Hyndburn's Charter included all of the mandatory elements and some other standards which were considered to be important locally.

Resolved - **That the Committee notes the content of the report for informational purposes.**

Mark Beard, Head of Audit & Investigations presented a report to inform members of the updated self-assessment of the Public Sector Internal Audit Standards (PSIAS) which he had carried out and also the Quality Assurance and Improvement Programme (QAIP) which set out how the Council managed any standards that were not compliant, thus ensuring conformance with the PSIAS overall.

Mr Beard highlighted that a report was provided on this matter to the Committee each year, which might be a short report or a longer format, depending on the circumstances. Because of the new Members on the Committee in 2022/23, the longer format report had been produced this year. The authority needed to explain where it did not comply with standards, otherwise it would need to state that it did not comply on every piece of audit work carried out. For Hyndburn, there were only a small number of 'partiality conforms' and 'this has not occurred'/'not applicable' entries on the pro forma. The self-assessment then led to the Quality Assurance & Improvement Programme, which was an Action Plan and living document, which explained how any issues were being addressed. That document provided that evidence of conformity required by the external inspectors of Internal Audit. The inspections were due to take place every 5 years and the next one was due to commence in November 2022.

The report informed Members that the PSIAS was the framework that Internal Audit had to work within and comply with.

In addition to the PSIAS, Internal Audit had to have a Quality Assurance & Improvement Programme (QAIP). The QAIP detailed any standards which were not met or were partially in conformance together with any other key issues linked to the PSIAS. The QAIP included what steps were being taken to progress such issues and should be viewed as an ongoing improvement programme.

The Head of Audit reviewed the PSIAS annually to ensure that the Internal Audit Service conformed to the PSIAS, highlighting if there had been any changes and ensuring that any such changes were reflected in the QAIP.

The 2022 self-assessment of the PSIAS and the 2022 updated QAIP were provided as appendices to the report.

The Chair enquired whether partial conformity with the PSIAS was a major concern and whether the Council should conform. Mr Beard said that not all standards needed to conform, because most of the standards had a high degree of conformity. The Internal Audit Team maintained good, inclusive relationships with Corporate Management Team and individual Heads of Service. He provided an example of partial conformity in connection with Standard 2050 (Coordination) and explained the reason for this assessment.

Resolved - **That the Committee notes the updated PSIAS Self-Assessment and the updated QAIP.**

75 Public Sector Internal Audit Standards - External Peer Review of Internal Audit

Mark Beard, Head of Audit & Investigations presented a report to inform and update the Committee about the Public Sector Internal Audit Standards (PSIAS) external peer review process, which would ensure that Hyndburn Borough Council met the requirement under PSIAS that the Internal Audit Service was externally assessed once every 5 years.

The PSIAS stated that a local authority internal audit function must be subject to an external inspection against the PSIAS once every 5 years. The last external inspection of Hyndburn's Internal Audit Service had taken place in February 2018. The next external inspection of Hyndburn's Internal Audit Service against the PSIAS was provisionally timetabled for November 2022.

There were 8 Lancashire Councils including Hyndburn taking part in a Lancashire Peer Review process. Of the remaining Lancashire Councils which were not part of this scheme, two Councils had chosen to buy-in their external review from an outside provider. Four Councils had internal audit provided by Mersey Internal Audit Agency. One Council was part of the Northwest Chief Audit Executives Group and they also supplied internal audit to another Council.

There was a sub-group of the Lancashire District Councils' Audit Group consisting of the Heads of Audit from Burnley, Blackpool, Chorley / South Ribble (one head of Audit covered both Councils), Hyndburn and Wyre. This sub-group had reviewed and updated the methodology for the Lancashire Peer Review process that was based on the one developed previously by the North West Chief Audit Executives Group.

A Memorandum of Understanding (MofU) had been produced that set out the key aspects of the process including:

- The participating Councils;
- Duration of the MofU;
- Confidentiality;
- Governance;
- Moderation and Quality Control;
- Cost; and
- Methodology.

A copy of the MofU was included as an appendix to the report.

The peer reviews had been split into grouped areas to perform the inspections. These groupings were as follows:

- Burnley, Blackburn with Darwen, Chorley / South Ribble;
- Blackpool, Hyndburn, Wyre; and
- Preston

Preston was originally in a triad with 2 other authorities both of whom had now outsourced their internal audit provision to an external provider. As a result, the external review of Preston City Council's internal audit service had been carried out using a shared approach by a number of the other Heads of Audit participating in this process. Mr Beard indicated that it was possible that Ribble Valley might join the Lancashire Peer Review group in the future.

The timetable for carrying out all 8 external reviews was between June 2021 and March 2023. The external reviews of the internal audit service for Blackburn, Blackpool and Preston had already taken place with the rest still being outstanding.

Hyndburn Borough Council's external inspection of Internal Audit was scheduled to take place during November 2022 with the exact dates still to be set. As part of this process the external assessors would interview key personnel as defined within the PSIAS. This would include:

- Chief Executive;
- Director of Finance s151;
- Monitoring Officer;
- Chair of Audit Committee; and
- Head of Audit

These 5 post-holders were essential to the process, but in addition the external assessors would choose to interview at least one member of the audit team and would interview one or more auditees which were usually the Head of Service.

In order to both facilitate the required interviews and to gather information a pre-inspection questionnaire would be issued to all the key people. The answers to this questionnaire would then be used to target areas to explore further in the subsequent interview. This was likely to be sent out to recipients at some point during October 2022.

The Head of Audit & Investigation would provide the external assessors with evidence to demonstrate why Internal Audit did comply with the PSIAS. Internal Audit would be externally assessed by the Head of Audit & Risk from Blackpool Borough Council and the Head of Governance and Business Support (former Head of Audit) at Wyre Borough Council.

Following completion of the inspection process a report would be produced. The judgement of whether an internal audit service conformed to the PSIAS would be based on 3 areas of focus:

- Purpose and positioning;
- Structure and resources; and
- Audit execution.

The judgement would be that Internal Audit Service conformed, partially conformed or did not conform. The external assessment team might make recommendations for an authority to either achieve full conformity, if it had not achieved that, or improvements on service delivery, if improvements could be made even if overall the Internal Audit Service conformed to the PSIAS. Mr Beard commented that the authority would need to pass at least 2 of the 3 areas of focus above.

Once the final report had been issued to the Council it would be presented to both Corporate Management Team and the Audit Committee. The external assessment team was prepared to attend either or both of these meetings if required to answer any questions that might arise.

As different authorities would have different external assessors there was a Moderation / Quality Control process that took place at a number of points until the end of review process in March 2023. The first Moderation / Quality Control meeting had taken place on 8th October 2021 with future meetings due to take place during 2022 and 2023. The purpose of these meetings was to look at the reviews carried out and ensure that there was consistency of approach around logical findings and any recommendations made. The Head of Audit & Investigation was a member of the Moderation / Quality Control Panel but would clearly have no involvement when Hyndburn Borough Council's Internal Audit assessment was moderated.

The Head of Audit & Investigation was reviewing key documents that were part of the internal audit process in preparation for the external assessment. The Head of Audit &

Investigation had begun the process of evidencing the self-assessment of the PSIAS. The self-assessment was carried out annually and reported with the Annual Internal Audit Report & Audit Opinion.

The Chair asked about the cost of the Peer review process. Mr Beard responded that the cost to the Council of being involved in the Lancashire Peer Review process was staff time as opposed to direct costs. The preparation time undertaken by the Head of Audit & Investigation was accounted for in the Annual Audit Plan and historical information could be obtained if necessary. The Peer Review process had the added advantage of enabling best practice to be shared across all participating authorities.

Councillor Dawson asked if all authorities had to undergo an inspection and whether peer review was the best method. Mr Beard commented that this method represented the best value of money. An external provider could be used, but there were fewer firms operating in this market at present and prices had risen to around £15k.

Resolved - That the Committee notes the content of this report.

76 Future Training Requirements

Martin Dyson, Head of Accountancy outlined proposals for Member development in relation to the role and responsibilities of Audit Committee members.

It was acknowledged that for 2022/23 the Committee included several Members who had not served on this body before. Therefore, it would be useful for training to be provided on roles and responsibilities and the processes undertaken or overseen by the Committee. It would be useful for the Committee to participate in an evaluation of its own effectiveness. This could be achieved by undertaking a self-assessment. A self-assessment had not taken place in Hyndburn for a number of years.

Members were asked to consider whether they wanted refresher style training, or training on the basics, which could be delivered in house by officers. It was suggested that the Chair should undertake additional training. The self-assessment should be timed to take place before the Review of Internal Audit.

Mr Beard highlighted the Chartered Institute of Public Finance and Accountancy (CIPFA) document *Audit Committees: Practical Guidance for Local Authorities and Police (2018 Edition)*, which could be used for learning and development and contained a self-assessment tool at Appendix D. Mr Beard undertook to circulate the document after the meeting. It was suggested that a phased approach to the self-assessment be carried out as follows:

- STAGE 1 – each councillor to read the guidance document.
- STAGE 2 – each councillor to complete the self-assessment questionnaire to be achieved in time for the November 2022 Audit Committee meeting (further guidance would be provided on this process).
- STAGE 3 – Mr Beard to collate the self-assessment questionnaires and produce a report to the November Audit Committee. This would highlight any knowledge / skills gaps too.

Mr Dyson also reported that an additional meeting of the committee would be required before November to provide the updated position on the Annual Statement of Accounts 2020/21. The signing off process had been delayed by approximately 1 year. The authority

was working closely with the new auditors, Mazars, to finalise the accounts. Mazars representatives had been unable to attend the Committee today due to other commitments and sickness.

Councillor Noordad Aziz enquired about the reason for the change of external auditors from Grant Thornton, as he believed that all Lancashire authorities were part of the same cohort audited by this company. Mr Beard indicated that the change had been undertaken by agreement with Public Sector Audit Appointments (PSAA) and Grant Thornton to enable the auditors to better manage capacity and client relationships. Councillor Aziz asked if any other Lancashire authorities used Mazars, as it would be useful to share experience. Mr Beard confirmed that Rossendale Borough Council had engaged Mazars. Councillor Aziz commented that the disestablishment of the Audit Commission in 2015 had not worked well, given that the change had been intended to drive forward efficiencies.

Mr Dyson indicated that delays to the completion of the Annual Statement of Accounts for 2020/21 were largely outside of the authority's control. The external audit process was likely to be completed over a three week period commencing on 1st August 2022. It should be possible to bring the final accounts to the Audit Committee before 30th September 2022. The 2021/22 Statement of Account should then follow at the November 2022 meeting.

Councillor Aziz asked if there had been any breach of statutory duty regarding the deadlines for approving the accounts, or if COVID Regulations had relaxed the timetable. Mr Dyson responded that there had been an extension to the relevant deadlines, but external auditors had struggled to meet those deadlines. A high proportion of local authorities had been unable to comply with the Regulations, and the practical deadlines for completion had therefore shifted. However, the 2021/22 accounts should be on time. Councillor Aziz enquired if the Mazars were starting from scratch on the accounts. Mr Dyson indicated that most of the preparatory work had been carried out by Grant Thornton, so Mazars should be in a position to finish this work in August. The Accountancy Service recognised the risks around completion of the accounts and were focused on getting up to date. Much of the current situation was due to circumstances beyond its control. A number of Lancashire authorities had accounts from earlier years that remained outstanding, so this was not specifically a Hyndburn issue. Mr Dyson undertook, in consultation with the Deputy Chief Executive, to provide the Members of the Committee with written update of the position on the outstanding Statements of Accounts.

Councillor Aziz proposed a cross party motion to the Government to indicate that the external audit situation was not acceptable. He expressed concern that if something had been awry, the Council and public would not have been made aware of this in a timely manner. Councillor Haythornthwaite considered that the current difficulties might be due to other factors, rather than the demise of the Audit Commission. Mr Dyson responded that the exact reasons were unclear and the situation had generated a lot of debate nationally. Hyndburn, was currently working well with Mazars and building a good relationship, as evidenced by the current year's accounts, which were on target. This was important, as the deadline for the 2022/23 accounts would revert to the normal pre-COVID timetable with the Statement of Accounts published in May 2023 and signed off by September 2023 following external audit. Councillor Aziz acknowledged that there was a shortage of auditors within the profession and that firms might prefer to miss a deadline, rather than to publish incorrect findings.

The Chair advised Members to contact Mr Dyson or Mr Beard if they wished to discuss any specific training and development needs.

Resolved - **That the Committee:**

- (1) notes the proposed arrangements for training and development outlined above, including the self-assessment process; and**
- (2) notes that an additional meeting may be required in September 2022 to consider the final (audited) Statement of Accounts 2020/21.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 19th July, 2022

- Present:** Councillor Patrick McGinley (in the Chair),
Councillors Carole Haythornthwaite, Andrew Clegg, Noordad Aziz,
Dominik Allen, Scott Brerton, Bernard Dawson, Terry Hurn and
Paul Barton
Co-optees: Carole Haythornthwaite, Andrew Clegg, Noordad Aziz,
Dominik Allen, Scott Brerton, Bernard Dawson, Terry Hurn and
Paul Barton
- In Attendance:** Councillors Marlene Haworth and Joyce Plummer, Lyndsey Sims and
Teresa Phelan
- Apologies:** Councillor Paddy Short, Doug Hayes and Moss
-

77 Apologies for absence, Substitutions, Declarations of Interest and Dispensations

Apologies for absence were submitted on behalf of Councillor Paddy Short, Ken Moss and Doug Hayes. There were no declarations of interest.

78 Minutes of Last Meeting

The minutes of the Resources Overview and Scrutiny Committee held on 17th March 2022 were submitted for approval as a correct record.

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

79 Overview and Scrutiny Work Programmes

The Scrutiny and Policy Officer submitted a report requesting that the Resources Overview and Scrutiny Committee give consideration to and approve the draft work programme for 2022/23. It was pointed out that although the report would be submitted to all three Overview and Scrutiny Committee's, the role of this committee was to approve only its own work programme.

He explained in detail the process for setting the work programme, and that all Councillors and Service Heads have had the opportunity to feed into the programme. Members of the public had also been given the opportunity to submit items for consideration. The work programme was not fixed and items could be added to the agenda throughout the year using one of several procedures outlined in the Council's Overview and Scrutiny Procedure Rules.

The draft work programmes had been submitted to Cabinet on 13th July 2022 for comments. Cabinet made no further comments.

Councillor Noordad Aziz asked that consideration be given to including an item on the work programme to review the performance of Council Buildings operated by 3rd parties. Councillors agreed that consideration should be given to how this topic can be scrutinised.

Resolved - That the Work Programme for the Resources Overview and Scrutiny Committee for 2022/23 be approved as outlined, and consideration be given to how the Committee could most effectively scrutinise the performance of Council buildings operated by 3rd parties.

80 Hyndburn Leisure Annual Review

The Chair of the Committee welcomed Lyndsey Sims, Chief Executive of Hyndburn Leisure and Councillor Marlene Haworth, Deputy Leader of the Council to provide an annual review of Hyndburn Leisure. Hyndburn Leisure had recently published a public annual report which was distributed to members alongside the report which formed part of the agenda.

Lyndsey Sims drew attention to the following aspects of the report:

- The journey to zero subsidy
- 2021/22 performance and charity highlights
- Hyndburn Leisure's future vision: Investing in the Health and Wellbeing of our communities
- Leisure facility transformation

Councillor Marlene Haworth referred to the Leisure Transformation section of the report, and referenced a report which had been submitted to Cabinet on 22nd June 2022 titled "Leisure Estate Investment Programme – Procurement Strategy June 2022". She stated that this report was not a decision for the closure of Mercer Hall Leisure Centre to be replaced by a new facility at Wilson's Playing Fields, and reports will follow to Cabinet at a later date for the 3 other sites which are under consideration and form part of the review. Only once all proposed sites have been given full consideration will a decision be taken, and that decision will be based on a number of factors including Sport England support which is vital for any of the proposed sites to be viable.

Councillor Haworth also added that in her short time as the Portfolio Holder for Leisure, she was very impressed by the work of the Hyndburn Leisure team and their plans for the future.

The Chair invited members to ask questions. Lyndsey Sims gave thorough responses to questions on the following topics:

- Timeframe for memberships to be back to or above pre-covid levels
- Uses for Accrington Town Hall, and the role the building can play in bringing footfall into the town centre
- Hedging of utility rates
- Whether current swimming provision was enough to meet demand
- Increasing the diversity of the cultural offer
- Collaboration at both strategic and community level
- Use of facilities across townships
- Let's Move Hyndburn
- Investment in subsidised school holiday swimming
- Improvements to the town hall user experience

Lyndsey reported that Hyndburn Leisure were currently conducting a strategic review, and one major item for consideration is changing the name. Hyndburn Leisure play a large role in the borough's cultural offer and feel that this should potentially be reflected in the name of the organisation.

The Chair requested that that the Committee be provided with a breakdown of income and expenditure by building. Lyndsey agreed to provide this.

Resolved - That the report be noted

81 Council Tax Energy Rebate Scheme

The Chair of the Committee welcomed Cllr Joyce Plummer, Portfolio Holder for Resources and Teresa Phelan, Revenues Manager to provide Overview and Scrutiny with an overview of the Council Tax Energy Rebate Scheme and the Councils approach to the administration of this scheme.

Cllr Plummer provided a brief overview of the report which was submitted as part of the agenda. She drew attention to the following points:

- Council tax rebate eligibility criteria
- Households with a live direct debit instruction
- Discretionary Fund
- Number of rebates paid

Cllr Plummer and Teresa Phelan responded to the following questions:

- What efforts are being made to contact those people who have not made a claim who may not be digitally savvy?
- Why is the Council not being proactive and simply issuing cheques as per some of the business grants paid during the pandemic?
- How will people be contacted?
- What happens to those who do not claim by the closing date?

Cllr Plummer said that every effort was being made to contact people who had not yet claimed. Where email addresses were held, emails had been sent and where no email address was held, letters had been sent to the home. Information is readily available on the website and the Council has worked with Citizen's Advice.

In terms of processing the grants, the service is following Government guidelines and are not allowed to simply issue and send cheques, as they were in some cases for business grants during the pandemic. Also, the sheer volume of people eligible for this rebate in comparison to the number of businesses who were eligible for covid grants would not lend itself to this method.

If people do not claim by the closing date, the amount would be deducted from their Council tax bill. Although not ideal, this will ensure nobody will miss out on the grant.

Cllr Scott Brerton recognised the amount of work that had gone into this, and also the distribution of many other grants during the pandemic, and on behalf of the Committee wanted to thank the Benefits and Revenues staff.

The Chair wished for it to be minuted that the Committee recognises that no resident who is eligible for the council tax energy rebate will miss out on this payment, even if they do not claim it by the deadline.

Resolved - That the report be noted, and the Benefits and Revenues Service thanked for the work carried out to distribute numerous Government Grants which have been made available over the last 2 years.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Monday, 25th July, 2022

Present: Councillor Peter Britcliffe (in the Chair), Councillors Sajid Mahmood (Vice Chair), Melissa Fisher, Loraine Cox, Bernard Dawson and Susan Hayes

82 Apologies for absence, Substitutions, Declarations of Interest and Dispensations

There were no apologies for absence, declarations of interest or dispensations declared at the meeting.

83 Licensing Procedure for Meetings of the Committee

The General Licensing procedure to be followed at the meeting in relation to hackney carriage and private hire drivers' and operators' licences was submitted. A copy had been provided to the licence holder.

Resolved - That the Procedure be noted.

84 Licensing Guidelines

The Institute of Licensing's Guidelines for Hackney Carriage and Private Hire Trades was submitted, which was used to assist Hyndburn Borough Council when determining the suitability of applicants and licensees in the Hackney Carriage and Private Hire trades. A copy of the Guidance had been sent to the licence holder.

Resolved - That the Guidance be noted.

85 Exclusion of the Public

Resolved - That, in accordance with Section 100A(4) Local Government Act 1972, the public were excluded from the meeting during the following item, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act, specified at the item.

86 Report Relating to an Application for a Licensed Private Hire Driver

(Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 1 – Information relating to any individual)

In accordance with the licensing procedure the driver, (WH), had been invited to attend the meeting and was present and accompanied by his representative.

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic

Services), submitted a report informing the Committee of relevant issues relating to an application for a private hire licence. Members were asked to consider matters contained in the report and any representations made by the applicant. The applicant's previous history was summarised in 3.0 of the report.

The applicant and their representative provided a number of relevant points in response to the issues raised at the meeting, which the Committee were requested to take into consideration whilst making their decision.

The Committee was requested to consider the issues raised in the report and at the meeting and determine whether the applicant was a fit and proper person to be granted a private hire drivers licence.

Decision of the Committee:

Resolved - That, having taken into account representations made at the Committee and the driver's previous history and whilst recognising and commending the substantial positive changes to the applicant's life style, the Committee did not consider there was a clear and compelling reason to depart from Council policy to grant a licence. They did not find the applicant a fit and proper person to hold a private hire driver's licence.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

PLANNING COMMITTEE

Wednesday, 3rd August, 2022

Present: Councillor Judith Addison (Vice Chair), Mohammad Ayub, Danny Cassidy, Loraine Cox, Paul Cox, Bernard Dawson, Melissa Fisher, June Harrison, Susan Hayes, Zak Khan, Caroline Montague, Joyce Plummer and Kimberley Whitehead

Apologies: Councillors Eamonn Higgins and Terry Hurn

87 Apologies for Absence, Substitutions, Declarations of Interest and Dispensations

Apologies for absence were received on behalf of Councillors Eamonn Higgins (Chair) and Terry Hurn. Their respective substitutes were Councillors Joyce Plummer and Danny Cassidy.

There were no declarations of interest or dispensations declared at the meeting.

Councillor Addison reminded Members that only those councillors who had participated in the discussions at the last meeting regarding application 11/21/0644 - Land at Maple Crescent, Rishton, could take part in the debate and vote upon Item 3B on today's Agenda.

88 Minutes of the Last Meeting

The Minutes of the last Planning Committee held on 23rd June 2022 were submitted for approval as a correct record.

Resolved - **That, subject to the deletion of the company name of Councillor Whitehead's employer at Minute 39 (but the retention of the interest declared without that name), the Minutes be received and approved as a correct record.**

89 Town and Country Planning Act 1990- Planning Applications for Determination

The Chief Planning and Transportation Officer submitted a report setting out recommended action on the following planning applications. With the consent of the meeting, Agenda Item 3C was taken first, due to the attendance of a large number of members of the public wanting to observe this item and to avoid them having to wait unnecessarily.

Resolved (1) **That the following planning application be approved, subject to:**

- (a) **The conditions as set out in the report;**
- (b) **The addition of further conditions, to be determined by the Chief Planning and Transportation Officer, in relation to the following:**

- (i) **The appropriate management of Japanese Knotweed at the site;**
 - (ii) **Appropriate restrictions as to the hours of operation during construction of the development;**
 - (c) **The amendment of Condition 6 by the Chief Planning and Transportation Officer, to clarify that a Full Travel Plan will also be required to support sustainable travel at this location and shall be implemented, monitored and reviewed to the satisfaction of the Local Planning Authority;**
 - (d) **A s.106 agreement being entered into to secure the financial contributions requested by Lancashire County Council for the required highway improvement works and the Full Travel Plan as mentioned at (1)(c) above.**
- (2) That authority be delegated to the Chief Planning and Transportation Officer to make any minor changes to the wording of the conditions referred to above:**

11/22/0047 Land known as Clayton Triangle accessed from Mill Entrance and located between Whalley Road and Leeds Liverpool Canal, Clayton-le-Moors
 Major Full: Erection of 74 No houses and 53 No apartments with associated infrastructure (100% affordable).

1. Councillor Miles Parkinson spoke in favour of the application, which he considered met the Council's aspirations in the Local Plan to provide affordable/social housing, met the housing need associated with planned employment land in the Borough and achieved the stated aim of reusing brownfield sites. He referred to the findings of a lengthy highways report by Lancashire County Council and commented that pollution levels at the Hare and Hounds junction were falling and were likely to continue to fall in the future. He noted that one Member of the Committee had made a statement in the press against the application and he expressed concern that Members must not have predetermined the matter before taking the decision.
2. Councillor Peter Edwards spoke against the application on the grounds of difficult access to the site, extra vehicles exiting the development onto Whalley Road which was frequently congested and the potential impact of increased traffic at the Hare and Hounds junction.
3. Resident, Geraldine Dawson, spokesperson on behalf of several residents, spoke against the application on a number of grounds. These included the narrow vehicular access from Mill Street; congestion on Whalley Road; the high number of vehicles entering/exiting the housing development; potential unauthorised use of Saint Mary's Court as a cut through; poor air quality and risks to pedestrian safety at the Hare and Hounds junction; the impact of additional housing development in

Whalley on traffic in Clayton; lack of sufficient school places in the vicinity; environmental hazards posed by Japanese Knotweed already on the site; protection of bats in the old mill wall; and an allegation that the developer had damaged nests by felling trees contrary to the Wildlife and Countryside Act 1981. Ms Dawson also stated that if the application were not refused, residents would wish to see appropriate conditions imposed to mitigate the above issues.

4. All Members of the Committee confirmed that they had not been whipped in relation to this application, which would be decided solely on its merits based upon the relevant evidence provided.

Resolved

(1) That the following planning application be approved, subject to

(a) The conditions as set out in the report;

(b) Further consideration by the Chief Planning and Transportation Officer, in consultation with the case officer, of the issues identified in Condition 9, regarding porosity of the driveway material and any consequential amendments required to the wording of that condition.

(2) That authority be delegated to the Chief Planning and Transportation Officer to make any minor changes to the wording of the conditions referred to above:

11/21/0627

Land to the north and south of Britannia Street, Great Harwood
Major Full: Erection of 53 no dwellings and associated infrastructure including demolition of existing buildings.

1. Councillor Miles Parkinson spoke in favour of the application, which he considered met the Council's aspirations in the Local Plan about reusing brownfield sites and provided a modern desirable housing development close to Great Harwood town centre and its amenities.

Resolved

(1) That the following planning application be approved, subject to:

(a) The conditions as set out in the report;

(b) The addition of further conditions, to be determined by the Chief Planning and Transportation Officer, in relation to the following:

(i) The provision of an opaque screen to the west side of the first floor balcony at the rear of the dwelling, to prevent overlooking of the adjacent property;

(ii) The retention of the leylandii or other similar screening to reduce the visual impact of the west elevation of the property;

(iii) The removal of any waste form the site so as to prevent harm to the trees at the rear of the property.

(2) That authority be delegated to the Chief Planning and Transportation Officer to make any minor changes to the wording of the conditions referred to above:

11/21/0644 Land at Maple Crescent, Rishton, Blackburn
Variation of Condition No 2 of 11/20/0096 including changes to roof design, external appearance and alterations to fenestration, balcony and porch

1. Councillors Danny Cassidy, Loraine Cox, Paul Cox and Joyce Plummer took no part in the debate on this item and did not vote.

90 Planning Application 11/22/0135 30 Epping Avenue, Altham

Members were informed that the following planning matter was being submitted to the Planning Committee scheduled for Wednesday, 7th September 2022.

11/22/0135 30 Epping Avenue, Altham, Accrington
Application for Certificate of Lawful Development

The Chief Planning and Transportation Officer reported that an application for grant of a certificate of lawful use had been lodged in connection with the above premises for use as a children’s care home. The Council had sought legal advice on the process for determining such cases and a report was being prepared for the Committee. The report would include advice about what matters should be taken into account when taking the decision.

This application had generated a lot of public interest and a number of other similar applications in connection with children’s care homes had recently been received.

Resolved - That the above information be noted.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

REPORT TO:		Council	
DATE:		22 September 2022	
REPORT AUTHOR:		Julian Joinson, Head of Member Services	
TITLE OF REPORT:		Motions for Debate at Council - 1. Unlocking the Potential of Local High Streets	
EXEMPT REPORT:	No		
KEY DECISION:	No	If yes, date of publication:	N/A

The Council will be asked to consider the following motions submitted under Council Procedure Rule A9:-

1. Unlocking the Potential of Local High Streets

This Council believes that healthy high streets are essential for employment, shopping and leisure but many shops and businesses were struggling even before the Covid pandemic: high street retail employment fell in more than three-quarters of local authorities between 2015 and 2018 according to the Office of National Statistics¹ and more than half of all UK consumers were shopping online before the pandemic. Hyndburn's high streets have been similarly affected by this shift in trends and this can clearly be seen in Accrington.

This Council notes retail is among the sectors most affected by the coronavirus pandemic; the almost complete shutdown of non-essential shops between March and June 2020 and subsequent local and national lockdowns and ongoing restrictions has hit businesses hard, and the need for social distancing has changed the way many businesses operate reducing footfall.

The pandemic has accelerated what in many cases has been a longer trend of lower footfall and changing shopping habits: as the Portas Review a decade ago acknowledged, the form and function of many high streets needs to adapt if they are to survive.

This Council welcomes the willingness of Government to acknowledge the problems and come for-ward with initiatives in response to these challenges such as the furlough scheme, the Covid support business loans, and the High Street Taskforce.

However, as the Treasury Select Committee stated in 2019, the current system of Business Rates places an unfair burden on “bricks and mortar” businesses compared to online retailers, and the Business Rate system needs radical overhaul

The announcements in the Budget, though welcome, fall short of what is required: small changes to revaluation cycles and temporary discounts simply tinker around the edges, and will not deliver the support that local high streets need and deserve.

This Council resolves to

- Write to the Government to urge it to scrap business rates and replace them with a system which is fit for purpose and which levels the playing field between bricks and mortar businesses and online retail giants.
- Campaign to devolve funds like the Towns Fund, Levelling Up Fund, UK Shared Prosperity Fund and other national funding pots, to give local communities, councils and regions the ultimate say in how it is spent in their area.
- Explore what local action can be taken to revive our high streets.

Proposer: Cllr Noordad Aziz

Seconder: Cllr Scott Brerton

Submitted on 5th September 2022 (06.11)