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# CABINET

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**Wednesday, 26th March, 2025**

**Present:** Councillor Munsif Dad BEM JP (in the Chair), Councillors Vanessa Alexander, Noordad Aziz, Scott Brerton, Stewart Eaves, Melissa Fisher, Kate Walsh and Kimberley Whitehead

**In Attendance:** Councillors Danny Cassidy, Bernard Dawson, Zak Khan and Kath Pratt.

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**395 Apologies for Absence**

There were no apologies for absence submitted on this occasion.

**396 Declarations of Interest and Dispensations**

Councillor Melissa Fisher declared a disclosable pecuniary interest in Agenda Item 13 - Taxi Testing, due to her spouse operating an MOT testing station. With the permission of the meeting, she would introduce the report, but would then withdraw from the meeting and take no part in the debate or voting.

Councillor Noordad Aziz declared a person interest in Agenda Item 19 – Lease of Mercer Hall to Hyndburn Leisure, due to his appointment to the Board of the Leisure Trust.

Councillor Kimberley Whitehead declared a personal interest in Agenda Item 10 – Appointment of the Operator and Granting of a Lease for Accrington Market Hall, due to the employment of a family member as a market attendant by Hyndburn Borough Council,

**397 Minutes of Cabinet**

The minutes of the special meeting of Cabinet held on 29<sup>th</sup> January 2025 and the ordinary meeting of Cabinet held on 12<sup>th</sup> February 2025 were submitted for approval as correct records.

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

**398 Minutes of Boards, Panels and Working Groups**

The minutes of the following boards and panels were presented:

<b>Name of Body</b>	<b>Date of Meeting</b>
Learning and Development Panel	20 <sup>th</sup> January 2025
Leader's Policy Development Board	10 <sup>th</sup> February 2025

**Resolved** - **To note the minutes of the boards and panels as indicated above.**

**399 Reports of Cabinet Members**

### ***Leader of the Council***

Councillor Munsif Dad BEM JP reported on the following:

#### Devolution and Local Government Reorganisation

The Council's initial response to the Government's proposals had been submitted in January following the report presented at the Council meeting. A further submission had been made in March by Lancashire County Council, the two unitary authorities in the Lancashire area and the 12 district councils. All of the authorities had agreed to the content of the submission, which highlighted that they would work together to identify the best way forward. A response had been received from the Ministry of Housing, Communities and Local Government (MHCLG), expressing thanks to those councils for their submission and looking forward to the detail of the proposals. The letter indicated that MHCLG would provide formal feedback on 28<sup>th</sup> April 2025 and would begin to hold meetings with local leaders in May to discuss the initial proposals.

Accordingly, Councillor Dad would continue to meet with his Lancashire peers and with Labour councillors to develop firm proposals. There would be numerous opportunities for local councillors to comment on reorganisation and to communicate the plans to residents.

### ***Deputy Leader of the Council and Portfolio Holder for Housing and Communities***

Councillor Melissa Fisher reported on the following:

#### Accrington Stanley FC

A meeting had taken place on Monday 24<sup>th</sup> March 2025 with representatives of Accrington Stanley Football Club (ASFC) to discuss the way forward following the outcome of the recent licensing hearing. The club had admitted that they were partly at fault for the issues that had led to the review of the premises licence. Councillors and representatives of ASFC had discussed a possible course of action for the future and the Council was looking forward to working closely with the club on this.

Councillor Aziz added that the Council had previously allocated some Community Cohesion and Resilience Funding to ASFC. This had enabled the club to hold an Open Iftar event (breaking of the fast) at the Wham Stadium on 16<sup>th</sup> March 2025, which he had attended personally. The event had been a great success.

### ***Portfolio Holder for Environmental Services***

Councillor Stewart Eaves reported on the following:

#### Waste Collection

Waste collected over the last 6 monthly reporting period compared to the same period in the previous year showed a slight decrease in the amount of dry recycling collected (3,320 tonnes) and a slight increase in the residual waste collected (7,920 tonnes). The County Council dashboard showed that Hyndburn remained the top authority for the collection of dry recycling at 26%.

#### Enforcement

Waste enforcement actions continued, with the Waste Team issuing 838 Section 46 notices to residents and 25 Fixed Penalty Notices for non-compliance with the s.46 notice.

### Fly Tipping

Reported fly tipping incidents had decreased by 336 incidents compared to the same period in 2023/24, with a total of 1,385 occurrences.

### Food Waste

Some 40,000 cadies of the 7 litre and 23 litre variety had been ordered on 26<sup>th</sup> January 2025. A tender process was underway to procure 9 Dennis Eagle Duo vehicles to carry out one pass collections. Delivery of the vehicles would take place in March 2026 in time for the new collections commencing on 1<sup>st</sup> April 2026.

### Waste Transfer

Craig Haraben, Head of Environmental Services, was continuing to discuss waste transfer issues with Lancashire County Council.

### Skip Days

Suez had been providing the skips for the successful skip days. However, there had been some contamination issues noted. In addition, the company had reported difficulties in recruiting drivers who were prepared to work at weekends, as their normal contracted working hours were weekdays from 6am to 3pm. It might be necessary to look at procuring this service from a different company going forwards.

### Accrington Pals Memorial

Final costings had now been received for the updating of the Pals memorial stone in Church Street Gardens, Accrington. It was likely that this would involve re-facing and re-engraving the memorial.

### ***Portfolio Holder for Culture, Heritage and Arts***

Councillor Kimberley Whitehead reported on the following:

#### Market Chambers

The project to redevelop Market Chambers was going well. Sale by agreement had now been secured with the freeholder and to provide vacant possession for the final third of the building. However, given the compulsory purchase order was now awaiting the inspector's decision, it was still being progressed with a decision likely to be announced mid-May. A team was in place to develop the National Lottery Heritage Fund delivery bid towards the end of the year. The Portfolio Holder had recently met with the consultants. The project team based within the Council would provide an update in the near future and it was hoped that the Council could receive up to £4.5m to deliver the project. Numerous ideas were being piloted for the project and an information point inside the building had recently been opened to the public to help with the consultation process. The engagement space had provisionally been named the 'Dome', an idea deriving from young people who had identifying the building as a like home (the Latin word being 'domus') and also referencing the cupola on the NE corner of the roof. The information point would be open from 2pm to 6pm on Thursdays and from 10am to 2pm on Saturdays. Some social media content would also be provided. Consultation would continue in relation to further ideas emerging.

#### Oak Hill Park Bowling Greens

Investment was due to take place in the bowling green area at Oak Hill Park, with a new perimeter fence due to be erected. The bowling club committee were pleased with the Council's proposed actions which would help to curb anti-social behaviour. Discussions were also taking place with other bowling clubs to ensure that these locations were reviewed and any necessary improvements were planned.

### ***Portfolio Holder for Business & Growth***

Councillor Scott Brerton reported on the following:

#### Hyndburn Jobs Fair

A Jobs Fair had taken place at the Town Hall, Accrington on Thursday 20<sup>th</sup> March 2025. The event had been a huge success and both employers' and residents' feedback had been positive. The Portfolio Holder placed on record his thanks to Salma Chaudhry, Economic Development Manager, and Scott Dawson Advertising for their efforts in organising the event. Some 2,000 people had attended and it was estimated that many job opportunities and apprenticeships would have been realised. Next year's event was anticipated to be even bigger and better.

The Leader added that he had attended this event and had spoken to many of the young people present. He commented that it might be interesting to find out how many had obtained a job via this route. He thanked those involved in the arrangements and those who had given up their time to staff the stalls.

#### Business Engagement

Some good news was expected soon, which would be announced in the near future. The service was going from strength to strength.

Workshops for local businesses continued to be delivered. One key session had involved some 20 local businesses looking at ChatGPT and other AI tools. The event had been supported by Heath Groves, Chief Executive Officer of Sundown Solutions, based at Simonstone. The Council was striving to respond to what businesses wanted.

Councillor Khan made a number of comments and asked some questions on the various announcements made by Portfolio Holders, which are summarised below, together with any responses given:

- He welcomed the news of the progress at Market Chambers;
- He welcomed the figures around dry recycling;
- He thanked those involved for their commitment to upgrade the Accrington Pals memorial;
- He welcomed a strengthening of the relationship with Accrington Stanley FC and requested an opportunity for cross party working on this matter;
- He noted the contents of the letter from MHCLG about local government reorganisation, but expressed concern at the lack of a formal plan for engagement with the public.

*Response:* The Leader indicated that the Government would guide councils on the wider consultation process but, in the interim, reports were being provided at the Cabinet and Council meetings and individual councillors could take that information back to their ward residents. Lancashire authorities now had six months to work on

drafting their proposals, although there might not ultimately be one single agreed position;

- He welcomed the jobs fair and the involvement of Scott Dawson Advertising, but expressed concern at the national picture for businesses. He considered that this had been negatively impacted by the Chancellor's Spring Statement and changes implemented over the last six months. He cited reductions proposed across the Civil Service and companies cutting back, and asked how Hyndburn would engage with those at risk of losing their jobs.

*Response:* Councillor Brerton reiterated that the jobs fair had been successful and that there were jobs available locally across a wide range of businesses from micro-businesses to large companies. The Council was continuing to work with the local business community. Two large businesses were currently considering a move into the area. The Leader added that the Local Plan was close to adoption and included two key employment sites, which would help to attract new businesses to the area.

#### **400 LGA Corporate Peer Challenge Action Plan**

Members considered a report of Councillor Munsif Dad BEM JP, Leader of the Council, presenting an action plan for adoption by the Council, addressing the Corporate Peer Challenge recommendations.

Councillor Dad provided a brief introduction to the report.

Councillor Zak Khan commented that Recommendation 8 (below) – Forward Planning, appeared not to have been fully implemented, as a number of reports at the meeting had been provided by way of a supplemental agenda. The Leader confirmed that this was still a work in progress.

Approval of the report was not deemed a key decision.

##### *Reasons for Decision*

The Local Government Association Corporate Peer Challenge had culminated in a peer team visit to Hyndburn between 29<sup>th</sup> and 31<sup>st</sup> October 2024.

The team had presented their main findings and recommendations verbally to the Council on their final day in Hyndburn and had provided a formal report just before the Christmas break.

The following were the peer team's key recommendations to the Council:

1. Conduct the planned review of the corporate strategy and align the organisational structure accordingly.
2. Engage in top team development to develop effective relationships within Cabinet/CMT as a group to create agreed ways of working and clarity of roles and responsibilities.
3. With partners, lead the development of a clear and well understood vision for the whole Borough (Place Strategy).
4. Consider what capacity and skills the Council needs to develop and address this as part of the review of organisational structure, including options for collaboration with partners and the use of consultants.
5. Design a transformation & digital strategy and action plan.

6. Develop a strategy for income generation, including commercial income, fees & charges and council tax.
7. Review and implement new plans for internal and external communication, aligning it with the new corporate strategy.
8. Create and implement a well understood and effective process for forward planning of Council decision making which engages Cabinet members and Scrutiny.
9. Promote the Council's approach to climate change and decarbonisation and play a key role in leading the Borough on this agenda.
10. Continue and broaden the authority's engagement with local government and beyond in order to learn from others and offer the Council's experience and learning.

Reports to Council and Cabinet during January had shared the report (now published on the authority's website as required by the LGA), outlined the many positive findings, and set out the recommendations.

The Council was required to agree an action plan to address the recommendations within three months. The following steps had led to the action plan, as appended to the report:

- January / February - Management Team and Service Managers had considered recommendations and developed a draft action plan.
- February – cross-party working group established. (Terms of Reference agreed by Cabinet)
- Early March - Draft action plan brought to working group for discussion.
- 26<sup>th</sup> March 2025 - Final draft to Cabinet for formal agreement.

A progress visit was being arranged for some or all of the peer team for early September 2025.

The action plan was intended to be a living, working document. The actions against the recommendations would develop as time passed and in response to progress. The working group intended to meet monthly to monitor progress.

*Alternative Options considered and Reasons for Rejection*

In agreeing to the CPC process, the Council had committed to developing an action plan based on the recommendations.

**Resolved**

- (1) To formally agree the action plan which has been developed in response to the recommendations of the Corporate Peer Challenge undertaken in October 2025.**
- (2) That the Chief Executive is given delegated authority to update and amend the action plan, following consultation with the LGA Corporate Peer Challenge Working Group.**

**401 Weight Management Services**

The Cabinet considered a report of Councillor Noordad Aziz, Deputy Leader and Portfolio Holder for Transformation, Education and Skills, regarding the future provision of Weight Management Services in Hyndburn.

Councillor Aziz provided a brief introduction to the report. He reported that the funding to be received from Lancashire County Council would be slightly greater than had been indicated in the report, up from £66,770 to around £70,700 per annum.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

The levels of obese and overweight adults and children in Lancashire continued to increase and working collaboratively provided the opportunity to reshape and redesign the service in the Borough. In Hyndburn, 71.7% of adults were overweight or obese. In children, the figure was 24.6% for reception year and 42.4% for Year 6. All of these were significantly higher than the Lancashire and National averages.

Since the transfer of public health services from NHS to local authorities, Councils in Lancashire had provided Tier 2 weight management services, tackling obesity with community-based support. These programs typically ran for around 12 weeks and often operated in group settings. Participants received expert guidance on diet, nutrition, and lifestyle changes, with a strong focus on behaviour change generally centred around exercise.

These programmes empowered individuals to manage their weight, improve their well-being, and reduce their risk of weight-related health issues. Though limited in duration, they acted as a crucial springboard for lasting change, helping individuals find their footing on the path to a healthier life.

Hyndburn Borough Council had entered into a collaboration agreement with Lancashire County Council for the provision of Weight Management Services in Hyndburn from 1<sup>st</sup> April 2024 until 31<sup>st</sup> March 2029.

The Council did not have the resources or expertise to deliver the service in house, and therefore would have to appoint a provider to deliver the service on its behalf.

Hyndburn Leisure had a proven track record of delivering weight management services, with over 200 adults completing their 12-week programme and had the staff resource and expertise required to deliver the new service going forward.

The report recommended that the Council waive its Contract Procedure rules to appoint Hyndburn Leisure to deliver the new service from 1<sup>st</sup> April 2025 for one year for the following reasons:

- Proven track record of weight management service delivery since 2016 and Play and Skills at Tea-time Activities (PASTA) service delivery since 2023;
- Time and resources required for the Council to go to full tender for this service would not allow for the service to be up and running by 1<sup>st</sup> April;
- Potential TUPE implications involving Hyndburn Leisure staff currently delivering the service

The Council would be required to tender these services for the remaining 3 years of the collaboration agreement period from 1<sup>st</sup> April 2026 to 31<sup>st</sup> March 2029.

*Alternative Options considered and Reasons for Rejection*

Cabinet could determine not to waive Contract Procedure Rules to appoint Hyndburn Leisure to deliver the service on the Council's behalf from 1<sup>st</sup> April 2025 for one year – This course was not recommended for the reasons mentioned in Paragraph 3.7 of the report.

Cabinet could decide to deliver the service in house – This course was not recommended due to lack of resource and expertise to deliver the service directly.

**Resolved**

- (1) That Cabinet agrees to waive the Council's Contract Procedure Rules to appoint Hyndburn Leisure to deliver Weight Management Services on behalf of the Council for 1 year from 1<sup>st</sup> April 2025 to 31<sup>st</sup> March 2026 for a fee of c.£70,700 (to be confirmed); and**
- (2) That Cabinet agrees to delegate authority to the Executive Director (Resources) to negotiate and agree all terms relating to the above in consultation with the Executive Director (Legal & Democratic Services).**

**402 UK Shared Prosperity Fund 2025-26**

Members considered a report of Councillor Noordad Aziz, Deputy Leader and Portfolio Holder for Transformation, Education and Skills, setting out recommendations for the use of the Council's final allocation of the UK Shared Prosperity Fund 2025-26 and seeking delegated authority for officers to submit a proposal to the Lancashire Combined County Authority based on those recommendations.

Councillor Aziz provided a short introduction to the report, highlighting the funding available, the three Government priority areas for funding and the Council's five continuing funding themes. Councillor Khan expressed disappointment that the overall level of funding allocated for advice and support for business, as this was less than the amount proposed by the Opposition at the Council Budget meeting. He requested that this funding be internalised for future years to ensure that this function was not diminished in the longer term. Councillor Aziz undertook to look into that question in the future and reiterated the comment about potential good news made by Councillor Brerton at Minute 399 above

Approval of the report was not deemed a key decision.

*Reasons for Decision*

The UK Shared Prosperity Fund had been launched by the previous government on 13<sup>th</sup> April 2022, which had been intended to reduce inequalities between communities as part of the Government's wider "levelling up" agenda.

The Shared Prosperity Fund allocation 2023-25 had been allocated to lead local authorities across the UK using a formula rather than by inviting competitive bids. In two tier areas, the district councils had been classed as the lead authority rather than the County Council. The formula for the allocation reflected the amounts that areas received from the EU structural funds, with some needs-based adjustments.

In a report to Cabinet in June 2022, Cabinet had supported the Accrington Town Centre Partnership recommendation to allocate the authority's £2.9m funding across the following two spending Themes: (1) Business Support Growth & New Business and (2) Regeneration.

On Wednesday 30<sup>th</sup> October, following the Budget, MHCLG had announced the Government would be *"continuing the UK Shared Prosperity Fund at a reduced level for a further year, providing £900 million; this transitional arrangement will allow local authorities to invest in local growth, in advance of wider funding reforms."* All areas of the UK would receive a 'final' allocation of UKSPF to commence in April 2025 and enabling local authorities to make the necessary arrangements in bringing any existing UKSPF agreements to a finish by 31<sup>st</sup> March 2026. Further guidance and investment/spending plan forms were to be provided by MHCLG sometime in April.

The UKSPF investment prioritised the new Government's five Missions, these being:

1. Kickstart Economic Growth;
2. Make Britain a Clean Energy Superpower;
3. Take Back our Streets;
4. Break Down Barriers to Opportunity;
5. Build an NHS fit for the future.

On Friday 13<sup>th</sup> December, MHCLG informed all Lancashire authorities that as they were now part of a devolution deal area, the lead local authority and accountable body position would change accordingly to Lancashire County Combined Authority (LCCA). A total of £21,748,007, (£3,301,752 capital and £18,446,256 revenue) had been assigned across the combined authority.

The matters relating to the management and administration of the Lancashire SPF programme had been discussed at the Shadow LCCA meeting on the 21<sup>st</sup> January 2025 and it had subsequently been agreed that:

- a) Blackpool Council, through its Programme Monitoring Office (PMO), would lead on the coordination of the administration of the Programme on behalf of the LCCA.
- b) allocations to the 14 Lancashire Local Authorities would be based on the allocations determined by MHCLG to generate the overall £21,748,007 LCCA allocation.
- c) a 1% programme management top slice to all authority revenue allocations would be applied (i.e £184,000) to provide essential additional human resourcing (2 posts, ideally seconded) including programme delivery, procurement, legal, finance and administrative support. This spend would be rigorously reviewed and any underspend provided back to authorities accordingly.

Hyndburn's proposed allocation from the LCCA for the financial year 2025/26 was £1,382,611 and split £177,797 capital and £1,204,814 revenue.

To access its allocation, Hyndburn would need to submit an investment/spending plan to the LCCA. For the 2025/26 funding, the Government had mapped the existing 2023/25 interventions into Mission-led themes across three priority areas, these being:

1. Communities and Place;
2. Support for Local Business;
3. People and Skills.

Given the pressing deadline involved in spending the 'final year' allocation by 31<sup>st</sup> March 2026, it was recommended that the Council's Investment/Spending Plan for 2025/26 continued in broad terms with the initial 2023/25 funding themes, these being set out below. Once the various investment forms and guidance had been received from LCCA, there might be slight adjustments necessary to ensure compliance and unlock the funding as quickly as possible.

- High Streets and Town Centres Improvements - £625,000;
- Develop/Promote the Visitor Economy - £197,211;
- Town Centre Greening - £250,000;
- Advice and Support to Business - £225,400;
- Administration - £85,000.

#### *Alternative Options considered and Reasons for Rejection*

It was possible that the Council could choose alternative options. This was not recommended given the pressing deadlines to spend the funding by 31<sup>st</sup> March 2026 and the proposals continued along the same broad recommendations of the Board and given this was the final tranche of UKSPF funding it allowed existing supported interventions to conclude over a final 12 months.

#### **Resolved**

- **That Cabinet supports the proposal in this report, which is to continue with the broad recommendation of the Accrington Town Centre Partnership for the Authority's initial 2023-25 UKSPF allocation and delegates authority to the Executive Director (Environment), following consultation with the various Portfolio Holders to prepare and submit the required investment/spending plan to the Lancashire Combined County Authority (LCCA) that reflects this recommendation.**

#### **403 Accrington Town Centre Masterplan Framework**

The Cabinet considered a joint report of Councillor Noordad Aziz, Deputy Leader and Portfolio Holder for Transformation, Education and Skills and Councillor Kimberley Whitehead, Portfolio Holder for Culture, Heritage and Arts, seeking approval to the Accrington Town Centre Masterplan Framework (MF) and Delivery Strategy.

Councillor Whitehead provided a brief introduction to the report and highlighted that the framework would be a continually evolving document. Discussions were on-going with the local college about the potential to deliver town centre change. Councillor Khan indicated that he was supportive of the proposals and engagement with the education sector. He hoped that the outcomes would be ambitious and visionary and was keen to work with the Controlling Group to shape the way forward. Councillor Whitehead acknowledged that buy-in from everyone was needed to progress the Masterplan and added that she would be pleased to work cross-party on this important issue.

Approval of the report was deemed a key decision.

#### *Reasons for Decision*

In 2005, Hyndburn Borough Council had created the Accrington Town Centre Strategy. This strategy had highlighted that Accrington Town Centre was facing major challenges due

to changes in shopping habits. It was also recognised that Accrington had the potential to enhance the quality of the environment in Accrington Town Centre and position itself as a competitive visitor destination.

The Town Centre Strategy had recognised the need for a masterplan which would support the town's regeneration ambitions and create a town centre that better met the needs of the local community – both existing, and new communities attracted to Accrington in the future.

Cabinet had given its support to the Accrington Town Centre Partnership Board's recommendation to allocate £150,000 funding to undertake an Arndale Masterplan in the Council's Investment Plan for the Council's UK Shared Prosperity Funding allocation (UKSPF). In December 2023, the Government had announced 55 towns (which included Accrington) who would each receive up to £20m from Long Term Plan for Towns funding (LTPfT) and it was considered prudent for the Council to extend the work and undertake a wider town centre masterplan.

Lancashire County Council had provided £50,000 match funding to expand the masterplan project to enable high level Transport and Connectivity work to also be undertaken. Both authorities had worked together in developing a MF to deliver positive change for Accrington Town Centre. The MF had been developed as a guide to inform planning & development decisions within the town centre and set a vision for the town centre, identifying the short, medium and long-term opportunities for Accrington.

The purpose of the MF document was to build upon the vision established within the Town Centre Investment Plan (TCIP). The MF had developed a series of key strategic actions and drivers for positive change within the town centre, defining principles which were outlined within the strategic actions. The site and local character had been thoroughly investigated in order to develop the illustrative masterplan which complemented the historic context. The illustrative masterplan was intended to provide a clear framework to shape and encourage new development and investment into the town within a short, medium and the longer term over the next 10 to 15 years.

It was important for the MF to remain a flexible tool, which could respond appropriately to market and economic conditions as well as evolving with local and national planning policy. As such, the suggested phasing and illustrative masterplan could be reviewed and refreshed over this period, recognising the proposals and interventions put forward would take time to deliver and come to fruition.

The MF had been developed and finalised under the following key stages:

Stage 1 – Inception and Baseline (June 2024). This work had covered the following work tasks:

- Inception Meeting, Study Visit/Lesson Learnt workshop;
- Reviewing Existing Technical Baseline Audit;
- Townscape/Urban Design Appraisal;
- Heritage Appraisal;
- Market Insight and Economic Analysis;
- Appreciation of Technical Constraints & Opportunities;
- Best Practice/Bench Marking.

Stage 2 – Prepare the Vision (July to August 2024). This work had covered the following work tasks:

- Prepare the Vision;
- Initial Stakeholder Engagement;
- Early Engagement & Analysis Workshop.

Stage 3 – Masterplan & Framework Options and Development Engagement (September to October 2024). This work had covered the following work tasks:

- Stakeholder & Community Engagement, Testing the Options;
- Building on the Existing Vision Workshop;
- Overall Options Appraisal.

Stage 4 – Prepare the Final Masterplan Framework – (November 2024 to January 2025). This work had covered the following work tasks:

- Finalise the Preferred Framework;
- Prepare the Draft Masterplan Framework;
- Develop Delivery Strategy & Plan;
- Funding and Delivery Workshop;
- Finalise Masterplan Outputs.

Stage 5 – Final Masterplan Framework and Delivery Plan sign-off – (February 2025).

The MF had been developed through understanding Accrington town centre and its wider context, which had identified key challenges but also opportunities. The work built on the success of the TCIP to understand the vision statement and its aims, and detailed how they might be achieved. This had identified areas/aspects of what made Accrington special, which would be through: celebrating Accrington’s unique landscape and rich history of architecture and heritage buildings; encouraging enterprise to stimulate economic growth within the local economy; repopulating the town centre to create a strong local town centre community; and promote Accrington as a gateway to the Pennines, Ribble Valley and Forest of Bowland.

Key spatial design drivers promoted through the MF included:

- Celebrating heritage and character capitalising on the character and assets through creating a patchwork of distinct character areas, (Neighbourhoods) which were defined by existing building and assets. Each area would provide a different land use for the town and key focal areas.
- Defining welcoming gateways to create safe and active streets through rationalising vehicles movement and defining key public transport and vehicular gateways.
- Enhancing green areas and waterways within the town centre and links to outside the town centre by animating surrounding landscape connections and existing waterways of the river Hyndburn and Woodnook Water.
- Optimising development opportunities which could deliver high-quality development over the short, medium and longer term. Providing new homes, businesses, community and cultural space to inspire impactful growth.

*Alternative Options considered and Reasons for Rejection*

A number of options had been developed and tested by the project team during the initial key stakeholder/Councillor sessions. A preferred MF option had been presented at the public consultation exercises, with feedback from these and final elected member comments being heard by the project team.

**Resolved**

- (1) That Cabinet notes and approves the Accrington Town Centre Masterplan Framework which includes a proposed delivery strategy which can be viewed online via the following link:  
<https://www.hyndburnbc.gov.uk/download/framework-k-documents/>**
- (2) That Cabinet supports work by officers to seek external funding for the appointment of a project team to progress further highway design work, land acquisition strategy, valuation advice, advice on engaging development partners, etc. Where external funding opportunities do not materialise, Cabinet asks officers to calculate the estimated costs for undertaking this work for consideration by Cabinet in a future report.**

**404 Appointment of the Operator and Granting of a Lease for Accrington Market Hall**

Members considered a joint report of Councillor Noordad Aziz, Deputy Leader and Portfolio Holder for Transformation, Education and Skills, and Councillor Kimberley Whitehead, Portfolio Holder for Culture, Heritage and Arts, updating Cabinet on the outcome of the recent tender evaluation process to appoint the operator for Accrington Market Hall and seeking approval for the grant of a lease of the Market Hall and Pavilion to the successful bidder.

Councillor Whitehead provided a brief introduction to the report, highlighting that this was a key moment for the Market Hall at the heart of Accrington Town Centre. She confirmed that she had now met the proposed operator, as per the recommendation in the report, and had been accompanied by a representative from the night-time economy. The business had indicated their support for the new operator. The Council wanted the Market Hall to be a vibrant hub and it was anticipated that the preferred operator would bring the necessary expertise to realise the potential of this valuable asset.

Approval of the report was deemed a key decision.

*Reasons for Decision*

The Levelling Up Fund (LUF) had been announced at the 2020 Spending Review and had focused on capital investment in local infrastructure projects that required up to £20m of funding and built on prior programmes such as the 'Local Growth Fund' and 'Towns Fund'.

In January 2022, Cabinet had given its formal approval in support of the Town Centre Stakeholder Board's recommendations that the Council's LUF submission should focus around the following three principal interventions, noting that at the time of submission, those listed at 2 and 3 below were not in the Council's ownership.

1. Redevelopment within the Indoor Market Hall and outdoor pavilions along Peel Street – the intervention known as Market Hall.

2. Improvements and redevelopment to the block of properties at 43-59 Blackburn Road / 2-4 Church Street – the intervention known as Market Chambers.
3. Improvements and redevelopment to the block 61-69 Blackburn Road – the intervention known as Burtons Chambers.

There was a risk that the new Market Hall offering might not be a financial success as the Council did not have specific knowledge or experienced staff 'in-house'. This risk had been reduced by choosing to appoint an experienced operator to manage the proposed new and enhanced offerings within the Market Hall.

The Council had appointed CBRE through the Crown Commercial Service Framework as lead consultant for the procurement of operators for the Market Hall and Burtons Chambers. CBRE had a specialist and very experienced team and were supported by property consultants Barker Proudlove (BP) who had a very knowledgeable team on market redevelopments.

The work procured from CBRE included:

- Reviewing the proposed product and identifying any key issues or concerns that should be addressed prior to procurement.
- Providing an initial assessment on the state of the market, competition and precedent developments that provided an opportunity for lessons to be learnt.
- Summarising the optimum models that could be considered, including viability and potential revenue models.
- Setting out the delivery method that was most likely to be suitable, informed by feedback gained from operators/potential operators, including a funding compliant procurement approach, explaining the team structure that would best support the procurement process.
- Presenting findings in a report that clearly set out recommendations for the operating model and procurement process.
- Undertaking a compliant tender/procurement process to identify a preferred operator for the Market Hall.

Due to the pressures on the Council's in-house legal resources, additional support in drafting the proposed lease had been provided by the Council's external LUF legal advisors, Womble Bond Dickinson.

Both CBRE and BP had reviewed the designs and requirements for the Market Hall and Burtons Chambers, identifying the optimum contracting models which would most likely attract a strong operator interest - these being a lease for the Market Hall and management agreement model for the shared office/workspace in Burtons Chambers.

It should be noted that in tendering out the provision for the offerings/management of the Market Hall to a new operator, the Council had accepted it would no longer have any involvement with the management, opening days/hours and day to day operations of the market hall, or in the range of trader offerings and which traders were provided leases. The Council also accepted it would no longer have any involvement in the specific trader leases/levels of rent/service charges applied or legal involvement in the terms and conditions of such leases between the Market Hall operator and traders.

BP had managed the tender process to identify a preferred operator for the Market Hall. The process commenced in October 2023, with a brochure setting out the opportunity, (provided as an Appendix to the report) which was circulated via press releases/social

media/LinkedIn, posted on the Council's website, through existing market traders and notices posted on the market pavilions. Following this expression of interest period, BP had engaged directly with 10 parties who had expressed an interest, having 1 to 1 discussions and a number of accompanied site visits in November 2023 and January 2024. The closing date for return of tenders had been set at the first week in February 2024.

### Evaluation of the Tenders

The tenders had been based on information being provided across the following sections below to establish a shortlist for progressing. BP had received and presented four submissions to review. The Council and BP had concluded there was sufficient merit in the proposals to warrant a face-to-face meeting with all four organisations.

#### Section 1 – Covenant:

- Proposed Tenant;
- Guarantor;
- Deposit;
- Funding.

#### Section 2 – Strategy to maximise benefits for Hyndburn:

- Experience;
- Use;
- Opening Times;
- Social Value;
- Marketing Strategy;
- Market Layout.

#### Section 3 – Lease Term:

- Lease Term;
- Break Options;
- Rent;
- Rent Review;
- Incentive;
- Business Rates;
- Repairs.

#### Section 4 – Inspection, Joint PR, Conditions and potential TUPE:

- Inspection;
- Timing;
- Joint PR;
- Conditions;
- TUPE.

Individual meetings had taken place with each of the four organisations on 9<sup>th</sup> and 23<sup>rd</sup> April 2024, involving the Council's Chief Executive, Executive Director (Environment) and BP. These were not formal interviews, but had been used as a way to interrogate gaps in the initial submissions and for the Council to assess whether they could have a productive relationship with the organisations/owners. The Market Hall would house small independent traders/businesses and while the Council's only formal relationship with the operator would be that of landlord/tenant, given the importance of The Market Hall to the regeneration of the wider town centre with residents and stakeholders, a good professional relationship was deemed essential.

The outcome confirmed there were no concerns around the potential for working with any of the organisations, thereby allowing BP to progress further discussions and confirmation as to what was required in the final bid process. Three final proposals had been received, with the fourth organisation deciding not to submit as the bidder felt there was insufficient detailed information being provided in relation to the Market Hall.

A final meeting between BP and the Council had been held on 20<sup>th</sup> May, where each of the three submissions had been discussed in detail. The Executive Summary provided by BP was included within the report and set out the rationale for the redevelopment of the Market Hall, Accrington. BP's conclusion stated as follows:

*The current preference of the evaluation panel is to progress with Applicant 3, subject to agreeing detailed Heads of Terms.*

The Council proposed to grant a lease of the Market Hall. Section 123 Local Government Act 1972 generally required the Council to dispose of its land and property for the best consideration reasonably obtainable. In this instance, the opportunity to lease the Market Hall had been publicly advertised and three bids had been received. The proposed tenant had submitted the most financially advantageous bid, and as such, the disposal was considered to be the best consideration obtainable. As the disposal was at market value, the grant of the lease did not constitute, or include, a subsidy for the purposes of the Subsidy Control Act 2022.

Having taken external legal advice, it appeared that the proposed lease complied with the requirements of the Accrington Improvement Act 1882, which prohibited the granting of market leases and the letting of market tolls and profits arising under that Act for a term in excess of three years. Although the age and unusual nature of this legislation made it hard to be totally certain, the barrister consulted by the Council (Joanne Clement KC) had been satisfied that the Act applied to the granting of leases of individual market stalls and not to the granting of a lease of the Market Hall building itself. Similarly, the proposed arrangements for calculation and payment of the rent did not constitute the sub-letting of a market toll and profits (which can be distinguished from rent in law).

With regards to the new shared office/workspaces venture for Burtons Chambers, the Council had been prudent in setting aside a financial sum to cover any potential financial liability which was contractually due to the operator under the Management Agreement during the initial start-up period. Whilst the lease for the Market Hall was very different, it would be prudent for the Council to consider identifying some financial provision to support the new operator in initial promotion of the Market Hall's new venture and also after the initial opening excitement had expired, possibly in years two or three. There would also be some repair and maintenance obligations retained by the Council under the lease for the physical structure of the building, (external façade, windows, doors, roof, pavilion structure/roof etc.) even given the total redevelopment of the market hall through LUF funding. It was intended that the majority of these costs would be recovered from the operator by way of a fixed service charge, but actual costs would vary from year to year and so there would be some financial liability if the Council was to meet all of its obligations in the lease.

#### *Alternative Options considered and Reasons for Rejection*

The Council could choose not to appoint an operator and manage the facility itself. This was not recommended as the Council recognised it does not have specific knowledge or experienced staff 'in-house' to manage a market hall facility with an enhanced food/beverage and leisure offering on such a high-profile town centre project. In agreeing

to appoint an operator, the Council had acknowledged it would no longer have any involvement in the management of the Market Hall & Pavilion, range of trader offerings/which traders were provided leases, and no involvement in any trader leases, levels of rent/service charged or terms and conditions of such leases between the operator and traders.

The Council could choose not to identify financial provisions as suggested in Paragraph 4.7. This was not recommended as it would be prudent for the Council to make some in-principle decisions to support the operator with promoting the new venture during the initial opening and afterwards to ensure its continued success.

**Resolved**

- (1) That Cabinet notes the report and supports the recommendation set out in Paragraphs 4.1 to 4.4 of the report, to appoint Northern Lights Group Limited (or a subsidiary company of the same set up for the purpose of the Accrington Market Hall project), as the Council's preferred operator for Accrington Market Hall and Pavilion.**
- (2) That Cabinet delegates authority to the Executive Director (Environment) in consultation with the Executive Director (Legal and Democratic Services) and subject to a meeting with the Portfolio Holder and operator, to then finalise and agree detailed terms and to grant a lease of Accrington Market Hall and Pavilions to Northern Lights Group Limited (or a subsidiary company of the same set up for the purpose of the Accrington Market Hall project), for a term of up to 15 years, together with authority to complete all necessary ancillary documentation in connection with the same.**
- (3) That Cabinet notes the effects of entering the lease with the new operator for Accrington Market Hall and Pavilion as highlighted in Paragraphs 3.8, 4.7 and 5.1 of the report.**

**405 Market Trader Rent/Licence Fee Concessions**

The Cabinet considered a joint report of Councillor Kimberley Whitehead, Portfolio Holder for Culture, Heritage and Arts and Councillor Vanessa Alexander, Portfolio Holder for Resources and Council Operations, regarding continuing the support for market traders decanted into the temporary cabins on the market square through increased rent and licence fee concessions.

Councillor Whitehead provided a brief introduction to the report. She noted that Market Hall traders and the Official Accrington Stanley Supporter Trust (OASST) shop had temporarily relocated during the refurbishment works. This was likely to be completed at the end of this year. The Council had agreed to continue to provide financial assistance to these traders during this period of disruption, or until the Market Hall re-opened, whichever came first.

Councillors Walsh and Whitehead had met recently with another business affected by Levelling Up Funded projects, Chocky Mike's, about a possible move to Broadway. This would help to ensure that the majority of units on Broadway were filled. Councillor Walsh

commented that it was good to see that the Council continued to support local businesses in this way.

Councillor Khan welcomed the support provided to Market Hall traders, but expressed a hope that businesses would not come to expect and rely on subsidies over the longer term. The Leader noted the possibility that the Market Hall project could overrun slightly which might need to be taken into account for the purposes of ending all concessions/financial support granted to these traders.

*Approval of the report was not considered to be a key decision.*

#### Reasons for Decision

Trading conditions on the high streets were still extremely difficult and whilst some of the market traders on the square reported an improvement due to the market's temporary location, others had signalled a decline in footfall levels due to the redevelopment works around the town square, the weather conditions, general downturn in the economy and sharp rise in the cost of living. The Portfolio Holder had received requests from market traders asking the Council to revisit rent and service charges or risk some traders simply leaving the cabins as they were unable to make a living.

The Council had supported the market hall and outside traders over many years, mostly through rent concessions, (see below). The current leases for traders in the cabins on the town square would expire at the end of March 2025 so it was critical that new leases were agreed and signed prior to the start of the new financial year. The previous concessions were as follows:

- a 50% concession on rents and service charges for two months agreed in 2018
- a permanent reduction in rents of 13.4% agreed in 2019
- a 30% concession on rents for a period of three years agreed in 2020
- a 22.5% concession on rents for twelve months agreed in 2020
- an extension to the 22.5% concession on rents for a further six months agreed in 2021
- a further extension to the concessions on rents until 31<sup>st</sup> March 2023 agreed in late 2021
- a further extension to the concessions on rents from April 2023 to December 2023 agreed in early 2023
- a three-month period of free rent and service charges from January 2024 to support traders during the decant from the Market Hall into the temporary cabins on the town square agreed in late 2023.
- a further 10% rent concession on the already discounted market rents and standardisation of the service charge for the period up to 31<sup>st</sup> March 2025 agreed in late 2023.

The current rents and service charges for market traders in the temporary cabins on the town square were as follows:

- £9.31 per sqft per calendar month for cabin rent/licence fee.
- £9.00 per sqft per calendar month for cabin service charges.
- £25 per calendar month for trader storage unit located under the rear pavilion at the Market Hall (no utilities supplied to these storage units).
- £120.00 per calendar month as a combined rent and service charge for the trader who had a dedicated cold room & prep room.

Based on current trader numbers in the temporary cabins on the town square and on the current concession levels, this provided an annual income to the Council of circa £35,150 from cabin rents, £31,725 from service charges and £3,350 from storage unit rents.

It was proposed that the Council reduced the current level of cabin rent/licence fee by 100% (a zero-rent charge for the cabins), with all other charges remaining as per the current concession levels. If approved by Cabinet, this would result in the following charges applicable for all new lease agreements from 1<sup>st</sup> April 2025:

- £0.00 (zero charge) per calendar month for market cabin rent/licence fee
- £9.00 per sqft per calendar month for service charges.
- £25 per calendar month for trader storage units located under the rear pavilion at the Market Hall (no services provided to these storage units).
- £120.00 per calendar month as a combined rent and service charge for the trader who had a dedicated cold room & prep room.

Implementing this change would result in loss of income to the Council of circa £35k and assumed that traders would continue to pay the service charge and where applicable, storage unit rent, cold/prep room rent.

If approved, the further concession would be given on the same terms as the 2024/25 concession in that traders would be required to continue to pay all service charges and, where applicable, storage unit rents and any other payments via direct debit and adhere to the Council's Market Regulations.

The Council had assisted the OASST with relocating to a new location within the Arndale Centre as traders decanted from the Market Hall. It had proved greater value for money for the Council to support the Trust with its monthly rent payments for the unit in the Arndale Centre rather than a temporary market cabin on the town square. The Council had agreed to reimburse the Trust just their monthly rent of £275.41 (£3,301.68 for the financial year 2024/25). This agreement was coming to an end and the Council had been asked if it could continue to support the Trust with their rent again in the financial year 2025/26 whilst the Trust considered a permanent location. If approved this financial support would be in line with the other market traders in the temporary cabins on the town square. The Trust had confirmed its lease with the Arndale was on a 'rolling' 3-month agreement.

### State Aid/Subsidy Control

The proposed new leases were considered to be at less than market value, and as such, the proposed concession represented a subsidy to the traders concerned. Similarly, the Council would be providing a subsidy to OASST by meeting its rental costs. The Subsidy Control Act 2022 would apply, although the individual subsidies were likely to be exempt subsidies on the basis that they represented minimal financial assistance ("MFA") for the purpose of the Subsidy Control Act 2022. MFA subsidy could be given without the need to assess whether the subsidy complied with the subsidy control principles provided the amount of subsidy in the current financial year and the two preceding financial years did not exceed £315k. In this regard, the Council would be required to serve a pre-award notice on each of the traders before the leases/licences were completed to confirm the amount of the subsidy and seeking confirmation from the traders that the MFA threshold would not be exceeded. The leases/licences / rental subsidy could only be granted once the traders / OASST had responded and the Council would be required to serve a post award confirmation notice after completion to confirm the amount of subsidy provided by the

Council, the date it had been given and that it was minimal financial assistance for the purpose of the Subsidy Control Act 2022.

*Alternative Options considered and Reasons for Rejection*

The Council could let the current rent/licence fee concessions expire and traders find alternative locations to trade. However, this was not recommended because the indoor market hall was not anticipated to reopen until Q3 2025/26 or might slip into Q4, and whilst there was no guarantee all traders would wish to return / be accepted by the new market hall operator, the temporary cabins were not planned to be removed until Q3 or Q4.

The Council could look to retain the current level of concessions, rather than reduce the level. This was not recommended given the tough trading conditions whilst the town square development was ongoing, particularly as members wished to maintain a town centre market offering to residents and maintain footfall into the town centre.

**Resolved**

- (1) That Cabinet approves a 100% reduction to the current rent and licence fees applied to market traders in the temporary market cabins on the town square for a period of 12 months from 1<sup>st</sup> April 2025 or until the temporary market cabins are removed from the town square for the Market Hall reopening, whichever comes first, as detailed in Paragraphs 3.4 to 3.5 of the report.**
- (2) That Cabinet notes there are no concessions for the current storage unit rents or service charges for the temporary market cabins and these will still be payable at the current rates as detailed in Paragraph 3.3 of the report.**
- (3) That Cabinet notes the proposed rent concession will reduce income levels for the market budget next financial year by circa £35k and it is unlikely any efficiency or other cost savings within the market service budget will offset this.**
- (4) That Cabinet delegates authority to the Executive Director (Environment) in consultation with the Legal Services Manager and following consultation with the Portfolio Holder to finalise and agree terms of new leases and licence agreements for the market cabins and storage units in relation to the market traders on the town square.**
- (5) That Cabinet approves the continuation provision of financial support to the Official Accrington Stanley Supporters Trust, (OASST) in respect of their temporary unit within the Arndale Centre for a period of 12 months from 1<sup>st</sup> April 2025 or until the Market Hall reopening, whichever comes first, as detailed in Paragraph 3.6 of the report.**
- (6) That Cabinet delegates authority to the Executive Director (Environment) in consultation with the**

**Legal Services Manager and following consultation with the Portfolio Holder to finalise the terms of the financial support for OASST in respect of their rent payments.**

#### **406 Bullough Park Community Woodland Enhancement**

Members considered a report of Councillor Kimberley Whitehead, Portfolio Holder for Culture, Heritage and Arts, seeking approval to implement a scheme for new a community woodland at Bullough Park, creating a significant resource for people to enjoy and harnessing external resources for the benefit of the local area. This was also an opportunity to demonstrate positive climate action.

Councillor Whitehead provided a brief introduction to the report and highlighted the benefits of the £250k scheme, including the reduction in anti-social behaviour and off-road motorbike nuisance and future biodiversity plans. She thanked PCSO Mat Gill for his attention to this particular site and his work across the wider Spring Hill ward.

The Leader thanked Anne Hourican, Senior Environmental Initiatives Officer, for her work on this project and also expressed his gratitude to PCSO Gil. Councillor Khan noted that other wards had benefited from a similar approach to tackling anti-social behaviour and he hoped that this type of scheme could be rolled out further across the Borough.

*Approval of the report was not considered to be a key decision.*

#### Reasons for Decision

This was a significant, multi-benefit enhancement project at Bullough Park, Accrington, including new entrances and boundary treatments, woodland planting, wildflower meadow and wetland habitat creation and new surfaced footpaths to extend the 'all-ability' access network. It was on the middle plateau of Bullough Park, which was currently in a poor, waterlogged condition, and subject to repeated anti-social behaviour from motorbike trespass.

This was the largest current project in the TreeACTION community woodland programme, which was part of the climate action work of the Council, delivered in tandem with the Prospects Foundation. TreeACTION was all about enhancing the local area, enabling people to get involved in tangible climate action, with many benefits for nature, carbon capture and enhancing spaces for public enjoyment.

The 1<sup>st</sup> phase, starting in Spring 2025, was to create new entrances and boundary treatments to protect the site from persistent motorbike trespass. This was an essential pre-requisite to deter long-standing public nuisance and anti-social behaviour.

The project was supported by joint working with Lancashire Constabulary, the Prospects Foundation and Proffitts C.I.C. community design team, residents groups and extensive local engagement activity.

Support for the 1<sup>st</sup> phase entrance improvements included Police staff involvement, together with funding through the Lancashire Partnership Against Crime (LANPAC). Details of the purpose and funding for each of the three phases were included within Appendix 1 to the report. The Neighbourhood Policing Team would also follow up with increased patrols to help resolve public nuisance from unauthorised motorbike trespass.

#### Potential investment through grant bids

The overall project value was some £150K for Phases 1 and 2 in the short term, plus up to £100k for further enhancements in the medium term (Appendix 1 to the report refers). A number of grant bids were being made and phases of improvements would be progressed subject to availability of funding.

A key funding bid was to the Forestry Commission (FC), English Woodland Creation Offer (EWCO). A very well designed woodland creation proposal had been welcomed by FC support officers and was expected to bring investment as shown in Appendix 1 to the report.

All grant incomes would be ring-fenced and reserved for the improvements and ongoing maintenance of the scheme to ensure its success.

### Potential local involvement

An improved site, with local people actively involved, would help to reduce problems that would otherwise arise when land was unused and uncared for, as most of this land was currently.

Local involvement from the outset would also bring the potential for effective community management arrangements to complement basic maintenance operations.

The scheme had been very strongly welcomed by local people.

- 93% of respondents had said that they liked the improvements suggested.
- 93% of respondents had also told the Council that they, and their families, would be more likely to visit Bullough Park in the future if the changes were made because they felt it would be more attractive, there would be more colour and wildlife, and because the park would be safer and have improved access.

### *Alternative Options considered and Reasons for Rejection*

One option was to do nothing. This would miss out on potential for external support to provide an enhanced recreation, community and environmental asset. There would be public disappointment as the proposal had received extensive local support. Anti-social behaviour would continue and staff time (HBC and Police) would be wasted in handling complaints.

A second option was to do a reduced scheme limited to the funding that was available. The scheme had been designed to enable phased implementation with priority elements being done in Phase 1 and Phase 2. This allowed the possibility of some elements being progressed later as further funding was secured.

### **Resolved**

**- That Cabinet agrees:-**

- (1) To support the implementation of the woodland and access improvements to Bullough Park, Accrington, proposed in Section 3 of the report as part of the Bullough Park community woodland, “the scheme”, subject to funding being available.**

- (2) To delegate authority to the Head of Planning and Transportation, in consultation with the Portfolio Holder, to apply for grants in respect of the scheme, as shown in Paragraph 3.6 and Appendix 1 of the report, and to implement the scheme in phases subject to the availability of funding.**
- (3) To delegate authority to the Head of Planning and Transportation, in consultation with the Executive Director (Legal and Democratic Services) and the Portfolio Holder, to enter into grant agreements in respect of the scheme.**
- (4) To agree Hyndburn Borough Council budget provision of £9,000 to strengthen the measures to be carried out in Phase 1 of the scheme.**
- (5) To agree that all grant income received in connection with the scheme is ring-fenced and accrued for the creation and ongoing maintenance of the Bullough Park community woodland scheme.**
- (6) To support joint working with external organisations to encourage local involvement with the woodland creation and other enhancements at Bullough Park, subject to necessary insurances being in place and appropriate risk assessments being carried out.**

#### **407 Taxi Testing**

Members considered a report of Councillor Melissa Fisher, Deputy Leader of the Council and Portfolio Holder for Housing and Communities, informing Cabinet about the proposal to externalise taxi testing in Hyndburn.

Councillor Fisher provided a short introduction to the report, in which she explained that the Council had been listening carefully to the taxi trade. The intention was to introduce new policies and procedures, which would maintain high safety standards while giving more choice to operators, obtaining better value for money through competition and supporting local garage businesses.

*Following her introduction to the report Councillor Fisher withdrew from the meeting and did not take part in the moving of the recommendations, debate or vote on this matter.*

The Leader commented that, subject to Council approval to the Cabinet's recommendations, the responsibility for drafting the detailed arrangements would be delegated to the Licensing Manager. The newly appointed person had experience of this type of arrangement having formerly been employed by Preston City Council, which currently had an externalised testing service. Councillor Aziz noted that externalisation would increase local choice for taxi operators and might dissuade them from obtaining taxi

vehicle licences out of the Borough. Councillor Khan expressed a view that monitoring of standards was essential and that he would wish to see regular reports provided to councillors to maintain oversight of these arrangements.

*Approval of the report was not considered to be a key decision.*

#### Reasons for Decision

Provisions within the Local Government (Miscellaneous Provisions) Act 1976 permitted district councils to grant licences to any vehicle proprietor to use the vehicle as a hackney carriage or private hire vehicle.

Under Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 any hackney carriage or private hire vehicle licensed by a district council had to present for inspection and testing on no more than three occasions during any one twelve month period. The primary reason for this legislation was to maintain public safety, both in respect of taxi passengers and other road users.

Currently in Hyndburn vehicles up to the age of 2 years when tested would be issued with a 12 month licence. Any car over the age of 2 years of age would be required to pass the Council's vehicle examination test twice yearly and would be issued a 6 month licence each time. When a vehicle reached 15 years of age it would be subject to the Council's vehicle examination test three times per year and would be issued with a 4 month licence each time.

The inspection and testing was currently undertaken by staff employed by the Council and based at the Council's Vehicle Maintenance Unit (CVMU) located on Library Street in Church. The tests were booked via the Council's licensing team.

In addition to the standards required for a class 4 MOT test by the Driver and Vehicle Standards Agency (DVSA), the Council had additional supplemental standards which vehicles must pass in order to be licensed by the Council. The supplementary testing manual supplemented the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing and had been established so as to ensure that all vehicles licensed by Hyndburn Borough Council were of a high standard and were suitable, safe and fit to be licensed by this authority to transport members of the public. The additional elements of the supplementary testing manual were essential as there were certain criteria that a licensed vehicle must meet over and above the MOT standards. For example, all licensed vehicles must have 4 doors. A vehicle with only 2 doors would not fail an MOT on that criteria, but it would not be suitable to be licensed as a private hire or hackney carriage vehicle.

The Council currently issued a Certificate of Compliance (COC) to all vehicles that had reached the MOT standards as well as those set out in the supplementary testing manual. The COC was a certificate that the DVSA permitted only local authority employees to issue when testing at a local authority premises. The COC exempted the licensed vehicle from requiring a class 4 MOT.

If a vehicle failed any part of the class 4 MOT test, including any elements of the supplementary test it would not be issued with a compliance certificate, and would not be licensed until it had fully passed the test.

All re-tests would have to take place within ten working days of the original test otherwise a full taxi test would be required at the full test taxi fee. Only one re-test was permitted per vehicle, thereafter a full taxi test was required and a full test fee charged.

The vehicle was required to be presented in a clean and tidy condition. If the vehicle was not presented in a clean and tidy condition, so that all items could be tested, the test would not go ahead and the vehicle would need to be rebooked in and the test paid for again.

Cabinet proposed to change the current requirement for taxis to be tested at CVMU and to invite local garages located within the Borough of Hyndburn to apply to be on a list of approved sites available to the taxi trade to use for tests.

This proposal would require a change in policy as the private garages were not able to issue a COC. It was envisaged that a private garage would issue an MOT certificate and then carry out a part 2 test to ensure the vehicle complied with the requirements set out in the supplementary testing manual in order to be licensed.

### Objectives

The objectives for this proposed change in policy were:

- To provide more choice and flexibility for the taxi trade;
- To support local garages and bring more business into the Borough; and
- To stimulate competition and potentially get a better value for money service.

### Information

Should Cabinet decide to externalise taxi testing the Council would advertise for garages located within the Borough of Hyndburn, who met the necessary criteria, to apply to the Council to be on the approved list. The Council would also need to put together a new policy in respect of the arrangement for designation of garages to carry out taxi testing, including reporting and monitoring arrangements and the grounds for removal of designation should the Council be dissatisfied with the performance of a particular garage.

Taxi proprietors would then directly contact the garages on the approved list and book an appointment for the taxi test. Taxi testing would cease at CVMU.

When a vehicle had passed both the MOT and the part 2 test the private garage would send a copy of both certificates to the Council's licensing team who would then issue the licence. This was different to the current process and the licensing team would need to review and amend its current administration procedures to facilitate this proposed change. Taxi licensing fees would also need to be reviewed in light of the proposed changes.

### *Alternative Options considered and Reasons for Rejection*

Keeping the status quo. This would give the Council greater control over the taxi testing process and fees charged. It would also give greater certainty that the necessary standards were being met and applied consistently. However, this approach did not meet the objectives set out in Paragraphs 3.12 to 3.14 of the report.

### **Resolved**

- (1) That Cabinet notes the report.**
- (2) That Cabinet, having considered the information set out in the report, agrees to propose the externalisation of taxi testing in Hyndburn.**

- (3) That Cabinet recommends to full Council that taxi testing be externalised and that it delegates authority to the Council's Licensing Manager, in consultation with the Portfolio Holder, to draft the proposed new policy for consideration by the Council, such policy to include the Council's criteria for designation as a testing station, the application process, arrangements for standards monitoring and criteria for removal of designation from poorly performing garages.**

*Agenda Items 16 to 19 on Supplemental Agendas Nos.2 to 4 were taken next at the meeting, these being in Part B.*

#### **408 Oswaldtwistle Civic Theatre Working Group**

The Council considered a joint report of Councillor Kate Walsh, Portfolio Holder for Sustainability and Families, and Councillor Kimberley Whitehead, Portfolio Holder for Culture, Heritage and Arts, proposing the creation of a non-decision making working group to monitor progress in respect of Oswaldtwistle Theatre and to report to Cabinet in respect of the same.

Councillor Whitehead provided a brief introduction to the report. Councillor Khan noted that the draft terms of reference provided for five councillors and reported interest from Councillor Josh Allen in taking up a seat. He also requested a second Opposition seat, if possible. The Leader confirmed that the working group would include cross-party representation, but that the proportionality was still to be determined.

*Approval of the report was not considered to be a key decision.*

#### Reasons for Decision

The Cabinet was committed to progressing the refurbishment of the Oswaldtwistle Civic Theatre, which was currently in a poor physical condition and closed to the public. Given public interest in the building, Cabinet was keen to promote wide-ranging dialogue about the future of the Civic, harnessing the enthusiasm of local stakeholders to provide an element of external challenge, ideas and oversight.

It was therefore proposed that a non-decision making working group be established as set out in Appendix 1 to the report, which would meet four times a year. The working group would be advisory only and would report to Cabinet. The political groups and external organisations would be invited to nominate members of the working group for approval at the next Cabinet meeting. Those nominated would be advised of the requirement to declare conflicts of interest. As the working group would hopefully play a part in shaping future management arrangements for the Civic, those nominated for membership would be advised that participation in the working group might prevent them from bidding to run the Civic (or be involved in its future management) and from bidding for contracts relating to the proposed repair and refurbishment work.

#### *Alternative Options considered and Reasons for Rejection*

Cabinet could decide not to create the proposed working group and to monitor progress in respect of the Civic Theatre via existing arrangements, but this would not bring the element of external oversight and challenge.

## Resolved

- **That Cabinet approves the establishment of the Oswaldtwistle Civic Theatre Working Group, with the terms of reference as set out in Appendix 1 attached to the report.**

### 409 Huncoat Garden Village

Members considered a report of Councillor Melissa Fisher, Deputy Leader of the Council and Portfolio Holder for Housing and Communities, updating Cabinet on the Huncoat Garden Village (HGV) project and advising Cabinet on the next key steps of the project.

Councillor Fisher provided a brief introduction to the report, highlighting the overall aims of the project, key features of the development, the overall funding and potential risks. She commented that Councillor Parkins (Huncoat Ward) had requested completion of the access road prior to any development on site. Councillor Khan added that Councillor Cassidy, (Huncoat Ward) had expressed the same view.

Mark Hoyle, Head of Regeneration and Housing, reported that Homes England required the Council to enter into an agreement with them by the end of March 2025. A final draft of the agreement had recently been received from Homes England, but this had included some last minute changes which required urgent consideration by the Council and which might alter some of the conclusions as set out in the report now presented, particularly in relation to the risk register at Appendix 2 to the report. Any significant variations would be discussed with the Leader and relevant Portfolio Holder. Notwithstanding this, the report remained relevant and its formal recommendations were unchanged. Councillor Khan requested a copy of any updates to the risk register following the above-mentioned review.

*Approval of the report was not considered to be a key decision.*

#### Reasons for Decision

On the 30<sup>th</sup> October 2024 Cabinet had agreed to accept Homes England's offer of £29,897,722 for the HGV project towards infrastructure costs. Cabinet had also delegated authority to the Head of Regeneration and Housing in consultation with the Leader of the Council and Portfolio Holder, and following consultation with the Executive Director (Legal and Democratic Services) to negotiate and enter into a grant funding agreement (for Brownfield, Infrastructure and Land [BIL]) with Homes England. A summary of the main terms of the Grant Funding Agreement was included at Appendix 1 to the report.

The funding provided key infrastructure and enabling funding for the development of 1,816 new homes at Huncoat over the next 15-20 years. The overall investment from the project was estimated at £463.24 million. The BIL funding of just under £30 million was for the following specific items:

- A new 1.1km residential relief road connecting Huncoat directly with the A56, such road to be constructed by the Council and subsequently adopted by Lancashire County Council;
- Land acquisition to enable the delivery of the new residential relief road
- Brownfield land remediation on the former colliery and power station sites;
- A contribution towards improvements to junction 8 on the M65 motorway (and potentially towards improvements to the Shuttleworth Mead junction) to alleviate traffic pressures arising from the residential development.

The project would have significant regeneration and growth benefits for Hyndburn by diversifying the housing offer, and providing modern housing in a high quality environment. The scale of development supported the Council's and Lancashire's wider economic growth plans and would provide access to open space and new recreational and sport facilities.

### Project Update and Progress

Since Cabinet's decision to accept Homes England's grant offer, the authority had been negotiating and putting together the grant funding agreement terms with Homes England. Terms were almost agreed with Homes England and the Council expected to enter into the grant funding agreement before the end of March 2025. The main agreement incorporated the following key strategies which formed the overall grant funding agreement with Homes England:

- Delivery Programme;
- Expenditure Forecast;
- Cost Plan;
- Land Acquisition Strategy;
- CPO Strategy;
- Recovery Strategy;
- Viability Appraisal;
- Valuation;
- Output Delivery Strategy (Housing );
- Procurement Strategy;
- Risk Register;
- Governance Strategy;
- Professional Team Strategy;
- Approach to Subsidy Control;
- Funding Strategy; and
- Cost Overrun Strategy .

A summary of the key terms of the grant funding agreement was included as Appendix 1 to the report.

Preparation of a full planning application and Environmental Impact Assessment (EIA) for the proposed new residential relief road was complete and the full application had been submitted on the 21<sup>st</sup> March 2025. The application was expected to be validated soon.

A two stage tender process was being used to procure a contractor to construct the proposed new residential relief road. Stage 1 of the process was complete and a preferred contractor had been selected to construct the proposed road. The Stage 1 process had also provided an initial contract cost. The preferred contractor would now work with the Council on fine-tuning the final design of the road (RIBA Stage 4), which in turn would finalise the cost of the proposed new road.

National Highways were making positive progress with improvement plans for Junction 8 of the M65 Motorway. The junction was currently considered at full capacity. National Highways had completed design work for Junction 8, which had been modelled and showed that the improvement works could be implemented and improve traffic flow and safety at Junction 8. The modelling had also shown that improvements at the Shuttleworth Mead junction, north of J8 on the A6068 where it met with the A678, also needed to be implemented. Discussions were taking place with Lancashire County Council about the timing and implementation of improvements at Shuttleworth Mead, but the proposed

funding agreement with National Highways would allow for some or all of the grant to be used in connection with Shuttleworth Mead if not required in connection with Junction 8.

The Council proposed to pay £2.19 million of the Homes England funding to National Highways as a contribution towards the improvement works at Junction 8. This would be by the way of an agreement made pursuant to section 274 Highways Act 1980. This agreement was at an advanced stage, with terms close to agreement. The Council expected to enter the agreement with National Highways by mid-April 2025.

Liaison with land owners and house builders had continued, to ensure that new house building came forward once all the new and improved infrastructure was in place. Discussions and negotiations with key landowners were expected to proceed at pace once the Council entered the grant funding agreement with Homes England (referred to at Paragraph 3.4 of the report). There would be three forms of agreement put in place with landowners, as follows:

- Where land owners benefited from grant towards land remediation with subsequent house building. Terms would include arrangements for remediation of the land, equalisation arrangements and S106 funding;
- Where the Council acquired land for construction of the proposed new relief road; and
- Where house building would take place, but no grant funding was paid, but arrangements for equalisation and S106 arrangements were required.

On the 10<sup>th</sup> March 2025 the new, draft Local Plan 2021-2040 had been submitted to the Secretary of State for independent examination. This submission marked a significant milestone in the Council's efforts to shape the future development of the Borough, including policy direction and support for Huncoat Garden Village.

### Project Risks

A project of this size and scale came with a number of risks. The risks were identified in the table attached to the report at Appendix 2. These should be read and considered in conjunction with the legal summary at Appendix 1 of the report.

The report to Cabinet on the 30<sup>th</sup> October 2024 included analysis of the most significant risks the project presented to the Council, together with mitigation measures. These had been updated in the table provided at Appendix 2 of the report. All risks remained under constant review and members would be kept advised of the risk position as the project progressed.

*There were no alternative options for consideration or reasons*

### **Resolved**

#### **- That Cabinet:**

- (1) Notes and welcomes progress with the Huncoat Garden Village project.**
- (2) Notes the summary of the key provisions of the Grant Funding Agreement at Appendix 1, and the updated Risk Register at Appendix 2 of the report.**

*Councillor Scott Brerton gave his apologies and left the meeting at this point.*

## 410 Housing Renewal Assistance Policy

*In accordance with Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was granted by Councillor Josh Allen, Deputy Mayor, (in the absence firstly of the Chair of the Resources Overview and Scrutiny Committee and secondly of the Mayor), to the following decision being made by Cabinet on 26<sup>th</sup> March 2025, under the special urgency provisions for key decisions, on the grounds that the decision was urgent and could not reasonably be deferred.*

*Approval was also obtained from the Deputy Mayor (in the absence of the Mayor) to the disapplication of the call-in procedure on the grounds of urgency, in accordance with Overview and Scrutiny Procedure Rule C14.*

Members considered a report of Councillor Melissa Fisher, Deputy Leader of the Council and Portfolio Holder for Housing and Communities, seeking Cabinet's approval for a new Housing Renewal Assistance Policy. The report advised upon the Council's power under The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 which provided local authorities with wide ranging powers to provide assistance for the purpose of improving living conditions in their area. A summary of changes to the existing policy and reasoning behind them was also included.

Councillor Fisher provided an outline of the report.

*Approval of the report was considered to be a key decision.*

### Reasons for Decision

The Regulatory Reform (England and Wales) (Housing Assistance) Order 2002 (the RRO) granted a general power to local authorities to provide "assistance" "in any form" "to any person", to improve, repair, adapt or rebuild residential premises.

This Order required the Council to adopt a housing renewal policy setting out what forms of discretionary financial assistance they would provide to address local needs.

The RRO acknowledged that it was primarily the responsibility of private sector owners to maintain their own property, but recognised that some owners, particularly the elderly and most vulnerable, did not have the necessary resources to repair or improve their homes. Local authorities therefore, subject to resources, had an important role to play in providing assistance in these cases.

Hyndburn's current Housing Renewal Policy had last been reviewed in 2019.

Following a recent review, a new Housing Renewal Assistance Policy was proposed (as set out at Appendix 1 to the report) which identified the forms of assistance, including financial assistance that would be available from the Council to assist vulnerable occupiers in all tenures (including disabled people) to improve or adapt their homes, the eligibility criteria for assistance and the terms upon which this assistance would be provided.

The Council funded housing renewal activity and assistance through the Capital Programme. Due to austerity measures, including public sector funding cuts, there was very little money now available to support housing renewal activity. However, one area where funding was increasing was for disabled facilities grants (DFG's). In 2025/26, the

Council was due to receive £1,359,906 for DFG's, which was allocated through the Better Care Fund (BCF).

The BCF was a programme spanning both the NHS and local government which sought to join-up health and care services, so that people could manage their own health and wellbeing, and live independently for as long as possible. This fund was allocated to upper tier authorities (i.e. Lancashire County Council) then passed on to the Districts under ring-fencing arrangements.

DFG funding could be used beyond mandatory DFG's to support vulnerable households remaining in their existing homes. The new Housing Renewal Assistance Policy, subject to approval, would allow the Council to continue to use DFG funding to support wider measures.

The policy also supported two key corporate priorities:

- Health and well being; and
- Domestic home energy reduction.

Changes were proposed to the current policy to ensure the Council had an updated policy in place which was appropriate to help improve household living conditions within the Borough's housing stock through various grants which were available and targeted at the most vulnerable groups – either defined by age, income or disability.

The report included a summary of 14 proposed changes to the policy.

#### *Alternative Options considered and Reasons for Rejection*

The Council was required to have a RRO Policy in place in order to provide various forms of housing assistance and therefore not having a policy was not an option.

**Resolved** - **That Cabinet approves Hyndburn's new Housing Renewal Assistance Policy, set out at Appendix 1 to the report, with the same to take effect from 1<sup>st</sup> April 2025.**

#### **411 Lease of Mercer Hall to Hyndburn Leisure**

*Approval was obtained from the Chief Executive (in the absence firstly of the Mayor and secondly of the Deputy Mayor) to the disapplication of the call-in procedure on the grounds of urgency, in accordance with Overview and Scrutiny Procedure Rule C14.*

The Cabinet considered a report of Councillor Noordad Aziz, Deputy Leader and Portfolio Holder for Transformation, Education and Skills, seeking approval to enter a new 15-year lease of Mercer Hall, Great Harwood with Hyndburn Leisure.

Councillor Aziz provided a brief introduction to the report. The new lease would help to secure funding for the development of modern facilities at Mercer Hall.

*Approval of the report was not considered to be a key decision.*

Reasons for Decision

Mercer Hall was located in the Great Harwood Conservation Area of Lancashire and did not have charitable status. In 2002, the Council had leased Mercer Hall to Hyndburn Leisure for a term of 25 years in a lease that had also included Hyndburn Sports Centre in Accrington. That lease remained in force.

Mercer Hall was a vital community asset that faced increasing challenges. Built in the early 19<sup>th</sup> century with Greek-inspired architecture, it had been an integral part of Great Harwood's heritage and public life. However, in recent years, the closure of its swimming pool, structural issues, and declining use had threatened its long-term viability.

To support this effort, a range of studies, including structural surveys and building appraisals, had been conducted. A repurposing group with local stakeholders had been formed, and public consultation had revealed strong community support for the facility's revitalisation. Mercer Hall's redevelopment was expected to be phased, with initial efforts focused on structural repairs and accessibility improvements.

Hyndburn Leisure had secured grant funding of £250,000 from the Community Ownership Fund (COF) for immediate repairs and improvements, and additional funding was being pursued through organisations such as the Lancashire Environment Fund, and the National Lottery Heritage Fund. This grant would enable the initial phase of works to be completed and future phases would require larger funding applications to fully realise the building's potential.

The grant from the Community Ownership Fund (COF) was to repurpose the building and address some of the building's defects. COF had indicated that the funding offer would be subject to conditions and that COF were likely to require the registration of a legal charge or a restriction against the title to Mercer Hall to prevent a sale or change of use of the same unless they consented and / or received repayment of all or part of the grant. It was likely that similar conditions would apply to any grant funding received from other sources, such as the National Lottery.

The success of Mercer Hall's repurposing would depend on continued community engagement, careful planning, and securing the necessary funding to ensure the building's preservation and its future role in enhancing the well-being of local residents.

Following a successful bid to COF, Hyndburn Leisure had developed a strategic plan for the initial phase of repurposing and reopening Mercer Hall. This phase aimed to ensure the facility was operational while future plans and funding applications were pursued.

This phase included the following key initiatives:

- Installing a structural floor over the existing pool to create a versatile, publicly accessible space;
- Implementing effective pigeon deterrent measures; and
- Decommissioning obsolete equipment to improve safety and efficiency.

The COF funding ensured that Mercer Hall could remain open, allowing it to continue offering a diverse range of activities for the community while future phases were planned and developed. Although this funding was just a stepping stone toward securing Mercer Hall's long-term future, it played a crucial role in preventing its closure.

In order to draw down this funding, COF required Hyndburn Leisure to have a lease of Mercer Hall which had at least 15 years remaining. This was not the case with Hyndburn Leisure's current lease, and it was proposed that Hyndburn Leisure be permitted to

surrender their current lease in so far as it related to Mercer Hall (with the existing lease continuing in so far as it related to Hyndburn Sports Centre).

It was proposed that Hyndburn Leisure would be offered a lease on the following terms:

- A full repairing and insuring lease for a term of 15 years;
- At a peppercorn rent, with no premium; and
- A rolling landlord and tenant's option to terminate the lease, subject to the giving of not less than 6 months' notice by either.

The Council's Property Services Team had conducted a valuation, in accordance with guidelines and Practice Statements set out in the RICS Valuation Global Standards, in November 2021 by a corporate member of the Royal Institution of Chartered Surveyors who had the appropriate knowledge, skills, and understanding to carry out the valuation with the competence and due diligence expected of a qualified valuer.

In applying the valuation methodology the following values had been determined:

#### Market Value

- Scenario 1 – £ 350,000 (Three Hundred and Fifty Thousand Pounds), a sale in the open market.
- Scenario 2 – Market Value subject to a letting to Hyndburn Leisure on the terms outlined above. £350,000 (Three Hundred and Fifty Thousand Pounds)
- Scenario 3 – Market Value subject to a letting to Hyndburn Leisure on the terms outlined above, but with a COF restriction or charge on title. £120,000 (One Hundred and twenty Thousand Pounds)

#### Market Rent

- Scenario 1 – A letting in the Open Market. £nil (No Pounds)
- Scenario 2 – A letting to Hyndburn Leisure, with no COF restrictions. £nil (No pounds).
- Scenario 3 – A letting to Hyndburn Leisure, with COF restrictions. £Nil (No Pounds).

In summary, applying the valuation methodology the following values had been determined:

- a. An unrestricted value of £350,000 assuming a sale on the open market without conditions as to usage.
- b. A value of nil assuming a lease on the terms proposed and including the proposed limitations as to future use.

It was not considered that the terms of the proposed lease to Hyndburn Leisure constituted subsidy for the purpose of the Subsidy Control Act 2022 (further details of which were set out at Paragraph 6 of the report).

#### *Alternative Options considered and Reasons for Rejection*

The Council could decide not to offer a new lease of Mercer Hall to Hyndburn Leisure. This was not recommended, as it was a key requirement of the COF funding that Hyndburn Leisure had a 15-year lease on this site. In addition, access to further sources of external funding were likely to require Hyndburn Leisure to have an interest in the building of at least this length.

**Resolved**

- (1) That Cabinet agrees to accept a surrender of that part of the lease between the Council and Hyndburn Leisure dated 1<sup>st</sup> April 2002, which relates to Mercer Hall in Great Harwood and notes that the lease will continue in force in respect of Hyndburn Leisure Centre; and**
- (2) Subject to the surrender referred to in Paragraph (1) above, Cabinet agrees to grant a lease of Mercer Hall in Great Harwood to Hyndburn Leisure on the terms outlined in Paragraph 3.10 of the report and delegates authority to the Head of Regeneration and Housing, following consultation with the Executive Director (Legal and Democratic Services), to agree the terms of the proposed new lease and to complete the same.**

**412 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**

**413 Oswaldtwistle Theatre - Resilient Theatres: Resilient Communities Year 3 Grant**

*In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Councillor Josh Allen (in the absence firstly of the Chair of the Resources Overview and Scrutiny Committee and secondly of the Mayor) confirmed his agreement to the following decision may be made by Cabinet on 26<sup>th</sup> March 2025 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 noted that the full details of a grant offer were currently embargoed.

Councillor Kimberley Whitehead, Portfolio Holder for Culture, Heritage and Arts, gave a brief introduction to the report. Representatives of the Council had met with the funding organisation on site, on Friday 20<sup>th</sup> March 2025. The meeting had been very productive and had given the funders a good understanding of the local area and of the overall condition of the building. Councillor Aziz noted the importance of this asset to the people of

Oswaldtwistle and to the wider Borough. In response to a question from Councillor Khan, Councillor Whitehead indicated that the anticipated grant funding had enabled existing Council funding set aside for the Civic Theatre to be reassigned to focus on dry rot issues.

Approval of the report was not considered to be a key decision.

*Reasons for Decision*

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

*Alternative Options Considered and Reasons for Rejection*

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

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

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed