
COUNCIL

Thursday, 3rd November, 2022

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

Apologies: Councillors Judith Addison, Mohammad Ayub, Eamonn Higgins, Abdul Khan (Mayor) and Kimberley Whitehead

176 Apologies for absence

Apologies for absence were submitted on behalf of Councillors Abdul Khan (Mayor), Judith Addison, Mohammad Ayub, Eamonn Higgins and Kimberley Whitehead.

177 Declarations of Interest and Dispensations

Councillor Caroline Montague declared a personal interest in Agenda Item 10 – Motions Submitted on Notice (Motion 2 – Enhanced DBS Checks for Members), on the basis that she was employed by a DBS organisation which had a connection with Hyndburn.

There were no dispensations notified.

178 Announcements

The Deputy Mayor made the following announcements:

1) Civic Engagements

In the absence of the Mayor, the Deputy Mayor had been busy attending a range of engagements both in and out of the Borough. Some highlights included:

- Sea Cadets Charity Dinner;
- Lancashire Best Kept Village - Annual Awards Ceremony;
- AGM of the Church & Oswaldtwistle Branch of the Royal British Legion;
- Veterans in Communities AGM; and
- Launch of the 'Haworth Open' Exhibition.

The Deputy Mayor added that it was always a great pleasure and privilege to see the fabulous work undertaken by artisans, societies, charities and volunteers from across the region.

2) Armistice Day and Remembrance Sunday

Councillors and members of the public were reminded that the Council would, as usual, be supporting events arranged by the Royal British Legion, local churches and community leaders to commemorate Armistice Day on 11th November and Remembrance Sunday on 13th November. Residents were advised to check the Council's website and local media for the details of individual services across the Borough's townships.

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

3) Market Chambers

An expression of interest had been submitted comprising a bid of £5M in connection with the proposed Market Chambers Cultural Centre to the National Lottery Heritage Fund. That organisation had written back to thank the Council for its interest, which was being considered further. The Council had been invited to reply via the Portal with a Round 1 bid.

4) Leisure Transformation Programme

The Leisure Transformation Programme aimed to reduce inequalities in the Borough and to improve life expectancy. It was estimated investment in the infrastructure could attract some 1 million additional visitors. Under the Sport England Strategy an Offer Project Board would be created. Hyndburn Leisure had been invited to apply for Sport England funding and a £2M bid was being developed, which would have several investment streams.

Work was progressing on the various proposals, including developments at Wilson Playing Fields, Hyndburn Leisure Centre and Bank Mill House. There would be a week long awareness campaign launched on 30th November 2022 with a public drop-in facility at Clayton-le Moors Community Centre. There would then be a more formal public consultation stage.

Overall, stakeholder groups were looking at up to 300 potential funding streams for investment into the Borough - some large-scale and some small.

5) Local Plan

The Proposed Submission Version Local Plan was currently out for public consultation until 28 November 2022.

6) Information Pack

An information pack would be distributed after the meeting, which contained copies of the Hyndburn News magazine, a Warm Welcomes in Hyndburn poster (a list of warm-hub locations) and two Christmas Lights Switch-Ons posters.

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

179 Confirmation of Minutes

The Minutes of the Council meeting held on 22nd September 2022 were provided.

Resolved - **That the Minutes of the Council meeting held on 22nd September 2022 be approved as a correct record.**

180 Question Time

The Deputy Mayor reported that two questions had been submitted under Agenda Item 5. He read out the questions as indicated below and responses were provided as shown:

1) Allotments

From: Councillor Kate Walsh

To: the Portfolio Holder for Environmental Services (Councillor Steven Smithson)

“With the waiting list for Allotments currently being over 600 people and the average waiting time 2.5 years, would it not be an opportunity for us as a Council to explore further sites for allotments such as the Council owned land on Walmsley St, Rishton, that was previously a park? The Council have attempted to sell this for housing but the nearby church have a covenant on the land - this would make it an ideal site for allotments and would save a precious green space in the Borough.”

Councillor Smithson agreed to look into Councillor Walsh’s suggestions and to keep her updated.

2) Fuel Poverty

From: Councillor Noordad Aziz

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

“Fuel poverty is a problem faced by households living on a low income in a home which cannot be kept warm at a reasonable cost. The latest statistics show, Hyndburn has 15% of households living in fuel poverty and is in the higher proportion of areas in the country and above the England average of 13.6%.

In Hyndburn, currently over 60% of houses are Band A properties and the vast majority of these are historic terraced streets that have minimum insulation compared to new builds and refurbished properties.

Does the Leader of the Council acknowledge that:

- *The last Labour Government Housing Market Renewal policy transformed areas in Hyndburn like Accrington West kickstarting regeneration in that area;*
- *The remnants of Housing Market Renewal funding also regenerated streets in Barnfield creating safer communities and homes?*

Does the Leader of the Council acknowledge that the Labour policy, under Keir Starmer, of retrofitting of housing over the next decade as part of a wide-ranging plan to tackle climate change has the potential to transform areas in Hyndburn and transform the historic terraced street with poorly insulated houses as well as it would save residents money on their energy bills?”

The Leader provided a comprehensive reply to Councillor Aziz in which he cited the following existing initiatives to tackle fuel poverty:

- The creation of the Net Zero Working Group;
- Cosy Homes in Lancashire (CHIL) scheme;

- Better Care Fund (BCF) grants to the Borough (delivered via Homewise);
- Lancashire County Council grants to district councils, including Hyndburn; and
- Onward Homes' funding bid for a local improvement project.

The Leader then invited Councillors Zak Khan and Caroline Montague to speak about their work as part of the Net Zero Working Group.

Councillor Khan referred to:

- A positive initial meeting with officers;
- The proposed meeting with wider stakeholders;
- The £¼M remaining in the Council's Climate Emergency Contingency Fund; and
- The Working Group's recommendation to appoint a dedicated climate change and cost of living officer.

Councillor Montague spoke about:

- Recycling;
- The green agenda;
- Working with Prospects Foundation (a local environmental charity); and
- The positive contribution of parks and green spaces to health and wellbeing.

Councillor Noordad Aziz commented that many of these initiatives were only scratching the surface of the problem. The Leader of the Council summed up by saying that housing regeneration was a priority for Lancashire and that there was cross-party support across all Lancashire authorities for improved housing. The County as a whole remained committed to housing investment, whichever party was in power in Whitehall.

Resolved - **To note the questions submitted and answers provided.**

In response to a question raised about whether councillors should be permitted to use their mobile phones during the meeting, the Deputy Mayor ruled that silent operation was allowed because the use of electronic devices were being encouraged for paperless meetings. In addition, the Member concerned had sought permission at the start of the meeting to film the proceedings.

181 Appointment of Co-optees to Overview and Scrutiny Committees

The Leader provided a report which included recommendations for the appointment of co-opted members to the Overview and Scrutiny Committees.

The Councils Constitution, Overview and Scrutiny Procedure Rule C2 stated:

“Up to four members of the public may be appointed to each Overview and Scrutiny Committee as non-voting co-optees, if they are deemed to have relevant experience of matters falling within the remit of that Overview and Scrutiny Committee.

- (i) Co-optees may be appointed following nomination by a councillor or following an application received directly from a member of the public.

- (ii) Applications received directly from the public will be considered first at the relevant Overview and Scrutiny Committee. The Committee will consider the knowledge and experience of the applicant relevant to the terms of reference or work programme of the Committee. If the majority of the Overview and Scrutiny members support the appointment of the applicant, the proposed appointment will be presented to Council for approval.

- (iii) Nominations received from councillors will be presented to the Council for approval, if supported by the Chair of the relevant Overview and Scrutiny Committee. In reaching a decision, the Council will consider the knowledge and experience of the nominee relevant to the terms of reference or work programme of the Committee.”

At the meeting on 19th May 2022, Council had approved the appointments of Ken Moss and Paul Barton (Resources); and Bernadette Parkinson and Jenny Molineux (Communities and Wellbeing) as scrutiny co-optees. Alongside those appointed in the previous year, the current co-optees were as follows:

Resources Overview and Scrutiny Committee

- Doug Hayes
- Stephen Button
- Paul Barton
- Ken Moss

Communities and Wellbeing Overview and Scrutiny Committee

- Jean Battle
- Paul Barton
- Jenny Molineux
- Bernadette Parkinson

Special Scrutiny Committee

- Vacancy x 2

Shaheed Mahmood had been nominated as a co-optee for the Special Scrutiny Committee by the Chair of that Committee, Cllr Josh Allen. Shaheed could not only provide a wealth of experience gained from his time as the Chamber of Trade president and an event organiser, but also bring with him the experience of a local businessman in the town centre and enthusiasm required for making the area a better place in which to live and work.

The second nomination brought an exciting opportunity for the Council to engage young people in local democracy and decision making. The Chair of the Special Scrutiny Committee, Councillor Josh Allen, was keen to nominate a local young person to be part of the Committee to bring a fresh outlook to scrutiny.

Initial discussions had taken place with Ynot Aspire, who, based in Accrington, provided a range of projects and services aimed at young people. Young people and their futures were at the heart of everything at Ynot Aspire, who had supported thousands of young people not in education, training or employment (NEET), those at risk of anti-social

behaviour or entering the criminal justice system, and more recently prevention and early intervention around young people's mental health.

In September this year, Ynot Aspire would begin a project aimed at engaging young people in local policy and decision making, and would engage with a number of local charities and organisations. This project would fit well with the aims of the Special Scrutiny Committee and the preference of the Chair to appoint a local young person as a co-optee.

The nominee would be aged 16-21 and live in Hyndburn, and would be a part of Ynot Aspire's new Youth Board. They would be accompanied at Special Scrutiny Committee meetings by an Officer from Ynot Aspire.

Under normal circumstances, Council would approve the appointment of a named individual, however, as the project at Ynot Aspire had just started and in order to have the co-optee placed on the Scrutiny Committee as soon as possible, it was requested that Council approve the nomination of an as yet un-identified individual.

Councillor Josh Allen spoke to the report and thanked Ben Caulfield, Scrutiny and Policy Officer, for the support he had provided to the newly established Special Scrutiny Committee. He highlighted the Committee's ambition to co-opt a young person and the arrangements with Ynot Aspire described above. Young people were the future of the community and even while at a young age could help to shape future policies. He noted that Councillor Noordad Aziz had recently suggested the reintroduction of a local Youth Parliament.

The Deputy Mayor indicated that Lancashire County Council already had young people sitting on some of its bodies. Councillors Munsif Dad BEM JP and Noordad Aziz both spoke in favour of further engagement with young people. It was acknowledged that they could bring a different perspective and fresh ideas to transform the Borough.

Resolved

- (1) That Council approves the appointment of Shaheed Mahmood as co-optee to the Special Scrutiny Committee.**
- (2) The Council approves the appointment of an as yet unidentified individual (A young person from Ynot Aspire) as co-optee to the Special Scrutiny Committee**
- (3) That Council approves that the above appointments be made until the end of the 2023/24 Municipal Year.**
- (4) That Council notes that, should the above appointments be approved, all Overview and Scrutiny co-optee positions are now filled.**

182 Revised Licensing Act 2003 Policy - 2022 - 2027

Councillor Joyce Plummer, Portfolio Holder for Resources, provided a report seeking approval to the Council's revised Licensing Act 2003 Policy 2022 – 2027.

Under section five of the Licensing Act 2003 the Council was required, as the Licensing Authority, to produce a Statement of Licensing Policy every five years. The Policy set out how the Council had interpreted the Act and the basis on which decisions were to be made.

The existing Policy had come into force in July 2017 and it was now required to be updated.

A summary of proposed changes was included in the report, highlighting changes to Paragraphs 6 and 30 and at Appendix D of the Policy.

A consultation on the proposed revisions had taken place between April and June of this year. The Draft Policy had been published on the Council's website and copies had been placed at public libraries and at the Town Hall in Accrington and at Scaitcliffe House. Letters had been sent to all stakeholders; all responsible authorities and to all senior Council Management, as well as voluntary organisations and groups. No responses had been received.

If adopted the revised Policy would be published on the Council's website.

Resolved - **To approve the final draft of the revised Licensing Act 2003 Policy 2022 – 2027, as set out at Appendix 1 to the report.**

183 Minutes of Cabinet

The minutes of the meetings of Cabinet held on 21st September and 19th October 2022 were submitted.

In respect of minute 109 – Leisure Estate Investment Programme, Councillor Colin McKenzie expressed concern that of the 7 alternative sites proposed by residents for a new swimming pool in Great Harwood, only 3 had been considered further by the independent consultants. He expressed the view that their conclusions were predictable and not supported by the evidence. He commented that the report focused on the numbers of visitors who could reach Wilson Playing Fields by car in 20 minutes but ignored figures that showed a greater number of people who could walk to sites in Great Harwood in the same 20 minutes. Walking would support people to be more active and would also have the benefit of allowing them to access nearby shops to boost the local economy. He asked the promoters to reconsider their decision. Councillor Noordad Aziz added that the licence for the abattoir site had now been withdrawn which presented an opportunity for a gateway project into Great Harwood to be developed in conjunction with the former gas holder site. Councillor Patrick McGinley asked if the anticipated costs of replacing the pavilion at Wilson Playing Fields were likely to escalate.

The Leader responded that he appreciated that Great Harwood residents were passionate about the facilities there, which would be the case in any of the townships. Arguments could be put for a variety of options, but the current proposals had previously received the support of the Chair of Hyndburn Leisure and the former Portfolio Holder as being in the best interests of Leisure Transformation. The proposals had already led to an expression of interest for £2M being submitted for Sport England Funding. The current vision was for a sports village development. This contrasted with the visitor figures for Mercer Hall of some 37 people per day. Mercer Hall was a valued community asset, but a realistic decision about its future now needed to be taken. There would be other investment opportunities for Mercer Hall and elsewhere in Great Harwood, such as at Bank Mill House. On the question of the pavilion at Wilson Playing Fields, this building was no longer fit for purpose and its replacement as a stand-alone building, or as part of an overall sports village would be considered carefully.

In connection with Minute 105 – Subsidised Pest Control Treatments, Councillor Noordad Aziz considered that the loss of the subsidy impacted most on the poorest in the Borough. He applauded the action of Councillors Scott Brerton and Colin McKenzie who had

challenged this decision via the call-in process. Their actions and consideration by the Communities and Wellbeing Overview and Scrutiny Committee had highlighted the availability of the Household Support Fund. Councillor Paul Cox urged the Portfolio Holder to consider this matter from the perspective of residents, not just based on the financial arguments.

The Leader indicated that the Overview and Scrutiny process had clarified that Household Support was available and that those in financial need could apply for the funding. He reminded Members that the intention of the reduction in the subsidy was to improve response times, which were currently up to 5 weeks. He noted that one neighbouring local authority had no pest control service at all.

Regarding Minute 149 – Market Hall Rent Concessions, Councillor Paul Cox was pleased to note that the concessions introduced by the Labour group via himself and former councillor Clare Cleary were being extended. The pandemic and current financial crisis had made it difficult for those starting out or carrying on a business. The Cabinet report suggested that the concessions could not be made permanent, but now might be the right time to consider a fundamental review of rent levels to ensure that they were realistic

In respect of Minute 108 – Hyndburn Selective Landlord Licensing Scheme, Councillor Bernard Dawson commented that there had been cross party support for this scheme when it had been introduced and that the scheme had been very successful. It seemed a pity that the scheme could not be extended.

The Leader commented that the scheme had been a popular initiative and, at one time, councillors had wanted to roll it out across the whole Borough. However, there were adequate powers available under other legislation which would enable the Council to maintain the housing improvements already achieved by the scheme.

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

184 Minutes of Committees

The Minutes of the following meetings were submitted:

Meeting (Municipal Year 2022/23)	Date
Resources Overview and Scrutiny Committee	6 th September 2022
Planning Committee	7 th September 2022
Special Overview and Scrutiny Committee	27 th September 2022
Standards Committee	29 th September 2022
Management Review Committee	17 th October 2022
Communities and Wellbeing Overview and Scrutiny Committee	19 th October 2022

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

185 Motion(s) submitted on Notice

1) Paperless Council Meetings

The following **motion** was proposed by Councillor Caroline Montague under Council Procedure Rule A9, which incorporated an alteration suggested by the Labour group to the original motion as set out in the Agenda papers. The altered motion was seconded by Councillor Paddy Short:

“That this Council continues to commit itself to be a paperless council and that councillors are encouraged to use electronic devices were possible.

The benefits of being a paperless council are as follows:-

1. Reduces the Carbon footprint
2. Reduces landfill waste
3. Saving the Trees
4. Water conservation
5. Deforestation to nature wildlife
6. Contamination due to ink cartridges
7. Officer's time.

I believe we as Elected Councillors have a responsibility to lead by example in our communities fight against the Climate Change Emergency.

Therefore, The Council Resolves to:

Encourage all Councillors to use electronic agendas although we understand that paper copies will be required for those who have accessibility needs, but we would request that a full review be done as to the paper and ink that the Council is using:

1. Recycled paper
2. Paper purchased from a net zero company
3. Eco friendly ink
4. Ink purchased from a net zero company.”

Councillor Short underlined the Green group’s commitment to work with all other political parties to achieve environmentally responsible improvements. Councillor Munsif Dad BEM JP thanked Councillor Montague for accepting the alteration, which had been put forward by Councillor Walsh in the spirit of working together for the benefit of all.

Councillors Josh Allen, Noordad Aziz, Patrick McGinley, Kate Walsh, Bernard Dawson, Zak Khan, Marlene Haworth and the Leader of the Council, as spoke in favour of the motion. A range of opinions were expressed about the extent to which councillors should be encouraged or mandated to go paperless and there was an acknowledgment that for some individuals or in certain circumstances paper copies might be preferred or necessary. The Leader commented that because Hyndburn was relatively small Council, Members had already committed to purchase their own electronic devices for Council business, rather than pass the cost on to Council Tax payers.

Resolved

- **That this Council resolves to encourage all Councillors to use electronic agendas although it understands that paper copies will be required for those who have accessibility needs, but it requests that a full review be done as to the paper and ink that the Council is using, with consideration being given to:**

1. **Recycled paper**
2. **Paper purchased from a net zero company**
3. **Eco friendly ink**
4. **Ink purchased from a net zero company.**

2) Enhanced DBS Checks for Elected Members

The following **motion** was proposed by Councillor Kate Walsh and seconded by Councillor Melissa Fisher under Council Procedure Rule A9:

“This Council resolves to request the Executive Director - Legal and Democratic Services to look into the possibility of all elected members being required to have enhanced Disclosure and Barring Service (DBS) checks.

For transparency the DBS checks will be published on the councillor’s profile on the Hyndburn Borough Council website.

For example: “DBS Cleared”.”

Councillor Walsh introduced the motion which was based on three main reasons:

- The proposal at Agenda Item 6 to include a young person as a co-optee on the Special Overview and Scrutiny Committee;
- Neighbouring councils already had arrangements in place for DBS checks; and
- Residents often assumed that councillors had undergone DBS checks, given that councillors were sometimes invited into electors homes.

Councillors Melissa Fisher and Munsif Dad BEM JP spoke in favour of the motion on the grounds of transparency and safeguarding considerations. Councillors Patrick McGinley, Zak Khan, Miles Parkinson OBE, Danny Cassidy and Peter Britcliffe spoke against it, citing a number of difficulties including legislative issues, the lack of a universal qualifying need for all councillors to undergo a check, such as unsupervised contact with children and vulnerable groups, privacy issues and the ephemeral nature of any assurance given by the check.

On being put to the vote the motion was **LOST**.

3) Fracking in Hyndburn and Lancashire

A motion had been submitted in the Agenda papers by Councillor Noordad Aziz, on Fracking in Hyndburn and Lancashire. Councillor Aziz withdrew the motion at the meeting, on the grounds that the Government had now reversed its recent decision to lift the fracking ban.

The Deputy Mayor thanked all for their attendance and advised Members that there would be a special meeting of the Council on 1 December 2022 to consider the revised proposals on the 2023 Parliamentary Boundary Review for Hyndburn.

Signed:.....

Date:

Chair of the meeting
at which the minutes were confirmed