

Agenda



HYNDBURN

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Cabinet

Thursday, 27 July 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, Mohammed Younis and Kate Walsh

AGENDA

PART A: PROCEDURAL AND INFORMATION ITEMS

1. **Apologies for Absence**
2. **Declarations of Interest and Dispensations**
3. **Minutes of Cabinet** (*Pages 3 - 34*)

To approve the Minutes of the meeting of the Cabinet held on 21st June 2023. (attached)

PART B: PORTFOLIO ITEMS

4. **Reports of Cabinet Members**

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



Deputy Leader and Portfolio Holder for Resources (Councillor Peter Britcliffe)

5. Hyndburn Hub - Online Resource *(Pages 35 - 38)*

Report attached.

6. Draft Revised Complaints Procedure *(Pages 39 - 50)*

Report attached.

PART C: EXEMPT ITEMS

NIL

CABINET

Wednesday, 21st June, 2023

Present: Councillor Marlene Haworth (Leader of the Council), Councillors Peter Britcliffe, Loraine Cox, Zak Khan, Sajid Mahmood, Kath Pratt, Steven Smithson and Mohammed Younis

In Attendance: Councillors Noordad Aziz, Jodi Clements, Munsif Dad BEM JP, Bernard Dawson, Dave Parkins and Kate Walsh

24 Apologies for Absence

There were no apologies for absence submitted.

25 Declarations of Interest and Dispensations

There were no reported declarations of interest or dispensations.

26 Minutes of Cabinet

The minutes of the meeting of the Cabinet held 22nd March 2023 and the Special Meeting of Cabinet held on 31st May 2023 were submitted for approval as correct records.

Councillor Britcliffe, Deputy Leader of the Council and Portfolio Holder for Resources, commented that there was an apparent disparity between the comments of Councillor Munsif Dad during the two meetings, having welcomed news of the improved infrastructure planned for Huncoat at Minute 331 of 31st March, but seeking to delay the Huncoat Garden Village development at Minute 22 of 31st May 2023. He asked:

- Whether the Opposition could clarify its position about Huncoat Garden Village;
- Whether they were prepared to risk a brownfield development that protected Green Belt land; and
- Whether the local Labour group followed their national party advice to develop brownfield sites for housing, or if locally it wanted a noisy strategic rail freight interchange.

Councillor Dad responded that he had wanted a broader debate on the issue at full Council, as this was a single party Cabinet, and that the Labour position would be known when they were in control.

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

27 Reports of Cabinet Members

Councillor Zak Khan, Portfolio Holder for Economic Development and Sustainability, provided a brief verbal update of activity within his remit. This included:

Economic Development

- A new Economic Development Manger was due to start in July;
- Meeting large-scale stakeholders, including East Lancashire Chamber of Commerce and a planned free assessment by Barclays Eagle Labs, which provided support to the UK's entrepreneurial community;
- Continuing work already commenced to listen to businesses;
- Meeting relevant officers to discuss ideas;

Sustainability

- Considering how best to decarbonise the housing stock;
- Creating a budget for two net zero roles (for which recruitment was now taking place);
- Scoping new large-scale projects and attending an event by RV Energy in Rossendale about a decarbonised street;
- Meeting with Prospects to discuss their Church Road Solar Meadow project in Oswaldtwistle; and
- Discussing with the Coal Authority regarding use of mine water for energy.

Councillor Marlene Haworth, Leader of the Council, commented that these were all exciting initiatives.

Councillor Mohammed Younis, Portfolio Holder for Levelling Up, added that he had also met with Councillor Z Khan last week to discuss the town centre and had made contact with some prominent owners of town centre properties.

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

28 Portfolio Responsibilities 2023/24

The Leader expressed delight at having made her appointments to the Cabinet for 2023/24. A summary of the appointees and their Portfolios was as follows

- Councillor Marlene Haworth – Leader
- Councillor Peter Britcliffe – Deputy Leader and Portfolio Holder for Resources
- Councillor Steven Smithson – Deputy Leader and Portfolio Holder for Environmental Services
- Councillor Mohammed Younis – Levelling Up
- Councillor Kathleen Pratt - Housing and Regeneration
- Councillor Sajid Mahmood – Communities, Health and Wellbeing
- Councillor Zak Khan – Economic Development and Sustainability
- Councillor Loraine Cox – Leisure Transformation and Leisure Trust

Full details of the Portfolio Responsibilities were set out in the report.

Resolved - **To note the Portfolio Responsibilities for 2023/24.**

29 New Regulations for the Collection of Bulky Waste Items

The Cabinet considered a report of Councillor Steven Smithson, Deputy Leader of the Council and Portfolio Holder for Environmental Services, about the effect that new

regulations relating to the collection of bulky waste items containing persistent organic pollutants (POPs) were having on the Council's ability to collect bulky waste items.

Councillor Smithson outlined the main elements of the report.

Councillor Munsif Dad BEM JP noted the intention to report back on the new arrangements, but expressed concern that the next scheduled Cabinet meeting was not until September 2023. The Leader advised that the next meeting would take place in July, but that the original date was in the process of being rearranged towards the end of the month. Councillor Dad observed that the legislation had been in effect from 1st January 2023 and queried why the arrangements had taken some six months to set up. Councillor Smithson responded that the legislation had been implemented at very short notice and the service had tried to maintain a good level of service without the need to reorganise. However, over time it had become apparent that a backlog was building up. The Council would now look at the best way forward while keeping costs to a minimum. Councillor Dad asked how any additional costs would be met. Councillor Smithson indicated that the follow up report to Cabinet would address that matter.

Approval of the report was not deemed a key decision.

Reasons for Decision

Persistent Organic Pollutants (POPs) remained intact in the environment for long periods, and if not disposed of properly would become widely distributed geographically. They accumulated in the fatty tissue of humans and wildlife and had harmful impacts on human health and on the environment.

The Environment Agency had 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 were now banned.

New legislation from the Environment Agency had come into effect on 1 January 2023 and this legislation no longer permitted POPs waste to be sent to landfill, which was to prevent lasting environmental harm and impacts on the food chain. This meant waste containing POPs would have to be incinerated and must not be re-used, recycled, or landfilled.

Waste upholstered domestic seating was defined as any item of upholstered seating of a household type from households or businesses that was 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 included any foam and fabric, for example textiles, leathers and synthetic leathers.

In December 2022 as a consequence of the Environment Agency legislation, Lancashire County Council as waste disposal authority in Lancashire had informed the Council (as collection authority in Lancashire) that as from 1 January 2023 bulky waste items containing POPs would have to be collected separately to all other bulky waste items and could no longer be taken to Whinney Hill tip. POPs items would have to be taken directly to a waste transfer facility in Darwen.

Previously the Council had 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.

The introduction of this new legislation (with less than a month's notice) had meant that waste services had been required to collect POPs items by sharing resources allocated to the recyclable bulky items waste round (as POPs items had to be segregated from other waste streams) and to take this waste directly to a waste transfer facility in Darwin.

Having to split the round and segregate an additional waste stream had led to a backlog in relation to the collection of bulky waste items (both POPs and recyclable bulky waste items) which was unsustainable.

The portfolio holder would 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

Waste officers throughout the UK had held 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 had been acceptable to the Environment Agency.

Alternative Options considered and Reasons for Rejection

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

Resolved

(1) That Cabinet note the report.

(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.

30 National Lottery Heritage Fund Submission

The Cabinet considered a report of Councillor Mohammed Younis, Portfolio Holder for Levelling Up, setting out the recommendation that had been made by the Town Centre Stakeholder Board for the Council's submission into the National Lottery Heritage Fund (NLHF). The report sought delegated authority to submit a proposal to the National Lottery on the basis of that recommendation.

Councillor Younis highlighted some key points within the report.

Councillor Munsif Dad BEM JP welcomed the visits and support of Historic England's Historic Places Panel. He noted that there would be further consultations undertaken with residents and businesses if the bid was successful and that these might incur further costs. He queried whether there was a 'Plan B' if the submission were ultimately unsuccessful. Councillor Younis responded that indications were good that the submission would be successful, but this was not a guarantee. Steve Riley, Executive Director (Environment) indicated that if the bid was successful, part of the funding would cover further consultation,

as well as the design and planning works, which should take the project up to the next stage before delivery.

Approval of the report was not deemed a key decision.

Reasons for Decision

Bradshaw Advisory (BA) had 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 had given 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.

Given the Council's LUF and UKSPF funding only provided 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.

BA had 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.

The NLHF application process was 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 was assessed and if approved, the applicant was then invited to progress to the next stage. The Council had 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 had subsequently invited the Council to progress to the Development Plan Stage. The Council would be submitting an application by noon, 17 August 2023 and hoped to receive a decision by the end of December 2023.

BA had advised the Council to utilise the same process to filter ideas/concepts which had been adopted for the TCIP and LUF funding submission, drawing heavily on the consultation workshops, resident polling to answer two initial gatekeeping questions.

- 1) Was heritage central to the idea/proposal?
- 2) Did the idea align with the Accrington vision from the TCIP?

Where an idea/concept met the two questions, each case would then be scored using the following criteria.

- 1) Costs and VfM - did the idea offer good value for money?
- 2) Was the idea/proposal deliverable and within funding timescales?
- 3) Stakeholder/public support - was there evidence from polling/stakeholder workshops of support?
- 4) Did 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 had been presented to the Culture Heritage Investment Panel on 6 June 2023 and they had reviewed all the suggestions and made a recommendation to the Town Centre Stakeholder Board at its meeting on the 8 June.

Development Phase Submission

The Town Centre Stakeholder Board's recommendation to the Council was 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.

Alternative Options considered and Reasons for Rejection

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

Resolved

- **That Cabinet supports the recommendation of the Town Centre Stakeholder Board and delegates authority to the Executive Director (Environment) following consultation with the relevant 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 the report.**

31 Authorisation for Making of CPO for Market Chambers

The Cabinet considered a report of Councillor Mohammed Younis, Portfolio Holder for Levelling Up, regarding progress to date with the acquisition of interests in the Market Chambers intervention within the Council's Levelling Up Funding (LUF) programme.

Cabinet was being invited 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 could not be reached in order to deliver the comprehensive 'Accrington Acre' redevelopment which was the subject of the LUF submission.

The proposed order lands were shown (edged in red) in the draft CPO plan set out at Appendix C to the report.

This report also 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.

Councillor Younis outlined the main elements of the report. Members were also informed that Appendix D to the report appeared in the private part of the Agenda and that any decisions taken on the current Agenda Item would be subject to approval of the recommendation at Item 12.

Councillor Munsif Dad BEM JP expressed that view that every effort should be made to liaise with the occupiers of the premises to support their relocation to alternative premises. Councillor Younis confirmed that this was already happening and that the Council was working with them closely.

Approval of the report was a key decision.

Reasons for Decision

The report provided detailed information on the following:

- Background and the need for redevelopment;
- Timescale for delivery;
- Appointment of 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 need for a Compulsory Purchase Order;
- Details of attempts to acquire interests by agreement;
- Planning;
- Funding; and
- Consultations undertaken.

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) 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) set out in the report 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) 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.
- (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 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.

- (5) That Cabinet confirms that, in agreeing to recommendations (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.**
- (6) Cabinet confirms that, in agreeing to recommendations (2) – (5) above, Cabinet has had due regard to the Equality Act 2010.**

32 Disposal of Land at Charter Street, Accrington

The Cabinet considered a report of Councillor Kath Pratt, Portfolio Holder for Housing and Regeneration, seeing approval for the disposal of the Council's interest in the land at Charter Street.

Councillor Pratt highlighted some key points within the report

Councillor Younis welcomed this proposal, which he believed would help to solve the problem of rubbish and fly tipping on the site and would also meet the need for additional homes in the area. Councillor Dad commented that the land had been earmarked for housing for a long time. He noted the interest from a reputable house builder (who also had ties to another local housing development) and hoped that their homes would deliver both affordability and quality.

Approval of the report was not deemed a key decision.

Reasons for Decision

In 1980 the Council had acquired 14 acres, or thereabouts, of land at Charter Street, Accrington from British Railways Board. A number of disposals had taken place over the years predominantly to Housing Associations for the residential developments known as Howard Close and The Copse.

Since 2019 the Council had considered the disposal of the land at Charter Street for residential development and had undertaken initial discussions with a number of developers. In September 2019 Cabinet had approved the disposal of land at the western end of Howard Close to a developer and a further report in September 2022 had confirmed the terms of that disposal.

An offer had 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 set out in Appendix 1 to the report.

Subject to the necessary planning consent being obtained, it was currently anticipated that the accommodation would be 100% affordable housing.

The developable area of the site was 1.55 acres and had been valued by the Council at £217,000 (two hundred and seventeen thousand pounds); market value for unrestricted residential development. The prospective purchaser had accepted this valuation and wished to proceed on that basis.

The site could be considered public open space and therefore the Council would 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, would consider any objections to the proposed disposal which might be made.

Alternative Options considered and Reasons for Rejection

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

It should be further noted that the site had suffered from fly grazing in the past and therefore a decision not to proceed with the disposal could lead to future unauthorised occupation.

Resolved

- **That Cabinet:**

- (1) Considers and gives in principle approval to the disposal of the land at Charter Street shown edged red on the plan set out at Appendix 1 of the report 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.**
- (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 Resolution (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.

- (3) Subject to a decision being made to proceed with the proposed sale in accordance with Resolution (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 Resolution (1) above and to instruct Legal Services to dispose of the land in accordance with those terms.

33 Outcome of the Call-In of the Cabinet Decision - Hyndburn Leisure Transformation - Investing in the Health of Hyndburn

The Cabinet considered a report of Councillor Paddy Short, Chair of the Resources Overview and Scrutiny Committee, regarding the outcome of the Call-In of a Cabinet Decision on Hyndburn Leisure Transformation, made by Cabinet on 22nd March 2023 and considered by the Resources Overview and Scrutiny Committee on 18th April 2023:.

Councillor Short summarised the outcome of the Call-In process.

The Leader reminded all that the intention was to repurpose Mercer Hall. The promise to undertake a residents survey would shortly be fulfilled and leaflets would be sent to Great Harwood households in the next few days, as well as being made available more widely on-line via Hyndburn Leisure's website. The public would be invited to attend meetings when the survey results became available. Overall, this process would give the Council and Hyndburn Leisure an understanding of what the public would like for the future of the Hall and could help to support the submission of a bid for up to £1m in funding for the repurposing of the facilities.

Councillor Munsif Dad BEM JP noted the importance of Hyndburn Leisure as a strategic partner for the delivery of local services and the importance of Mercer Hall as a key building in the heart of Great Harwood. He stressed the need for all interested persons to engage in the consultation process.

Approval of the report was not deemed a key decision.

Reasons for Decision

At its meeting on 22nd March 2023, Cabinet had considered the following item "Hyndburn Leisure Transformation – Investing in the Health of Hyndburn". Cabinet had made the following decision:

*"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”.

In accordance with the Call-In procedure for Cabinet decisions, the procedure had been activated on 31st March 2023 by two members of the Resources Overview and Scrutiny Committee. The Call-In had been sponsored by Councillor Colin McKenzie. Several reasons had been given for the Call-In. Full details had been provided in the Call-In Form, which had been included with the agenda for the Resources Overview and Scrutiny Committee on 18th April along with the minutes of that meeting.

Councillor Colin McKenzie had presented the reasons for the Call-In to the Committee. Councillor Marlene Haworth had presented the reasons for the original decision, and had responded to the points made on the Call-In.

Committee members had submitted questions, with responses provided by Councillors Marlene Haworth and Miles Parkinson, the Chief Executive of Hyndburn Leisure, Executive Director (Legal and Democratic Services) and Executive Director (Resources).

As part of the summing up process, outlined in the Council’s Call-In procedure, Councillor 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”.

The recommendation had been seconded by Councillor Bernard Dawson. The recommendation received 2 votes, with 5 votes against and 2 abstentions.

Councillor Danny Cassidy had then recommended, having considered all the information provided, that the Committee release the Cabinet decision in full for implementation. That recommendation had been seconded by Councillor Paddy Short and had received 5 votes in favour, 2 votes against and 2 abstentions and had therefore been carried.

Alternative Options considered and Reasons for Rejection

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

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

Resolved

- **That Cabinet notes that, after consideration of the call-in relating to the decision outlined at Paragraph 1.1 of the report, the Resources Overview and**

Scrutiny Committee released the Cabinet decision in full for implementation.

Agenda items 13 to 19 were taken next at the meeting.

34 Levelling Up Funding Update

The Cabinet considered a report of Councillor Mohammed Younis, Portfolio Holder for Levelling Up, updating Members on the Council's Levelling Up Funded (LUF) interventions and work on assembling the team required to deliver them

Councillor Younis outlined the main elements of the report,

The Leader commented that this intervention represented one of the most exciting projects in the Borough for a long time. The programme had been developed with the help of consultants and the MP and had resulted in a significant reward of over £20m. Councillor Haworth stated that she had a particular interest in the successful rejuvenation of the Market Hall. Mr Riley commented that the Decant Team for the Market Hall was being put together and the leader noted that market traders would remain in situ until after the Christmas period if they so wished. Councillor Dad asked if the Decamp Manager had now be appointed and Mr Riley confirmed that the individual was already in post and would meet with the traders next Monday.

Councillor Dad enquired about the consultation methods used and Mr Riley indicated that there had been public consultations, stakeholder meeting and dedicated sessions for those with a direct interest in the Market Hall. Councillor Dad also asked if the Market Hall intervention would be branded as a food hall or food court. The Leader responded that the concept would involve half of the floor space used for food, with the remainder for traditional market use.

Councillor Zak Khan thanked the Portfolio Holder and officers for their work and applauded the Council for trying to undertake something new. Councillor Younis summed up by indicating that the £20m grant was supplemented by some £3m in matched funding and a £5m National Lottery bid, equating to some £28m in total, with the opportunity to realise additional private sector investment. Councillor Britcliffe considered that this demonstrated the controlling administration's vision of a prosperous future.

Approval of the report was not deemed a key decision.

Reasons for Decision

Cabinet had given its formal approval in support of the Stakeholder Board's recommendations that the Council's £23m LUF submission should focus around the following three principal interventions:

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

The last formal updates to Cabinet on the proposed Levelling Up Funded projects had been in February, recommending accepting the LUF and LCC's match funding and the following

month in March, recommending the making of a CPO where it not be possible to secure the necessary acquisition/vacant possession by agreement for Burtons Chambers.

Due to the Council continuing to undertake some essential work on the project at a relatively small financial risk before any announcements were made, officers had been in a position to finalise the appointment of the Programme Director within a week of formal notification that the Council would receive funding. The Project Director would be using the PRINCE2 Project Management methodology agreed for the project, and had prepared a Stage Plan/Report. The report was set out at Appendix A to the report and explained the work streams that had been progressed during the initial RIBA2 refresh/review stage and proposals for the next stage.

The Royal Institute of British Architects offered an industry standard plan approach which comprised of eight separate work stages that each addressed a required phase of a construction projects progression, from inception through to completion. Each RIBA work stage had clear tasks and outputs, which offered both a process map and a management tool. This helped to ensure that work was carried out and completed to the high professional standard that was expected. Whilst an architect was not obligated to use this plan, it had become an unofficial industry standard.

RIBA2 Stage

The key findings from the outputs produced during the RIBA2 stage were:

- To identify the potential for any ‘enabling’ works that might be able to be undertaken ahead of the main redevelopment works starting in 2024, ensuring works started as soon as possible, helping to mitigate programme risks given the extremely tight funding spend deadline.
- A review of the design for the Market Hall offering could be explored., identifying a model that was most likely to attract a strong operator interest by investigating an option to introduce complementary use/s, which encouraged customers across a greater spread of the week (weekdays/earlier in the day) and from a wider demographic,
- A review of the design for the Shared Workspace, identifying that the draft layout might have the potential to be more efficient. The design for additional floor space on the roof should be re-explored, as the extension indicated in the current design might not be the best way to achieve the required outputs. There was also a lack of infrastructure to generate green energy which if incorporated on the roof space would reduce the financial risk of operating the facility. Finally, that developing a parking strategy for the facility needed prioritising.
- Whilst the term of any contractual relationship had yet to be decided, there was a recommendation that the optimum contracting model for the Market Hall was likely to be a Lease, and for the Shared Workspace a Management Agreement.
- Identification of the agents and legal advisors team that would be best placed to make recommendations on the procurement of those operators and which had been based on the consultant’s recent experience with working on similar offerings for both private investors and other local authorities.
- A recommendation that whilst the previously adopted procurement strategy be maintained, in that its recommendation for frameworks were to be used, that the

frameworks to be considered should be broadened from just SCAPE and NHS SBS to include, for example, North West Construction Hub. That for each works procurement, a review should take place to ensure the most appropriate framework or Dynamic Purchasing System for that particular requirement was considered and where appropriate was selected.

- A review of the work undertaken for bid submission which had identified design readiness and where further work was required to enable the project to progress to the next RIBA work stage.
- Reaffirming design proposals, which whilst would still be subject to input from an operator and/or planning requirements, would permit the costs consultants to provide a greater level of assurance that the three interventions could still be delivered within the £23m budget envelope.

The report then summarised the plans for the upcoming stage, RIBA3 Design, Refresh and Remobilisation stage, including the team makeup that would be required to deliver it.

The Officer Project Group identified as required in the July 2022 Cabinet report, once funding had been confirmed, had now been established. This group would be tasked with overseeing delivery which included officers from a number of the Council's teams such as Financial Services, Internal Audit, and Legal Services, etc.

Property Acquisitions / Leaseholders

Burtons Chambers

- Freehold interest in the building had been secured in February and had received notification of the Competition of Registration from the Land Registry on 25 May.
- One leasehold tenant in process of signing new lease to relocate into one of the Council's premises along Broadway and would have vacated the building by the end of summer.
- The other leasehold tenant had appointed consultants to search for suitable alternative premises and to advise them on property relocation / disturbance costs and any other relevant costs involved in surrendering the lease.
- At its meeting in March 2023, Cabinet had authorised the making of a CPO where sale by agreement could not be achieved.

Market Chambers

- Five freehold and 18 leasehold interests had been identified within the building.
- Dialogue with three of the five freeholders had progressed sufficiently to achieve sale by agreement. The remaining two had now entered into a dialogue with the Council's property acquisition consultant CBRE.
- By the end of May, CBRE had also reached out to all leaseholds within the building, updating them on the Council's plans and how they could seek further information from CBRE.
- Cabinet being asked, at its meeting in June 2023, to consider authorising the making of a CPO where sale by agreement cannot be reached (Minutes 31 and 42 refer).

The Market Hall

- The Market Hall was within the Council's ownership.
- All but three existing tenants had signed new lease agreements which expired on the 31 December 2023. Of those three, one had entered into a dialogue with CBRE to dissolve the company and surrender the lease. The other two tenants had continued to have a dialogue with the Council to agree Heads of Terms for a new lease.
- A Decant Manager had now been appointed to manage the smooth transition of decanting traders into temporary accommodation in time for the start of redevelopment works in 2024. Whilst the final cost of this decant work was unknown at the moment, there was a budget within the LUF funding to deliver this.

There were no alternative options for consideration or reasons

Resolved - **That Cabinet note the LUF Update, including the outputs from the previous work stage and the plans for the upcoming work stage.**

35 Appointment of Cabinet Committees and Cabinet Groups 2023/24

The Cabinet considered a report of Councillor Marlene Haworth, the Leader of the Council, regarding the establishment of Cabinet Committees and Cabinet Groups for the 2023/24 Municipal Year and the appointment of members to those Committees and Groups.

The Leader briefly introduced the report and invited councillor Munsif Dad BEM JP to confirm the Opposition nominations to the various seats available. Councillor Dad indicated the Labour nominations as shown in the table below. He also requested that the Cabinet consider making an additional seat available to the Labour Group on the Net Zero Working Group to which he would like to nominate Councillor Kate Walsh. The Leader asked for this request to be put to her in writing and undertook to give the matter some consideration. Councillors Smithson and Z Khan added that issues could be fed into that Working Group by councillors at any time without the need to be part of its formal membership.

Approval of the report was not deemed a key decision.

Reasons for Decision

In June 2015, Cabinet had established the Cabinet Committee (Scrap Metal Dealers Act 2013). The Cabinet Committee determined whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013, where the applicant or licensee (as the case may be) had informed the Council that they wished to make oral representations. Meetings took place only as and when required, but this body was needed to enable compliance with statutory requirements.

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

In 2018, Cabinet had established the Cabinet Committee (Land and Property) to have oversight of the Council's land and property holdings. However, this Committee had not met for at least 18 months and the Head of Regeneration and Housing considered that this Committee was surplus to requirements.

In June 2018, the Cabinet had established the Cabinet Committee (Digital Economy). The Committee had been intended to provide a forum for Cabinet to consider the impact of the digital economy on the Borough and its town centres in particular. However, the Committee had not met since that date and might be considered to be surplus to requirements.

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

- (a) Covenant Commemoration Working Group (formerly Accrington Pals Centenary Commemorations Group – This group had not met since its focus had shifted in 2019 from the Pals Centenary to the Armed Forces Covenant. However, much of its role had been subsumed into the role of the Council’s Armed Forces Champion. It was therefore recommended that the group be disestablished.
- (b) Cabinet Public Transport Group – This group had not met since November 2016 and the projects for which it had originally been set up to provide advice upon had either progressed to completion or had undergone a change of priority. Accordingly, the Head of Planning and Transportation was of the view that the group should be disestablished.
- (c) Cabinet Waste and Recycling Group. - This Group continued to meet on a regular basis and provided oversight of certain aspects of the Council’s Waste Services.

On 21 September 2022, Cabinet had established the Net Zero Working Group, comprising Councillors Zak Khan (Chair), Caroline Montague and Councillor Josh Allen. The Working Group’s remit was to support the work of Cabinet in addressing climate change, but it did not have any delegated or decision making powers. The Group was currently active.

The terms of reference for all of the bodies mentioned above were appended to the report for information and completeness. However, Cabinet was being requested only to readopt those that related to those bodies listed in the table below.

It was proposed that the following bodies continue into 2023/24, with the membership as shown. The voting membership of the Committees was limited only to councillors who were Cabinet Members:-

Committees	
Cabinet Committee (Scrap Metal Dealers Act 2013)	Councillor Peter Britcliffe (Chair) Councillors Marlene Haworth and Steven Smithson
Cabinet Committee (Street Naming)	Councillor Peter Britcliffe (Chair) Councillors Kath Pratt and Steven Smithson Councillor Bernard Dawson (attending as observer)
Working Groups	
Cabinet Waste and Recycling Group	Councillor Steven Smithson (Chair) Councillors Loraine Cox and Joyce Plummer and Kimberley Whitehead
Net Zero Working Group	Councillor Zak Khan (Chair) Councillors Josh Allen and Caroline Montague

There were no alternative options for consideration or reasons

Resolved

- (1) That Cabinet agrees to the establishment of the Cabinet Committees and Cabinet Groups, as set out in paragraph 3.8 of the report, and with the terms of reference, as set out in Appendix 1 to the report.**
- (2) That the membership of the Cabinet Committees and Cabinet Groups, as set out in paragraph 3.8 of the report, including the Labour nominations reported orally at the meeting, be approved.**
- (3) That the following Cabinet Committees and Groups be disestablished.**
 - **Cabinet Committee (Land and Property)**
 - **Cabinet Committee (Digital Economy)**
 - **Covenant Commemoration Working Group**
 - **Cabinet Public Transport Group.**

36 Prudential Indicators Monitoring and Treasury Management Strategy Update - Draft Outturn 2022/2023

The Cabinet considered a report of Councillor Peter Britcliffe, Deputy Leader of the Council and Portfolio Holder for Resources, updating Cabinet on activities regarding Prudential Indicators Monitoring and Treasury Management Strategy since the start of the financial year 2022/2023.

Councillor Britcliffe outlined the main elements of the report.

Councillor Noordad Aziz referred to the information in the report at Paragraphs 7.1 – 7.4 about forecast interest rates. He noted that the Bank of England was likely to announce a further base rate rise tomorrow. He asked what impact a rate of over 5% would have on the Council's finances. Councillor Britcliffe confirmed that the table set out at Paragraph 7.1 was up to date. If interest rates rose, borrowing would be more expensive, but the return on the Council's investments would be greater. Martin Dyson, Executive Director (Resources), clarified that the table had been provided as at 25 May 2023. He was aware of the various press announcements today about rising interest rates. However, the focus of this report was mainly on performance during last year. More information on the base rate was likely to be available in the next few days. The concerns expressed by Councillor Aziz were acknowledged, however, the Council undertook quarterly monitoring. The authority was not worried about debt and there might be opportunities for greater income generation.

Approval of the report was not deemed a key decision.

Reasons for Decision

The *Prudential Code for Capital Finance in Local Authorities* required the Council to set Prudential Indicators annually for the forthcoming three years to demonstrate that the Council's capital investment plans were affordable, prudent and sustainable. The Council had adopted its prudential indicators for 2022/2023 at its meeting in February 2022.

The Prudential Code required the Council, having agreed at least a minimum number of mandatory prudential indicators (including limits and statements), to monitor them - in a

locally determined format and frequency. This full-year report to Cabinet complimented a more regular review by the Executive Director (Resources).

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

'Treasury Management' related to the borrowing and cash activities of the authority, and the effective management of any associated risks. On 23rd February 2022 in the same report referred to above the Council had also set out and then approved its current Treasury Management Strategy. This had been in accordance with the CIPFA (Chartered Institute of Public Finance & Accountancy) code of practice on treasury management in public services, the Council having previously adopted, via Cabinet, the then revised code of practice. Associated treasury management Prudential Indicators had been included in the February 2022 report.

Prudential Indicators Monitoring

Table 1 and Table 2, as set out in Appendix 1 of the report, showed the monitoring information for each of the prudential indicators, limits and statements. They related to:

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

Treasury Management Update

Current Treasury Position

Portfolio Position 2022/23	Original Estimate 2022/23 £000	Actual Outturn 2022/23 £000
External Debt		
Debt at 1 st April	9,595	9,595
Expected Change in Debt	-	-
Other Long Term Liabilities	612	504
Gross Debt at 31 st March	10,207	10,099
Capital Financing Requirement (CFR)	8,776	8,668
Under / (over) borrowing	(1,431)	(1,431)
TOTAL INVESTMENTS (other than short-term)	-	-

As could be seen from the above table, the Council was performing within the original targets set at the start of the year. Within the prudential indicators there were a number of key indicators to ensure that the Council operated its activities within well-defined limits. In general the requirement was that CFR exceeded gross debt. However in 2022/23 the gross debt would exceed CFR. This was due to the annual payment of Minimum Revenue

Provision (MRP). Other Liabilities reflected the transfer of contract hire leases to balance sheet to comply with IFRS16.

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

The current position of the treasury function, and its expected change in the future, introduced risk to the Council from an adverse movement in interest rates. The Prudential Code was constructed on the basis of affordability, part of which was related to borrowing costs and investment returns.

The Capital Programme 2022/23 had been funded by the use of Government Grants (including New Homes Bonus Grant and S31 Grants) and other external financing. It had also be supported during the year by greater use of internal sources of capital finance (including capital receipts reserve) because of the reduced level of external grant allocation. No borrowing capital borrowing had been required in year.

Expected movement in interest rates

The Council had appointed Link Asset Services as treasury adviser to the Council and part of their service was to assist the Council in formulating a view on interest rates. A table was set out in the report which gave Link's latest available view of the expected future movement in interest rates (as at 25 May 2023).

The latest forecast set out a view that both short and long-dated interest rates would be elevated as the Bank of England sought to squeeze inflation out of the economy. This had happened, but the new Government's policy of emphasising fiscal rectitude probably meant the Bank Rate did not now need to increase to further than 5.00%.

The Council's exposure to interest rate movements was largely neutralised currently as its borrowings were effectively at a fixed rate until a trigger point was reached, where the lender believed a better rate could be achieved elsewhere. Interest rates would have to exceed 5.00% before this was likely to happen. The aforementioned table indicated that this was unlikely to happen in the next few years, although future rises would be closely monitored against any trigger points against the current fixed rate borrowing.

The Council had invested amounts of surplus cash on a short-term, temporary basis. The interest received from these investments was above the budgeted expectations for the full year to 31st March, mainly due to the Bank of England increasing the interest rates. The authority's strategy continued to focus on the security of deposits and the liquidity of funds. The additional interest generated as a result of rate increases and change in investment policy was £416k for the year ending March 2023. This increase had been used to offset the additional inflation pressures in the current year and future year's financial forecasts.

The Council continued to invest surplus cash in the top rated financial institutions. The authority continued to spread its money around a number of institutions to ensure that the Council was not potentially damaged by the unforeseen collapse of any one bank. Deposits were also held with banks where the Council believed that the respective governments were likely to be able to guarantee deposits in the event of bank failure. This strategy was continuing to yield an appropriate rate of return, though at a lower rate, as there was less risk attached to those deposits. The Council also operated a policy of holding no more than £2m in any one bank (with the exception of the liquidity account held with Nat West Bank where the limit was £3m) to ensure that the risk was spread.

The Council had updated its policy on external investment by increasing the maximum limit for investment with the Government's Debt Management Agency Deposit Facility (DMADF) from £2m to unlimited. This had allowed greater flexibility for placing of funds with potential for higher returns with minimal risk. This change in policy had been updated in the Treasury Management Strategy that had been approved at the Council Budget Meeting in February 2023.

There were no alternative options for consideration or reasons

Resolved - **That Cabinet notes the report on Prudential Indicators Monitoring and Treasury Management Strategy Update.**

37 Draft Financial Outturn Position - Revenue Budget Monitoring - Financial Year 2022/23

The Cabinet considered a report of Councillor Peter Britcliffe, Deputy Leader of the Council and Portfolio Holder for Resources, which informed Members of the draft financial spending of the Council up to the end of the financial year in March 2023.

Councillor Britcliffe highlighted some key points within the report

Councillor Munsif Dad BEM JP expressed confidence in the Executive Director (Resources) and thanked officers for their work in managing the budget. Councillor Zak Khan noted that the capital works to provide energy efficiencies had shown a good degree of foresight and further work would now be progressed. Councillor Aziz commented that the Haworth Art Gallery remained a stunning venue, but that its potential for income generation through weddings, etc. was potentially under-utilised and needed further promotion.

Approval of the report was not deemed a key decision.

Reasons for Decision

Full financial details were provided in two tables set out as Appendices to the report.

The initial draft forecast year end position for the financial year 2022/23 was a total spend of £11,989,433 against a Budget of £12,334,453. This gave a revenue underspend of £345,020 compared to the Budget set at the start of the year. Further analysis of these changes were shown in section 4 and Appendix A of the report.

Appendix A included a breakdown of the Forecast Outturn Variances between staffing costs, non-staffing costs and income. Some service areas showed large variances in the breakdown figures where grant funding had been received and subsequently used to fund expenditure but budgets were not in place because the amounts were not known in advance. In these instances, although the breakdown figures might be large, they offset each other and the overall variance was much lower, or even nil. The largest instance of this was in the Customer Contact section under Policy & Corporate Governance. The breakdown of variances showed £5.488m for non-staffing costs and £5.742m for income but £5.4m of both these figures related to the Council Tax Energy Rebates scheme. Other instances where the breakdown figures were skewed in this way were:

- Environmental Services – UK Shared Prosperity Funding
- Culture & Leisure – Leisure
- Planning & Transportation – Section 106

- Regeneration & Housing – Housing Advice and Selective Licensing

The revenue underspend in year was an increase since the figure of £128,906 reported at Period 10 and was an increase of £216,114. Further analysis of these changes were shown in section 5 and Appendix B of the report.

During 2022/2023 the Council had experienced some significant budget pressures that included an increased, nationally-awarded pay award for staff that averaged 4.6% above the original budgeted inflation figure of 2% and increases in energy and supply costs as an impact from the War in Ukraine. All of these costs had been maintained within the overall budget set for the year and had been offset by increased investment income and other good budget management processes.

Not all work on producing the Final Accounts had been completed as yet and the Accounts were still subject to External Audit, so the surplus figure of £345,020 was a draft at this stage.

Forecast Variance by Service

The forecast underspend by service was as summarised below, with the variances including the budget pressures and additional investment income as mentioned above.

Service Area	Current Position		
	Current Budget	Forecast Outturn	Forecast Outturn Variance
Environmental Services	4,476,688	4,851,233	374,545
Culture & Leisure	299,373	163,477	(135,896)
Planning & Transportation	544,829	728,713	183,884
Regeneration & Housing	480,198	460,780	(19,418)
Policy & Corporate Governance	5,077,115	5,229,033	151,918
Non-Service	1,456,250	556,198	(900,052)
Grand Total	12,334,453	11,989,433	(345,020)

Forecast Underspend Movements since last Reported

The increase in underspend from period 10 was summarised below:

Service Area	Change since last report		
	Movement in Budget	Movement in Forecast	Movement in Forecast Variance
Environmental Services	(124,773)	(23,639)	101,134
Culture & Leisure	35,239	5,247	(29,992)
Planning & Transportation	1,793	(71,025)	(72,818)
Regeneration & Housing	(183,398)	(280,422)	(97,024)
Policy & Corporate Governance	(36,263)	244,990	281,253
Non-Service	307,402	(91,266)	(398,668)
Grand Total	-	(216,114)	(216,114)

A further report would be provided once all the work is completed if there was any significant change to the position reported here

There were no alternative options for consideration or reasons

Resolved - **Cabinet notes the progress of spend against the Revenue Budget for 2022/2023.**

38 Capital Spend Report 2022/23 - Provisional Outturn for Year Ending 31st March 2023

The Cabinet considered a report of Councillor Peter Britcliffe, Deputy Leader of the Council and Portfolio Holder for Resources, showing the progress of the 2022/23 Capital Programme.

Councillor Britcliffe gave a brief introduction to the report.

Councillor Dad BEM JP asked whether there had been any underspend in Disabled Facilities Grant (DFG). Mr Dyson, Executive Director (Resources), reported that last year's allocation had been overspent, but there had been a surplus from the previous year. Expenditure in 2023/24 was also likely to exceed the allocation. Councillor Britcliffe commented that this was extremely good news and meant that many people with a disability or elderly people were being helped to stay in their own homes. Councillor Younis spoke about the positive impact of DFG monies, for example, for the provision of walk-in showers. He noted that waiting lists were lengthy. Councillor Noordad Aziz asked whether the Council could better signpost residents to this grant, particularly as this could facilitate the timely discharge from hospital of elderly people. Councillor Paddy Short commented demand was increasing and that NHS Occupational Therapy should signpost patients to DFG on discharge from hospital.

Councillor Dad enquired about the slippage regarding the artificial cricket wicket (Page 5 of the report). Mr Dyson undertook to provide a reply outside of the meeting.

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 £45.240m 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).

	£m
Capital Budget (Reported at February Council 2022)	38.594
Budget Changes	
Slippage from 2021/2022	
New Schemes and Additional Funding approved in Year	6.072
	0.574
Final Approved Budget 2022/23	45.240

Outturn Position

The Actual expenditure to 31st March 2023 was £6.564m against the latest approved full year budget of £45.240m. This equated to 14.51% spend.

Further details were set out in the report at Appendix 1, which showed that there was expected to be £37.670m of slippage into 2023/2024, of which £35.294m related to the Levelling Up scheme for Accrington Town Centre, the Leisure Estate Investment and Housing Schemes including Disabled Facilities Grants.

There were some scheme overspends in year totalling £33,489, however additional funding had been identified to cover the additional costs of those schemes and they had not increased the net cost within the capital programme.

The remaining schemes within the programme had identified forecast underspends of £1,005,709 due to £968,426 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 £65,709 in year after the set aside of funds mentioned above.

The significant elements of the programme were as follows:

2022/2023	Outturn Position			Variance Analysis		
Programme Area	Budget in Year	Actual Spend in Year	Variance	Slippage	Reallocation of Funding	Under / (Overspends)
	£'000	£'000	£'000	£'000	£'000	£'000
Total Market Renewal Programme	109	80	28	28		
Housing Improvement Programme	2,494	1,423	1,071	1,071		
Levelling Up Programme	24,000	1,242	22,758	22,758		
Leisure Estate Investment Project	12,745	1,293	11,452	11,452		
Other Priority Projects	5,838	2,526	3,312	2,306	940	66
Vehicle Replacement Programme	55	-	55	55		
Total	45,240	6,564	38,676	37,670	940	66

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

The overall net position was that the Capital Programme at Period 10 was forecasting a total spend in year of £6.996m and the actual outturn of £6.564m was a reduction of £0.432m, which was largely due to additional slippage on Parks schemes and the Leeds Liverpool Canal Cycle scheme which would now be completed in 2023/2024.

The £6.564m outturn had been financed largely by the use of external grant monies received and the use of capital receipts and reserves held by the council. There had been no use of prudential borrowing in the financing of the programme and there would be no future implications on the revenue budget due to repayment of principal or interest.

The funding of the programme in 2022/2023 was illustrated in the report as a pie chart.

There were no alternative options for consideration or reasons

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

39 Establishment of a Leader's Budget & Community Chest Fund for 2023/2024

The Cabinet considered a report of Councillor Peter Britcliffe, Deputy Leader of the Council and Portfolio Holder for Resources, concerning the creation of a Leader's Budget and a Community Chest Fund for 2023/2024.

Councillor Britcliffe outlined the main elements of the report

Councillor Munsif Dad BEM JP expressed concern that the report had only been published yesterday and sought an assurance that information would be provided in a timelier manner in future. The Leader indicated that the scheme had been developed very recently and the details had only just become available.

Councillor Dad noted that the Community Chest scheme proposed referred to revenue grants only and asked if capital bids might be possible. Councillor Britcliffe indicated that further work would take place to draft the bid criteria. It was proposed to delete the word 'revenue' from the recommendation at Paragraph 2.3 of the report and to amend Paragraph 4.5 accordingly.

Members also pointed out an error at Paragraph 4.1 of the report, as the Council had 16 wards (not 15), for which the total budget should be adjusted to £80,000 (from £75,000). Consequential amendments were noted in relation to the information at Paragraphs 2.3 and 4.9 of the report.

Approval of the report was not deemed a key decision.

Reasons for Decision

Leader's Budget 2023/2024

In the past the Council had set aside a Leader's Budget to enable the Leader of the Council to:

- Support key service providers that might be under pressure and need assistance in delivery of key vital services and facilities for the benefit of the local residents;
- Support the civic function and the delivery of events for the general benefit of the Borough;
- Fund additional Council services that enhanced the local street scene and made Hyndburn a nicer place to visit.

It was therefore proposed that this budget be re-introduced for 2023/2024 and that a sum of £20,000 be set aside for the Leader to propose and highlight the areas for funding. The one-off budget would be funded by utilising some small outstanding balances of earmarked reserves that no longer had identified commitments against them.

The allocation of spending from this budget would be delegated to the Executive Director (Resources) following proposals and consultation with the Leader of the Council.

The funding of the budget for 2023/2024 would be allocated from earmarked reserves where it had been identified there were small balances remaining from previous external funding. Those remaining balances had no clawback conditions and were now available to be used by the Council or placed into the general reserve.

The funding would come from:

Funding Identified	£	Type
Green Waste EM Reserve	18,469	Earmarked Reserve
Covid – 19 Reserve	1,531	Earmarked Reserve
Total	20,000	

Note: The Green Waste EM Reserve would have a zero balance after this use. The Covid – 19 reserve will have a balance of £206,025, with the majority of this funding is still subject to spend in 2023/2024 in accordance with grant conditions.

Community Chest 2023/2024

The intention of the Community Chest had initially been to create a budget of £75,000. During the course of the meeting, it was recognised that having regard to the intention that the funds were to be shared equally throughout the Borough, with £5,000 allocated to each of the 16 wards, the total budget would need to be £80,000.

Charities and community groups across all wards would be invited to bid for grant funding from the Community Chest to be used in their own areas.

The intention was that those grants would be awarded to registered and well-established organisations across the Borough, with each charity and community group being required to hold their own designated bank account.

The application process would be proportionate to the size of grant and would not be too onerous so as to discourage applications; and each application would need to clearly state the community benefit that would be achieved with the grant funding.

The grants would not normally be given where funding would create on-costs or future maintenance costs for the Council unless those could be accommodated within existing budgets.

It was proposed that the grant applications would be assessed by a Cabinet Working Group and that those recommended for award would be presented to Cabinet for approval.

It was also proposed that a regular update would be made to Cabinet on the level of grants awarded and also the community benefits and achievements that had been generated as a result of the Community Chest programme.

The draft Revenue Outturn 2022/2024 (subject to external audit) had returned a year end surplus / underspend position of £345,020 compared to the previously forecast £128,906 as reported to Cabinet in March of this year, which was an increase of £216,114.

It was proposed that the £80,000 funding of the Community Chest could be accommodated from this additional surplus / underspends and would reduce the balance available to be placed into the underspends reserve to £265,020.

There were no alternative options for consideration or reasons

Resolved

- That Cabinet

- (1) Agrees to the establishment of a Leader's Budget of £20,000 for the year 2023/2024 to be funded from the use of surplus earmarked revenue reserves as detailed in Section 3 of the report.**
- (2) Agrees to delegate authority to approve expenditure from the budget at Resolution (1) to the Executive Director (Resources) following consultation with the Leader of the Council.**
- (3) Agrees to create a Community Chest for 2023/24 of £80,000 for the purpose of making grants to community groups based in Hyndburn as detailed in Section 4 of the report.**
- (4) Agrees to allocate funding from the revenue budget surplus achieved in 2022/2023 as detailed in paragraph 4.9 of the report.**
- (5) Requests the Executive Director (Resources) and Executive Director (Legal & Democratic Services) to bring a report to the next meeting of**

Cabinet setting out proposed governance arrangements for the administration and distribution of these funds.

40 Introduction of a Weekend Burial Service

The Cabinet considered a report of Steven Smithson, Deputy Leader of the Council and Portfolio Holder for Environmental Services, about the proposal to introduce a weekend burial service and to request funding to implement its introduction.

Councillor Smithson highlighted some key points within the report

Councillor Sajid Mahmood noted that the Muslim community had been asking for this service for many years, but that under the previous administration no progress appeared to have been made. He congratulated Councillor Smithson, who with support from himself, Councillor Younis and the MP, had been able to introduce this service. Councillor Paddy Short welcomed the new service and believed it would be a great asset to the community. He asked if this would impact on the employment contracts of Borough Council staff. Councillor Smithson responded that a private contractor would carry out the work, which included an on call facility from 8am to 11am for a same day burial.

Councillor Short asked about the timescales expected for Muslim burials and Councillor Dad responded that this was simply as soon as possible.

Councillor Younis spoke in support of the weekend burial service and noted that this would mean that Hyndburn families would no longer need to approach neighbouring authorities if a weekend burial was preferred. He expressed disappointment that Opposition councillors had been pictured in the media, when the current political administration had introduced this service. He noted that the service was good news for the whole community, not just Muslims. Councillor Dad responded that the weekend burial service had been on all councillors' mind for a long time, but that until recently, largely due to the COVID-19 pandemic, demand for the service had been uncertain. Other elements of the process needed to be put in place by the Registrars Service and Coroners Service, which had only occurred within the last few years. The Opposition welcomed this report. Councillor Noordad Aziz mentioned that the cross-party Hyndburn Burial Committee had played an integral part in the development of this service and that the conversation about weekend burials had been prompted by some key individuals from within the local Asian community.

Councillor Smithson summed up by thanking Craig Haraben, Head of Environmental Services, for his work in developing the service and reiterated that the current administration had brought this to fruition.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Council, as burial authority, had a duty to provide cemeteries in the Borough for residents to be buried. Currently the Council had four cemeteries in Accrington, Church, Rishton and Great Harwood which took coffin burials, albeit Great Harwood was full for new graves and any coffin burials were undertaken via re-opening family graves.

The Council via the Cemetery Service undertook approximately 125 coffin burials per year across the Boroughs four cemeteries. Within the Cemetery Service fees and charges there

was a cost to the customer to dig a grave for a coffin burial in one of the Council's cemeteries.

The majority of coffin burials were undertaken during normal working hours (Monday to Friday). There were some requests for burials at weekends, however as staff were not contracted to routinely work weekends any burials at weekends were undertaken if staff were available to work overtime. This did mean there were times when staff were not available to work overtime and in such circumstances the burial could not take place at weekends. Management had undertaken discussions with existing cemetery staff about how the Council could safely and reliably provide weekend burials by amending rotas and other working arrangements, however it had not been possible to find an agreeable way forward.

In addition, in some religions (e.g. Islam and Judaism) there was a religious requirement that people were buried as soon as possible after the bereavement. Having no formal working arrangements in place for weekends meant that if a bereavement took place in the Muslim community on a Friday afternoon or over the weekend, a burial could not usually be facilitated until the following Monday (or Tuesday if a bank holiday weekend).

To ensure Hyndburn residents had the opportunity to hold burials at weekend if they wished to, the Council had carried out a tender exercise seeking a contractor with suitable skills and equipment who could be available on call at weekends to undertake burials. The tender exercise had been completed, with the outcome that a suitable contractor had been identified. If Cabinet adopted the weekend burial service customers would be able to routinely book a burial for weekends or bank holidays (excluding Christmas day and New Year's day). For short notice burials, customers would be able to ring an on call number between 8am and 11am on Saturdays, Sundays and bank holidays (excluding Christmas day and New Year's day) to book a burial for that afternoon. After 11am customers would need to ring the following day to book a burial.

There was a cost to having a contractor on call for weekends and bank holidays of £20,000 per annum. In addition to this cost, each time the contractor was called out to dig a grave for a burial there was a further charge of £800 per grave. There was a surcharge of £500 to the customer to have a burial at weekend or on bank holidays in one of the Borough's cemeteries. In the absence of any service data relating to the number of burials which took place at weekends and bank holidays, it was estimated there would be six weekend/bank holiday burials per year, however this might change depending on death rates.

This meant that the estimated surcharge income relating to weekend and bank holiday burials was £3,000 and the cost of providing the service was estimated at £24,800. As this work was currently not budgeted for, Cabinet would need to approve funding the difference of £21,800 per annum or part thereof for this proposed new service, should they agree to take it forward.

As it was unclear currently what the demand for this service would be, it was proposed that the service would need to be reviewed annually for the first few years of its operation, so that the budget requirement and the fees payable by customers could be reviewed and adjusted as necessary.

The registrars service worked at weekends, so necessary registration paperwork could be accessed for any short notice burials at weekends. As such, this should not be a barrier to facilitating weekend burials and would not generate additional costs for the Council.

The funding for the increase in costs in 2023/24 and 2024/25 would require a small increase in the current savings target approved for 2023/2024 of £16,500 and £21,800 to

be added to any future savings targets for 2024/25, subject to requirements as part of the full Council budget approval for 2024/2025.

Alternative Options considered and Reasons for Rejection

The Council could continue not providing a reliable weekend burial service. This had been rejected as residents in Hyndburn had requested this service and it did allow the Council to facilitate short notice burials when there were bereavements at weekends and there was a religious requirement for a burial as soon as possible after the bereavement. Weekend burials were available already at other local authorities within Lancashire (such as Blackburn with Darwen, Preston, Burnley, Lancaster and Pendle) and this service was coming to be expected as part of the standard service offered by burial authorities to enable appropriate provision for all citizens.

Another option would be for the Council to employ additional staff or introduce changes to the contractual terms of current staff without agreement. This had been rejected as cemetery staff already worked on Monday to Friday with occasional overtime and a minimum of two members of staff were needed to safely undertake this type of work. The option proposed in the report was considered a more reliable and economical option, which could be reviewed in the longer term.

The Council could increase the £500 surcharge for weekend and bank holidays burials to recover some or all of the cost of providing this service, but this was discounted by the Portfolio Holder until there was more data available relating to the demand for the service.

Resolved

- That Cabinet

- (1) Notes the report.**
- (2) Agrees to enter into an agreement with a contractor to deliver a weekend burial service for an initial two year period.**
- (3) Supports the introduction of a weekend burial service and allocates £16,500 from the Council's budget for 2023/24 to fund the service for the remainder of the current financial year.**
- (4) Notes the requirement to allocate £21,800 to fund the weekend burial service from the Council's 2024/25 revenue budget, subject to approval of the Council's budget for 2024/25.**
- (5) Agrees to increase the savings targets required within the 2023/24 & 2024/25 budgets to fund these budget increases within the approved budget resource.**
- (6) Delegates authority to the Head of Environmental Services, following consultation with the relevant Portfolio Holder and Executive Director (Legal and Democratic Service) to take all reasonable steps to implement the weekend burial service, including entering into any necessary agreements with the contractor,**

finalising a call out protocol and agreeing any minor amendments to the new service should anything arise once the service is implemented.

Members next considered Agenda Items 11 to 12.

41 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.**

42 Authorisation for Making of CPO for Market 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 21st June 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 8.

Resolved

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

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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Agenda Item 5.

REPORT TO:	Cabinet		
DATE:	27 July 2023		
PORTFOLIO:	Councillor Peter Britcliffe - Deputy Leader of the Council, Resources		
REPORT AUTHOR:	Kirsten Burnett, Head of Policy and OD Hannah Saxton, Communications Manager		
TITLE OF REPORT:	Hyndburn Hub – online resource		
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 new Hyndburn Hub online resource.

2. Recommendations

2.1 That Cabinet note the report and encourage others to make use of the resource.

3. Reasons for Recommendations and Background

3.1 The Hyndburn Hub was set up in response to the Covid pandemic, at the initial lockdown in March 2020. It did and became a number of things:

- a) A team of people tasked with delivering food and medicine to support those people who were advised to shield. The team comprised HBC staff who were redeployed from their normal roles, staff seconded from Hyndburn Leisure, statutory and other partners, and many members of charities, community groups and individual volunteers. This purpose was time-limited, as restrictions were lifted.
- b) A single point of contact – email or phone – with a message that whatever you need support with, the Hyndburn Hub can help. This was the Council’s main phone number and enquiries email, but was available for anything – queries about food banks, befriending, mental health support, as well as Council services such as housing benefit. These general enquiries still continue and the Council’s Customer Contact Centre directs people to the most appropriate support. There are key organisations such as First Call Hyndburn who provide a comprehensive service, as well as more specialised support.

- c) A network of the various groups from all sectors who were able to help people in various ways. Closer relationships were formed, we gained a much richer picture of the range of support activity and talent within the Borough and the usual bureaucratic barriers were set aside given the urgent needs. There were financial resources made available to meet needs of residents and the Hub structure enabled this to be swiftly passed to the groups or individuals best placed to achieve outcomes. This collaboration has continued via the Community Action Network.
- 3.2 It was clear that the single point of contact element of this support is still required and people are still reaching out to the Council for this. There are no additional staffing resources so the incoming work has been accommodated within the Customer Contact Centre team. Residents are facing additional pressures with cost of living rises and dealing with issues such as poor mental health.
- 3.3 The Council decided to use some of its remaining Covid Outbreak Management Funding (COMF) to develop an interactive online resource, whereby any resident (or someone supporting them such as within a volunteer group, or an elected member) could select an area of the Borough and the issues they need support with. This then produces a personalised list of support available, with contact details, which can be saved, printed or emailed, depending on the needs of the resident.
- 3.4 The Council commissioned Onward Homes to collate the background data, given their knowledge of the support available, especially because of the role of First Call Hyndburn.
- 3.5 The online Hub form provides a new, permanent home for the Council's purple heart Hub branding, which was seen as reassuring and represented support from so many sources at such a difficult time for many people.
Link: <https://www.hyndburnbc.gov.uk/hyndburn-hub/>
- 3.6 The Hub will provide a lasting, comprehensive resource for individuals and groups throughout the Borough and the communications around this will be aimed at ensuring everyone knows they can access help in a simplified way, when they need it. The online form will also provide high level data which will help inform the Council of ongoing support needs of residents. This information could be utilised for further funding opportunities or resource allocation.
- 3.7 The Council will widely publicise the 'Hyndburn Hub' online form to encourage residents to access support when they need it, and it will remain open to partner organisations, officers and elected members to access on behalf of residents, who may get in contact via email, phone or in person.
- 3.8 To improve accessibility of the new resource the 'Hyndburn Hub' form is also available for people to use on the ipads in Scaitcliffe House reception area and within a unit inside Accrington Market Hall, with a view to relocating this to Accrington Town Hall in December 2023.
- 3.9 The Hub will support other work underway to support people across Hyndburn by working together across organisations. This includes the Family Hub – an initiative led

by Lancashire County Council which will bring health and other support services together to assist families and young people. Locally, staffing resource is being funded via the Hyndburn Way, a lottery funded project awarded to Hyndburn Leisure. This funding is paying for Ynot Aspire to act as our local link between Hyndburn organisations to help ensure that the Family Hub, when launched, meets local needs and utilises the range of support available in the Borough.

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

4.1 We could have done nothing but the Council does still receive calls asking for the Hub, so the demand remains, with the additional pressures of cost of living only getting worse. This will enhance and add to the support routes already available and make it easier for Council staff, and others, to signpost to support, as no training is required to use the new form.

5. **Consultations**

5.1 Discussions have taken place with the Community Action Network and key partners, including for early testing of the form.

6. **Implications**

Financial implications (including any future financial commitments for the Council)	The project has been funded via remaining COMF funding as it met the criteria for this. Any future commitments will be minimal including time spent ensuring information is up to date (offset by savings in officer time by having the resource readily available and so easy to use.)
Legal and human rights implications	A Privacy Impact Assessment will be completed if required, but the intention is that no personal data will be stored.
Assessment of risk	N/a
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 – there are no changes to policy. However, this facility will support residents to be aware of and access relevant services and there may be a positive impact on people with protected characteristics.

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

7.1 N/a

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.

Agenda Item 6.

REPORT TO:	Cabinet		
DATE:	12 July 2023		
PORTFOLIO:	Councillor Peter Britcliffe - Deputy Leader of the Council, Resources		
REPORT AUTHOR:	Kirsten Burnett, Head of Policy and OD		
TITLE OF REPORT:	Draft Revised Complaints Procedure		
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 present a proposed new Complaints Procedure.

2. **Recommendations**

That Cabinet:

2.1 Approves the draft Complaints Procedure appended to this report.

2.2 Notes that training sessions and briefings will be arranged for appropriate staff prior to implementation of the new Complaints Procedure.

3. **Reasons for Recommendations and Background**

3.1 Management Team recommended a review of the existing Complaints Procedure to speed up the resolution of complaints, alongside proposed training to support staff to respond to customer concerns in a timely and appropriate way.

3.2 The proposed Procedure is based on guidance from the Local Government and Social Care Ombudsman.

3.3 The proposed Procedure contains a comprehensive list of what can be treated as a complaint and what cannot, which will support customers to get to the right route earlier.

3.4 The proposed Procedure reduces the number of internal stages in the complaint process from three to two, ensuring a speedier conclusion internally, before a customer can take the matter further with the Ombudsman if they choose. Specifically, the new Procedure removes the current "internal appeal" stage, which allows a dissatisfied customer to require their complaint to be reviewed by an unconnected chief officer or service manager if they do not agree with the response they have received from the service manager for the area covered by their complaint. This stage can be very time-consuming and delays matters for a customer who ultimately wishes to take their complaint to the Ombudsman. The new Procedure retains an option for

the Council to ask an independent manager to consider a complaint where we consider that this is the appropriate course of action.

- 3.5 There is a risk that this change could lead to the number of complaints which are considered and upheld by the Ombudsman increasing. However, such Ombudsman complaints are currently extremely rare, averaging a mere 0.7 per year for Hyndburn Borough Council over the last 10 years. If this number does increase significantly, there will be an opportunity for us to review the operation of our Complaints Procedure.
- 3.6 There is currently little data available on complaints and how they are dealt with in the early stages. We will monitor and report on how many stage 2 complaints are received by each service, how long it takes to conclude each, and whether the complaint is partly or wholly upheld. This information will be presented to Corporate Management Team and Standards Committee, together with the statistical information provided annually by the Ombudsman.

4. Alternative Options considered and Reasons for Rejection

- 4.1 We could retain the existing procedure with 3 stages plus Ombudsman, but we believe the proposed changes will give a speedier response to our customers.

5. Consultations

- 5.1 The draft Procedure has been developed in consultation with the Executive Director (Legal and Democratic), the Head of Audit and Investigations, and the Customer Contact Manager. It has been agreed in principle by the Corporate Management Team, subject to Cabinet approval

6. Implications

Financial implications (including any future financial commitments for the Council)	Not significant. Failure to deal with complaints properly could lead to the Ombudsman making a finding of maladministration against the Council and recommending financial compensation for a customer, but based on our experience to date, this is likely to be rare and also to involve fairly small amounts.
Legal and human rights implications	Complaints may involve legal matters, including statutory responsibilities of the Council. The proposed procedure – and the planned training – will include the need to seek legal advice where appropriate.
Assessment of risk	Low, based on the number of complaints we typically deal with and which are upheld. Our monitoring data will help us assess this on an ongoing basis.
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>	CFA attached to support this decision.

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

<https://www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/guidance-notes>

Customer First Analysis: Complaints Procedure

1. Purpose

- What are you trying to achieve with the policy / service / function?
 - A clearer, up to date procedure, which explains to our customers how we will deal with any complaints.
 - To streamline existing arrangements, by removing a layer from the procedure to achieve a quicker and less bureaucratic resolution.
 - To define what a complaint is, and include signposting to the appropriate route when the complaint should be directed to a different procedure, or to another organisation.
 - Reinforcing our corporate value of customer focus, ensuring that we listen when our customers are dissatisfied and learn lessons about how to deal with matters differently in future.
 - Treat each customer as a valued individual, taking into account any protected characteristics.
 - Support our wider governance arrangements and support us in reviewing our policies and procedures.
- Who defines and manages it?
 - All service managers are responsible for responding to complaints about their service and all employees may be the initial respondent when a customer is dissatisfied.
 - The Chief Executive receives annual reports from the Local Government and Social Care Ombudsman. These are published on the Ombudsman's website.
- Who do you intend to benefit from it and how?
 - We want our current and future customers to benefit through having a more efficient route to have concerns dealt with, and also by the Council making improvements in line with lessons learnt from complaints.
 - Our staff, elected members and the Ombudsman should all benefit from a clear and well-managed process.
- What could prevent people from getting the most out of the policy?
 - Not knowing about the procedure.
- How will you get your customers involved in the analysis and how will you tell people about it?
 - We will clearly signpost this on our website and direct customers to it in relevant interactions and documents.

2. Evidence

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

- We will monitor the number of formal Stage 2 complaints, the outcome of these and the timescales involved, as well as Ombudsman referrals.
- How satisfied are your customers and how do you know?
- What existing data do you have on the people that use the service and the wider population?
- The following table shows data on complaints received by the Local Government and Social Care Ombudsman in the last 10 years. This excludes complaints such as those which have been referred back to us, because the complainant has not followed our Procedure before complaining to the Ombudsman. This shows that in 10 years, 7 complaints against the Council have been upheld by the Ombudsman.

Year	Complaints received by Ombudsman	Detailed investigations undertaken by Ombudsman	Complaints upheld
2021/22	no info	1	0
2020/21	no info	1	1
2019/20	no info	1	0
2018/19	8	4	0
2017/19	14	3	0
2016/17	6	1	1
2015/16	9	1	1
2014/15	12	5	4
2013/14	11	8	0
2012/13	9	no info	no info
Average for years with info	9.9	2.8	0.8
Totals	69	25	7
% Upheld after investigation	28		

- In the 6 months to 20 March 2023, there were 10 Stage 3 complaints received, of which:
 - 5 were not upheld
 - 2 were partially upheld
 - 3 were ongoing (received March 2023)
- What other information would it be useful to have? How could you get this?
 - We do not hold further comprehensive data on the number of internal complaints. Many will be resolved at an informal stage as part of normal business, but going forward it would be useful for each manager to report on the stage 2 complaints they deal with, including the number of complaints, time taken from receipt of a stage 2 complaint to a response, and the number upheld. This will enable us to better monitor any trends.

- 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)?

- We do not hold this data on complainants.

3. Impact

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

- There is no evidence of differential impact.

- We accept complaints in a variety of ways, including letter, email and an online form. Initial complaints may be made verbally to the service concerned.

- Having a two-stage process streamlines the process, making it easier for our customers to navigate.

- We have based our procedure on guidance from the Local Government and Social Care Ombudsman: this is nationally recognised as best practice.

- The procedure allows for reasonable adjustments where someone has barriers relating to a protected characteristic.

4. Actions

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

- Not applicable.

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

- There is no evidence of this and there has been no suggestion of this in our experience.

- Do you need to consult further?

- The proposed new Procedure will be considered via Cabinet.

- Have you identified any potential improvements to customer service?

- Yes, detailed above.

- When will this assessment need to be repeated?

- When any changes are proposed or the policy is reviewed.

Completed by: Kirsten Burnett, Head of Policy and Organisational Development, 20 March 2023

Complaints Procedure

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1. Introduction

As a local authority, we provide a wide range of services to many customers, from emptying residents' bins, collecting Council tax, paying out benefits, dealing with planning applications, investigating noise complaints and much more.

We aim to provide a consistently good service, but we do not always get it right. There are times when we may not communicate our decisions - and the reasons for them - clearly enough, or our customers may feel that we have not taken account of all the relevant information. Therefore we welcome complaints because they can help us improve. Listening to public concerns is fundamental to the democratic principles that define local government.

Our corporate values of Teamwork, Customer Service, Positive Attitude and Integrity should guide our actions at all times.

2. What's covered by this Complaints Procedure and what isn't covered

As a rule, we will consider complaints under the scheme where the next steps would be for a customer to complain to the Local Government and Social Care Ombudsman. This procedure covers any complaint about a service that the Council provides, unless there is a specific procedure which should be followed instead. We will inform you if that is the case.

This procedure includes complaints about:

- ✓ a failure to provide a service;
- ✓ poor quality of service, including unacceptable or unexplained delays;
- ✓ failure to follow the Council's policies or procedures;
- ✓ the behaviour of a Council employee, or a contractor engaged by us; or
- ✓ allegations of unlawful discrimination.

It does not include complaints listed below:

- ✗ about the conduct of an elected councillor, you should use the Local Code of Conduct Complaints Process – see this link: <https://www.hyndburnbc.gov.uk/how-to-complain-about-your-councillor-2/>
- ✗ that fall within the remit of another Council or Local Authority, such as Education, Social Care and most Highways matters. For Lancashire County Council, see this link: <https://www.lancashire.gov.uk/council/get-involved/compliments-comments-complaints/>
- ✗ about matters which have a separate statutory process such as decisions about planning permission or housing benefit. Any letters about these will advise you about the procedure to follow;
- ✗ about political decisions or the content of Council policies;
- ✗ from Hyndburn Borough Council staff unless they are complaining as external users of Council services. We cannot consider HR matters (such as employment or disciplinary issues) under the Complaints Procedure;
- ✗ anonymous complaints, unless there are valid reasons to deal with these ([see below](#));
- ✗ made by one internal service about another;
- ✗ where there is a better alternative means of redress, such as via the Police or a court;
- ✗ about a matter that has been decided by a Court or Tribunal;
- ✗ that are more than one year old. You should let us know as soon as possible if there is a problem. If you have left it more than 12 months since knowing about the problem, but explain why, we will use our discretion when deciding if we will consider your complaint;
- ✗ where the matter has not affected you personally or caused you an injustice. However, we would deal with complaints made by Elected Members and Members of Parliament on behalf of individual constituents if they are covered by this procedure.
- ✗ where there is any investigation, review, potential prosecution or regulatory compliance action against the complaint, by the Council, in relation to our statutory functions, until those proceedings are fully concluded (including any appeal proceedings);
- ✗ about the way a Freedom of Information (FOI) request has been dealt with. The FOI complaints procedure is triggered when a requestor expresses dissatisfaction with the outcome of their request. Under Section 50 of the FOI Act any requestor has the right to make a complaint about the way we have dealt with their request to the Information Commissioner's Office (ICO).

3. How we will deal with complaints

The key stages in how we will deal with a complaint are as follows, and outlined further in the [next section](#):

- Identifying the complaint
- Investigating the complaint
- Making and communicating the decision
- Putting things right

Throughout the process, if we become aware that a complainant requires additional support or any adjustments, because of a disability or other protected characteristic¹, then we will do what we reasonably can to make appropriate adjustments.

3.1 Stage 1

If you have a specific query, comment or suggestion regarding our service, you should contact the team who dealt with the matter. In most cases, we will be able to deal with concerns quickly, 'on the spot', by the first member of staff the customer deals with. This can save a great deal of time, distress and cost.

Where we have not been able to resolve your complaint with an early resolution, we will respond to you **within 10 working days**. If we respond to you by phone, we may send a follow-up email or letter with a summary of the conversation. If we cannot respond in 10 working days we will let you know that there is a delay and when you can expect a response.

If you have a serious complaint, or a case where we have previously corresponded with you, this may go directly to Stage 2.

3.2 Stage 2

If you are not happy with the response you receive at Stage 1, you can contact us within a month and ask for an investigation at Stage 2.

We need to know:

- which part of the complaint you feel wasn't handled well;
- what impact this has had; and
- what action you would like to be taken.

An officer not previously involved, usually a Team Leader or Manager from within the service concerned, will write to you with the outcome of the investigation and any actions resulting from it. We may ask an independent service manager to look at the complaint instead – we will decide on this depending on the circumstances. The Stage 2 officer may also require further advice: for example, any complaint that involves possible unfair treatment on the basis of the Equality Act 2010 will draw upon appropriate advice from the operational lead for Equality and Diversity, or advice may be needed from the Council's legal team.

We will aim for **20 working days** for this response and explain the reasons if there is a delay.

3.3 Stage 3

If you are still unhappy you can contact the Local Government and Social Care Ombudsman: <https://www.lgo.org.uk/>. We will give you details in our stage 2 response about how to do this.

¹ The Equality Act's 'protected characteristics' are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief and sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty.

4. The principles we will follow in dealing with complaints

4.1 Identifying a complaint

A complaint is an expression of dissatisfaction about a Council service (whether that service is provided directly by the Council or by a contractor or partner) that requires a response.

- We will check our understanding of the issue the complaint has raised, either by written / email correspondence or a conversation, and we will proceed on that basis.
- We will advise the complainant if they should be using a different process or complaining to a different organisation.
- We will try to identify opportunities to resolve the complaint at the earliest opportunity, if we can.
- We will answer any questions about the process.

The officer should try and understand the complaint from the complainant's perspective. Putting yourself in the shoes of the complainant can help provide a better response or solution. We know that people want to feel that the Council has listened to them, not simply set out to justify its actions.

4.2 Investigating a complaint and reaching a decision

We will determine each complaint on its own merits. Our investigations will be proportionate and pragmatic. We will aim to identify and act on learning opportunities from complaints.

The officer dealing with the complaint will seek information on:

- (i) What happened, using evidence from the following sources, as appropriate:
 - The complainant or representative
 - Members of staff
 - Relevant third parties
 - Case records
 - Correspondence (Emails / phone records / letters)
- (ii) What **should have** happened, based on:
 - Legislation and case law
 - Government, Ombudsman's and other professional guidance
 - Council policies and procedures
- (iii) How the claimant has been disadvantaged by any failure and what the Council can do to put it right. If we have made a mistake, we will need to apologise and try to put the complainant back in the position they would have been, if this had not happened. We should also try to make sure this does not happen again, which might mean reviewing our procedures or training staff.

4.3 Communicating the decision

When the investigation is complete, the Stage 2 officer will issue a response.

In most cases, they will respond by letter or email. If the complainant has told us about specific support needs, the officer will consider alternatives, such as a meeting to discuss the findings.

The Stage 2 officer will write their decision letter, aiming to avoid jargon and use clear, plain English. As a guide, the letter should include:

- the details of the complaint;
- the steps they took to investigate the complaint;
- that information they considered;
- their decision and the reasons for it;
- whether they find the complaint or part of it to be upheld and how the Council will try and put things right;
- an apology, if we have got it wrong or could have handled the matter in a better way;
- any changes proposed to processes and procedures following the complaint; and
- how the complainant can challenge the decision, if they disagree.

4.4 Unreasonable conduct

Most people complain in genuine good faith and are reasonable in how they behave, even though they may be very upset or frustrated.

We understand that feelings can run high and frustration may spill over. The complainant may be facing other difficulties in their life, or have faced trauma in the past, that influences their reaction. We will be sensitive to this possibility and ensure that we remain respectful and courteous. However, unreasonable conduct can slow down or prevent a proper consideration of the complaint, if people behave unacceptably, or are unreasonably persistent in their contacts and submission of information.

The Council also has a duty of care to its staff. This includes protecting them from any threats, malicious complaints, harassment or abuse. We may put special arrangements in place if a complainant makes repeated and / or vexatious complaints.

We ask staff to report such incidents and will take appropriate action to support them. This can include restricting contact methods. We will write to the complainant if this occurs, explaining why the decision has been taken, how long any limits will last, and how the decision can be reviewed.

4.5 Anonymous complaints

It will often not be possible to deal with a complaint under this procedure, if it is made anonymously, because we will not be able to look at the full background and records. Each case will be dealt with on its own circumstances.

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