

Agenda



HYNDBURN

The place to be
an excellent council

Cabinet

Wednesday, 21 June 2023 at 3.00 pm,
QER, Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Marlene Haworth (Leader of the Council)

Councillors Peter Britcliffe, Loraine Cox, Zak Khan, Sajid Mahmood, Kath Pratt, Steven Smithson and Mohammed Younis

AGENDA

PART A: PROCEDURAL AND INFORMATION ITEMS

1. **Apologies for Absence**
2. **Declarations of Interest and Dispensations**
3. **Minutes of Cabinet** (*Pages 5 - 26*)

To approve the Minutes of the meeting of the Cabinet held on 22nd March 2023 (attached) and the Special Meeting of Cabinet held on 31st May 2023. (to follow).

PART B: PORTFOLIO ITEMS

4. **Reports of Cabinet Members**



Telephone Enquiries: Democratic Services, (01254) 380116/380109/380184

Email: memberservices@hyndburnbc.gov.uk

Published on Tuesday, 13 June 2023

Page 1 of 3

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

Leader of the Council (Councillor Marlene Haworth)

5. Portfolio Responsibilities 2023/24 (Pages 27 - 28)

Cabinet Portfolios for 2023/24 attached, for noting.

Deputy Leader and Portfolio Holder for Environmental Services (Steven Smithson)

6. New Regulations for the Collection of Bulky Waste Items (Pages 29 - 32)

Report attached.

Portfolio Holder for Levelling Up (Councillor Mohammed Younis)

7. National Lottery Heritage Fund Submission (Pages 33 - 36)

Report attached.

8. Authorisation for Making of CPO for Market Chambers (Pages 37 - 116)

Report attached.

Appendix D to this report, containing exempt information, appears at Agenda Item 12, in Part C of the Agenda. The implementation of the decisions taken under Agenda Item 8 will be conditional upon the adoption of the recommendation at Agenda Item 12.

Portfolio Holder for Housing and Regeneration (Councillor Kath Pratt)

9. Disposal of Land at Charter Street, Accrington (Pages 117 - 126)

Report attached.

Reports from Overview and Scrutiny Committees

10. Outcome of the Call-In of the Cabinet Decision - Hyndburn Leisure Transformation - Investing in the Health of Hyndburn (Pages 127 - 134)

Report attached.

PART C: EXEMPT ITEMS

11. Exclusion of the Public

Recommended	That, in accordance with Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access
--------------------	---

to Information) (England) Regulations 2012, the public be excluded from the meeting during the following items, when it is likely, in view of the nature of the proceedings that there will otherwise be disclosure of exempt information within the Paragraphs of Schedule 12A of the Local Government Act 1972 specified at the items.

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

Statement in response to any representations – not required.

12. Authorisation for Making of CPO for Market Chambers (Pages 135 - 152)

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval is being sought from Councillor Josh Allen, Chair of the Special Overview and Scrutiny Committee, to the following decision being made by Cabinet on 21st June 2023, in private, on the grounds that the decision is urgent and cannot reasonably be deferred.

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

The attached Appendix, which contains exempt information, relates to Agenda Item 8.

Recommendation

That Cabinet notes the exempt information contained within Appendix D to the Part B report on Authorisation for Making of CPO for Market Chambers (Agenda Item 8 refers).

This page is intentionally left blank

CABINET

Wednesday, 22nd March, 2023

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

In Attendance: Councillors Noordad Aziz, Munsif Dad BEM JP, June Harrison and Colin McKenzie

326 Apologies for Absence

There were no apologies for absence submitted.

327 Declarations of Interest and Dispensations

There were no reported declarations of interest or dispensations, at this point in the meeting. (Note: Councillor Peter Britcliffe subsequently declared a possible conflict of interest – Minute 340 refers).

328 Minutes of Cabinet

The minutes of the meeting of the Cabinet held on 8th February 2023 were submitted for approval as a correct record.

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

329 Reports of Cabinet Members

The Leader of the Council, Councillor Miles Parkinson OBE, provided an update on the Huncoat Garden Village proposals. Following the Cabinet's approval to progress this project, a bid had been submitted to Homes England for some £30m funding. Their National Investment Panel Executive had now endorsed the case for this project and it would proceed to the second stage, during which a detailed assessment would be undertaken. If approved, the project would deliver some 1,800 new homes over a 15 year period. Their final decision was expected during the summer. The current announcement was no guarantee as to future success, but was an important step towards the Council's ambitious grand plan.

Councillor Munsif Dad BEM JP, Leader of the Labour group, welcomed the news and remarked that improved infrastructure was the key to opening up the area for development.

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

330 Authorisation for Making Compulsory Purchase Order for Burtons Chambers

The Cabinet considered a report of Councillor Miles Parkinson OBE, Leader of the Council, regarding authorisation for the making of a Compulsory Purchase Order for Burtons Chambers.

The Leader outlined some key points within the report in relation to the process of developing the Town Centre Investment Plan (TCIP) and the resultant Accrington Acre redevelopment, as well as noting the potential to draw in £70m investment, which would build upon £55m of public and private monies already invested. Regeneration of Burtons Chambers had always been an ambition of the Council following its slow decline as retail premises over a period of 20 years. The approvals being sought today would ensure that there would be no delay in progressing the current plans by putting in place the necessary authorisations. The acquisition of the relevant freeholds had been resolved, but dialogue was still on-going in relation to leaseholders. Good progress was being made and, ultimately, a CPO might not be required.

Councillor Dad commented that he was satisfied that all the correct steps were being undertaken to progress the project. The Leader added that the whole scheme was something of a jigsaw, but all of the pieces were now falling into place. This had taken a lot of hard work by the stakeholders, officers and consultants.

Approval of the report was a key decision.

Reasons for Decision

The report:

- Updated Cabinet on progress to date with the acquisition of interests in two interventions within the Council's Levelling Up Funding (LUF) programme.
- Invited Cabinet to authorise the making of a Compulsory Purchase Order (CPO) under Section 226(1)(a) of the Town and Country Planning Act 1990 to acquire compulsorily land, existing rights and interests at Burtons Chambers where agreement could not be reached in order to deliver the comprehensive 'Accrington Acre' redevelopment which was the subject of the LUF submission.
- Set out details of the proposed order lands by way of a draft CPO plan included as Appendix C to the report.
- Sought approval for the Executive Director (Environment), following consultation with the Executive Director (Legal & Democratic Services) to agree compensation and acquisition payments where this would avoid the need to compulsorily purchase interests.

The report included detailed information on the following matters:

- Background and the need for redevelopment;
- Appointment of a preferred developer and partner/operator;
- Land assembly and obtaining clean title to the land;
- Description of the Order Land;
- Description of interests in the Order Land (The interests to be acquired in the Order Lands were set out in the draft CPO Schedule provided as Appendix D to the report, which appeared in the private part of the Agenda (Minute 338 refers));
- The need for a Compulsory Purchase Order;
- Details of attempts to acquire interests by agreement;
- The planning position of the Order Land; and
- Funding.

In summary, the recommendations were brought forward in order to progress the redevelopment of the 'Accrington Acre' and contribute to the implementation of the TCIP.

If the Accrington Acre redevelopment did not take place, then not only would the area continue to decline and have an increasing negative impact on the town centre as a whole, but it would not benefit from the investment needed for it to become a vibrant and competitive centre able to meet the changing needs of the public.

Making the CPO was the most realistic option available to the Council to acquire all the interests necessary to facilitate the proposed redevelopment of the Order Land within the funding timescales if sale by agreement was not achieved. Compulsory purchase processes were fair and reasonable, providing those affected with the opportunity to object and providing the statutory framework for compensation, with a process for disputed compensation claims to be settled by the Upper Tribunal of the Lands Chamber, if required.

Alternative Options considered and Reasons for Rejection

The Council's preference was to acquire the Order Land by agreement with those with an interest in the Order Land. However, this could not be guaranteed and therefore a CPO would be needed where agreement could not be reached in a timely manner.

Resolved

(1) Subject to satisfactory compliance with the appropriate subsidy control regime requirement and both the Council and the Department for Levelling Up, Housing and Communities signing a Memorandum of Understanding to secure the LUF monies and having concluded that the acquisition of all interests at Burtons Chambers (61-79 Blackburn Road, Accrington, BB5 1JJ) will facilitate the commencement of the redevelopment and improvement of the 'Accrington Acre' within the approved strategic Town Centre Investment Plan (TCIP) and that such a redevelopment is likely to contribute to the achievement of any one or more of the following objectives:

- (a) The promotion or improvement of the economic well-being of the area;**
- (b) The promotion or improvement of the social well-being of the area;**
- (c) The promotion or improvement of the environmental well-being of the area,**

Cabinet resolves to take all necessary steps to make and secure the confirmation and implementation of a Compulsory Purchase Order (CPO) to acquire compulsorily all or part of the land shown edged red and coloured pink on the plan (Order Land) attached at Appendix C entitled 'Map referred to in the Hyndburn Borough Council (Burtons Chambers) Compulsory Purchase Order 2023' (the CPO Map), together with all rights and interests affecting that

land (which may be extinguished or overridden) in order to enable the implementation of the first intervention in the 'Accrington Acre' redevelopment. Those steps include the publication and service of all notices and the presentation of the Council's case at any public inquiry if required.

- (2) That Cabinet resolves to delegate authority to the Executive Director (Environment), following consultation with the Executive Director (Legal & Democratic Services):

 - (a) to finalise the wording of the CPO and the Statement of Reasons and to make any final adjustments as may be necessary to reduce the boundaries of the CPO Map and take all steps necessary to make and confirm the CPO;
 - (b) to take all steps to seek to acquire any or all of the necessary interests in the Order Land by agreement or by utilising and implementing any confirmed compulsory acquisition powers;
 - (c) to negotiate and agree the terms of such acquisitions, settle claims for compensation and to enter into such agreements or deeds necessary for the acquisition of all or part of the Order Land;
 - (d) that if the Secretary of State authorises the Council to do so, to confirm any CPO made.
- (3) That Cabinet resolves to utilise, where appropriate, either the general vesting declaration procedure under the Compulsory Purchase (Vesting Declarations) Act 1981 or the notice to treat procedure under Section 5 of the Compulsory Purchase Act 1965 in respect of the confirmed CPO.
- (4) That Cabinet authorises, under Section 6(4) of the Acquisition of Land Act 1981 to dispense with individual service of notices in respect of land where the Council is satisfied that it has not been possible following the making of reasonable inquiry to establish ownership of the land in question and for the service of notices in the manner set out in Section 6(4) of the Acquisition of Land Act 1981.
- (5) That in agreeing to recommendations (1) – (4) above, Cabinet has considered the provisions of the Human Rights Act 1998 so far as they might be applicable in deciding whether or not to make the CPO and all other statutory powers that the Council seeks to exercise and resolves the following:

(a) **With regard to Article 8 it is considered that in balancing the rights of the individuals who are affected by the CPO against the benefit to the community of proceeding with the CPO, the making of the CPO resulting in the interference with the individuals rights is justified in the interests of improving the economic, environmental and social well-being of the 'Accrington Acre'.**

(b) **With regard to Article 1 Protocol 1, it is considered that the interference with the individual's property is justified by the advantages accruing to the public by proceeding with the redevelopment of the 'Accrington Acre' particularly taking into account the fact that there is a legal right to compensation for the property taken and any rights extinguished under the CPO.**

(6) **That in agreeing to recommendations (1) – (4) above, Cabinet has had due regard to the Equality Act 2010.**

331 Amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing

The Cabinet considered a report of Councillor Joyce Plummer, Portfolio Holder for Resources, seeking approval for an amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing in relation to the current testing regime.

Councillor Plummer outlined the issues contained within the report, which related to the frequency of testing for vehicles over 10 years old. Numerous representations had been received from the taxi trade directly and via elected Members. Vehicles over 10 years old were currently tested every 4 months and issued with a 4 months licence on each occasion.

The trade had been consulted about reducing the frequency of testing to 6 monthly where a vehicle had passed the 4 monthly test first time on 3 consecutive occasions. A relatively low response had been received to the consultation, comprising 16 replies.

Members were reminded that public safety must be at the centre of any changes to the policy about vehicle testing. The report set out options for a change to the conditions. Options which incentivised drivers to maintain their vehicles to a high standard were recommended by the officers.

The Leader thanked Councillors Sajid Mahmood and Loraine Cox for bringing the issues to the attention of the Portfolio Holder.

Councillor Dad queried whether the amendments as presented in the report at Paragraph 6.1 were to be taken together, or were mutually exclusive options. It was clarified that only one of the two suggested conditions should be adopted. The Leader indicated a preference

for Option 1, which had been the wording used during the consultation process. Councillor Dad considered that Option 2 would be simpler to understand from the drivers' viewpoint.

Councillor Dad commented that Licensing Officers had a good track record of listening to the views of the Taxi Liaison Group, as had been demonstrated when considering the matter of disabled passenger seats.

Councillor Steven Smithson added that he and Councillor Plummer had recently met with officers at the Central Vehicle Maintenance Unit (CVMU) to introduce some measures that would assist taxi drivers. Councillor Dad asked if the emissions testing equipment was properly calibrated. Councillor Smithson responded that the equipment had been checked recently by the Driver and Vehicle Standards Agency (DVSA) and found to be accurate. Councillor Britcliffe added that certain manufacturers had misrepresented emissions performance and were being challenged for compensation by claims companies.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Council were responsible for setting the vehicle testing frequency for hackney carriage and private hire vehicles, which in turn determined the period of the licence that was issued. Currently vehicles under the age of 2 years were tested annually and issued with a 12 month licence. Vehicles between the age of 2 years and 10 years were tested every 6 months and issued with a 6 month licence and vehicles over the age of 10 years were tested every 4 months and issued with a 4 month licence.

At a recent Taxi Liaison Group meeting representatives of the trade had requested that the Council consider looking at the testing frequency of vehicles over the age of 10 years old and to allow them to be tested every 6 months instead of every 4 months, as was currently the case. This would bring Hyndburn's testing regime in line with the neighbouring authority of Blackburn with Darwen Borough Council.

Figures from the Council's testing center taken over the last 6 months showed that of the vehicles under the age of 7 that had been tested there was a 67.5% pass rate and a 32.5% fail rate. However, the fail rates increased in vehicles that were over the age of 7 to 58.8% pass rate and a 41.2% fail rate. Unfortunately, no analysis of the fail rates of vehicles over the age of 10 years was available.

A consultation had carried out with members of the taxi and private hire trade as well as with members of the public. Sixteen responses had been received of which twelve were from the taxi and private hire trade and four were from elected members. Of the sixteen responses received from the trade nine had been fully in favour of the proposal and seven had suggested that they would like all vehicles over the age of two years to be given a six month licence but without the additional conditions set out in the proposal below.

The proposal that was consulted upon was as follows:-

“All vehicles over the age of 10 years will be subject to a 4 monthly test. If the vehicle passes the test at the first attempt on 3 consecutive occasions it will go to twice yearly testing. If the vehicle subsequently fails two 6 monthly tests consecutively at first attempt it will revert to a 4 monthly test.”

Members of the trade had elected a number of representatives to attend the Taxi Liaison Group meetings to raise any issues and make any suggestions for improvements, and the Taxi Liaison Group had been consulted and supported this proposal.

Officers had recommended that Members adopt one of the conditions as set out below:

Option 1

“All vehicles over the age of 10 years will be subject to a 4 monthly test. If the vehicle passes the test at the first attempt on 3 consecutive occasions it will go to twice yearly testing. If the vehicle subsequently fails two 6 monthly tests consecutively at first attempt it will revert to a 4 monthly test.”

Option 2

“If a vehicle over the age of 10 years passes the test on the first occasion it will be issued with a 6 months licence otherwise it will be issued with a 4 months licence.”

It was the opinion of officers that either of the above options would provide an incentive to drivers to maintain their vehicles and encourage them to make sure that pre MOT checks were carried out before submitting the vehicle for test. However the second proposed condition would be easier to administer and in officers’ opinion would be the better option of the two.

Furthermore, the testing regime would be enhanced due to a series of programmed and random spot checks to be carried out by officers.

Alternatively members could determine that they wish to remove the requirement for vehicles over the age of 10 years to have a 4 monthly test and introduce 6 monthly test for all vehicles over the age of 2 years.

Members were also requested to make an amendment to the condition relating to the maximum age a vehicle might be when first presented for licensing. It was recommended that the following condition be applied:-

“A vehicle must be under the age of 15 when first presented for licensing”.

Members were reminded that the above proposed condition would replace a previous condition agreed in January by Cabinet that vehicles must be under the age of 10 years when first licenced. This was following representations from members of the trade and from some elected Members based on the current cost of living crisis. Vehicles would need to pass the Council’s test regardless of age.

Alternative Options considered and Reasons for Rejection

The Council could take no action and continue with the current policy and frequency of testing. However, this could result in more of the Borough’s vehicle owners going to Blackburn to be issued with a licence. This would not prevent them from coming and working in Hyndburn, however, inevitably Hyndburn would not have the same enforcement powers or control over the vehicles and drivers. The Council would have to rely on its neighbours carrying out enforcement action. Furthermore, Blackburn with Darwen Borough Council currently allowed vehicles of any age to be subject to a six monthly test. Officers had no evidence that the vehicles licensed in Blackburn were any more a risk to public safety than Hyndburn licensed vehicles. There were no statistics of high accident rates or other issues.

Resolved

- **That Cabinet approves the amendments to the Rules, Regulations and Procedures for Hackney**

Carriage and Private Hire Licensing as set out below:

- (a) All vehicles over the age of 10 years will be subject to a 4 monthly test. If the vehicle passes the test at the first attempt on 3 consecutive occasions it will go to twice yearly testing. If the vehicle subsequently fails two 6 monthly tests consecutively at first attempt it will revert to a 4 monthly test;**
- (b) A vehicle must be under the age of 15 when first presented for licensing.**

332 Financial Monitoring Report - Revenue Budget 2022-2023 as at Period 10 (January 2023)

Members considered a report of Councillor Joyce Plummer, Portfolio Holder for Resources, providing information on the financial spending of the Council up to the end of January 2023 and the financial forecast outturn position for the Accounting Year 2022/23.

Councillor Plummer highlighted the anticipated positive variance at the end of the financial year, in the sum of £129,000. The figure reflected the higher than anticipated staff pay award and raised energy costs. Energy costs across the Council's estate were being closely monitored. However, good financial management and some financial support from the Government had helped. Inflationary pressures during the year were being managed carefully by budget holders.

Councillor Munsif Dad enquired about the progress towards making weekend burials available and whether the underspend within the Parks and Cemetery Service could expedite this. The Leader responded that tenders had now been returned for this proposal. The Head of Service would now evaluate the replies. Matters such as appropriate fees and charges, health and safety issues and maintaining standards would need to be considered. It was possible that there would be a premium charge for this service. Councillor Dad indicated that other Lancashire authorities provided this type of service and its users were generally prepared to pay a premium.

Councillor Dad also highlighted the issue of dog fouling in cemeteries. The matter had been discussed before and it was acknowledged that most dog owners were responsible, but complaints continued to be received. The Leader accepted that dog fouling did still occur. A small minority of irresponsible owners caused problems in cemeteries, as well as on playgrounds and sports pitches. There were numerous areas available for exercising dogs responsibly. Many people owned dogs and ownership often fulfilled a vital social role as the animals were valued companions, particularly for widowed residents. Councillor Harrison commented that foxes were potentially to blame for some of the fouling. However, it was noted that people were less concerned about issues caused by wildlife.

Approval of the report was not deemed a key decision.

Reasons for Decision

The financial detail of the report was provided as a table at the end of that document.

The latest forecast spend to the end of the financial year in March 2023 was £12,205,000 compared to a Budget of £12,334,000. This forecast produced a positive variance of £129,000 by the end of the financial year.

Environmental Services were predicting a year-end adverse variance of £273,000 and the main variances were as follows:

- Waste Services were predicting an adverse variance for the year of £176,000. This was due to £65,000 of additional staffing costs, £125,000 of increased costs in vehicle fuel and waste supplies and additional income of £14,000.
- The Parks & Cemetery Service was forecasting a positive variance of £68,000, due to additional income of £209,000 largely from burials and cremations netted off by other vehicles and supplies and services costs of £148,000 and staffing savings of £6,000.
- The Town Centre & Market Budget was predicting an adverse variance of £27,000, with £32,000 of additional staffing costs and savings on supplies and service of £5,000.
- Other Environmental Health and Maintenance services were predicting an adverse variance of £138,000 due to reduced income of £72,000 and increased operating costs largely around vehicles and depots of £50,000, plus additional staffing costs of £16,000.

Culture and Leisure Services were indicating a positive variance of £106,000. Service expenditure on Leisure was forecasting a positive variance of £120,000 through reduced management fees, while the Haworth Art Gallery was predicting an adverse variance of £14,000 due to increased expenditure on staff.

Planning & Transportation were predicting an adverse variance for the year of £257,000. This was due to predicted unfinanced additional spend on agency / salary costs of £163,000, £26,000 of extra miscellaneous costs and £68,000 forecast fee income shortfall.

Regeneration & Property Services were predicting an adverse variance of £78,000 at year-end. This was due to £43,000 of additional staffing costs, £93,000 of increased costs largely due to external consultancy fees and costs associated with empty / void investment properties. These additional costs were offset by increased fee income for Disabled Facility Grant works undertaken and one-off additional income from reclaimable premises insurances totalling £59,000.

Policy & Corporate Governance were predicting a positive variance of £129,000. Housing Benefit costs were predicted to be £313,000 lower than budget and additional court fees income of £98,000 was projected. This offset the corporate savings target of £101,000, additional staffing costs of £51,000 and increased costs in various areas as follows: External audit fees £42,000, Banking fees £36,000, ICT supplies and services £30,000, additional costs relating to the by-election £39,000. There were numerous other smaller variances that net to a saving of £17,000.

Non Service Items were predicting a positive variance for the year of £501,000. This was due to forecast savings on borrowing and leasing costs of £301,000 plus additional treasury investment income of £200,000 due to utilising new investment funds and the increase in interest rates available.

The Council was facing a period of inflationary pressure, particularly in relation to energy and fuel costs. The contracts for electricity supply had been renewed from 1st October 2022 and had resulted in large increases of over 150%, although the effect had not yet been felt in full because the Government had provided a compensation scheme up to 31st March 2023. The gas contracts were due to be renewed in October 2023. The budget for 2023/24 assumed large increases of 200% although the situation remained volatile as there had been a recent reduction in prices.

As in the previous two years, if there was a spike in COVID 19 that required the Council to take action to prevent the spread of the virus or to provide additional support to the local community, it was expected that additional funding provided by Government would be used to meet any additional costs the Council incurred.

There were no alternative options for consideration or reasons

- Resolved**
- **That Cabinet notes the report and asks Corporate Management Team to continue to reduce expenditure and increase income so as to further improve the overall financial position of the Council over the remaining months of the year.**

333 Financial Monitoring Report - Capital Budget 2022-2023 as at Period 10 (January 2023)

Members considered a report of Councillor Joyce Plummer, Portfolio Holder for Resources, informing Cabinet of the progress of the 2022/23 Capital Programme.

Councillor Plummer highlighted the key figures within the report. Members commented that the total Capital Programme figure was unusual, in that it was normally in the region of £1m annually. However, over the next few years there would be an enormous investment in the Borough. By working together, councillors and stakeholders could deliver success. Councillors did not wish to waste any of the money secured, which would be put to good use in improving living standards and the health and wellbeing of Hyndburn's residents.

Councillor Dad highlighted the decarbonisation works which had been undertaken at Hyndburn Leisure Centre. He supported the ambition to make the best use of capital expenditure for the benefit the public. The Leader added that the Leisure Centre was now gas free and was probably the first such sports centre in the country. It was acknowledged that the running costs might not initially be cheaper, but the project was helping to protect the environment and costs should eventually fall.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Council had authorised a capital programme of £38.594m at its meeting on the 24th February 2022 and the programme had subsequently been increased to £45.163m upon the authorisation of the carry forward of projects from the previous year and a variety of in-year authorisations using existing internal funds or new external funding. The programme had largely been funded from existing resources with the exception an approval of £5m of borrowing (if required).

The Actual expenditure to 31st January 2023 was £3.275m against the latest approved full year budget of £45.164m. This equated to 7.25% spend. The forecast spend in year would rise to £6.996m including orders committed which would equate to 15.04%.

There was expected to be £38.256m of slippage into 2023/2024, of which £35.87m related to the Levelling Up scheme for Accrington Town Centre, the Leisure Estate Investment and Housing Schemes, including Disabled Facilities Grants.

There were some expected scheme overspends in year totalling £60,680, however additional funding had been identified to cover the additional costs of those schemes and they would not increase the net cost within the capital programme.

The remaining schemes within the programme had identified forecast underspends of £973,221 due to £950,000 of works now having been incorporated into the successful Levelling Up scheme recently awarded. The underspends were to be released back into the capital programme and £940,000 had already been earmarked to be set aside as part of the Asset Management / Fire Safety Compliance works as per the report to Cabinet on 8th February 2023.

The overall net position was that the Capital Programme was forecasting a net underspend of £33,221 in year after the set aside of funds above.

The significant elements of the programme were as follows,

Programme Area	Actual spend to Date £'000	Committed Expenditure £'000	Forecast Outturn £'000
Total Market Renewal Programme	80	28	108
Housing Improvement Programme	818	407	1,224
Levelling Up Fund Programme	0	0	1,080
Leisure Estate Investment Project	580	561	1,141
Other Priority Projects	1,797	2,645	3,443
Total	3,275	3,641	6,996

The detail of individual project budgets and expected costs to complete the projects was provided as an Appendix to the report.

There were no alternative options for consideration or reasons

Resolved - **That Cabinet notes the progress on capital expenditure to date.**

334 The Proposed Use of Alternate Fuel for the Council's Vehicle Fleet

Members considered a report of Councillor Steven Smithson, Portfolio Holder for Environmental Services, on the proposed use of an alternate fuel for the Council's vehicle fleet.

Councillor Smithson outlined the recommendations in the report. He reminded Members of the Council's declaration of a climate emergency and highlighted the fleet's annual diesel usage and the case for switching to Hydro Treated Vegetable Oil (HVO). The alternate fuel would be 22% more expensive than diesel, but this had been budgeted for.

The Leader noted that green options were not always cheaper but were the right thing to do for the planet and the Borough. The measures complemented work already undertaken to install solar panels on Council buildings and plans to switch to electric vans.

Councillor Dad welcomed the report and confirmed the Labour Group's shared vision and support for this initiative. Councillor Peter Britcliffe, Deputy Leader of the Conservative Group, welcomed the proposal and acknowledged that green measures might not be the cheapest option. However, given the bleak picture painted this week in the latest report released from the Intergovernmental Panel on Climate Change (IPCC) who advised the UN, action was required as soon as possible.

Approval of the report was not deemed a key decision.

Reasons for Decision

In September 2019 the Council had declared a climate change emergency and committed to reducing carbon emissions to net zero by 2030.

A recent assessment of the Council's total CO₂ emissions had calculated that the Council was responsible for the production of approximately 2,700 tons of CO₂ per annum during the implementation of its duties.

Currently all vehicles in the Council's vehicle fleet were run on diesel fuel and the Council used approximately 180,000 litres of diesel each year. The Council had 54 vehicles which produced approximately 500 tons of CO₂ per annum via exhaust emissions. This equated to approximately 19% of the Council's total CO₂ emissions.

One way of reducing CO₂ emissions produced by the Council's fleet was by using HVO instead of diesel to fuel the vehicles. HVO was a renewable diesel substitute which was chemically very similar to regular diesel. However, as a result of the manufacturing process, it reduced net CO₂ emissions by up to 90% (which would equate to a reduction of 450 tons in relation to the Council's fleet), as well as significantly reducing NO_x and particulate matter from the diesel fleet.

HVO was a second generation biofuel and as such was a 'drop in' fuel meaning that no adaptations to the operational fuel infrastructure, vehicle or vehicle maintenance were necessary. Other local authorities in Lancashire and across the UK were using HVO and had reported no operational issues or additional vehicle maintenance required when using HVO.

As the use of HVO would lead to a reduction in NO_x and particulate matter from vehicles emissions (in addition to reducing net CO₂ emissions) it was anticipated that another benefit of using HVO would be improved air quality in the Borough.

HVO was more expensive than diesel (currently 22% more expensive) and as such it would cost more to run the Council's fleet on HVO rather than diesel. The Council spent approximately £250,000 per annum purchasing diesel fuel, so an additional £55,000 would be required to change to HVO fuel. The additional revenue costs had been included within the Council's budget setting process as it was considered that the environmental benefits outweighed the additional cost.

Alternative Options considered and Reasons for Rejection

Cabinet could choose to continue using diesel as fuel for its vehicle fleet however given the Council's commitment to reach net zero by 2030 it was important that some tangible action be taken. Using HVO would contribute to a reduction the Council's net CO2 emissions of approximately 450 tons per annum.

Consideration was given to replacing diesel vehicles with electric vehicles (EV) however this was not recommended. The main reason was that the ten biggest polluting vehicles in the fleet (refuse collection vehicles or RCVs) could not be swapped to electric vehicles. This was due to the power and drive configuration needed by RCVs to tip waste at Whinney Hill landfill site. Once Lancashire County Council provided a waste transfer station for East Lancashire Authorities, the use of EV could be considered more seriously as the waste transfer station would have a tarmac or concrete base upon which EV could operate effectively. The current costs associated with purchasing EV were significantly higher (in some cases double the cost) than purchasing diesel vehicles, in addition to the cost of installing the EV charging infrastructure needed. It was hoped as EV become more commonplace relative costs associated with purchasing EV would be more comparable with diesel vehicles.

Resolved

- (1) That Cabinet notes the recommendation of the Net Zero Working Group.**
- (2) That Cabinet agrees the Council's vehicle fleet can use Hydro Treated Vegetable Oil (HVO) as a diesel replacement.**

335 Livingstone Road - Garage Plots Disposal to Altham Parish Council

The Cabinet considered a report of Councillor Kath Pratt, Portfolio Holder for Housing, Health and Wellbeing, seeking authority to negotiate, agree terms and dispose of a garage site at Livingstone Road, Accrington, at nil consideration, to Altham Parish Council,

Councillor Pratt outlined the background and main reasons for the proposed decision.

The Leader commented that he worked closely with the Parish Council, as that authority operated within his ward. He noted that the adjacent allotment site had been transferred to the Parish Council a number of years ago. Those allotments were well managed and the Parish council had a good track record of improving facilities. Councillor Dad welcomed the proposals. As the beneficiary of a building transfer by Lancashire County Council for a community centre many years ago, he understood the benefits if this type of transaction. However, it was essential to protect the Council's interests in any future capital receipt by the inclusion of an overage clause in the title transfer.

Approval of the report was not deemed a key decision.

Reasons for Decision

A request had been received from the Altham Parish Council to transfer the freehold of the garage plots at Livingstone Road, as shown edged red on the plan provided as Appendix 1 of the report, to Altham Parish Council (APC) for a nil consideration. The request represented an opportunity to transfer this asset to the Parish Council, a lower tier of local

government, to facilitate the management of local assets and give local people a stake in the future of their area.

Adjoining the garage plot site were allotments which had been transferred to Altham Parish Council in 2017 at nil consideration pursuant to Section 9 of Schedule 29 Local Government Act 1972. This legislation was specific to allotments and did not extend to the garage plots.

The site currently offered 7 garage plots that were all let and provided an income of £714 per annum. The site did not incur any expenditure, but was not considered to be a critical operational site by the Allotments Officer, who did not object to the disposal.

The nil consideration offered by APC for the garage site was below the development market value of £28,700 and, as such, Cabinet needed to be satisfied that in the event of the disposal of the garage site to APC, this was likely to contribute to the promotion or improvement of economic, social and / or environmental well-being of the Borough or part of the Borough.

APC had provided supporting information with their offer which claimed they had built a good working relationship with the allotment holders and the Parish members over the last 2/3 years. The work undertaken by both APC and allotment holders had improved the allotments. APC claimed it had invested funds and reinvested the income from the allotments by way of clearing the vacant allotments, re-sizing to a more manageable size, providing new fencing and access gates, cleaning and managing the areas around the allotments and garage plots.

It was the aim of the APC to repeat the success of the allotments and work with current garage tenants to make improvements and re-invest the income derived from the garage tenancies to improve individual garage plots and enhance the local environment. Ongoing local management of the site and areas leading to the allotments would further improve the local environment for the benefit of immediate users and visitors to the area and the Parish of Altham as a whole.

APC was also keen to attract and engage with more volunteers from the local community and other gardening groups which would go some way to help tackle issues of inactivity, poor mental health and isolation to name just a few benefits of the social interaction and outdoor activities the APC could offer to more people if this disposal was approved.

Subject to this approval, it was advised that an overage clause be included in the contract for sale. The overage was recommended to be 100% and would enable the Council to recover from APC any increased value that might result should the community use change and subsequent benefits to the community be lost, and or if the site was sold for development.

Subject to Cabinet's considerations, this proposal was an opportunity to transfer the property to the Parish Council, a tier of local government, enabling local management of assets. The proposed sale at under value could achieve the requirements of the General Disposal Consent 2003 where the disposal was likely to secure or promote improvement in the economic, social or environmental well-being of the Altham Parish area as follows:

- Economic – this was an opportunity to raise funds alongside the rents to invest in the site creating work locally, in turn sustaining the property for the long term benefit of the local community

- Social – this was an opportunity to empower Altham Parish Council by putting the property in their direct control, giving it a greater stake in the local community. This in turn would help bring local people together and help to put local pride into the property and promote community cohesion and build community confidence.
- Environmental – planned investment and improvements in the property would have direct long term environmental benefit sustaining the site for the long term

Alternative Options considered and Reasons for Rejection

The site could be sold at Market Value which was £28,700, but this would not support APC in their community activities by providing them with an annual income that could be invested into the site and which it was aimed, would greatly improve the environmental amenities for users and visitors of the allotments and garages.

The site could be leased but APC had indicated that they wished to have the freehold giving them greater autonomy of the combined allotment and garage site and also to make use of the income generated by the garage rents to carry out environmental improvements to the site as a whole.

The Council could retain the site but there were currently insufficient resources to carry out any improvements which could be detrimental to the allotments where the APC had already made improvements.

Resolved

- That Cabinet:

- (1) Considers the report and is satisfied that the disposal of the garage site, shown edged red on the plan at Appendix 1 to the report (“the property”), to Altham Parish Council, is likely to promote the improvement of the economic, social or environmental well-being of the Altham Parish for the reasons specified in the report; and**
- (2) Subject to Paragraph (1) above, gives consent to dispose of the property at nil consideration to Altham Parish Council and delegates authority to the Head of Regeneration and Housing to finalise and agree the detailed terms for the disposal in consultation with the Executive Director (Legal and Democratic Services) and the Portfolio Holder for Housing, Health and Wellbeing.**

The following item was taken next during the meeting.

336 Hyndburn Leisure Transformation - Investing in the Health of Hyndburn

In accordance with Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was obtained from Councillor Patrick McGinley, Chair of the Resources Overview and Scrutiny Committee, to the following decision being made by Cabinet on 22nd March 2023, under the

special urgency provisions for key decisions, on the grounds that the decision was urgent and could not reasonably be deferred.

Members considered a report of Councillor Marlene Haworth, Deputy Leader of the Council, informing the Cabinet of work undertaken by independent consultants to the Council on potential alternative sites for the development of the proposed new leisure facility. The additional report had been carried out in response to stakeholder feedback, highlighting concerns regarding the independence of the previous site options report.

In addition, the report sought approval to amend the delegated authority in place for the project. Delegated authority for this project had previously been agreed to the Deputy Chief Executive. As a result of the delegated person retiring from the organisation, the report identified a new director to delegate these responsibilities to.

Councillor Haworth outlined the main elements of the report, including the overarching need to increase public participation in health and wellbeing and the delivery of an investment plan to address the issue of ageing facilities via Hyndburn Leisure. She reminded Members of the option sites considered by the consultants.

Each site had been assessed objectively using the same criteria. Wilson Playing Fields was the independent consultants' recommendation. The site was already an established leisure and sports location. Wilson had a good balance of access, parking facilities, links to countryside walks, which would support the site's long term management and deliverability. None of the other sites were considered to be suitable.

The report to Cabinet also reinforced the Council's commitment to repurposing Mercer Hall and reiterated that it was no longer suitable for use as a leisure facility. That building was not large enough and any extension proposed would be costly given the heritage considerations. The building did however have potential for other uses. It was an attractive structure and remained a positive addition to Great Harwood town centre. There was now an opportunity to reinstate some of the original features of the historic building.

The proposed new leisure facility at Wilson Playing Field would be financed by up to £10M from the Council. A funding application had also been made to Sport England for £2M. The outcome of that bid was awaited. An application would also be made to the Council's capital fund in 2023 to deliver feasibility work at Mercer Hall.

The Leader commented that the process had continued over many years and had been well documented in numerous reports. The emotional attachment of some residents to the existing leisure facilities was understood, but the decision had to be taken with the head rather than the heart. It was still the intention to repurpose Mercer Hall, as had been done with Great Harwood Town Hall, Bank Mil House and Churchfield House. Other uses for the building were canvassed three years ago, but there had been a campaign to keep a pool in Great Harwood. Members were reminded that the proposals had come from Hyndburn Leisure and that the Opposition Leader, as a member of the Trust's Board, had been fully engaged in this process. The issue had inevitably been seized upon during various election campaigns.

The Council remained committed to investing in Mercer Hall. However, Hyndburn Leisure needed to keep its business model under review in order to remain viable, so as to be able to deliver leisure and health benefits across the Borough. The Trust was, in fact, doing well and was sought out by its peers for advice as an example of good practice.

Councillor Dad concurred that Hyndburn had poor health and wellbeing outcomes, particularly around obesity and the impacts of COVID-19, which needed to be addressed.

Mercer Hall remained an iconic building and its best future use needed to be identified. He queried the use of the analogy at Paragraph 3.1 of the report, comparing exercise to a pill. However, he was pleased to see a new options report, as the previous report had not been viewed by some as sufficiently independent.

The Leader responded that the reference to exercise as a pill was somewhat tongue in cheek, but illustrated the point about the need for cost effective prevention of ill-health. The Council had been able to cease its annual subsidy to Hyndburn Leisure of around £1m, freeing up those resources for other uses. In addition, sports provision would be available through Hyndburn Leisure's operation of the facilities at Hyndburn Academy in Rishton (recently announced as a new build school under the Government's Schools Rebuilding Programme) and Accrington Academy and the facilities provided by Accrington Stanley Community Trust.

Councillor Harrison congratulated Hyndburn Leisure on their good work over the last few years.

Approval of the report was a key decision.

Reasons for Decision

The report included a detailed introduction to the overall proposals and the following information:

Site Location for the New Leisure Facility

In response to stakeholder feedback, highlighting concerns regarding the independence of the previous site options report, a second study had been commissioned, led by a new, independent consultant who had no prior involvement with the review process or with any of the proposed alternative sites. In commissioning a further site options report, officers had accepted that the conclusions of the previous site options report were potentially rendered unreliable by a conflict of interest on the part of one of the authors who was also involved in developing proposals for the Wilson site. When considering the new site options report and the recommendations in this report, Members were asked to consider this matter and their preferred site afresh, having regard to the documents appended to the new report and disregarding the recommendations of the previous site options report.

The new site options report had considered the following sites:

- Mercer Hall, Queen Street, Great Harwood, BB6 7AL;
- Wilson Playing Fields Clayton Hall Drive, Clayton Le Moors, BB5 5SF;
- Windsor Recreation Ground, Great Harwood, BB6 7AU;
- Land at Alan Ramsbottom Way, Great Harwood, BB6 7UR;
- Former Gas Holding Site, Great Harwood, BB6 7UA.

In assessing these sites the new site options report had considered the following:

- An overview of the objectives and 'specifications' of the Hyndburn Leisure Transformation Project and specifically a proposed replacement pool and associated facilities;
- An overview of relevant national and local planning and other policy to place the site-specific review in context;
- A review of the potential sites;

- A comparative assessment of the sites; and
- Conclusions and recommendations.

All of the sites had been evaluated and assessed using the same criteria to ensure a fair and consistent approach.

The new site options report reflected site visits and desk-top research. It drew on complementary, supporting assessments which were appended to the report. These were:

- Socio-Economic and Accessibility Appraisal; and
- Mercer Hall Building Appraisal.

The study recommended that Wilson Playing Fields should be considered the preferred option for the reasons, and on the basis of the evidence, set out in the new site options report. The site was already an established leisure and sports location, located between Great Harwood and Clayton le Moors. There were immediate and existing links to good quality sports facilities and links to countryside walking routes. It offered a good balance between accessibility, impact on participation, long term management and deliverability.

The study concluded that no other option sites were wholly suitable to accommodate the required development.

The Future of Mercer Hall

An independent external study had considered the potential to refurbish or upgrade the building to accommodate the identified leisure requirement.

The study highlighted that the building was not currently large enough to do this, in particular to accommodate the 25m/ 4-lane swimming pool. Further, the supporting spaces were disparately located across the building, with convoluted access routes which were often narrow and without natural light.

The study stated that the fitness suite and dance studios appeared of an adequate size, but might not suit any growth in demand in the Borough, as they were fairly small in comparison to other local authority leisure centres which had been built more recently.

It was identified that a significant programme of work would be required to bring the current facility up to the standard which patrons could reasonably expect and that given the constrained size of the existing building, it would be necessary to extend the building in some way to accommodate an increased leisure provision.

The study concluded that Mercer Hall did not offer the possibility in its own right to provide the level and quality of accommodation required to support continued use as a leisure centre aligned with the identified spatial requirement in the Borough. The pool was small in size and even with a full refurbishment to repair the tank from leaks, it would not comply with current Sport England guidance on layout/arrangement or size for either the pool tank or the changing areas.

However, the study identified that the facility did have potential for continued operation for other uses. The central hall in particular had the potential to offer significant opportunity for a variety of community-facing uses either if the swimming pool were to be filled in, or even if it were to be retained.

There were no alternative options for consideration or reasons

Resolved

- **That Cabinet:**
 - (1) **Notes the equality impact assessment attached to the report;**
 - (2) **Agrees to replace the current Mercer Hall leisure facility and Wilson Pavillion with a new facility at Wilson Playing Fields, as detailed in paragraph 4.5 and supported by the Site Options Analysis Study (Appendix 1);**
 - (3) **Agrees to progress feasibility work to repurpose Mercer Hall, to ensure that it remains a community asset;**
 - (4) **Agrees to delegate authority to the Council's section 151 officer to agree the terms of the proposed 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;**
 - (5) **Agrees to delegate authority to the Council's section 151 officer 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; and**
 - (6) **Agrees to delegate authority to the Council's section 151 officer to agree the terms of any grant funding awards from Sport England and other bodies willing to support the Council's leisure investment programme.**

337 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.**

338 Authorisation for Making Compulsory Purchase Order for Burtons Chambers

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was obtained from Councillor Josh Allen, Chair of the Special Overview and Scrutiny Committee, to the following decision being made by Cabinet on 22nd March 2023, in private, on the grounds that the decision was urgent and could not reasonably be deferred.

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

Members considered an Appendix, which contained exempt information relating to Agenda Item 5. The Leader provided a brief introduction to the content of the Appendix.

Resolved - **That Cabinet notes the exempt information contained within Appendix D to the Part B report on Authorisation for Making CPO for Burtons Chambers (Agenda Item 5 refers).**

339 Disposal of Property and Land to HARV Outreach Team

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was obtained from Councillor Patrick McGinley, Chair of the Resources Overview and Scrutiny Committee, to the following decision being made by Cabinet on 22nd March 2023, in private, on the grounds that the decision was urgent and could not reasonably be deferred.

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

Councillor Kath Pratt, Portfolio Holder for Housing, Health and Wellbeing, provided a short introduction to the report. Councillor Dad spoke briefly in support of the proposals.

Approval of the report was not a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

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

Councillor Peter Britcliffe declared that he had a potential conflict of interest in the following matter due to his son being the secretary of a football club that might be affected by the project. He left the room and took no part in the debate or decision.

340 United Utilities Haweswater Aqueduct Resilience Programme (HARP) Project - Bolton Avenue Playing Fields, Huncoat

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was obtained from Councillor Patrick McGinley, Chair of the Resources Overview and Scrutiny Committee, to the following decision being made by Cabinet on 22nd March 2023, in private, on the grounds that the decision was urgent and could not reasonably be deferred.

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

Councillor Kath Pratt, Portfolio Holder for Housing, Health and Wellbeing, provided a short introduction to the report. The Leader and Councillor Dad spoke briefly in support of the proposals.

Approval of the report was not a key decision.

Reasons for Decision

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

Alternative Options Considered and Reasons for Rejection

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

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

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

This page is intentionally left blank



HYNDBURN
 The place to be
 an excellent council

CABINET MEMBERSHIP AND PORTFOLIO RESPONSIBILITIES 2023/24

Cabinet Member	Portfolio
Councillor Marlene Haworth	<p>Leader of the Council</p> <ul style="list-style-type: none"> • Strategic leadership & direction • Planning & Transportation
<p>Councillor Peter Britcliffe</p> <p>(Statutory deputy for the purposes of the Local Government & Public Involvement in Health Act 2007)</p>	<p>Deputy Leader of the Council Portfolio responsibility for Resources</p> <ul style="list-style-type: none"> • Finance and the budget process • Health and safety • Revenues and Benefits Service • IT • Audit function • Human resources and organisational development • Constitution and corporate governance
Councillor Steven Smithson	<p>Deputy Leader of the Council Portfolio responsibility Environmental Services</p> <ul style="list-style-type: none"> • Environmental Services • Waste management and enforcement • Refuse and recycling collections • Street cleaning • Parks and open spaces • Grounds maintenance • Cemeteries and crematoria • Environmental Health • CVMU • Allotments and Prospects
Councillor Mohammed Younis	<p>Levelling Up</p> <ul style="list-style-type: none"> • Levelling Up Fund • UK Shared Prosperity Fund

Cabinet Member	Portfolio
Councillor Kathleen Pratt	<p>Housing & Regeneration</p> <ul style="list-style-type: none"> • Housing and neighbourhoods • Liaison with housing associations and private sector housing providers • Asset management and maintenance • Customer focus • Community safety
Councillor Sajid Mahmood	<p>Communities Health & Wellbeing</p> <ul style="list-style-type: none"> • Equality and diversity • Cohesion and integration • Community and voluntary sector liaison • Older people and vulnerable adults • Health and social care • Licensing • Children, young people and families
Councillor Zak Khan	<p>Economic Development & Sustainability</p> <ul style="list-style-type: none"> • Economic development and growth • Business Support • Sustainability and Net Zero • Education, Skills, Employment & Worklessness
Councillor Loraine Cox	<p>Leisure Transformation & Leisure Trust</p> <ul style="list-style-type: none"> • Wilson Playing Fields Redevelopments • Leisure Improvement Projects • Liaison with Leisure Trust

Agenda Item 6.

REPORT TO:	Cabinet		
DATE:	21 June 2023		
PORTFOLIO:	Councillor Steven Smithson - Deputy Leader of the Council, Environmental Services		
REPORT AUTHOR:	Craig Haraben (Head of Environmental Services)		
TITLE OF REPORT:	New regulations for the collection of bulky waste items		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. **Purpose of Report**

- 1.1 To inform Cabinet about the effect new regulations relating to the collection of bulky waste items containing persistent organic pollutants (POPs) are having on the Council's ability to collect bulky waste items.

2. **Recommendations**

- 2.1 That Cabinet note the report
- 2.2 That the portfolio holder work with officers to assess the situation and bring a report back to Cabinet with proposals as to how to deal with this issue

3. **Reasons for Recommendations and Background**

- 3.1 Persistent Organic Pollutants (POPs) remain intact in the environment for long periods, and if not disposed of properly become widely distributed geographically. They accumulate in the fatty tissue of humans and wildlife and have harmful impacts on human health and on the environment.
- 3.2 The Environment Agency has undertaken an investigation and confirmed the widespread presence of very large quantities of Persistent Organic Pollutants (POPs) and other hazardous chemicals in both the textiles and foam of waste upholstered domestic seating. These chemicals were used as flame retardants and are now banned.

- 3.3 New legislation from the Environment Agency came into effect on 1 January 2023 and this legislation no longer permits POPs waste to be sent to landfill, this is to prevent lasting environmental harm and impacts on the food chain. This means waste containing POPs must be incinerated and must not be re-used, recycled, or landfilled.
- 3.4 Waste upholstered domestic seating is defined as any item of upholstered seating of a household type from households or businesses that is waste. For example sofas, sofa beds, armchairs, kitchen and dining room chairs, stools and foot stools, home office chairs, futons, bean bags, floor, and sofa cushions. Upholstery includes any foam and fabric, for example textiles, leathers and synthetic leathers.
- 3.5 In December 2022 as a consequence of the Environment Agency legislation, Lancashire County Council as waste disposal authority in Lancashire informed the Council (as collection authority in Lancashire) that as from 1 January 2023 bulky waste items containing POPs must be collected separately to all other bulky waste items and could no longer be taken to Whinney Hill tip. POPs items must be taken directly to a waste transfer facility in Darwen.
- 3.5 Previously the Council collected two types of bulky waste items, those being recyclable (such as fridges, timber, mattresses) and non-recyclable (such as sofas or carpets) via two collection rounds. The collection of most non-recyclable bulky waste would be collected on bin day via a refuse collection vehicle collecting domestic residual waste (grey bin) and a separate round collecting recyclable bulky items.
- 3.6 The introduction of this new legislation (with less than a months notice) has meant that waste services have had to collect POPs items by sharing resources allocated to the recyclable bulky items waste round (as you have to segregate POPS items from other waste streams) and take this waste directly to a waste transfer facility in Darwen.
- 3.7 Having to split the round and segregate an additional waste stream has led to a backlog in relation to the collection of bulky waste items (both POPs and recyclable bulky waste items) which is unsustainable.
- 3.8 The portfolio holder will work with officers to establish a new way of working to reduce the back log and improve waiting times in relation to the collection of bulky waste items
- 3.9 Waste officers throughout the UK did hold numerous discussions with colleagues from the Environment Agency to seek a delay to the implementation of the new legislation, and to seek clarification as to whether local authorities could collect POPs and non-POPs items together or collect POPs items, store overnight and tip off the following day to facilitate more collections. However none of these proposals were acceptable to the Environment Agency.

4. Alternative Options considered and Reasons for Rejection

- 4.1 One option is to do nothing. Officers do not recommend that this approach is taken as the waiting times for the collection of bulky waste items are too long currently, which is creating a back log, and this is unsustainable in the long term.

5. Consultations

5.1 Consultation has taken place with Waste Services staff, the portfolio holder, Lancashire County Council and the Environment Agency.

6. Implications

Financial implications (including any future financial commitments for the Council)	Not known at this stage but will need to be considered in connection with any proposed new working methods, and will be report back to a future Cabinet.
Legal and human rights implications	The Stockholm Convention on Persistent Organic Pollutants which the UK signed up to aims to eliminate or restrict the production and use of POPs.
Assessment of risk	N/A for this report but will be completed for a future Cabinet report with proposals as to how to deal with this issue
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>	N/A for this report but a Customer First Analysis will be completed for a future Cabinet report with proposals as to how to deal with this issue

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

7.1 There are no back ground papers to this report

8. Freedom of Information

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

This page is intentionally left blank

Agenda Item 7.

REPORT TO:		Cabinet	
DATE:		21 June 2023	
PORTFOLIO:		Cllr Mohammed Younis – Levelling Up	
REPORT AUTHOR:		Steve Riley, Executive Director (Environment)	
TITLE OF REPORT:		National Lottery Heritage Fund Submission	
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 This report sets out the recommendation that has been made by the Town Centre Stakeholder Board for the Council’s submission into the National Lottery Heritage Fund (NLHF). The report asks for delegated authority to submit a proposal to the National Lottery on the basis of this recommendation.

2. **Recommendations**

- 2.1 It is recommended that Cabinet support the recommendation of the Town Centre Stakeholder Board and delegate authority to the Executive Director (Environment) following consultation with the Portfolio Holder to prepare and submit a £5 million Development Plan to the National Lottery that reflects the recommendation as set out in paragraph 4.1 of this report.

3. **Background**

- 3.1 Bradshaw Advisory (BA) have demonstrated their effectiveness through working with the Town Centre Stakeholder Group/Board, Members and council officers to crystallise a new town centre vision, the production of the TCIP and the submission of the Council’s LUF bid and, more recently, UKSPF investment plan. In June 2022, Cabinet gave approval to appoint BA to undertake further work, specifically:

- The creation of a TCIP funding strategy through the systematic review and appraisal of the different possible funding routes of interest to HBC, against each of the TCIP interventions through their award size, themes, criteria, bid timetables and any specific requirements (e.g. RIBA Stage 2 design, funding timelines).
- To provide relevant advice and detailed knowledge around other funding bids within the wider ‘Levelling Up’ agenda that may be available to the Council.

- 3.2 Given the Council’s LUF and UKSPF funding only provide for the acquisition of Market Chambers, plus some façade improvements and roof repairs, BA’s funding strategy

search was initially focused on identifying funding which would support the redevelopment of Market Chambers and create the proposed Heritage and Culture Centre within Market Chambers.

- 3.2 BA identified the NLHF as a good fit, given the criteria for potential funding:
- up to £5m financial ask.
 - must involve at risk heritage (can be objects, stories/experiences or buildings).
 - must help reach a wider group of people (e.g. people from lower socio-economic backgrounds, ethnic minorities, young people).
 - must offer good value for money. The larger the financial ask of the fund the more mandatory outcomes, (set by NLHF) must be met and to a greater degree.
- 3.3 The NLHF application process is split into 3 separate phases: a short Expression of Interest, a more detailed Development Plan and finally a full designed, costed and 'shovel ready' Delivery Plan. Each submission is assessed and if approved, the applicant is then invited to progress to the next stage. The Council submitted an Expression of Interest in September 2022 and at the end of October, the Expression of Interest had been considered by the Funding Panel for the North who subsequently invited the Council to progress to the Development Plan Stage. The Council will be submitting an application by noon, 17 August 2023 and hopes to receive a decision by the end of December 2023.
- 3.4 BA advised the Council to utilise the same process to filter ideas/concepts which was adopted for the TCIP and LUF funding submission, drawing heavily on the consultation workshops, resident polling to answer two initial gatekeeping questions.
- 1) Is heritage central to the idea/proposal?
 - 2) Does the idea align with the Accrington vision from the TCIP?

Where an idea/concept meets the two questions, each case was then scored using the following criteria.

- 1) Costs and VfM - does the idea offer good value for money?
- 2) Is the idea/proposal deliverable and within funding timescales?
- 3) Stakeholder/public support - is there evidence from polling/stakeholder workshops of support?
- 4) Does the idea/proposal align well with NLHF criteria and outcomes?

The scoring process allowed each idea/proposal to then be ranked. The proposals and rankings were presented to the Culture Heritage Investment Panel on 6 June 2023 and they reviewed all the suggestions and made a recommendation to the Town Centre Stakeholder Board at its meeting on the 8 June.

4.0 **Development Phase Submission**

- 4.1 The Town Centre Stakeholder Board's recommendation to the Council is that its National Lottery Heritage Fund submission for Market Chambers should be focused around the following theme/proposal.

Hyndburn is global. Its inventions and their impacts have changed the course of history. Its social fabric has been shaped by the world. The North and the UK's story is interweaved with that of Hyndburn's.

We will tell that global story and impact through the lived experiences of local people - including children and those of South Asian heritage. Those stories, noises, sights, feelings and smells will be told in an immersive way using modern technology including virtual reality, soundscapes and lighting aligned with collections and physical objects.

5. Alternative Options considered and Reasons for Rejection

5.1 The Council could choose not to submit a development stage proposal. This has been rejected as the NLHF has been identified as a good funding fit with the Council's heritage led town centre regeneration proposal for Market Chambers.

6. Consultations

6.1 Stakeholder consultation meetings have been held through March and April, a representative sample of 500 residents was undertaken from 9 May, (the same number used for the TCIP polling). A wider public consultation opened on the 26 May and will close on the 12 June. The wider Town Centre Stakeholder Group and Culture, Heritage and Investment Panel members have also been involved in the consultations.

6.2 The Council has been in regular dialogue with officers from NHLF, Historic England and the Arts Council during the development of the TCIP, and all were very supportive of the Council's town centre regeneration plans and LUF intervention projects. The Council has also hosted two visits from the Historic England's Historic Places Panel. The feedback from both visits has been extremely useful and the Panel was very excited about Accrington' prospects and have committed to working with the Council on this opportunity.

6.2 If the Council is successful with the Development Stage submission, further consultations with residents, businesses etc. will be undertaken during a 12 to 18 month period and submitted as evidence to support a Delivery Stage submission.

7. Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>The Council had already approved funding for BA to undertake a funding strategy and prepare and submit a funding bid where there is likely a high degree of success.</p> <p>If the Council is successful in its Development Stage submission, the Fund allows for approximately 10% (£500,000) to be drawn down and used during this phase to develop a Delivery Fund submission which, if</p>
---	---

	<p>successful, would unlock the remaining £4.5m of external funding.</p> <p>Whilst NHLF funding would be used for the capital works to redevelop Market Chambers, there will be ongoing revenue required to manage and operate the centre. This would be either through specific external revenue funding stream/s, income generated from within the facility, annual grant from the Council or a combination.</p>
Legal and human rights implications	The Council will be required to enter into a Development Stage funding agreement, subject to the development plan submission being accepted. A further funding agreement is likely if the Council is then successful with a Delivery Stage submission.
Assessment of risk	<p>This is an opportunity to receive substantial external funding and officers believe there is a low level of risk associated with doing so.</p> <p>The final designs/costs of the project will only be finalised at the Delivery Stage submission so there is a risk that the £5m NHLF funding may not be sufficient. If this was confirmed, the redevelopment could be undertaken in a phased approach whilst further funding bids were submitted, the Council could consider an element of match funding from its own reserves or a combination.</p> <p>There is the risk that the Council cannot acquire all the interests in Market Chambers by agreement and this risk is being mitigated by the Council recommending the making of a CPO.</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>	Not applicable for this report but a full analysis / Equality Impact Assessment will be undertaken as part of the National Lottery Development Stage funding work.

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

8.1

<https://democracy.hyndburnbc.gov.uk/documents/s16108/TCIP%20-%20Main%20Report.pdf>

Agenda Item 8.

REPORT TO:	Cabinet		
DATE:	21 June 2023		
PORTFOLIO:	Cllr Mohammed Younis – Levelling Up		
REPORT AUTHOR:	Steve Riley – Executive Director (Environment)		
TITLE OF REPORT:	Authorisation for making of CPO for Market Chambers		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	Yes	Appendix D Exempt	
KEY DECISION:	Yes	If yes, date of publication:	23 May 2023

1. Purpose of Report

- 1.1 To update Cabinet on progress to date with the acquisition of interests in the Market Chambers intervention within the Council's Levelling Up Funding (**LUF**) programme.
- 1.2. To invite Cabinet to authorise the making of a Compulsory Purchase Order (**CPO**) under Section 226(1)(a) of the Town and Country Planning Act 1990 to acquire compulsorily land, existing rights and interests at Market Chambers where agreement cannot be reached in order to deliver the comprehensive 'Accrington Acre' redevelopment which was the subject of the LUF submission.
- 1.3. The proposed order lands are shown in the draft CPO plan attached to this report at Appendix C, edged in red.
- 1.4. This report also seeks approval for the Executive Director (Environment), following consultation with the Executive Director (Legal & Democratic Services) to agree compensation and acquisition payments where this will avoid the need to compulsorily purchase interests.

2. Recommendations

- 2.1 Having concluded that the acquisition of all interests at Market Chambers (43-59 Blackburn Road / 2- 4 Church Street) will facilitate the redevelopment and improvement of the 'Accrington Acre' within the approved strategic Town Centre Investment Plan (**TCIP**) and that such a redevelopment is likely to contribute to the achievement of any one or more of the following objectives:
 - The promotion or improvement of the economic well-being of the area

- The promotion or improvement of the social well-being of the area
- The promotion or improvement of the environmental well-being of the area

Cabinet resolves to take all necessary steps to make and secure the confirmation and implementation of a Compulsory Purchase Order (**CPO**) to acquire compulsorily all or part of the land shown coloured pink and edged red on the plan (**Order Land**) attached at Appendix C entitled Map referred to in the Hyndburn Borough Council (Market Chambers) Compulsory Purchase Order 2023 (the **CPO Map**), together with all rights and interests affecting that land (which may be extinguished or overridden) in order to enable the implementation of the second intervention forming part of the 'Accrington Acre' redevelopment. Those steps include the publication and service of all notices and the presentation of the Council's case at any public inquiry if required.

- 2.2 That Cabinet resolves to delegate authority to the Executive Director (Environment), following consultation with the Executive Director (Legal & Democratic Services):
- to finalise the wording of the CPO and the Statement of Reasons and to make any final adjustments as may be necessary to reduce the boundaries of the CPO Map and take all steps necessary to make and confirm the CPO;
 - to take all steps to seek to acquire any or all of the necessary interests in the Order Land by agreement or by utilising and implementing any confirmed compulsory acquisition powers;
 - to negotiate and agree the terms of such acquisitions, settle claims for compensation and to enter into such agreements or deeds necessary for the acquisition of all or part of the Order Land;
 - that if the Secretary of State authorises the Council to do so, confirm any CPO made.
- 2.3 That Cabinet resolves to utilise, where appropriate, either the general vesting declaration procedure under the Compulsory Purchase (Vesting Declarations) Act 1981 or the notice to treat procedure under Section 5 of the Compulsory Purchase Act 1965 in respect of the confirmed CPO.
- 2.4 That Cabinet agrees, under Section 6(4) of the Acquisition of Land Act 1981 to dispense with individual service of notices in respect of land where the Council is satisfied that it has not been possible following the making of reasonable inquiry to establish ownership of the land in question and for the service of notices in the manner set out in Section 6(4) of the Acquisition of Land Act 1981.
- 2.5 That Cabinet confirms that, in agreeing to recommendations 0 – 2.4 above, Cabinet has considered the provisions of the Human Rights Act 1998 so far as they might be applicable in deciding whether or not to make the CPO and all other statutory powers that the Council seeks to exercise and resolves the following:
- With regard to Article 8 it is considered that in balancing the rights of the individuals who are affected by the CPO against the benefit to the community of proceeding with the CPO, the making of the CPO resulting in the interference with

the individuals rights is justified in the interests of improving the economic, environmental and social well-being of the 'Accrington Acre' and wider town centre.

- With regard to Article 1 Protocol 1, it is considered that the interference with the individual's property is justified by the advantages accruing to the public by proceeding with the redevelopment of the 'Accrington Acre' particularly taking into account the fact that there is a legal right to compensation for the property taken and any rights extinguished under the CPO.

2.6 Cabinet confirms that, in agreeing to recommendations 0 – 2.5 above, Cabinet has had due regard to the Equality Act 2010.

3. Reasons for Recommendations and Background

3.1 Background and the need for the redevelopment

3.1.1 The National Planning Policy Framework (**NPPF**), the Council's Local Plan and Accrington Area Action Plan recognise the need for town centres to accommodate a greater diversity of main town centre uses in order to remain vibrant places for people to visit. Although the focus of the town centre uses will remain comparison goods shopping, it is increasingly recognised that the retail market is undergoing significant changes as a result of the growth of online shopping and other factors and that, in order to remain competitive, town centres need to offer a greater range of services and facilities. Prime amongst these are the growing leisure sectors, flexible working spaces and the increasing demand for restaurants. As detailed below, the proposed redevelopment will strengthen the town centre's offering in respect of these growing sectors.

3.1.2 Over the past two years the Council has been working with a very experienced consultant and stakeholders to deliver a Town Centre Investment Plan (**TCIP**) to regenerate Accrington town centre. An expression of interest process was run between June and September 2021 seeking ideas for possible TCIP interventions. To assess potential schemes put forward, a rigorous and evidence-led assessment process was established which was based on the HM Treasury 'Five Case Model'. More than 30 schemes were put forward to the stakeholder Board with 18 - at various stages of development and detail - being included within the final agreed TCIP. These together make up the Accrington Acre redevelopment.

3.1.3 In creating this TCIP, the Council has engaged regularly with the Accrington Town Centre Stakeholder Group and the Accrington Town Centre Partnership Board which represent a diverse range of local sectors and interests. Survation, a government approved polling organisation was also engaged to undertake representative polling of Hyndburn residents between the 10th and 23rd of August 2021 and all town centre businesses/property owners were asked for their ideas/comments.

3.1.4 The Council's agreed TCIP sets out potential investments totalling around £70m which will radically transform Accrington's prospects for the future and improve the lives and

opportunities of local residents. It is important to note that the TCIP builds on more than £55m of public and private investment already invested locally since 2010.

- 3.1.5 A number of common themes were highlighted during the public/stakeholder engagement process: a lack of choice and need for an improved and diversified retail offer (especially for eating and drinking), to see a reduction in the number of empty shops and other empty commercial premises and increase visitor and tourist numbers, (footfall) in the town centre. Certain interventions within the TCIP are aimed at addressing these issues.
- 3.1.6 The Levelling Up Fund was announced at the 2020 Spending Review and its focus is to provide capital investment in local infrastructure projects that require up to £20m of funding and builds on prior programmes such as the 'Local Growth Fund' and 'Towns Fund'.
- 3.1.7 On 16 March 2022 Cabinet gave its formal approval in support of the Council's TCIP and the LUF submission.
- 3.1.8 Cabinet will be aware that the LUF submission included proposals to implement the three principal interventions set out below which meet the LUF funding criteria and therefore offered the best opportunity to the Council in securing LUF funding:
- Redevelopment of the Indoor Market Hall and outdoor pavilions along Peel Street, Accrington to provide a new food and beverage 'street food' style eating, drinking and social meeting space – the intervention known as Market Hall;
 - Improvements and redevelopment to the properties of 43-59 Blackburn Road / 2-4 Church Street, Accrington to provide an exciting new dedicated arts, heritage and culture hub – the intervention known as Market Chambers; and
 - Improvements and redevelopment to the block 61-79 Blackburn Road, Accrington to offer 3 floors of communal workspaces / offices – the intervention known as Burtons Chambers.
- 3.1.9 Cabinet previously supported the appointment of CBRE, who are a nationally recognised property services consultant, to undertake acquisition discussions on behalf of the Council. CBRE have been in regular discussions with the owners of Burtons Chambers and Market Chambers throughout 2022 and into 2023.
- 3.1.10 CBRE submitted heads of terms to the owners of the various interests in Burtons Chambers and Market Chambers who have entered into a dialogue with a view to enabling the Council to acquire these by agreement.
- 3.1.11 In respect of Burtons Chambers, the Council successfully acquired the freehold interest by agreement in February 2023. Given the different interests in Burtons Chambers however, authorisation was then sought in March 2023 to promote a Compulsory Purchase Order to acquire the outstanding interests in Burtons Chambers if private treaty negotiations fail, in order to ensure that all of the necessary interests can be acquired to bring forward the interventions in a timely manner. That authorisation was approved, and so the intervention at Burtons Chambers is not considered further in this

report, except where specifically relevant to the intervention at Market Chambers.

- 3.1.12 The Market Hall is within the Council's ownership and the Council remains of the view that the lease agreements with current traders would enable the Council to secure vacant possession to allow redevelopment of the Market Hall from 2024. However, there are three leases that would endure beyond December 2023. A dialogue is ongoing with one of the parties to agree a compensation figure for surrendering the leases and the other two traders are requesting more clarity on where they are to be decanted and when they will be located after the redevelopment. Dialogue is ongoing and the Council hopes to resolve any outstanding issues over the coming months.
- 3.1.13 Progress has been and continues to be made for the acquisition of interests in Market Chambers, but on the basis of discussions to date, it appears unlikely that agreement will be reached in a reasonable timeframe to secure all interests.
- 3.1.14 Compulsory purchase will be required if private treaty negotiations fail, and given the different interests it may not be possible to reach agreement with all of the parties with an interest in the Order Land in the timescale required for delivery. Authorisation is therefore being sought to promote a CPO in parallel with negotiations to acquire the necessary interests in order to ensure that the interventions come forward in a timely manner.
- 3.1.15 Hyndburn is the 16th most deprived of 317 local authorities in England, according to the 2019 Index of Multiple Deprivation. Deprivation in the area has deteriorated over the last 15 years (58th most deprived in 2004). Deprivation levels in Accrington are worse than the Hyndburn average, with five of its six wards amongst the 5% most deprived in England. Neighbouring Central and Spring Hill wards are amongst the 1% most deprived in England. Deprivation in employment and income domains are especially poor.
- 3.1.16 Economic inactivity is high - an estimated 26% in Hyndburn and 33% in Accrington, compared to 21% nationally. For locals in full time work the average weekly wage is £471.50, around 16% below the North West and 20% below the national average.
- 3.1.17 Accrington remains heavily dependent on physical retail with the retail sector accounting for around one quarter of all jobs in the local economy (vs 15% nationally). There is an oversupply of retail space which has not fallen in line with the fall in demand for physical retail. There are 3.7 square metres of retail space per resident in Accrington compared to 2.5 in Hyndburn and 1.8 in England (VOA non-domestic rating: stock of properties 2021).
- 3.1.18 The lack of vibrancy reflects/creates a lack of a food and drink offer, with only 5% of jobs in Accrington in the Accommodation and Food Services sector (versus 7% nationally). 59% of Hyndburn's residents rate Accrington's restaurants and cafes as poor. Only 15% rate it a good place to visit (representative Survation polling, summer 2021).
- 3.1.19 The historic Victorian Market Hall is the jewel in Accrington's heritage crown and one of the largest market halls of its kind still in existence. However footfall and trader

occupancy levels at the Market Hall have fallen over the past three decades and it is no longer fit for modern needs, contributing to the oversupply of retail and low-end uses. Half of the Market Hall's ground floor stall pitches are unlet. The proposed intervention for the Market Hall would repair the existing fabric of this listed building, improve its security and refurbish and transform half the market into a food and drink destination that is attractive to locals (50% rarely or never come to Accrington) and those within a c.45 minutes travel distance (2.7m people with £30+bn disposable income). More visitors means more footfall for the town's struggling shops. The town's existing retail and food and drink offer (and visitor offer more generally) is considered poor by Hyndburn's residents and those beyond. As part of the Market Hall intervention, it is proposed that one or possibly two of the large, under-used pavilions will be demolished to make way for better visibility of the Market Hall, additional car parking or a high-quality green public realm/possible outdoor eating provision and a reduction in retail space to assist with the area's substantial oversupply of retail provision. The Market Hall would diversify the town away from retail and provide a reason to visit, whilst visibly improving Accrington Town Square. In addition, works would be undertaken to ensure the improved energy efficiency of the building, including improved insulation, the provision of smarter heating and the installation of solar power. The redevelopment of the facility is one of the key objectives in the Council's TCIP.

- 3.1.20 Burtons Chambers is an important Art Deco Building situated immediately opposite the Town Hall, but it is largely vacant and derelict and has fallen into substantial disrepair. The Council's intervention for Burtons Chambers would restore and transform the building into a co-working space for working, with visible activity reducing crime and providing stable weekday daytime and evening demand for the new Market Hall offer and space for local entrepreneurs and small/ medium enterprises to grow.
- 3.1.21 Market Chambers is the third piece of the puzzle which has large parts of it vacant and in general is a dilapidated building, in need of major repairs (including roof and exterior) and refurbishment. The negative externality of vacant premises, the poor exterior condition and visually displeasing aesthetic (as a result of the unsympathetic assortment of shop fronts) of these key building facades are felt acutely in the town centre and reinforce existing negative resident/ visitor perceptions and contribute to a spiral of decline. They also contribute to crime, anti-social behaviour and drug use especially. Market Chambers' disjointed use stems in part from a coordination failure with the building in multiple ownership. The Council's intervention will repair the building and refurbish units to a modern standard with a consistent look. The building will provide a new cultural, arts and heritage space, diversifying the town centre, boosting pride and addressing the local cultural 'deprivation'. This building will also provide additional demand for the new Market Hall food and drink offering.
- 3.1.22 Historic buildings generally confer a positive externality, including amenity value, meaning not all the benefits from private investment in them are captured by the asset value. They have attributes that are non-excludable and non-rival in consumption – in other words they are public goods. This can mean a lack of private investment in historic buildings. The proposed interventions in these landmark buildings on Accrington's Town Square have been carefully selected to promote heritage-led regeneration of the town centre and attract visitors in, as well as make it attractive for small businesses to locate their offices there, bolstering aggregate demand in the town's economy, as well as

creating entry level job opportunities for inactive local residents. Greater footfall and increased natural surveillance could also contribute to reducing crime and anti-social behaviour at the heart of town. Investment in these catalytic projects is designed to create a critical mass of complementary uses on Accrington Town Square.

- 3.1.23 Achieving the vision for the future of Accrington Town Centre requires a coherent package of interventions right across the town. The interventions set out within the TCIP - whether delivered by the Council or third parties - will improve the quality of life and experience of the town for residents and, at the same time, boost visitor numbers and help create a thriving visitor economy. Creating the Accrington Acre by transforming the area around the Town Square and nearby architectural highlights into the town's 'anchor' and central food, drink, shopping and leisure hub and establishing a range of specialist markets to cater to the people of Accrington and visitors alike.
- 3.1.24 Residents of Accrington are most likely to benefit from job opportunities and other outcomes induced. There will be some benefit to those in the wider Travel To Work Area – in addition to Accrington it encompasses Blackburn, Darwen and Rossendale (all outside of Hyndburn). Census 2011 data showed c.3,000 commuter inflows to Hyndburn from Blackburn and Darwen. This is relatively low in comparison to 35,000 people working in Hyndburn suggesting modest 'beyond-borough' impacts.
- 3.1.25 The recommendations are brought forward in order to progress the comprehensive redevelopment of the 'Accrington Acre' and contribute to the implementation of the TCIP.
- 3.1.26 If the Accrington Acre redevelopment does not take place, then not only would the area continue to decline and have an increasing negative impact on the town centre as a whole, but it would not benefit from the investment needed for it to become a vibrant and competitive centre able to meet the changing needs of the public.
- 3.1.27 Making the CPO is the most realistic option available to the Council to acquire all the interests necessary to facilitate the proposed redevelopment of the Order Land within the funding timescales if sale by agreement is not achieved. Compulsory purchase processes are fair and reasonable, providing those affected with the opportunity to object and providing the statutory framework for compensation, with a process for disputed compensation claims to be settled by the Upper Tribunal of the Lands Chamber if required.

3.2 Timescale for delivery

- 3.2.1 The acquisition of Market Chambers and some initial improvement/repair works funded through the LUF has to be completed by April 2025. Negotiations will continue with both the freehold owners and the tenants in parallel to achieve sale by agreement but the Council may ultimately need use the CPO process to seek to acquire the interests by April 2025 and so need to have the necessary approvals in place to commence this if needed.
- 3.2.2 It is essential for the success of the redevelopment of Accrington Acre for Market Chambers to be redeveloped and operational as soon as practicable to support the

opening of the redeveloped Burtons Chambers and Market Hall. Together, these 3 interventions will act as a catalyst for the regeneration of the Accrington Acre.

3.3 Appointment of preferred developer and partner/operator

- 3.3.1 On 13 July 2022 Cabinet noted the procurement strategy produced by MAC construction consultants and supported in principal the preferred procurement route and preferred framework to undertake the intervention redevelopment works at Burtons Chambers and Market Hall. Prior Information Notices (**PIN**) were posted in June 2022 to inform the market of potential operator opportunities. Soft Market Testing (**SMT**) has also been undertaken in September 2022 and further work undertaken during May 2023. The purpose of this was to gain intelligence on the supply market and to fully understand their capabilities and appetite for the Council's requirements, including information that would help define the most appropriate structure, plan and budget for any potential competitive procurement exercise.
- 3.3.2 The Council has procured initial advice on the various operator / partner / joint venture agreement models from its legal advisors Womble Bond Dickinson and further advice from consultants with a greater degree of experience around provision of shared workspaces and market offerings through CBRE and Barker Proud Love accordingly. Following this further work the Council will be commencing the operator tender exercise in June 2023 which is estimated to be completed in approximately 3-4 months, allowing the preferred operator to input into the final designs ahead of works commencing in 2024.
- 3.3.3 Further funding to complete the redevelopment is being sought through a £5 million National Lottery Heritage Fund funding bid which will be submitted in August 2023 and if successful, part of the development stage work will be the identification of an operator through a similar process used for Burtons Chambers and the Market Hall.

3.4 Land assembly and obtaining clean title to the land

- 3.4.1 The land to be included in the proposed CPO is shown coloured pink and edged in red (referred to as the Order Land throughout this report). The total area of land to be compulsorily acquired is approximately 1,937 sqm.

3.5 Description of the Order Land

- 3.5.1 The Order Land is located in an area known as Accrington Acre which is located in the Barnfield ward. If private treaty discussions fail, the extent of the proposed Order Land required for compulsory acquisition will include (in whole or in part) 43-59 Blackburn Road / 2- 4 Church Street, Accrington (referred to in this report as Market Chambers).

3.6 Description of interests in the Order Land

- 3.6.1 Market Chambers is a three and five storey terrace premises (including rear back street) comprising both seven commercial and eighteen residential units. Three of the commercial units spanning multiple floors are vacant and five of the eighteen residential units are unoccupied. The property is held by four separate freehold owners and one

long leasehold owner. One leaseholder has a 999 year lease of the ground and basement floor and mezzanine first floor of 49 -51 Blackburn Road which is let to a tenant on a 10 year lease expiring in June 2024. There are no break rights and the tenant's lease benefits from security of tenure.

- 3.6.2 The Council is working with all occupiers and tenants so that they can relocate in advance of the property being required for redevelopment. The town centre has many vacant retail units and with sufficient time and resource the businesses will have the opportunity to relocate within the town should they desire to do so. The occupiers of the residential units are all understood to be let on assured shorthold tenancy agreements. The Council will work with the landlords for these interests and provide the support that is necessary and reflecting any particular needs of the residents to assist in finding alternative accommodation.
- 3.6.3 The interests to be acquired in the Order Lands can be seen in the draft CPO Schedule provided as Appendix D (Exempt).
- 3.6.4 In order to ensure that the regeneration of the area and redevelopment can take place, the Council needs to acquire all of the interests in the Order Land. If agreement cannot be reached voluntarily in a timely manner with those with an interest in the Order Land, it will be necessary for the Council to compulsorily acquire the Order Land.
- 3.6.5 Cabinet is therefore asked to authorise the compulsory purchase of the Order Land. The purpose of the CPO would be to allow delivery of the redevelopment of Market Chambers, which is one of the three interventions identified as part of the comprehensive Accrington Acre redevelopment and to ensure clean title to land can be transferred to the Council and any developer in a timely manner, free of encumbrances which could otherwise prevent or delay development. The CPO is also necessary to ensure site assembly in a timely manner.

3.7 The need for a Compulsory Purchase Order

- 3.7.1 The statutory authority for compulsory acquisition is contained within Part IX of the Town and Country Planning Act 1990 (**the 1990 Act**). Section 226 (1)(a) of the 1990 Act empowers local authorities, on being authorised by the Secretary of State, to acquire land compulsorily if they think that the acquisition will facilitate the carrying out of development, redevelopment or improvement of the land. In addition, the Accrington Acre redevelopment would contribute to the promotion of the environmental, social and economic well-being of the Council's area, in accordance with Section 226(1A) of the 1990 Act because:
- the redevelopment will contribute to and enhance the role of Accrington town centre by promoting a mixed use of retail, office and leisure redevelopment in an area that needs investment. It will create permanent jobs, in addition to those temporary jobs required during the construction period which will be available to the local labour market;
 - the redevelopment will provide a high quality retail, co-working office space and leisure mixed use development to serve the needs of the local community and

visitors to the area.

- 3.7.2 Support for the redevelopment of Market Chambers was highlighted through the polling and public consultation when developing the TCIP. Further polling and stakeholder consultation has been undertaken for the National Lottery Heritage Fund submission during April/May 2023, which again highlighted strong support for the creation of a Culture and Heritage centre. The proposed usage for the building has the support of the Culture Heritage and Investment Panel and the Town Centre Stakeholder Board has made a recommendation to the Council for the funding submission.
- 3.7.3 Members should note that a CPO can only be made if there is a compelling case in the public interest and that the purposes for the making of the order should sufficiently justify interfering with the human rights of those with an interest in the Order. On the basis of the assessment carried out by the Council it must consider that a compelling case exists before a decision is made and consider the contribution to the economic environmental and social well-being of those who live work and visit the area which will be made by the redevelopment. Officers have carried out this assessment and are of the view that as a result of the economic environmental and social well-being benefits arising from this redevelopment there is a compelling case in the public interest for the making of the CPO.

3.8 Details of attempts to acquire interests by agreement

- 3.8.1 In late 2021, the Council appointed expert property consultants CBRE to develop and produce an acquisition and engagement strategy for Burtons Chambers and Market Chambers as part of the Council's plans for the regeneration of Accrington Town Centre. Throughout 2022, Cabinet has supported the work of CBRE engaging with the owners on a monthly, sometimes weekly basis and includes dialogue through email/letter and phone. Approaches have also been made to all the holders of leasehold interests in and occupiers of the Order Land.
- 3.8.2 This activity has resulted in terms being agreed with two freehold owners and the long leasehold owner. All are currently progressing with solicitors. Whilst one property is vacant the other includes six of the residential units. The Council is actively supporting rehousing of tenants where required and it is anticipated that the property will be acquired with vacant possession. An option to purchase the long leasehold is in place and when triggered will make the Council the immediate landlord until the tenant's lease expiry in June 2024.
- 3.8.3 The Council considers that having approval for making a CPO would be prudent to allow for all interests to be acquired in a timely manner should it not be possible to acquire the remaining interests in the Order Land by agreement. This will then allow the redevelopment of Market Chambers to support the redevelopment of Burtons Chambers and Market Hall in bringing forward the wider redevelopment of Accrington Acre.
- 3.8.4 In promoting a compulsory purchase order, acquiring authorities should have regard to Government guidance. The relevant Government guidance is the Department for Levelling Up, Housing and Communities 'Guidance on Compulsory purchase process

and The Crichel Down Rules' which was updated in July 2019 (the **Guidance**). Matters which must be addressed are:

- authorities should seek to acquire interests by negotiation where practicable;
- there must be a compelling case in the public interest;
- there must be a clear idea of how the Council intends to use the land and that the necessary resources are likely to be available to achieve that end within a reasonable timescale;
- full details for the funding of the redevelopment are required including timing;
- there must be a reasonable prospect of the redevelopment proceeding and be unlikely to be blocked by impediments to implementation;
- a CPO can only be made if there is a compelling case in the public interest and that the purposes for the making of the order should sufficiently justify interfering with the human rights of those with an interest in the Order Land;
- on the basis of the assessment carried out by the Council it must consider that a compelling case exists before a decision is made. Officers have carried out this assessment and are of the view that there is a compelling case in the public interest for the making of the CPO and interfering with the human rights of those affected by the redevelopment in the event that the private treaty negotiations fail;
- in accordance with the advice contained within the Guidance the Council has had careful regard to:-
 - a) the adopted Local Plan, the draft Local Plan and the National Planning Policy Framework;
 - b) the extent to which the redevelopment would comply with the Council's statutory requirements to satisfy the well-being test;
 - c) the financial viability of the redevelopment;
 - d) whether the acquisition could be achieved by any other means and the redevelopment would not be blocked by planning problems, that there is a degree of certainty that the redevelopment will proceed and that the land comprising the Order Land is required in order to secure the carrying out of the proposed development, in accordance with section 226(1)(a) of the 1990 Act.

3.8.5 Single unencumbered ownership of the Order Land is required to enable the developments to proceed. Compulsory purchase will enable redevelopment to take place at an early date by providing certainty for site assembly and programming and thus enable the Council's policy objectives for the area to be achieved.

3.8.6 The Council through CBRE and its appointed agents has attempted, and will continue to attempt, to purchase outstanding interests by agreement. Discussions have taken place and are continuing with those affected by the proposals. However, whilst the Council has agreed in principle sale by agreement with 3 of the 4 freeholders and the holder of the long leasehold interest, it is not in a position to ensure that it can obtain vacant possession of the whole of the site.

3.8.7 Some of the CPO land is in unknown ownership, and the Council will accordingly invoke

the process under Section 6(4) the Acquisition of Land Act 1981 to notify unknown owners including the posting of site notices.

3.9 Planning

3.9.1 The planning position is considered in a report prepared by LDA at Appendix B.

3.10 Funding

3.10.1 The Council's £20 million LUF funding submission has been successful (as confirmed in January 2023 and first payment from DLUHC to the Council was received on 25th May 2023) and provides for full redevelopment of Burtons Chambers and the Market Hall plus acquisition and some initial roof and façade works to Market Chambers. In addition, further funding of £1.5 million from Lancashire County Council and £2 million from Hyndburn Council is allocated. A further £2 million LUF contingency reserve has been created by the Council.

3.10.2 The LUF funding bid included all acquisition costs for sale by agreement or through CPO, including any compensation payments required. The bid also included higher than normal project delivery costs around inflation, risk, contingencies etc.

3.10.3 Two further Expression of Interest submissions to the value of £5 million each have been submitted to funders which will complete the remaining redevelopment of Market Chambers. The submission to the National Lottery Heritage Fund has now progressed to the Development Stage which will be submitted by 17 August 2023 and a decision announced by December 2023.

4.0 Alternative Options considered and Reasons for Rejection

4.1 The Council's preference is to acquire the Order Land by agreement with those with an interest in the Order Land. However, this cannot be guaranteed and therefore a CPO would be needed where agreement cannot be reached in a timely manner.

5.0 Consultations

5.1 The High Street Task Force (**HSTF**) delivered an expert's support workshop with the Council and a small number of business stakeholders in February 2020. This looked at progressing the recommendations from the Unlocking Your Place Potential diagnostic visit the Council received through the Future High Streets.

5.2 Experts from the Design Council, facilitated two meetings with a new Town Centre Stakeholder Group in March 2021 around unlocking projects and creating a town centre vision. This was followed by HSTF appointed experts facilitating two meetings with the stakeholder group in April and May 2021, around partnership development. The stakeholder group came together for further update meetings in July and September and more recently in August 2022.

- 5.3 Survation, a government recognised independent polling and market research agency undertook the polling of 500 residents aged 18+ living in the Borough during August 2021. The questions looked at how residents view the town centre, how often they visited, what would make them visit the town centre etc. This information helped the stakeholders and board understand the needs and priorities when considering all town centre interventions.
- 5.4 A small strategic board was formed from members within the Town Centre Stakeholder Group, with the remit to make strategic recommendations to the Council. This board came together on five occasions in September, November and December 2021 to agree a town centre vision and to discuss / make recommendations on the TCIP and the LUF funding bid.
- 5.5 A public consultation exercise was undertaken on the proposed TCIP between 11 January and 4 February 2022 which was extended for a further week following requests from residents and town centre businesses.
- 5.6 There have been numerous reports to Cabinet and Council updating members on the TCIP and LUF submission with Councillors having three further briefings during 2021/22.
- 5.7 CBRE have held extensive discussions with property owners throughout 2022 and will continue to seek, where possible, purchase by agreement.
- 5.8 The Leader of the Council, the Council's Chief Executive, Executive Director (Legal and Democratic Services) and the Council's Legal Services Manager have been consulted on the use of CPOs.
- 5.9 Further stakeholder consultations during May/June 2023 have been undertaken with interested groups to better understand usage/layouts which will be incorporated into the Council's National Lottery Heritage Funding submission in August.

6. Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>Cabinet should note that any acquisition of buildings would expose the Council to additional building maintenance, business rates and other associated landlord management costs. Whilst the majority of any ownership / landlord short term costs incurred during the redevelopment could be incorporated within the LUF funding bid, if the Council's long term strategic plan was for any building to remain in the Council's ownership, the Council would need to create a suitable revenue maintenance budget and staffing structure to manage the buildings.</p>
---	---

	<p>As a matter of general principle all costs associated with pursuing a CPO will be met by the Acquiring Authority. These would include:</p> <ul style="list-style-type: none"> • time spent by Council staff and consultants in progressing the CPO; • legal costs of the Council (including any time spent by external counsel and legal advisers); • other relevant CPO related costs, including all costs, fees and expenses relating to any public inquiry in respect of the CPO: • payment, to include costs and disturbance payments, to all affected landowners, lessees or tenants which arise from the CPO and are a natural and reasonable consequence of the interests being acquired; and • compensation payments for any statutory nuisance, severance, injurious affection, interference with, disposal or acquisition of rights or interests, which flow as a consequence of the redevelopment. <p>Once the CPO is made and implemented the Council will be liable to meet statutory compensation claims. These risks have been mitigated by being allocated funding within the successful LUF funding bid.</p>
<p>Legal and human rights implications</p>	<p>As made clear in the Guidance (Guidance on compulsory purchase process and The Critel Down Rules), a CPO should only be made if there is a compelling case in the public interest. The Council as acquiring authority should also be sure that the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected and are proportionate.</p> <p>The Council will need to consider the Human Rights implications of a CPO:</p> <p>a) The Human Rights Act 1998 incorporated the European Convention on Human Rights (the Convention) into domestic</p>

law and continues to be relevant. The convention includes provision in the form of Articles, the aim of which is to protect the rights and freedoms of the individuals (including companies). The main articles of the Convention which are of importance in circumstances where the Council is considering making a CPO are Article 8 and Article 1 of the First Protocol.

- b) Article 1 of the First Protocol protects the right of everyone to a peaceful enjoyment of their possessions. No-one can be deprived of possessions except in the public interest and subject to the conditions provided for by law and the general principals of international law.
- c) The European Court of Human Rights has recognised in the context of Article 1 that regard must be had to a fair balance which has to be struck between the competing interests of the individual and of the community as a whole. In this case any interference is considered to be proportionate and justified in the public interest to secure the development and the improvements which would follow from any development with the regeneration of the area.
- d) The compulsory purchase process includes a statutory objection and inquiry procedure. The statutory procedure also provides for the payment of compensation where certain interests in the affected land have been lost.

The Council is aware of eighteen private rented flats within Market Chambers the Council has committed to working with the relevant property owners/landlords to providing advice and support in rehoming these tenants into other suitable properties within the private rental market or social housing market.

Agreement for sale has been reached with the building owner which incorporates six of the flats and final completion is compliant on providing vacant possession to the Council.

Article 8 is clarified below:

Article 8(1) provides that everyone has the right to respect for his/her home but Article 8(2) allows the State to restrict the rights to respect for the home to the extent necessary in a democratic society and for certain listed public interest purposes for example; public safety, economic wellbeing, protection of health and protection of the rights of others.

When considering Article 8 in the context of a CPO the Council needs to ask the following questions:

Firstly, does a right protected by Article 8 apply – to which the answer is "yes".

Secondly, has an interference with that right taken place or will take place as a result of the compulsory purchase being made - to which the answer is again "yes".

The answers to these two questions being in the affirmative confirms that Article 8 applies and it is therefore necessary to consider the possible justifications for the interference under Article 8(2). There are 3 questions for the Council to consider:

Firstly, is the interference in accordance with the law? The answer is "yes", there being a legal basis for making the CPO under Section 226(1) (a) of the 1990 Act.

Secondly, does the interference pursue a legitimate aim? The justification for the CPO is that the redevelopment seeks to improve the economic, environmental and social well-being of the centre of Accrington in the public interest.

	<p>Thirdly, is the interference necessary in a democratic society? Here the Council must make a balancing judgment between the public interest and the rights of the individual – the CPO must be both necessary and proportionate.</p> <p>In this matter it is considered that in balancing the rights of the individuals who are affected by the CPO against the benefit to the wider public, economic and social well-being of local residents, visitors and stakeholders of proceeding with the CPO, the making of the CPO and the interference with the individuals rights is justified in the interests of the community in order to effect the improvements.</p> <p>In order to compulsorily acquire land the Council must have a relevant statutory power. In order to rely on the powers in Section 226(1)(a) of the 1990 Act, the Council will need to be satisfied that the proposals are likely to contribute to the achievement of any one or more of the economic, social or environmental well-being of the Borough or part of the Borough. Please see earlier in the report with regard to the justification.</p>
<p>Assessment of risk</p>	<p>The Levelling Up fund spending timescales are extremely tight. The bid criteria requires some capital spending to be made in the financial year 2022/23, but all spending has to be completed by 31 March 2025. Whilst there is the possibility this could be extended to 2026, it will be at the funder’s discretion and only in exceptional circumstances.</p> <p>There is a risk of not delivering the interventions within the LUF timescales if the Council is unable to secure the Order Land. The Council is therefore promoting the CPO to provide certainty that the Order Land will be within the Council's control.</p>
<p>Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy</i></p>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of</p>

<p><i>decisions and should be attached as an appendix to the report.</i></p>	<p>the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. <p>For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Council in this regard an Equality Impact Assessment (EqIA) has been undertaken by AECOM and this is attached as Appendix A to this report.</p> <p>Cabinet is advised to consider the EqIA 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>
--	---

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

LUF and UKSPF Funding and Delivery report to cabinet February 2023

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2700&Ver=4>

Levelling Up update report to Special Overview and Scrutiny Committee December 2022

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=323&MId=2762&Ver=4>

Property Acquisition – LUF Interventions report to Cabinet October 2022

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2697&Ver=4>

Levelling Up Funding bid update report to Cabinet July 2022

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2695&Ver=4>

Town Centre Investment Plan Report to Cabinet June 2022

<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2694&Ver=4>

Town Centre Investment Plan and Levelling Up Funding Bid Submission March 2022
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2617&Ver=4>

Town Centre Investment Plan and Levelling Up Funding bid update report to full Council January 2022
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=130&MId=2603&Ver=4>

Levelling Up Funding Bid update report to Cabinet September 2021
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2611&Ver=4>

This page is intentionally left blank

Market Chambers - Compulsory Purchase Order

Equality Impact Assessment

Hyndburn Borough Council

June 2023

Quality information

Prepared by	Checked by	Verified by	Approved by
William Keys Graduate Social Impact Consultant	Laura Walker Associate Director	Laura Walker Associate Director	Laura Walker Associate Director
Lucy Jones Social Impact Consultant			

Revision History

Revision	Revision date	Details	Authorized	Name	Position
Draft report	7 th June 2023	Draft for Client review	L Walker	Laura Walker	Associate Director
Final report	12 th June 2023	Final report for inclusion in Cabinet Report	L Walker	Laura Walker	Associate Director

Prepared for:

Hyndburn Borough Council

Prepared by:

AECOM Limited
Aldgate Tower
2 Lemn Street
London E1 8FA
United Kingdom
aecom.com

Table of Contents

1.	Introduction.....	6
1.1	Purpose.....	6
1.2	Project background.....	6
1.3	Report structure.....	7
2.	Methodology.....	8
2.1	Introduction.....	8
2.2	Desk-based review.....	8
2.3	Assessment of impacts.....	8
3.	Policy and legislation review.....	10
3.1	UK legislation.....	10
3.2	National policy.....	11
3.3	Regional policy.....	12
3.4	Local policy.....	13
4.	Summary of the development.....	16
4.1	Current site.....	16
4.2	Proposal.....	16
5.	Consultation and engagement.....	18
5.1	Survation Polling 2021.....	18
5.2	Culture and Heritage Community Workshops.....	19
5.3	Survation Polling 2023.....	19
5.4	Public consultation.....	20
5.5	Culture and Heritage Investment Board.....	21
6.	Baseline profile.....	22
6.1	Introduction.....	22
6.2	Profile of protected characteristic groups.....	22
6.3	Socio economic profile.....	27
7.	Assessment of equality impacts.....	35
7.1	Introduction.....	35
7.2	Town centre improvements.....	35
7.3	Economic Growth.....	37
7.4	Neighbourhood and Community.....	40
7.5	Summary of potential impacts.....	43
8.	Conclusions and recommendations.....	47
8.1	Conclusions.....	47
8.2	Recommendations.....	47

Figures

Figure 4-1:	Street view image of Market Chambers.....	16
Figure 4-2:	Initial Concept adjacencies diagram.....	17
Figure 5-1:	Respondents preferred use for the Market Chambers site.....	20
Figure 6-1:	Deprivation deciles across Hyndburn Borough, 2019.....	29
Figure 7-1:	Summary of community engagement and consultation 2021-2023.....	41

Tables

Table 6-1: Population size and change (%) by geographical area from 2001 to 2021.....	22
Table 6-2: Age breakdown (%) by geographical area, 2020.....	23
Table 6-3: Population breakdown by sex and geographical area	23
Table 6-4: Hyndburn Borough population breakdown by sexual orientation	24
Table 6-5: Hyndburn Borough population breakdown by gender identity	24
Table 6-6: Ethnic groups by geographical area.....	25
Table 6-7: Religion or belief by geographical area	26
Table 6-8: Disability by geographical area	26
Table 6-9: Legal partnership status by geographical area.....	27
Table 6-10: Households by deprivation classification by geographical area	30
Table 6-11: Economic activity status by geographical area	31
Table 6-12: Employee jobs by broad sector group (%) across different geographical areas, 2021.....	32
Table 6-13: Educational attainment (%) by different geographical area, 2021	33
Table 6-14: General health (%) by different geographical area, 2021.....	33
Table 7-1: EqIA assessment framework	35
Table 7-2: Summary of potential equality impacts of the Market Chambers proposal	44

1. Introduction

1.1 Purpose

AECOM has been commissioned by Hyndburn Borough Council (the Council) to undertake an Equality Impact Assessment (EqIA) to determine the likely positive and negative impacts that may arise from the proposed Compulsory Purchase Order (CPO) for Market Chambers in Accrington. The CPO will facilitate the second phase of the comprehensive redevelopment and improvement of 'Accrington Acre', which is included within the approved strategic Town Centre Investment Plan (TCIP).

An EqIA is a systematic assessment of the potential or actual effects of plans, policies, or proposals on groups with protected characteristics¹ as defined by the Equality Act 2010. The purpose of the Market Chambers EqIA is to consider how the CPO would contribute to the realisation of equality effects in and around the proposed site. Its aims are to:

- Assess the potential **direct** impacts that the compulsory acquisition of property interests could have on groups and individuals sharing protected characteristics currently using the Market Chambers site;
- Identify ways in which groups with protected characteristics may experience indirect positive or negative impacts as a result of the CPO facilitating the redevelopment of Market Chambers; and
- Support the Council's fulfilment of the Public Sector Equality Duty (PSED) and identify means of mitigating any identified impacts and continue to update and review such assessment as appropriate.

1.2 Project background

The premise for the CPO is to acquire compulsorily the land, existing rights, and interests at Market Chambers where agreement cannot be reached with current residents and businesses, to deliver the Accrington Acre redevelopment. The redevelopment project is in line with national (the National Planning Policy Framework), regional (Council's Local Plan) and local (Accrington Area Action Plan) policy which recognise the need for improved town centres that offer a greater range of services and facilities. Maintaining and enhancing town centre competitiveness is crucial with the growing popularity of online shopping, virtual working, and post-pandemic trends that incline people to stay at home².

In pursuit of this goal, the Council, in partnership with consultants and stakeholders began developing a TCIP in June 2021. An assessment process was undertaken based on HM Treasury 'Five Case Model'. This included 30 potential schemes put forward to stakeholders with 18 potential interventions being included in the final agreed TCIP announced in January 2022.

In March 2022, the Council secured Cabinet approval in support of the TCIP and Levelling Up Fund (LUF) submission. The LUF submission comprised 3 of the 18 potential town-centre interventions, which were:

- Improvements and redevelopment to the block 61-79 Blackburn Road, Accrington to offer 3 floors of communal workspaces / offices – the intervention known as **Burtons Chambers**;
- Redevelopment of the Indoor Market Hall and outdoor pavilions along Peel Street, Accrington to provide a new food and beverage 'street food' style eating, drinking and social meeting space – the intervention known as **Market Hall**; and

¹ Protected characteristics are: Age, sex, belief or religion, race, disability, sexual orientation, gender reassignment, marriage/civil partnership and pregnancy and maternity.

² Local Government Association, Creating resilient and revitalised high streets in the 'new normal', (2022). Available at: [Creating resilient and revitalised high streets in the 'new normal' | Local Government Association](#)

- Improvements and redevelopment to the properties of 43-59 Blackburn Road / 2- 4 Church Street, Accrington to provide an exciting new dedicated art, heritage, and culture hub – the intervention known as **Market Chambers**.

On 18th January 2023 the Government announced the award of £2.1bn in Round 2 of the LUF, shared across 111 areas. Of this, £20m was awarded to the three Accrington Acre proposals, supported by a further £1.5m from Lancashire County Council and £2m from Hyndburn Borough Council.

The Council is now seeking to acquire the property interests associated with the above three developments to enable the commencement of the redevelopment proposals. Whilst the Council is actively trying to acquire property interests by agreement there is potential for the use of compulsory purchase powers. This report sets out the potential equality impacts related to the potential use of a CPO to acquire interests in Market Chambers.

1.3 Report structure

Following on from this introduction section, the remainder of the report is structured as follows:

- **Section 2: Methodology** – sets out the approach used to undertake the EqIA;
- **Section 3: Policy and legislation review** – provides context through relevant national, regional, and local policy and legislation associated with equalities and regeneration;
- **Section 4: Summary of the proposed development** – an overview of the development;
- **Section 5: Consultation and engagement** – an overview of community consultation and engagement activities;
- **Section 6: Evidence base and demographic profile** – uses secondary data sources including Census data to form an understanding of residents living within the area;
- **Section 7: Assessment of potential equality impacts** – an assessment of impacts and equality effects of the CPO using the evidence gathered; and
- **Section 8: Conclusions and recommendations** – conclusions and recommendations for enhancing positive equality impacts and minimising potential negative impacts based on available evidence to date.

2. Methodology

2.1 Introduction

This section sets out the approach to assessing the equality impacts of the CPO for Market Chambers. The assessment considers how the CPO could impact (both positively and negatively) current tenants of the building who share protected characteristics. In considering the direct and indirect impacts of the CPO, this EqIA takes a 'worst case scenario'.

The approach for this report follows a three-stage process:

1. Desk-based review -including review of relevant national, regional, and local policies and legislation, the proposal documents and secondary datasets relating to groups with protected characteristics;
2. Appraisal of potential impacts -informed by a consideration of the policy context, consultation responses, equalities baseline data; and
3. Providing recommendations and conclusions.

The approach is based on an understanding of the Equality Act 2010, particularly section 149 regarding the PSED, and supporting technical guidance produced by the Equality and Human Rights Commission (EHRC) as well as AECOM's in-house approach to conducting EqIAs.

2.2 Desk-based review

In addition to a review of recent relevant national, regional, and local policies and legislation, the desk-based review includes the following:

- Review of all relevant documentation regarding the CPO and redevelopment proposals for the site including design information and other relevant assessment work;
- Review of national and local datasets to develop an equalities baseline profile of groups with protected characteristics within and surrounding the site including Census data; and
- Review of the consultation activities to date in relation to the proposals undertaken by the Council to identify any issues of relevance to this EqIA.

2.3 Assessment of impacts

The assessment of equality impacts considers the information gathered through the above activities. A judgement is made as to how the proposals would contribute to the realisation of effects for people with protected characteristics as defined in the Equality Act 2010.

These protected characteristics are:

- **Age:** this refers to persons defined by either a particular age or a range of ages. This can include children (aged under 16), young people (aged 16-25), older people or pensioners (i.e., those aged 65+), the elderly/very old (i.e., those aged 85+);
- **Disability:** a disabled person is defined as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. It can also include people who have progressive conditions such as HIV, cancer, or multiple sclerosis (MS) - even where someone is able to carry out day to day activities;
- **Gender reassignment:** this refers to people who are proposing to undergo, are undergoing, or have undergone a process for the purpose of reassigning their gender;
- **Marriage and civil partnership:** marriage or civil partnership can be between a man and a woman or between two people of the same sex;

- **Pregnancy and maternity:** pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth;
- **Race:** the Equality Act 2010 defines race as encompassing colour, nationality (including citizenship) and ethnic or national origins;
- **Religion or belief:** religion means any religion a person follows. Belief means any religious or philosophical belief, and includes those people who have no formal religion or belief;
- **Sex:** this refers to a man or to a woman or a group of people of the same sex, while gender refers to the wider social roles and relationships that structure men's and women's, boys', and girls' lives;
- **Sexual orientation:** a person's sexual orientation relates to their emotional, physical and/or sexual attraction and the expression of that attraction.

Although income is not classed as a protected characteristic under the Equality Act 2010, the assessment also considers equality implications from the perspective of low-income households. The assessment considers both disproportionate and differential impacts on groups with protected characteristics. A disproportionate equality effect arises when an impact has a proportionately greater effect on protected characteristic groups than on the general population overall at a particular location.

For the purposes of this EqIA, disproportionality arises:

- Where an impact is predicted for the study area, where protected characteristic groups are known to make up a greater proportion of the affected resident population than their representation in Hyndburn; or
- Where an impact is predicted on a community resource which is predominantly or heavily used by protected characteristic groups (e.g., primary schools attended by children; care homes catering for elderly people).

A differential equality effect is one which affects members of a protected characteristic group differently from the rest of the general population because of specific needs, or a recognised vulnerability associated with their protected characteristic. In some cases, protected characteristic groups are subject to both disproportionate and differential equality effects. The EqIA considers impacts on groups of people and not those on specific individuals.

The criteria used to determine disproportionate or differential impacts with respect to protected characteristic groups include:

- People who share a protected characteristic form a disproportionately large number of those adversely affected by the proposals;
- Amongst the population affected by the proposals, people who share protected characteristics are particularly vulnerable or sensitive to a possible impact in relation to their possessing a specific protected characteristic;
- The proposals may either worsen or improve existing disadvantage (e.g., housing deprivation or economic disadvantage) affecting people who share a protected characteristic;
- People with shared protected characteristics amongst the affected population may not have an equal share in the benefits arising from the proposals. This can be either due to direct or indirect discrimination or where the groups experience barriers to realising such benefits, unless suitable mitigations are proposed to overcome those barriers; and
- The proposals may worsen existing community cohesion amongst the affected local population or exacerbate conflicts with community cohesion policy objectives.

3. Policy and legislation review

3.1 UK legislation

3.1.1 Equality Act 2010 and the Public Sector Equality Duty (PSED)

The Equality Act 2010 is a major piece of UK legislation which provides the framework to protect the rights of individuals against unlawful discrimination and to advance equal opportunities for all. Section 149 of the Equality Act sets out the PSED to which the Council, as a public body, is subject in carrying out all its functions, including in the exercise of its CPO powers.

Those subject to the PSED must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the PSED. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act states that meeting different needs involves taking steps to take account of disabled peoples' disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

The duty covers the following eight protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation as described Section 2.3 of this report.

Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status. This means that the first arm of the duty applies to this characteristic, but that the other arms (advancing equality and fostering good relations) do not apply.

3.1.2 Compulsory Purchase Order

Compulsory purchase powers are provided to enable acquiring authorities to compulsorily purchase land to carry out a function which Parliament has decided is in the public interest. Anyone who has land acquired is generally entitled to compensation. Local authorities have CPO powers under the Acquisition of Land Act 1981, the Town and Country Planning Act 1990 and other specific Acts of Parliament to promote development and regeneration. The CPO process comprises several stages, including Resolution to make the CPO, the making of the CPO, the consideration of any objections to the CPO (ordinarily heard in a public inquiry), the inquiry, the confirmation and publication of the CPO, the implementation of the CPO and the assessment and payment of Compensation to affected landowners. The acquiring authority does not have the powers to compulsorily acquire land until the CPO is confirmed by the relevant Government minister or the acquiring authority is directed to confirm the CPO itself where no objections are received and certain criteria are satisfied. However, they can acquire by agreement at any time, and they should endeavour to do so before acquiring by compulsion.

The Government guidance on the CPO process³ includes an explanation of how the PSED should be considered. The guidance confirms that in exercising compulsory purchase powers public sector acquiring authorities must have regard to the effect of any differential impacts on groups with protected characteristics.

The guidance acknowledges that an important use of compulsory purchase powers is to help regenerate run-down areas. Although low income is not a protected characteristic, it is not uncommon for people from ethnic minorities, the elderly, or people with a disability to be over-represented in low-income groups. As part of the PSED, acquiring authorities must have due regard to the need to promote equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This means that the acquiring authority may need to develop a process which promotes equality of opportunity by addressing problems that people with certain protected characteristics might have (e.g., making sure that documents are accessible for people with sight problems or learning difficulties and that people have access to advocates or advice).

Through the CPO process the acquiring authority should demonstrate that it has considered alternatives to the scheme underlying the CPO, and whether the public benefits of the scheme could be delivered without interfering with the private rights of existing owners and occupiers, or via a method where the impact would not be so detrimental.

3.2 National policy

3.2.1 National Planning Policy Framework⁴

The current version of the National Planning Policy Framework (NPPF) was adopted in July 2021 and consolidates the Government's economic, environmental, and social planning policies for England into a single document and describes how it expects these to be applied. The NPPF provides overarching guidance on the Government's development aims and is supplemented by National Planning Practice Guidance.

While the NPPF does not contain specific guidance on equalities, it does emphasise the importance of sustainable development and the need to support a healthy and just society. This is reflected in the key dimensions of sustainable development which relate to the economic, social, and environmental roles of the planning system:

- The economic role contributes to building “a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating development requirements, including the provision of infrastructure”;
- The social role supports “strong, vibrant and healthy communities by “providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being”; and
- The environmental role contributes to protecting and enhancing the “natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”.

The NPPF identifies key principles that local planning authorities should ensure that they consider when performing their functions, including:

- Local strategies to improve health, social and cultural wellbeing for all;
- The delivery of sufficient community and cultural facilities and services to meet local needs;

³ Ministry of Housing, Communities & Local Government (2018). Guidance on Compulsory purchase process and the Criche Down Rules. Available at: [Compulsory purchase process and the Criche Down Rules - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/744447/Compulsory_purchase_process_and_the_Criche_Down_Rules_-_GOV.UK_(www.gov.uk).pdf)

⁴ Ministry of Housing, Communities and Local Government. (2021) National Planning Policy Framework. Available at: [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/981622/National_Planning_Policy_Framework_-_GOV.UK_(www.gov.uk).pdf)

- The requirement to plan for the needs of different groups within communities.

In Chapter 8, the NPPF outlines how planning policy should help promote healthy and safe communities by taking a positive and collaborative approach to enable development to be brought forward. The NPPF emphasises that planning policies and decisions should aim to create places which offer: opportunities for social interaction and meetings between members of the community through the delivery of mixed-use developments, strong neighbourhood centres and active street frontages; safe and accessible environments which include social, recreational and cultural facilities and services the community needs; a sufficient choice of school places to meet the needs of existing and new communities; and access to high quality open spaces and opportunities for sport and recreation.

3.2.2 Levelling Up Fund⁵

The Levelling Up Fund was first announced in November 2020 as part of the 2020 Spending Review. Its aim is to support local communities in left behind regions of the UK by 'levelling up' their infrastructure. The delivery of small-scale infrastructure projects, such as regenerating a town centre, help bring pride to local areas and tackle economic differences that remain between different parts of the country.

Investment from the fund is allocated in rounds; Local Authorities can submit bids for investment worth up to £20mn in each round. Round 1 funding was announced in October 2021 with a total of £1.7bn being allocated to 105 successful applications. Round 2 funding was announced in January 2023 with £2.1bn awarded to 111 projects.

3.3 Regional policy

3.3.1 Pennine Lancashire Growth and Prosperity Plan 2016-2032⁶

The Pennine Lancashire Growth and Prosperity Plan has been produced by Pennine Lancashire Leaders and Chief Executives and covers the five local authority areas of Blackburn with Darwen (BwD), Burnley, Hyndburn, Pendle and Rossendale, and includes Lancashire County Council. The Plan sets out the ambition to accelerate economic growth and housing development in Pennine Lancashire, closing the productivity gap and ensuring that Pennine Lancashire builds on its position as a major contributor to the Lancashire Economy and the Northern Powerhouse.

The Plan aims to provide a basis on which Pennine Lancashire can have; a prosperous economy driven by innovative business, a diversified economy with growth in employment and high value sectors including digital, health and energy, a closure of the productivity gap that exists, and to become a place that people aspire to live in with high quality housing, an attractive lifestyle, cultural and leisure offering. In achieving this vision, by 2032 it aims to deliver:

- 28,000 new homes;
- 1.28 million m² of commercial floor space;
- £500mn additional Gross Value Added (GVA) p.a.; and
- 14,000 new jobs.

The Plan comprises four strategic objectives:

- Population, Labour Supply and Housing Growth – attract, grow and retain a skilled working age population through a major house building programme.
- Productivity, Employment Growth and Innovation – improve productivity, especially in advanced manufacturing, with higher levels of private sector led R&D.

⁵ UK Government (2023). New levelling up and community investment. Available at: [New levelling up and community investments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/new-levelling-up-and-community-investment)

⁶ Pennine Lancashire (2016). Growth and Prosperity Plan 2016-2032. Available at: [Pennine Lancashire Growth and Prosperity Plan 2016-2032 | Rossendale Borough Council](https://www.penninelancashire.gov.uk/growth-and-prosperity-plan-2016-2032)

- Education, Skills and Workforce Participation – improve educational attainment and remove barriers to work force participation.
- Connectivity and Infrastructure – maximise and promote Pennine Lancashire’s competitive advantage as a business location at the centre of the Northern Powerhouse through major infrastructure investment.

3.4 Local policy

The ‘Proposed Submission Version’ of Hyndburn Borough Council’s new Local Plan is awaiting submission to the Government Planning Inspectorate for examination, hence the Core Strategy and Action Plan from 2012 have been reviewed alongside the TCIP.

3.4.1 Accrington Town Centre Investment Plan (TCIP) 2022-2032⁷

Accrington’s TCIP sets out the vision, challenges and strategy for development over the next decade. It was published in January 2022 and supported Accrington’s bid for LUF funding that has since been awarded.

The vision for the town centre is based on a drive for regeneration which aims to create a vibrant, bustling and proud market town that forms the gateway to the Pennines and Lake District, and builds on a legacy of hard work and entrepreneurship.

The Plan identifies a number of challenges and opportunities including:

- Economy and visitors – high economic inactivity and low wages for those in work. However, there are opportunities to diversify the local economy.
- Living standards and housing – there are severe pockets of deprivation in Accrington, as well as an oversupply of retail space contributing to a high number of vacant units in the town centre.
- Education and skills – there is significant divergence between the national average and Hyndburn residents achieving A-level qualifications or above. Around 20% of Hyndburn’s residents had no qualifications in 2011. The rate of new business failure is also significantly higher than the national average in Hyndburn.

Objectives to measure the success of the TCIP include:

- Increased visitor and tourist numbers
- Improved and diversified retail offer
- Fewer empty shops and other empty commercial premises

Potential interventions included in the TCIP include:

- Market Hall – alongside the town square, this building will form the centre of Accrington Acre. Refurbishment and transformation into a high-end eating, drinking and cultural venue to support small independent traders will be the basis of the intervention.
- Transformation of Blackburn Road and Church Street – renovating and repurposing the ‘run-down’ the town centre into independent cafes, restaurants and high-end retailers will support Hyndburn’s entrepreneurs and traders.
- Transformation of Burton’s Chambers – bringing the Art Deco heritage building back into full use by repurposing its ground floor into cafes, restaurants and high-end retailers, with potential to transform the upper floors into co-working space.

The estimated impact of the Plan was that Accrington will see an additional 73,000-821,000 visitors per year, a £9.6mn per year economic boost, and between 250 and 275 jobs created.

⁷ Hyndburn Borough Council (2022). Accrington Town Centre Investment Plan 2022-2023. Available at: [Accrington-TCIP-70122.pdf \(hyndburnbc.gov.uk\)](https://www.hyndburnbc.gov.uk/70122.pdf)

3.4.2 Hyndburn Borough Council Core Strategy (2012)⁸

The aim of the Core Strategy is to establish the strategic policy framework for the development of Hyndburn up to 2026. The Strategy identifies key issues facing the borough to 2026, and addresses interlinked economic, social and environmental issues to produce effective policies and achieve sustained improvement.

Against these issues, the Core Strategy's vision to 2026 is for Hyndburn to be a distinctive, prosperous and vibrant area of Pennine Lancashire recognised for the collective quality and attractiveness of its market towns and landscape setting. Sustainable economic growth will support the Borough in providing a sought-after lifestyle with more skilled local and specialist jobs in the market towns and townships.

3.4.3 Accrington Area Action Plan (2012)⁹

The vision of the Accrington Area Action Plan is that Accrington will become a vibrant floral market town with an excellent quality of place at the heart of Pennine Lancashire. The Plan sets out the statutory planning policy for how Accrington town centre will change over the next 10-20 years. The need to develop the plan stems from six strategic objectives:

- Strengthening the retail position;
- Becoming a visitor destination;
- Enhancing the quality of the environment;
- Improving access, movement and transport;
- Promoting investment and business development; and
- Improving educational and training opportunities.

The Plan identifies that Accrington should emphasise its traditional character and build on its architectural and historical strength around the Market, attracting retailers, business and future redevelopment to the town centre. There is a notable lack of restaurants and a weak evening economy, whilst proposals for new business and workspace hubs will increase economic activity, business start-up and entrepreneurialism in the town.

Hyndburn Borough Council - Our Equality and Diversity Strategy: 2020-2025¹⁰

The Council's Equality and Diversity Strategy outlines key equality issues facing Hyndburn Borough (the Borough), potential avenues to address these issues, and also the Council's Vision 'Driving growth and prosperity in Hyndburn'. The Strategy highlights the Council's alignment with the PSED, identifies key statistics and issues regarding protected characteristic groups in the Borough, and actions the Council will take in order to promote equality between groups.

The Council aims to go beyond its legislative duties and actively promote equality for residents and address existing issues. The Strategy is about treating people fairly and recognising their differences, which works at three levels:

- Community relations – engaging with and understanding the needs of communities;
 - Service delivery – taking into account differences by providing a choice of services and responding to a range of needs; and
 - Internally – how the Council applies its HR policies, and attitudes and differences in the workplace.
- The Council also establishes how it will deliver its equality objectives:

⁸ Hyndburn Borough Council (2012). The Core Strategy. Available at: [Adopted Core Strategy \(hyndburnbc.gov.uk\)](https://www.hyndburnbc.gov.uk/adopted-core-strategy)

⁹ Hyndburn Borough Council (2012). Adopted Accrington Area Action Plan. Available at: [Adopted Accrington Area Action Plan \(hyndburnbc.gov.uk\)](https://www.hyndburnbc.gov.uk/adopted-accrington-area-action-plan)

¹⁰ Hyndburn Borough Council (2020) Our Equality and Diversity Strategy 2020-2025. Available at: [Our Equality and Diversity Scheme: 2020-2025 \(hyndburnbc.gov.uk\)](https://www.hyndburnbc.gov.uk/our-equality-and-diversity-scheme-2020-2025)

- Customer First Analyses: carry out Equality Impact Assessments to assess, consult, and understand the effect of a policy, project, or service is likely to have on different groups of people;
- Responsibility for Equalities: all elected members of staff have responsibility for delivering fair services to all, and to ensure equality issues are considered in decision-making and policy development;
- Reporting procedures: ensure the Hate Crime and Incident Procedure, and Grievance, Whistleblowing and Complaints Procedure, are understood and utilised when necessary by Council staff; and
- Employment and training: anyone involved with recruitment and selection of employees to the Council is following good management practice and legal obligations. Monitoring of information and statistics regarding the profile of applicants entering the recruitment process is carried out. Diversity training aims to address diversity issues and raise awareness, it also incorporates links to the equality objectives.

Key points regarding the protected characteristic groups in the Borough are outlined below, with further statistical analysis provided under the evidence baseline;

- Disability: measures the Council will try to do when carrying out its functions (employment, service delivery, budget setting, procurement) include; promote positive attitudes towards people with disabilities, encourage participation by people with disabilities in public life, promote equality of opportunity, eliminate disability-related harassment.
- Gender: promoting equality of opportunity between people of different gender identities, and eliminating sex discrimination and unlawful discrimination against men, women, and those undergoing gender reassignment are key to the Council's gender strategy.
- Race: the Council recognises its position as a public authority and its requirement to promote race equality and ensure that employment and services are fair and accessible for everyone.
- Religion and belief: the Council recognises the positive impact faith groups have on Hyndburn's communities as they bring opportunities to create face-to-face dialogue and support a greater understanding of shared values.
- Age: recognition that law regarding age discrimination covers organisations providing goods, facilities, services, and carrying out public services, is provided in the Strategy. The Council also recognises issues facing older people in rural areas, who can face social isolation and feel cut off from the wider community.
- Sexual orientation: the Council recognises that people cannot be discriminated against because they are heterosexual, gay, lesbian or bisexual or because someone thinks they have a particular sexual orientation.
- Marriage and civil partnership: the Strategy provides statistics relating to marriage and civil partnership for Hyndburn, these are provided under the evidence baseline.
- Pregnancy and maternity: the Council recognises the specific provisions of the Equality Act relating to employment rights for women who are pregnant or have recently given birth. Also, recognition that pregnancy and maternity-related discrimination can occur within employment is provided.
- Socio-economic inequality: whilst not a protected characteristic under the Equality Act, the Council considers socio-economic inequality as an important issue that can impede individuals and communities in terms of getting on, getting educated, and getting a job. The Council acknowledges that socio-economic disadvantage can occur due to a range of factors including poverty, health, housing, education and family background.

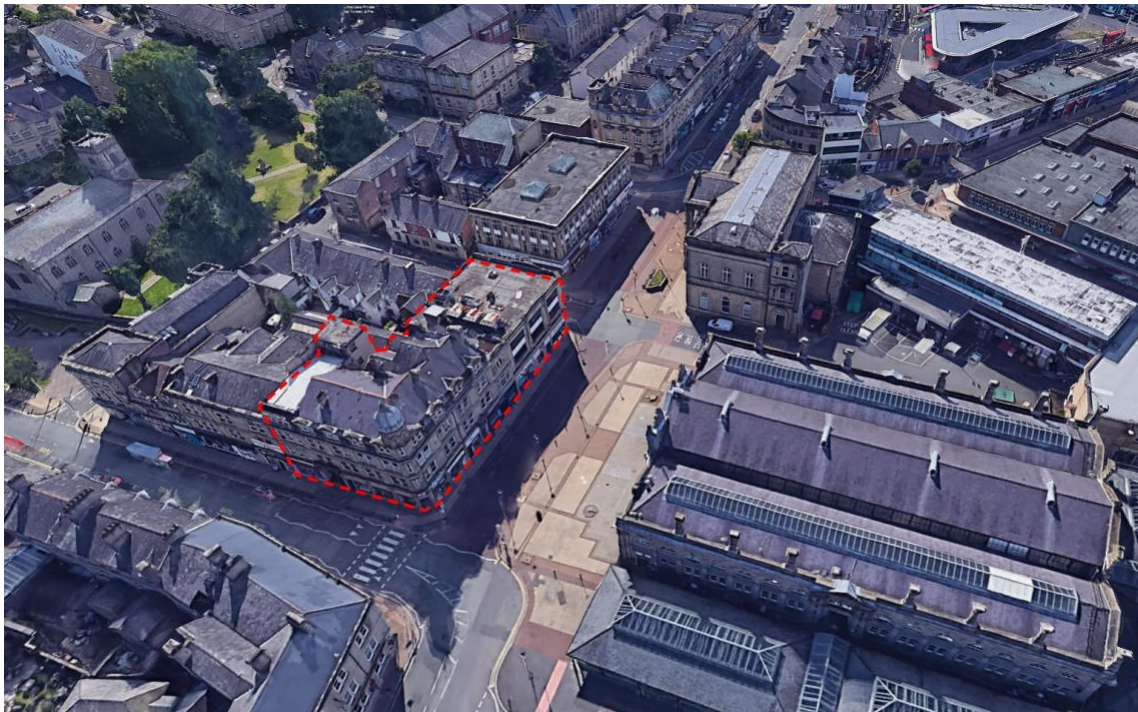
4. Summary of the development

4.1 Current site

The Market Chambers site is comprised of 43-59 Blackburn Road and 2-4 Church Street (see Figure 4-1 below) within the Barnfield Ward of Hyndburn Borough. The site is bound by Blackburn Road to the north, Church Street to the east, Holme Street to the south, Dutton Street to the west and sits opposite Accrington Market Hall.

The site contains a mixture of five retail units on the ground floor and 18 residential units on the upper floors. The retail units consist of an amusement arcade, wine bar, confectioner, 'bric-a-brac' household and second hand items shop and a vacant unit. At the time of writing, 13 of the residential units are occupied and five are vacant. One of these units is home to a vulnerable resident, three are vacant, two have been voluntarily vacated through Council acquisition and the remaining 12 are yet to engage with the Council.

Figure 4-1: Street view image of Market Chambers



Source: *Levelling Up Fund Submission (2023)*¹¹

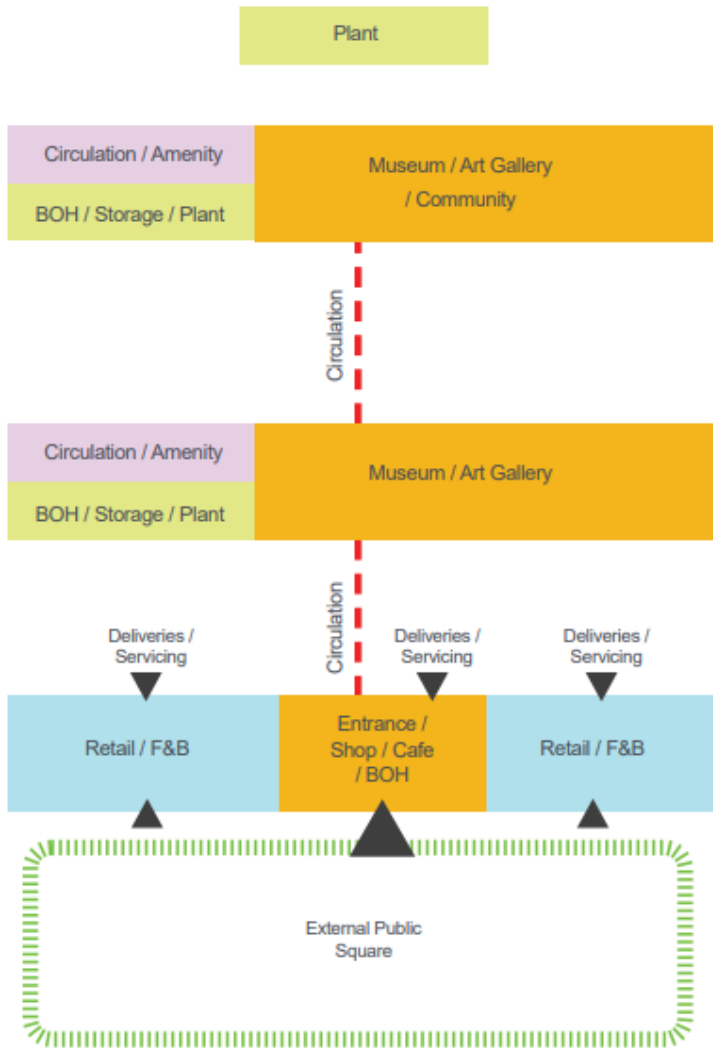
4.2 Proposal

The Levelling Up Fund Submission (2022) details the latest redevelopment proposal for Market Chambers. As shown in the 'Initial Concept' diagram below (Figure 4-2), the upper floors will be converted into a new fully accessible Museum, Art and Culture Facility accessed from the dedicated ground floor entrance. The ground floor units will be provided as 'white boxed' retail to allow for potential future retail or food and beverage services with uniform shop fronts and standardised signage.

The Council have been undertaking consultation with local community groups to define what the new centre and related retail should look like. The next stage in the development of this proposal is the appointment of an architect to design Market Chambers in line with these community interests.

¹¹ AEW Architects (2022). Market Chambers Accrington Town Centre: Levelling Up Funding Submission. Provided by Hyndburn Borough Council.

Figure 4-2: Initial Concept adjacencies diagram



5. Consultation and engagement

This section presents a summary of consultation activities undertaken by the Council in relation to the proposed Market Chambers development, including those supporting the wider Accrington Acre redevelopment scheme.

5.1 Survation Polling 2021

On behalf of Bradshaw Advisory and Hyndburn Borough Council, Survation¹² carried out a representative poll (mirroring the demographics of Hyndburn Borough) of 505 Hyndburn residents between 10th and 23rd August 2021. All residents in the poll were 18 or over and it was conducted via telephone and mobile call. Residents were asked 32 questions regarding the current townscape of Accrington. In the context of this EqIA, a selection of relevant questions and answers have been included below, these are useful to inform and provide evidence behind potential negative and positive impacts of the CPO in section 5.

Q1_Summary. On a scale 1-5 (where 1 is very poor and 5 is very good) how would you rate Accrington town centre for the following? (shops and retail, restaurants and cafes, pubs and nightlife, historic buildings and architecture, green or communal spaces, leisure activities).

- 82% responded poor or very poor in terms of shops and retail; 59% for restaurants and cafes; 30% for historic buildings and architecture; 53% for green or communal space; and 66% for leisure activities.

Q3. Which of the following statements do you feel most closely represents your views?

- a) Accrington Town Centre is a good place to visit?
 - 15% responded yes
- b) Accrington Town Centre is a bad place to visit?
 - 77% responded yes

Q4. Which of the following statements do you feel most closely represent your views?

- a) Accrington Town Centre is in need of regeneration and investment
 - 90% responded yes.

Q5. Which of the following statements do you feel most closely represent your views?

- a) Accrington is good for job opportunities
 - 12% responded yes.
- b) Accrington is poor for job opportunities
 - 65% responded yes.

Q7. Which of the following statements do you feel most closely represent your views?

- a) *I feel safe in Accrington town centre*
 - 71% of males responded yes. 57% of females responded yes.

Q9. When you visit Accrington what is the usual reason for your visit?

- a) Everyday services (banks, hairdressers, council services)
 - 62% responded yes.
- b) Non-food shopping
 - 41% responded yes.
- c) To visit restaurants or cafes

¹² Survation (2023). Survation – Who are We? Available at: [Survation | Who Are We? | Survation](#)

- 19% responded yes.
- d) For work
- 7% responded yes.
- e) Events
- 4% responded yes.

Q10) *Summary. For the following list do you think there are too many, about the right number, or too few in Accrington town centre?*

a) Shops selling local produce / goods

- 1% responded they think there are too many. 79% responded they think there are too few.

b) Independent restaurants / cafes

- 2% responded they think there are too many. 58% responded they think there are too few.

c) Small / independent shops

- 3% responded they think there are too many. 77% responded they think there are too few.

Q14) *Which of the following do you think MOST needs improving in Accrington Town Centre?*

- Restaurants/cafes: 36% of votes
- Aesthetics/how it looks: 27% of votes

These results highlight that Hyndburn's residents agree that Accrington is a town in need of investment and regeneration, an outcome of which should be to change the currently available selection of retail outlets, services and facilities which are not suited to the desires of the majority of residents. Accrington's historic and architecturally significant buildings are rated relatively highly in comparison to other town centre facilities. However, there is also agreement that restaurants/cafes and the aesthetics of the town centre need improvement. Responses to feelings, or lack thereof, of safety in Accrington town centre expose the gendered perception and experience of crime¹³, something that urban regeneration can play an important role in mitigating¹⁴.

5.2 Culture and Heritage Community Workshops

Throughout March and April, the Council hosted a series of culture and heritage community workshops with various groups of stakeholders. The Council presented their vision for a 'heritage and culturally' led building alongside design inspiration which integrates the architecture of Accrington.

Four workshops were undertaken as follows:

- Workshop 1 - Thursday 9th March at Accrington Town Hall;
- Workshop 2 – Monday 3rd April at Elmfield Hall;
- Workshop 3 - Thursday 20th April at Clayton Community Centre; and
- Workshop 4 - Friday 21st April at The Rhyddings School.

5.3 Survation Polling 2023

Further to the polling in 2021, between 10th-18th May 2023 Survation conducted telephone interviews with 521 people aged 18+ living in Hyndburn to specifically explore Accrington's arts, heritage and

¹³ Baldock, K et al (2018). Gender-specific associations between perceived and objective neighbourhood crime and metabolic syndrome. Available at: [Gender-specific associations between perceived and objective neighbourhood crime and metabolic syndrome - PMC \(nih.gov\)](#)

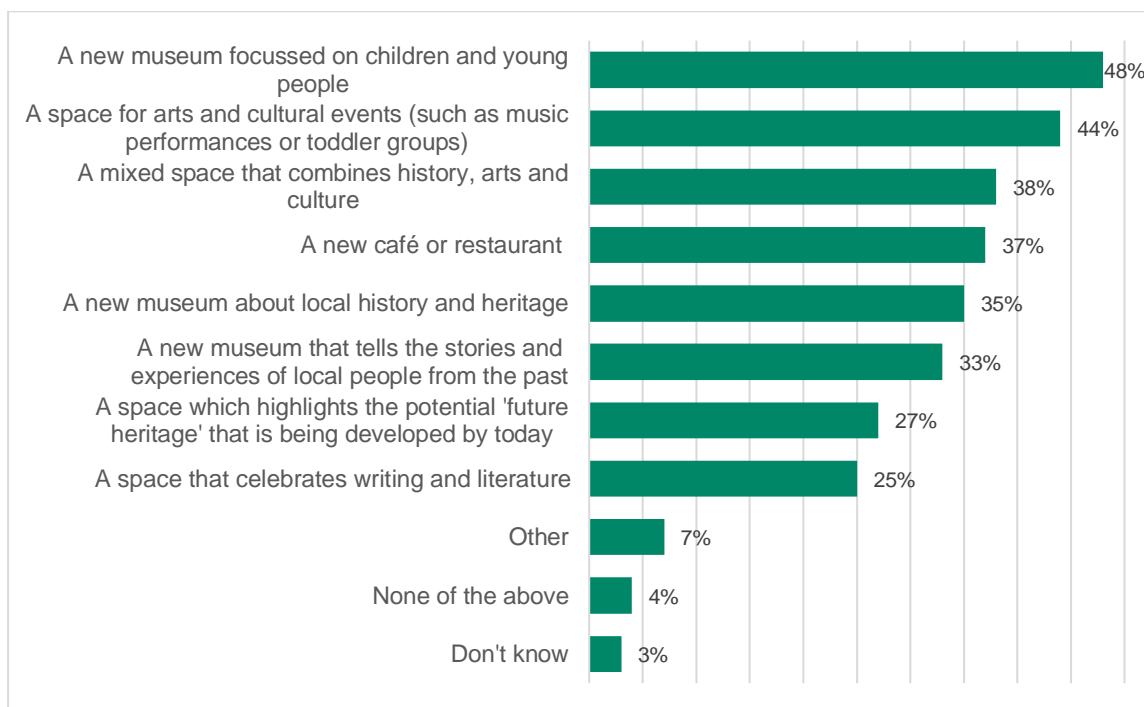
¹⁴ Borberly, D. and Rossi, G (2022) Urban regeneration projects and crime: Evidence from Glasgow. Available at: <https://www.sheffield.ac.uk/media/37669/download?attachment>

culture offer and the suggested use of the Market Chambers site. The key findings are summarised below:

- 55% responded that Accrington’s local history and heritage is ‘important’ or ‘very important’ to them;
- 53% responded ‘I am proud of our local heritage and history and think we can use it to help regenerate the area’;
- 63% responded ‘Accrington/Hyndburn’s history and heritage is at risk of being forgotten or lost’;
- 74% felt that ‘children and young people do not understand Accrington/Hyndburn’s heritage; and
- 55% responded ‘I would like to learn more about Accrington/Hyndburn’s history and heritage’.

The survey also asked respondents ‘what to do with an important but currently underused building in Accrington town centre near the Town Hall. Of the following options, what would you support this building becoming? Please select all you agree with.’. Figure 5-1 below represents the results for this question.

Figure 5-1: Respondents preferred use for the Market Chambers site¹⁵



This survey reveals a strong preference for regeneration to engage with Accrington’s heritage and culture, considering the importance of the town’s history to local residents and fear of this being lost amongst future generations. Children and young people are indicated as a protected characteristic group who could most benefit from heritage led regeneration, namely through a child-friendly museum or children’s arts and culture groups. Figure 5-1 confirms support for Market Chambers to form part of Accrington’s arts, heritage and culture offer, showing a preference for the site to provide a museum, arts and cultural events or combined services.

5.4 Public consultation

Most recently, the Council have launched an online public consultation for local residents regarding the design of the proposed development.¹⁶ This survey focuses on Accrington’s heritage and supports

¹⁵ Survation (2023). Hyndburn Poll. Resource provided by Hyndburn Council.

¹⁶ Hyndburn Borough Council (2023). New Cultural Venue for Accrington Town Square confirmed. Available at: [New Cultural Venue for Accrington Town Square Confirmed \(hyndburnbc.gov.uk\)](https://www.hyndburnbc.gov.uk/news/new-cultural-venue-for-accrington-town-square-confirmed)

a community driven initiative through seeking community perceptions of culture in Accrington and how this can be improved through the development. Local residents were able to submit their views via an online survey between 26th May and 12th June 2023.

5.5 Culture and Heritage Investment Board¹⁷

Hyndburn has a Culture and Heritage Investment Board (CHIB) which places culture and heritage at the centre of the Council's vision to reimagine and regenerate places. The board aims to deliver an inclusive and sustainable cultural programme that enhances the wellbeing of local people across Hyndburn.

Members of the CHIB are nominated and approved by the Council and include officers of the Council, members of the local community, organisations and individuals with relevant experience and/or interest in arts, culture and heritage.

The Board is to make recommendations to Hyndburn Borough Council relating to the Hyndburn Cultural and Heritage Strategy which considers local investment including the Levelling-Up Fund. The Board also supports effective engagement with local communities in the development of arts, culture and heritage projects to deliver a sense of place for locals and embed civic pride and heritage offers for future generations. The Culture and Heritage Investment Panel regularly meet to discuss how the Market Chambers site would be most effectively delivered.

¹⁷ Hyndburn Borough Council (2022). Hyndburn Culture & Heritage Investment Board Terms of Reference. Available at: [Appendix 1 - Draft Terms of Reference.pdf \(hyndburnbc.gov.uk\)](#)

6. Baseline profile

6.1 Introduction

A baseline profile of the population living around the site is necessary to enable an assessment of the potential impacts the CPO and redevelopment may have on groups with protected characteristics.

This section outlines the equalities baseline relevant to the proposed development at Market Chambers and the associated CPO. This includes analysis of Census 2021 data and other datasets from the Office for National Statistics. Where possible, the most recently available data is presented at three geographical levels relevant to the study area. These are, in increasing size, Hyndburn Lower Super Output Area (Hyndburn 008B, E01025036), Barnfield Ward, Hyndburn Borough level and Lancashire County Council level.

6.2 Profile of protected characteristic groups

6.2.1 Population

According to the most recent data available, the Hyndburn 008B LSOA is home to 1,718 people, while Barnfield is home to 4,706 people.¹⁸ As Table 6-1 shows, all areas have experienced a population increase between 2001 and 2021 to varying degrees. Hyndburn 008B LSOA has seen the largest population increase of 15.8%, compared to the Ward level (3.6%), Borough (0.9%) and County (8.8%).

Table 6-1: Population size and change (%) by geographical area from 2001 to 2021¹⁹

Year	Hyndburn 008B LSOA	Barnfield	Hyndburn	Lancashire
2001	1,484	4,542	81,496	1,134,974
2011	1,505	4,424	80,734	1,171,339
2021	1,718	4,706	82,234	1,235,354
Percentage Change	+15.8%	+3.6%	+0.9%	+8.8%

6.2.2 Age

Table 6-2 outlines the age breakdown in 2020 across the four relevant geographical areas. The data reveals that Hyndburn LSOA has the highest proportion of residents (67.3%) aged 16-64 compared to the other geographies. In contrast, the proportion of elderly people is higher across the Ward (17.7%), Borough (18.5%) and County (20.8%) levels. Hyndburn Borough also has marginally higher levels of children and young people (20.8%) compared to the LSOA and Ward level (19.0%).

¹⁸ ONS (2020). Population estimates – small area based by single year of age – England and Wales. Available at: [Dataset Selection - Query - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/datasetselection-query-nomis-official-census-and-labour-market-statistics)

¹⁹ ONS: Census 2001: Usual resident population (KS001); Census 2011: Usual resident population (KS101EW); Census 2021: Number of usual residents in households and communal establishments (TS001). All available at: [Dataset Selection - Query - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/datasetselection-query-nomis-official-census-and-labour-market-statistics)

Table 6-2: Age breakdown (%) by geographical area, 2020²⁰

Age range (years)	Hyndburn 008B LSOA	Barnfield Ward	Hyndburn	Lancashire
0-15	19.0	19.0	20.8	18.4
16-64	67.3	63.3	60.7	60.7
65 and over	13.7	17.7	18.5	20.8

Children and older people may be more vulnerable to CPO as residents due to the potential loss of local informal and formal care networks. Young and elderly people also have an increased risk of health issues or sensitivities associated with the environmental impacts during site construction. For example, evidence shows that traffic-related noise causes increased health risks for older people²¹ and lowers health-related quality of life in children²². Both groups are also more vulnerable to the effects of poor air quality compared to the overall population. Elderly people are also more vulnerable to the environmental, safety and accessibility impacts of construction activities associated with construction projects.

6.2.3 Sex

Table 6-3 highlights that the LSOA has the greatest disparity between female (47.0%) and male (53.0%) residents. Barnfield ward also has a smaller proportion of females (49.7%) to males (50.3%) compared to the Borough and County level where female populations are marginally higher than males.

Table 6-3: Population breakdown by sex and geographical area²³

Sex	Hyndburn 008B LSOA	Barnfield	Hyndburn	Lancashire
Female	47.0	49.7	50.8	50.9
Male	53.0	50.3	49.2	49.1

According to 2021 estimates, life expectancy in Barnfield is 74 years for males and 81.8 years for females.²⁴ Similarly, females live longer in Hyndburn (80.8 years) than males (76.6 years) alike Lancashire (79.9 years and 95.5 years).²⁵

6.2.4 Sexual orientation

Table 6-4 outlines the breakdown of residents by stated sexual orientation for Hyndburn Borough and Lancashire County. The data reveals that at both the Borough and County level, the majority of resident (90.4%) reported they were straight or heterosexual. The second highest reported sexual orientation was gay or lesbian, at 1.2% and 1.4% respectively, followed by bisexual (1.0 and 1.2%). While 7.2% of people at the Borough level and 6.8% at the County level did not answer.

²⁰ ONS: 2020 Population estimates – small area based by single year of age – England and Wales; ²⁰ ONS: 2020 Population estimates – small area based by single year of age – England and Wales. All available at: [Dataset Selection - Query - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](#)

²¹ Halonen, J. et al (2015). Road Traffic noise is associated with increased cardiovascular morbidity and mortality in London. *European Heart Journal*. 36(39), 2653-2661

²² Hjortebjerg, D. et al (2016). Exposure to road traffic noise and behavioural problems in 7-year-old children: a cohort study. *Environmental health perspectives*, 124(2), 228-234.

²³ ONS (2021). Sex (TS008). Available at: [Nomis - Official Census and Labour Market Statistics - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](#)

²⁴ ONS (2021). Life expectancy by census ward. Male and Female. Available at: [Life expectancy by census ward \(ons.gov.uk\)](#)

²⁵ ONS (2021). Life expectancy estimates, all ages, UK. Available at: [Life expectancy estimates, all ages, UK - Office for National Statistics \(ons.gov.uk\)](#)

Table 6-4: Hyndburn Borough population breakdown by sexual orientation²⁶

Sexual orientation	Hyndburn	Lancashire
Straight or Heterosexual	90.4	90.4
Gay or Lesbian	1.2	1.4
Bisexual	1.0	1.2
Pansexual	0.2	0.2
Asexual	0.0	0.1
Queer	0.0	0.0
All other sexual orientations	0.0	0.0
Not answered	7.2	6.8

People who identify as LGBTQ+ are at greater risk of being victims of hate crime²⁷. Increased footfall and natural surveillance as a result of Accrington Acre redevelopment will potentially reduce incidences of hate crime and boost the confidence of LGBTQ+ people.

6.2.5 Gender reassignment

Until the 2021 Census, there were no official statistics relating to gender reassignment and the UK Census only collected data relating to sex (gender assigned at birth). The 2021 Census included the optional question “Is the gender you identify with the same as your sex registered at birth?”, for which findings are presented at the Borough and County geographies in Table 6-5.

Of those who responded, the majority (93.6%) of Hyndburn's population identify with the same gender as their sex registered at birth, while 0.4% identify with a different gender. Similarly, in Lancashire 94.2% of the population identify with their gender assigned at birth, and 0.5% identify with an alternative gender.

Table 6-5: Hyndburn Borough population breakdown by gender identity²⁸

Gender identity	Hyndburn	Lancashire
Gender identity the same as sex registered at birth	93.6	94.2
Gender identity different from sex registered at birth but no specific identity given	0.2	0.2
Trans woman	0.1	0.1
Trans man	0.1	0.1
Non-binary	0.0	0.1
All other gender identities	0.0	0.0
Not answered	6.0	5.4

Trans people are at greater risk of being victims of hate crime²⁹. Increased footfall and natural surveillance as a result of Accrington Acre redevelopment will potentially reduce incidences of hate crime and boost the confidence of LGBTQ+ people.

²⁶ ONS (2021). Sexual orientation (detailed) (TS079). Available at: [Nomis - Official Census and Labour Market Statistics - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/)

²⁷ True Vision (2022). Sexual Orientation Hate Crime. Available at: [Sexual Orientation & Transgender Hate Crime - True Vision \(report-it.org.uk\)](https://www.report-it.org.uk/)

²⁸ ONS (2021). Gender identity (detailed) (TS070). Available at: [Nomis - Official Census and Labour Market Statistics - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/)

²⁹ Ibid, 11.

6.2.6 Race

Table 6-6 shows the percentage breakdown of ethnic groups by geographical area. The White ethnic group makes up the majority of the population across all four geographies. While Lancashire represents the largest majority (85.2%), the LSOA composes the smallest at 71.7%. Consequently, Hyndburn LSOA has the largest proportion of non-white ethnic minorities (22.4%) compared to the Ward (15.6%), Borough (17.3) and County (10.9%) level. The Pakistani Ethnic Group represents a significant proportion of the LSOA population of ethnic minorities (15.9%) compared to all other geographies, especially Lancashire at only 4.6%. The Other Ethnic Group also composes the largest proportion at LSOA level (1.2%) compared to elsewhere.

Table 6-6: Ethnic groups by geographical area³⁰

Ethnic group		Hyndburn 008B LSOA	Barnfield	Hyndburn	Lancashire
White	English, Welsh, Scottish, Northern Irish or British	71.7	79.2	79.6	85.2
	Irish	0.3	0.4	0.4	0.5
	Gypsy or Traveller	0.1	0.0	0.1	0.1
	Roma	0.1	0.1	0.1	0.1
	Other	5.3	4.1	2.5	3.1
Mixed/ Multiple Ethnic Groups	White/ Black Caribbean	0.3	0.2	0.2	0.4
	White and Black African	0.3	0.1	0.1	0.2
	White and Asian	1.8	0.9	0.7	0.6
	Other	0.1	0.2	0.3	0.3
Asian/ Asian British	Indian	0.2	0.3	0.4	2.0
	Pakistani	15.9	10.8	13.2	4.6
	Bangladeshi	0.2	1.7	0.6	0.5
	Chinese	0.4	0.1	0.2	0.4
	Other	0.8	0.4	0.8	0.5
Black/ African/ Caribbean/ Black British	African	0.9	0.4	0.2	0.4
	Caribbean	0.2	0.1	0.0	0.2
	Other Black	0.0	0.0	0.0	0.1
Other Ethnic Group	Arab	0.1	0.1	0.2	0.2
	Other	1.2	0.6	0.4	0.5

People from certain ethnic minority groups are more likely to be unemployed, underpaid, or economically inactive.³¹ Employment opportunities created by the redevelopment of Market Chambers and Accrington town centre have the potential to mitigate these issues.

³⁰ ONS (2021). Ethnic group (TS021). Available at: [Nomis - Official Census and Labour Market Statistics - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/)

³¹ Devine-Francis, B. Unemployment by ethnic background. (2022) Available at: [Unemployment by ethnic background - House of Commons Library \(parliament.uk\)](https://www.parliament.uk/)

6.2.7 Religion or belief

According to the 2021 Census (see Table 6-7), all four geographies compose of majority Buddhist residents, of which Lancashire is the highest (54.7%) and Hyndburn LSOA is the lowest (40.6%). The second largest majority religion at the LSOA level is Christian (36%) followed by Sikh (16.1%), both of which sit above the proportions across all other geographies. The LSOA also had the highest percentage of people who did not state a religion (6.1%).

Table 6-7: Religion or belief by geographical area³²

Religion	Hyndburn 008B LSOA	Barnfield	Hyndburn	Lancashire
Christian	36.0	32.1	28.4	31.5
Buddhist	40.6	48.5	51.0	54.7
Hindu	0.2	0.1	0.2	0.3
Jewish	0.3	0.1	0.1	0.6
Muslim	0.0	0.0	0.0	0.1
Sikh	16.1	12.7	14.7	6.9
Other religion	0.0	0.0	0.0	0.1
No religion	0.8	0.8	0.4	0.4
Religion not stated	6.1	5.4	5.2	5.4

6.2.8 Disability

According to data gathered in the 2021 Census, 25.6% of the LSOA population has a disability that limits their day-to-day activities by some degree. In comparison, 23% of the ward population have a disability, 20.8% at the Borough level and 19.3% at the County level.

The LSOA has a notably higher proportion of residents whose day-to-day activities are limited a lot, at 12.6%, compared to 10.8% at the ward, 9.7% at the Borough and 8.5% at the County level.

Table 6-8: Disability by geographical area³³

Level of disability	Hyndburn 008B LSOA	Barnfield	Hyndburn	Lancashire
Day-to-day activities limited a lot	12.6	10.8	9.7	8.5
Day-to-day activities limited a little	13.0	12.2	11.1	10.8
Long-term physical or mental health conditions but day-to-day activities not limited	4.5	6.0	6.0	7.1
No long-term physical or mental health conditions	69.8	71.0	73.2	73.5

Disabled people, including those with weak respiratory systems, or people who suffer from other health problems associated with weaker lungs, may be disproportionately impacted by emissions and dust, both traffic-related and as a result of construction of the infrastructure.³⁴ Additionally, in cases

³² ONS (2021). Religion (KS209EW). Available at: [Nomis - Official Census and Labour Market Statistics - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/)

³³ ONS (2021): Disability (TS038). Available at: [Nomis - Official Census and Labour Market Statistics - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/)

³⁴ Font, A. et al (2014). Degradation in urban air quality from construction activity and increased traffic arising from a road widening scheme. *Science of the Total Environment*, 497, 123-132.

where disability causes people’s daily activities to be significantly limited, construction can impose further limitations in terms of disruption of accessibility.

6.2.9 Marital status

Across all four geographies, the majority of residents aged 16 and over have never married. As highlighted in Table 6-9, the LSOA (53.1%), Ward (42.5%) and Borough (38.0%) all sit above the County average of never married residents (35.6%).

According to the 2021 Census, the proportion of the population who are married to someone of the opposite sex is highest at the County level (45.0%), and lowest in the LSOA (24.1%). The LSOA has the highest proportion of divorced residents (13.1%), whereas Lancashire has the lowest (9.8%).

Table 6-9: Legal partnership status by geographical area³⁵

Legal partnership status	Hyndburn 008B LSOA	Barnfield	Hyndburn	Lancashire
Never married	53.1	42.5	38.0	35.6
Married: opposite sex	24.1	36.4	42.0	45.0
Married: same-sex	0.0	0.1	0.2	0.3
In a registered civil partnership: opposite sex	0.1	0.1	0.0	0.1
In a registered civil partnership: same-sex	0.4	0.2	0.1	0.1
Separated	4.2	3.3	2.9	2.2
Divorced	13.1	11.4	10.1	9.8
Widowed	5.0	6.0	6.6	6.9

6.2.10 Pregnancy and maternity

In Lancashire in 2021, there were a recorded 16,346 conceptions across all age groups, a conception rate of 73.7 per 1000 women.³⁶ While 61 conceptions were recorded for women under 16, a rate of 2.9 per 1000 women.

Census 2021 data shows that 11.9% of households within the Hyndburn 008B LSOA were lone-parent households, of which 9.3% has dependent children. In comparison, lone parent households represent a marginally higher percentage at the ward level (12.9%), of which a lower proportion have dependent children (9.0%).

Pregnant women are more vulnerable to the adverse effects of air pollution as a result of construction activities, including an increasing risk of miscarriage as well premature births and low birth weights.³⁷

6.3 Socio economic profile

The socio-economic profile of the area considers several factors including levels of deprivation, employment, education, health, housing, transport and connectivity; access to services and facilities; public realm and open space; safety, security and well-being; and community cohesion.

³⁵ ONS (2021). Legal partnership status (TS002). Available at: [Nomis - Official Census and Labour Market Statistics - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/)

³⁶ ONS (2021). Conceptions in England and Wales. Available at: [Conceptions in England and Wales - Office for National Statistics](https://www.ons.gov.uk/peoplepopulationandcommunity/healthandlife/birthsdeathsandmarriages/conceptions)

³⁷ Leiser, C. et al. (2019). Acute effects of air pollutants on spontaneous pregnancy loss: a case-crossover study. *Fertility and sterility*, 111(2), 341-347

These factors are pertinent to those with protected characteristics and inequality and as such, provide additional baseline information relevant to the assessment of equality effects.

6.3.1 Deprivation

The English Indices of Multiple Deprivation (IMD) 2019 provides a measure of relative levels of deprivation in 32,844 LSOAs in England and Wales. The measure comprises seven distinct domains of deprivation, each with an appropriate weighting, which when combined produce a ranking for each LSOA.

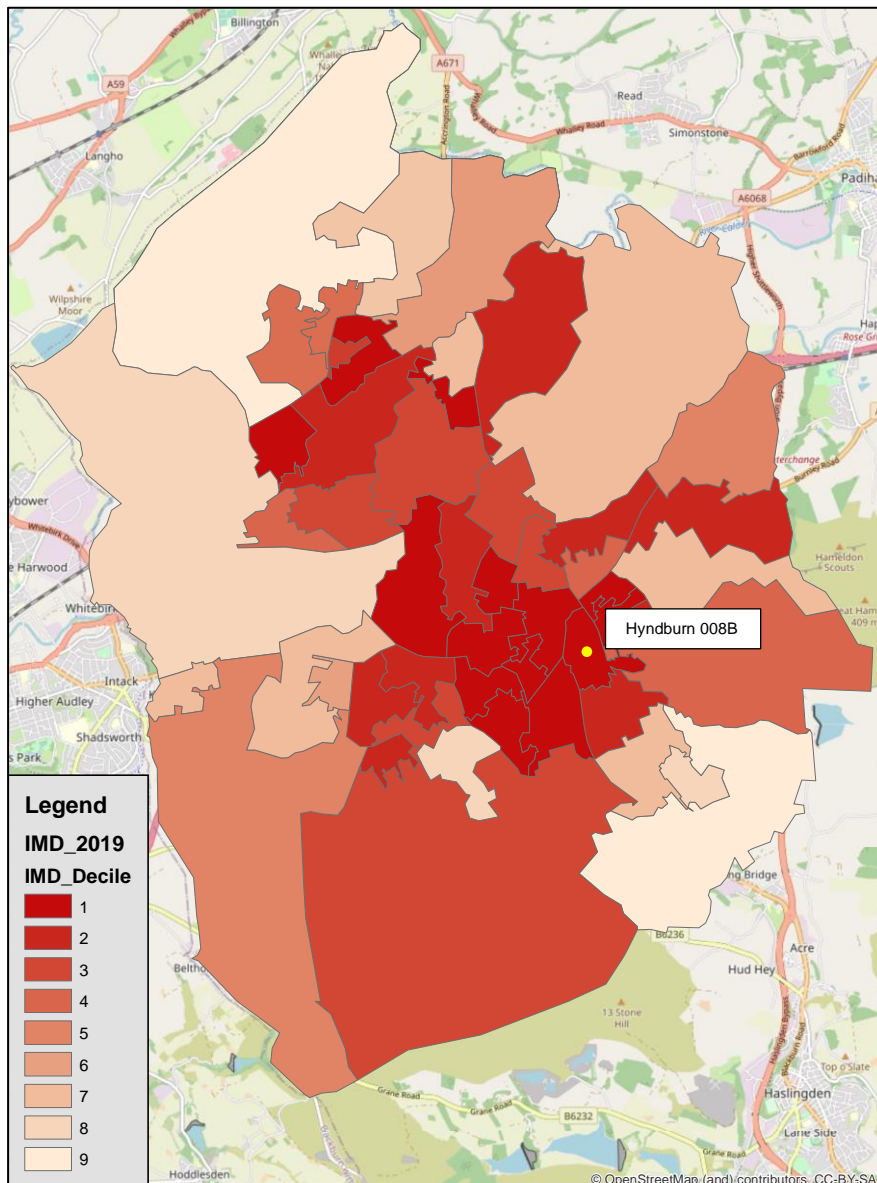
According to the IMD 2019, the proposed Market Chambers study area experiences high levels of deprivation, falling within the 10% most deprived LSOAs in England and Wales. Similarly, the site falls within the top 10% most deprived areas nationally in terms of income, employment, crime, health and disability and living environment. While sitting within the top 20% for education deprivation.

Supplementary indices for deprivation also rank the area:

- In the top 10% most deprived areas nationally for Income Deprivation Affecting Older People Index (IDAOPI) which measures the proportion of those aged 60+ who experience income deprivation; and
- In the top 10% most deprived areas nationally for Income Deprivation Affecting Children Index (IDACI) which measures the proportion of all children aged 0 to 15 living in income deprived families.

In contrast, many of the rural settlement areas in the periphery of Hyndburn local authority district are in the 40% (or less) least deprived neighbourhoods in the country. Figure 6-1 illustrates these deprivation trends across the Borough and shows the position of Hyndburn LSOA 008B within the highly deprived town centre.

Figure 6-1: Deprivation deciles across Hyndburn Borough, 2019³⁸



Source: Open Geography Portal (2011); IMD (2019).

Further, the study area LSOA ranks poorly in regard to the individual deprivation domains. In the context of this EqlA and the intended project outcomes, the income, employment, crime, and health domains are of interest. Out of 32,844 LSOAs, Hyndburn LSOA 008B ranks 131st for health, 314th for employment, 615th for crime and 951st for income.

These figures highlight that Barnfield ward experiences deprivation across the deprivation domains, and therefore has the potential to benefit from the Accrington Acre redevelopment.

6.3.2 Household deprivation level

Household deprivation level reveals deprivation according to how many dimensions a household is deprived in. The four dimensions of deprivation in this data set are:

³⁸ Gov.uk (2019). English Indices of Deprivation 2019. Available at: [English indices of deprivation 2019 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421423/English-Indices-of-Deprivation-2019.pdf); Gov.uk (2020). Indices of Deprivation: 2019 and 2015. Available at: [Indices of Deprivation 2015 and 2019 \(communities.gov.uk\)](https://www.communities.gov.uk/government/uploads/system/uploads/attachment_data/file/421423/Indices-of-Deprivation-2015-and-2019.pdf).

1. Education: A household is classified as deprived in the education dimension if no one has at least level 2 education and no one aged 16 to 18 years is a full-time student.
2. Employment: A household is classified as deprived in the employment dimension if any member, not a full-time student, is either unemployed or long-term sick.
3. Health: A household is classified as deprived in the health dimension if any member is disabled.
4. Housing: A household is classified as deprived in the housing dimension if the household's accommodation is either overcrowded, in a shared dwelling, or has no central heating.

Table 6-10 outlines the percentages of households in each deprivation category for each of the geographical areas defined under section 6.1, according to Census 2021.

The data reveals that Hyndburn LSOA has the highest proportions of household deprivation across all four dimensions of the four geographies. For example, 20.8% of households in the LSOA are deprived in two dimensions compared to 18.4% at the Ward level, 17.5% in the Borough and 14.3% in the County. In contrast, the LSOA has the lowest percentage of households who do not fall into any deprivation dimensions (34.8%), compared to the Ward (40.8%), Borough (42.4%) and County (48.0%) levels.

Table 6-10: Households by deprivation classification by geographical area³⁹

Household Composition	Hyndburn 008B LSOA	Barnfield	Hyndburn	Lancashire
Household is not deprived in any dimension	34.8	40.8	42.4	48.0
Household is deprived in one dimension	34.2	33.5	34.1	33.6
Household is deprived in two dimensions	20.8	18.4	17.5	14.3
Household is deprived in three dimensions	9.5	6.5	5.7	3.8
Household is deprived in four dimensions	0.7	0.7	0.3	0.2

6.3.3 Economic activity

Economic activity is a measure of whether a person was an active participant in the labour market during the period 15th March to 21st March 2021. People aged 16 years and over were considered economically active in the Census if, during this period, they were:

- a) In employment (an employee or self-employed);
- b) Unemployed, but looking for work and could start within two weeks; or
- c) Unemployed, but waiting to start a job that had been offered and accepted.

A person was considered economically inactive if, during the same period, did not have a job, and had not looked for work between the 22nd of February and 21st March 2021.

Table 6-11 reveals Census 2021 data on the economic activity status for the four geographies. Excluding full-time students, all geographies have a similar percentage of economically active

³⁹ ONS (2022). Households by deprivation dimensions (TS011). Available at: [Nomis - Official Census and Labour Market Statistics - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/statistics)

residents, the majority of which are in employment. Notably, the Hyndburn LSOA has the lowest percentage of residents in employment (49.7%) and highest amount unemployed (6.0%).

Correspondingly, the LSOA has the highest proportion of economically inactive residents at 43.0% of the population, Barnfield has the second highest at 42.8%, followed by the Hyndburn Borough and Lancashire County at similar levels of 42.3% and 42.2% respectively. Of those who are economically inactive in the LSOA, 14.6% are retired, 11.4% are long-term sick or disabled, 6.2% are looking after home or family and 5.0% are students. While Hyndburn LSOA has the highest proportion of disabled residents and those looking after home and family, Lancashire County has the highest percentage of retired residents and students.

Table 6-11: Economic activity status by geographical area⁴⁰

Economic activity status	Hyndburn 008B LSOA	Barnfield	Hyndburn	Lancashire
Economically active (excluding full-time students)	55.6	55.7	55.7	55.4
Economically active (excluding full-time students): In employment	49.7	52.2	52.8	53.1
Economically active (excluding full-time students): Unemployed	6.0	3.4	2.9	2.3
Economically active and a full-time student	1.4	1.5	1.9	2.5
Economically active and a full-time student: In employment	1.1	1.3	1.5	1.9
Economically active and a full-time student: Unemployed	0.2	0.3	0.5	0.6
Economically inactive	43.0	42.8	42.3	42.2
Economically inactive: Retired	14.6	20.3	22.4	24.9
Economically inactive: Student	5.0	5.0	4.7	5.5
Economically inactive: Looking after home or family	6.2	5.4	5.4	4.1
Economically inactive: Long-term sick or disabled	11.4	8.5	6.4	4.6
Economically inactive: Other	5.7	3.7	3.5	3.0

⁴⁰ ONS (2022). Economic activity status (TS066). Available at: [Nomis - Official Census and Labour Market Statistics - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://nomisweb.co.uk)

Table 6-12 presents a detailed breakdown of employment sectors by geographical area for 2021. At the LSOA level, the majority of residents work in elementary occupations (16.7%), followed by sales and customer service occupations (13.5%). While there are high proportions of professional occupations and associate professional and technical occupations (10.8%), the smallest proportion of residents take up manager, director and senior official positions (6.1%). In comparison, across the remaining geographies the highest proportion of residents are employed in professional occupations (14.8%).

Table 6-12: Employee jobs by broad sector group (%) across different geographical areas, 2021⁴¹

Occupation	Hyndburn 008B LSOA	Barnfield	Hyndburn	Lancashire
Managers, directors, senior officials	6.1	9.2	9.4	11.9
Professional occupations	10.8	14.8	14.0	18.6
Associate professional & technical occupations	10.8	11.7	11.1	12.2
Administrative & secretarial occupations	7.9	9.3	9.3	9.5
Skilled trades occupations	9.5	11.0	13.1	11.3
Caring, leisure & other service occupations	12.5	11.6	12.4	10.4
Sales & customer service occupations	13.5	10.7	9.2	7.9
Process plant / machine operatives	12.3	9.5	10.8	7.8
Elementary occupations	16.7	12.2	10.8	10.4

6.3.4 Education

Highest level of qualification indicates all qualifications held, or their nearest equivalent, for all usual residents aged 16 years and over.

Table 6-13 below presents levels of educational attainment across the various relevant geographies. The LSOA has the highest proportion of residents with no qualifications (25.2%) and consequently the lowest proportion of residents with level 4 or above qualifications (22.6%). The LSOA also has the lowest proportion of residents undertaking apprenticeships (6.0%).

⁴¹ ONS (2021). Occupation (TS063). Available at: [Nomis - Official Census and Labour Market Statistics - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/)

6-13: Educational attainment (%) by different geographical area, 2021⁴²

Educational attainment	Hyndburn 008B LSOA	Barnfield	Hyndburn	Lancashire
No qualifications	25.2	21.4	22.8	18.6
Level 1 qualifications	10.4	9.8	10.4	9.6
Level 2 qualifications	17.0	15.6	14.2	13.6
Apprenticeship	6.0	6.6	7.3	6.4
Level 3 qualifications	15.7	16.6	17.6	18.6
Level 4 qualifications and above	22.6	27.3	25.2	30.6
Other qualifications	3.2	2.7	2.6	2.6

6.3.5 Health

Compared with the rest of England the health of people in the project area is significantly below average. In 2019, Hyndburn 008B was ranked 131st out of 32,844 LSOAs in England in the health and disability deprivation domain and Hyndburn ranked 18th out of 317 local authorities. The health and disability domain measures the risk of premature death and the impairment of quality of life through poor physical or mental health.⁴³

Table 6-14 below presents a breakdown of general health rankings by the relevant geographical areas according to Census 2021. In line with the deprivation rankings, the project area geographies have higher proportions of residents with bad or very bad health compared to Lancashire. In the LSOA, 9.4% of residents have bad or very bad health, compared to 5.8% in Lancashire. Correspondingly only 38.9% of residents have very good health, compared to 47.1% in Lancashire.

Table 6-14: General health (%) by different geographical area, 2021⁴⁴

General health	Hyndburn 008B LSOA	Barnfield	Hyndburn	Lancashire
Very good health	38.9	43.0	43.9	47.1
Good health	33.6	33.1	34.3	33.5
Fair health	18.1	16.2	14.8	13.7
Bad health	7.2	5.9	5.3	4.5
Very bad health	2.2	1.7	1.7	1.3

In terms of obesity, 27.7% of Hyndburn's residents are obese which is 4.7% higher than the national level, moreover, 39.8% of residents are classified as overweight compared to 40.8% in England. Mental health questionnaire findings from the Joint Strategic Needs Analysis for Hyndburn found that 11% of respondents often feel left out, 13% said they feel isolated from other people, and 28% had been told they have depression, anxiety, or another mental health condition.⁴⁵ In Barnfield, obesity amongst year 6 students is especially high with 27.6% of children being obese over the three-year period between 2019/20-2021/22 compared to 21.6% in England. Life expectancy is below the

⁴² ONS (2021). Highest level of qualification (TS067). Available at: [Nomis - Official Census and Labour Market Statistics - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](#)

⁴³ Indices of Deprivation 2019 (2019) Health Domain Map. Available at: [Indices of Deprivation 2015 and 2019 \(communities.gov.uk\)](#)

⁴⁴ ONS (2021) General Health (TS037). Available at: [Dataset Selection - Query - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](#)

⁴⁵ Lancashire County Council (2017) Health behaviours district for Hyndburn. Available at: [Health behaviours district summary for Hyndburn \(lancashire.gov.uk\)](#)

national average in Barnfield at 76.1 for males (compared to 79.5 in England) and 80.4 for females (compared to 83.2 in England).⁴⁶

6.3.6 Transport and connectivity

The Market Chambers site has very good transport connectivity to wider Lancashire. Accrington Railway Station (Eagle Street) and Accrington Bus Station (Union Street) are located a 3-minute walk from the buildings on Blackburn Road and Church Street.

6.3.7 Safety and security

In the year ending December 2022, 133,585 crimes were recorded within Lancashire giving a crime rate of 87.2 per 100,000 people.⁴⁷ The top three reported crimes were violence against a person (57,477), theft (37,138) and violence without injury (22,034).

This is a marginal decrease from a crime rate of 88 per 100,000 in December 2021.

6.3.8 Community cohesion

To ensure healthy communities which are functional, safe, and enjoyable places to live and work, it is important to promote community cohesion and good relations between different groups. Encouraging civic engagement and ensuring dialogue with all people in the community; particularly those belonging to protected characteristic groups, is an important step in working towards community cohesion. For people belonging to protected characteristic groups, their feelings of a lack of cohesion (or exclusion) may be more acute than those of other people.

⁴⁶ Office for Health Improvement & Disparities (2021) Local Health – Small Area Public Health Data. Available at: [Local Health - Small Area Public Health Data - Data - OHID \(phe.org.uk\)](https://phe.org.uk/)

⁴⁷ ONS (2023). Crime in England and Wales: Police Force Area data tables. Available at: [Crime in England and Wales: Police Force Area data tables - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/)

7. Assessment of equality impacts

7.1 Introduction

The assessment considers the potential impacts on affected people sharing protected characteristics arising from the exercise of CPO powers to acquire and redevelop Market Chambers. It considers:

- Direct equality impacts of the CPO;
- The beneficial and adverse impacts for local residents and businesses and the wider Accrington community; and
- Impacts during the refurbishment and operational phases of the proposed development.

This is a high-level impact assessment based on the policies information and data sources reviewed in this report and addresses impacts inspired by the objectives of the Levelling Up Fund interventions⁴⁸ and TCIP objectives⁴⁹. A framework for the assessment of equality impacts is outlined in Table 7-1.

Table 7-1: EqIA assessment framework

Theme	EqIA objectives
Town centre improvements	<ul style="list-style-type: none"> • Improved arts, cultural and heritage offer that is visible and accessible for residents and visitors. • Enhanced townscape that is more attractive and accessible to residents, businesses, and visitors. • An improved and diversified retail offer with fewer empty units and reduced dependence on traditional high-street retail.
Economic growth	<ul style="list-style-type: none"> • High street resilience through increased visitor and tourist numbers • Delivery of quality commercial space in key location of Accrington Town Centre. • Provision of employment opportunities for disadvantaged and underrepresented groups.
Neighbourhood and Community	<ul style="list-style-type: none"> • Clear, transparent, inclusive and meaningful engagement with local residents, stakeholders and the local community • Improve the physical and mental health and wellbeing of Accrington residents and reduce health inequalities across the Borough and between local communities. • Improve perceptions of safety and fear of crime to help remove barriers to activities and reduce social isolation.

7.2 Town centre improvements

7.2.1 Potential beneficial impacts

Regeneration of Accrington town centre infrastructure (indirect impact of CPO)

The CPO will facilitate the regeneration of Market Chambers as part of Hyndburn Council's LUF commitments and TCIP initiatives. This heritage-led regeneration seeks to build on the traditional market town aesthetics of Accrington to create a vibrant town centre fit for the future.

⁴⁸ UK Government (2021). Levelling Up Fund: Technical Note. Available at: [Levelling Up Fund - Technical note - UK wide \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/levelling-up-fund-technical-note-uk-wide.pdf)

⁴⁹ Hyndburn Borough Council (2022). Accrington Town Centre Investment Plan 2022-2032. Available at: [Accrington-TCIP-70122.pdf \(hyndburnbc.gov.uk\)](https://www.hyndburnbc.gov.uk/media/100000/accrington-tcip-70122.pdf)

Currently, the area of Accrington surrounding Market Chambers falls within the top 10% most deprived LSOAs in terms of Living Environment. 77% of poll respondents felt the town centre was a 'bad place to visit' and 90% confirmed that Accrington is in need of regeneration and investment. This evidence presented a compelling case of public interest to the Council which inspired the Accrington TCIP.

The TCIP consequently identified these units on Blackburn Road and Church Street for redevelopment since several are vacant, in a state of disrepair and detract from the aesthetics of the town square, Market Hall and Town Hall. Through renovating and repurposing this building, it could complement the heritage assets of Accrington town centre and fulfil the vision of a vibrant and high-end town centre for the local community.

Further, this CPO will contribute to the transformation of the Town Square area known as 'The Accrington Acre'. Uplifting the surrounding architecture and rejuvenating local commercial/retail services will develop an 'anchor' for Accrington town which caters for local residents and visitors alike. The wider redevelopment of Accrington Acre will also diversify the services offered by the town centre, proposing a mix of local eateries, shops and cultural venues for locals and visitors. Market Chambers directly interfaces with the Town Square and therefore is a significant site for regeneration.

These are benefits that can be shared across all protected characteristic groups. However, this will depend on the extent to which the services offered within the development and wider town centre transformation consider the needs of protected characteristic groups, including with regards to accessibility, affordability, design and demand.

Improved arts, culture and heritage offer for Accrington (indirect impact of CPO)

Accrington is characterised by its industrialised history, previously home to cotton and wool making factories as well as its brick making in the late 1800's. The town has many existing historical sights and landmarks, including the Grade II listed Viaduct, the Town Hall and the Market Hall. Consequently, the LUF and TCIP focuses on embracing and enhancing the heritage and culture of Accrington.

Market Chambers forms part of Accrington's arts, culture and heritage offer. This offer builds on the previous Townscape Heritage Initiative (THI) in 2018, which transformed the Town Square and Town Hall. Under the initiative, the square was redesigned, resurfaced and pedestrianised by landscape architects to allow for a wide variety of events and activities.

In response to the demand for heritage-led regeneration, Market Chambers will contribute both infrastructural and recreational elements of heritage and culture. The planned development will maintain the existing architecture of the building, in keeping with the surrounding townscape including Market Hall opposite and brick façades across Accrington town centre. The proposal for a new Museum, Arts and Culture Centre will also provide an interactive experience for locals and visitors to engage with the history of Accrington. Thereby, enhancing the heritage of Accrington is expected to uplift the visitor economy through the provision of cultural attractions, while supporting the aforementioned 'Accrington Acre' development to deliver community cohesion benefits to local residents who experience social isolations, to which many protected characteristic groups are vulnerable.

Further to recognising the industrial history of the town itself, it is important that the arts, culture and heritage offer represents the heritage of protected characteristic groups that populate Accrington. For example, exhibitions and/or displays focusing on the experiences, culture and history of ethnic minority groups that make-up the local population demonstrates cultural inclusivity. Across the LSOA, Ward and Borough levels, the Pakistani population is notably high amongst minority groups and therefore should be identified as an important group to recognise. Thereby, the extent to which an improved arts, culture and heritage offer could generate equality benefits is dependent on representation of such groups⁵⁰. It is also important that different groups are able to easily access the

⁵⁰ Arts Council England (2021) Equality Objectives <https://www.artscouncil.org.uk/lets-create/delivery-plan-2021-2024/equality-objectives>

arts, culture and heritage offer of the development by reducing other barriers to inclusivity such as affordability, accessibility and awareness.

Provision of new retail space (indirect impact of CPO)

The development proposes new 'white box' retail facilities on the ground floor of the Market Chambers site. While this commercial space remains unassigned in the current design stage, the indicative design within the Levelling Up Fund Submission outlines potential retail and/or food and beverage facilities in addition to a shop and café related to the function of the Museum, Arts and Culture Centre above.

'White box' retail space describes retail units provided with basic interior work complete and awaiting further finishes and specification by the resident business. These units are likely to benefit new and existing businesses of Accrington, especially under-represented sectors such as high quality food and drink services, and assist the diversification of Accrington town centre. Evidence from Survation Polling revealed that 58% of respondents felt there are too few independent restaurants or cafes in Accrington and 77% felt there were too few small independent shops. Therefore, the re-provision of food and beverage services and independent retail outlets as outlined in the LUF submission, is expected to reduce dependency on traditional high-street retail and improve the town's reputation as a retail destination offering a range of services. The extent to which these benefits are shared between those with protected characteristics and others will depend on the type of goods and services offered.

The redevelopment of Market Chambers is also likely to reduce the number of vacant retail units within Accrington. The proposed museum, arts and culture centre is expected to uplift the visitor economy and footfall in Accrington, consequently increasing the demand for supporting retail premises both within Market Chambers and across the town centre. Further, the involvement of community groups in co-designing Market Chambers would enable Market Chambers to respond to demand for services and increase the chances of ground floor businesses being viable.

7.3 Economic Growth

7.3.1 Potential beneficial impacts

Improved high street resilience through increased visitor and tourist numbers (indirect impact of CPO)

The CPO will facilitate the redevelopment of the Market Chambers site into a Museum, Arts and Culture Centre and associated retail space. As a result of this development, and the wider Levelling Up Fund initiatives, it is expected that Accrington town centre will experience economic uplift through increased footfall due to new attractions and boosted economic activity as business is attracted to the area as well as visitors looking to spend.

The potential for positive economic impacts that the CPO of Market Chambers will have through delivering a heritage and culture offer for Accrington is highly significant. Accrington, and Hyndburn Borough, have been historically in decline following the fall of the textile and engineering industry. The project area is now a site of high deprivation and economic inactivity which intersects with a diverse population. Much of the urban landscape of the town centre is derelict, with many businesses having gone out of business, leaving the historical architecture that characterises Accrington to be poorly maintained. Targeted investment in heritage and cultural infrastructure and associated retail like at Market Chambers has the potential to catalyse improvements against many of these poor outcomes currently facing Accrington and its residents.

The Museum, Arts and Culture Centre proposal could restimulate a visitor economy within Accrington which contrasts the existing 'run-down' high streets. Consequently, existing local retailers operating in the Market Hall and neighbouring shopping streets could also experience boosted economic activity as a result of increased footfall. The new retail units provided on the ground floor of the Market Chamber development offer another economic outlet for smaller independent businesses and entrepreneurs. Therefore, new and existing businesses owners who share protected characteristics

could experience equality effects as a result of this proposal, including improved livelihoods and prospects.

Creation of new culture and retail sector employment opportunities (indirect impact of CPO)

The new Museum, Arts and Culture Centre and associated 'white box' retail units in the Market Chambers site will create new employment opportunities in the area.

The Market Chambers area has comparatively high levels of unemployment and low levels of education attainment to the surrounding areas, as well as sitting in the top 10% most deprived LSOAs in terms of income and employment. This benefit could be shared by those from protected characteristic groups who disproportionately represented across unemployment and low education attainment, including younger people, disabled people and people from certain ethnic minority groups.⁵¹

It is recommended that an Employment, Education and Skills Strategy should be developed by the Council in relation to Market Chambers and other Levelling Up Fund initiatives. This service should be used to ensure that opportunities for employment associated with the proposal are localised to those currently working and living in the area, particularly those who are unemployed at the time of opening.

Local employment opportunities during refurbishment of Market Chambers (indirect impact of CPO)

The refurbishment of Market Chambers will result in the creation of temporary jobs during regeneration which will be available to the local labour market. This has the potential to contribute to addressing the high rates of economic inactivity in the local area, especially for those who are generally over-represented in unemployment figures such as younger people, disabled people and people from certain ethnic minority groups.⁵² The groups who may benefit from this new employment may vary depending on the type of regeneration works and associated training. Equality effects may arise where employment or training is not available to groups with protected characteristics, for example where procurement policies make it harder for some groups to access the opportunities.

As above, it is recommended that as part of the procurement process for a contractor for the works, that a commitment be made to developing an Employment, Education and Skills Plan setting out measures for employing people during the regeneration stage of this initiative. This should include recruiting new apprentices/ workers from the immediate area to maximise benefits to the local population. The contractor should also provide evidence of their commitment to equal opportunities with regards to employment, for example as a Disability Confident Status employer.

The Council should also consider developing a detailed Social Value Plan to be adopted by contractors with targets to maximise ongoing social value as part of the delivery of the project as well as long term outcomes during operation of the Arts and Culture Centre and wider Accrington Acre project. The Social Value Plan should be monitored and reported frequently and continue once the Market Chambers site is operational.

7.3.2 Potential adverse impacts and mitigation

Market Chambers is currently not within the Council's ownership and the Cabinet previously supported the appointment of CBRE, who are a nationally recognised property services consultant, to undertake acquisition discussions on behalf of the Council. CBRE have been in regular discussions with the owners of these key LUF buildings throughout 2022 and into 2023 to acquire the freehold and leaseholds prior to the redevelopment.

The Council's external legal advisors, Womble Bond Dickinson (WBD) are progressing the freehold and leasehold purchase of Market Chambers. Compulsory purchase will be required if private treaty

⁵¹ ONS (2022). Annual Population Survey: Unemployment. Available at: [Unemployment - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://www.ethnicity-facts-figures.service.gov.uk/unemployment-gov-uk-ethnicity-facts-and-figures)

⁵² ONS (2022). Annual Population Survey: Unemployment. Available at: [Unemployment - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](https://www.ethnicity-facts-figures.service.gov.uk/unemployment-gov-uk-ethnicity-facts-and-figures)

negotiations fail, and given the different interests it may not be possible to reach agreement with all of the parties with an interest in the land in the timescale required for delivery. Authorisation is therefore being sought to promote a CPO in parallel with negotiations to acquire the necessary interests in order to ensure that the interventions come forward in a timely manner.

This is likely to result in direct equality impacts on the following groups:

- Business owners;
- Employees; and
- Customers.

Business closure/non-viability of businesses following permanent loss of retail units (direct impact of CPO)

The CPO process would result in the loss of four current businesses located within Market Chambers, including an amusement arcade, wine bar, confectioners, and 'bric-a-brac' retailer. The regeneration proposals for the site provide a Museum, Arts and Culture Centre and associated retail and/or food and beverage services and do not allow for any of the existing tenants to relocate within the existing building, nor will it be possible for these businesses to relocate to either of the other developments receiving LUF funding.

The permanent loss of retail space for the current occupiers could result in the closure of these businesses. Without appropriate relocation opportunities, there is the potential for the closure of a number of businesses, where they are unwilling or unable to relocate the business. It is considered that the successful relocation of existing businesses will depend, in part, on the flexibility of individual businesses, some of which are specific in terms of where they consider an appropriate location for their business to operate successfully. For example, relocation could cause a loss of local customer bases for business owners, which would have implications for the future viability of their business.

The potential closure or non-viability of businesses could generate disproportionate equality impacts amongst business owners who share particular protected characteristics, such as female business owners, those with disabilities or long-term health problems or from ethnic minority groups.

In order to mitigate against business closure, the Council will be offering appropriate compensation (in accordance with the CPO Compensation Code) to all interested parties. These payments are offered to cover all reasonable costs associated with relocation and disruption in line with guidance in order to minimise the financial burden of acquisition. Further to this, support with the identification of suitable alternative locations will be offered by the Council should the business seek this, including vacant commercial/retail properties within the town centre. This could minimise any adverse impacts to the viability of business and a loss of local customer bases. The Council is in the process of relocating a business displaced from the Burton Chambers initiative to one of these vacant units, demonstrating the possibility of this relocation option.

It is also important to ensure continued effective collaboration between all interested parties, taking consideration of the differing levels of support needed by individual business owners and residents. CBRE are currently in the process of negotiating acquisition terms with affected parties on a case by case basis. The property consultant is keeping an informed engagement tracker to record attempted communication and monitor outcomes in relation to this proposal.

Temporary or permanent loss of employment following closure or relocation of affected businesses (direct impact of CPO)

The CPO could result in the closure of businesses, where they are unwilling or unable to relocate the business. Employees at the affected businesses may experience temporary or permanent loss of income and/or employment until relocated and/or where the employer closes/downsizes/relocates elsewhere.

Currently, there is no information on existing employees who work at the four affected businesses. Equality effects may be experienced where the pattern of effected employees affects a protected characteristic disproportionately or have other protected characteristics which make them more sensitive than others to the effects of relocation. There may be significant disproportionate negative impacts if employees lose their jobs due to the businesses having to close down or relocate (for example if they do not have viable travel to work options), and if they share a protected characteristic that increases the difficulty of finding new employment opportunities.

Engagement with freeholders and leaseholders of Market Chambers will help to identify specific needs and issues with relocating with regards to protected characteristics (i.e. the need for reasonable adjustments), and how these may be mitigated. It is also recommended that data is collected from the businesses to ascertain the characteristics of employees of the businesses for monitoring purposes.

Leaseholders are also likely to be eligible for compensation payments to cover relocation costs and minimise the likelihood of business closure and loss of employment. Compensation payments are typically only paid after vacant possession is provided and therefore employing a policy to make payments to those eligible in advance of needing to vacate could be used to support a successful relocation i.e., to pay deposits, fund relocation expenses, etc.

Loss of existing retail offer for customers (direct impact of CPO)

The loss of existing retail offer as a result of the CPO process could generate equality effects where there are patterns in terms of affected customers and their having protected characteristics, especially where there is no nearby alternative.

While the characteristics of the customers of the existing businesses is not explicitly known, the 'bric-a-brac' shop is likely to be used by people on low incomes and have an established consumer base who frequently shop here, as such disproportionate impacts may be experienced by this group. The re-provision of food and beverage services in the new Market Chambers development could provide suitable alternatives to the wine bar and confectioners business, alongside independent traders within the Market Hall opposite.

In order to mitigate any potential equality effects on customers, the Council should develop a Relocation Strategy which considers the pattern of affected customers in terms of protected characteristics. Relocation options should be accessible for common customer sets who are reliant on the service and where this is not possible, alternative local services should be identified to minimise equality effects of retail loss.

7.4 Neighbourhood and Community

7.4.1 Potential beneficial impacts

Community engagement and consultation

Equality legislation emphasises the importance of supporting positive relations between different groups, whilst local community cohesion policy supports group interaction, fair treatment, equal opportunity, and a sense of common belonging, including empowering local communities to shape decisions affecting their lives.

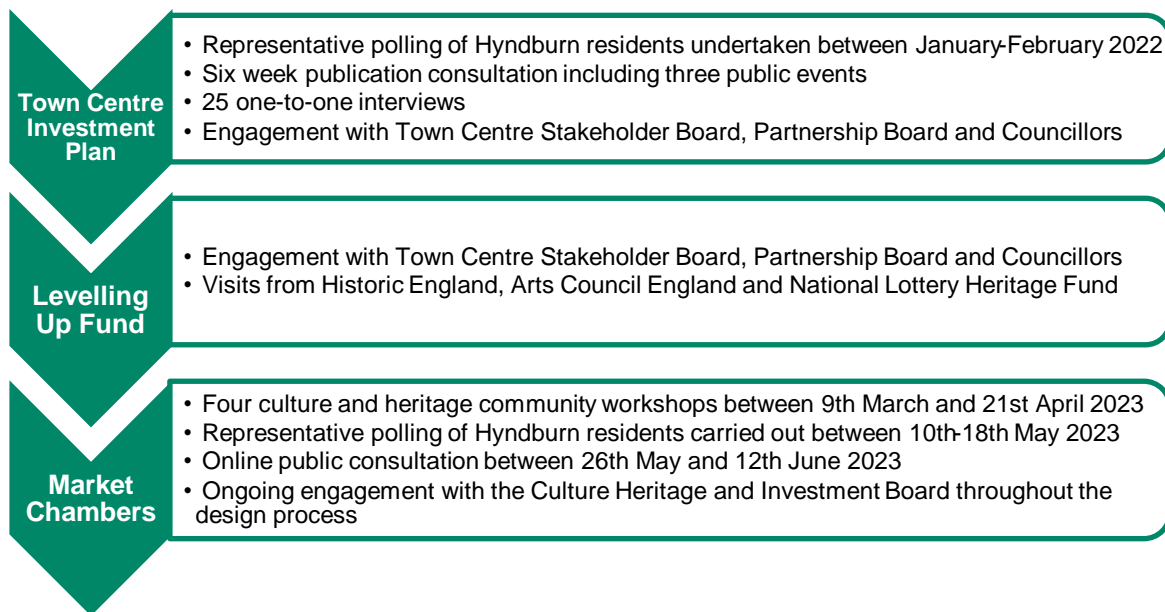
The proposed Market Chambers site sits within one of the 10% most deprived LSOAs nationally, creating a complex and nuanced range of community needs. The extent to which benefits of the proposals are shared amongst all members of the community, including people with protected characteristics, will depend in part on engagement efforts to reflect their views and ideas in the planning process.

The Council have engaged with Accrington's local community throughout the development of the Accrington Acre. Early engagement with local residents, the wider public and stakeholder and partnership boards has assisted the Council in understanding local perceptions of Accrington and

areas for improvement, as well as promoting local interest in regeneration plans. While targeted community engagement in developing the design of Market Chambers provides the opportunity for dialogue with all people in the community to ensure this initiative is community led and maximises the potential benefits of regeneration.

Figure 7-1 below provides an overview of the targeted and wider community engagement and consultation activities undertaken since 2021 which have contributed to the Market Chambers development.

Figure 7-1: Summary of community engagement and consultation 2021-2023



Improved mental wellbeing (indirect impact of CPO)

The quality of town centres and high streets can be determining factors for mental health.⁵³ Dilapidated and run-down externalities, particularly of architecturally significant premises such as those in question in Accrington, can create a negative atmosphere in urban spaces contributing to ill-health for local residents. Market Chambers poor health deprivation ranking coupled with higher comparative incidence rates of fair/poor health, provides an opportunity for Market Chambers renovation to create a positive impact for people.

Feedback from Survation Polling reveals that local residents are supportive of the need for regeneration and investment (90%), indicating the demand for improved public realm which can offer active and passive recreation, safe places to meet and improved community cohesion. Further, several vulnerable groups, including older people and those from low income communities, may rely on safe, active and accessible services and associated public realms to be able to have social interactions, exercise or enjoy solitude. The ability to engage in such activities can have positive impacts of people's health and wellbeing.

Improved perceptions of crime and safety in Accrington (indirect impact of CPO)

As revealed in the IMD 2019 data, the area surrounding Market Chambers sits within the top 10% of LSOAs in terms of crime deprivation. The regeneration initiatives led by the LUF are also expected to assist the transformation of Accrington from a dilapidated town centre to a vibrant and welcoming community with a thriving visitors economy. Therefore, it is likely that the consequent increased

⁵³ RTPi, Mental health and town planning, (2020). Available at: [RTPi | Mental health and town planning](#)

footfall, natural and artificial surveillance, and an improved urban environment could reduce crime rates.

Equality impacts may arise where protected characteristic groups are disproportionately vulnerable to the effects of crime. The Survation poll revealed disparity in feelings of safety between men and women; 57% of women reported they felt safe in Accrington town centre compared to 71% of men. Evidence also reveals that many groups are more vulnerable to safety and security issues and more exposed to hate crimes; these include women, older people, disabled people, people from certain religious groups, ethnic minority groups and members of the LGBT+ community. Improvements to the town centre are likely to benefit these groups by providing a safer environment for their visit.

7.4.2 Potential adverse impacts and mitigation

The Market Chambers development could potentially result in adverse impacts affecting protected characteristic groups living in the local community. The following sections summarise these potential impacts including how the Council has implemented mitigation against these as a fulfilment of their PSED outlined in the Equality Act 2010.

Displacement of residents following permanent loss of residential units (direct impact of CPO)

The Council will engage with residential tenants on-site to negotiate the acquisition of freehold and leasehold interests. However, the Council may be required to use compulsory purchase powers to acquire the remaining residential properties on the existing site. The CPO of these properties would result in the loss of assured short-hold tenancy housing with no re-provision of residential housing on-site, consequently leaving tenants with a risk of homelessness.

The characteristics of the majority of existing residential tenants on the site are not known at this stage. Consequently, this EqlA has identified potential household types that could experience sensitivities to relocation. This includes:

- Elderly and disabled residents who may face difficulty in accessing alternative housing that meets their accessibility requirements, such as wheelchair accessibility. Elderly people may also feel anxious about the potential loss of familial or community ties through relocation;
- Vulnerable residents who may rely on proximate key services for such as GPs, hospitals, supermarkets, relatives, and community hubs;
- The Council has a duty under section 11 of the Children Act 2004, to have regard to the need to safeguard and promote the welfare of children for any function they are responsible for, or any services that they contract out to others. The main priority with concern to households with children is access to education and to support networks. The relocation of families should focus on keeping children close to their schools or care networks where possible;
- Households that include people with BAME status may lose important social and community ties if they need to move away from the area.

The likelihood of equality effects arising from the CPO is dependent on the alternative properties available and how affordable these properties are. Where appropriate relocation opportunities in the nearby area are unavailable, tenants could experience a loss of important socio-economic and/or cultural ties and anxieties regarding relocation further afield. Moving residences could also incur moving costs, legal fees and inflated rent costs dependent on the location of new homes which could act as an economic barrier for tenants should they be from low-income households. However, it is also recognised that these are risks that already exist with shorthold tenure.

In mitigation, CBRE are currently pursuing effective collaboration between all interested parties to negotiate terms of acquisition on a case by case basis and are taking into consideration the differing levels of support needed by individual residents. An informed engagement tracker is being kept to record any attempted communication and monitor outcomes in relation to this proposal. The Council will also be offering disturbance payments to cover all reasonable costs of relocation and overcome any financial burdens of the CPO process. Any vulnerable residents that are identified as occupants of the affected households who may potentially be sensitive to the impact of the CPO due to their

protected characteristics should be appropriately supported.

Environmental impacts of regeneration works on health and well-being of the local community (indirect impact of CPO)

Following CPO of the Market Chambers site, the building will be refurbished to create a new Museum, Arts and Culture Centre and associated ground floor retail units. This may result in an increase in adverse impacts such as noise and air quality impacts from refurbishment works, as well as parking and traffic congestion issues as a result of contractor vehicles. This could be exacerbated by further construction and/or regeneration work in the area as a result of the wider TCIP initiatives and 'Accrington Acre' project.

Some groups are more sensitive to the effects of these impacts than others. For example, the generation of emissions, dust and particulate matter from construction works has the potential to disproportionately affect older and younger people, disabled people, and pregnant women, all of whom have a higher probability of having a weaker immune system and/or respiratory concerns that can be exacerbated by exposure to dust and particulates.⁵⁴ Noise and vibrations caused by machinery and vehicles can have disproportionate negative impacts on elderly, young and/or disabled people who may have pre-existing conditions making them more susceptible to high levels of noise and vibration. Further, temporary diversions to footpaths or roads and parking on pavements may negatively impact on people with mobility issues such as disabled people, older people and people with pushchairs or young children.

To mitigate these potential regeneration impacts, the Council should require the contractor to be a member of the Considerate Constructors Scheme.⁵⁵ This scheme is designed to encourage best practice beyond statutory requirements with contractors required to follow the Scheme's Code of Considerate Practice including the three areas of Respect the Community, Care for the Environment and Value their Workforce.

Further, upon appointment, the contractors should develop a Construction Management Plan and associated Traffic Management Plan for the scheme which include a range of mitigation measures to control environment and traffic-related impacts. These measures will assist in reducing any negative impacts as outlined above and therefore minimise negative impacts on protected characteristic groups.

7.5 Summary of potential impacts

Table 7-2 provides a summary of the potential direct equality impacts during the refurbishment and operational phases of the initiative. This describes each potential impact alongside the potentially affected groups with protected characteristics. Details of embedded mitigation are provided where confirmed as well as further recommendations to support the enhancement of positive effects and minimising of negative effects.

It is envisaged that this table can be updated with more detailed mitigation measures when developed and used to monitor equality effects as plans for the regeneration progress.

⁵⁴ Halonen, J. et al (2015). Road Traffic noise is associated with increased cardiovascular morbidity and mortality in London. *European Heart Journal*. 36(39), 2653-2661; Hjortebjerg, D. et al (2016). Exposure to road traffic noise and behavioural problems in 7-year-old children: a cohort study. *Environmental health perspectives*, 124(2), 228-234; Font, A. et al (2014). Degradation in urban air quality from construction activity and increased traffic arising from a road widening scheme. *Science of the Total Environment*, 497, 123-132; and Leiser, C. et al. (2019). Acute effects of air pollutants on spontaneous pregnancy loss: a case-crossover study. *Fertility and sterility*, 111(2), 341-347.

⁵⁵ Considerate Constructors Scheme (2023). Considerate Constructors Scheme. Available at: [Considerate Constructors Scheme \(ccscheme.org.uk\)](https://www.considerateconstructors.org.uk)

Table 7-2: Summary of potential equality impacts of the Market Chambers proposal

Impact	Affected Protected Characteristic Groups													Overview of potential effects	Planned mitigation / EqlA recommended	
	Age			Sex	Ethnicity	Religion	Disability	Transgender	Sexual Orientation	Pregnancy/ Maternity	Marriage/Civil Partnership	Low Income Households	Business owners			
	Children	Young People	Older People													
Town Centre Improvements																
Beneficial	Regeneration of Accrington Town Centre infrastructure (indirect)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<p>Regeneration, as part of the LUF commitments and TCIP initiatives, is expected to diversify services present in Accrington, build on the existing heritage architecture and contribute to the Accrington Acre to create a vibrant high-end town centre for local residents and visitors.</p> <p>This development could generate positive equality effects providing that the services offered within the units cater for the needs of protected characteristic groups.</p>	<p>Planned mitigation: Public consultation to maximise the local benefits of the scheme is being undertaken via an online survey between 26th May and 12th June 2023.</p> <p>Recommendations: Diversity monitoring should be taken for all engagement activities with businesses, employees, residents and visitors to identify disproportionate impacts.</p>
	Improved arts, cultural and heritage offer for Accrington (indirect)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<p>Market Chambers will form part of Accrington's arts, culture and heritage offer through delivering infrastructural and recreational heritage-led regeneration that is expected to uplift the visitor economy and support community cohesion.</p> <p>However, the extent to which an improved arts, culture and heritage offer could generate equality benefits is dependent on equal representation of all population groups.</p>	<p>Recommendations: Inclusion of exhibitions and/or displays representing the heritage and culture of ethnic minority groups, especially the Pakistani ethnic minority.</p>
	Provision of new retail space (indirect)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<p>New and existing businesses should be able to share the benefits of the provision of new retail space, especially under-represented sectors such as food and beverage services.</p> <p>Disproportionate impacts on protected characteristic groups are dependent on the types of good and services that occupy these units during operation.</p>	<p>Planned mitigation: Public consultation to maximise the local benefits of the scheme and viability of future businesses is being undertaken via an online survey between 26th May and 12th June 2023.</p> <p>Recommendations: Analysis of public consultation responses should inform the detail design stage of Market Chambers to ensure the proposal responds to demand for certain services and needs of the local community.</p>
Economic Growth																
Beneficial	Improved high street resilience through increased visitor and tourist numbers (indirect)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<p>Accrington Town Centre is expected to experience economic uplift through increased footfall as a result of the new cultural attraction and associated retail at Market Chambers, in addition to boosted economic activity as visitors and businesses are attracted to the area.</p> <p>New and existing businesses owners who share protected characteristics could experience equality effects as a result.</p>	N/A
	Creation of new culture and retail sector employment opportunities (indirect)		✓			✓		✓							<p>Creation of new employment opportunities through the new Museum, Arts and Culture Centre and associated 'white box' retail units. This would especially benefit young people, especially those from low-income and BAME backgrounds.</p>	<p>Recommendations: Employment, Education and Skills strategy programme should be developed to provide support and advice for jobseekers in the area.</p>

Impact	Affected Protected Characteristic Groups													Overview of potential effects	Planned mitigation / EqlA recommended	
	Age			Sex	Ethnicity	Religion	Disability	Transgender	Sexual Orientation	Pregnancy/ Maternity	Marriage/Civil Partnership	Low Income Households	Business owners			
	Children	Young People	Older People													
Local employment opportunities during regeneration of Market Chambers (indirect)		✓			✓		✓					✓			The regeneration work on Market Chambers will deliver temporary employment opportunities to the local labour market. This would especially benefit young people, especially those from low-income and BAME backgrounds where equal access to jobs and associated training is provided.	<p>Recommendations: A contractor-led Employment, Education and Skills strategy programme should be developed to target recruitment of unemployment people in the local area. This should adhere to national or local schemes to promote employment amongst under-represented equality groups, e.g. Disability Confident Employer.</p> <p>A detailed Social Value Plan should also be developed and adopted by the contractor to maximise ongoing delivery of benefits to the local labour market throughout regeneration works.</p>
Adverse	Business closure/non-viability of businesses following permanent loss of retail units (direct)												x	<p>Acquisition of ground floor retail units with no re-provision within the new development could result in business closure or relocation dependent on individual flexibility and circumstance.</p> <p>While the protected characteristics of business owners are currently unknown, disproportionate impacts could be present across female-led businesses, owners with disabilities or long-term health problems or owners from ethnic minority groups.</p>	<p>Planned mitigation: Payment of disruption compensation to cover relocation costs and legal fees associated with acquisition.</p> <p>Council advice on relocation within Accrington may be provided where requested, for example to other vacant units within surrounding streets.</p> <p>Continued effective collaboration with all affected parties is being undertaken by CBRE, the Council's property consultants, in attempt to agree terms of acquisition.</p>	
	Temporary or permanent loss of employment following closure or relocation of affected businesses (direct)	x	x	x	x	x	x	x	x	x	x	x	x		<p>Associated with the loss of retail units is a loss of temporary or permanent employment. Employees with protected characteristics could be disproportionately affected due to sensitivities around finding new employment opportunities.</p>	<p>Planned mitigation: Payment of disruption compensation to cover loss of employment associated with business closure or relocation.</p> <p>Engagement with freeholders and leaseholders to identify any sensitivities with relocating in regard to protected characteristics of employees and identify mitigation strategies.</p>
	Loss of existing retail providers for customers (direct)												x		<p>The CPO process could generate equality effects where there are patterns in terms of affected customers and their having protected characteristics, especially where the service is not relocated nearby or where there is no nearby alternative.</p> <p>While the customer base of businesses within Market Chambers is unknown, the loss of these businesses is likely to impact low income families.</p>	<p>Recommendations: A Council-led Relocation Strategy which considers the pattern of affected customers in terms of protected characteristics.</p>

Neighbourhood and Community																
Beneficial	Effective consultation and community engagement with affected groups.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	The Council have engaged with Accrington's local community throughout the development of the Accrington Acre through early engagement regarding the TCIP and LUF and targeted engagement in developing the design of Market Chambers. Engagement has provided dialogue with local residents, the wider public, Councillors and stakeholder and partnership boards to ensure this initiative, and the wider Accrington Acre redevelopment, maximises the potential benefits of regeneration on the local community.	Planned mitigation: ongoing engagement via public consultation closing on 12 th June 2023 and regular meetings of the Culture Heritage and Investment Board.
	Improved mental wellbeing (indirect)			✓				✓					✓		Improving the quality of Accrington Town Centre through Market Chambers and other regeneration initiatives could have positive impacts on the mental health of local residents. Residents vulnerable to social isolation could particularly benefit from improved mental wellbeing.	N/A
	Improved perception of crime and safety in Accrington (indirect)			✓	✓	✓	✓	✓		✓					Groups who are more vulnerable to safety and security impacts including young people, older people, disabled people, ethnic minority groups, transgender and non-heterosexual people could particularly benefit through the crime reduction associated with this proposal.	N/A
Adverse	Displacement of residents following permanent loss of residential units (direct)	✓	✓	✓		✓	✓	✓						✓	Acquisition of Market Chambers residential units could generate equality effects for tenants with protected characteristics and/or who may have formed formal and informal social and community ties and support may be disproportionately affected. In cases where acquisition terms are not agreed, the CPO of Market Chambers units would bring residents into homelessness.	Planned mitigation: CBRE are currently undertaking collaboration between all affected parties and any vulnerable residents identified as potentially sensitive to the impact of the CPO due to their protected characteristics will be appropriately supported. Recommendations: the Council should fulfil their duty to support homeless residents should CPO be required.
	Environmental impacts of regeneration works on health and wellbeing of the local community (indirect)	✓		✓				✓				✓			Some groups are more vulnerable to the environmental effects of regeneration activities, including noise and air quality impacts, including older people, disabled people, people with long-term limiting illnesses and pregnant women or those caring for children.	Recommendations: A Construction Management Plan and Code of Construction should be prepared and followed taking into account the needs of those with protected characteristics. Key walking routes and crossing points in the area should be maintained or appropriately diverted where possible with appropriate security and opportunities for natural surveillance. Awareness and education as to the dangers of playing on construction sites should be provided in local schools and community centres to discourage children from entering construction areas.

8. Conclusions and recommendations

8.1 Conclusions

The exercise of compulsory purchase powers will enable the Market Chambers site to be brought under the Council's control, enabling the development to contribute to the improvements in the area including the provision of a new Museum, Arts and Culture Centre and associated retail space in addition to wider Accrington Acre initiatives. The CPO will help move the project forward towards realising the identified positive equality effects arising from the planned development, including:

- **An improved arts, culture and heritage offer and diversification of retail** at Market Chambers as part of a mixed-use development to serve the needs of the local community and visitors to the area;
- **Creation of temporary jobs** during the regeneration period which will be available to the local labour market. This could provide benefits to those who are over-represented in unemployment figures such as younger people, disabled people and people from certain ethnic minority groups; and
- **Increased economic activity** in and around the town centre caused by a greater footfall of workers and visitors. This in turn will help to **create a safer environment** with more natural surveillance for local residents. This is a particular benefit to groups for whom safety and security issues are of more concern, including women, older people, disabled people, ethnic minority group and the LGBTQ+ community.

However, there are some potential **negative** impacts of the scheme resulting from the loss of business on the current site:

- Those who depend on the 'bric-a-brac' store to buy goods may be over-represented amongst low income and protected characteristic groups. However, it is recognised that there are potential relocation opportunities in close proximity and that alternative shops are available locally, and as such the impact on customers is likely to be minimal.
- Employees at affected businesses may experience temporary or permanent loss of income and/or employment until relocated and/or where the employer closes/downsizes/relocates elsewhere. Support with successful relocation of the businesses combined with appropriate compensation should help to minimise impacts.

Limited information is known about any protected characteristics of owners, employees or customers of these businesses and the accompanying upper floor residents, and therefore general assumptions have been made based on secondary data sources as to the level of impact on different groups. The extent to which equality impacts can be minimised will depend on the successful relocation of these businesses and residents to an alternative location in close proximity to the existing site and compensation awarded to cover costs to both freeholders and leaseholders. The Council should clearly monitor the measures that are implemented and update the EqIA accordingly identifying where any equality issues have been identified in the process and where due regard has been paid to the PSED in the process of relocation.

8.2 Recommendations

In order to further minimise negative effects and enhance positive effects identified. The Council should seek to

- Review feedback from public consultation and implement ideas and recommendations in the design of Market Chambers to maximise benefits for the local community, respond to service demands and improve the viability of ground floor businesses.
- To bring positive benefits to the local population in relation to employment outcomes, the use of local labour should be considered in the procurement plan for any works at Market Chambers as well as during the operational stage. This should include specific targets for groups under-

represented groups including young people, ethnic minority groups and disabled through an Employment, Education and Skills Plan.

- Continue engagement with the freeholders and leaseholders of Market Chambers to pursue acquisition by agreement. This would be in the best interest of fostering good relations between the tenants and Council as this option is seen through to completion.
- Continue to engage with tenants of Market Chambers to identify specific needs and issues with relocating with regards to protected characteristics (i.e. the need for reasonable adjustments), and how these may be mitigated.
- Should the business units on site be acquired through a CPO, it is recommended that data is collected from the businesses to ascertain the characteristics of employees of the businesses. All possible measures should be put in place to ensure employees can retain their employment (if so desired) once the shops have been relocated, or secure new employment should the business close. If it is identified that employees/volunteers share a protected characteristic that impedes them from retaining their employment following relocation, then appropriate support should be provided to find alternative employment or volunteering opportunities.
- Should the residences on site be acquired through a CPO, the Council should support tenants where possible to reduce the risk of homelessness.
- Explore the early release of compensation payments. Compensation payments are typically only paid after vacant possession is provided and therefore employing a policy to make payments to those eligible in advance of needing to vacate could be used to support a successful relocation i.e., to pay deposits, fund relocation expenses, etc.
- Develop a Relocation Strategy which considers the pattern of affected customers in terms of protected characteristics to mitigate any potential equality effects. Accessible relocation options for common consumer sets should be considered, with alternative local services identified where relocation is not possible.
- Monitor the progress of the CPO with regards to relocation of business occupiers and employees where possible. This would help to determine the success of any measures with regards to relocation of tenants and help to develop best practice with regards to future developments.
- The Council should also consider the requirement of a detailed social value plan to be developed by contractors and targets to maximise social value as part of the project.
- During refurbishment, mitigation measures should be put in place through a Construction Management Plan to reduce the impacts of emissions and noise from the site. Impacts may be mitigated by limiting hours when machinery is in operation, and also ensuring noise levels do not exceed regulatory levels.

The EqIA is a predictive assessment and considers the effects of the CPO on groups of people rather than on individuals. The recommendations outlined are therefore suggested to minimise effect on recognised groups with protected characteristics in area at the time of the assessment.

This EqIA should be considered as a live document, and should be updated, refreshed and the actions within it monitored on a regular basis. This should include a monitoring update on the status of identified potential impacts and associated mitigation. This may result in updates both to assessment of the impacts and to the recommendations relating to the proposed mitigation measures.

aecom.com

This page is intentionally left blank

Planning Position for Market Chambers, Accrington

8th June 2023

Introduction

This report sets out the planning considerations relevant to Market Chambers, Accrington (43-59 Blackburn Road / 2-4 Church Street). It includes an overview of the planning policy context, considerations of the Levelling Up Funding Submission proposals against those policies, and requirements in terms of obtaining the relevant planning consents in order to implement the proposals.

Site Context and Existing Use

The land is subject to a number of statutory planning designations which are relevant to its suitability for redevelopment. In particular:

- The site is within the designated area of Accrington Town Centre;
- The site is within Accrington Town Centre Conservation Area;
- The site is within Flood Zone 3 (high risk)
- The building is locally listed.

In addition, the context of the site is an important consideration. The building is adjacent to the Grade II Listed Market Hall to the north, and Grade II* Listed Accrington Town Hall to the north west.

Development in this location must therefore consider the site's constraints and opportunities which primarily relate to the heritage and significance of the Conservation Area, the setting of adjacent listed buildings and the location within an area at a high risk of flooding.

Market Chambers comprises three terraced buildings across three storeys, containing a mix of uses. The ground floor has a mix of commercial uses, with multiple units currently in use as shops and a recently opened wine bar (Class E). Some units appear to be in Sui Generis use (e.g. arcades or betting shops). The first floor comprises some vacant commercial units (Class E). The rest of the building is residential use (Class C3), with a total of 18 flats across the second and third floors.

The site is within a highly sustainable location within Accrington Town Centre with a range of existing services and facilities available in the immediate vicinity including public transport opportunities, in close proximity to Accrington railway station and a number of bus services.

Proposed Redevelopment

The proposed improvements and redevelopment would see the refurbishment of Market Chambers into a new community cultural hub, with a new fully accessible museum and art and culture facility to be accessed from a dedicated entrance from the square at ground level. The remainder of the units at ground floor would be "white boxed" retail to allow for potential future food and beverage uses. This will involve new shop fronts, with a consistent

appearance, sympathetic to the building, and standardised signage zones. The proposed redevelopment would involve various works, some of which would require planning permission (detail on scope of planning requirements included in **Scope of Planning Application** below).

The proposals originally included for a rooftop extension and addition of a terrace area and balustrade, although it is understood that this is currently no longer being considered.

Policy Context

The proposed works to Market Chambers would need to be appraised against the relevant planning policy context which comprises:

- National Planning Policy Framework (2021) (NPPF)
- Hyndburn Core Strategy (adopted 2012)
- Hyndburn Council Development Management DPD (2018)
- Saved Policies from the Local Plan (1996) including the Proposals Map
- Accrington Area Action Plan (2012, reviewed 2018)

Other documents relevant to proposals for Market Chambers are:

- Accrington Town Centre Conservation Area Management Plan (May 2008)
- Accrington Town Centre Investment Plan 2022 - 2023

With regards to the local development plan, the Council recently consulted on a Reg 19 Proposed Submission Version Plan – ‘Hyndburn 2037: Local Plan (Strategic Policies and Site Allocations)’. The consultation ran from November 2022 to January 2023, and the Council are currently considering the responses received.

The draft Plan provides a policy framework for investment in Hyndburn’s town centres, with a particular emphasis on supporting proposed major new investment in Accrington Town Centre, including the improvement and redevelopment of existing buildings and new uses that will attract people into the Town Centre. Draft Policy SP7 ‘Accrington Town Centre’ states:

Policy SP7: Accrington Town Centre

- 1) Accrington Town Centre will consolidate and develop as the principal centre and historic market town, providing for the Borough's key services and comparison and food retailing needs. The regeneration of Accrington Town Centre will be supported through the following:
 - i. The improvement and redevelopment of shop fronts / facades and building improvements;
 - ii. Improvements to public realm through tree planting schemes and public art in Accrington Town Centre;
 - iii. Development that will attract people into Accrington Town Centre by increasing the range and quality of goods or services available;
 - iv. Developments that will attract businesses into the town centre and bring buildings back into use in creative and innovative ways such as live / work schemes;
 - v. Improvements to the accessibility and connectivity of Accrington Town Centre to facilitate access by all groups of the community;
 - vi. Residential developments where they are shown to support the restructuring of the housing market and the benefits of apartment development can be demonstrated. All residential development should meet the nationally described space standards.

- 2) Developments affecting a heritage asset should sustain and enhance the significance of the heritage asset and new development should make a positive contribution to the character and distinctiveness of Accrington.

It is envisaged that the draft Plan will be submitted for independent examination later this year. Given the advanced stage of the draft Plan is it likely to be afforded some/limited weight in decision making at present.

The Local Development Scheme also identifies the need for the Accrington Area Action Plan to be reviewed in the future in line with the requirements of the NPPF and to address current and future challenges faced by the town centre.

At the regional scale, the Pennine Lancashire Growth and Prosperity Plan 2016-2032 was produced covering five local authority areas including Hyndburn to set out the ambition to accelerate economic growth and housing development. This is not a statutory planning document but forms part of the framework within which proposals at Market Chambers sits, for delivering significant growth in the working age population and ensuring Pennine Lancashire retains its position as a major contributor to the Lancashire Economy.

Development Appraisal

Principle of Development

The principle of diversifying uses within Market Chambers and renovating its frontages to attract new and diverse businesses is strongly supported by planning policy and national and local guidance.

The Accrington Town Centre Investment Plan (2022) identifies the transformation of properties within Market Chambers as a 'proposed intervention' to improve the quality of life and experience of the town for residents and visitors. This is part of the wider regeneration of the Accrington Acre, which also incorporates the transformation of Burton's

Chambers (adjacent to the site), which Hyndburn Council is bringing forward. The vision for these properties is for them to be renovated and repurposed with the ground floor ideally suited to independent cafes, restaurants and higher-end retailers. The Plan also identifies the opportunity to transform the upper floors to form part of an arts, culture and heritage offer. There is an overall aim to reduce the amount of empty shops and dependency on the retail sector within the Town Centre. The Accrington Area Action Plan (2012) also identifies the need to diversify the offer in the town centre in order to create a destination and address deficiencies in uses. This reflects a key tactic for town centre regeneration within the Future Place report *Placeshaping: Learning from 2020*¹, which recommends that town centres should *'consider new uses to foster 'living local' spirit... it is important to explore new, more diverse uses in city centres, widening the offer to include cultural offers as well as shopping.'*

The Accrington Town Centre Conservation Area Appraisal suggests that a new museum or exhibition space could be established within Accrington Town Centre Conservation Area, and suggests this could be located within an underused historic building.

The proposals involve the loss of the existing residential use on the first floor. It is our understanding that there is no formal planning history for the change of use from former commercial to create the residential units now occupied. However, we understand that these dwellings have been created and occupied for over 10 years, meaning they are now lawful.

Emerging Local Plan policy is generally supportive of residential uses within the Town Centre, albeit draft policy SP7 does not explicitly protect against the loss of residential use of the town centre. However, Hyndburn Council's latest Five Year Housing Land Supply Statement (2021) calculates the housing land supply (taking account of shortfall) as 11.5 years. This indicates that the Hyndburn local authority area has a healthy supply of alternate housing in the authority area, and we understand the Council has commenced discussions with existing tenants as required. The emphasis should be on promoting the diversification of the building by changing the use and providing a new cultural and leisure destination that will encourage people into the town centre. The proposed use will make beneficial and active use of the whole building, rather than large parts of it remaining vacant and becoming dated and in need of refurbishment, as at present.

This approach is supported by national planning policy which sets out that local planning policies should *'promote (town centres') long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries (and) allows a suitable mix of uses...'* (NPPF para. 86(a)). Locally, Development Management DPD Policy DM3 supports town centre uses, including retail, arts and culture development, within the town centre. Accrington Area Action Plan Policy ATC6 supports the provision of a facility for arts, culture and the community. Emerging Policy SP7 builds upon this, stating that the regeneration of the town centre will be supported through a number of means

¹ [Placeshaping: Learning from 2020 | Resources | High Street Task Force \(highstreettaskforce.org.uk\)](https://www.highstreettaskforce.org.uk/resources/placeshaping-learning-from-2020/)

including *'development that will attract people into Accrington Town Centre by increasing the range and quality of goods and services available'*.

Planning policy is also supportive of renovating the shop fronts to attract a range of retail uses into the building, *'creat(ing) conditions in which businesses can invest, expand and adapt'* and placing *'significant weight on the need to support economic growth and productivity'* (NPPF para 81). This is also reflected in Development Management DPD Policy DM3, and emerging Policy SP7(i), which includes direct support for improvement and redevelopment of shop fronts / facades and building improvements.

Heritage

The building is recognised as architecturally important, as reflected by its locally listed status. Improvements to the façade of the building are noted as a priority by the Accrington Town Investment Plan. The NPPF (para 194) requires applications to describe the significance of heritage assets in order to understand the potential impact of the proposal on its significance.

The proposal to bring the building back into full use will support the future of the locally listed building, and the retention of such buildings is fully supported in Development Management DPD Policy DM22). The principle of positively conserving and enhancing the historic environment, including heritage assets most at risk of neglect and decay is also strongly supported (NPPF para 190).

External alterations, and the addition of a storey and terrace to the roof (if proposed), will need to be carefully designed to align with the building's historic fabric, avoid harm to the nearby listed buildings, and to align with the character and appearance of the Conservation Area within which it is located.

Views along Dutton Street north towards Market Hall (Grade II Listed) and east-west along Blackburn Road (to include the Town Hall (Grade II* Listed) and other locally listed buildings should be considered to ensure proposals protect the special collective character of the suite of buildings and respect the historical context. Any residual harm to the Conservation Area would need to be weighed against the public benefits of bringing the building into full and more diverse use.

The proposals originally included for a rooftop extension and addition of a terrace area and balustrade, although it is understood that this is currently no longer being considered. If this were to be included in the proposals, the extension and terrace area would need to be carefully designed to align with the building's historic fabric, and the character and appearance of the Conservation Area. It should also be supported by evidence to demonstrate that the repurposing of the building relies on the additional storey as part of the viability and business case for the project to support any increase in height.

The detail of the proposals will be subject to assessment to demonstrate that they would be in accordance with the technical considerations set out by planning policy.

Design

As the proposals develop, it will be important to ensure they are designed to a high standard (Development Management DPD Policy DM1). If the addition of a storey and terrace to the roof is proposed, it will be important that the proposals are of an appropriate scale, height, density, massing and appearance and relate well to surrounding buildings, spaces and building lines in order to enhance the town centre and historic environment, as well as considering the impact on views and skylines (Development Management DPD Policy DM26; Accrington Area Action Plan Policy ATC13).

For refurbishment of the shopfronts, the design and use of materials (type and colour) will also need to be considered, to ensure they enhance the existing building and are in keeping with wider character when viewed from a longer distance. There is a local policy presumption for the retention and restoration of existing historic, traditional or art deco shop fronts within the Conservation Area (Development Management DPD Policy DM28). The same policy sets out specific design expectations for shopfronts, including that equal access is provided and that premises provide and retain clear views into and out of shop windows.

Any future proposals for the display of shop signage will be considered in the interests of amenity and public safety, and will require particularly sensitive treatment and be more carefully designed so that the Conservation Area is not negatively impacted (Development Management DPD Policy DM27).

New development will need to demonstrate should sustain and enhance the significance of the heritage asset and new development should make a positive contribution to the character and distinctiveness of Accrington.

Flood Risk

The building is within Flood Zone 3 (high risk of flooding). Development Management DPD Policy DM20 requires all development within Flood Zone 3 to be accompanied by a site-specific Flood Risk Assessment which addresses the 'Sequential Test' as set out in the NPPF. The proposals are to repurpose an existing building in the town centre for an arts / culture use, which is categorised as 'less vulnerable' to flood risk by the Annex 3 of the NPPF and therefore should be considered acceptable in flood risk terms. The accompanying Flood Risk Assessment would need to include an appropriate level of detail to deal with drainage issues and flood risk management.

Scope of Planning Application

The building currently contains a mix of uses. The ground floor is in commercial use (the majority of units are Class E, with some units potentially Sui Generis), with multiple units currently in use as shops, a recently opened wine bar and a betting shop. The first floor comprises some vacant commercial units (assumed to be Use Class E). The rest of the building is residential use (Class C3), with a total of 18 flats across the second and third floors.

A museum or exhibition space falls under Use Class F1, and a meeting place for the local community falls under Use Class F2.

There is a requirement to apply for full planning permission for the change of use from both retail (Use Class E) and residential (Use Class C3) to more of a cultural/community use such as a museum or community hub type space (Use Class F1/F2).

An application for external alterations to the building, and (if proposed) the additional storey and roof terrace and balustrade, will also be required.

The planning application would likely need to be supported by the following plans and documents:

- Plans
 - Site Location Plan
 - Existing and Proposed Floor Plans
 - Existing and Proposed Elevations and Roof Plans
- Photographs and Photomontages
- Planning Statement
- Design and Access Statement, to include Crime Avoidance / Impact Statement
- Details of any pre-application advice sought (see below)
- Landscaping Proposals
- Transport Assessment (and potentially a Green Travel Plan)
- Parking Arrangements / Cycle Storage and Accessibility Questionnaires
- Flood Risk Assessment
- Heritage Statement
- Refuse Storage Facilities / Recycling Details

Any proposals for signage would require advertisement consent, and so an application would also need to be submitted for this.

The sequence of application submission would depend on the project programme, but we would suggest that the change of use and external alterations proposals could comprise one planning application. Any applications for advertisement consent could follow (as and when units are filled).

We would recommend seeking pre-application advice from the Local Planning Authority, to discuss the sequence and scope of the application/s, and to confirm the supporting documentation that would be required.

Summary

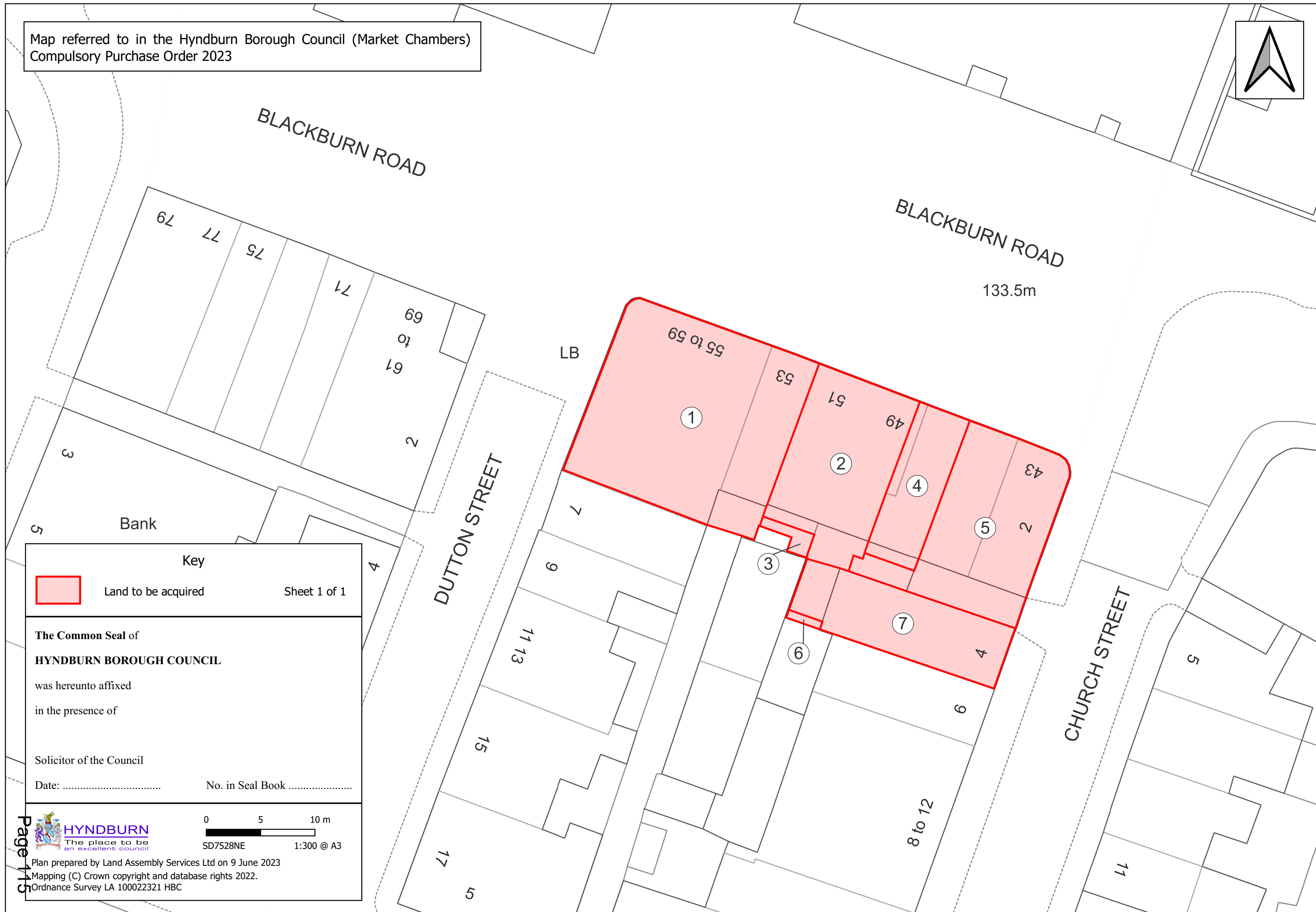
The existing Market Chambers is an important local listed building, in a prominent position within the Accrington Town Centre Conservation Area and adjacent to key listed buildings, primarily the Grade II* listed Town Hall and Grade II Market Hall. The building therefore forms an important role, contributing to the character of the Conservation Area and its special interest.

Diversifying the uses within the building to provide a museum / arts facility / cultural hub as well as retail uses is supported in principle by planning policy. The change of use from retail and residential to a museum / cultural space would require a planning application.

Refurbishment of the retail units and shopfronts and supporting investment within the town centre is supported by national and local planning policy, as well as the Accrington Town Centre Investment Plan and Accrington Area Action Plan.

External alterations to the building would also require planning permission. A key consideration for the proposals will be to ensure that the external alterations are of high quality design which responds appropriately to the building's context and location within the Town Centre Conservation Area. This will need to be clearly demonstrated through details submitted with the planning application.

Map referred to in the Hyndburn Borough Council (Market Chambers)
Compulsory Purchase Order 2023



133.5m


LB

Bank

DUTTON STREET

CHURCH STREET


Key

 Land to be acquired

Sheet 1 of 1

The Common Seal of
HYNDBURN BOROUGH COUNCIL
was hereunto affixed
in the presence of

Solicitor of the Council
Date: No. in Seal Book

 **HYNDBURN**
The place to be
an excellent council

0 5 10 m
SD7528NE 1:300 @ A3

Page 115
Plan prepared by Land Assembly Services Ltd on 9 June 2023
Mapping (C) Crown copyright and database rights 2022.
Ordnance Survey LA 100022321 HBC

This page is intentionally left blank

Agenda Item 9.

REPORT TO:	CABINET		
DATE:	21 June 2023		
PORTFOLIO:	Councillor Kathleen Pratt - Housing & Regeneration		
REPORT AUTHOR:	Mandy Catterall – Estates Manager		
TITLE OF REPORT:	Disposal of Land at Charter Street, Accrington		
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 seek Cabinet’s approval for the disposal of the Council’s interest in the land at Charter Street shown edged red on the plan attached at Appendix 1.

2. Recommendations

I recommend that Cabinet:

- 2.1 Considers and gives in principle approval to the disposal of the land at Charter Street shown edged red on the plan attached at Appendix 1 at open market value of £217,000 (two hundred and seventeen thousand pounds), subject to the outcome of the Council’s advertisement of its intention to dispose of public open space in accordance with Section 123 (2A) of the Local Government Act 1972 and consideration of any responses received; and
- 2.2 Delegates authority to the Head of Regeneration and Housing to consider any responses received following the advertisement of the intention to dispose of public open space in accordance with paragraph 2.1 above and, following consultation with the Portfolio Holder for Housing and Regeneration, to decide whether to proceed with the disposal in light of those responses, if any; and
- 2.3 Subject to a decision being made to proceed with the proposed sale in accordance with paragraph 2.2 above, delegates authority to the Head of Regeneration and Housing in consultation with the Executive Director (Legal and Democratic Services) to agree and finalise detailed terms in relation to the disposal recommended in paragraph

2.1 above and to instruct Legal Services to dispose of the land in accordance with those terms.

3. Reasons for Recommendations and Background

- 3.1 In 1980 the Council acquired 14 acres, or thereabouts, of land at Charter Street, Accrington from British Railways Board. A number of disposals have taken place over the years predominantly to Housing Associations for the residential developments known as Howard Close and The Copse.
- 3.2 Since 2019 the Council has considered the disposal of the land at Charter Street for residential development and has had initial discussions with a number of developers. In September 2019 Cabinet approved the disposal of land at the western end of Howard Close to a developer and a further report in September 2022 confirmed the terms of that disposal.
- 3.3 An offer has been received from a reputable house builder to acquire the site with the intention to develop in the region of 58 units on the land shown edged red on the plan in appendix A.
- 3.4 Subject to the necessary planning consent being obtained, it is currently anticipated that the accommodation will be 100% affordable housing.
- 3.5 The developable area of the site is 1.55 acres and has been valued by the Council at £217,000 (two hundred and seventeen thousand pounds); market value for unrestricted residential development. The prospective purchaser has accepted this valuation and wishes to proceed on this basis.
- 3.6 The site can be considered public open space and therefore the Council will follow the requirements of Section 123 (2A) of the Local Government Act 1972, by advertising its intention to sell the land, and, before making a decision to proceed with the proposed sale, will consider any objections to the proposed disposal which may be made.

4. Alternative Options considered and Reasons for Rejection

- 4.1 The Council could choose at this stage not to agree in principle to the disposal of the site, however, this could mean forgoing an opportunity to provide affordable new housing
- 4.2 It should be further noted that the site has suffered from fly grazing in the past and therefore a decision not to proceed with the disposal could lead to future unauthorised occupation

5. Consultations

- 5.1 The site comprises public open space and, for this reason, Cabinet can only make an in principle decision about disposal at this point. The Council has a statutory duty to

advertise its intention to dispose of public open space and to consider any objections that may be received before making a final decision about sale. Assuming that Cabinet approves the recommendations set out in this report, the statutory advertisement process will commence. This report delegates authority to the Head of Regeneration and Housing to consider the objections and decide whether to proceed with the proposed disposal

6. Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>The sale of the site would generate a capital receipt. Disposal of the site would also remove the Council's financial responsibility for the site, especially maintenance costs, albeit these will be low.</p>
<p>Legal and human rights implications</p>	<p>The Council will advertise its intention to dispose of open space in accordance with Section 2A of the Local Government Act 1972 and will consider any objections that it may receive before a final decision is taken about sale of the site.</p> <p>Section 123 of the Local Government Act 1972 requires the Council to obtain best consideration when disposing of interests in land unless it has Government consent to sale at an under value. This disposal is a sale at market value</p>
<p>Assessment of risk</p>	<p>There are no financial risks arising from this report, and any legal risks will be address in the contract for sale.</p>
<p>Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. <p>For these purposes the relevant protected characteristics are: age, disability, gender</p>

	<p>reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Cabinet in this regard a Customer First Analysis has been carried out as part of the review process and is attached as Appendix B to this report. Cabinet is advised to consider the Customer First Analysis and its obligations in respect of the public sector equality duty when making a decision in respect of the recommendations contained in this report.</p>
--	---

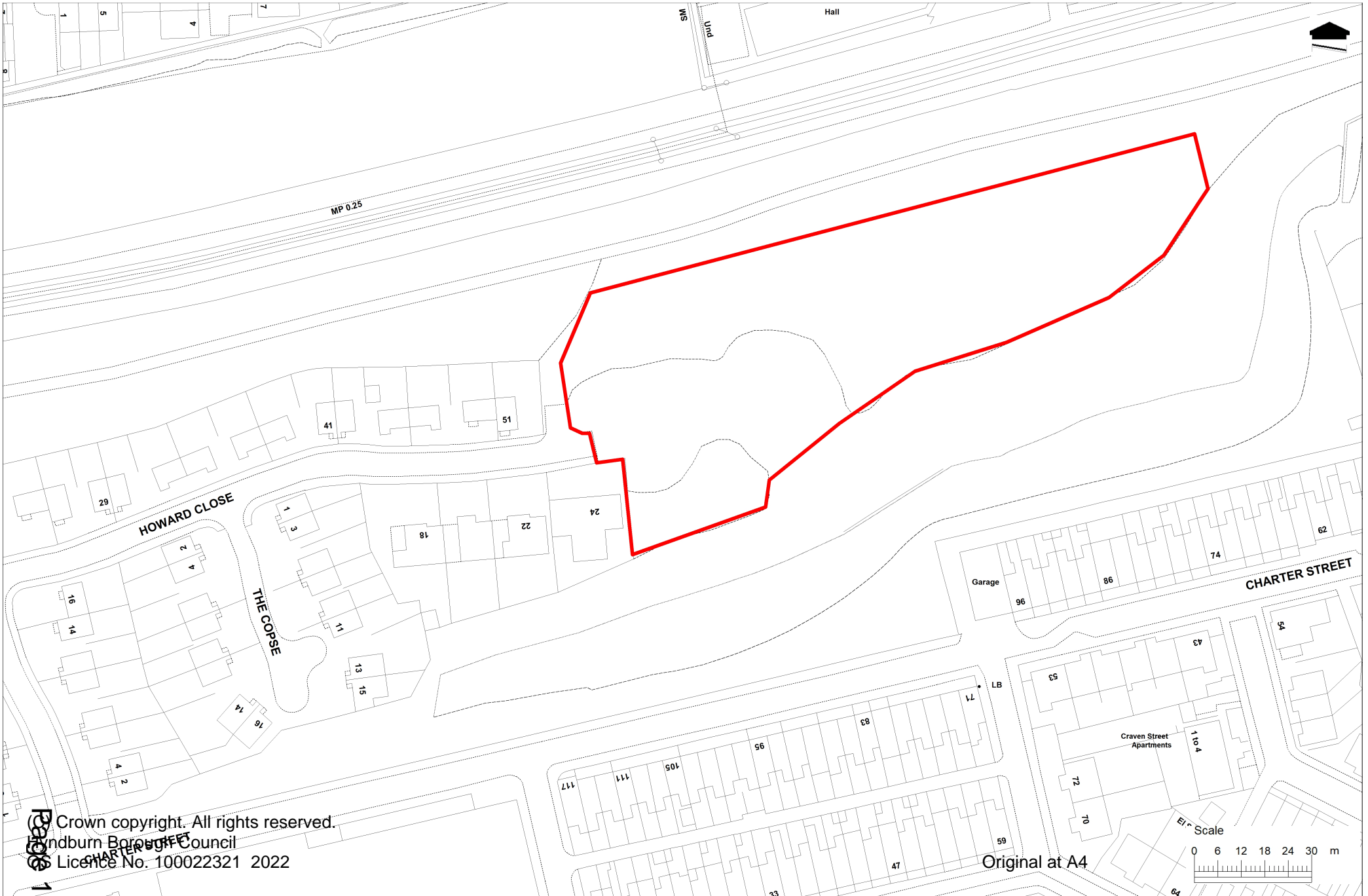
**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

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

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

8. Freedom of Information

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



Crown copyright. All rights reserved.
Wendburn Borough Council
Licence No. 100022321 2022

Page 121

Original at A4



This page is intentionally left blank

Appendix: Customer First Analysis - Disposal of Land at Charter Street, Accrington

1. Purpose	
<ul style="list-style-type: none"> • What are you trying to achieve? 	<p>The disposal of land for residential development to provide affordable housing</p>
<ul style="list-style-type: none"> • Who defines and manages it? 	<p>The site, work program, development etc will be managed by Watson Homes (the developer)</p>
<ul style="list-style-type: none"> • Who do you intend to benefit from it and how? 	<p>Watson Homes intend to develop affordable housing. No discussions have taken place to establish criteria but the underlying principle is to provide access to housing for applicants with a connection to Hyndburn that are unable to afford housing at full market value</p>
<ul style="list-style-type: none"> • What could prevent people from getting the most out of the site? 	<p>The applicant does not meet the qualifying criteria or the demand for units is greater than the supply.</p>
<ul style="list-style-type: none"> • How will you get your customers involved in the analysis and how will you tell people about it? 	<p>Marketing of the site will be carried out by the developer, Watson Homes.</p>
2. Evidence	
<ul style="list-style-type: none"> • How will you know if the policy delivers its intended outcome / benefits? 	<p>Monitoring of the works, outcomes, benefits, etc will be carried out by Watson Homes as the developer.</p>
<ul style="list-style-type: none"> • How satisfied are your customers and how do you know? 	<p>Disposal of the individual units will be carried out by Watson Homes.</p>
<ul style="list-style-type: none"> • What existing data do you have on the people that use the service and the wider population? 	<p>2021 Housing and Economic Assessment which identifies the minimum housing need in the Borough Demand Data from B-with-us choice based letting scheme which identifies demand for</p>

<p>affordable housing in the Borough</p> <p>Homelessness data is a source of information about the requirements for housing from households experiencing homelessness in the Borough</p>
<ul style="list-style-type: none"> • What other information would it be useful to have? How could you get this? <p>None</p>
<ul style="list-style-type: none"> • Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)? <p>No</p>
<ul style="list-style-type: none"> • Are you using partners, stakeholders, and councillors to get information and feedback? <p>No.</p>
<p>3. Impact</p>
<ul style="list-style-type: none"> • Are some people benefiting more – or less - than others? If so, why might this be? <p>The underlying principle of affordable housing is aimed at applicants with a connection to Hyndburn that are unable to afford housing at full market value</p>
<p>4. Actions</p>
<ul style="list-style-type: none"> • If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it? <p>The targeted group, will be those persons that meet specific criteria for affordable housing</p>
<ul style="list-style-type: none"> • Is it discriminatory in any way? <p>No</p>
<ul style="list-style-type: none"> • Is there a possible impact in relationships or perceptions between different parts of the community? <p>No.</p>
<ul style="list-style-type: none"> • What measures can you put in place to reduce disadvantages?

None.
<ul style="list-style-type: none"> Do you need to consult further? No
<ul style="list-style-type: none"> Have you identified any potential improvements to customer service? N/A
<ul style="list-style-type: none"> Who should you tell about the outcomes of this analysis? No one
<ul style="list-style-type: none"> Have you built the actions into your Business Plan with a clear timescale? No
<ul style="list-style-type: none"> When will this assessment need to be repeated? No further assessment is envisaged

Name: Mandy Catterall

Service Area: Regeneration & Property

Dated: 05/06/2023

This page is intentionally left blank

Agenda Item 10.

REPORT TO:	Cabinet		
DATE:	21 June 2023		
REPORT OF:	Cllr Paddy Short, Chair of the Resources Overview and Scrutiny Committee		
REPORT AUTHOR:	Ben Caulfield, Policy and Scrutiny Officer		
TITLE OF REPORT:	Outcome of the Call-In of the Cabinet Decision – Hyndburn Leisure Transformation – Investing in the Health of Hyndburn		
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To inform Cabinet of the outcome of the Call-In of the following Cabinet Decision, made by Cabinet on 22nd March 2023 and considered by the Resources Overview and Scrutiny Committee on 18th April 2023:

“That Cabinet:

Agrees to replace the current Mercer Hall Leisure Facility and Wilson Pavilion with a new facility at Wilson Playing Fields, as detailed in paragraph 4.5 and supported by the Site Options Analysis Study;

And;

Agrees to progress feasibility work to repurpose Mercer Hall, to ensure that it remains a community asset.”

2. Recommendations

- 2.1 **Cabinet notes that, after consideration of the call-in relating to the decision outlined in paragraph 1.1, the Resources Overview and Scrutiny Committee released the Cabinet decision in full for implementation.**

3. Reasons for Recommendations and Background

- 3.1 At its meeting on 22nd March 2023, Cabinet considered the following item “Hyndburn Leisure Transformation – Investing in the Health of Hyndburn”. Cabinet made the decision outlined in paragraph 1.1 of this report.
- 3.2 In accordance with the Call-In procedure for Cabinet decisions, the procedure was activated on 31st March 2023 by two members of the Resources Overview and Scrutiny Committee. The Call-In was sponsored by Councillor Colin McKenzie. Several reasons were given for the Call-In. Full details are provided in the Call-In Form, which was included with the agenda for the Resources Overview and Scrutiny Committee on 18th April along with the minutes of that meeting. They can be found here <https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=132&MId=2779&Ver=4> or in the appendix.
- 3.3 Councillor Colin McKenzie presented the reasons for the Call-In to the Committee. Councillor Marlene Haworth presented the reasons for the original decision, and responded to the points made on the Call-In.
- 3.4 Committee members submitted questions, with responses provided by Councillors Marlene Haworth and Miles Parkinson, Chief Executive of Hyndburn Leisure, Executive Director (Legal) and Executive Director (Resources).
- 3.5 As part of the summing up process, outlined in the Council’s call-in procedure, Cllr Colin McKenzie recommended:
“To refer the decision back to Cabinet for reconsideration, based on the reasons outlined in the call-in form and discussed in today’s meeting”
- 3.6 The recommendation was seconded by Cllr Bernard Dawson. The recommendation received 2 votes, with 5 votes against and 2 abstentions.
- 3.7 Councillor Danny Cassidy then recommended, having considered all the information provided, that the Committee release the Cabinet decision in full for implementation. The recommendation was seconded by Cllr Paddy Short and received 5 votes in favour, 2 votes against and 2 abstentions and was therefore carried.

4. Alternative Options considered and Reasons for Rejection

- 4.1 The Council’s Call-In procedure gives Scrutiny Committee’s three options when dealing with a Call-In decision:

To release the Cabinet decision in full for implementation;

To release the Cabinet decision in part for implementation, and refer the

outstanding part of the decision back to the decision making body for reconsideration, setting out in writing the nature of its concerns; or

To refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. The decision maker shall then reconsider amending the decision or not, before adopting a final decision.

5. **Consultations**

5.1 None

6. **Implications**

Financial implications (including any future financial commitments for the Council)	None arising from this report
Legal and human rights implications	The Council's rules for consideration of a call-in, reflected in the Council's Constitution (Part 4C) where observed.
Assessment of risk	Not applicable to this report
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>	Not applicable to this report

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

7.1 *Agenda, reports and minutes of the Resources Overview and Scrutiny Committee on 18th April 2022*
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=132&MId=2779&Ver=4>

7.2 *Agenda, reports and minutes of Cabinet on 22nd March 2023*
<https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2701&Ver=4>

8. **Freedom of Information**

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



HYNDBURN

The place to be
an excellent council

HYNDBURN BOROUGH COUNCIL 'CALL-IN' PROCEDURE FOR CABINET DECISIONS

1. Definition

- 1.1 Call-In allows for the Overview and Scrutiny Committee(s) to call-in cabinet decisions for review. It provides the opportunity for issues to be properly scrutinised and to suggest changes to policy.

2. Procedure

- 2.1 If Cabinet has made a decision which is of concern, you should firstly talk it over informally with the relevant Cabinet member.
- 2.2 If you still have concerns and want the decision to be reviewed, as the designated **sponsor**, initiate a call-in by completing the information on this form and secure the signatures of the following:-
- **Chair (or Vice-Chair in the Chair's absence) of the Overview and Scrutiny Committee or**
 - **Any 2 Members of the Overview and Scrutiny Committee**
- 2.3 The form must be returned to Member Services within the deadline set when Cabinet minutes were published.
- 2.4 An Overview and Scrutiny Committee meeting will be arranged within 9 working days.
- 2.5 The sponsor of the call-in will be expected to explain the reasons for the call-in at the meeting.
- 2.6 The Committee can refer the decision back to cabinet with specific recommendations, which Cabinet will consider.



HYNDBURN

The place to be
an excellent council

CALL-IN FORM FOR CABINET DECISIONS

TO BE COMPLETED BY SPONSOR

TO: MEMBER SERVICES SECTION, SCATCLIFFE HOUSE, ORMEROD STREET, ACCRINGTON

FROM COUNCILLOR ... Colin M. Kenzie
(SPONSOR/OVERVIEW and SCRUTINY COMMITTEE CHAIR (OR VICE-CHAIR IN THE CHAIR'S ABSENCE) OF OVERVIEW AND SCRUTINY)

EXECUTIVE DECISION TO BE CALLED IN: 336 Hyndburn Leisure
Transformation - Investing in the Health of
Hyndburn

DATE SUBMITTED: ~~1/4/2023~~ 31/3/2023

SIGNED: COUNCILLOR [Signature]

SIGNED: MEMBER SERVICES OFFICER [Signature]

HAVE DISCUSSIONS TAKEN PLACE WITH THE RELEVANT CABINET PORTFOLIO HOLDER? Yes No

You are recommended to discuss the issue with the relevant Cabinet Portfolio Holder before submitting this call-in request. Have made contact, awaiting reply.

HAVE DISCUSSIONS TAKEN PLACE WITH THE RELEVANT OFFICER? Yes No

* tick as appropriate

THE SPONSOR SHOULD ENSURE THAT ALL RELEVANT SIGNATURES (BELOW) HAVE BEEN OBTAINED

CALL-IN PROCEDURE ACTIVATED BY
(Chair (or Vice-Chair in the Chair's absence) of the Overview and Scrutiny Committee or any 2 members of that Committee)

COUNCILLOR	SIGNATURE
Chair of Overview and Scrutiny Committee	
Vice-Chair of Overview and Scrutiny Committee	
1 <u>Noordad Aziz</u>	<u>[Signature]</u>
2 NOORDAD AZIZ <u>Scott Breerton</u>	<u>[Signature]</u>

COLIN MCKENZIE

[Signature]

***PLEASE ENSURE THIS IS SIGNED BEFORE SUBMITTING TO MEMBER SERVICES**

TO BE COMPLETED BY SPONSOR

DATE OF CABINET MEETING 22nd March 2023

ITEM 336 Hyndburn Leisure Transformation

CABINET PORTFOLIO HOLDER: Marlene Howarth

PORTFOLIO REQUIRED TO ATTEND? YES NO

REASON(S) FOR CALL-IN: (Please also fill out items 1 -5 below and clarify in detail)

.....

..... Concerns regarding objectivity / independence

..... & possible factual inaccuracies in reports.

..... funding status.

.....

TO BE COMPLETED BY SPONSOR (ITEMS 1-5)

1. CLARITY OF DECISION MADE BY CABINET (Please state if the reasons for call-in are related to clarity of recommendation made by Cabinet and the nature of the concerns)

.....

..... Decisions based on

..... poor information of what to

..... examine the relevant

..... Review Recommendations made

Decision 2.3 Agrees to replace the current Merce Hall

called Mi 2.3* with a new facility and Wilson Pavilion

.....

2. INFORMATION BASIS FOR DECISION (Please state if the reasons for call-in relate to the information upon which the decision was based and the nature of the concerns)

.....

..... Alternative sites reports.

..... Statement made at Cabinet.

* 2.3 Agrees to progress feasibility work...

3. ISSUES OF POLICY (Please state if the reasons for call-in relate to policy issues regarding the decision and the nature of the concerns)

Review of MYNSUN LEISURE
TRANSFORMATION STRATEGY
I

4. ISSUES OF SERVICE DELIVERY (Please state if the reasons for call-in relate to service delivery issues regarding the decision and the nature of the concerns)

Swimming pool at Wilsons
not best placed to deliver value
for money / best public service.

5. ISSUE OF COMMUNITY IMPACT (Please state if the reasons for call-in relate to issues of community impact regarding the decision and the nature of the concerns)

Poor access ~~to~~ to facility,
Not Address key issues around
obesity + getting active

TO BE COMPLETED BY MEMBER SERVICES

DATE OF CALL-IN MEETING: 18/4/23

DATE OF CABINET MEETING (WHEN THE O and S RECOMMENDATIONS ARE REPORTED BACK TO BACK CABINET)

COUNCIL TO BE NOTIFIED OF CALL-IN.....

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank