

Agenda



HYNDBURN

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Council

Thursday, 25 September 2025 at 7.00 pm,
Council Chamber, Town Hall, Accrington

Membership

Councillor Josh Allen (Mayor) in the Chair,
Councillors Judith Addison, Vanessa Alexander, Heather Anderson, Noordad Aziz, Mike Booth,
Scott Brerton, Stephen Button, Danny Cassidy, Andrew Clegg, Jodi Clements, Loraine Cox,
Paul Cox, Munsif Dad BEM JP, Bernard Dawson MBE, Stewart Eaves, Peter Edwards,
Shabir Fazal OBE, Melissa Fisher, Andy Gilbert, Marlene Haworth, David Heap, Zak Khan,
Clare McKenna, Dave Parkins, Joyce Plummer, Kath Pratt, Clare Pritchard, Ethan Rawcliffe,
Steven Smithson, Tina Walker, Kate Walsh, Kimberley Whitehead, Clare Yates and
Mohammed Younis

A G E N D A

1. **Apologies for absence**
2. **Declarations of Interest and Dispensations**
3. **Announcements**
 - a) Mayor
 - b) Leader of the Council
 - c) Chief Executive
4. **Confirmation of Minutes** *(Pages 5 - 34)*



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Published on Wednesday, 17 September 2025

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To confirm as correct, the minutes of the meeting of the Council held on 10th July 2025.

5. Question Time *(Pages 35 - 40)*

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

Details of any eligible questions received will be circulated following the expiration of the deadline for the receipt of questions. Questions must be submitted by no later than 12noon on Monday 22nd September 2025. (Report attached)

Rules of Debate

- Up to 30 minutes will be allowed for this item.
- Questions will be put by the chair of the meeting and will receive an oral answer.
- Questions which cannot be put within the allotted time will receive a written answer within 10 working days.

6. Appointments to Committees *(Pages 41 - 42)*

The Council has duty to give effect to the wishes of a political group in relation to appointments to committees and other bodies in accordance with s16(1) Local Government and Housing Act 1989.

Details of any requests received from the various political groups for consideration will be made available at the meeting (see Addendum attached).

7. Rules Regulations and Procedures for Hackney Carriage and Private Hire Licensing - Amendment / Mechanical Testing of Hackney Carriages and Private Hire Vehicles *(Pages 43 - 176)*

Report attached.

8. Minutes of Cabinet *(Pages 177 - 256)*

To receive the Minutes of the Cabinet meetings held on 26th March, 30th July and 10th September 2025 (attached).

Rules of Debate

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

9. Minutes of Committees (Pages 257 - 294)

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

Rules of Debate

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

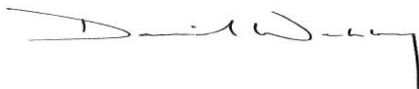
Meeting (Municipal Year 2025/26)	Date
Planning Committee	11 th June 2025
Judicial Committee (Private Hire and Hackney Carriage Licensing)	8 th July 2025
Planning Committee	9 th July 2025
Communities and Wellbeing Overview and Scrutiny Committee	14 th July 2025
Special Scrutiny Committee	16 th July 2025
Resources Overview and Scrutiny Committee	23 rd July 2025
Cabinet Committee (Street Naming)	6 th August 2025
Planning Committee	20 th August 2025
Planning Committee	3 rd September 2025

10. Motion(s) submitted on Notice (Pages 295 - 298)

Report attached.

Rules of Debate

- Each motion shall be debated for no more than 20 minutes before being put to the vote.
- No more than one and a half hours in totality shall be allowed at each meeting for the debate of all motions.



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

Wednesday, 17 September 2025

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COUNCIL

Thursday, 10th July, 2025

Present: Councillor Josh Allen (Mayor), Councillors Judith Addison, Vanessa Alexander, Heather Anderson, Noordad Aziz, Scott Brerton, Stephen Button, Danny Cassidy, Andrew Clegg, Jodi Clements, Loraine Cox, Paul Cox, Munsif Dad BEM JP, Bernard Dawson MBE, Stewart Eaves, Peter Edwards, Shabir Fazal OBE, Melissa Fisher, Andy Gilbert, Marlene Haworth, David Heap, Zak Khan, Clare McKenna, Dave Parkins, Joyce Plummer, Clare Pritchard, Ethan Rawcliffe, Steven Smithson, Kate Walsh and Clare Yates

Apologies: Councillors Mike Booth, Kath Pratt, Tina Walker, Kimberley Whitehead and Mohammed Younis

The Mayor welcomed everyone to the meeting and made brief statement about the filming of proceedings and generally within the Town Hall, followed by a fire safety announcement.

He also sought the consent of the meeting to take the Corporate Strategy report (Item 11 on the Supplemental Agenda) earlier in the meeting. The Council agreed to this item being considered immediately following Item 6 (Review of Allocation of Seats).

79 Apologies for absence

Apologies for absence were submitted on behalf of Councillors Mike Booth, Kath Pratt, Tina Walker, Kimberley Whitehead and Mohammed Younis.

80 Declarations of Interest and Dispensations

In connection with Agenda Item 10 (Motion 2) – Reforming UK Maternity Services, Councillor Clare Yates made the meeting aware that she was a serving NHS senior midwife.

There were no formal declarations of interest or declarations of dispensations submitted.

81 Announcements

There were no announcements from the Mayor on this occasion.

The Leader of the Council, Councillor Munsif Dad BEM JP, made the following announcements:

1) Devolution and Local Government Reorganisation

Local Government Reorganisation was moving forward at a pace. Consultants had been engaged to lead the process in Lancashire. Phase 1 would involve data analysis in close collaboration with all local councils. Phase 2 would see the development of clear proposals and specific options for either three (Hyndburn's preferred option) or four unitary authorities. The structures should be effective, have a strong identity, provide community impact and

sustainability. The submission to Ministry of Housing, Communities and Local Government (MHCLG) was due to be made on 28th November 2025.

Overall, the changes were designed to better meet the needs of the population. Local council leaders were continuing to collaborate and everyone would have a voice. The Leader undertook to keep members informed as to progress.

2) Oswaldtwistle Civic Theatre

The Leader reported that the Council had recently allocated £517k for roofing works at the Civic Theatre. £10k had also been received from Theatres in Trust to pay for a survey of the roof, advice and works. The building was a complex structure and would need scaffolding to enable roof works to be undertaken. The slates would need to be stripped off and batons removed. These would be reused, if possible. Work would be required to roof lights, insulation, guttering, drain pipes and for timber treatment. The aim was to make the structure waterproof. The tender would be let next week with work due to commence in Autumn for completion in December 2025, subject to the survey not uncovering any hidden problems.

Some treatment for dry rot in the building had already been carried out, but no other works were planned yet beyond what was described above. A detailed project plan would be required, funding identified and a strategy developed for the Civic Theatre's future use.

With the permission of the Mayor, the Deputy Mayor, Councillor Noordad Aziz, made the following announcement:

3) Srebreneca Commemoration

The Deputy Mayor reminded members that the Council had previously passed a motion against islamophobia and that 11th July 2025 marked the 30th anniversary of the genocide around the town Srebreneca, during which over 8000 Bosnian Muslim men and boys were systematically murdered. The Deputy Mayor had visited that area three times over the years. Councillors were invited to highlight injustice and atrocities wherever they occurred.

As part of the above commemoration, Councillor Aziz had attended an event held at St Paul's Cathedral London on 16th July 2025, during which survivors, political leaders, religious dignitaries and community representatives had gathered to pay their respects.

With the permission of the Mayor, the Leader of the Opposition, Councillor Zak Khan, made the following announcement

4) Air and Army Cadets Headquarters

Councillor Khan reported that, along with the Mayor, he had recently attended the official opening of the new headquarters of the Borough's Air and Army Cadets on Harvey Street, in Oswaldtwistle. Councillors had met with numerous cadets on what had proved to be an enjoyable occasion. It was hoped that the Council would continue to support the various Cadets' organisations in the Borough.

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

82 **Confirmation of Minutes**

The Minutes of the Annual Council and Special Council meetings both held on 15th May 2025 and the Mayor Making Meeting held on 31st May 2025 were provided.

In respect of Minute 6 – Confirmation of Minutes (Minute 417), Councillor Steven Smithson noted that progress had been made in relation to continuing the skip days and he thanked Councillor Stewart Eaves, Portfolio Holder for Environmental Services, and officers. He also asked if the community beat sweeps would be reintroduced. In response, Councillor Eaves considered that it might be possible to carry out community beat sweeps too.

In connection with Minute 6 – Confirmation of Minutes (Minute 416), Councillor Smithson enquired if the Council intended to cancel the 2026 local elections. Councillor Munsif Dad indicated that it was a matter for the Government to determine whether those elections would be held. He stated that he was not aware of any proposals to cancel the elections.

Regarding Minutes 17 and 25 – Appointment of and Conferment of the Titles of Honorary Aldermen and Freeman, the Leader of the Council remarked that all recipients had attended the Mayor Making meeting and luncheon event, which had been an excellent day. The individuals appointed were the right choice for the honours and the Council would continue to consider other community champions for these awards next year.

In respect of Minute 6 – Confirmation of Minutes (Minute 427(3)), Councillor Paul Cox asked if there was any further information about Accrington Stanley FC, as residents continued to make enquiries about the club's situation. He had previously received a verbal update, but was aware that there might be some more recent developments. Residents had also asked about any plans for the Livingstone Road site. He requested that ward councillors be kept informed. Councillor Dad confirmed that he had spoken to both Milnshaw ward councillors on these matters previously and that there were likely to be further developments in the future. He undertook to keep them both updated going forward.

Resolved - **That the Minutes of the Annual Council and Special Council meetings both held on 15th May 2025 and the Mayor Making Meeting held on 31st May 2025 be approved as a correct record.**

83 Question Time

Twelve eligible questions had been received, which were set out in the report.

1) Determination of Planning Applications

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder Submitted by Councillor Zak Khan, on behalf of a resident, Vinette Davitt

"I would like to raise the following question at the next full Council meeting please.

The National Planning Portal says that the standard time for a decision is 8 weeks, but that this can be extended to 13 weeks if an Application is unusually large or complex.

The Government website says no more than 26 weeks for Major Applications.

11/24/0417 was registered with HBC Planning Dept on 5th November 2024, which I roughly calculate to be 31 weeks.

What is the reason for the delay, bearing in mind that HBC Planning Department could be penalised for allowing it to go over the Government's timescale for a complex Application?"

Response:

The Leader of the Council thanked the resident and Councillor Khan for the question. The standard target to determine a non-major planning application was 8 weeks and 13 weeks for a major application. 26 weeks was the maximum for a major application, unless a longer period had been agreed in writing. Normally, applications were decided within a shorter period. If the matter was complex it was proper to extend the time period.

The application identified by the questioner (a proposed burial ground to the south of Blackburn Road, Oswaldtwistle) was significant, complex and technical in nature, so both parties had agreed to an extension. Accordingly, the Council would not be penalised for the extended timeframe. This would allow the officer team time to consider all of the information available and to assess the application thoroughly, along with any objections, based on the local development plan and other relevant guidance.

Currently, the Planning Department was aiming to submit this application to the Planning Committee on 20 August 2025. However, officers were required to take all of the relevant issues into account, so it might be necessary to agree a longer timescale.

A supplementary question was asked by Councillor Khan on the following:

Councillor Khan acknowledged that the matter was both contentious and complex and had been over four years in the making. He noted that residents were concerned about the application and expressed the view that providing more time for consideration might give the applicant an advantage. He asked what specifically were the reasons for granting the extension and if he could have a copy of those details.

The Mayor commented that the total time allowed for all questions was 30 minutes and that a lengthy interaction on single question could adversely affect the time available to hear other questions and answers. In the light of this, Councillors Dad and Khan agreed to a written response being provided after the meeting.

2) Land on Albert Street in Oswaldtwistle

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder Submitted by Councillor Steven Smithson

“What are the Council’s plans for the land on Albert Street in Oswaldtwistle.”

Response:

The Leader of the Council replied that this was a small plot of land and that there had been some initial interest in the site from a housing developer. However, this proposal had subsequently fallen through. The Leader undertook to take into account the views of local residents and would keep Councillor Smithson updated about any new proposals.

A supplementary question was asked by Councillor Smithson on the following:

Councillor Smithson commented that the land in question had previously been hot spot for rubbish and dog fouling, but was currently a pleasant green space. He asked if relevant councillors and officers could meet to discuss whether a suitable use could be made of the existing green space.

The consent of the Mayor had been obtained in advance to the submission of two personal questions by Councillor Smithson.

3) Reinstatement of BMX Track off Harvey Street in Oswaldtwistle

*To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder
Submitted by Councillor Steven Smithson*

“Will this Council consider investing and bring back into use the old BMX track off Harvey Street in Oswaldtwistle.”

Response:

Councillor Stewart Eaves, Portfolio Holder for Environmental Services, indicated that it would be prohibitively expensive to bring the BMX track back into use at Harvey Street and that on-going maintenance costs would be high. However, it might be possible to invest in a pump track at a suitable alternative location. This type of facility would require less maintenance and could be used for other wheeled sports. The Harvey Street site was no longer suitable, as the overall strategy had changed. Modern sites need to be safe, overlooked and close to other facilities.

A supplementary question was asked by Councillor Smithson on the following:

Councillor Smithson thanked the Portfolio Holder for his response and acknowledged the stated position. He mentioned that he had spent many of his formative years on the BMX track. The infrastructure remained in place. Given that there was a significant amount of anti-social behaviour in Oswaldtwistle and the existing track was in a prime location, he enquired if both he and Councillor Gilbert could be involved discussions about its redevelopment.

Councillor Eaves undertook to provide a written reply.

4) Council Owned Garages

*To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder
Submitted by Councillor Marlene Haworth*

“On what does the money collected from the Council owned garages’ annual rent, get spent? Why do the garages’ plots, which are rented out commercially, not have a repairs and maintenance budget?”

Response:

The Leader of the Council indicated that during the 2025/26 financial year the Council would receive £19,700 income from its garage plot tenancies. The burden of expenditure fell against Allotment & Garage Service staff costs and Central Service Charges. There was no remaining room in the budget for expenditure against garage repair and maintenance costs, without further increasing garage rents. The service did hold a small allotment repair and maintenance budget of £4,000pa. On very rare occasions, where a matter need expediting, such as a dangerous garage building, the allotment budget had been used, but only as a matter of urgency.

A supplementary question was asked by Councillor Haworth on the following:

Councillor Haworth thanked the Leader for his promising response and asked whether he and the Cabinet would be prepared to look at providing a property budget to maintain the

garages. She expressed a view that there were currently lots of repairs that need to be undertaken.

Councillor Dad agreed to look into the matter.

5) Land at Livingstone Road

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder Submitted by Councillor Zak Khan

“Is the Cabinet willing to open formal conversations with Accrington Stanley FC, in order to find a suitable arrangement for the additional land on Livingstone Road owned by Hyndburn Borough Council and adjacent to the WHAM Stadium, thereafter, allowing them to expand their operations and invest in their existing site? Alternative arrangements are already in place for existing occupants, which will allow all organisations to flourish.”“

Response:

Councillor Melissa Fisher, Deputy Leader and Portfolio Holder for Housing and Regeneration, confirmed that the Council had opened formal discussions with Accrington Stanley FC about their interest in the site at Livingston Road. The Council recognised that this was an opportunity, subject to the Football Club's interest and legal terms. However, the negotiations comprised commercially confidential information, which could not be discussed in public. She undertook to keep councillors informed, as appropriate.

A supplementary question was asked by Councillor Khan on the following:

Councillor Khan commented that he was pleased to note that the question appeared to have sparked some renewed action, but stated that, given that the conversions had been on-going for some time, he requested that a definitive timeline be established.

Councillor Melissa Fisher, Deputy Leader and Portfolio Holder for Housing and Regeneration, responded that she was unable to share this information at the current time, but would make this available, as appropriate.

6) King George V Playing Fields

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder Submitted by Councillor David Heap

“Please could the Portfolio Holder give an update on King George's playing fields?”

Response:

Councillor Stewart Eaves, Portfolio Holder for Environmental Services, reported that the tenders for the groundworks had been let and were due to be returned by Monday 21st July 2025. The tenders were due to be opened on the 22nd July 2025 and then evaluated, which should take approximately one week. Following this, a contractor would be appointed. Commencement on site was expected by 1st September 2025 and the works should take around 5 weeks to complete. In spring or summer 2026 the playing surface should be laid, with the playing fields available for sports from September 2026.

A supplementary question was asked by Councillor Heap on the following:

Councillor Heap thanked Councillor Eaves for his reply and noted that Accrington Wildcats Amateur Rugby League FC were interested in using the site. He referred to the fact that the club needed a home with a 25 year lease in order to attract sports funding. Councillor Heap added that he had spoken to residents last Tuesday to see if they would welcome the Wildcats being based on this site and the response had been positive. He asked if the Portfolio Holder would meet with local councillors, residents and representatives of the ARLFC to discuss this matter.

Councillor Eaves responded that, as a former rugby league player himself, he would be happy to meet with all concerned.

7) Campaign on Anti-Social Behaviour

*To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder
Submitted by Councillor David Heap on behalf of a resident, Jayde Holmes*

“When are the Council going to announce that the Police and Crime Commissioner (PCC) has cut Operation Centurion and what is going to replace it?”

Response:

Councillor Clare Pritchard, Portfolio Holder for Transformation and Town Centres, reported that the Council did not make announcements on matters that were the responsibility of the PCC. The Office of the Police and Crime Commissioner (OPCC) had its own Communications Team.

In any event, funding for Operation Centurion had not been cut in Hyndburn. The PCC had streamlined and focused the funding on specific areas that required intensive targeted work. In Hyndburn, this was Accrington town centre. To complement this, there was an uplift in resources for Community Beat Managers and PCSO's. There was also a multi-agency targeted summer campaign that would commence when schools broke up with both statutory and voluntary agencies working together.

The Council held regular multi-agency meetings with all partners to ensure that everyone was directing the additional resource to the right place and at the right time. Partners included Accrington Stanley FC, Clayton Amateur Boxing Club, youth leaders and Hyndburn and Ribble Valley (HARV) Domestic Abuse Team. Further funding had also been agreed by the OPCC for small charities who were supporting the summer of action. Hyndburn had been successful in the majority of bids available. In addition, Councillor Kimberley Whitehead was the Deputy PCC and was well placed to champion Hyndburn's cause.

The Portfolio Holder also highlighted a 'Nice2Share' event held recently by Lancashire Constabulary. The Police had procured a digital evidence management system, which would allow businesses and members of the public to register their CCTV and other recording devices into a community portal, which would allow faster communication of evidence to the Police.

8) Use of Glyphosate

*To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder
Submitted by Councillor David Heap on behalf of a resident, Jayne Shirtcliffe*

“Are HBC still allowing the widespread spraying of glyphosate in Hyndburn streets?
Considering the millions of dollars in lawsuits and since it is considered carcinogenic is

it still being used to spray pavement where animals and children play? Glyphosate is already banned in many local authorities.”

Response:

Councillor Stewart Eaves, Portfolio Holder for Environmental Services, responded that Hyndburn did use glyphosate for weed killing in its parks and on behalf of Lancashire County Council on roads and back streets. The substance remained approved for use by the EU until 2033. Other treatments such as hot foam, steam, acetic acid and mechanical methods were not as effective and took longer to apply.

9) Huncoat Garden Village

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder Submitted by Councillor David Heap on behalf of a resident, Nick Whittaker

“I would like to know about the link road for the proposed Huncoat Garden Village.... £30 million apparently, although this is to improve junction 8 of M65 and improve the roundabout near the Griffin. How do they propose to do all three with only £30m? It sounds a lot, but knowing roads are very expensive, how is this going to be completed? And with 2,000 homes being built, there will be at least 2,000 more cars, [so] how do the Council and new MP propose to get freight in/out of Huncoat as well?”

Response:

Councillor Melissa Fisher, Deputy Leader and Portfolio Holder for Housing and Regeneration, thanked Mr Whittaker and Councillor Heap for the question. She reported that she was happy to reassure the questioners that the cost for the highway infrastructure was fully accommodated within the £30m and from funding by other key stakeholders. A breakdown of the other funding could be provided upon request. For clarity:

- The estimated cost of the proposed relief road was £6.7m, which included improvements to the A56 roundabout.
- The full cost of the improvements to J8 on the M65 were being met by National Highways. The Council, was making a £2.19m contribution towards the cost.

Councillor Fisher was pleased, therefore, to advise that the highway costs were not as onerous as the questioners had imagined.

With regard to the second part of the question, reference was made to the Council Leader’s response to Councillor Khan’s similar question at a recent Cabinet meeting. This Council was promoting the Huncoat Garden Village project, which meant that the freight rail terminal could not proceed at Huncoat. Councillor Fisher advised that she was not in a position to respond on behalf of the MP.

10) Accrington Neighbourhood Board

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder Submitted by Councillor David Heap on behalf of a resident, Alexander Crook

“On the £20 million for Accrington Centre, our MP Sarah Smith said:

“I’m delighted that up to £20m has been set aside for Accrington.

This investment, part of the Labour Government's Plan for Change, will unlock our local area's potential and bring real benefits to our community.

With this funding, local people will have more control over decisions that affect them, reducing unnecessary interference from central Government.

This is the kind of positive change a Labour Government delivers, and I look forward to working with the Neighbourhood Board to make a real difference for residents."

Now having read this I actually sent an email to Ms Smith asking who would be invited to join this Board, as being born and bred in Accrington and *[having]* been a resident here for almost 64 years I'd like to be a candidate for a position...*[I]* never got a reply.

So just who decided the board members and when were they elected?"

Response:

The Leader thanked Mr Crook and Councillor Heap for their question. He reported that Government guidelines stated that the Neighbourhood Board should be led by an independent Chair. A transparent application process had been followed in Spring 2025, which had resulted in two candidates being interviewed. The person appointed, Andy Tatchell, was the most suitable candidate and had a high level of experience of regeneration and political leadership.

The guidelines also stated that the core Neighbourhood Board must be the following:

- Elected Hyndburn MP
- Elected Lancashire County Councillor
- Elected Hyndburn Borough Councillor
- Senior representative from the Police – this is the Deputy Police and Crime Commissioner

Those persons were appointed directly to the Board ahead of its first meeting on 4 June 2025.

The addition of further Board representatives had been discussed and agreed at the first meeting, then those persons had also been invited to serve. Initially two representatives of the local business community, two in education and two with links to the community had been asked to join the Board. It was expected that the Board membership could change during the lifetime of the project, depending on the needs of the plan that was ultimately decided upon.

Biographies of the Board members would be published in the coming weeks along with registers of interest, which were currently being obtained.

A supplementary question was asked by Councillor Heap on the following:

He noted that the guidance required an independent Chair to be appointed and asked if the post-holder was a member of the Labour Party.

The Mayor advised caution when seeking personal information, which might be confidential, but the Chief Executive clarified that the question could be asked, as Board members interests would normally be in the public domain.

Councillor Dad responded that the Chair had been appointed on merit, as the most suitable candidate, and his political affiliations had not been a consideration.

11) Martholme Viaduct, Great Harwood

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder

Submitted by Councillor David Heap on behalf of a resident, Kevin Laycock

“Where are Hyndburn Council at with the long running project to fully reopen the Read end of the Martholme Viaduct in Great Harwood, for access and egress for walkers.

I have emailed several councillors this question and had no answer.

The reopening of the Viaduct would be a great asset to Hyndburn green space, which could be linked into another long distance walk around Hyndburn to add to the wonderful Hyndburn clog walk.

It would encourage people to get out and exercise, which has been proved to help with physical and mental well-being”

Response:

Councillor Scott Brerton, Portfolio Holder for Business, Growth and Sustainability, thanked Mr Laycock and Councillor Heap for their question. As noted, the Great Harwood end of Martholme Viaduct was fully open, in no small measure due to the support of former MP, Graham Jones, and Councillor Noordad Aziz. There remained an on-going campaign by interested groups to secure the opening of the Read side of the viaduct and for the completion of the Martholme Greenway to meet Sustrans Route 685 (The Padiham Greenway). A motion in support of this action had been passed by this Council in June 2023. Netherton ward councillors, Noordad Aziz and Jodi Clements, remained committed to supporting the reopening of the route. The Council had written recently to Lancashire County Council to confirm that commitment.

There was no supplementary question, but Councillor Heap commented as follows:

Councillor Heap praised Mr Laycock’s enthusiasm as a keen supporter of the reopening of this walking route.

The Portfolio Holder summarised by indicating that Hyndburn Borough council had done all that it could with regard to the viaduct. The matter lay with Ribble Valley Borough Council in whose area the closed section of the route lay and Lancashire County Council who were responsible for footpaths and cycleways. Furthermore, the land in question was currently in private ownership.

12) Hyndburn Leisure

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder
Submitted by Councillor Zak Khan on behalf of a resident, Peter Shaw

“What operational changes has the Council made to Hyndburn Leisure as a result of the monitoring process that the Council set up and what indications are there that these changes will be financially successful?”

Response:

Councillor Melissa Fisher, Deputy Leader and Portfolio Holder for Housing and Regeneration, indicated that the Council and Leisure Trust were working together to develop an aligned vision and a shared plan. Regular financial meetings now took place between Hyndburn Leisure and Councillor Vanessa Alexander, Portfolio Holder for Council Operations, on top of the existing meetings attended by Councillor Fisher herself as relevant Portfolio Holder for leisure in Hyndburn. The format of reporting had been updated to quarterly. The Council had agreed that the Trust model of delivery would continue.

Improvements were already under way. The Trust would buy its own energy supplies, rather than the Council procuring energy on its behalf, which would generate a saving. Overall, the intention was to reduce in the operational subsidy required by the Trust. Additional external investment had already been received by the Trust and further funding had been applied for. As a charity, the Trust was able to access funding not available to the Council. It was also hoped to extend the level of expertise within the Trust's Board.

84 Review of Allocation of Seats to Political Groups and Appointments to Committees

Members considered a report of Councillor Munsif Dad BEM JP, together with an addendum circulated at the meeting, which set out the outcome of a review of the allocation of seats to political groups and which sought to approve to a number of amendments to committee sizes and consequential and other proposed changes to the appointment of individual councillors to serve on those committees and their designated chairs or vice-chairs

Review of Allocation of Seats

In accordance with The Local Government (Committees and Political Groups) Regulations 1990, the Council was required to review the allocation of seats to political groups under s.15 Local Government and Housing Act 1989, in certain prescribed circumstances. This included following the service of a notice to the proper officer under Regulation 8 by members wishing to form a political group on the Council, provided that at least one month had elapsed since the previous review. The previous review had been undertaken on 7th May 2025 ahead of the Annual Council Meeting on 15th May 2025.

A notice had now been submitted under Regulation 8, which included the addition of Councillor Joyce Plummer to the Conservative Group, which was a change from the information previously notified to the proper officer. This had automatically triggered a review of the allocation of seats.

The review had resulted in minor adjustments being proposed to the size of committees to maintain to the overall political balance across the Council and consequential amendments to the seats available on some committees and the individual councillors appointed to serve on the various committees affected.

Allocation of Seats

The number of seats currently held on the Council by each political group and others was:-

Labour and Co-operative Group	21
Conservative Group	13
Green	1

The Council comprised 35 elected members.

The total seats available across the Council should now, in so far as is practicable, be divided between the political parties in the following ratio: 61.8% (Labour and Co-operative) 38.2% (Conservative). The same ratio should be applied, in so far as is practicable, to the allocation of seats on each individual committee/sub-committee. Members were reminded that at the Council's Annual Meeting on 15th May 2025, it had been agreed to gift a small number of seats to the Green and Independent members on the larger committees, as this would not materially affect the overall political balance. It was not proposed to alter this arrangement, other than to note the removal of the Independent seat, which was now surplus to requirements. Accordingly, the proposal to gift a seat would now apply only to the Green councillor.

The basic calculation to allocate seats to committees of various sizes had altered slightly from that indicated at the Annual Meeting and the new position was as shown in Table 1 below. The changes applied to committees of the following sizes: 7, 10, 12, 13 and 15 (shaded grey in Table 1). At the Annual Council meeting, members noted that, some adjustment to the ratios shown might be required in the final allocation of seats across the Council to take into account the following principles as required by the legislation and in the light of the practice referred to at paragraph 4.2 in the report about gifting a seat to the Green councillor.

- (a) Not all seats to go to the same group;
- (b) If a Group had a majority on the Council, it should receive a majority of seats on each committee;
- (c) Total number of seats across all bodies must be proportionate (subject to (a) and (b));
- (d) Seats on each body must be proportionate (subject to (a) to (c)).

Accordingly, Table 1 below set out the allocation of seats proposed for the remainder of 2025/26 (see column 5)

Table 1

No of seats on Committee (1)	Lab (2)	Cons (3)	Green (4)	Proposed Ratio (5)
2 members	1	1	0	1:1:0
3 members	2	1	0	2:1:0
4 members	3	1	0	3:1:0
5 members	3	2	0	3:2:0
6 members	4	2	0	4:2:0
7 members	4	3	0	4:3:0
8 members	5	3	0	5:3:0
9 members	6	3	0	6:3:0
10 members	6	4	0	6:4:0
11 members	7	4	0	7:4:0
12 members	7	5	0	7:5:0
13 members	8	5	0	8:5:0
14 members	9	5	0	8:5:1*
15 members	9	6	0	9:6:0

* NB. Adjusted to provide for 1 Green seat

Following the review, there were two amendments proposed to the size of committees/sub-committees since the Annual Meeting in 2025, in respect of the following Committees:

- Planning Committee (increase from 12 to 13 seats, providing two additional Conservative seats).
- Resources Overview and Scrutiny Committee (increase from 7 to 8 seats, providing an additional Conservative seat)

The proposals would increase the total number of available seats across all committees and sub-committees from 87 to 89 (which took account of the loss of one independent seat and the addition of three Conservative seats on the two committees mentioned above).

The full list of committees and sub-committees, including details of the overall sizes and allocation of seats between political parties for the remainder of 2025/26 are set out in Table 2 below. As indicated above, the changes proposed (highlighted in bold italics in Table 2) apply to the following Committees:

- Planning Committee;
- Resources Overview and Scrutiny Committee.

Table 2

Committee	Total No. of Seats	No. of seats by political group (Labour & Co-operative : Conservative : Green)
Audit Committee	6	4:2:0
Communities & Wellbeing Overview & Scrutiny Committee	8	5:3:0
Judicial Committee (Private Hire & Hackney Carriage Licensing)	6	4:2:0
Licensing Committee	14	8:5:1
Licensing Sub-Committee	3	3 from Licensing Committee, one of whom must be the Chair or Vice-Chair of the Licensing Committee (2:1:0 where practicable)
Management Review Committee	5	3:2:0:0 Leader and Deputy Leader of the Council, plus an additional member of the Cabinet, and Leader and Deputy Leader of the Opposition Group

Planning Committee	13 <i>(proposed increase from 12 to 13)</i>	8:5:0 <i>(A change from 8:3:0:1* * Independent seat no longer required)</i>
Planning (Trees) Sub-Committee	5	3:2:0 (drawn from the parent committee above)
Resources Overview & Scrutiny Committee	8 <i>(proposed increase from 7 to 8)</i>	5:3:0 <i>(A change from 5:2:0)</i>
Special Overview & Scrutiny Committee	8	5:3:0
Standards Committee	8	5:3:0
Standards Committee – Hearing Sub-Committee	5	For matters relating to Hyndburn Borough Council: 5 members plus 1 non-voting independent person For matters relating to Altham Parish Council: 5 members, plus 1 independent person and 1 parish representative (3:2:0) where practicable
Total	89	55 – Lab & Co-op (61.8%) 33 – Cons (37.1%) 1 – Green (1.1%)

Changes to Appointments to Committees/Sub-Committees

The Council had duty to give effect to the wishes of a political group in relation to appointments to committees and other bodies in accordance with s16(1) Local Government and Housing Act 1989.

In addition to the consequential changes to individual committees necessitated by the review of political balance, political parties had indicated their intention to make a number of changes to individual appointments to the committees/sub-committees, including chairs/vice-chairs, since the Annual Council meeting. The intention was to deal with these changes within the same item of business.

The proposed membership of Committees/Sub-Committees was tabled at the meeting, as Appendix 1. At the meeting, Councillor Dad also notified members of an alteration to the information circulated in Appendix 1, to provide for the retention of Councillor Booth as a member of the Planning Committee and as Chair of the Planning (Trees) Sub-Committee and the removal of Councillor Noordad Aziz from the Planning Committee.

In the event that further changes were not yet finalised, a delegated authority to the Chief Executive to make the appointments in consultation with the relevant political group leaders was recommended.

The Council was invited to consider and give effect to requests from the various political groups, as follows:

Labour and Co-operative

- A change to the membership of the Communities and Wellbeing Overview and Scrutiny Committee comprising the removal of the Vice-Chair, Councillor Paul Cox, and the appointment of Councillor Jodi Clements as Vice-Chair
- A change to the membership of the Planning Committee comprising the removal of Councillor Noordad Aziz, the current Vice-Chair Councillor Mike Booth reverting to an ordinary member of that committee and the appointment of Councillor Bernard Dawson as Vice-Chair.
- A change to the membership of the Resources Overview and Scrutiny Committee comprising the current Vice-Chair Councillor Heather Anderson reverting to an ordinary member of that committee, the removal of Councillor Bernard Dawson and the appointment of Councillor Paul Cox as Vice-Chair
- A change to the Special Overview and Scrutiny Committee comprising the removal of Vice-Chair, Councillor Bernard Dawson, and the appointment of Councillor Mike Booth as Vice-Chair

Conservative

- A change to the membership of Planning Committee comprising the appointment of Councillor Joyce Plummer (transferring from the defunct Independent seat) and Councillor Josh Allen to the additional two Conservative seats on this committee.
- A change to the membership of the Planning (Trees) Sub-Committee comprising a correction to remove Councillor Peter Edwards (not a member of the Planning Committee) and the appointment Councillor Joyce Plummer.
- A change to the membership of the Resources Overview and Scrutiny Committee comprising the appointment of Councillor Steven Smithson to the additional Conservative seat on this committee.

Resolved

- (1) To note the outcome of a review of the allocation of seats to political groups.**
- (2) To approve the political composition of committees and sub-committees of the Council, as set out in Paragraph 4.6 of the report (as updated by the Addendum document), and the amendments**

proposed to committee sizes (also updated by the Addendum), including any consequential changes to Appendix 1 of Part 3 (Responsibility for Functions) of the Council's Constitution.

- (3) To approve the changes to the membership of any committees, sub-committees, and any office holders as submitted both before and at the Council meeting by the political group leaders (as set out above), and to agree that where any such details are not available at the meeting or where consequential and minor changes are proposed within a period of one month following the meeting, the Chief Executive be authorised to approve the updated membership following receipt in writing of the wishes of the relevant group leader.**

85 Corporate Strategy 2025-2030

Members considered a report of Councillor Munsif Dad BEM JP, Leader of the Council, presenting a new Corporate Strategy for approval.

Councillor Dad provided a brief introduction to the report and outlined the consultations which had taken place. He reported that the review process had begun with a discussion at Resources Overview and Scrutiny Committee in January 2025. Further feedback from Cabinet Members had then informed the rewrite, along with updates from the Council's Service Managers. Group leaders of other political groups on the Council had also had the opportunity to put forward any comments and suggestions.

The current Corporate Strategy had been agreed in 2023. The key factors which had led to the proposed revision included:

- changes in the political administration of the Council, with some shifts in priorities; and
- significant announcements from Government around devolution and local government organisation within Lancashire.

While many of the priorities and actions outlined were a continuation, others were new. In particular, a fourth priority had been added. The four priorities and their supporting themes were as follows:

- Sustainable Growth
 - Employment and Business Growth
 - Revitalise our Townships
 - Housing Growth
- Environment and Climate Change
 - Reduce Fuel Poverty
 - Make the Council's Activities Net Zero by 2030
 - Green Spaces and the Natural Environment
- A Thriving and Cohesive Community
 - Partnership Working
 - Health and Wellbeing

- Culture, Heritage and Arts
- Embrace the Opportunities of Devolution
 - Local Partnerships and Shared Working
 - Workforce Planning and Organisational Readiness
 - Building a Stronger Place Identity

The strategy formed part of the Council's Policy Framework as defined in the Constitution and as such needed to be adopted by the Council.

Councillor Zak Khan commented that the 2023 version of the Strategy had been developed under the previous political administration, however, most of its priorities remained relevant. He was particularly pleased to see that the commitment to Sustainable Growth had been retained, as this reflected long-term thinking. He also understood the need to include Devolution as a new priority. He expressed the view that the document should be regularly checked to ensure that relevant actions were taking place. He was, therefore, happy to support the latest version of the Strategy.

Councillor Sabir Fazal welcomed the priority on a Thriving and Cohesive Community. Residents were living in a time when people were being set against one another. The prevailing situation in Hyndburn had always been one of cohesion. He hoped that inclusion of this as a priority would lead to meaningful action and demonstrate that Britain was not an 'island of strangers' (*from a quote by the Prime Minister on 12 May 2025*).

The Leader thanked Councillors Khan and Fazal for their contributions. He added that the strategy was a working document and commented that it belonged to the whole Council, not just the controlling political group. He also provided some examples of actions underway including the following:

- Place Strategy - due to be launched in the autumn 2025;
- Corporate Peer Challenge Action Plan - partially completed, but currently paused;
- Dome Project - consultants appointed to develop plans by the end of the year;
- Climate Strategy - due to be launched in October 2025; and
- Digital Transformation Strategy - draft submitted to Corporate Peer Challenge Working Group.

The Leader agreed with Councillor Fazal's view on cohesion and cited the strong cross-party response to the heightened sensitivities, following the stabbing incident in Southport in July 2024. Hyndburn had recently received a significant grant sum from the Government to aid community cohesion and the various projects had all now been successfully delivered. The Council was proactive in addressing its priorities.

Resolved

- (1) That Council agrees to adopt the draft Corporate Strategy, as appended to the report.**
- (2) That the Executive Director (Legal and Democratic Services), in consultation with the Leader of the Council, be given delegated authority to make revisions to the strategy, as necessary, over its life.**

Members considered a report of Councillor Munsif Dad BEM JP, Leader of the Council, updating the Council in respect of recent executive decisions taken as a matter of urgency where the decision had been exempted from the Call-In Procedure.

Rule C14 of the Overview and Scrutiny Procedure Rules set out the provisions allowing for a period of call-in by members of a relevant Overview and Scrutiny Committee, in respect of certain executive decisions. That Paragraph included the detailed procedures which supported this arrangement.

Paragraph C14(i) stated that the call-in procedure should not apply where the decision being taken by the executive was urgent. A decision would be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. The record of the decision and notice by which it was made public should state whether in the opinion of the decision making person or body, the decision was an urgent one, and therefore not subject to call-in and the reason for that opinion. The Mayor had to agree both that the decision proposed was reasonable in all the circumstances and to it being treated as a matter of urgency prior to the decision being taken. Provision was also made for consent to be obtained otherwise in the absence of the Mayor.

In addition to the above, Paragraph C14(i) stated that decisions taken as a matter of urgency had to be reported to the next available meeting of the Council, together with the reasons for urgency.

Recent urgent executive decisions, or Cabinet decisions where the Call-In procedure had been suspended, were as summarised below.

Urgent Executive Decisions Taken

The following urgent executive decisions had been taken within the last reporting period:

(a) Procurement of Work for Great Harwood High Street Accelerator Fund Greening Project

The decision and reason for urgency was as summarised below:

Decision (taken by the Chief Officer/Head of Service on 29th April 2025)

Appointment of Clark & Kent to undertake works to install a pump track at Game Street, Great Harwood using High Street Accelerator funding.

Reason for Urgency

All work relating to the High Street Accelerator funding had to be completed by 30th June 2025.

(b) Leisure Transformation Project - Wilson Playing Fields Site - s.278 Agreement

The decision and reason for urgency was as summarised below:

Decision (taken by the Chief Officer/Head of Service on 9th May 2025)

To seek approval to enter into an agreement, pursuant to Section 278 of the Highways Act 1980, with Lancashire County Council (LCC) to carry out highways works to complete the construction of the new leisure facility at the Wilson Playing Field site.

Reason for Urgency

Since Universal Civils and Build Limited (Universal) had been appointed as the replacement Contractor in December 2024, the construction of the new leisure facility at Wilson Playing Fields was progressing very well and Universal were ready to start off-site highways works as part of the development plans.

Whilst LCC required Universal to enter into a licence to work on the highway, this was dependent on the Council entering into the s.278 Agreement with LCC.

The highways works were due to commence in May and, as such, time was of the essence to seek Cabinet's approval and for the Council to enter into the s.278 Agreement with LCC to avoid delays which may lead to significant additional costs for the Council. To wait until the next formal Cabinet meeting would result in delays of this vital work and the Council would be liable for costs of the delay.

(c) Huncoat Garden Village Residential Relief Road – Appointment of Preferred Contractor

The decision and reason for urgency was as summarised below:

Decision (taken by the Chief Officer/Head of Service on 27th May 2025)

To seek approval to enter into a Pre-Construction Services Agreement (PCSA) with the preferred contractor to begin delivery of the Huncoat Garden Village Residential Relief Road.

Reason for Urgency

The delivery of the Residential Relief Road was fundamental to the success of the Huncoat Garden Village Masterplan, the timing of which had been agreed with Homes England pursuant to the terms of the grant funding agreement the Council entered into with them. The pre-construction process had already been delayed and Eric Wright Civil Engineering Ltd (EWCE) and their supply chain had already done some work at risk to mitigate the delays. The Council now required the PCSA to formalise these arrangements to enable EWCE to appoint their sub-contractors and suppliers (in particular to enable the carrying out of site investigations, which were planned to take place over the next few weeks when the weather was drier and the land was firmer).

(d) Lease of Wilson Playing Field site to Hyndburn Leisure

The decision and reason for urgency was as summarised below:

Decision (taken by the Chief Officer/Head of Service on 5th June 2025)

To seek approval to grant a short-term lease of the Wilson Playing Field site, Clayton le Moors, to Hyndburn Leisure.

Reason for Urgency

A decision about the grant of a lease to Hyndburn Leisure was required urgently given that the works to construct the new leisure centre were due to be completed in September 2025. Hyndburn Leisure needed the certainty of a lease of the premises to begin preparing to operate the facility upon its completion, especially as much of the required activity would involve the incurring of up-front cost. The grant of the lease should ensure that the new

leisure facility could be immediately handed over to Hyndburn Leisure as operator, once the construction had reached practical completion. If the lease was not in place, then the Council would take possession of the facility and, as no-one in the Council had the appropriate skills and expertise to run the facility, it would remain closed until a lease had been completed or a commercial operator had been procured and appointed.. This would result in loss of income and potentially significant empty property costs (for example in insuring the building and in keeping it secure).

In addition to contract delays, Hyndburn Leisure needed a lease in place to formally complete the required staffing appointments and to enter into their own contracts for procurement of gym equipment, ICT, supplies and services. Further delays to Hyndburn Leisure's ability to commence such arrangements could result in a delay to practical completion which would incur costs which were additional to the empty property costs described above.

Copies of the full reports relating to the above decisions could be viewed on the Council's website within the Cabinet Agenda for 18th June 2025. (A link to that Agenda was provided within the report).

In respect of decision (d) above - Lease of Wilson Playing Field, Councillor Zak Khan asked why the Council had not followed its usual procurement procedure. Councillor Dad responded that this was due to the short timescale involved, with a proposed opening date in October 2025 and having regard to the needs of the operator of the facility to recruit staff, etc.

On the same matter, Councillor Paul Cox indicated that he was an ardent supporter of Hyndburn Leisure and it was pleasing to hear of the contract being awarded to them. However, as Vice-Chair of the Resources Overview and Scrutiny Committee from 2024/25 onwards, he made a renewed call for a representative of the Leisure Trust to attend that Committee when requested under the work programme.

Resolved - **That Council notes the report on recent executive decisions taken as a matter of urgency.**

87 Minutes of Cabinet

The minutes of the meeting of the Cabinet held on 18th June 2025 were submitted.

The following matters were raised:

In connection with Minute 46 - Waste Transfer Station, Councillor Steven Smithson sought clarification around information published recently by Lancashire County Council (LCC). LCC had announced that the Whinney Hill landfill site was closing and that their contract with Suez was not being extended beyond March 2026, but this information had already been released previously. However, it was understood that landfill operations would continue at this site, which was owned by Suez. He asked if the Council was aware of any plans in place for the future of LCC's Altham Household Waste Recycling Centre based at Whinney Hill.

Councillor Stewart Eaves, Portfolio Holder for Environmental Services, responded that, following the end of the waste disposal contract at Whinney Hill, his preference was for the use of a waste transfer station for collected waste in Hyndburn. Other options included use of the landfill site at Fleetwood or the waste transfer station in Bacup, but the preferred solution was use of the Suez waste transfer facility at Darwen. He indicated that he was working hard to secure this option.

In respect of Minute 46 – Accrington Stanley FC, Councillor David Heap expressed the view that there had been no progress in recent weeks, despite councillors reporting that meetings were taking place with the club. The issues had been on-going for over 12 months and residents were frustrated by the apparent lack of progress. He called for the Leader of the Council to resign over this matter.

The Leader responded that the above comments were disingenuous and inappropriate. The Council leadership's first meeting with the club's representatives had taken place 3 months ago and there had been much progress since then. It was hoped that there would be some positive news within the next few weeks. Councillor Dad indicated that a complex situation was not being helped by comments being circulated which were untrue. He retorted that the councillor concerned might consider his own resignation.

A lengthy debate then ensued.

Councillors Steven Smithson and Zak Khan raised concerns about the following:

- Limited updates as to progress;
- The closure of the club's leisure venue and football academy;
- The impact on businesses such as ASFC of Government policies on employer's national insurance contributions and the national minimum wage; and
- An apparent unwillingness by the Council to listen to suggestions proposed by the Opposition to provide financial support to the club.

Councillors Andrew Clegg, Clare Pritchard, Paul Cox, Vanessa Alexander, Melissa Fisher, Stewart Eaves and Dave Parkins raised the following issues in response:

- A lack of compliance by the club with both planning and licensing rules;
- The club needing to take responsibility for their actions and needing to propose solutions to the situation;
- The minimal impact of national business policies on the club's situation;
- A pattern of lack of engagement by the club with the Council, typified by a history of the club submitting retrospective planning applications;
- The academy closure being due to a business decision by the club, unrelated to the entertainment venue issues;
- Noise emissions from Coley's Bar and the 1968 Lounge impacting negatively on residents' lives for two years;
- Applauding a more collaborative approach by the club's new Chief Executive Officer, Warren Eastham, with the Council and the local community;
- Noting the value added to the Borough by the club and its Community Trust;
- Thanking the Environmental Health Team for their work to record the evidence of noise breaches for consideration by the appropriate regulatory body; and
- Highlighting the Council's restraint in not prosecuting the club for any regulatory breaches, preferring instead to work with them and others to find solutions.

Councillor Dad thanked all for their contributions to this debate. He commented that the Opposition proposal to loan money to the club to make the necessary improvements to the roof sound insulation was not viable, as the Council could not justify using public money for this purpose. When the Council learned that the academy was at risk it had offered financial support from within funds available for this type of activity, however, the club had

not accepted the money, as continuation of the academy did not meet its business model. The Council remained keen to discuss a way forward with the club.

With regard to Minute 49 – Appointment of Cabinet Committees, etc, Councillor Steven Smithson noted that the Cabinet Waste and Recycling Group had been re-established for 2025/26 and was pleased to have been appointed to serve on this body. The group had not met in 2024/25. He asked if this group would meet in the current year. Councillor Stewart Eaves, Portfolio Holder for Environmental Services, undertook to revive this working group.

In respect of Minutes 50 and 51 – Huncoat Garden Village, Councillor Steven Smithson commented that he had been shocked to hear from the Portfolio Holder at the meeting that she had not read one of the reports and sought her assurance that all future reports would be read. Councillor Melissa Fisher, Deputy Leader and Portfolio Holder for Culture, Heritage and Sport, responded that her recollection of the meeting was entirely different and that she had never made a statement to that effect. Her actual comments about the detail of the report had been taken out of context. Councillors Pritchard, Khan and Dad all commented on the demands upon members' time when trying to digest information contained in lengthy reports.

In connection with Minute 48 – Portfolio Responsibilities 2025/26, the Leader of the Council reported that he was the relevant Portfolio Holder for asset management and would report back on any issues arising from the Oswaldtwistle Civic Theatre Working Group.

In connection with Minute 52 – Draft Culture and Heritage Strategy, Councillor Judith Addison asked about the Culture and Heritage Investment Panel (CHIP), who served on this body and what was its remit. Councillor Dad undertook to request Kirsten Burnett, Head of Policy and Organisational Development, to send the information to Councillor Addison.

Regarding Minute 57 – Coach Road Solar Meadow Project, she asked why William Blyth Ltd had been selected to purchase the electricity generated from the site. The original proposal had envisaged the electricity being sold to CVMU and/or to Hyndburn Sports Centre. Councillor Dad suggested that this question should be directed to Prospects Community Energy Limited, who were the recipient of a grant from the Council to support this project.

With regard to Minute 46 – Accrington Neighbourhoods Board, Councillor Zak Khan, Leader of the Opposition, reminded members that he had asked for further information about the process for the appointment of the Chair of the Board. No information had yet been received. Councillor Dad reiterated that the appointment process had been transparent and the MP and officers had followed a clear selection process. The person selected was the most suitable candidate for the role. He was unclear about what further information was required.

In connection with Minute 54 – Provisional Financial Outturn Position, Councillor Zak Khan, Leader of the Opposition, reminded members that he had asked about utilising reserves for new projects and had been informed that the Cabinet was looking at its priorities. He expressed a wish for the Opposition to contribute some suggestions to the proposed list of projects. Councillor Dad responded that there was a long list of projects to be considered for the underspends budget. The projects ultimately selected would serve the residents of Hyndburn and would not be politically motivated.

Resolved - That the Minutes be received and noted.

The Minutes of the following meetings were submitted:

Meeting (Municipal Year 2024/25)	Date
Special Scrutiny Committee	5 th February 2025
Resources Overview and Scrutiny Committee	20 th February 2025
Audit Committee	24 th February 2025
Licensing Sub-Committee	27 th February 2025
Communities and Wellbeing Overview and Scrutiny Committee	4 th March 2025
Licensing Sub-Committee	6 th March 2025
Resources Overview and Scrutiny Committee	18 th March 2025
Planning Committee	19 th March 2025
Planning (Trees) Sub-Committee	19 th March 2025
Planning Committee	16 th April 2025
Meeting (Municipal Year 2025/26)	Date
Cabinet Committee (Street Naming)	21 st May 2025
Judicial Committee (Private Hire & Hackney Carriage Licensing)	5 th June 2025
Planning Committee	11 th June 2025
Audit Committee	23 rd June 2025

Councillor Zak Khan asked if it would be possible to record all Cabinet and Committee meetings. The Leader of the Council responded that this matter could be discussed at the next Leader's Policy Development Board.

Resolved - That the Minutes be received and noted.

89 Motion(s) submitted on Notice

Councillor Khan indicated that the Opposition group did not wish to engage in the debate on motions and would abstain from any vote taken. The group had submitted two of its own motions for tonight's meeting, which had been directly relevant to Hyndburn issues, on the subjects of a local member grants scheme and the extension of Article 4 Directions for Houses in Multiple Occupation (HMOs) across the Borough. However, these motions had not been accepted for inclusion on the Agenda.

1) Standing Up for Working People and Defending Fair Terms and Conditions

The following motion was proposed by Councillor Scott Brerton and seconded by Councillor Vanessa Alexander, with support from signatories Councillors Munsif Dad and Stewart Eaves, in accordance with Council Procedure Rule A9:

"This Council recognises and commends the vital role that trade unions have played—and continue to play - in defending and advancing the rights of working people across the United Kingdom.

Thanks to the tireless work of unions and their members, we now have core protections that many take for granted:

- Equal pay for women
- Paid holidays
- Maternity pay

- Two day weekends
- Minimum wage
- Health and safety at work
- Equal opportunities
- Flexible working
- Better rates of pay
- Better sickness and pension benefits

These were not gifts from above—they were won through collective action, determination, and solidarity.

This Council further notes with concern the recent proposals by Reform UK at Lancashire County Council, which risk creating a two-tier workforce by limiting access to the Local Government Pension Scheme for new employees and imposing poor pay increases on existing staff.

Such measures undermine long-standing terms and conditions and represent an unjustifiable attack on those who deliver essential public services.

We believe all workers deserve fair pay, secure pensions, and dignity at work. Undermining staff morale and widening inequality will damage recruitment, retention, and the quality of services our communities rely on.

This Council therefore:

1. Praises the vital role of trade unions in securing and protecting workplace rights.
2. Condemns any attempts to roll back these rights through attacks on pensions, pay, and conditions—whether nationally or within Lancashire County Council.
3. Urges all staff across Lancashire County Council—and beyond—to join a recognised union as a practical step to protect themselves and their colleagues.
4. Resolves to write to the leadership of Lancashire County Council expressing this Council's opposition to any such changes to access to the Local Government Pension Scheme or employee pay progression."

Councillors Andy Gilbert, Shabir Fazal, Clare Pritchard, Vanessa Alexander, Jodie Clements, Paul Cox, Stewart Eaves, Clare McKenna, Noordad Aziz and Munsif Dad spoke in support of the motion and a number of those councillors spoke about their own positive experiences of working with or being supported by trades unions.

Resolved

- This Council therefore:

- (1) **Praises the vital role of trade unions in securing and protecting workplace rights.**
- (2) **Condemns any attempts to roll back these rights through attacks on pensions, pay, and conditions—whether nationally or within Lancashire County Council.**
- (3) **Urges all staff across Lancashire County Council—and beyond—to join a recognised**

union as a practical step to protect themselves and their colleagues.

- (4) Resolves to write to the leadership of Lancashire County Council expressing this Council's opposition to any such changes to access to the Local Government Pension Scheme or employee pay progression.**

2) Reforming UK Maternity Services

The following motion was proposed by Councillor Clare Yates and seconded by Councillor Kate Walsh, with support from signatories Councillors Munsif Dad, Stewart Eaves and Scott Brerton, in accordance with Council Procedure Rule A9:

"A recent National Review of Maternity Services conducted by the Care Quality Commission (CQC) evaluated 131 maternity units across England, revealing significant areas for improvement:

- Nearly half of the units were rated as 'requires improvement' (36%) or 'inadequate' (12%).
- None achieved an 'outstanding' rating for safety; 47% required improvements while 18% were deemed inadequate.
- Key issues identified included weak leadership, inconsistent safety protocols, and a failure to learn from past incidents.
- However, the potential for meaningful change exists—through fostering the right culture and making the right investments.

The National Inquiry into Birth Trauma (2024) highlighted distressing statistics:

- One in three women experiences birth trauma, with approximately 30,000 developing PTSD each year.
- Common concerns included a lack of informed consent, poor communication, and insufficient postnatal care.
- A staggering 84% of women felt inadequately informed about birth injuries, with 53% reconsidering future pregnancies as a result.

It is essential to address the workforce crisis and midwifery shortages that continue to compromise maternity service outcomes:

- Chronic understaffing contributes directly to poor outcomes and staff burnout.
- Midwives are experiencing emotional distress, overwhelming workloads, and a lack of adequate support.

While the Care Quality Commission recently rated maternity services at East Lancashire Hospitals NHS Trust as 'Good' overall—including Burnley, Blackburn, and Rossendale sites—staffing challenges persist. Despite the dedication of teams on the ground, services are often stretched to breaking point. In order to maintain coverage across birth centres,

hospitals, and community teams, the escalation procedure regularly pulls specialist midwives from their vital roles. This creates a domino effect, increasing risk in areas such as continuity of care, safeguarding, and maternal mental health and trauma.

In light of these findings, this Council resolves to write to the Health Secretary, Wes Streeting MP, to:

- Express gratitude for initiating an inquiry into UK maternity services.
- Request increased investment in midwifery training, recruitment, and retention using meaningful data and benchmarking tools.
- Support a national rollout of initiatives such as the OASI Care Bundle to reduce severe perineal trauma.
- Promote the establishment of fully integrated care models that combine mental health, pelvic health, and continuity of care.
- Advocate for the inclusion of fathers and co-parents—who are often overlooked under current policies—including access to paid time off for antenatal and educational appointments.
- Call for greater investment in specialist support for parents affected by birth trauma during and after the perinatal period, as current services are overstretched and many women are not receiving the care they need in a timely manner.

Additionally, the Council will liaise with the Integrated Care Board to reaffirm the need for sustained support for community midwifery services in Hyndburn and across East Lancashire Hospitals NHS Trust Maternity Services.

The Solution is Clear: Invest in midwives. Invest in families. Invest in the future.”

Councillors Noordad Aziz, Andrew Clegg, Shabir Fazal, Melissa Fisher, Clare Pritchard, Heather Anderson, Kate Walsh, Steven Button and Munsif Dad spoke in support of the motion.

In accordance with Council Procedure Rule 16.5, six members called for a recorded vote on the motion.

The MOTION was then put to the **VOTE**.

For the Motion (20)

Councillors Vanessa Alexander, Heather Anderson, Noordad Aziz, Scott Brereton, Steven Button, Andrew Clegg, Jodi Clements, Paul Cox, Munsif Dad BEM JP, Bernard Dawson, Stewart Eaves, Shabir Fazal OBE, Melissa Fisher, Andy Gilbert, Clare McKenna, Dave Parkins, Clare Pritchard, Ethan Rawcliffe, Kate Walsh and Clare Yates.

Against the Motion (0)

Nil

Abstentions (10)

Councillors Judith Addison, Josh Allen (Mayor), Danny Cassidy, Loraine Cox, Peter Edwards, Marlene Haworth, David Heap, Zak Khan, Joyce Plummer and Steven Smithson.

Resolved

- (1) This Council resolves to write to the Health Secretary, Wes Streeting MP, to:**
- **Express gratitude for initiating an inquiry into UK maternity services.**
 - **Request increased investment in midwifery training, recruitment, and retention using meaningful data and benchmarking tools.**
 - **Support a national rollout of initiatives such as the OASI Care Bundle to reduce severe perineal trauma.**
 - **Promote the establishment of fully integrated care models that combine mental health, pelvic health, and continuity of care.**
 - **Advocate for the inclusion of fathers and co-parents—who are often overlooked under current policies—including access to paid time off for antenatal and educational appointments.**
 - **Call for greater investment in specialist support for parents affected by birth trauma during and after the perinatal period, as current services are overstretched and many women are not receiving the care they need in a timely manner.**
- (2) This Council will liaise with the Integrated Care Board to reaffirm the need for sustained support for community midwifery services in Hyndburn and across East Lancashire Hospitals NHS Trust Maternity Services.**
- (3) This Council believes that the solution is clear: Invest in midwives - Invest in families - Invest in the future.”**

3) Welfare Motion

The following motion was proposed by Councillor Melissa Fisher and seconded by Councillor Jodi Clements, with support from signatories Councillors Munsif Dad and Scott Brerton, in accordance with Council Procedure Rule A9:

“This Council believes that the welfare system must be built on the principles of dignity, fairness, and respect for all.

This Council further believes that over a decade of austerity imposed by previous governments has caused severe and lasting damage to public services and welfare provision, leaving many Hyndburn residents facing exceptional hardship. In particular, people with health-related conditions have borne the brunt of these cuts over time and continue to experience disproportionate levels of poverty and insecurity.

Whilst this Council recognises the need to manage public finances responsibly, it holds grave concerns about the direction of current welfare reform proposals. It cannot be stressed enough that disability benefits are vital to help disabled people remain in work.

However, this Council was pleased to learn that the Government have listened to concerns and will implement concessions, so existing claimants of PIP and Universal Credit do have some 'peace of mind'.

This Council therefore calls on the Government to continue to support the most vulnerable without further reductions to essential welfare support. Instead, it urges a focus on tackling the root causes of rising welfare demand—such as the imbalance in the tax system, housing insecurity, low-paid and insecure employment, soaring mental health issues, and deepening inequality.

This Council resolves to:

1. Write to the Secretary of State for Work and Pensions, the Rt Hon Liz Kendall MP, and the Prime Minister, the Rt Hon Keir Starmer MP, to express our serious concerns about the potential impact of any forthcoming welfare reforms.
2. Request that the Government pauses its current welfare review and instead prioritises solutions that protect those in greatest need.
3. Reaffirm our commitment to supporting residents in Hyndburn through strong local welfare provision and continued advocacy for a just and compassionate welfare system."

Councillor Shabir Fazal OBE expressed the view that the Government was prioritising defence spending over welfare and that the motion did not go far enough. He considered that the motion should request the Government to raise the necessary funds for welfare through the introduction of a wealth tax.

Councillors Paul Cox, Andy Gilbert, Clare Pritchard, Andrew Clegg, Heather Anderson, Munsif Dad BEM JP, Jodi Clements, spoke in support of the motion and outlined the negative impacts of possible changes to welfare support on some the most disadvantaged in society.

Councillor Zak Khan, Leader of the Opposition, commented that his group would ordinarily have supported, in principle, the motions put today. Accordingly, they would not vote against them. However, he expressed concern that motions being put were often about national and international issues and that writing letters to Government ministers and other agencies did not usually result in a response being received. He stated that the Opposition group intended to focus on motions affecting Hyndburn.

Councillor Fisher summed up by indicating that the motion highlighted an imbalance in the tax system. She refuted suggestions that the welfare provision was not a local issue and made the case for raising concerns with the Government whether, or not, a reply was ultimately received.

In accordance with Council Procedure Rule 16.5, six members called for a recorded vote on the motion.

The MOTION was then put to the **VOTE**.

For the Motion (20)

Councillors Vanessa Alexander, Heather Anderson, Noordad Aziz, Scott Brereton, Steven Button, Andrew Clegg, Jodi Clements, Paul Cox, Munsif Dad BEM JP, Bernard Dawson,

Stewart Eaves, Shabir Fazal OBE, Melissa Fisher, Andy Gilbert, Clare McKenna, Dave Parkins, Clare Pritchard, Ethan Rawcliffe, Kate Walsh and Clare Yates.

Against the Motion (0)

Nil

Abstentions (10)

Councillors Judith Addison, Josh Allen (Mayor), Danny Cassidy, Loraine Cox, Peter Edwards, Marlene Haworth, David Heap, Zak Khan, Joyce Plummer and Steven Smithson.

Resolved

- This Council resolves to:

- (1) Write to the Secretary of State for Work and Pensions, the Rt Hon Liz Kendall MP, and the Prime Minister, the Rt Hon Keir Starmer MP, to express our serious concerns about the potential impact of any forthcoming welfare reforms.**
- (2) Request that the Government pauses its current welfare review and instead prioritises solutions that protect those in greatest need.**
- (3) Reaffirm our commitment to supporting residents in Hyndburn through strong local welfare provision and continued advocacy for a just and compassionate welfare system.**

The Mayor thanked all for their attendance tonight and then closed the meeting.

Signed:.....

Date:

Chair of the meeting
at which the minutes were confirmed

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Agenda Item 5.

REPORT TO:		Council	
DATE:		25 September 2025	
REPORT AUTHOR:		Julian Joinson, Member Services Manager	
TITLE OF REPORT:		Question Time 1) Skip Days 2) Council Reserves 3) Great Harwood High Street Accelerator Plan 4) Local Nature Recovery Strategies 5) King George V Playing Fields 6) Accrington Cemetery 7) Vehicle MOT Requirements 8) Fly-Tipping 9) Friendship/Twinning with a Palestinian City 10) Unused Land at Perth Street/Willows Lane and Pendle Street 11) Support for Cultural and Sports Events 12) Council Debt 13) Baxenden Village Clock 14) Minutes of Meetings 15) Cath Thom Leisure Centre 16) Empty Retail Unit on Hyndburn Road 17) Baxenden Recreation Ground 18) Accrington Victoria Hospital Site 19) Access to Allotments in Baxenden	
EXEMPT REPORT:	No		
KEY DECISION:	No	If yes, date of publication:	n/a

Questions to Council

Questions for the Leader of the Council, a member of the Cabinet, or a Committee Chair may be submitted by councillors or by member of the public, under Council Procedure Rule 2.2(vi).

Procedural Note

- The questions will be read out by the Mayor/Deputy Mayor
- The Leader or other councillor, as appropriate, will give an oral answer.
- The questioner, if a councillor, may ask a supplementary question, if it is directly related to the original question

The following questions have been submitted:-

1) Skip Days

To the Portfolio Holder for Environmental Services (Councillor Stewart Eaves)

Could the portfolio holder please provide an update to Council on the recent skip days?

From: Councillor Clare Pritchard

On behalf of: Mr C Martino

Date of first receipt by Office: 14th July 2025 (11:46)

2) Council Reserves

To the Portfolio Holder for Resources and Council Operations (Councillor Vanessa Alexander)

How much money does this Council have in its reserves?

From: Councillor Steven Smithson

Date of first receipt by Office: 17th August 2025 (17:35)

3) Great Harwood High Street Accelerator Plan

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder

Following the successful roll out of £45,000 in grants for shop improvements in Great Harwood, will you roll this out this across the whole Borough and offer the same opportunity to other towns?

From: Councillor Zak Khan

Date of first receipt by Office: 19th August 2025 (16:50)

4) Local Nature Recovery Strategies

To the Portfolio Holder for Environmental Services (Councillor Stewart Eaves)

How is Hyndburn engaging in the new Local Nature Recovery Strategies? - A new system to map the best opportunities for restoring nature to help focus efforts and target funding.

From: Councillor Zak Khan

On behalf of: Vinette Davitt

Date of first receipt by Office: 19th August 2025 (17:17)

5) King George V Playing Fields

To the Portfolio Holder for Environmental Services (Councillor Stewart Eaves)

Please could the portfolio holder give an update on the reopening of King George's playing fields?

From: Councillor David Heap

Date of first receipt by Office: 24th August 2025 (19:27)

6) Accrington Cemetery

To the Portfolio Holder for Environmental Services (Councillor Stewart Eaves)

What action will Hyndburn Council take to stop dogs fouling and walking over graves at Burnley Road Cemetery, and when will the promised fencing, water tap, and review of burial regulations for the Muslim section finally be delivered?

From: Councillor Shabir Fazal OBE

On behalf of: Khuram Mehrban

Date of first receipt by Office: 10th September 2025 (11:41)

7) Vehicle MOT Requirements

To the Deputy Leader of the Council and Portfolio Holder for Housing and Regeneration (Councillor Melissa Fisher)

Wolverhampton Council has implemented a policy requiring 12-month MOTs for private hire vehicles to ensure consistent safety standards. Is Hyndburn Council planning to adopt a similar approach, especially in light of the recent proposal to end 'in-house' MOT testing and allow local garages to conduct these checks?

From: Councillor Shabir Fazal OBE

On behalf of: Sohail Asghar

Date of first receipt by Office: 10th September 2025 (11:44)

8) Fly-Tipping

To the Portfolio Holder for Environmental Services (Councillor Stewart Eaves)

In Oswaldtwistle we have seen a recent increase of fly-tipping - what plans do the council have in place to tackle this ongoing issue?

From: Councillor Steven Smithson

Date of first receipt by Office: 16th September 2025 (09:38)

9) Friendship/Twinning with a Palestinian City

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder

Preston City Council is progressing with building connections with a Palestinian city, Hebron, as part of their friendship and twinning arrangements. Can the Leader please confirm whether Hyndburn Borough Council has any plans to consider similar friendship links, particularly with a Palestinian city, and if not, whether this is something that will be explored in the future?

From Councillor Shabir Fazal OBE

On behalf of: Hasnain Fazal

Date of first receipt by Office: 16th September 2025 (17:32)

10) Unused Land at Perth Street/Willows Lane and Pendle Street

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder

What are Hyndburn Council's plans for the unused land at the Perth Street/Willows Lane junction and the Pendle Street site where homes were demolished years ago, and when can residents expect progress or development?

From Councillor Shabir Fazal OBE

Date of first receipt by Office: 16th September 2025 (17:35)

11) Support for Cultural and Sports Events

To the Deputy Leader of the Council and Portfolio Holder for Culture, Heritage and Sport (Councillor Kimberley Whitehead)

Hyndburn Council runs fantastic events like the Accrington Soapbox Challenge and Food Festival. Will the Council commit to supporting future cultural and sports events—such as Kabaddi, cricket and weightlifting—especially those that celebrate our borough's diversity, with the same level of funding and backing as other major events?

From Councillor Shabir Fazal OBE

On behalf of: Tanveer Khan

Date of first receipt by Office: 16th September 2025 (17:38)

12) Council Debt

To the Portfolio Holder for Resources and Council Operations (Councillor Vanessa Alexander)

How much debt does the Council currently have?

From Councillor Steven Smithson
On behalf of: Mr and Mrs J Westell
Date of first receipt by Office: 17th September 2025 (20:16)

13) Baxenden Village Clock

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder

Please can I have an update on Baxenden's broken village clock?

From Councillor David Heap
On behalf of: Kevin Laycock
Date of first receipt by Office: 21st September 2025 (16:38)

14) Minutes of Meetings

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder

Why are the minutes from meetings only published just before the next meeting and not within 2 weeks of the meeting happening?

From Councillor David Heap
On behalf of: Catherine Laycock
Date of first receipt by Office: 21st September 2025 (16:38)

15) Cath Thom Leisure Centre

To the Deputy Leader of the Council and Portfolio Holder for Housing and Regeneration (Councillor Melissa Fisher)

The Council have spent 10.5 million on the new Clayton leisure centre and will expect a return on that investment. What process has been set up for councillors to monitor the achievements of these targets and how often will the public be informed?

From Councillor David Heap
On behalf of: Peter Shaw
Date of first receipt by Office: 21st September 2025 (16:38)

16) Empty Retail Unit on Hyndburn Road

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder

What is happening with the empty unit formerly the hot tubs on Hyndburn Road?

From Councillor David Heap

On behalf of: Carol Hoyle

Date of first receipt by Office: 21st September 2025 (16:38)

17) Baxenden Recreation Ground

To the Portfolio Holder for Environmental Services (Councillor Stewart Eaves)

Will the portfolio holder meet with our councillor (Cllr Heap) to look at having a pump track for our youth on Baxenden rec?

From Councillor David Heap

On behalf of: Nicola Harvey

Date of first receipt by Office: 21st September 2025 (16:38)

18) Accrington Victoria Hospital Site

To the Leader of the Council (Councillor Munsif Dad BEM JP) or relevant Portfolio Holder

What is happening with the 'Accy Vic' site ?

From Councillor David Heap

On behalf of: Mary Bilsborough

Date of first receipt by Office: 21st September 2025 (16:38)

19) Access to Allotments in Baxenden

To the Portfolio Holder for People and Communities (Councillor Ethan Rawcliffe)

With the allotment monies collected, is there any plan to reinstate and maintain the pathway at Hey Street around to Hill Street, Baxenden so that plot holders can get to their plot with a vehicle.

From Councillor David Heap

On behalf of: Anne Metcalfe

Date of first receipt by Office: 21st September 2025 (16:38)

ADDENDUM TO AGENDA ITEM 6

Appointments to Committees

The Council has duty to give effect to the wishes of a political group in relation to appointments to committees and other bodies in accordance with s16(1) Local Government and Housing Act 1989.

The Council is invited to consider and give effect to requests from the various political groups, as follows:

Labour and Co-operative

- The appointment of the following members to the Standards Committee: Councillors Noordad Aziz, Clare Pritchard and Kimberley Whitehead, to replace Councillors Stephen Button, Bernard Dawson and Ethan Rawcliffe and the appointment of Councillor Noordad Aziz as Chair.

Note: Additional requests for changes may be raised verbally at the meeting.

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REPORT TO:		Council	
DATE:		25 September 2025	
PORTFOLIO:		Councillor Melissa Fisher - Deputy Leader of the Council (Housing and Communities)	
REPORT AUTHOR:		Licensing Manager on behalf of the Executive Director (Legal and Democratic services) (Ext 2278)	
TITLE OF REPORT:		Rules Regulations and Procedures for Hackney Carriage and Private Hire Licensing – amendment / mechanical testing of hackney carriages and private hire vehicles	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	Options	Not applicable	
KEY DECISION:	Options	If yes, date of publication:	

1. Purpose of Report

- 1.1 To advise members of the outcome of the recent consultation relating to proposed changes to the taxi licensing policy in relation to the mechanical testing of hackney carriages and private hire vehicles, and to seek approval for a change to the Taxi and Private Hire Licensing Policy which will allow mechanical testing to be carried out externally.
- 1.2 Should the decision be made to proceed with the proposed changes, Members are asked for approval of the suggested criteria for a testing station to become approved (see Appendix 1), to approve fees for testing stations to become approved and to approve a maximum number of testing stations in the Borough – the recommendation being 4 or 5.

2. Recommendations

- 2.1 Members are asked to determine whether, having considered the consultation responses, they wish to discontinue the mechanical testing of hackney carriages and private hire vehicles by the Council and instead externalise the same;
- 2.2 If members decide to externalise the mechanical testing of hackney carriages and private hire vehicles, then members are asked to:
 - i. agree that the Council will designate up to 5 garages within the Borough as approved testing stations to carry out mechanical testing of hackney carriages and private hire vehicles and that, where possible, those garages will be located in different parts of the Borough;
 - ii. delegate authority to the Executive Director (Legal & Democratic Services) following consultation with the portfolio holder and chair of Judicial Committee, to select and appoint approved testing stations for this purpose (noting that the scheme of delegation to officers will be amended to this effect so that the delegation arrangement will cover the appointment of replacement garages in the event of changes being required in the future);

- iii. approve the revised taxi and private hire licensing policy and supplementary testing manual attached at Appendices 2 and 4 and in particular the criteria for selection as an approval testing station and for removal of designation as an approved testing station attached at Appendix 1
- iv. delegate authority to the Executive Director (Legal & Democratic Services) following consultation with the chair of Judicial Committee, to remove designation as an approved testing station in accordance with the criteria set out in the Council's taxi and private hire licensing policy (noting that the scheme of delegation to officers will be amended to this effect);
- v. delegate authority to the Executive Director (Legal & Democratic Services), following consultation with the chair of Judicial Committee, to suspend designation as an approved testing station to enable an investigation to be carried out where there are reasonable grounds to consider that one or more of the criteria for removal of designation as an approved testing station may have been met (noting that the scheme of delegation to officers will be amended to this effect);
- vi. approve the fees proposed in paragraph 3.11 of the report.

3. Reasons for Recommendations and Background

3.1 Current Position

Provisions within the Local Government (Miscellaneous Provisions) Act 1976 permit district councils to grant licenses to vehicle proprietors to use a 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 must present for inspection and testing on no more than three occasions during any one twelve month period. The primary reason for this legislation is 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 will be issued with a 12 month license. Any car over the age of 2 years of age will be required to pass the Councils vehicle examination test twice yearly and will be issued with a 6 month license each time. When a vehicle reaches 15 years of age it will be subject to the Councils vehicle examination test three times per year and will be issued with a 4 month license each time.

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

In addition to the standards required for a class 4 MOT test by the DVSA, the Council has additional supplemental standards which vehicles must pass in order to be licensed by the Council. The supplementary testing manual supplements the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing and has been established so as to ensure that all vehicles licensed by Hyndburn Borough Council are of a high standard and are suitable, safe and fit to be licensed by this authority to transport members of the public. The additional elements of the supplementary testing manual are essential as there are 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 issues a Certificate of Compliance (COC) to all vehicles that have reached the MOT standards as well as those set out in the supplementary testing manual. The COC is a certificate

that the DVSA permits only local authority employees to issue when testing at a local authority premises. The COC exempts the licensed vehicle from requiring a class 4 MOT.

If a vehicle fails any part of the class 4 MOT test, including any elements of the supplementary test, it will not be issued with a compliance certificate, and will not be licensed until it has fully passed the test. All re-tests must take place within ten working days of the original test otherwise a full taxi test will be required at the full test taxi fee. Only one re-test is permitted per vehicle, thereafter a full taxi test is required and a full test fee charged

- 3.2 The overriding aim of any Licensing Authority when carrying out its functions in relation to the licensing of hackney carriage and private hire drivers, vehicles and private hire operators must be the protection of the public.

3.3 **The proposal to externalise**

In March 2025 the Cabinet asked officers to consider ending taxi testing by CVMA and instead outsourcing this activity to a set number of independent testing stations throughout the Borough. This will involve testing stations being invited to apply to become Council approved for the mechanical testing of hackney carriages and private hire vehicles (sometimes referred to generically in this report as “taxis”) and vehicle owners will be able to choose which testing station to use from the list of approved garages. The proposed changes, including criteria the testing station must meet, application procedure, selection procedure and circumstances whereby approved status can be removed will require amendments to the Council’s existing policy for private hire vehicles and hackney carriages.

- 3.4 A public consultation in respect of the proposal took place between 23rd June and 14th July 2025. The consultation was emailed to all current drivers, vehicle proprietors and operators, plus elected members. The consultation survey was also published on the Council’s website for use by the public. Social media posts were published, inviting both trade and public to participate in the consultation exercise and a press release was published in the local press. The questions asked in the consultation survey are attached at Appendix 3.

- 3.5 There were 130 responses to the consultation. Details of those responding are as follows:

Description of respondent

Member of the public – 100

Taxi / private hire trade – 25

Garage owners – 5

Respondent’s link to Hyndburn

Respondents living in the Borough – 97%

Respondents working in the Borough – 70%

Respondents’ usage of taxi’s / private hire vehicles

Use every week – 32%

Use every month – 22%

Use a few times a year – 30%

Never use – 16%

Some key data from the consultation:

- 69% believe that taxi safety will decrease, 12% thought safety would improve and 17% thought the change would have no effect on safety, whilst 2% have an opinion on what the effect would be
- 58.21% of respondents who identified themselves as taxi trade believe the proposed changes will not be an improvement to current arrangements. However, more respondents answered this question than had identified as taxi trade earlier in the survey (67 responses)
- 59.62% replied that they are not happy with the proposed selection criteria. However, the reasons given suggest that a portion of those respondents were unhappy with the proposal rather than the specific selection criteria.

3.6 The concerns raised about the proposal included the following:

- A large number of the respondents expressed concerns about a drop in the standard of vehicle testing and a resulting decline in taxi safety for the travelling public and other road users; and
- Age number of the respondent's expressed concern about the potential for unscrupulous garages to be involved in taxi testing and that externalisation could be more open to fraud and corruption than the current arrangement; and
- Some of the respondents were concerned the Council would not be able to properly monitor the activities of the approved garages and would therefore have less control over vehicle standards.

3.7 In response to the concerns above, members are asked to note that the DVSA approves all MOT testing stations, and will only approve those it considers to be of a high enough standard to carry out MOT tests. Concerns relating to MOT standards can be referred to the DVSA for review and investigation. The MOT aspect of the test will be the standard MOT that all road vehicles are required to pass. Furthermore, the Council would not be allowing all garages in the Borough to carry out taxi testing, as the proposal envisages that only a limited number of garages will be permitted to undertake taxi testing. These garages will be required to meet the specified criteria and will be subject to ongoing monitoring. If a garage fails to meet the required standards, then its authorisation can be removed. In addition, if externalisation occurs the Council will increase the number of random vehicle checks and safety operations it carries out each year. Also, the taxi / private hire compliance certificate will still be issued, and the garages will be required to carry out the additional testing specified in the Council's supplementary testing manual (Appendix 4).

3.8 Respondents who were in favour of the externalisation of taxi testing gave the following reasons:

- An easier process may entice drivers to return from Wolverhampton.
- The testing will be of the same standard as CVMU.
- They are all professionals who do the same tests.
- It provides opportunities for local garages.
- It will be easier to book a convenient slot when there are multiple garages offering testing.
- It will be cheaper, quicker and easier.

3.9 In relation to Hyndburn's neighbouring authorities, Blackburn and Rossendale carry out internal vehicle testing. Burnley and Pendle allow approved testing stations to carry out testing and Burnley has 3 approved garages, whilst Pendle has 5.

3.10 Should the Council decide to proceed with this proposal, the opportunity to become an authorised garage will be advertised for at least 3 weeks. The opportunity will also be publicised via our social media channels. Once applications are received, the garages will be inspected by Licensing Officers to

ensure that they meet the suggested criteria (Appendix 1). The applications from those garages that pass this stage in the selection process will then be considered by the Executive Director (Legal & Democratic Services), with support from the Licensing Manager, portfolio holder and the chair of Judicial Committee, prior to a determination being made by the Executive Director (Legal & Democratic Services).

- 3.11 There are costs in terms of staff time associated with setting up the arrangement, the application and inspection process, as well as ongoing monitoring and administration costs. The initial set up cost is £92.40 per garage (assuming 5 garages are to be approved). Each application costs £48.60, an inspection costs £145.80 and the ongoing cost per garage is £148.80 per year. The Licensing Manager proposes that fees are charged to each applicant on a staged basis, as follows:

- Application cost - £50
- Inspection Charge (if the garage meets criteria) - £120
- Approval and Set-Up cost (if approved) - £80

Consideration needs to be given as to whether an annual fee should be applied to cover ongoing costs and monitoring and there will be a further report to Council about this in due course. The calculation of costs is included at Appendix 5.

- 3.12 In reaching a decision in respect of this matter members are referred to the following:

Appendix 1 – Proposed selection criteria for approved testing stations

Appendix 2 – Proposed amendment to taxi and private hire policy

Appendix 3 – Consultation Questions

Appendix 4 – Supplementary Testing Manual

Appendix 5 – Fee Calculations

Appendix 6 – Equality impact assessment

4. Alternative Options considered and Reasons for Rejection

- 4.1 The Council could take no action and continue with the current testing arrangements.

5. Consultations

- 5.1 A public consultation in respect of the proposal took place between 23rd June and 14th July 2025. Details are contained in 3.4 – 3.8 and Appendix 3.

6. Implications

Financial implications (including any future financial commitments for the Council)	The Council will lose income generated by taxi tests. However, this will be offset by not having to employ a member of staff to undertake taxi tests at CVMU. Externalising taxi testing could increase workload and costs for the Licencing Team if the process proves not to be as efficient as dealing with CVMU. It is not currently anticipated that additional staffing will be required within the Licensing Team, but this will be kept under review, together with all aspects of the new arrangements.
Legal and human rights implications	The Council is not required by law to carry out taxi testing itself and many other councils have externalised the taxi

	testing process. When reaching a decision on this matter the Council must act for proper purposes and in good faith. In other words, the Council must act for proper motives, take into account all relevant considerations, and ignore irrelevant matters. It must not act irrationally and must balance the risks against the potential benefits. The Council will need to revise its taxi and private hire licensing policy if it decides to externalise taxi testing and this is a non-executive decision.
Assessment of risk	There is the potential for the costs of taxi tests to increase. Currently the Council only seeks to recover the costs of providing the service and does not make a profit. Private garages will set their own fees and these may be higher than those charged currently, but this will be monitored. Hopefully, enough garages will participate in the new arrangement to ensure sufficient testing slots are available for the trade. The Council will not be able to control the testing slots provided by private firms and there is a possibility that waiting times may increase, but this will be monitored. There is no knowledge, resource or budget within the Council's licencing section to spot check the work of private testing station/s to ensure the Council's supplementary standards are being applied and being applied consistently. Nor would it be possible for licensing staff to monitor testing standards at private testing stations as they do not have the technical or mechanical expertise. There is a risk that taxi operators, vehicle owners or drivers could be, or become, involved in the ownership or management of garages that carry out taxi testing. This creates the potential for conflicts of interest to arise (for example with operator or vehicle owners being able to test their own vehicles). Designation as a HBC appointed garage would require this to be declared, but the licensing team will have only limited capacity to monitor the position (due both to the time involved and the difficulty of determining ownership and control arrangements in respect of private businesses, especially where these are not registered companies). There could be a public perception of reduced vehicle safety if the Council was no longer undertaking testing. These risks can be mitigated through the criteria for

	appointment as a HBC approved testing station and the monitoring arrangements to be put in place. The risks can also be mitigated by having criteria and delegation arrangements which enable designation to be removed from poorly performing garages or suspended where there are concerns that require investigation and resolution.
Equality and diversity implications A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.	The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to: • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Cabinet in this regard a Customer First Analysis has been carried out as part of the review process and is attached as Appendix 6 to this report. Cabinet is advised to consider the Customer First Analysis and its obligations in respect of the public sector equality duty when making a decision in respect of the recommendations contained in this report.

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

List of Background Papers

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

Report to Cabinet dated 26th March 2025

8. Freedom of Information

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

Criteria for selection as an approved testing station

Hyndburn Borough Council proposes to appoint up to 6 testing stations for taxi's and private hire vehicles. Those interested in carrying out testing of hackney carriages and private hire vehicles that are to be licensed in Hyndburn must meet the following criteria:

1. The Testing Premises must be within the geographical boundaries of Hyndburn Borough Council ("HBC").
2. The Testing Premises must have been a registered DVSA testing station for a minimum of 12 months and hold a Green DVSA risk rating.
3. The Testing Premises must have a DVSA authorised test lane and 2 DVSA approved testers with green risk ratings. A minimum of 1 authorised tester will be available at all times when the Testing Premises are open.
4. Testing will be carried out strictly in accordance with DVSA standards and HBC'S supplementary testing manual (a copy of the testing manual will be supplied to the Testing Premises by HBC, together with details of any future changes to the testing manual).
5. The Testing Premises must be able to carry out a minimum of 5 full tests per day, Monday to Friday, and 2 full tests on Saturday. All appointments for tests will be made by the customer directly with the Testing Premises.
6. In accordance with DVSA standards, the Testing Premises must have a dedicated clean and comfortable waiting area for drivers, along with separate customer sanitary facilities.
7. The Testing Premises must be able to supply and issue compliance certificates or failure certificates, the cost of which is to be included in the test fee. HBC will supply the necessary templates which must be used by the Testing Premises for the certificates. The Testing Premises will issue a certificate to the driver / vehicle owner and a copy of the certificate must be sent to HBC's Licensing Section digitally on the day of issue. A reliable method (ie broadband connection) must be in place to allow for this information to be emailed to HBC.
8. The Testing Premises must be able to provide pass / failure data to HBC's Licensing Section on a monthly basis. HBC will supply the Testing Premises with a template for the supply of this information.
9. The Testing Premises must have a rigorous appeals procedure in operation for DVSA items. Appeals relating to items covered by HBC's supplementary testing manual must be referred to HBC's Licensing Section for investigation and resolution.
10. The Testing Premises must have a customer complaints procedure in operation. Complaints records should be kept by the Testing Premises for taxi related complaints for a minimum of 12

months from the date of the complaint and the Testing Premises must make it's complaints records available to HBC's Licensing Section upon request.

11. The Testing Premises must hold public liability insurance up to £5 million, and employer liability insurance for £1 million. The Testing Premises will supply evidence of its insurance cover to HBC's Licensing Section upon request.

12. Basic DBS disclosures must be provided to HBC by the Testing Premises annually in respect of the testers and the owners of the Testing Premises.

13. Quarterly progress meetings will be held with HBC's Licensing Officers to assess the Testing Premises' performance and procedures. In addition, an annual inspection of the Testing Premises will be made by HBC's Licensing Officers. The Testing Premises must facilitate and co-operate with all such meeting and inspections

14. All written records relating to taxi testing will be retained by the Testing Premises for 3 years, and produced to HBC on request.

15. The Testing Premises must not be owned, controlled or managed by (or have any form of commercial link with) anyone who is registered as a taxi operator, driver or vehicle owner. Similarly, the testers must not be registered as a taxi operator, driver or vehicle owner. The Testing Premises will be required to sign a declaration to this affect with their application and then annually every year afterwards as part of HBC's ongoing monitoring arrangements.

16. The Testing Premises must notify HBC's Licensing Team immediately if there is any change in the ownership, control or management of the Testing Premises. Similarly, the Testing Premises must notify HBC immediately if the Testing Premises become owned, manged or controlled by someone who is registered as a taxi operator, driver or vehicle owner and if any of the testers become registered as a taxi operator, driver or vehicle owner.

17. The Testing Premises must have either a viewing area for the MOT testing lane or a camera system offering a clear view of the testing area.

18. The Testing Premises must enter into a data sharing agreement with HBC in respect of the sharing of personal data with HBC in connection with the matters set out above. HBC will supply the template for the data sharing agreement.

TERMINATION OF APPROVAL STATUS:

The Council reserves the right to remove the Testing Premises designation as an Approved Testing Station if it is satisfied that this is necessary in the interest of public safety or to maintain public confidence in either the safety of licensed vehicles in the Borough and / or the integrity of the taxi testing process.

Without limitation to the above, and by way of example only, Approved Testing Station Status may be removed for the following:

- Connection of the Testing Premises or the testers to the taxi / private hire trade
- Convictions received by anyone involved in ownership, management or control of the Testing Premises, including tax offences, immigration offences or offences relating to modern slavery
- Convictions received by the testers or tester links to the taxi / private hire trade
- Involvement in modern slavery or immigration offences
- Loss of DVSA green status
- Authorised testers decreasing below the minimum required number
- False statements made during the application process
- Failure to supply requested information to HBC
- Any conviction for fraud
- Evidence of the Testers and / or Testing Premises accepting bribes or inducements from customers or otherwise acting in a way that could affect public confidence in the integrity of the testing process
- High level of complaints made against the Testing Premises or its testers
- Failure to maintain standards at the Testing Premises, including failure to comply with the requirements of the supplementary testing manual
- Repeated occasions of vehicles found to be not of the required standard following recent testing at the Testing Premises

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BOROUGH OF HYNDBURN
HOME OF THE ACCRINGTON PALS

Taxi and Private Hire Licensing Policy

October 2023

Revised September 2025

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OPENING HOURS OF LICENSING OFFICE

Telephone lines: Monday-Thursday
Friday

11.00 - 16.00
09.30 – 14.30

This policy sets out the manner in which applications for hackney carriage and private hire driver, vehicle and operator licences will be considered by Hyndburn Borough Council ("The Council").

1.0 Background

1.1 Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside normal hours of operation such as in the evenings or on Sundays), and / or for those with mobility difficulties.

1.2 The aim of licensing the hackney carriage and private hire trade is primarily to protect the public, as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision.

It is important that the Council's hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.

1.3 This guidance sets out what is considered to be best practice in terms of hackney carriage and private hire licensing. It does not seek to cover the whole range of possible licensing requirements. It seeks to concentrate only on those issues which are significant.

2.0 Statutory Guidance and Legislation

2.1 The Department For Transport (DFT) has national responsibility for hackney carriage and private hire legislation in England and Wales.

2.2 In producing this policy the Department For Transport (DFT) Statutory Taxi and Private Hire Vehicle Standards document which was published in 2020 to assist local authorities with the regulation of the hackney carriage and private hire trades has been considered. The DFT Statutory Guidance was directed at local authorities in England and Wales to and whilst there was recognition, within the document, that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, the DFT have set out within the document that:-

'Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups.

The Department therefore expects these recommendations to be implemented unless there is a compelling reason not to.

- 2.3 In October 2017 Hyndburn Borough Council adopted in the full the Institute of Licensing Guidance on Determining the suitability of applicants in the private hire and hackney carriage trade and that will be incorporated into this policy.
- 2.4 This document also takes account of the legislative basis of the Council's taxi licensing powers, contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, the requirements of the Immigration Act 2016 and the requirements made under Sections 165 and 167 of the Equality Act 2010.

SI 2017/107 - The Equality Act 2010 (Commencement No. 12) Order 2017

This Order brings into force on the 6th April 2017 sections 165 and 167 (in so far as they are not already in force) of the Equality Act 2010 (c.15).

Section 165 imposes duties on the driver of a designated taxi and the driver of a designated private hire vehicle ("a designated vehicle"), to carry passengers who are either wheelchair users or wheelchair user's accompanying passengers, so as to enable wheelchair users to access and exit designated vehicles.

Section 165 also creates a new criminal offence if the driver of a designated vehicle fails to comply with the duties specified in section 165.

Section 166 provides that the driver of a designated vehicle is exempted from the duties imposed by section 165 if a licensing authority issues the driver with an exemption certificate which is in force and the prescribed notice of the exemption is exhibited in the designated vehicle in the prescribed manner.

Section 166 also provides that a taxi or private hire vehicle is "designated" if it appears on a list maintained under section 167.

Section 167 provides that for the purposes of section 165, a licensing authority may maintain a list of vehicles which are either taxis or private hire vehicles and conform to such accessibility requirements as the licensing authority thinks fit. This authority intends to maintain a list of such vehicles.

3.0 Powers and duties

- 3.1 This statement of licensing policy is written pursuant to the powers conferred by the Town Police Clause Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Hyndburn Borough Council ('the Council') the duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles and drivers.
- 3.2 The aim of the licensing process is to regulate the hackney carriage and private hire trade in order to promote well-run and responsible businesses that display sensitivity to the wishes and needs of the general public

4.0 Policy Status

- 4.1 In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy document alongside the adopted policy on determining the suitability of applicants and licensees in the hackney carriage and private hire trade available at appendix 1 to this policy
- 4.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, clear and compelling reasons will be given for so doing.
- 4.3 This policy (and associated work procedures) will provide those Council Officers who are required to administer the licensing function with appropriate guidelines within which to act. The Council may need to consider applications outside the policy.
- 4.4 The document is not intended to be a full and/or authoritative statement of the law or its associated guidance and does not in any way constitute legal advice. The relevant statutory provisions will take precedence.

5.0 Guidance for Applicants of Hackney Carriage and Private Hire Drivers Licences

5.1 DVLA Driving Licence:

Applicants for Hackney Carriage or Private Hire Driver's licences are required to have held, for a minimum of one year, a full driving licence issued in the UK at the date of application, the European Community (EC) or one of the other countries in the European Economic Area (EEA).

All non-UK licence holders will still be required to provide a copy of their EC/EEA driving licence with their application.

All applicants for hackney carriage and private hire drivers' licences will be subject to an online DVLA check in relation to any points or disqualifications on their licence.

5.2 Application Process:

Application forms for hackney carriage and private hire drivers' licences can be downloaded at www.hyndburnbc.gov.uk, and submitted electronically to the licensing department. The appropriate fee will be payable at that time of application.

A link will then be sent for all new applicants so that they can complete an enhanced DBS check.

All existing and new drivers will be required to join the DBS online update service and a DBS check will be carried out by licensing officers every 6 months.

5.3 Group 2 Medical:

All applicants will be required to provide a full medical certificate in the prescribed form, issued by a general practitioner on first application and every 3 years thereafter (dated within 2 months of application) Once a driver reaches the age of 65 he/she will be required to provide a full medical certificate annually.

All medical checks must be carried out by:-

- the applicant's own GP;
- someone from the GP practice to which the applicant is registered; or
- an agent appointed by the GP;

Full access to the applicant's medical records must be available to the GP carrying out the check at all times and the medical records must be taken into account when carrying out the medical examination.

5.4 No licence will be granted until **all** required documents have been received and satisfactory DBS results have come back to us. Please note all application processes must be completed within 6 months of the date of issue of the DBS certificate or a new certificate will be required.

5.5 DBS Checks from outside UK:

If a person applying for an enhanced disclosure has not lived in the UK for five years or more, then an equivalent DBS check (certificate of good conduct duly authenticated) will need to be completed by the UK Embassy for the country in which the applicant has previously been living.

If an applicant has been living or working outside of the UK for a continuous period of 3 months or more before an application is submitted they will be required to provide a certificate of good character from the country they have been living or working in.

5.6 Right To Work Checks:

Your right to work in the UK will be checked as part of your licence application. This could include the licensing authority checking your immigration status with the Home Office. We may share information with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents is set out on our website

<https://www.hyndburnbc.gov.uk/download-package/proof-of-right-to-work/>

You must provide the original document(s), such as your passport or biometric residence permit, as indicated in the published guidance, so that the check can take place. The document(s) will be copied and the copy retained by the licensing authority. The original document will be returned to you. Your application will not be considered valid until all the necessary information and original document(s) have been produced and the relevant fee has been paid.

If there are restrictions on the length of time you may work in the UK, your licence will not be issued for any longer than this period. In such circumstances the check will be repeated each time you apply to renew or extend your licence. If, during this period, you are disqualified from holding a licence because you have not complied with the UK's immigration laws, your licence will lapse and you must return it to the licensing authority. Failure to do so is a criminal offence.

5.7 Local Knowledge Test:

All new applicants will be required to pass a local knowledge test. The test will be based on topographical knowledge of the local area and knowledge of the local Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing. There will be a fee payable for the test in advance. If you fail the test you will not be issued with a licence. However you will be able to re sit the test until such time as you can pass it. All re sits will be charged at the original test rate.

5.8 English Language standards:

All drivers will be required to be able to speak English in order to converse to a reasonable standard with their customers. All new applicants will be subject to an assessment. If the applicant fails the assessment he/she will be required to complete a college course which will be prescribed by the Council. If it becomes clear to licensing officers that an existing driver is having problems understanding

and speaking English he/she will be required to attend a course at a local college in order to meet the standards required.

5.9 Additional Training:

Applicants are required to attend training on Safeguarding, Child Sexual Exploitation, Disability Awareness and County lines issues, and any other matter which may become relevant. This training will be delivered via Microsoft Teams, so access to a computer or smart phone etc. will be required.

All existing drivers will be required to complete online training on Safeguarding, Child Sexual Exploitation, Disability Awareness and County Lines within 6 months of this policy coming into force. The Council will provide drivers with details of the training provider.

5.10 Disclosure and Barring Service:

Details of convictions or cautions for any offence whether driving offences (including fixed penalty notices) or any other offence must be declared as part of your application. If you have convictions your application will be considered in accordance with the Council's Policy; Determining the Suitability of Applicants and licensees in the Hackney Carriage and Private Hire trade, and may be refused.

The applicant will be asked to detail, on the application form, any convictions, cautions or fixed penalties which have been recorded against them. By the provision of the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment)Order 2002, applications by prospective Hackney Carriage and Private Hire Drivers must detail all convictions regardless of when they occurred, as the 'spent' convictions provisions do not apply to these occupations. The subsequent check to the Disclosure and Barring Service (DBS) will serve to confirm the information provided. You must not rely on that check to provide the correct information, as any application which does not supply the complete information at the outset may be considered to be incomplete and a view may be taken that a deliberate attempt has been made to conceal convictions which have not been declared. It is a criminal offence to make a false declaration to obtain a Licence. The applicant will be required to sign up to the online DBS update service so that 6 monthly checks can be carried out on drivers and annual checks for any other licence holder.

All information relating to previous convictions etc. will be treated in confidence by the Council (subject to it being required for legal proceedings or for the purpose of any legal obligation imposed on the Council) and will only be taken into account in relation to the application in question. Hyndburn Borough Council, as a Licensing Authority, is empowered in law to check with the Disclosure and Barring Service for the existence and content of any criminal record held in the name of an applicant. Information received will be kept in strict confidence subject to the above qualification while the application process takes its course and will be retained for no longer than is necessary. The disclosure of a criminal record or other information will not debar any applicant from obtaining a licence unless the Council considers that the conviction renders him or her unsuitable. In making this decision, the Council will

consider the nature of the offence, how long ago and at what age it was committed and any other factors which may be relevant.

Any applicant refused a Licence on the grounds that he/she is not a fit and proper person to hold such a licence has the right of appeal to a Magistrates' Court.

Each case will be determined on its own merits, however the overriding consideration will be the protection of the public.

A copy of the Councils Policy; Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trade is appended to this policy.

5.11 NR3S Register:

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have a hackney carriage or private hire drivers licence revoked or on application one refuse. This is necessary for the performance of the task carried out in the public interest or in the exercise of official authority vested in the licensing authority - that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV drivers licence.

Therefore:

- Where a hackney carriage, private hire or joint drivers licence is suspended, revoked, or on application refused, the authority will automatically record their decision on NR3
- All applications for a new licence or a licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information recorded on NR3 will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken and date of decision
- date the decision is effective

Information will be retained on NR3 for a period of 15 years

Possible inclusion on the NR3 register is a mandatory part of applying for/being granted a hackney carriage, private hire or joint drivers licence. The authority has a published approach it will take to requests by other authorities for further information about

entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at www.hyndburnbc.gov.uk

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authorities statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under GDPR, you can do so to the authorities Data Protection Officer at foi@hyndburnbc.gov.uk. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complain>.

IT IS AN OFFENCE FOR A PERSON TO DRIVE A LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE UNLESS AND UNTIL A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE IS GRANTED. IT IS AN OFFENCE FOR THE PROPRIETOR OF A LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE TO EMPLOY ANY PERSON TO DRIVE SUCH A VEHICLE WHO IS NOT THE HOLDER OF A CURRENT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

6. Byelaws Made in Respect of Hackney Carriage Drivers

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Council of the Borough of Hyndburn with respect to hackney carriages in the Borough of Hyndburn.

6.1 Interpretation:

Throughout these byelaws “the Council” means the Council of the Borough of Hyndburn and “the district” means the Borough of Hyndburn.

6.2 Licence Plate:

The proprietor or driver of a hackney carriage shall:-

- (a) not wilfully or negligently cause or suffer any licence plate issued by the Council to be concealed from public view while the carriage is standing or plying for hire;
- (b) not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

6.3 Condition and Furnishings of Hackney Carriages

The proprietor of a hackney carriage shall:

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide and maintain in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

6.4 Use of Taximeter:

- (a) The driver of a hackney carriage shall make use of the taximeter as follows:-
 - (i) as soon as the hirer commences his journey the driver shall bring the machinery of the taximeter into action by moving the key, flag or other device, so that the word “HIRED” is legible on the face on the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

- (ii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness this being the time between half-an-hour after sunset to half an hour before sunrise and also at any other time at the request of the hirer.
 - (b) The driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare unless credit is to be given.
- 6.5. Interference with equipment:
The driver of a hackney carriage shall not tamper with or permit any person to tamper with, any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto, nor with any other equipment attached to or forming part of the vehicle.
- 6.6 Advertisements etc:
The driver of a hackney carriage shall not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the vehicle except with the written consent of the Council.
- 6.7 Use of Stands:
The driver of a hackney carriage shall, when plying for hire in any street and not actually hired;
- (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- 6.8 Importuning:
A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 6.9 Conduct of Driver:
The driver shall:-
- (a) at all times behave in a civil and orderly manner and take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
 - (b) not without the express consent of the hirer *smoke, drink or eat in the vehicle;
 - (c) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose

of sending or receiving messages in connection with the operation of the vehicle;

- (d) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

***N.B. It is an offence to smoke or to allow any person to smoke in a licensed vehicle at any time. All vehicles must display no smoking signs. This includes any types of E Cigarette.**

6.10 Prompt Attendance:

The driver of a hackney carriage shall, if he is aware that the vehicle has been hired to be in attendance at any appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by sufficient cause.

6.11. Passengers:

- (a) The driver shall not convey or permit to be conveyed in a hackney carriage a greater number of persons than that prescribed in the licence for the vehicle, provided however that for this purpose two children below the age of ten years may be counted as one person insofar as the rear seating only is concerned;
- (b) The driver shall not allow there to be conveyed in the front of a hackney carriage:-
 - (i) any child below the age of ten years; or
 - (ii) more than one person above that age.

6.12 Driver's badge:

The driver's badge provided by the Council shall be worn by the driver of a hackney carriage in such position and manner as to be plainly visible.

6.13 Assistance with luggage:

The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the vehicle:-

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such a person.

6.14. Lost Property:

The driver of a hackney carriage shall:-

- (a) immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein;

- (b) if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station within the district where he should report it to the officer in charge of the station.

6.15 Copy of Byelaws:

The driver shall at all times when driving a hackney carriage carry with him a copy of these byelaws and shall make them available for inspection by the hirer or any other passenger on request.

6.16 Written receipts:

The driver shall, if requested by the hirer of a hackney carriage provide him with a written receipt for the fare paid.

6.17 Animals:

- (a) The driver shall not convey in a hackney carriage any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle. Any animals belonging to or in the custody of any passenger which is conveyed in the vehicle shall only be conveyed in the rear of the vehicle
- (b) The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage, carry a guide dog accompanying a visually handicapped passenger.

***N.B. Guide dogs are trained to travel in the passenger foot well and at the request of the handler this should be permitted.**

6.18 Rates or Fares:

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed for the time being by the Council, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter save for any extra charges detailed in the fare table which it may not be possible to record on the face of the taximeter.

6.19 Statement of Fares:

- (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council in the form issued by the Council to be exhibited inside the carriage;
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

6. 20. Penalties:

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction thereof.

- **Denotes that these matters do not constitute part of the Byelaws, however they are added to allow for changes in legislation and requirements.**



7. Requirements Licensed Hackney Carriage Drivers

NOTE: (1) Failure to adhere to this Code may result in suspension or revocation of the licence pursuant to Section 61(1)(b) of the Local government (Miscellaneous Provisions) Act, 1976.

(2) This Code is equally applicable when the hackney carriage is being used for private hire purposes.

7.1 Contracts for Private Hire:

Where a Hackney Carriage vehicle is hired pursuant to a telephone call to a booking office linked by radio to the vehicle, the contract of hire shall be deemed to be made with the person or body operating the booking office, and shall not be set into operation until the hirer has commenced his journey.

7.2. Use of Taximeter/Table of Fares:

It is an offence for any hackney carriage driver to charge more than the metered rate for journeys within the Borough. Any driver found doing this may face revocation of his/her drivers' licence or prosecution. The meter must be set at the point of pick up.

The driver may at his/her discretion require the payment of an agreed sum in advance of the journey. A receipt will be given and the amount will be set against the metered fare.

7.3 Child Seats/Seatbelts:

Rear facing baby seats **MUST NOT** be used in a seat protected by a frontal air-bag unless the air-bag has been deactivated manually or automatically.

It is impracticable to expect the right child seat or booster to be available in a taxi unless carers have brought one with them. Therefore, there is a qualified exception so that if child restraints are not available in a licensed taxi or licensed private hire vehicle.

(a) under 3s may travel unrestrained but in the rear only;

(b) those 3 years and above must use an adult belt in the rear seat only.

Remember that a child up to 135cms in a front seat of **ANY** vehicle must use the correct child seat or booster

The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in taxis with fixed partitions)

7.4 Animals:

- (1) The Licensee shall at all times carry guide/hearing/assistance dogs, free of charge, unless he has a proven medical condition that would preclude such action and is in receipt of a Notice of Exemption issued by the Council, in accordance with section 169 Equality Act 2010
- (2) The Licensee has a responsibility to ensure that their company/employer is aware of such a medical condition when they are first employed.

***N.B. Guide dogs are trained to travel in the passenger foot well and at the request of the handler this should be permitted.**

7.5 Change of Address:

The licensee shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

7.6 Convictions, Cautions or Arrest:

Licence holders are required to notify us within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review by us as to whether the licence holder is fit to continue to hold a licence. This will not however automatically mean that a licence will be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

In all other instances, the licensee shall within seven days disclose to the Council in writing details of any conviction, caution or fixed penalty imposed on him during the period of the licence.

7.7 Health:

The licensee shall inform the Licensing Manager without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug-taking, and loss of a limb or use of a limb.

THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE ARE EXAMPLES ONLY.

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

7.8 Suspension or Revocation of Licence:

The breach by the licensee of any provision of this code or the byelaws may be treated by the Council as reasonable cause for the suspension or revocation of the licence under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act, 1976.

Section 52 of the Road Safety Act 2006 has introduced 2 new sections into Section 61 as follows:-

Sub-section 2A provides that a suspension or revocation will take effect 21 days after the driver has received notification of the decision to suspend or revoke his licence. The day on which he receives notification will be day one.

Sub-section 2B provides that if the Council believe that it would be in the interest of public safety to suspend or revoke the licence with immediate effect it may do so provided that the usual decision notice given to the driver states that the licence is suspended or revoked immediately and explains why.

7.9 Return of Licence and Badge:

In the event of the suspension or revocation of a licence the Licensee shall forthwith upon receiving written notice, return the licence and the driver's Identity badge which may have been issued to him to the Licensing Office and such badge shall likewise be returned on the expiry of the licence without immediate renewal.

7.10 Variation of Policy:

The Council may at any time during the period of the licence or upon renewal thereof vary in its discretion any provision of this policy.

7.11 Production of Driving Licence and Insurance:

The licensee shall, within 7 days of receiving written notice requiring him to do so, produce to the Licensing Office his current DVLA Driving Licence and insurance for inspection.

8. Conditions Attached To A Private Hire Drivers Licence

8.1 Conduct of Driver:

The driver shall:

- (a) afford all reasonable assistance with passengers' luggage.
- (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.
- (d) not without the express consent of the hirer drink or eat in the vehicle.
- (e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- (g) If the driver must use a telephone to take business calls whilst a customer is in his vehicle, the call must always be hands free and must be kept to an absolute minimum. Prolonged conversations whilst driving could affect concentration and put the passenger and other road users at risk.

NB. It is an offence to smoke in any licensed vehicle at any time. The Council does not permit the use of E Cigarettes in a licensed vehicle at any time.

8.2 Seatbelts/Child Seats:

Rear facing baby seats **MUST NOT** be used in a seat protected by a frontal air-bag unless the air-bag has been deactivated manually or automatically.

It is impracticable to expect the right child seat or booster to be available in a taxi unless carers have brought one with them. Therefore, there is a qualified exception so that if child restraints are not available in a licensed taxi or licensed private hire vehicle.

- (a) under 3s may travel unrestrained but in the rear only;
- (b) those 3 years and above must use an adult belt in the rear seat only.

Remember that a child up to 135cms in a front seat of **ANY** vehicle must use the correct child seat or booster

The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in taxis with fixed partitions)

8.3 Written Receipts:

The driver shall if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.

8.4 Animals:

The Licensee shall not convey in a Private Hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

The Licensee shall at all times carry guide/hearing/assistance dogs, free of charge, unless he has a proven medical condition that would preclude such action and is in receipt of a Notice of Exemption issued by the authority, in accordance with section 169 Equality Act 2010 The Licensee has a responsibility to ensure that their company/employer is aware of such a medical condition when they are first employed.

8.5 Prompt Attendance:

The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place.

8.6 Shortest Route:

The driver of a private hire vehicle when hired to drive to any particular destination shall, subject to directions given by the hirer, proceed to that destination by the shortest available route.

8.7 Fare to be Demanded:

The driver shall not demand (from any hirer of a private hire vehicle) a fare in excess of any previously agreed for that hiring between hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter

8.8 Deposit of Licence:

If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit a copy of his private hire drivers licence with that proprietor for retention by the proprietor until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of the proprietor.

8.9. Change of Address:

The driver shall notify the Licensing Office in writing of any change of his address during the period of the licence within seven days of such change taking place.

8.10 Convictions and Cautions:

Licence holders are required to notify us within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review by us as to whether the licence holder is fit to continue to hold a licence. This will not however automatically mean that a licence will be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

In all other instances, the licensee shall within seven days disclose to the Council in writing details of any conviction, caution or fixed penalty imposed on him during the period of the licence.

8.11 Suspension/Revocation:

The breach by the licensee of any provision of these conditions may be treated by the Council as reasonable cause for the suspension or revocation of the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976. Section 52 of the Road Safety Act 2006 has introduced 2 new sections into Section 61 as follows:-

Sub-section 2A provides that a suspension or revocation will take effect 21 days after the driver has received notification of the decision to suspend or revoke his licence. The day on which he receives notification will be day one.

Sub-section 2B provides that if the Council believe that it would be in the interest of public safety to suspend or revoke the licence with immediate effect it may do so provided that the usual decision notice given to the driver states that the licence is suspended or revoked immediately and explains why.

8.12 Return of Licence and Badge:

In the event of the suspension or revocation of a licence the Licensee shall forthwith upon receiving written notice, return the licence and the driver's Identity badge which may have been issued to him to the Licensing Office and such badge shall likewise be returned on the expiry of the licence without immediate renewal

8.13 Health:

The licensee shall inform the Licensing Manager without delay about the onset or worsening of any health condition likely to cause him to be a source of danger to the public when driving either now or in the future. Examples are giddiness, fainting, blackouts, epilepsy, strokes, multiple sclerosis, Parkinson's disease, heart disease, angina, 'coronaries', high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug-taking, and loss of a limb or use of a limb.

THIS LIST DOES NOT INCLUDE ALL THE DISABILITIES THAT MUST BE REPORTED. THESE ARE EXAMPLES ONLY.

Temporary conditions, other than recurrent ones, not expected to last more than three months need not be reported. Drivers who are in doubt about whether or not their health condition is one which should be reported should consult their doctor.

8.14 Production of Driving Licence & Insurance:

The licensee shall, within 7 days of receiving written notice requiring him to do so, produce to the Licensing office his current Driving Licence & insurance for inspection

8.15 Variation of Policy:

The Council may at any time during the period of the licence or upon renewal thereof vary in its discretion any provision of this policy.



9 Guidance for Applicants of Hackney Carriage & Private Hire Vehicle Licences

9.1 Applications:

Applications for hackney carriage and private hire vehicle licences can be made online at www.hyndburnbc.gov.uk.

When submitting applications for Hackney Carriage/Private Hire vehicle licences, the application should be accompanied by the following documentation: -

- (a) Registration document in name of applicant.
- (b) Current certificate of insurance. (Photocopies not acceptable)
- (c) Authority test certificate
- (d) Appropriate fee
- (e) Appropriate type approval

9.2 Disclosure and barring Checks:

An applicant who is not already a licensed driver with this Council will be subject to a Basic Disclosure and Barring Services check. You will be required to join the DBS update service and an annual check will be carried out on your DBS status.

Spent Convictions – See Appendix 1

Under the provisions of the Rehabilitation of Offenders Act 1974 you are not obliged to disclose any offences resulting in one of the sentences shown in the left-hand column of the table in Appendix 1 if the corresponding period in the right-hand column has elapsed.

It should be noted however that spent convictions, when revealed by other checks that the Council is permitted to undertake, may be taken into account if they are considered relevant in determining whether an applicant is a fit and proper person to hold a private hire or hackney carriage vehicle licence.

9.3 Vehicle Testing:

Before a vehicle licence can be issued the vehicle must be mechanically tested and inspected by one of the Council's nominated garages. Details of the garages can be found on the Council website at www.hyndburnbc.gov.uk. Vehicles must be subjected to an MOT test, plus a hackney carriage / private hire compliance test. Details of this test are shown in the Supplementary Testing Manual shown in Appendix 2.

The licence of any vehicle which fails its inspection will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass certificates obtained.

Vehicles up to the age of 2 years when tested will be issued with a 12 month licence. Any vehicle over **2 years of age** will be required to pass the Council's vehicle examination test **twice yearly**. When a vehicle reaches **15 years of age** it will be subject to the Council's vehicle examination test **three times per year** and it will only be issued each time with a 4 month licence. With the exception of electric or hybrid vehicles which will be issued with a 6 months licence for the lifetime of the vehicle.

- 9.4 Age Limit:
There is currently no upper age limit to which a vehicle can remain licensed, however a vehicle must be under the age of 15 when first presented for licensing.
- 9.5 Dual Licensing:
Vehicles cannot be licensed simultaneously for both public hire (hackney) and private hire.
Vehicles which are licensed by another local authority will not be licensed by this (Hyndburn Borough Council) authority.
- 9.6 Private Hire Operator:
Applicants for private hire vehicle licences, who intend to operate independently, must obtain a private hire operator's licence, and any necessary planning permission from the Council's Planning Department, before such vehicle licence can be issued. In all other cases the applicant must inform the licensing department on the application which private hire company he will be working for.
The Council must be informed of any change of operator within 48 hours. Failure to do so could lead to suspension or revocation of the vehicle licence. Operator checks will be periodically carried out to ensure that the information provided is accurate
- 9.7 Vehicle Approval:
All vehicles shall have an appropriate "Type Approval" which is either a European Community Whole Vehicle type approval (ECWVTA) or UK Low Volume Type Approval (UKLVTA) Vehicles shall not have been altered since that approval was granted. A Single Vehicle Type approval (SVA) may be accepted for wheelchair accessible vehicles. On 29th April 2009 the SVA was replaced by Individual Vehicle Approval (IVA).

Vehicles presented for licensing, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

Licensed vehicles which have M type approval (European Community Whole Vehicle Type Approval) and have been modified or have been subject to any alterations since manufacture will be considered for licensing provided that they are presented with:

(i) United Kingdom Low Volume / Small Series Type Approval for Passengers Cars; or
(ii) United Kingdom Single Vehicle Type Approval: or
(iii) A 'status' certificate which certifies the seating arrangement to the strength and anchorage positional requirements of 76/115/EEC for M1 loading mounted to a steel plate.
The certificate will include the following
- Signature, printed name and declaration of the engineer who fitted the seats and seat belt to state that they were fitted in the approved manner to meet M1 standards
 - Date the fitting of the seating arrangement took place.

- The registration and chassis number of the vehicle to which the certificate applies.
- Mileage of the vehicle when the conversion was certified.
- The additional information to the Status certificate must be on letter headed paper and include the proprietor of the business.

From 1st July 2013 motor vehicles which have N type approval (European Community Whole Vehicle Type Approval) will not be considered unless they are presented with United Kingdom Low Volume / Small Series Type Approval for Passenger Cars.

9.8 Insurance Write Offs:

Vehicles should have no damage affecting the structural safety of the vehicle. The authority **will not** licence any vehicle that has been a Category C (S) insurance 'write off'.

9.9 Communication with Customer:

Sufficient means shall be provided by which any person in the vehicle may communicate with the driver.

9.10 Insurance policies:

If insurance is not produced at the time of licence renewal (or when requested by the Licensing Department) the vehicle licence will be immediately suspended to ensure public safety. A copy of the certificate of motor insurance must be carried in the vehicle at all times that the vehicle is available for hire or hired.

10 Conditions Attached To a Hackney Carriage Vehicle Licence Under Local Government (Miscellaneous Provisions) Act 1976

10.1 Specification and Maintenance of Vehicle:

- The vehicle must have at least four doors, all of which are capable of being opened from the inside.
- The vehicle must be capable of carrying not less than four passengers but not more than eight.
- The vehicle shall be of right-hand drive manufacture and not converted as such.
- Any vehicle that is to be converted to Liquid Petroleum Gas (LPG) must be with the express permission of the Council. Only a garage authorised to do so may carry out the conversion. A Certificate of Compliance is to be obtained immediately after any such conversion and presented to the licensing department for inspection. All conversions must be carried out by a Department for Transport (DFT) approved centre and all conversions must be certified in writing by the approved centre that has carried out the conversion.

Any vehicle that is presented for licensing and has already been converted to LPG, must have been converted at a DFT approved centre and any such conversion must be certified in writing by the approved centre that has carried out the conversion.
- There must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort. Eighty six centimeters is the minimum requirement.
- There must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort. There must be at least eighteen centimeters between the back of the front seat and the front of the next row of rear seats.
- The seat provided for each passenger must have a minimum width of 405 millimeters (16 inches) measured across its narrowest parts.
- All passenger seats shall be provided with a lap and diagonal 3 point seat belt which comply with the strength requirements specified in European Directive 76/115 EC (as amended by Directive 96/38 EC) and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.
- The boot/luggage compartment should be empty except for spare wheel, and any essential tools. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- The vehicle glass is to be kept clear of all obstructions.
- Hackney carriage vehicles should be capable of carrying one average size piece of luggage per passenger carried. The driver must make provisions to ensure that the luggage can be carried safely and securely, whilst still allowing room for the passengers to travel in comfort
- The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.

10.2 All new hackney carriage vehicles must be:

- Either a “London” type hackney carriage, or a suitable wheelchair accessible vehicle, approved by the Council.
- The vehicle shall have four road wheels of uniform standard, size and style, which conform to construction and use regulations.
- If the vehicle has been manufactured with a spare wheel well, the vehicle must be equipped with a spare wheel, a wheel brace and a jack.
Space-saver spare wheels will be accepted, but only if fitted as standard equipment to the vehicle by the vehicle manufacturer.
In all other cases, the spare wheel must be a standard road wheel that conforms to construction and use regulations and is of the same standard and size as the existing road wheels.
A vehicle presented for examination and test with a space saver spare wheel in use as a road wheel will fail the test.
- If the vehicle has been manufactured without a spare wheel well /cage, the requirement to carry a spare wheel will not apply. In such cases:
The vehicle may be fitted with a full set of ‘run flat’ tyres, or
If a vehicle is not fitted with ‘run flat’ tyres, an inflation kit which includes a puncture sealant must be provided which is in a serviceable condition.
- In the event of the need arising for the fitting of a space saver tyre or the use of a run flat tyre or an inflation kit, then the appropriate remedial action to replace with ‘new’, as per original specification, must be undertaken upon completion of the journey”.

10.3 The Proprietor shall permit an authorised officer of the Council or a Police Officer to inspect and test the vehicle or any taximeter affixed to such vehicle at all reasonable times. If the officer is not satisfied as to the fitness of the Hackney Carriage or as to the accuracy of the taximeter, he shall be able to direct the vehicle to the Council's nominated inspection/testing centre immediately for further examination. If further inspection and testing is required, the licence shall then be suspended until such time as the officer is satisfied with the vehicle.

The plate shall, on suspension of the licence, be handed to the officer but will be returned upon reinstatement of the licence. However, if the officer is not so satisfied as to the fitness or condition of the vehicle within a period of two months, the licence shall be revoked.

10.4 Insurance:

At all times, the Proprietor shall, during the currency of the vehicle licence, keep in force in relation to the user of the Hackney Carriage, a policy of insurance which covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings. A copy of the appropriate insurance certificate should be carried in the vehicle at all times that the vehicle is available for hire or hired, and made available for inspection by an authorised officer on request.

10.5 Alteration of Vehicle:

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

10.6 Interior Markings:

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the licence number and the number of passengers prescribed in the licence as well of the details and photograph of the driver.

10.7 Signs, Notices etc:

The display of signs on Hackney Carriages shall be restricted to the roof. A roof sign must be fitted and must be capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire.

Advertising on any glasswork on a hackney carriage or private hire vehicle is prohibited

10.8. Licence Plate:

The Hyndburn Borough Council licence plate must be permanently displayed on the outside rear of the vehicle, either immediately above or below the bumper without obstructing the registration plate. The plate must be displayed on the vehicle at all times whether the vehicle is plying for hire or not.

The licence plate is the property of the Council, to whom it must be returned within seven days if the licence is ever suspended, revoked or not renewed for any reason.

A licensed vehicle must display a Council issued self-adhesive sticker in both rear passenger windows stating 'if you have any comments regarding this vehicle or driver please contact the licensing office on 01254 380616.

All wheelchair accessible hackney carriage vehicles must display the nationally recognised wheelchair accessible sign in at least two prominent positions visible from the outside of the vehicle.

10.9 Convictions and Cautions:

Licence holders are required to notify us within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope will result in a review by us as to whether the licence holder is fit to continue to hold a licence. This will not however automatically mean that a licence will be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

In all other instances, the licensee shall within seven days disclose to the Council in writing details of any conviction, caution or fixed penalty imposed on him during the period of the licence.

10.10 Deposit of Drivers' Licences and Keeping of Records:

If the proprietor permits or employs any other person to drive the vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him a copy of his hackney carriage driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

The proprietor of the vehicle shall keep a complete and accurate record of the name of the person driving the vehicle at any time. This information must be kept for a period of six months and produced upon request to an authorised officer or constable.

10.11 Change of Vehicle Owner:

If a proprietor transfers his/her interest in a vehicle to somebody else he/she must immediately give notice of the transfer in writing on the prescribed form to the licensing section, giving the name and address of the transferee. In no circumstances may the vehicle be used by the new owner until a new licence has been issued to that person and all documentation completed and any necessary fee paid. (Local Government (Miscellaneous Provisions) Act 1976, s 49

10.12 Accidents:

If the vehicle is involved in an accident it must be reported to the licensing authority and an accident form completed within 72 hours. Replacement vehicles will have the original plate transferred to them. When the original vehicle has been repaired and tested the plate will be transferred back to it.

10.13 Video / DVD:

There should be no DVD or Video systems operated in the vehicle for the entertainment of passengers or the driver. If these are fitted as standard they must be disconnected. (This is to ensure there is no distraction for the driver and to avoid the risk of unsuitable DVDs or videos being shown)

10.14 Windows:

There will be no tinted windows allowed in licensed vehicles except where the windows are fitted as standard during the initial manufacture of the vehicle

Without prejudice to the above mentioned provisions, the Proprietor on receipt of any notice in writing from the Council, shall present the Hackney Carriage for inspection and testing by or on behalf of the Council within such period and at such a place as specified by the Council. The separate occasions of inspection and testing shall not exceed three in number in any one period of twelve months.

11 Conditions Attached to a Private Hire Vehicle Licence Under Local Government (Miscellaneous Provisions) Act 1976

11.1 Specification and Maintenance of Vehicle:

- The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.
- The vehicle must have at least four doors, all of which are capable of being opened from the inside.
- The vehicle must be capable of carrying not less than four passengers but not more than eight.
- The vehicle shall be of right-hand drive manufacture and not converted as such.
- Any vehicle that is to be converted to Liquid Petroleum Gas (LPG) must be with the express permission of the Council. Only a garage authorised to do so may carry out the conversion. A Certificate of Compliance is to be obtained immediately after any such conversion and presented to the licensing department for inspection. All conversions must be carried out by a DFT approved centre and all conversions must be certified in writing by the approved centre that has carried out the conversion. Any vehicle that is presented for licensing and has already been converted to LPG, must have been converted at a DFT approved centre and any such conversion must be certified in writing by the approved centre that has carried out the conversion.
- All passenger seats shall be provided with a lap and diagonal 3 point seat belt which comply with the strength requirements specified in European Directive 76/115 EC (as amended by Directive 96/38 EC) and Regulations 46 and 47 of the Road Vehicle (Construction and Use) Regulations 1986, whether or not those Directives or Regulations apply to that particular seat or the vehicle.
- The boot/luggage compartment should be empty except for spare wheel and any essential tools. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- There must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort. Eighty six centimeters is the minimum requirement.
There must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort. There must be at least eighteen centimeters between the back of the front seat and the front of the next row of rear seats.
The seat provided for each passenger must have a minimum width of 405 millimeters (16 inches) measured across its narrowest parts.
- The vehicle glass is to be kept clear of all obstructions
- Tinted windows will not be acceptable in any licensed vehicle unless it is fitted as standard at manufacture.

11.2 Alteration of Vehicle:

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

11.3 Identification Plate/Signs:

On licensed vehicles there shall be displayed only on the two rear passenger doors a sign bearing the name and telephone number of the firm from which the vehicle is being operated at that time. This sign must be approved by the Council for that firm. The font size must be such that the sign can be read from a distance of 20 metres (about 5 car lengths) in good daylight by a person with "normal" eyesight or by a person wearing their usual glasses or contact lenses. The door signs must only include one company name that is the name of the private hire company in question and not any names which are incorporated.

The dimensions and colour of these signs will be approved by the Council before applying them to the vehicle.

Minibuses may display the names and telephone number of the firm. This sign must be approved by the Council for that firm. The font size must be such that the sign can be read from a distance of 20 metres (about 5 car lengths) in good daylight by a person with "normal" eyesight or by a person wearing their usual glasses or contact lenses.

The dimensions and colour of these signs will need to be approved by the Council before applying them to the vehicle.

On all Private Hire Vehicles there shall be displayed two door signs supplied by the Council which must be, be self-adhesive non removable, issued and approved by the Council. The sign will state 'Private Hire Vehicle Insurance invalid unless you pre-book this vehicle with a Private Hire firm'. On saloon type vehicles these signs will be displayed on both front doors (middle of the panel). On multi-purpose vehicles and minibuses they will be displayed on both front doors. The insurance sticker will also display the vehicle number

A licensed vehicle must display a Council issued self- adhesive sticker in both rear passenger windows stating 'If you have any comments regarding this vehicle or driver please contact the licensing office on 01254 388111

The Council will permit additional signage on vehicle bonnets as this will not distract attention from the mandatory signage.

The dimensions and colour of these signs will need to be approved by the Council before applying them to the vehicle.

11.4 Licence Plates:

The plates identifying the vehicle as a private hire vehicle are required to be exhibited on the vehicle pursuant to section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 one shall be securely fixed to the rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised officer of the Council or a constable. The plate should never be removed from the vehicle whilst it remains licensed by this Council.

Private hire vehicles are not permitted to have a top sign fitted at any time.

11.5 Exemptions from displaying signage:

Exemptions from displaying licence plates and / or Council door signs will only be given to vehicles which are primarily used, i.e. 95% for executive hire and/or corporate contracts.

Executive hire would be work purely carried out for companies, collecting clients etc. from hotels, business premises, airports, train stations etc. Executive hire would also be any work where a vehicle has been hired by the hirer for a period of not less than 24 hours e.g. chauffeur service.

Operators or vehicle owners wishing to be exempt from displaying licence plates and / or Council door signs must submit their proposals in writing to the Council. The proposals must include the types of vehicles to be used and the type of executive or corporate contract work to be carried out.

Evidence must be provided on initial application for exemption, of at least three months records of existing account work and thereafter every six months evidence will be required, that the exempt vehicle is still being used for 95% executive hire and/or corporate contracts. If the evidence isn't provided the exemption will be removed. The evidence must prove that your vehicle is generally used almost exclusively (i.e. up to 95%) for account work and not used for any other booked work.

It is not intended that all private hire vehicles should have access to this exemption. It is only considered appropriate to consider issue of exemption notices where the following requirements are met:

- The vehicle to be exempted is of high quality both in terms of brand and condition.
- Vehicles will normally be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus. The highest specification executive type cars from other manufacturers may also be considered. The Licensing Manager will determine in each case whether these two conditions have been met
- Vehicles will display a disc, issued by the Council, in the front windscreen.
- The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim.

11.6 Interior Markings:

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the licence

number and the number of passengers prescribed in the licence as well as the details and a photograph of the driver.

11.7 Change of Address:

The proprietor shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

11.8 Convictions, Cautions or Arrest:

Licence holders are required to notify us within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence. An arrest for any of the offences within this scope will result in a review by us as to whether the licence holder is fit to continue to hold a licence. This will not however automatically mean that a licence will be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

In all other instances, the licensee shall within seven days disclose to the Council in writing details of any conviction, caution or fixed penalty imposed on him during the period of the licence (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

11.9 Deposit of Drivers' Licences and Keeping of Records:

If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him a copy of his/her private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

The proprietor of the vehicle shall keep a complete and accurate record of the name of the person driving the vehicle at any time. This information must be kept for a period of six months and produced upon request to an authorised officer or constable.

11.10 Insurance:

At all times, the Proprietor shall, during the currency of the vehicle licence, keep in force in relation to the user of the private hire vehicle a policy of insurance which covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings. A copy of this certificate should be carried in the vehicle and made available for inspection by an authorised officer on request.

11.11 Accidents:

If the vehicle is involved in an accident it must be reported to the licensing authority and an accident form completed within 72 hours. Replacement vehicles will have the original plate transferred to them. When the original vehicle has been repaired and tested the plate will be transferred back to it.

11.12 Video/DVD:

There should be no DVD or Video systems operated in the vehicle for the entertainment of passengers or the driver. If these are fitted as standard they must be disconnected. (This is to ensure there is no distraction for the driver and to avoid the risk of unsuitable DVDs or videos being shown).

11.13 Windows:

There will be no tinted windows allowed in licensed vehicles except where the windows are fitted as standard during the initial manufacture of the vehicle.

Without prejudice to the above mentioned provisions, the Proprietor on receipt of any notice in writing from the Council, shall present the Hackney Carriage for inspection and testing by or on behalf of the Council within such period and at such a place as specified by the Council. The separate occasions of inspection and testing shall not exceed three in number in any one period of twelve months.



12 Guidance for Applicants of Private Hire Operators Licences

12.1 Applications:

Applications for private hire operator licences can be made online at www.hyndburnbc.gov.uk.

12.2 Planning Permission:

An applicant who intends to operate private hire vehicles from premises must obtain any necessary planning permission before any licence can be issued.

An applicant wishing to operate a private hire vehicle from domestic premises may require planning permission from the Council's Planning Department before undertaking such an activity and before any licence can be issued.

12.3 Business Name:

Applicants for private hire operators' licences cannot use the same (or similar) name as any private hire firm currently operating within the district or any name previously used within the district and registered by the operator at Companies House.

12.4 Disclosure and Barring Check:

An applicant who is not already a licensed driver with this Council will be subject to a Basic Criminal Record Disclosure. A disclosure will be required from each partner or director of the company. All applicants will be required to join the online DBS update service and a DBS check will be required annually.

Spent Convictions – See Appendix 1

Under the provisions of the Rehabilitation of Offenders Act 1974 you are not obliged to disclose any offences resulting in one of the sentences shown in the left-hand column of the table in Appendix 1 if the corresponding period in the right-hand column has elapsed.

It should be noted however that spent convictions, when revealed by other checks that the Council is permitted to undertake, may be taken into account if they are considered relevant in determining whether an applicant is a fit and proper person to hold a private hire or hackney carriage vehicle licence.

13 Conditions Attached To A Private Hire Operator Licence Under Local Government (Miscellaneous Provisions) Act 1976

13.1 Records:

The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively, (an electronic version is acceptable), and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:

- (a) The time and date of the booking.
- (b) The name and address of the hirer.
- (c) How the booking was made (i.e. by telephone, personal call etc.).
- (d) The time of pick-up.
- (e) The point of pick-up.
- (f) The destination.
- (g) The time at which a driver was allocated to the booking.
- (h) The registration number of the vehicle allocated for the booking.
- (i) Remarks (including details of any sub-contract).

The operator shall also keep records of the particulars of all private hire vehicles operated by them. These particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.

Private hire operators are required to keep a register of staff who are concerned with the booking and despatching of vehicles.

All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.

13.2 Standard of Service:

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

13.3 Change of Address:

The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

13.4 Convictions:

Licence holders are required to notify the Licensing Department within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence. An arrest for any of the offences within this scope will result in a review by us as to whether the licence holder is fit to continue to hold a licence. This will not however automatically mean that a licence will be revoked, it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

In all other instances, the licensee shall within seven days disclose to the Council in writing details of any conviction, caution or fixed penalty imposed on him during the period of the licence (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

13.5 Operator Staff:

It is the duty of all operators to ensure that the staff they employ to work in their operating office are suitable to do so and are not persons who may abuse their position to take advantage of any member of the public. Operators are in receipt of certain information such as the details when a property will be left empty for a period of time, and details of customers' phone numbers. For that reason it is paramount that the person receiving the information is honest and trustworthy and would not either abuse the information themselves or pass the information on to unscrupulous persons who may use the information to their own advantage. The holder of the operator's licence must ensure that all persons employed by them to despatch vehicles has produced to them a basic criminal record check. Whilst the Council acknowledges that we are not in a position to dictate to an operator who should be working for them, a very serious view will be taken of any operator that does not ensure that the staff that they employ are honest and trustworthy and have not been convicted of any serious offence. This could cause the 'fitness and propriety of the operator to be brought into question and could lead the Council to consider whether the operator's licence should be suspended or revoked.

13.6 Ex-Offender Policy:

Private hire operators will be required to produce a policy on employing ex-offenders. The policy should be in line with the Council's adopted policy; Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trade, and the convictions policy therein. The guidance is set out at appendix 1 to

this policy. This is to ensure that everyone working within the operator's base is suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car. Existing private hire operators will be required to deliver their policy to the Council within 6 months of this policy coming into force. All new applicants will be required to produce the policy before a licence will be granted.

13.7 Drivers:

An operator must only use drivers and vehicles that hold the relevant licences issued by Hyndburn Borough Council. Operators must keep a copy of all private hire drivers licences, and photographs of drivers, that are used by them. If operators intend to sub contract work to a company outside of Hyndburn Borough Council, they must ensure that the operator holds an appropriate licence and only uses appropriately licensed vehicles and drivers.

13.8 Customer Contact:

When a customer is sent a text message to inform them that their vehicle has arrived, the operator must also inform the customer in that text of the cost of the journey. This will help to ensure that a disagreement in relation to the requested fare does not arise between the driver and the passenger

14 General Licence Conditions Applying To All Drivers, Proprietors and Operators

- 14.1** All drivers/operators/proprietors shall operate strictly within the terms of any licence issued, all relevant legislation and other conditions within this handbook, but these may not necessarily be exhaustive.

N.B. Any lapse in any licence will result in any application being treated as a new application and **not** renewal and full application requirements will have to be satisfied. Only in exceptional circumstance will late applications for renewal be considered. Each matter will be dealt with on its own merit.

15 Council Approved Vehicle Testing Stations

- 15.1 The Council has approved 5 independent garages for the purpose of mechanically testing all hackney carriage and private hire vehicles. A list of the current approved testing stations can be found on the Council website: www.hyndburn.gov.uk.
- 15.2 **Arranging a Test:**
Vehicle proprietors / drivers should contact one of the approved garages directly to arrange a test. Payment will be made directly to the garage.
- 15.3 **The Test:**
The test will take place at the chosen testing station, and will comprise a full MOT and the additional testing outlined in the Council's supplementary testing manual (Appendix 2). Once the test has been passed, an MOT certificate and a certificate of compliance will be issued to the driver. Copies of these must be sent to the Licensing Department by the testing station.
- 15.4 **Failed Tests:**
If the vehicle fails either the MOT or the supplementary test, then the proprietor / driver should arrange a retest with the testing station. The individual testing station is responsible for the conditions of the re-test, including any fee. A copy of the fail certificate should be sent to the Licensing Department by the testing station.
- 15.5 **Applying to become an Approved Testing Station:**
Any garage wishing to apply to become an approved testing station for taxi and private hire testing in the Borough must be an existing MOT testing station, and must meet the Council's criteria, set out in Appendix 4.
- 15.6 **Application Process:**
Interested parties can obtain an application form from the licensing department. In addition to the form, the following documents must be submitted:
- Plan of Premises
 - DVSA Certificates (for premises and testers)
 - Copy of insurances – employer and public liability
 - Complaints policy
 - DBS certificates for owners and testers
- 15.7 **Inspection of Premises:**
Prior to granting of approved status, an inspection will take place by licensing officers. Further inspections will take place on both an annual and ad hoc basis. These inspections will include checks on record keeping and compliance with the specified criteria.

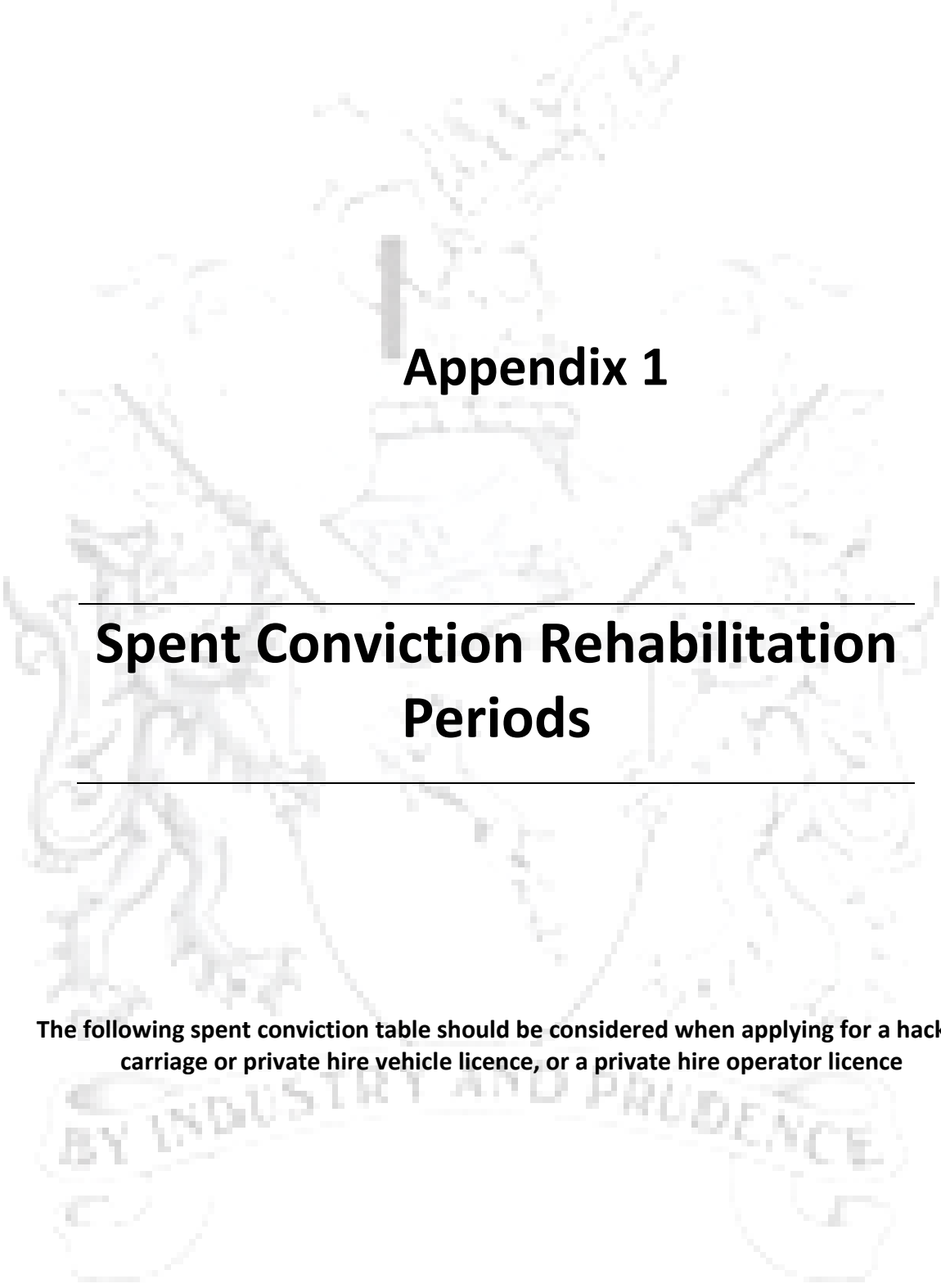
15.8

Termination Of Approval Status:

The Council reserves the right to remove the Testing Premises designation as an Approved Testing Station if it is satisfied that this is necessary in the interest of public safety or to maintain public confidence in either the safety of licensed vehicles in the Borough and / or the integrity of the taxi testing process.

Without limitation to the above, and by way of example only, Approved Testing Station Status may be removed for the following:

- Connection of the Testing Premises or the testers to the taxi / private hire trade
- Convictions received by anyone involved in ownership, management or control of the Testing Premises, including tax offences, immigration offences or offences relating to modern slavery
- Convictions received by the testers or tester links to the taxi / private hire trade
- Involvement in modern slavery or immigration offences
- Loss of DVSA green status
- Authorised testers decreasing below the minimum required number
- False statements made during the application process
- Failure to supply requested information to HBC
- Any conviction for fraud
- Evidence of the Testers and / or Testing Premises accepting bribes or inducements from customers or otherwise acting in a way that could affect public confidence in the integrity of the testing process
- High level of complaints made against the Testing Premises or its testers
- Failure to maintain standards at the Testing Premises, including failure to comply with the requirements of the supplementary testing manual
- Repeated occasions of vehicles found to be not of the required standard following recent testing at the Testing Premises



Appendix 1

Spent Conviction Rehabilitation Periods

The following spent conviction table should be considered when applying for a hackney carriage or private hire vehicle licence, or a private hire operator licence

Rehabilitation Periods

Sentence	Rehabilitation period Age 18 or over when convicted from end of sentence including licence period	Rehabilitation period Age under 18 when convicted from the end of sentence including rehabilitation period
Community order or youth rehabilitation order*	Total length of order plus 1 year	Total length of order plus 6 months
Prison sentence or detention in a young offender institution for 6 months or less	Total length of sentence (including licence period) plus 2 years	Total length of sentence (including licence period) plus 18 months
Prison sentences of over 6 months, and up to and including 30 months	Total length of sentence (including licence period) plus 4 years	Total length of sentence (including licence period) plus 2 years
Prison sentences or detention in a young offender institution for over 30 months and up to 48 months	Total length of sentence (including licence period) plus 7 years	Total length of sentence (including licence period) plus 3.5 years.
Imprisonment or detention in a young offender institution for over 48 months (4 years) or a public protection sentence	Never spent	Never spent
Fines (even if subsequently imprisoned for fine default)***	1 Year	6 months
Absolute discharge	spent immediately	spent immediately
Simple caution/youth caution**	spent immediately	Spent immediately
Conditional caution/youth conditional caution	3 months or when caution ceases to have effect if earlier	3 months or when caution ceases to have effect if earlier
Absolute discharge	Spent immediately	Spent immediately
Bind over	At the end of the order	At the end of the order
Conditional discharge order	At the end of the order	At the end of the order
Compensation order****	When paid in full	When paid in full
Attendance centre order	At the end of the order	At the end of the order
Care order	When order ceases to have	When order ceases to

	effect	have effect
Confiscation order	When order ceases to have effect	When order ceases to have effect
Forfeiture order	When order ceases to have effect	When order ceases to have effect
Hospital order	When order ceases to have effect	When order ceases to have effect
Referral order	At the end of the order	At the end of the order
Relevant order****	When order ceases to have effect	When order ceases to have effect
Reparation order	Spent immediately	Spent immediately
Disqualifications	When order ceases to have effect	When order cease to have effect
Endorsements	5 years	2.5 years

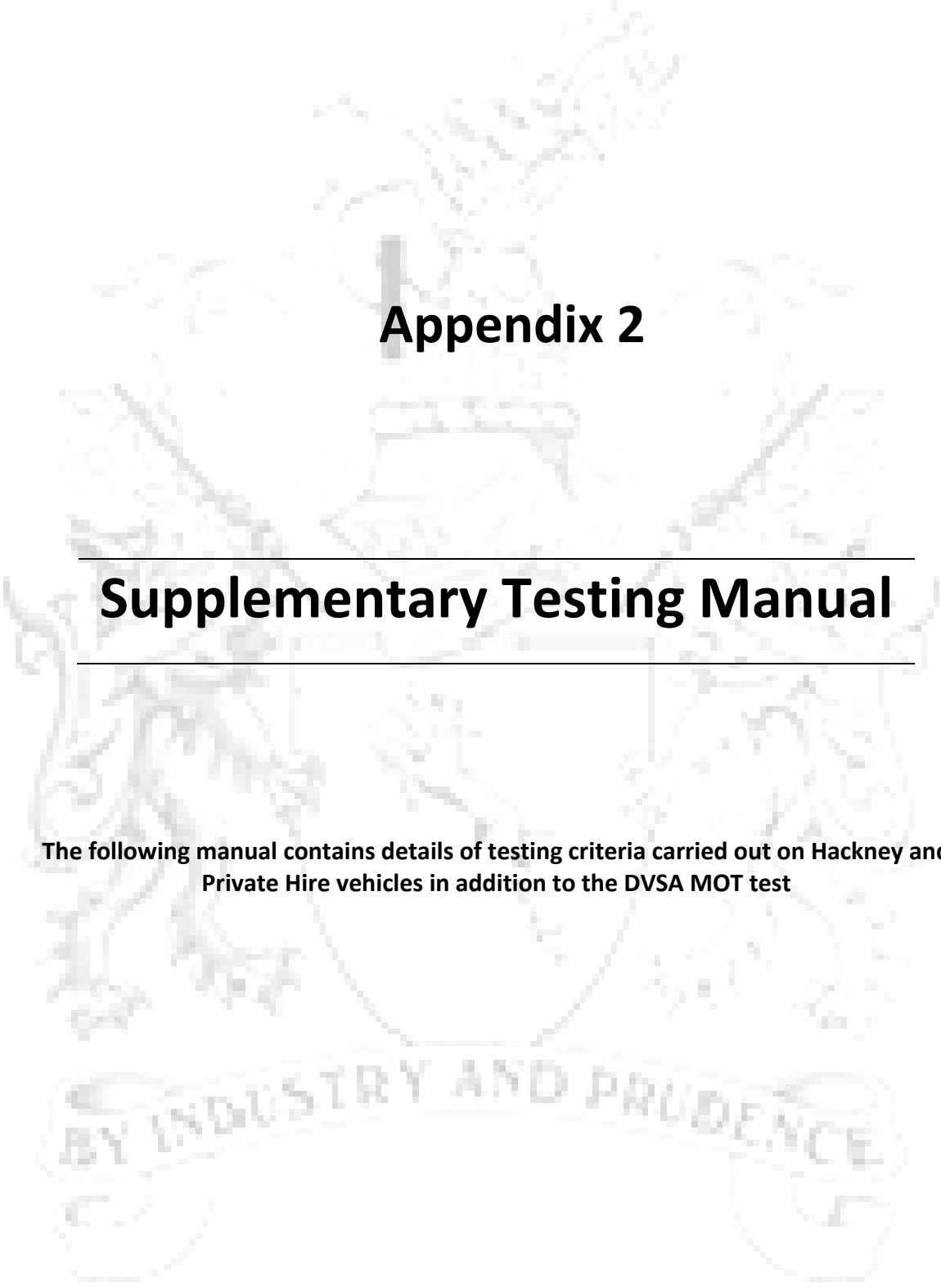
*A community order or youth rehabilitation order which has no specified end date has a default rehabilitation period of two years from date of conviction or from the time the disposal is administered. If the order is subsequently changed, this will not affect the rehabilitation period. The rehabilitation period is not halved if the person was under 18 when convicted. The changes made to the rehabilitation of Offenders Act 1974 by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 provided for all subsequent community orders to have an end date.

**Youth caution replaces the disposals – reprimands and final warnings which were abolished in April 2013

***The rehabilitation period of a fine applies even if the person is subsequently imprisoned for default of the fine. Fines arising from fixed penalty notices and penalty notices for disorder (PND) are not covered by the Act as they do not form part of an individual's criminal record so they do not have a rehabilitation period.

****It is important that individuals obtain proof of payment of the compensation order from the court and keep this document to prove it has been paid in full. This evidence may be required before a basic disclosure can be issued by Disclosure Scotland

*****A relevant order (e.g. restraining order or sexual offences prevention order (SOPO) which has no specified end date has a default rehabilitation period of two years from the date of conviction or from the time the disposal is administered



Appendix 2

Supplementary Testing Manual

The following manual contains details of testing criteria carried out on Hackney and Private Hire vehicles in addition to the DVSA MOT test



HYNDBURN

The place to be
an excellent council

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

SUPPLEMENTARY TESTING MANUAL

ELEMENTS OF THE VEHICLE TEST IN ADDITION TO STANDARD MOT STANDARDS

This Supplementary Testing Manual supplements the Rules Regulations and Procedures for Hackney Carriage and Private Hire Licensing and has been established so as to ensure that all vehicles licensed by Hyndburn Borough Council are of a high standard and are suitable, safe and fit to be licensed by this authority to transport members of the public. Failing to maintain a standard not only puts drivers and members of the travelling public at risk, it could also cause reputational damage to the hackney carriage and private hire trade as a whole.

The proprietor of a hackney carriage or private hire vehicle should ensure that the vehicle is maintained to a satisfactory standard and is clean and tidy throughout the period it is licensed and not just when it is presented for testing. **Failure to maintain the vehicle could lead to revocation of the licence.**

If a proprietor's vehicle/s is spot checked and found to be faulty on regular occasions and /or it is presented for testing at an approved garage and regularly fails, the Council will take the view that the proprietor is not suitable to hold a licence as failure to maintain the vehicle could impact on public safety. If a proprietor presents any of their vehicles for testing and the garage records 3 or more fails over a 3 year period against any proprietor (not vehicle) a report will be prepared for the Judicial Committee so that they can determine whether the proprietor is a fit and proper person to hold a vehicle licence with this authority.

Public safety is paramount and continuous failures of vehicles when presented for test would bring into question the ability or willingness of the proprietor to ensure that the vehicle is being properly and safely maintained at all times whilst being used to carry members of the public.

If a vehicle fails any part of the test, including any elements of the supplementary test it will not be issued with a compliance certificate, and will not be licensed until it has fully passed the test.

VEHICLE TESTING PROCEDURES

All appointments for tests and re tests must be booked directly with one of the Council's approved garages.

Vehicles must be presented promptly, fully washed and cleaned (exterior and interior) with all the equipment/signs etc. fitted and ready for inspection at the time stated when booked. If the vehicle is late, the garage may refuse to undertake the test.

If the vehicle has a serious fault that makes the vehicle un-roadworthy, the examiner will contact the licensing department to issue a Section 68 notice under the Local Government (Miscellaneous Provisions) Act 1976 to suspend the vehicle licence until the necessary repairs have been carried out.

Items to be checked over and above the MOT test

Condition of Bodywork		
METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
Inspection should be carried out with the vehicle standing at ground level. Examination Topside body examination. Check that:- 1. There is no evidence of significant damage to the external body panels. 2. There is no evidence of crudely repaired or, insecure body panels (visual examination).	1. There is evidence of significant damage to the external body panels. 2. There is evidence of crudely repaired or insecure body panels and/or a clear mismatch of paint either within the same panel or between different panels on the vehicle visible from 6 ft. away from the vehicle.	Significant means: Visible poor or shoddy repairs. Areas of corrosion that is greater than 50mm in size A dent/crease or damage on a panel over 100mm in diameter at its widest point and/ or over 10mm deep A large scratch covering the majority of a panel clearly (visible from 6 ft. away from the vehicle) One or more body panels showing sustained disproportionate amount of damage and/or poses a potential risk to the passengers driver or other road users.
Interior of the vehicle & luggage compartment		
METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
1. Ensure that the interior of the vehicle is clean and tidy and suitable for the carriage of passengers	1. A vehicle which is in a dirty condition with an excessive accumulation of dust, litter debris etc. or staining to the	1. Vehicle interior should be clean for presentation for test. If the vehicle is presented in such a condition to prevent a

2. Examine the upholstery to ensure that it is not torn. 3. Check the operation of the doors from the interior of the vehicle including the drivers door 4. Check that all windows can be opened and closed from inside the vehicle. 5. Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches if fitted by the manufacturer 6. Check the operation of the heater/windscreen demister to ensure that it is in satisfactory working order. 7. Check the vehicle is fitted with apparatus to secure a wheelchair (if applicable WAV) 8. Taxi meter to be fitted securely 9. Check that the top light on a HCV will illuminate when switched on 10. Check that the luggage compartment is clean and tidy and suitable for the carriage of luggage.	carpets and upholstery 2. Upholstery has holes in it 3. Any passenger door that cannot be opened from the inside of the vehicle using the internal handles 4. Windows that will not open and close from inside the vehicle 5. Faulty interior light switch and/or fitting. Faulty interior door switch light 6. Defective heater/windscreen de-mister 7. Vehicle not fitted with appropriate equipment 8. Meter missing, loose or insecure 9. Top sign does not illuminate when switched on 10. Luggage compartment dirty, loose tools or other items in the luggage compartment preventing the use for carrying customers bags and luggage. Any flammable items in the luggage compartment. Loose spare wheel not	full examination of all items for inspection the test will not be carried out. 2. Seats need to be in good repair 3. All passengers should be able to access and egress the vehicle using the door handle 4. Applicable to either manual or electronic means 5. All interior lights should work correctly 6. Heater must blow warm air to the windscreen when tested 7. Wheelchair accessible vehicle only 8. Hackney Carriage vehicles only 9. Hackney carriage vehicles only
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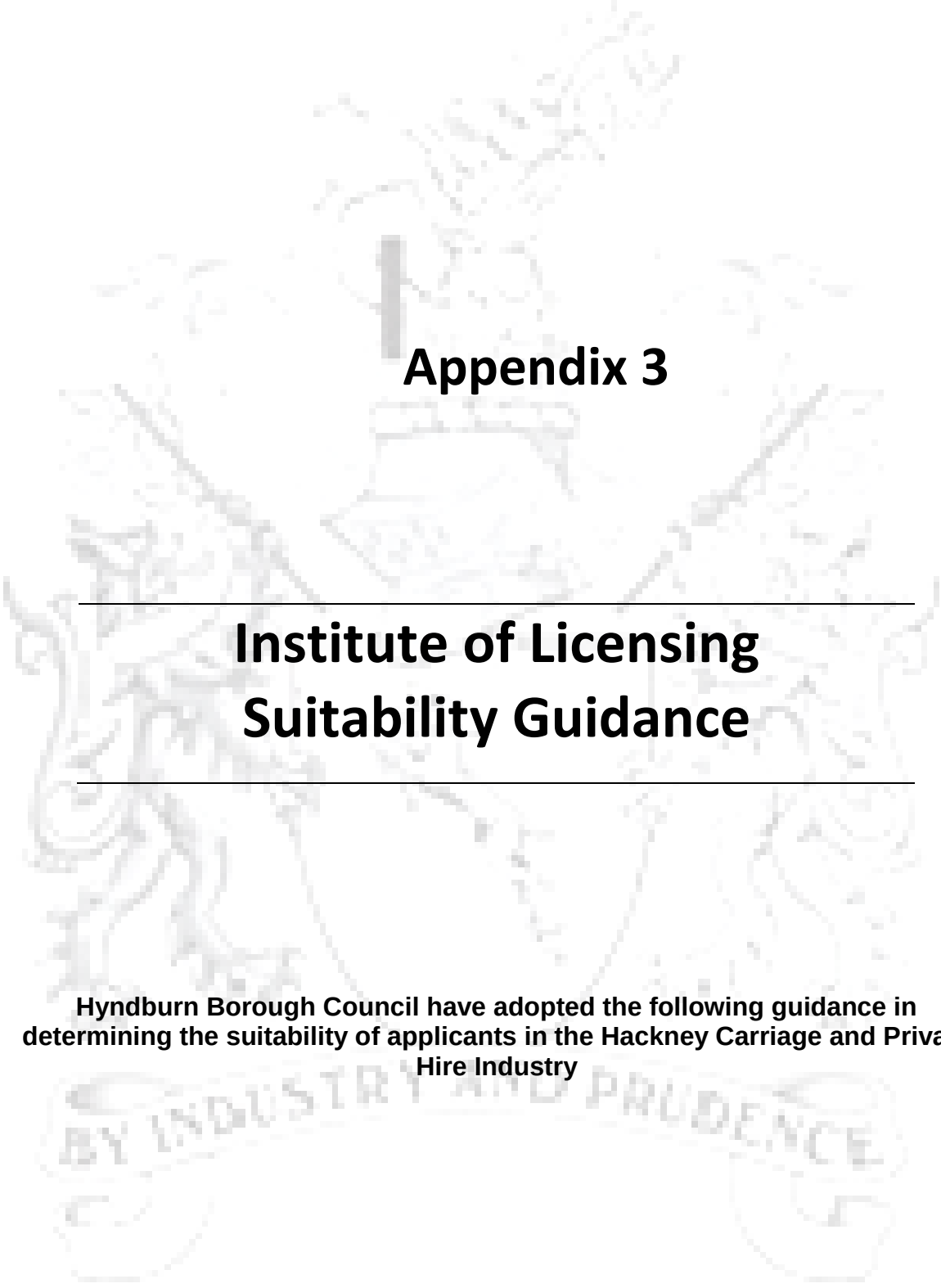
	fastened correctly in the spare wheel well.	
Tyres & Spare Wheel		
METHOD OF INSPECTION	REASON FOR FAILURE	
1. Examine the tyres to ensure that they are not date stamped over 10 years old. 2. Ensure that summer and winter tyres are not fitted to the same axle 3. Ensure that the tyre provided on the spare wheel is of the same size and construction as those fitted on the road wheel. 4. Examine the jack and wheel brace provided with the vehicle to ensure that they are in good working order and properly secured 5. Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position 6. Examine the tyres to ensure that they are not date stamped over 10 years of age.	1. Tyres are date stamped over 10 years old. 2. There is a mix of summer and winter tyres on the same axle 3. A spare wheel and/or tyre is not provided with the vehicle and/or is of a different size or construction to the wheel and/or tyres fitted to the vehicle or, the vehicle is not manufactured with either a spare wheel well or run flat tyres and does not carry an appropriate inflation kit. 4. Failure to provide a suitable jack and/or wheel brace within the vehicle 5. Failure to satisfactorily secure the spare wheel 6. Tyres are date stamped over 10 years old	The examiner will not fail the vehicle if; There is a manufacturer supplied space saver wheel of the correct specification for the vehicle if fitted as standard equipment, and the wheel is secured by the manufacturers approved fixings in a location designated by the vehicle manufacturer If the vehicle has been manufactured without a spare wheel well/cage, the requirements to carry a spare wheel will not apply, in such cases: • The vehicle may be fitted with a full set of run flat tyres or • If the vehicle is not fitted with run flat tyres an inflation kit which includes puncture sealant must be provided which is complete and in serviceable condition. Spare wheel are not required for vehicles manufactured without a spare wheel well.

Door Signs and Plates METHOD OF INSPECTION 1. All renewal vehicles presented for testing must have the Council door signs permanently fixed to the front doors 2. All renewal vehicles presented for testing must have the Council issued plate fixed in a bracket at the rear of the vehicle.	REASON FOR FAILURE No door signs on the front doors or door signs are fitted magnetically. The vehicle is not displaying a Council plate on the rear of the vehicle or the plate is not fixed correctly in a Council approved bracket.	
Windows METHOD OF INSPECTION 1. All windows should be free from non factory supplied privacy windows or any other enhancements.	REASON FOR FAILURE Any enhanced window film on any glass work	Privacy windows that are fitted at the point of manufacturer are NEVER FILM. Film applied to glasswork will always be failed by the examiner.

- This guidance is in addition to the class 4 MOT testing standards. You must also take into account all of the conditions of your licence as issued to you in the Rules, Regulations and Procedures booklet.

- The vehicle must be presented in a clean and tidy condition. If the vehicle is not presented in a clean and tidy condition so that all items can be tested the test will not go ahead and you will have to book and pay for a test at a later date.





Appendix 3

Institute of Licensing Suitability Guidance

**Hyndburn Borough Council have adopted the following guidance in
determining the suitability of applicants in the Hackney Carriage and Private
Hire Industry**

Suitability Guidance

Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire industry.

2024



Produced by the Institute of Licensing in partnership with:

Foreword

Taxi licensing began in 1635, when King Charles I limited the numbers of hired coaches in London. Charles II seemed disinclined to abandon regulation. He issued more licences, set fees and standards.

The present licensing system has its roots in the Town Police Clauses Act 1847 which declared “Hackney carriages to be licensed”. Although the requirement for licensing was national, standards and enforcement were local, through Commissioners, and taxi licensing has been determinedly local ever since.

The first – and most recent - edition of this Guidance was published in April 2018. It noted that there had been “no recent Statutory or Ministerial Guidance as to how decisions should be approached or what matters are relevant or material to such a decision”.

In my work as Chair of the Independent Inquiry into Telford Child Sexual Exploitation, I heard lacerating accounts from children sexually exploited by taxi drivers. I further heard that it was essentially impossible for the Borough to enforce local standards as over the years different – even neighbouring - authorities had maintained different approaches to drivers’ characters and behaviours, as to required driver training and even as to vehicle condition.

The first edition of this Guidance contained advice as to each of those elements, and detailed consideration of the effect of particular types of offending on suitability, all of which plainly **influenced the Department for Transport’s subsequent Statutory Guidance. Since then, the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022** has mandated the use of the NR3S database by English local authorities.

The progress is plainly welcome, and this thoughtful and comprehensive second edition of the Guidance will no doubt influence the debate as its predecessor did. But while this Guidance sets a goal of consistency, as long as the system allows drivers to choose their licensing authority by price, rather than by the area in which they operate, it is the low-cost, lighter touch regulators that will thrive and those (like Telford) who have put in place thoughtful suitability criteria, including high quality training, that will struggle for custom. It seems to me that is not only an odd result of something deemed “localism”, but also one profoundly not in the public interest.

In 2018 a government report¹ recommended legislation for national minimum standards for taxi and PHV licensing; the Government agreed², and said that it would take forward legislation “when time allows”. Perhaps, after almost 400 years, an Act in the reign of Charles III might finish the job his predecessors began.

TOM CROWTHER KC
23ES CHAMBER

¹ <https://assets.publishing.service.gov.uk/media/60085e35e90e073ecce20064/taxi-and-phv-working-group-report-document.pdf>

² <https://assets.publishing.service.gov.uk/media/5f76f9308fa8f55e36671b26/taxi-task-and-finish-gov-response.pdf>

Acknowledgements

The IoL originally published its *Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades* in April 2018. The original Guidance was the result of many months of work by a dedicated group of individuals who formed the Suitability Working Group.

The April 2018 publication was formally endorsed by the Local Government Association, Lawyers in Local Government, and the National Association of Licensing and Enforcement Officers. It was gratifying when Chapter 4 of the original guidance was closely mirrored in the annex at s 10 of the [Department of Transport's Statutory taxi and private hire vehicle standards](#), published in 2020.

The Guidance was and is intended to assist local licensing authorities in considering their own local licensing policies on determining the suitability of applicants and licence holders for taxi and private hire licensing. It was well received among such authorities generally, with many updating or reviewing their policies by incorporating the guidance in part or in whole, ahead of or subsequent to the publication of the DfT standards. The Guidance has been successfully cited in courts where it has been so incorporated by authorities and as a stand-alone reference.

The Suitability Working Group had an informal review planned for 2021. Work started in 2022 (delayed from 2021 due to the pandemic), with an initial consultation (round 1) in 2022 on the effectiveness and level of adoption of the guidance. The Working Group assessed the round 1 consultation responses but opted to pause the work pending the then anticipated imminent publication of the DfT's *Best Practice Guidance* which eventually followed in November 2023.

The draft revised Guidance was subject to a further consultation (round 2), which closed on 30 September 2024, following which all the consultation responses were carefully reviewed in producing this revised Guidance.

With sincere thanks to the Suitability Working Group:

- Stephen Turner, Solicitor at Hull City Council (Working Group Chair)
- Phil Bates, Licensing Manager, Southampton City Council
- Ellie Birch, IoL Executive Assistant
- James Button, James Button & Co Solicitors
- Linda Cannon, former Licensing Manager, Basingstoke Council
- Yvonne Lewis, Licensing Manager, City & County of Swansea
- John Miley, former Licensing Manager (Broxtowe Council) and National Chair for NALEO
- Sue Nelson, IoL Executive Officer
- Professor James Treadwell, Professor of Criminology, Staffordshire University

Suitability Guidance Preface

Chapter 1: Introduction is an introduction to the Suitability Guidance. It refers to the importance of the licensing regime in protecting public safety and sets out the legislative position that a licensing authority must be satisfied has been met by an applicant before deciding if they are a fit and proper person to hold a licence.

Chapter 1 refers to policies having a “bright line approach” and explains the position in this regard. Finally, Chapter 1 sets out some of the approaches taken in later chapters of the Suitability Guidance, which will be looked at in turn.

Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview, has been extensively reviewed. It looks at patterns of behaviour for offenders, and aims to assist licensing authorities in considering previous convictions and non-conviction information (complaints etc) alongside time factors (time elapsed), trends and the nature of behaviours in order to make a reasoned judgement of suitability when there are matters of concern.

While considering all criminal behaviour, this chapter looks in detail at sexual offences, which are naturally of key concern when considering an individual's suitability to hold a licence. It underlines the role of licensing as a form of safeguarding and risk management of activities, recognising that licensees are in positions of trust, and have the opportunity to take advantage of potentially vulnerable passengers on a daily basis.

Chapter 3: Taxi and Private Hire Licensing Overview provides an overview of taxi and private hire licensing law, including the legislative framework, and the principal objective of the licensing regime (to protect the public).

The chapter looks at the licence types under the regime, and considers the application and decision-making processes and key considerations in each case, including the legal thresholds which apply (for example the need for the local authority to be satisfied that an individual is a fit and proper person before granting a licence). It emphasises the need for reasoned decisions and clear records of decisions to be maintained. There are references to relevant parts of the [DfT's Statutory taxi and private hire standards](#) and the system of recording refusals, suspensions and revocations on the NR3S database (mandated in England and wholly adopted in Wales).

Chapter 3 acknowledges that the vast majority of applicants and licence holders are decent, law-abiding people who work hard to provide a good service to their customers and the local community. They are an essential part of our communities, and many local residents rely heavily on them. The licensing regime, when working correctly, should exclude those who are not safe and suitable from the profession, protect licensees as a whole by increasing public confidence, and uphold the professionalism of the industry.

Chapter 4: Guidance on Determination has been subject to much discussion and review. The overriding principle of listing categories of offending rather than listing specific offences has been maintained. This is essential as consideration is not confined to conviction information - non-conviction information is relevant and must be considered alongside convictions. In addition, a list of specific offences would be too narrow, and become superseded by new offences, or arguments that a particular offence was “different” from a listed one.

Some categories have been expanded. For example, “exploitation” now includes “criminal harassment”; “offences involving violence” includes fear of violence and violence against property, animals and the State; and “sex and indecency offences” includes a reference to the “Sex Offenders’ Register” and “barred” lists.

Additional categories have been included: “alcohol misuse or dependency”, in addition to “drugs misuse” (which now includes “dependency”), and a further category of “discrimination”. There is also a section on behaviours which looks at non-criminal behaviours which would be a potential cause for concern.

Motoring offences have been an area which has been subject to intense discussion. This was the main area of feedback on the original Guidance, in particular the reference to minor traffic or vehicle related offences. The “motoring offences” section sets out the guidelines in relation to motoring offences and the reasoning behind them.

Chapter 4 maintains the view set out in the original guidance, that the considerations under each category should be applied when considering applicants and licensees for driver, operator and vehicle proprietor licences.

Version history

- 28th October 2024 – Formally approved
- 13th November 2024 – First published
- 20th November 2024 – [WLGA endorsement added](#) (Chapter 1, para 1.1)

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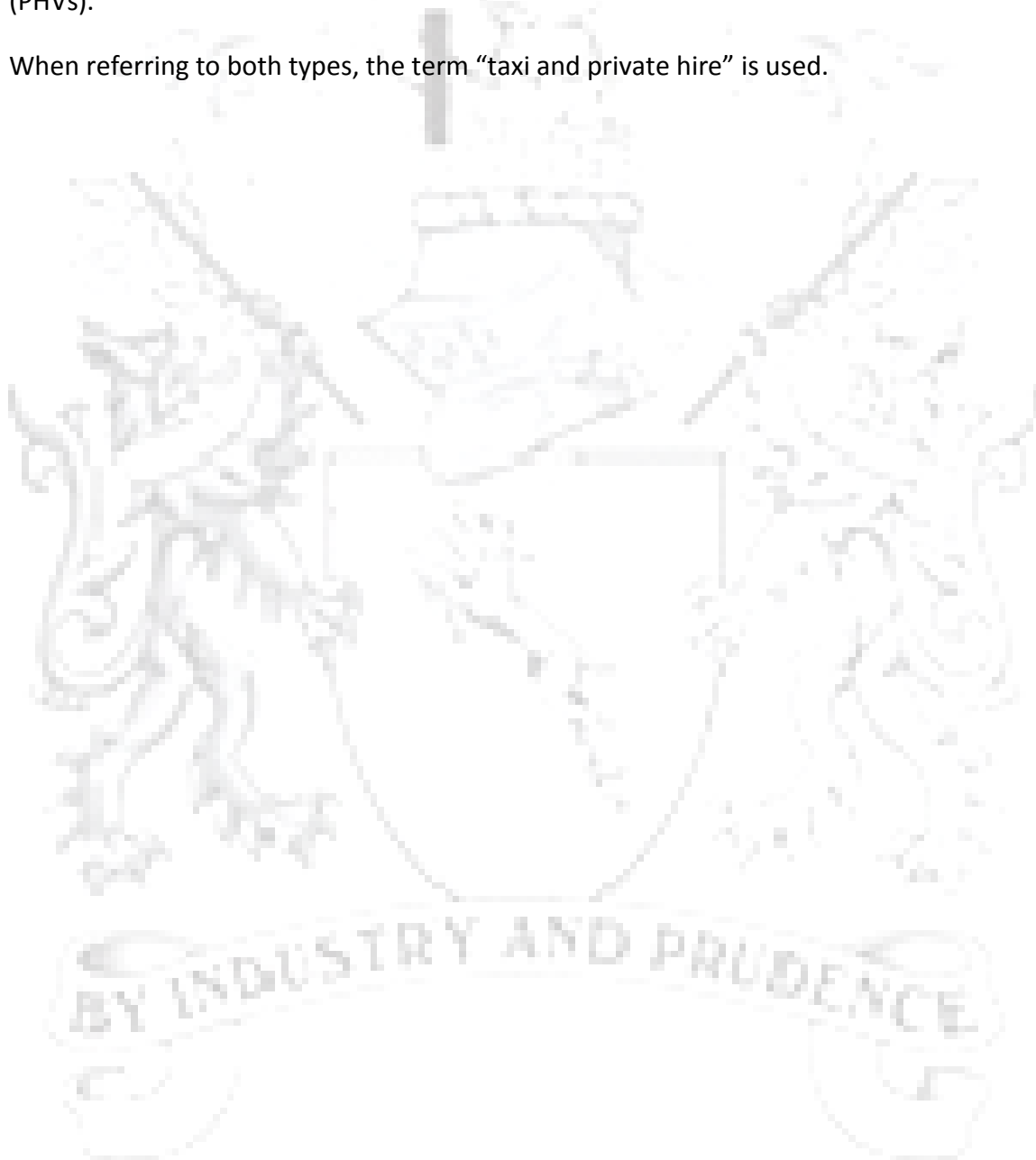
Terminology

This Guidance follows the approach to terminology used by the Department for Transport (DfT) in its Best Practice Guidance:

Vehicles licensed under section 37 of the Town Police Clauses Act 1847 and section 6 of the Metropolitan Carriage Act 1869 are referred to in that legislation as 'hackney carriages'. This term is also used in older regulations. In more recent legislation the term 'taxi' is used.

In this document 'taxi' means a hackney carriage. It does not include private hire vehicles (PHVs).

When referring to both types, the term "taxi and private hire" is used.



Chapter 1: Introduction

- 1.1 This document was originally published by the Institute of Licensing in April 2018 and this revised edition follows extensive consultation and review. As previously, it has been produced by the Institute working in partnership with the Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO). We are grateful to all those organisations for their contributions and endorsement. The Guidance has also been endorsed by the National Anti-Fraud Network (NAFN) and the Welsh Local Government Association (WLGA).
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Taxi or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Taxi and Private Hire services. It is a regulated activity, and the purpose of regulation is to ensure, so far as possible, that those engaging in this activity are suitable persons to do so. Entry requirements are necessarily high to ensure the safety of the public, and the reputation of those who are themselves licensed.³
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications.⁴ The onus lies with the applicant or licensee to satisfy the licensing authority that they are or remain a fit and proper person.⁵ It is a key part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgement as to their fitness and propriety.
- 1.4 If a licensee falls short of the fit and proper standard at any time after grant, the licence should be revoked or not renewed on application to do so.
- 1.5 There is some Statutory and non-statutory guidance as to how such decisions should be approached or what matters are relevant or material to a decision contained in the DfT *“Statutory Taxi and Private Hire Vehicle Standards”*, *“Taxi and Private Hire Vehicle Licensing best practice guidance for licensing authorities in England”* and the Welsh

³ See paras 3.2 of *“Statutory Taxi and Private Hire Vehicle Standards”* Department for Transport 2020 (available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards> and 3 of *“Taxi and Private Hire Vehicle Licensing best practice guidance for licensing authorities in England”* Department for Transport revised in 2023 (available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>) and the Welsh Government Guidance Document *“Taxi and Private Hire Vehicles: licensing guidance”* revised in September 2024 (available at <https://www.gov.wales/taxi-and-private-hire-vehicles-licensing-guidance-html>)

⁴ Except vehicle proprietors. In those cases, there is no “fit and proper” requirement, but the authority has an absolute discretion over granting a licence.

⁵ This was confirmed by the High Court in *R v Maidstone Crown Court, ex p Olson* [1992] COD 496 QBD

Government's "*Taxi and private hire vehicles: licensing guidance*", but it is not comprehensive. This document complements that guidance as does the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any further Government guidance. It is gratifying and seen as an endorsement of the previous edition of this document that the DfT accepted the suggested convictions guidance in Chapter 4, almost in its entirety.

- 1.6 Local authorities in England should be complying with the requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which requires use of the NR3S database hosted by the National Anti-Fraud Network. Such use is currently advisory in Wales.
- 1.7 Chapter 4 of this document provides licensing authorities and their decision makers with guidance on determining suitability, taking into account the character of the applicant or licensee. Licensing authorities are encouraged to adopt this guidance within their own Taxi and Private Hire policies. In particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it should not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case. Any departure from the adopted policy should be the exception, rather than the rule.
- 1.8 A licensing authority can say "never" in a policy, known as taking a 'bright line approach', but it remains a policy, and as such does not amount to any fetter on the discretion of the authority. This approach was endorsed by the High Court in *R (on the application of Nicholds)*.⁶ Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will only happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. Full and detailed reasons must be provided to the applicant or licensee for every decision, including the reasons for any departure from the Council's policy.
- 1.9 In Chapter 2 this document explores the current academic thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraphs 1.7 and 1.8 and Chapters 3 and 4.
- 1.10 Chapter 3 of this document sets out in overview form the Institute's view of the current law, practice and procedure relating to Taxi and Private Hire licensing. Neither Chapter 3 nor any other part of this document constitutes formal legal advice which licensing authorities should obtain for themselves where required.

⁶ [2006] WHC (Admin), [2007] 1 WLR Admin Crt

- 1.11 The guidance in Chapter 4 contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by a licensing authority's policy or guidance as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.
- 1.12 The guidance in Chapter 4 cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national standards.
- 1.13 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Taxi and Private Hire Trades, Academics, the Probation Service, NAFN, National and Local Governments, interested Charities and the Police.



Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview

- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public.⁷ With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour. While all offending behaviour can be considered when it comes to fitness and propriety, the unique position that licensed taxi and private hire drivers occupy in terms of their occupation and the opportunities and risks that come with such employment mean that some focus and understanding of the nature and character of violent and sexual offences is valuable. Such offences are often important as indicators that an individual might present a risk of serious harm to other people.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining potential future behaviour as well as culpability, it is essential that the decision maker(s) considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed. The wider and broader the evidence base that can be considered, the better the judgement is likely to be.
- 2.4 Crime tends to emerge in teen years, and many people commit offences but do not find themselves persistently involved in crime and criminality. Those who do become more frequent offenders tend to share several risk factors: associations with delinquent peers; school/employment problems; family problems; certain types of mental health problems; and alcohol/substance abuse are the most important predictors of persistence in crime. The predictors of persistence in crime highlight the multiple causes of persistent antisocial behaviour, and how antisocial behaviour and attitudes can be quite deep rooted. While people who commit crime can and do change and reform, there is also useful predictive value in previous conduct, as past behaviour is often a good indicator of underlying attitudes and potential future conduct.
- 2.5 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years, offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the

⁷ DfT 'Taxi and Private Hire Licensing – Best Practice Guidance, Section 3

future predicted. While this is true, such points should not be used to downplay the vital role that disbaring people of bad character from roles and occupations which provide heightened opportunity for them to harm plays. What can be done, is to examine each case on its individual merits, and look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.

- 2.6 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is public protection. This includes assessing the risk of re-offending and the risk and scale of harm.⁸ Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences in the criminal justice system. Local Authorities are not always privy to this information, so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.
- 2.7 Flaud⁹ noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place.¹⁰
- 2.8 In the Criminal Justice system, His Majesty's Prison and Probation Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards both static and dynamic factors. While no risk assessment can be infallible, there has been a growing recognition for the need to make justifiable and defensible decisions based on public protection.
- 2.9 Understanding the person, their history (including any offending) and their patterns of behaviour and establishing both risk factors related to future offending and protective factors which reduce the risk of future offending is at the centre of managing risk. Risk Factors are aspects of an individual offender's life that have inclined them towards harmful behaviour. Protective factors are the features of an individual's life that may incline them away from harmful behaviour.
- 2.10 Static factors are historical and do not change such as age, and previous convictions. These can be used as a basis for actuarial assessments and are core in considering an individual's potential to reoffend in future.¹¹ For example, about half imprisoned adults are reconvicted within two years of release from custody. It is also

⁸ Kemshall, H. (2008). *Understanding the Management of High Risk Offenders* (Crime and Justice). Open University Press

⁹ Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

¹⁰ Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

¹¹ Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

widely accepted that persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous convictions.¹² In 2022 adults released from custody or starting a court order had a proven reoffending rate of 33.4% within a year of their conviction in court or release from prison.¹³

- 2.11 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity.¹⁴ Behaviour can also be a factor in assessing risk, and behavioural changes can be used in making risk assessments. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated or is a risk, it is important to have regard towards the motivation behind their offending, and the dynamic risk factors present at the time of offences against the steps taken to address such factors, thus reducing the risk of re-offending.
- 2.12 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population.¹⁵ Many of these factors are interlinked and embedded in an individual's past experiences. These factors can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed. However, we also ought to recognise that, and at core, known previous behaviour is the best predictor of future behaviour bar none. Good risk assessment is evidence based and uses statistical evidence, understands offence type and risk factors, but also is individualised and takes account of factors that can reduce or increase an individual's risk. It is also holistic and takes account of behaviour in a range of contexts and a good understanding of the whole person at the centre of the assessment. It also requires a somewhat critical and sceptical attitude and doubt towards emotional claims and assertions of change. Often persistent offenders will claim that they have stopped offending only to be reconvicted. These are assertions from the subject that are challenged by contradictory behaviours.
- 2.13 Whether a person who has offended is a risk in the future is a complex debate and has given rise to extensive publications, theories and changes in legislation, with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described in criminal justice as "any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual's ability to address and reduce such needs relies

¹² Ministry of Justice (2015): Transforming Rehabilitation: a summary of evidence on reducing reoffending. London: Ministry of Justice.

¹³ [Proven reoffending statistics: April to June 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/proven-reoffending-statistics-april-to-june-2022)

¹⁴ McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

¹⁵ Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

heavily upon their motivation to change and desist and often takes place over a period of time”.¹⁶

- 2.14 Kurlychek, in her study noted that “a person who has offended in the past has been found to have a high probability of reoffending, but this risk is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”.¹⁷ In contrast though, one of the few long-term studies (The Sheffield Desistance Study)¹⁸ which examined the lives of 113 men aged 19–22 years over four years. Their subsequent convictions over the next ten years generally demonstrate a pattern of continuing convictions, but with major crime-free gaps suggesting with some very persistent offenders, desistance, if seen as continuing cessation from crime, may not be fulfilled.
- 2.15 A consistent finding in criminological literature is that many male offenders tend to desist from crime over time, and risk of offending even for those previously convicted reduces once individuals reach the aged 30 years and over.¹⁹ It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationship.²⁰ Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females is 14 compared to 19 for males.²¹ It is true that generally many people do age out of crime, but we should be careful not to count all crime as the same. Serious sexual and violent offences may not be the same as acquisitive offences.
- 2.16 Some people are convicted of crime and will not be further convicted. The Rehabilitation of Offenders Act 1974 aims to help some offenders re-enter the workforce and makes some convictions spent after a determined period. For people who have been involved in persistent and more serious offending, it is a difficult and complex process, likely to involve lapses and relapses. Some criminal convictions, especially those attracting lengthy prison sentences are not considered spent. Some individuals may never desist from crime.²² As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low risk of re-offending. Often the only way of achieving this is through lapse of significant time.

¹⁶ National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

¹⁷ Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

¹⁸ Bottoms, A.E. & Shapland, J. (2016) Learning to desist in early adulthood: the Sheffield Desistance Study. In: J. Shapland, S. Farrall & A.E. Bottoms (Eds.) Global perspectives on desistance: reviewing what we know, looking to the future. Abingdon: Routledge or Shapland, J. (2022) Once convicted? The long-term pathways to desistance. *The Howard Journal of Crime and Justice*, 61, 271–288. <https://doi.org/10.1111/hojo.12473>

¹⁹ Serin, R, C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347–364.

²⁰ Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

²¹ Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatestone: Essex.

²² Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

- 2.17 Typically, the longer the time elapsed since an offence has been committed, the more likely the individual has desisted from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance.²³ Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to re-offend or offend again than individuals who have offended in the recent past”.²⁴ This is likely substantively true, and yet there are some categories of crime, and some crime types, perhaps particularly sexual offences, where caution is very much needed, because those crimes are so much less frequently taken through the justice system successfully and the offence may illustrate more complex attitudinal and behavioural and thinking patterns. For general offences (not violence and sexual offences), some academics have suggested that a period of around seven years is when the risk of offending for convicted offenders and non-convicted population becomes the same.²⁵
- 2.18 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when deciding whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.
- 2.19 Offences where taxi and private hire drivers are victims are much more frequent than offences by such drivers. Taxi and private hire drivers are often in situations where they can face victimisation in terms of violence, threat, assault and false allegations. It must be recognised that taxi and private hire drivers have access to people who are vulnerable because of their situation, very often as a sole individual unsupervised in a vehicle. A small minority of people may seek to abuse their positions, or even secure positions because of the potential to take advantage of passengers’ trust and vulnerability.
- 2.20 It is estimated that 23.5 per cent of males in England and Wales in the age range 10 – 52 in 2006 had had a previous a conviction. For adult males aged between 18 and 52 the figure is 28.2 per cent. Almost a third of all adult males in the UK have a criminal conviction. However, often individuals will come to light and be recognised because of

²³ Maguire, M., Morgan, R. and Reiner, R. (2002). *The Oxford Handbook of Criminology*. 3rd Edition. Oxford: Oxford University Press.

²⁴ Kurlychek, M C, Brame, R (2007). *Scarlet letters and recidivism: Does an old criminal record predict future offending?* University of South Carolina.

²⁵ Soothill, K and Francis, B (2009) *When do ex-offenders become like non-offenders?* *Howard Journal of Criminal Justice*, 48 (4). pp. 373-387. ISSN 0265-5527

patterns of behaviour, not always criminal behaviour. It ought to be remembered that a great deal of criminal behaviour in some categories may never come to be known about by authorities, and it is widely accepted that, for example, violence against women and girls, domestic violence and sexual crimes tend to be the most under reported and least convicted.

- 2.21 According to ONS crime statistics for England and Wales,²⁶ 20% of women (1 in 5) and 4% of men will experience sexual violence in their lifetime. It is vital that it is recognised that a great deal, and likely most, of the sexual abuse may never be reported. It has been suggested that some 40% of adults who are raped will not report, and unreported childhood cases are likely much higher. The Crime Survey for England and Wales (CSEW) estimated that 1.1 million adults aged 16 years and over experienced sexual assault in the year ending March 2022 (798,000 women and 275,000 men).
- 2.22 It is claimed that only some 10-15% of sexual offences are reported to the police in any year, and even when reported, sexual crimes are amongst the hardest to prove. In 2018 less than 1 in 65 reports of rape (1.5%) resulted in a charge or summons. However, according to CSEW statistics for the year ending March 2022, sexual offences recorded by the police were at the highest level recorded. In May 2021, there were 95,844 people on the sex offenders register in England and Wales, yet based on the accessing of Child Sexual Exploitation material the UK's National Crime Agency estimate that there could be between some 550,000 and 850,000 people in the UK who pose varying forms of sexual risk to children. While there is no consensus about the pathways between non-contact and contact offending, it seems sensible to consider even one incidence of possession of child sexual exploitation material must be seen as a risk flag.
- 2.23 There are a range of crimes that can be considered as sexual offences, including non-consensual crimes such as rape or sexual assault, crimes against children including child sexual abuse or grooming, and crimes that exploit others for a sexual purpose, whether in person or online. Crimes can occur between strangers, friends, acquaintances, current or ex-partners, or family members. The passage of time does not prevent the effective prosecution of sexual offences, and an increasing number of cases referred to the CPS by police feature allegations of a non-recent nature.
- 2.24 There is also complexity added to the category of sexual offences as there can be a sexual component in offences that may not be categorised primarily as a sexual offence, and the category runs a full gambit from sexually motivated homicides to non-contact internet offending in the form of possession of Child Sexual Exploitation material.
- 2.25 Sexual offences are prosecuted as part of the CPS Violence Against Women and Girls (VAWG) Strategy. This is an overarching framework to address crimes that have been

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<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingdecember2023#overall-estimates-of-crime>

identified as being committed primarily but not exclusively by men against women, but we ought not forget that men also commit sexual offences against men and boys. Reynhard Sinaga, a postgraduate student jailed for life in 2020 is who is thought to be the UK's "most prolific rapist"²⁷ was convicted of 136 rapes in Manchester and is believed by police to have assaulted over 200 men. There is a huge variation in sexual offenders, and there is a range of complex factors in their offending, which can vary hugely and significantly. Some historic crimes are no longer crimes due to changes in legislation since their conviction. For example, alterations in the age of consent that existed for gay men.

- 2.26 There is no singular type when it comes to sexual offending, and there are many gaps in knowledge. We know that most sexual offenders are men. Sex offenders constitute a diverse population of individuals and can be classified into types based upon characteristics and motivations of offending. The most common classification systems are those differentiating between types of rapists, child molesters, female sex offenders, juvenile sex offenders and cyber-sex offenders. There is also sometimes a division between non-contact (online) and contact offending, and discussions about whether the former is a pathway to the latter. It is often said that reoffending amongst sexual offenders is lower than that of general offenders, but we need to be careful to also frame that with the general knowledge we have about the complexity and difficulty in securing convictions for sexual offences generally.
- 2.27 Sex offenders constitute a similarly diverse group of individuals who begin offending for a range of reasons. Many offenders do not fit into discrete categories. Like violent offenders, sexual offenders have unique personal and criminal histories, and the attitudes and beliefs that support their deviant behaviour can vary. There is no clear-cut profile of a sex offender. Some offenders were sexually abused as children, but others have no such history. Some are unable to function sexually with adult partners and so prey on children, while others also have sexual relations with adults. Research shows that sexual offenders exhibit a variety of characteristics. Abusive people, including sexual offenders, typically think they are unique, they are different from other people, they have a sense of entitlement and do not have to follow the same rules as everyone else. Rather than being unique, abusers and sexual offenders often have a lot in common with one another, including their patterns of thinking and behaving. They are also often highly manipulative of other people and situations and will employ a range of tactics that can include lying, upsetting others or intimidating them with threats. Equally, they may attempt to charm people, engender feelings of sympathy to manipulate, feign interest or concern, or attempt to elicit sympathy. Sex offenders when compared to other offenders generally:
- Are more likely to deny their behaviour and guilt, can lack empathy (and victim) empathy and ability to understand or see things from the point of view of others.

²⁷ <https://www.judiciary.uk/wp-content/uploads/2020/12/McCann-Sinaga-Shah-judgment-111220.pdf>

- Have inappropriate or be very fixed in attitudes and character, including attitudes to sex.
- Put themselves in places and situations where vulnerable victims are present. (Offenders may frequent an amusement arcade or join a social media site or gaming platform where they will regularly be engaging with youth on a peer level or attempt to become a taxi or private hire driver" as referred to in the Telford report).²⁸
- The motivations to sexually offend can vary from offender to offender and offence to offence, but the specific deviant sexual motivations including paraphilias (a persistent and recurrent sexual interests, urges, fantasies, or behaviours of marked intensity involving objects, activities, or even situations that are atypical in nature) are often apparent. However sexual offenders will commit nonsexual offences.

- 2.28 Like sexual offenders, violent offenders are a diverse population, whose offences generally tend to be either expressive (a loss of control and anger) or instrumental (violence that is used to acquire or gain something, including some forms of acquisitive violence). We know that men commit far more violent offences than women and a very small group (less than 5% of the male population tend to commit around 50-70% of violent crime).²⁹ Often the most persistent violent offenders commence offending early in life and are characterised by criminal versatility, but because of their overt nature, much violence (with exceptions around domestic and intimate partner violence) has tended to be detected and prosecuted. Serious violence tends to result in conviction.
- 2.29 The risk of harm is not always linked to the offences committed previously, as persistent and repeat offenders often escalate or fluctuate in terms of the severity of crimes and the type of offences that they commit, and offenders often are not specialist and do not restrict themselves to one sort of crime.
- 2.30 Criminal versatility and a diversity of criminal offence types can also be indicative of underlying antisocial attitudes. Previous behaviour is a good indicator of future risks. Any conviction for a serious violent or sexual offence suggests at a degree of risk to the public that is heightened over those who have no convictions.
- 2.31 Beyond a very narrow core of hard cases, there are issues in both the boundaries of what constitutes the kind of behaviour that can be considered dangerous, which is open to dispute, and to what degree of likelihood of future risk should be required before an individual can be said to present a danger of future offending and subject to restrictions?

²⁸ Para 4.193 Report of the Independent Inquiry Telford Child Sexual Exploitation available at <https://www.iitcse.com/>

²⁹ Moffitt, T. E. (1993). Adolescence-limited and life-course-persistent antisocial behaviour: A developmental taxonomy. *Psychological Review*, 100(4), 674–701. <https://doi.org/10.1037/0033-295X.100.4.674>

- 2.32 What is vital when considering violent and sexual offences are the access and opportunity that the offender requires to attempt to commit any offence. This is the focus of situational and administrative criminology. Situational crime prevention (SCP) is an applied criminological paradigm founded on two distinct, complementary conceptions of criminal situations. The first is the rational choice and the second is the routine activities perspectives.³⁰
- 2.33 SCP approaches consider criminal situations and understand that crime occurrences are essentially 'opportunities' that arise when an already motivated or criminally disposed offender, having rationally weighed up in terms of effort, risk, and reward decides to commit an offence. All else being equal, a crime is more likely to be committed when it requires little effort, when the would-be offender judges that there is a low risk of that crime being detected and punished, and when they anticipate they will meet their intended outcome. Core to the crime is a suitable target being available, there is the lack of a suitable guardian to prevent the crime from happening, and a motivated offender is present.
- 2.34 Licensing is a form of safeguarding and risk management. By virtue of the role and function of what opportunities and privileges a taxi or private hire drivers' licence affords, there can be a great deal of opportunity to access people who are situationally vulnerable, particularly those in the night-time economy. John Worboys (also known as John Radford) the British convicted serial sex offender, known as the Black Cab rapist, was convicted in 2009 for attacks on 12 women committed between 2007 and 2008. In 2019, he was convicted for attacks on four more women, the earliest of which took place in 2000. Police say he may have had more than 100 victims while operating in London and Dorset.
- 2.35 The taxi trade and licensing has also featured as part of the backdrop of discussions of Child Sexual Exploitation in a number of English towns. These crimes have frequently been discussed as the product of 'grooming gangs'. While this term has been controversial, the night-time economy (NTE) and particularly take aways, taxi and private hire companies and children's homes all also featured as part of the situational and social context of offending across a number of English towns such as Telford, Rotherham, Bradford, Luton, and Rochdale. Specifically vulnerable, young white females were predominately the victims of Bangladeshi and Pakistani male perpetrators', some of whom were employed as taxi drivers.
- 2.36 While the term 'grooming gangs' has become a contentious one bringing often unhelpful claims and counterclaims, the reality is that much Child Exploitation (CE), including Child Sexual Exploitation and Child Criminal Exploitation happens when vulnerable young people (under the age of 18) are encouraged, forced or manipulated into criminal or

³⁰ Cornish, Derek B., and Ronald V. Clarke. "Crime as a rational choice." *Criminological theories: Bridging the past to the future* (2002): 77-96, and *Social Change and Crime Rate Trends: A Routine Activity Approach*, Lawrence E. Cohen and Marcus Felson Vol. 44, No. 4 (Aug., 1979)

sexual acts. While not all victims of CE and CSE are vulnerable by virtue of factors other than age, many victims have a range of heightened vulnerabilities. These can include problems at home, statutory care experiences, trauma, emotional and physical neglect, experiences with a family member with mental health or substance use disorders, experiences of domestic violence and abuse, poverty, experiences of racism and discrimination and experiences of violence in the community. Those in the taxi and private hire trades can also gain useful local knowledge and insight around concerns about exploitation and can be extremely useful in crime prevention and encouraging and promoting community safety.

- 2.37 Individuals applying for or renewing taxi and private hire driver's licences are subject to an enhanced DBS with barred lists check. There are debates as to whether taxi and private hire driving should become a regulated activity within the provisions of the Safeguarding Vulnerable Groups Act 2006.
- 2.38 When making decisions around individuals being 'fit and proper' it is important that too much weight is not placed on individual testimony or evidence that cannot be substantiated. Rather, a focus should be on:
- What further offence(s) might the individual commit or exhibit?
 - Would they cause serious harm?
 - Who might the victim(s) be? Can they be accessed via occupational role?
 - What features might contribute to serious harm (the risk factors)?
 - What might protect against serious harm (the protective factors) and are they able to be guaranteed?
 - How probable is a high-risk scenario (likelihood)?
 - How quickly could a further serious harm take place (imminence)?
- 2.39 Focusing on questions of access and opportunity and seeing licensing as a mechanism of safeguarding is vital when deciding if someone should be -licensed. While refusal of a licence is a restriction for the individual, it is also a method of situational safeguarding that can serve to prevent future victims.

Chapter 3: 'Taxi' and Private Hire Licensing Overview

- 3.1 Taxis and private hire vehicles are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi or private hire driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for taxi and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi and private hire licensing is detailed in the DfT *"Taxi and Private Hire Licensing best practice guidance for licensing authorities in England"* para 3. which states:

"The primary and overriding objective of licensing [the taxi and PHV trades] must be to protect the public."

Supported by para 3.2 of the DfT Statutory Taxi and Private Hire Vehicle Standards which states:

"When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public."

And acknowledged in part 1 of the Welsh Government Guidance document "Taxi and Private Hire Vehicles: Licensing Guidance" which states:

"The licensing regime needs to be updated to remedy the current problems; ensure that the taxi and PHV licensing system is fit for modern Wales; and promote public safety."

- 3.4 Within the two licensing regimes, there are 5 types of licence: taxi vehicle; private hire vehicle; taxi driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT,³¹ there are no national standards.³²

³¹ "Statutory Taxi and Private Hire Vehicle Standards" Department for Transport 2020 (available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards> and 3 of *"Taxi and Private Hire Vehicle Licensing best practice guidance for licensing authorities in England"* Department for Transport revised in 2023 (available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>)]

- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, it is for the applicant or licensee to satisfy the licensing authority that they are “fit and proper”, not for the authority to prove that they are not.
- 3.9 The authority has powers to grant or refuse a licence, renew or refuse to renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.10 What is the role of these powers, and how do authorities determine an application, or take action against a licence? Each Licensing Authority should adopt a cohesive Taxi Licensing Policy.³³ If a matter or situation is not addressed or covered by the Policy, that does not mean that matter cannot be taken into account by the Authority: in such circumstances the Authority will have to consider the issue from first principles, as if it had not adopted any policy on this topic.
- 3.11 Whenever a decision is made by a licensing authority (whether that is by Councillors or Officers), full and detailed reasons for that decision must be given.³⁴ This requirement is not just for refusals. It is important that all decisions are recorded correctly, and reasons given. This will include grants (on first application and renewals), addition of conditions, suspension, revocations and refusals. To assist decision makers, [Appendix 1](#) contains guidance on recording decisions against NR3S criteria and [Appendix 2](#) contains an example of a Decision Notice, both of which are adaptable for a council’s own purposes.

Taxi & Private Hire Drivers

- 3.12 There are two different occupations: taxi drivers and private hire drivers. In each case there are identical statutory criteria to be met before a licence can be granted. Some authorities grant separate taxi or private hire licences whilst others grant “dual” or “combined” licences to cover both occupations. Some authorities also issue “restricted”

³² The Government has stated that it will introduce national standards for taxi and private hire licences. However, at the time of writing (May 2024) this will be after the next General Election. In Wales, Welsh Government has consulted on new legislation, but again this is awaited.

³³ see Para 3.1 Dft Statutory Standards

³⁴ This was made clear by the Court of Appeal in *R (app Hope and Glory Public House Ltd) v Westminster City Magistrates’ Court* [2011] EWCA Civ 31, [2011] 3 All ER 579, CA.

licences to drivers who only wish to perform home to school transport (H2S) work. Irrespective of the type or purpose of the licence, the decision making criteria remain the same.

- 3.13 An applicant must hold a full DVLA or equivalent driver's licence, have the right to work in the UK, comply with tax conditionality requirements and be a "fit and proper" person.³⁵
- 3.14 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.
- 3.15 An applicant must have the right to remain, and work in the UK.³⁶ Again, this is ultimately a question of fact, and the local authority should follow the guidance issued by the Home Office.³⁷
- 3.16 The tax conditionality rules require any driver applying to renew their licence to demonstrate they are registered for tax with HMRC; new applicants must acknowledge that they will be required to register with HMRC.³⁸
- 3.17 Those requirements are all questions of fact. It is the whole issue of "fit and proper" that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*.³⁹ Silber J said:
- "... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers."
- 3.18 This is reflected in a test suggested by the DfT Statutory guidance (although it is not a statutory test):

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?⁴⁰

³⁵ Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers taxi drivers.

³⁶ Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of taxi drivers.

³⁷ "Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales" - Home Office, June 2024 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

³⁸ <https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>

³⁹ [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Crt

3.19 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

3.20 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers’ licence?

3.21 The local authority has the power to require an applicant to provide:
“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”⁴¹

This “information” can include any pre-conditions or tests that they consider necessary

3.22 Some of these are mandatory, such as Proof of right to work, Tax conditionality on renewal, NR3S search (conducted by the licensing authority, but this is only advisory in Wales). Others are universally required such as medical assessments.⁴² Some authorities may require further information such as:

- Enhanced DBS Certificates (recommended although widely regarded as mandatory),
- sign-up to the DBS update service;
- Knowledge tests;
- Driving tests;
- Disability awareness/training;
- Periodic signed declarations;
- Spoken and written English tests;
- CSAE (child sexual abuse and exploitation) awareness/training;
- County lines awareness/training.
- Relevant taxi qualifications

3.23 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.24 In making the decision, as to whether an applicant is, or remains a fit and proper person, the licensing authority can take into account any information which is relevant to determining that question. This can include information obtained by the LADO (the Local Authority Designated Officer). The LADO is a statutory appointment under the Children Act 1989 whose role is to oversee and manage investigations following allegations being

⁴⁰ <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards/statutory-taxi-and-private-hire-vehicle-standards#decision-making~:text=5.4%20Fit%20and%20proper%20test>

⁴¹ Local Government (Miscellaneous Provisions) Act 1976 s57(1)

⁴² See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

made against individuals who work or come into contact with children regularly. Their role is described in detail in *Working Together to Safeguard Children 2023*. The basis of the lawfulness of the sharing of LADO information is that it is being used by the Licensing Authority for the same purpose as it was obtained by the LADO, namely safeguarding.

- 3.25 Both taxi and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared⁴³) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.⁴⁴
- 3.26 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Adult and Children Barred Lists checks⁴⁵ and to provide this to the Licensing Authority. This must be for “other workforce”+ “taxi”. Where a driver undertakes home to school contract work for an Education Authority (EA), they must obtain a different, separate Enhanced DBS Certificate to provide to the Education Authority, because that activity is “regulated activity” within the meaning of the Safeguarding Vulnerable Groups Act 2006, whereas general or day to day “private hire and taxi driving is not. The EA Enhanced DBS is for “Child Workforce”. A Licensing Authority cannot accept a Child Workforce DBS, and an Education Authority cannot accept an Other Workforce + Taxi DBS.⁴⁶ Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence. Some licensing authorities issue “restricted” licences solely for home to school transport use.
- 3.27 If any new applicant has spent 6 months or more (whether continuously or in total), while aged 18 or over residing outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.⁴⁷ Where an applicant is unable to provide a satisfactory criminal record check,

⁴³ “Protected convictions” and “protected cautions” are generally minor and elderly matters that do not appear on any DBS Certificates.

⁴⁴ See *Adamson v Waveney District Council* [1997] 2 All ER 898 QBD

⁴⁵ “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” - para 6.2 “*Statutory Taxi and Private Hire Vehicle Standards*” Department for Transport 2020 (available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>).

⁴⁶ This is because School Transport is “regulated activity” within the Safeguarding Vulnerable Groups Act 2006, whilst general taxi and private hire driving is not.

⁴⁷ There are considerable discrepancies between Government guidance across England and Wales about the timescales when overseas information is required. In Wales the Taxi and Private Hire Vehicles: Licensing Guidance refers to 6 or more continuous months spent outside the UK since the applicant’s 10th birthday. The Home Office Guidance on the application process for criminal records checked overseas referred to in the DfT Statutory taxi and private hire vehicle standards requires criminal record checks where you have lived for 12 months or more (whether continuous or in total), in the last 10 years before the application, while aged 18 or over.

This paragraph has been revised having regard to these recommendations.

a licence will not be granted because the licensing authority cannot be satisfied as to their fitness and propriety.

- 3.28 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability.⁴⁸ This may be 'never' due to the type of offence/behaviour and the risk of re-offending capability as a taxi driver.
- 3.29 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a fit and proper person to hold such a licence.
- 3.30 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.31 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and their family is not a consideration that can be taken into account.⁴⁹ This then leads to the question of whether the stance taken by some local authorities is robust enough to achieve that overriding aim of public protection.
- 3.32 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that those making these decisions, whether they are Councillors or Officers, recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. The policy should only be departed from in exceptional circumstances and for justifiable reasons which should be carefully and comprehensively recorded. Licensing Authorities should monitor their decisions on an annual basis and examine how often they depart from the policy.⁵⁰
- 3.33 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants/guidance-on-the-application-process-for-criminal-records-checks-overseas>

<https://www.gov.wales/taxi-and-private-hire-vehicles-licensing-guidance-html>

⁴⁸ See para 5.15 "Statutory Taxi and Private Hire Vehicle Standards" Department for Transport 2020 (available at

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>)

⁴⁹ *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Crt and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin), [2012] RTR 15 Admin Crt

⁵⁰ See para 3.5 of DfT Statutory Standards

passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour. Predators want taxi drivers' licences as it gives them easy access to victims.⁵¹ It should be noted that a licensing authority cannot prevent a person who has been refused a licence (or had it revoked) from re-applying to that, or any other, authority.

- 3.34 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. There should be a high standard of acceptability to enter the taxi industry. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. It also undermines the position and reputation of the vast majority of professional licensed drivers. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.35 Licensees are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.36 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.

⁵¹ Telford report volume 3 para 4.193: *'That is in my view a significant result and one which is more likely to be attributable to some feature of the job which is attractive to perpetrators, rather than to chance. The obvious feature that a CSE perpetrator would find attractive is that taxi drivers hold a position of responsibility to the public; people tend to trust them. It also shows why an effective system of licensing and enforcement is vital, and why the public must know about the standards they are entitled to expect: they must know how to complain and must be able to make a complaint easily and quickly.'* Report of the Independent Inquiry Telford Child Sexual Exploitation available at <https://www.iitcse.com/>

- 3.37 As a society, we need to ask the question “who is driving my taxi or private hire vehicle?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law-abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi and private hire drivers. This is detrimental to all involved.
- 3.38 In England, when any action is taken in relation to a drivers’ licence: refusal to grant or renew, revocation or suspension, the authority must apply the legal test to determine if this action must be entered by that authority on the NR3S database in accordance with the Taxi and Private Hire Licensing (Safeguarding and Road Safety) Act 2022. It is recommended in DfT Guidance that this action is also undertaken in Wales. When considering any new application, the name or names of the applicant must be checked against the NR3S database. There is no mechanism for a driver to surrender or hand in their licence, or to withdraw an application to avoid suspension, revocation or refusal, and thus avoid such an entry being made. In such circumstances, licensing authorities must make decisions to revoke, suspend or not renew. This will ensure the NR3S Database is accurate.⁵² A failed applicant for a licence cannot avoid the recording of a refusal.

Private Hire Operators

- 3.39 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same authority.⁵³ A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK, on renewal meets the HMRC Tax Conditionality requirements, and is a fit and proper person.⁵⁴
- 3.40 As with taxi drivers the role of the PHO and their staff goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. e.g. periods away from home, destinations, regular journeys. It is therefore vital that a PHO and their staff are as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Taxis can also be pre-booked, but local authorities should be

⁵² See Journal of Licensing (2019) 24 JoL 46

⁵³ See *Dittah v Birmingham City Council, Choudhry v Birmingham City Council* [1993] RTR 356 QBD

⁵⁴ Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

mindful that where that booking is made by anybody other than a taxi driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.

- 3.41 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?
- 3.42 The decision is made by the licensing authority. Each authority can decide by whom those decisions are made under their Scheme or Schedule of Delegations (contained in the Council’s Constitution). Decisions can be made by Councillors sitting on a Committee or delegated to Sub-committee, or officers.
- 3.43 Spent convictions, but not protected convictions, can be taken into account when determining suitability for a licence, and these must be declared on the application form. In addition, the applicant (or licensee on renewal) should be asked to obtain and then provide a Basic Disclosure from the Disclosure and Barring Service.
- 3.44 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.45 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and in the absence of a DfT test, this is suggested:
- “Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information would not be used or passed on for criminal or unacceptable purposes?”⁵⁵
- 3.46 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. A condition should be imposed on a PHO licence requiring them to have a policy to undertake checks on those they engage (whether as employees, workers or independent contractors) within their business to satisfy themselves that they are fit and proper people to undertake that task using the same criteria as the licensing authority used in relation to the PHO. The PHO must then retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

⁵⁵ This is a slightly modified version of the suggested test in Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

- 3.47 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation.⁵⁶ Only by so doing can a decision be made as to the fitness and propriety of the operating entity. In these circumstances, a condition should be imposed on the PHO licence requiring notification to the licensing authority of any changes in membership any partnership or directors or secretary of a limited company. Such notification must be made within 7 days of the alteration and be accompanied by a Basic DBS for every new person.

Vehicle Proprietors

- 3.48 Similar considerations apply to the vehicle proprietors, both taxi and private hire. Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver's licence), they clearly have an interest in the use of the vehicle. That is to say all of those named on the licence as proprietor or part proprietor.⁵⁷ They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety. Where any insurance replacement vehicle is involved, special considerations may apply.
- 3.49 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or who may be at risk of being, or are being, abused, exploited or enslaved.
- 3.50 In relation to both taxis and private hire vehicles, the local authority has an absolute discretion over granting the licence⁵⁸ and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself.
- 3.51 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions (but not protected convictions or

⁵⁶ See s57(1)(c) of the 1976 Act.

⁵⁷ "Proprietor" is defined in s80 Local Government (Miscellaneous Provisions) Act as: "'Proprietor" includes a part proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement."

⁵⁸ S37 of the 1847 Act in relation to taxis; section 48 of the 1976 Act to private hire vehicles.

protected cautions) on initial application and every subsequent renewal. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs. This will not be required for proprietors who are already licensed as drivers and are registered with the DBS update service.

3.52 in the absence of a DfT test, this is suggested as a suitable test:

“Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”⁵⁹



⁵⁹ This is a slightly modified version of the suggested test in Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

Chapter 4: Guidance on Determination

- 4.1 This Guidance is not binding on licensing authorities. They are all independent bodies, and it is for them to determine their own standards. This Guidance is intended to encourage greater consistency in decision making where it concerns the suitability of applicants for taxi and private hire licences.
- 4.2 This Guidance is also intended to enable licensing authorities, as the regulators of taxi and private hire drivers, vehicles and operators, to set standards that protect the public, and uphold the reputation of the trade and those licensed to work in it. As with any regulated activity, absolute certainty of safety cannot be achieved, and there will always be a tension between those regulated, and the regulators. The aim of this Guidance is to enable regulators to protect the public, whilst not preventing the vast majority of decent, law-abiding applicants and licensees to obtain and retain those licences. The 'public' is not restricted to passengers. It encompasses everyone: passengers, other road users and, of course, drivers.
- 4.3 As is clear from the [Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview](#) above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk may reduce over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.4 Many members of our society use, and even rely on, taxis and private hire vehicles to provide transportation services. This is especially true of disabled and vulnerable people. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.5 Ideally, all those involved in the taxi and private hire trades (taxi and private hire drivers, taxi and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.6 It is essential those making decisions (whether Councillors or officers) undertake regular (annual) training in the legislation relative to licensing and the purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

4.7

Pre-application requirements

- 4.8 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

Vehicles:

- Basic DBS checks and overseas checks for the vehicle proprietor;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space, comfort and any similar considerations
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.
- Electric Vehicles may have additional considerations

Drivers:

- Enhanced DBS checks (Other Workforce + Taxi) with update service and overseas checks;
- Checks made to the National Anti-Fraud Network NR3S database on refusals, revocations, and suspensions of taxi and private hire licences;
- Medical checks (Group 2 Standard as a minimum);
- Knowledge of the geographic area (for taxi and dual licences);
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation, county lines and safeguarding training;
- Right to work checks;
- Tax conditionality checks.

It should be noted that records only remain on the NR3S database for a period of 11 years after which they must be removed under S 4(3)(b) of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. This means that there will no longer be any record of whatever caused the entry to be made. This is unsatisfactory because any subsequent search after 11 years have elapsed from the date of entry will not reveal anything and is therefore worthless. It is believed that the period is set at 11 years to prevent a conviction that has become protected being revealed. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 (SI 2013/1198) contains a long list of offences that will never become protected so it is some comfort that they will be disclosed on an Enhanced DBS in the normal way.

Operators:

- Basic DBS checks and overseas checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area;
- CSAE and County Lines Training for operator and staff
- Right to work checks;
- Tax conditionality checks.

- 4.9 The licensing authority sets its own application requirements which will be detailed in its licensing policy.
- 4.10 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.11 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.12 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a taxi or private hire proprietor’s licence.
- 4.13 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership⁶⁰) is “safe and suitable” to hold the licence.
- 4.14 In determining safety and suitability, the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the taxi or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament. The categories of behaviours described below are introduced as “offences” which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.
- 4.15 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction.⁶¹ Fixed penalties and community resolutions will also be considered in the same way as a conviction.⁶²

⁶⁰ Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

⁶¹ This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

- 4.16 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute, police decide on no further action (NFA), bailed, released under investigation or where an investigation is continuing) can and will be taken into account by the licensing authority.⁶² In addition, complaints and or investigations where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.17 In the case of any new applicant who is under investigation or has been charged with any offence and is awaiting trial, the determination may be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.18 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.19 Any offences committed, or unacceptable behaviour reported whilst driving a taxi or private hire vehicle, concerning the use of a taxi or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the taxi and private hire trades will not be seen as mitigating factors.
- 4.20 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.21 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.22 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in

⁶² This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

⁶³ See *R v Maidstone Crown Court, ex p Olson* [1992] COD 496, QBD; *McCool v Rushcliffe Borough Council* [1998] 3 All ER 889, QBD; and *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Ct.

many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 4.23 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (drivers, vehicles and operators) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.24 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.25 Although the direct impact on the public varies depending upon the type of licence applied for or held, to maintain public confidence in the integrity of the taxi and private hire licensing regimes, it is suggested that the same standards are applied to all licences, except motoring convictions in relation to a private hire operator.
- 4.26 This Guidance suggests minimum periods of time that should elapse between the date of conviction or completion of the sentence (whichever is later) and the grant of a licence. Those periods are for single convictions. Where a person has more than one conviction, and can be seen as a persistent offender, this will raise serious questions about their safety and suitability. Convictions do become less important over time (hence the time periods) but multiple convictions or continued offending over any period of time will always be of significant concern to a licensing authority. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.27 Where an applicant/licensee is convicted of an offence, or has evidence of unsuitable behaviour, which is not detailed in this guidance, the licensing authority will take that conviction and/or behaviour into account and use these guidelines as an indication of the approach that should be taken.
- 4.28 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual. It must be remembered that these are guidelines. It is for each authority to determine and adopt its own previous convictions policy, and then determine applications in the light of that policy.

- 4.29 It must always be borne in mind that these are Guidelines, not fixed periods, and if there are “truly exceptional circumstances”⁶⁴ the time periods can be reduced in individual cases. Such instances should only be for “truly exceptional circumstances” and not frequent occurrences. The decision makers must consider each case on its own merits, taking into account all factors, including the need to protect the public, the circumstances and effect of the offence, and any mitigation that has been offered. However, the conviction itself cannot be reconsidered.⁶⁵

Drivers

- 4.30 As the criteria for determining whether an individual should be granted or retain a taxi driver’s licence are identical to the criteria for a private hire driver’s licence, the two are considered together.
- 4.31 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 4.32 As stated above, where an applicant persistently offends, which shows a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.33 In relation to single convictions, the time periods detailed in the following paragraphs should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted. For motoring offences see the paragraphs headed ‘Motoring Offences’ below.
- 4.34 As stated above, the categories of behaviours described below are introduced as “offences” which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

Barred lists

- 4.35 A licence will not be granted to a person who is on any barred list.

Offences resulting in death

- 4.36 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

⁶⁴ DfT Statutory Standards Guidance para 5.15

⁶⁵ *Nottingham City Council v Farooq (Mohammed) Times, October 28, 1998 QBD*

Offences involving exploitation and criminal harassment

- 4.37 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, stalking without violence, but this is not an exhaustive list.

Offences involving violence against persons, property, animals or the State

- 4.38 Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of “violence” is wide, but any such behaviour will be of concern. This Guidance does not differentiate between different levels of violence. It will be for the licensing authority to determine whether there is any justification for departing from this time period, dependant of the facts of a particular case.
- 4.39 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

Offences involving Public Order

- 4.40 Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years.

Offences involving Possession of a weapon

- 4.41 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving Sex, indecency or obscene materials

- 4.42 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This includes any sexual harassment.
- 4.43 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

Offences involving Dishonesty

- 4.44 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving Alcohol abuse, Misuse or Dependency

- 4.45 Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Drugs abuse Misuse or Dependency

- 4.46 Where an applicant has any conviction for, or related to, the production, import, trade in or supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.47 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.48 If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Discrimination

- 4.49 Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance.

Offences involving Regulatory non-compliance

- 4.50 Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or

requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

Motoring Offences

- 4.51 Taxi and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.
- 4.52 Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.53 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any disqualification imposed, whichever is the later.⁶⁶
- 4.54 Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in "Penalty points (endorsements)".⁶⁷ They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 or 11 years from the date of the conviction, or the date of the offence depending on the type of offence (see "Penalty points (endorsements)".⁶⁸
- 4.55 By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability. It is suggested part of the assessment is to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder.

⁶⁶ Research shows driving while using a handheld device is potentially more dangerous than driving under the influence of alcohol: <https://www.trl.co.uk/news/transport-select-committee-road-safety-enquiry-on-the-use-of-mobile-phones> Using an electronic device which is 'hands free' or 'factory fitted' does not constitute an offence on its own but drivers need to maintain proper control of the vehicle at all times. Any behaviour or activity other than driving may be considered an offence where control of the vehicle is compromised.

⁶⁷ Available at : <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

⁶⁸ Available at : <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.

- 4.56 Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.
- 4.57 Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.
- 4.58 Any driver who has been disqualified as a result of “totting-up”, which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.
- 4.59 Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to their licensing authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

Behaviours

- 4.60 Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.
- 4.61 Behaviours such as
- Asking a passenger for their contact or social media details
 - Asking personal or intimate questions
 - Inappropriate physical contact with passengers or invade their personal space
 - Inappropriate conversations, questions or behaviour

This is more important if the passenger is a lone vulnerable individual.

- 4.62 Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour may be perceived by a vulnerable passenger.

- 4.63 If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant should not be licensed.
- 4.64 Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

- 4.65 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.66 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.67 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.
- 4.68 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, except motoring offences to recognise the operator is not connected with the use of a vehicle, which are outlined above.

Vehicle proprietors

- 4.69 Vehicle proprietors (both taxi and private hire) have two principal responsibilities.
- 4.70 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 4.71 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.72 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

- 4.73 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.



Appendix 1 - Guidance on Recording Decisions, Reasons and NR3S Criteria for reporting purposes

It is important all decisions including reasons are recorded (see example Decision Notice in [Appendix 2](#)). The following template may assist in preparing to report a decision to NR3S when appropriate and for the council's internal records.

Directorate:	The Directorate or department that oversees licensing matters in your authority.
Decision Maker	This will be either the committee/ sub-committee or officer under delegated powers
Subject	Name of licence holder
Delegated Powers Reference	If decision under delegated authority quote relevant section of the scheme here.
Decision	State in simple terms the decision and whether immediate effect. e.g. Revoked with immediate effect
Detail	Provide the facts in this section, not your views or thoughts. List the evidence you considered
Reason	Now explain your findings here, where there are conflicting accounts explain here the account you prefer and the reasons why. Refer to your policy and how you have applied it. Cover all of the options open to you and why others were discounted and why the option was chosen. Demonstrate consideration of the pieces of legislation listed in the 'Other' section below Include consideration whether the action is to have immediate effect and explain the reasons for this.
NR3S	The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 imposes a duty on councils in England, and it is advisory in Wales, to record details on the NR3S Register, of any refusal, revocation and/or suspension of a driver's licence where the reasons meet one or more of the following criteria (tick all that apply):- ☐ has committed a sexual offence (whether or not the person was charged with, prosecuted for or convicted of the offence); ☐ has harassed another person; ☐ has caused physical or psychological harm to another person;

	☐ has committed an offence that involves a risk of causing physical or psychological harm to another person (whether or not the person was charged with, prosecuted for or convicted of the offence); ☐ has committed an offence under section 165, 168 or 170 of the Equality Act 2010 (whether or not the person was charged with, prosecuted for or convicted of the offence); ☐ has done anything that, for the purposes of the Equality Act 2010, constitutes unlawful discrimination or victimisation against another person; ☐ has threatened, abused or insulted another person; ☐ poses a risk to road safety when driving; ☐ may be unsuitable to hold a driver's licence for other reasons relating to— ☐ the safeguarding of passengers, or ☐ road safety. The Act also imposes a duty on council's to search NR3S Register before making a decision on a person's application for, or for the renewal of, a driver's licence. Further information can be found at www.nafn.gov.uk
Other	I have fully considered the relevant legislation including The Equality Act, Crime and Disorder Act, Human Rights Act, the Local Government (Miscellaneous Provisions) Act 1976 (this is not an exhaustive list). I am duly authorised to make this decision.

Declared Officer / Member Interests				
Details of consultation undertaken if appropriate		Yes	No	Date
	Director			
	Chair of Regulatory Committee			
	Senior Solicitor			
Contact Person		Contact No		
Authorised Signatory		Date		

Appendix 2 – Example Decision Notice

NB: This is not a prescribed form and should be adapted for a council's own purposes

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 Section 60/61/62

NOTICE OF [GRANT / REFUSAL / SUSPENSION / REVOCATION / RENEWAL / NON-RENEWAL/] of [LICENCE TYPE] LICENCE

TO: _____

OF: _____

LICENCE NO. _____

NOTICE IS HEREBY GIVEN that [Council], has today [granted / refused / suspended / revoked / renewed/not renew] [licence type] licence, [with immediate effect / with effect from XXXX / for the period from XXXX until XXXX] on the ground(s) and for the reason(s) indicated and stated below:

You are a fit and proper person to hold such a licence / You are not a fit and proper person to hold such a licence

Vehicles – Section 60

The vehicle is unfit for use / you are unsuitable to hold a proprietor's licence / on the following grounds

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Act of 1847, or of this Part of this Act by the operator or driver; or
- (c) any other reasonable cause

Drivers – Section 61

You are no longer a fit and proper person to hold the licence on the following ground(s):

- (a) That you have since the grant of the licence:
 - (i) been convicted of an offence involving dishonesty, indecency or violence, and/or
 - (ii) been convicted of an offence under or failed to comply with the provisions of the Town Police Clauses Act 1847 or of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
- (aa) That you have since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or

- (b) any other reasonable cause

Operators - Section 62

You are no longer a fit and proper person to hold the licence on the following ground(s):

- (a) any offence under, or non-compliance with, the provisions of this Part of this Act;
- (b) any conduct on the part of the operator which appears to the council to render him unfit to hold an operator's licence;
- (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
- (ca) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (d) any other reasonable cause.

Reason(s):

[INSERT FULL AND DETAILED REASONS]

This decision does not take effect until 21 days have elapsed after receipt of this notice, except where the decision is to have immediate effect.

NOTICE IS FURTHER GIVEN that in accordance with section 61 and supplementary provision contained in section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976, [Council] is satisfied that it is both proportionate and in the interests of public safety that the [suspension/ revocation] of your driver's licence takes effect immediately on receipt of this notice.

The effect of this part of the decision is that you cannot continue to drive a licensed vehicle (hackney carriage or private hire vehicle) pending the outcome of any appeal to the Magistrates' Court. You are required, in accordance with section 61(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976, to return immediately your driver badge number [BADGE NO] to the Licensing Department, [COUNCIL ADDRESS]. Failure to do so is an offence at law.

DATED XXXX

Signed on behalf of [Council]

RIGHT OF APPEAL

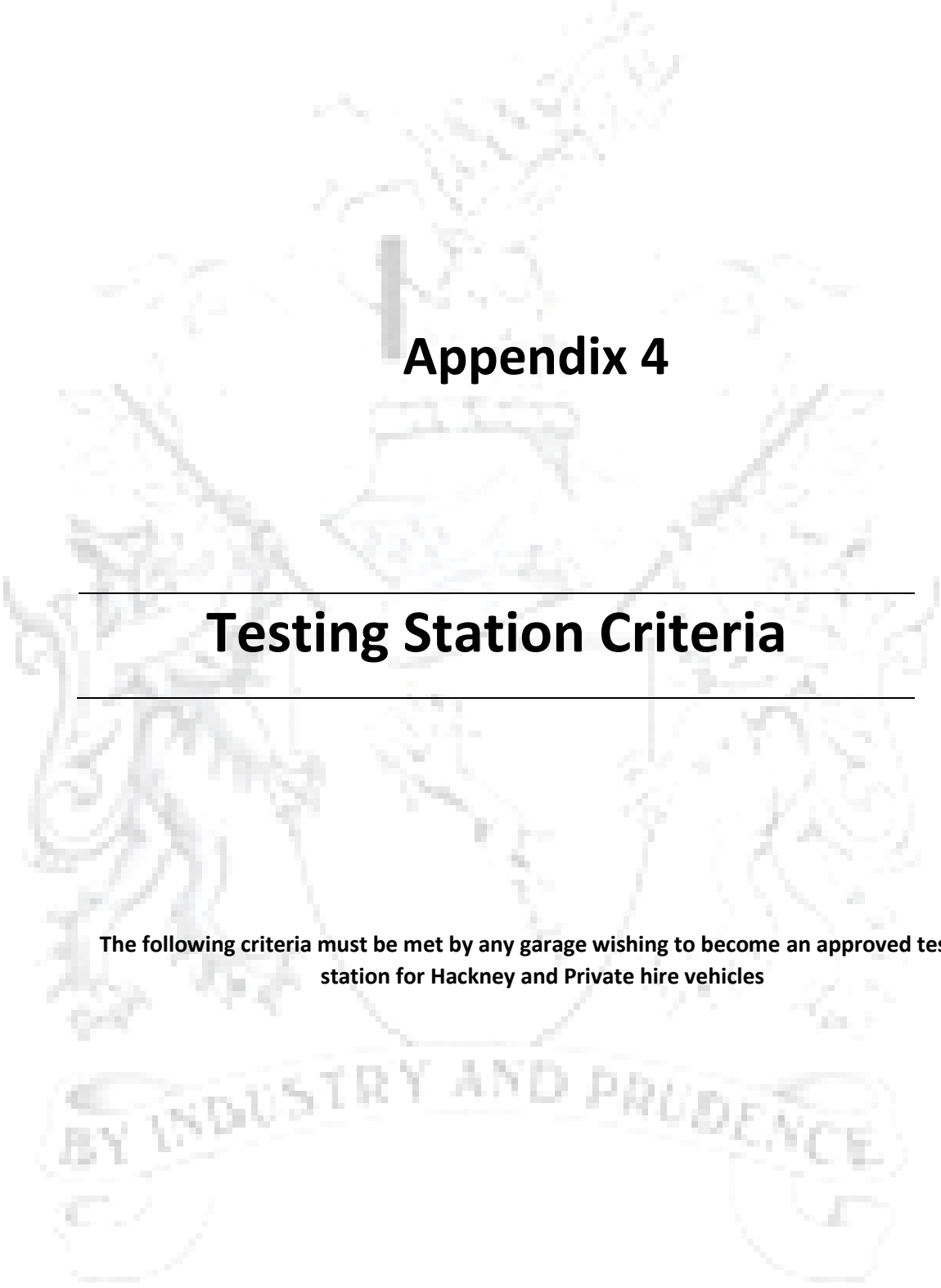
Sections 60(3), 61(3) and 62(3) of the Local Government (Miscellaneous Provisions) Act 1976 provides that any applicant, proprietor, driver or operator aggrieved by the decision of this council to suspend, revoke or refuse to renew a licence may appeal to the Magistrates Court. The appeal must be submitted to the Court within 21 days of the date of service of this Notice. You are advised to take legal advice to ensure that your appeal is correctly submitted to the Court together with the required Court fees, for which you may be liable.

If you choose to appeal and do so within the time limit you may continue to drive until your appeal is determined except where this decision has immediate effect.

In the event that you choose to appeal and are unsuccessful, the council may seek costs against you. If you are successful, the council will resist any application for costs made by you.

Any correspondence with the council must be addressed to [NAME AND ADDRESS
OF THE





Appendix 4

Testing Station Criteria

The following criteria must be met by any garage wishing to become an approved testing station for Hackney and Private hire vehicles

Criteria for Selection as an approved testing station

Any parties interested in carrying out testing to hackney carriages and private hire vehicles that are to be licensed in Hyndburn should meet the following criteria:

1. The Testing Premises must be within the geographical boundaries of Hyndburn Borough Council ("HBC").
2. The Testing Premises must have been a registered DVSA testing station for a minimum of 12 months and hold a Green DVSA risk rating.
3. The Testing Premises must have a DVSA authorised test lane and 3 DVSA approved testers with green risk ratings. A minimum of 1 authorised tester will be available at all times when the Testing Premises are open.
4. Testing will be carried out strictly in accordance with DVSA standards and HBC'S supplementary testing manual (a copy of the testing manual will be supplied to the Testing Premises by HBC, together with details of any future changes to the testing manual).
5. The Testing Premises must be able to carry out a minimum of 5 full tests per day, Monday to Friday, and 2 full tests on Saturday. All appointments for tests will be made by the customer directly with the Testing Premises.
6. In accordance with DVSA standards, the Testing Premises must have a dedicated clean and comfortable waiting area for drivers, along with separate customer sanitary facilities.
7. The Testing Premises must be able to supply and issue compliance certificates or failure certificates, the cost of which is to be included in the test fee. HBC will supply the necessary templates which must be used by the Testing Premises for the certificates. The Testing Premises will issue a certificate to the driver / vehicle owner and a copy of the certificate must be sent to HBC's Licensing Section digitally on the day of issue. A reliable method (ie broadband connection) must be in place to allow for this information to be emailed to HBC.
8. The Testing Premises must be able to provide pass / failure data to HBC's Licensing Section on a monthly basis. HBC will supply the Testing Premises with a template for the supply of this information.
9. The Testing Premises must have a rigorous appeals procedure in operation for DVSA items. Appeals relating to items covered by HBC's supplementary testing manual must be referred to HBC's Licensing Section for investigation and resolution.

10. The Testing Premises must have a customer complaints procedure in operation. Complaints records should be kept by the Testing Premises for taxi related complaints for a minimum of 12 months from the date of the complaint and the Testing Premises must make it's complaints records available to HBC's Licensing Section upon request.

11. The Testing Premises must hold public liability insurance up to £5 million, and employer liability insurance for £1 million. The Testing Premises will supply evidence of its insurance cover to HBC's Licensing Section upon request.

12. Basic DBS disclosures must be provided to HBC by the Testing Premises annually in respect of the testers and the owners of the Testing Premises.

13. Quarterly progress meetings will be held with HBC's Licensing Officers to assess the Testing Premises' performance and procedures. In addition, an annual inspection of the Testing Premises will be made by HBC's Licensing Officers. The Testing Premises must facilitate and co-operate with all such meeting and inspections

14. All written records relating to taxi testing will be retained by the Testing Premises for 3 years, and produced to HBC on request.

15. The Testing Premises must not be owned, controlled or managed by (or have any form of commercial link with) anyone who is registered as a taxi operator, driver or vehicle owner. Similarly, the testers must not be registered as a taxi operator, driver or vehicle owner. The Testing Premises will be required to sign a declaration to this affect with their application and then annually every year afterwards as part of HBC's ongoing monitoring arrangements.

16. The Testing Premises must notify HBC's Licensing Team immediately if there is any change in the ownership, control or management of the Testing Premises. Similarly, the Testing Premises must notify HBC immediately if the Testing Premises become owned, manged or controlled by someone who is registered as a taxi operator, driver or vehicle owner and if any of the testers become registered as a taxi operator, driver or vehicle owner.

17. The Testing Premises must have a CCTV surveillance system covering internal and external areas of the Testing Premises and this must be available for inspection by authorised officers of HBC. The CCTV surveillance system must be maintained in good working order and remain switched on / in operation at all times when the Testing Premises are being used for the purpose of taxi testing. All CCTV footage must be retained for at least 14 days before d=being deleted or over-written.

18. The Testing Premises must enter into a data sharing agreement with HBC in respect of the sharing of personal data with HBC in connection with the matters set out above. HBC will supply the template for the data sharing agreement.



Proposed survey (to be run using Survey Monkey)

Are you:

- A Member of the public
- Private hire operator
- Taxi / private hire driver
- Taxi / private hire vehicle owner
- Garage owner

Do you live in Hyndburn:

- Yes
- No

Do you work in Hyndburn ?

- Yes
- No

If you are a member of the public, how often do you use taxi's / private hire vehicles:

- Every week
- Every month
- A few times a year
- I don't use taxi's

What effect do you think there will be on the safety and condition of taxi's and private hire vehicles if they are tested and MOT'ed by private garages rather than the Council:

- There will be no effect
- They will be better and safer
- They will be worse and less safe
- I don't know

Can you tell us why you think this ?

If you are a member of the taxi trade, do you think this proposal will be an improvement on the current arrangements ?

- Yes
- No

Can you tell us why you think this?

Please read the attached proposed selection criteria for garages, are you:

- Happy with these
- Unhappy with these

If you are unhappy, can you tell us why ?

Do you have anything else you want to tell us about this proposal ? Please do so here:



THE LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

SUPPLEMENTAL TESTING MANUAL

***ELEMENTS OF THE VEHICLE TEST IN ADDITION TO STANDARD MOT
STANDARDS***

This Supplementary Testing Manual supplements the Rules Regulations and Procedures for Hackney Carriage and Private Hire Licensing and has been established so as to ensure that all vehicles licensed by Hyndburn Borough Council are of a high standard and are suitable, safe and fit to be licensed by this authority to transport members of the public. Failing to maintain a standard not only puts drivers and members of the travelling public at risk, it could also cause reputational damage to the hackney carriage and private hire trade as a whole.

The proprietor of a hackney carriage or private hire vehicle should ensure that the vehicle is maintained to a satisfactory standard and is clean and tidy throughout the period it is licensed and not just when it is presented for testing. Failure to maintain the vehicle could lead to revocation of the licence. If a proprietor's vehicle is spot checked and found to be faulty on regular occasions and /or it is presented to CVMU for compliance and regularly fails the Council may take the view that the proprietor is not suitable to hold a licence as failure to maintain the vehicle could impact on public safety. If a proprietor presents any of his/her vehicles for test and the garage records 3 or more fails over a 3 year period against any proprietor (not vehicle) a report will be prepared for the Judicial Committee so that they can determine whether the proprietor is a fit and proper person to hold a vehicle licence with this authority. Public safety is paramount and continuous failures of vehicles when presented for test would bring into question the ability or willingness of the proprietor to ensure that the vehicle is being properly and safely maintained at all times whilst being used to carry members of the public.

If a vehicle fails any part of the test, including any elements of the supplementary test it will not be issued with a compliance certificate, and will not be licensed until it has fully passed the test. The full fee will be charged for the failed test but only the re-test fee for the new test slot. However, there will be no fee charged for inspecting up to three items from the supplementary testing manual that have caused the vehicle to fail.

VEHICLE APPOINTMENT, TESTING PROCEDURES INCLUDING SITE HEALTH AND SAFETY PROCEDURES

All appointments for tests and re tests must be made through the Council's Taxi Licensing Department Tel 01254 388111.

Re-tests will not be carried out without prior appointments.

Vehicles must be presented promptly, fully washed and cleaned (exterior and interior) with all the equipment/signs etc. fitted and ready for inspection at the time stated when booked. If the vehicle is over 15 minutes late the test will not be carried out and a new appointment must be made through the licensing department. A fee will be charged for both the non-attendance test slot and the new test slot.

If the vehicle has a serious fault that makes the vehicle un-roadworthy, the examiner will issue a Section 68 under the Local Government (Miscellaneous Provisions) Act 1976 to remove the vehicle off the road / suspend the vehicle licence until the necessary repairs have been carried out. The full fee will be charged for both the failed test and the new test.

For health and safety reasons we request that no more than two persons accompany the vehicle. There is a maximum speed limit of 5 mph. in the depot. On entering the depot, **ALL drivers must turn immediately left** as directed by the signs and road markings and park the parking bay marked M.O.T. outside the office reception.

Customers are requested to wait in the cabin provided if they intend to remain on site throughout the test.

For Health and Safety reasons, pedestrian access inside the vehicle workshop and around the depot area is prohibited.

Hyndburn Borough Council operates a NO SMOKING POLICY. Smoking is prohibited within the Testing Station and anywhere else within the Council's depot. Mobile phones are not to be used whilst vehicles are being driven within the Council's depot.

Professional Standard

In this document 'professional standard' means a good quality repair, with a correct colour match, which is not visible from a distance of 6 feet. There is no requirement for the repair to be carried out by a garage or repair shop **provided** it meets the standard set by this policy.

APPEALS PROCEDURE

STAGE 1- trying to sort it out

Should an applicant for a Hackney Carriage or Private Hire Vehicle licensee be aggrieved by the decision of the vehicle examiner, they should refer their complaint to the Senior Manager within the Central Vehicle Unit. Complaints must be submitted via the official appeal form, by the end of the next working day clearly stating the reason/s for the appeal.

STAGE 2 – making an appeal

If the applicant is aggrieved by the decision of the Senior Manager, the vehicle licensee can escalate the complaint, in writing, to two other Senior Officers, (usually the Taxi Licensing Manager and Head of Environmental Services). Once in receipt of the reasons for appeal, the officers will consider the appeal and provide a written response to the vehicle licensee within 10 days. Where this is not possible the vehicle licensee will be informed and given a timescale. The vehicle licensee will not attend this appeal meeting.

STAGE 3

If the applicant is still not satisfied with the outcome of the appeal he/she can take their complaint further via either of the following two options:-

- a) A formal refusal, against which the applicant has the right to appeal to the Magistrates Court under Section 60(2) of the Local Government (Miscellaneous Provisions) Act 1976, or
- b) An inspection by an independent arbitrator whose decision will be binding on both parties

Should the applicant choose arbitration, the Council will appoint the President of the Freight Transport Association to act as an Arbitrator. An appointment will then be made for the vehicle to be examined by the arbitrator at the CVMU testing station at an agreed date and time in the presence of a Senior Manager and the applicant and/or his/her representative.

The arbitrator will notify both parties of his decision as soon as possible after the examination. Each party will be responsible for its own costs and in addition the unsuccessful party will pay the arbitrator's cost in full.

Items to be checked over and above the MOT test

Condition of Bodywork		
METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
Inspection should be carried out with the vehicle standing at ground level. Examination Topside body examination. Check that:- 1. There is no evidence of significant damage to the external body panels. 2. There is no evidence of crudely repaired or, insecure body panels (visual examination).	1. There is evidence of significant damage to the external body panels. 2. There is evidence of crudely repaired or insecure body panels and/or a clear mismatch of paint either within the same panel or between different panels on the vehicle visible from 6 ft. away from the vehicle.	Significant means: Visible poor or shoddy repairs. Areas of corrosion that is greater than 50mm in size A dent/crease or damage on a panel over 100mm in diameter at its widest point and/ or over 10mm deep A large scratch covering the majority of a panel clearly (visible from 6 ft. away from the vehicle) One or more body panels showing sustained disproportionate amount of damage and/or poses a potential risk to the passengers driver or other road users.

Interior of the vehicle & luggage compartment		
METHOD OF INSPECTION	REASON FOR REJECTION	NOTES
1. Ensure that the interior of the vehicle is clean and tidy and suitable for the carriage of passengers 2. Examine the upholstery to ensure that it is not torn. 3. Check the operation of the doors from the interior of the vehicle including the drivers door 4. Check that all windows can be opened and closed from inside the vehicle. 5. Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches if fitted by the manufacturer 6. Check the operation of the heater/windscreen demister to ensure that it is in satisfactory working order.	1. A vehicle which is in a dirty condition with an excessive accumulation of dust, litter debris etc. or staining to the carpets and upholstery 2. Upholstery has holes in it 3. Any passenger door that cannot be opened from the inside of the vehicle using the internal handles 4. Windows that will not open and close from inside the vehicle 5. Faulty interior light switch and/or fitting. Faulty interior door switch light 6. Defective heater/windscreen demister	1. Vehicle interior should be clean for presentation for test. If the vehicle is presented in such a condition to prevent a full examination of all items for inspection the test will not be carried out. 2. Seats need to be in good repair 3. All passengers should be able to access and egress the vehicle using the door handle 4. Applicable to either manual or electronic means 5. All interior lights should work correctly 6. Heater must blow warm air to the windscreen when tested

7. Check the vehicle is fitted with apparatus to secure a wheelchair (if applicable WAV) 8. Taxi meter to be fitted securely 9. Check that the top light on a HCV will illuminate when switched on 10. Check that the luggage compartment is clean and tidy and suitable for the carriage of luggage.	7. Vehicle not fitted with appropriate equipment 8. Meter missing, loose or insecure 9. Top sign does not illuminate when switched on 10. Luggage compartment dirty, loose tools or other items in the luggage compartment preventing the use for carrying customers bags and luggage. Any flammable items in the luggage compartment. Loose spare wheel not fastened correctly in the spare wheel well.	7. Wheelchair accessible vehicle only 8. Hackney Carriage vehicles only 9. Hackney carriage vehicles only
Tyres & Spare Wheel		
METHOD OF INSPECTION 1. Examine the tyres to ensure that they are not date stamped over 10 years old. 2. Ensure that summer and winter tyres are not fitted to the same axle 3. Ensure that the tyre provided on the spare wheel is of the same size and	REASON FOR FAILURE 1. Tyres are date stamped over 10 years old. 2. There is a mix of summer and winter tyres on the same axle 3. A spare wheel and/or tyre is not provided with the vehicle and/or is of a different size or construction to the wheel and/or tyres fitted to the	The examiner will not fail the vehicle if; There is a manufacturer supplied space saver wheel of the correct specification for the vehicle if fitted as standard equipment, and the wheel is secured by the manufacturers approved fixings in a location designated by the vehicle manufacturer

construction as those fitted on the road wheel. 4. Examine the jack and wheel brace provided with the vehicle to ensure that they are in good working order and properly secured 5. Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position 6. Examine the tyres to ensure that they are not date stamped over 10 years of age.	vehicle or, the vehicle is not manufactured with either a spare wheel well or run flat tyres and does not carry an appropriate inflation kit. 4. Failure to provide a suitable jack and/or wheel brace within the vehicle 5. Failure to satisfactorily secure the spare wheel 6. Tyres are date stamped over 10 years old	If the vehicle has been manufactured without a spare wheel well/cage, the requirements to carry a spare wheel will not apply, in such cases: • The vehicle may be fitted with a full set of run flat tyres or • If the vehicle is not fitted with run flat tyres an inflation kit which includes puncture sealant must be provided which is complete and in serviceable condition. Spare wheel are not required for vehicles manufactured without a spare wheel well.
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Door Signs and Plates METHOD OF INSPECTION 1. All renewal vehicles presented for testing must have the Council door signs permanently fixed to the rear doors 2. All renewal vehicles presented for testing must have the Council issued plate fixed in a bracket at the rear of the vehicle.	REASON FOR FAILURE No door signs on the rear doors or door signs are fitted magnetically. The vehicle is not displaying a Council plate on the rear of the vehicle or the plate is not fixed correctly in a Council approved bracket.	
Windows METHOD OF INSPECTION 1. All windows should be free from non factory supplied privacy windows or any other enhancements.	REASON FOR FAILURE Any enhanced window film on any glass work	Privacy windows that are fitted at the point of manufacturer are NEVER FILM. Film applied to glasswork will always be failed by the examiner.

- **Plus any additional items which at the time the tester considers may cause a danger or discomfort to passengers or other road users. In all instances where the tester makes such determination a second opinion will always be sought.**

- **This guidance is in addition to the class 4 MOT testing standards. You must also take into account all of the conditions of your licence as issued to you in the Rules, Regulations and Procedures booklet.**
- **The vehicle must be presented in a clean and tidy condition. If the vehicle is not presented in a clean and tidy condition so that all items can be tested the test will not go ahead and you will have to book and pay for a test at a later date.**

Fee Calculations for Approved Garages

Costs to set up:

Creation of application form	1 hour, Mgr time	
Creation of templates for CoC, feedback / stats forms, supplementary manual, training materials	3 hours, Mgr time	
Creating module on lalpac	4 hours, Mgr time	
Updating Website	1 hour, Mgr time	
Advertising	1 hour, Mgr time	
TOTALS	10 hours, Mgr Time	X £46.20 =£462 / 5 garages = £92.40

PER APPLICATION

Application costs:

Check application form	30 mins senior time	
Check companies house for company info	5 mins senior time	
Check DVSA status of garage and testers	10 mins senior time	
Ensure all docs present and correct (insurance, DBS checks, plan, declaration, complaints policy)	15 mins senior time	
Ensure criteria is met	15 mins senior time	
Enter details on Lalpac	15 mins senior time	
TOTALS	1.5 hours, senior	X £32.40 =£48.60

Inspection:

Inspection of premises and meeting with proprietor, including prep for meeting and travel time	3.5 hours, enforcement time	
Training session or materials re HBC procedures	1 hour	
6 month inspection, including prep for meeting and travel time	2.5 hours, enforcement time	
TOTALS	4.5 Hours enforcement time	X £32.40 = £145.80

Ongoing costs:

Annual inspection	2.5 hours, enforcement time	
Annual submission of documents	1 hour, senior time	
Processing of monthly data / statistics	1 hour, senior time x 12	
TOTALS	2.5 Enforcement time 13 hours senior time P/A	15.5 X £32.40 = £145.80 PER YEAR

TOTAL COSTS:

Set up –	£92.40		
Application –	£48.60		
Inspection -	£145.80		
TOTAL	£286.80	+	£148.80 ongoing costs per year

Customer First Analysis

1. Purpose

- What are you trying to achieve with the policy / service / function?
Public Safety
Easier access to vehicle testing for taxi / PH drivers
- Who defines and manages it?
Licensing Officers/ Licensing Manager and the Executive Director of Legal and Democratic Services.
- Who do you intend to benefit from it and how?
Taxi and Private Hire drivers – easier access to vehicle testing
Independent garage owners
- What could prevent people from getting the most out of the policy / service / function?
Garages failing to apply for approval
- How will you get your customers involved in the analysis and how will you tell people about it?
Emails to all vehicle proprietors
Social media / website posts inviting applications
Publication of the updated policy on our website

2. Evidence

Regular multi-agency safety operations to monitor vehicle standards
Reporting of pass / fail statistics by garages
Routing and unplanned visits to monitor garages

3. Impact

Garages are given the opportunity to carry out taxi testing, bringing in extra income
Taxi / PH drivers have freedom to choose from several testing stations giving greater convenience

4. Actions

N/A

Name: Liz Wallace-Mills ___ Signed: *Liz Wallace-Mills*

Service Area: Licensing Dated: 24.09.25

If applicable, please attach copy of – or website link to - the cabinet report for reference.

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CABINET

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.

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 29th January 2025 and the ordinary meeting of Cabinet held on 12th 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:

Name of Body	Date of Meeting
Learning and Development Panel	20 th January 2025
Leader's Policy Development Board	10 th 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 28th 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 24th 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 16th 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 26th 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 1st 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 identified 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 20th 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 29th and 31st 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.
- 26th 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 1st April 2024 until 31st 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 1st 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 1st 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 1st April 2026 to 31st 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 1st 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 1st April 2025 to 31st 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 13th 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 30th 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 31st 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 13th 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 21st 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 31st 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 31st 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 9th and 23rd 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 20th 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 31st 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 31st 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 1st 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 1st 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 1st 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 1st 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 1st 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 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 30th 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 21st 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 10th 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 30th 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 26th 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 1st 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 19th 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 1st 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 26th 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 20th 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

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CABINET

Wednesday, 30th July, 2025

Present: Councillor Munsif Dad BEM JP (in the Chair), Councillors Scott Brerton, Stewart Eaves, Melissa Fisher and Clare Pritchard

In Attendance: Councillors Danny Cassidy, Zak Khan and Kath Pratt

Apologies: Councillors Vanessa Alexander and Ethan Rawcliffe

The Leader of the Council reported that Agenda Item 13 had been withdrawn

110 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Vanessa Alexander and Ethan Rawcliffe.

111 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations made on this occasion.

112 Minutes of Cabinet

The minutes of the meeting of Cabinet held on 18th June 2025 were submitted for approval as a correct record.

In respect of Minute 44 – Minutes of Cabinet (Minute 409), Councillor Khan, Leader of the Opposition, thanked Mark Hoyle, Head of Housing and Regeneration for information supplied to him recently in response to a question asked at an earlier Cabinet meeting about the updated risk register for the Huncoat Garden Village project.

With regard to Minute 46 – Neighbourhoods Boards, Councillor Khan indicated that he had not received a full explanation as to the selection process for the Board's Chair. Councillor Dad responded that both he and the MP had been involved in the recruitment process. Due diligence had been carried out during that process. Therefore, his answer remained the same as had been provided at the earlier Cabinet and Council meetings.

In connection with Minute 46 – Economic Development Officer, Councillor Khan highlighted an error at the end of the paragraph underneath the 'Economic Development Officer' heading, which should read '...tenure as Portfolio Holder for Economic Development & Sustainability'.

Resolved

- That, subject to the following amendment:

the substitution at Minute 46 under the heading of 'Economic Development Officer' of the words 'Portfolio Holder for Economic Development and Sustainability' for the words 'Leader of the Council',

the Minutes be received and approved as a correct record.

113 Reports of Cabinet Members

Portfolio Holder for Environmental Services

Councillor Stewart Eaves reported on the following:

King George V Playing Fields

The tenders for the Sports Pitch Drainage Installation at King George V Playing Fields had been opened last week and it was anticipated that the successful tenderer would be determined this week, with a view to works commencing in September 2025.

Deputy Leader of the Council and Portfolio Holder for Culture, Heritage and Sport

Councillor Kimberley Whitehead reported on the following:

The Council's Culture, Arts and Heritage Fund was being launch today. The initiative would establish a Culture, Arts and Heritage Grant Programme for 2025/26, to support a wide range of projects that celebrated local identity, built pride in place and would bring people together through culture. The scheme would offer grants ranging from £150 to £10,000.

Applications would be welcomed from community groups, charities, not-for-profit organisations, schools, artists and businesses. The programme aligned with the Council's Culture and Heritage Strategy 2025-30, which had recently been approved. The closing date for applications was 1st September 2025, to enable projects to be delivered by March 2026. The Culture and Heritage investment Panel (CHIP) would be involved in the selection of projects. Some £90k was available in total.

Councillor Dad noted that the funding was good news and sat alongside funding available from the Cabinet Action Fund for other types of community projects.

Portfolio Holder for Business, Growth and Sustainability

Councillor Scott Brerton reported on the following:

Economic Development Officer

At the last Cabinet meeting, it had been reported that a new Economic Development Officer was being recruited. An appointment had now been made and the successful candidate was due to start imminently. The extra staffing would give economic development a significant boost.

Get Hyndburn Working

Councillor Brerton had recently attended the Get Hyndburn Working event along with the local MP to discuss on-going issues about getting people into work and removing any barriers, in line with the Government's Connect to Work initiative. The event had been well attended and would be repeated regularly.

Business Engagement

Business workshops and drop-in events were being planned for the year ahead and would be launched shortly.

Draft Climate Change Action Plan

A draft Climate Strategy and Action Plan document had been considered on 14th July 2025 by the Communities and Wellbeing Overview and Scrutiny Committee and had been well received. Overall, the Council was considered to be 'punching above its weight'. Councillor Brerton thanked all those involved.

Net Zero Working Group

The Net Zero Working Group continued to meet and was well supported by officers, including Tim Brodest, Home Energy Reduction Officer, and Anne Hourican, Senior Environmental Initiatives Officer. The Council was leading the way in this area of work.

Portfolio Holder for Transformation and Town Centres

Councillor Clare Pritchard reported on the following:

Accrington Town Centre Group

A group had been established to consider town centre issues in Accrington, comprising representatives of the Council, Police, voluntary organisations and service providers. To date the group had looked at issues including homelessness and CCTV provision and had undertaken a walkabout.

Sgt Andy Thorpe was due to send out a questionnaire to local groups and businesses asking what they wanted to participate in and what their expectations were of the relevant public authorities. The questionnaire had been hand delivered in Accrington town centre and would be collected similarly.

114 Rough Sleeping grant funding for 2025/26: Award of grants to Maundy Relief and Stepping Stone Projects

Members considered a report of Councillor Melissa Fisher, Deputy Leader and Portfolio Holder for Housing and Regeneration, outlining the Rough Sleeping Prevention and Recovery 2025 - 2026 grant and Rough Sleeping Accommodation Programme 2025 - 2026 grant funding the Council had been awarded by the Ministry of Housing, Communities and Local Government (MHCLG).

The report also identified how the Council proposed to utilise both funding programmes and sought approval to enter into agreements with Maundy Relief and Stepping Stone Projects to support their activities and services in the relief and prevention of rough sleeping.

Councillor Fisher provided a brief introduction to the report, highlighting the increased funding available from MHCLG and the overall approach to the issue which involved multiple stakeholders working to address the reasons for rough sleeping which were wider than simple access to housing matters. She was pleased to see the Council working closely with Maundy Relief and Stepping Stone Projects.

Councillor Pritchard reported that the Accrington Town Centre Group had already identified two rough sleepers and had referred these to Stepping Stone Projects. Councillor Whitehead commented that the funding received could not tackle all of the factors involved and that additional welfare support would be required. There remained further work to do to

better address the rough sleeping issue. Councillor Khan indicated that he welcomed the additional funding provided and expressed the view that rough sleeping had been a growing challenge over the last few years. Part of the solution might be to establish links into getting those individuals back into work. Councillor Pritchard confirmed that Stepping Stone Projects did provide support around maintaining tenancies and getting into employment. Councillor Khan asked if a positive case study could be publicised to showcase the good work taking place. This would need to be with the consent of any individuals featured. Councillor Whitehead indicated that positive communications was one of the Council's priorities. She added that she was a member of the Street Angels group, which also had a role to play in identifying and supporting rough sleepers.

The Leader of the Council applauded the good work already being undertaken by Maundy Relief and Stepping Stone Projects.

Approval of the report was not deemed a key decision.

Reasons for Decision

Rough Sleeping Grant Programmes

In 2018, the previous Government had published their national Rough Sleeping Strategy and Action Plan aiming to halve rough sleeping by the end of that Parliament and eliminate it by 2027. The Government had committed long term funding for programmes such as the Next Steps Accommodation Programme, Rough Sleeping Initiative (RSI) programme and the Rough Sleeping Accommodation Programme (RSAP).

Local authorities continued to be invited to apply for funds to address rough sleeping. The RSAP and RSI programmes were designed to fund complementary interventions and activities for this purpose. There remained a need in the Borough for accommodation for rough sleepers as a route off the street and to prevent people from sleeping rough. Consequently, the Council had submitted applications and had been successful in securing both RSI and RSAP grant funding.

Members were asked to note that MHCLG had also consolidated what were formerly the Rough Sleeping Initiative, and the Accommodation for Ex-Offenders grants into a single 2025/26 Rough Sleeping Prevention and Recovery Grant. The awards for 2025/26, which were based on 2024/25 funding, had been announced in December 2024. The current Government was looking at introducing a new homelessness strategy following the conclusion of Phase 2 of this year's Government's Spending Review.

Hyndburn Council had successfully worked with a number of local charitable agencies such as Stepping Stone Projects and Maundy Relief to prevent and reduce rough sleeping. The overall aim of the Council was to extend those activities.

Rough Sleeping Initiative (RSI) Funding [now called Rough Sleeping Prevention and Recovery grant (RSPR)]

The Rough Sleeping Prevention and Recovery Grant programme replaced the former RSI funding programme which had provided additional bed spaces for rough sleepers with tailored support including help with mental health problems, addiction services, tenancy support, and access to training and employment.

Hyndburn's Rough Sleeping Prevention and Recovery grant allocation reflected and was based on the former RSI funding award for 2024/25.

The table below summarised Hyndburn's Rough Sleeping Prevention and Recovery grant award for 2025-2026:

Table 1

A Bed Every Night	£20,000
Flexible surge accommodation fund	£6,325
Emergency night shelter	£15,000
Navigator service	£31,000
Step Forward Hyndburn	£28,576
Support into employment and training for rough sleepers	£45,000
Total	£145,901

The proposal was to maintain the following existing activities and interventions:

- A Bed Every Night (ABEN) was an existing project which offered short term secure self-contained accommodation with support prior to securing longer term accommodation. Stepping Stone Projects provided support to occupants who lived in five dispersed flats.
- The night shelter was an existing activity that provided emergency overnight accommodation for rough sleepers and those at imminent risk of rough sleeping. Access to the accommodation, subject to space, was available year-round. Based at Maundy Relief in the centre of Accrington, the accommodation was in three single rooms with two shared bathrooms. Users could access showers, a washing machine and a kitchenette and were provided with an evening meal and breakfast.
- The navigator service was a continuation of an existing activity and was provided by Maundy Relief. It provided an outreach activity that proactively sought out rough sleepers in their locations and offered immediate emergency support with food, clothing and overnight accommodation in Maundy's night shelter.
- Supporting Step Forward Hyndburn which was a 12 bedroom project for single male homeless cases including rough sleepers and those at risk of rough sleeping. On reviewing the project it was concluded that there was a need to provide 24/7 on-site management, security and support, so this grant supported the running and management of the project.
- Looking at initiatives and activities which would lead to employment and training for rough sleepers to help rebuild their lives. It was proposed that this grant would be used to procure initiatives and activities.
- Flexible surge accommodation provided funds to improve access to a wider range of accommodation, such as deposits/rent upfront payments to secure private rented accommodation for rough sleepers and those at risk of rough sleeping. It also provided funding for cold weather payments. This activity would be directly administered via the Council's Housing Advice and Homelessness Team.

Rough Sleeping Accommodation Programme (RSAP)

The Rough Sleeping Accommodation Programme (RSAP) was another programme which had been introduced in 2021 to reduce rough sleeping.

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

In 2021, Hyndburn had secured £175,833 funding for the period 2021 to 2024 to provide access to accommodation and support for rough sleepers and those at risk of rough sleeping. This was detailed in a report, which had been submitted to the Cabinet meeting held on 22nd June 2022. Approval had been granted to enter into a grant agreement with Stepping Stone Projects to deliver support to rough sleepers living in five properties.

The former Department for Levelling Up, Housing and Communities (DLUC) had invited Councils, including those who had already been awarded grants, to submit further proposals and bids for 2022/2023 and 2023/2024 for the Rough Sleeping Accommodation Programme (RSAP). Proposals could include securing additional grant to support existing RSAP projects.

Hyndburn had made a submission and had been awarded additional revenue grant to expand the existing RSAP project so that an additional 5 people who had been rough sleeping or at risk of rough sleeping could be accommodated with support. This grant covered the cost of support provided by Stepping Stone Projects and helped furnish accommodation.

Hyndburn's RSAP award for 2025/26 was based on 2024/25 funding.

Table 2

RSAP Grant Programme	2025/2026
Rough Sleeping Accommodation Programme Support to occupants in 10 units of accommodation	£75,000

The proposal was to make a further grant payment of £75,000 to Stepping Stone Projects for the continuation of their support to occupants of 10 units of dispersed accommodation in the Borough, which was provided to help people who had been rough sleeping, into longer term accommodation

Alternative Options considered and Reasons for Rejection

The award to Hyndburn Council for 2025/26 was a continuation of funding to maintain services and activities to prevent and respond to homelessness. For this reason, no alternative proposals were suggested or recommended.

RSAP and RSI funded interventions supported Hyndburn's Prevention of Homelessness and Rough Sleeping Strategy. It was widely recognised that housing and support for vulnerable people provided a quicker and more effective service to ensure vulnerable residents could move forward with their lives, and in the case of rough sleeping, preventing a cycle of rough sleeping.

As these agreements were considered grants, they were not subject to the Council's Contracts Procedure Rules as no procurement was taking place. The Council proposed to award the funding by way of grants to Stepping Stones and Maundy Relief, as set out in the report, because both organisations already carried out work to prevent and relieve rough sleeping, and the grant would support both organisations and enable them to extend and enhance the activities they already provided successfully in the Borough.

Resolved

- That Cabinet:

- (1) Notes and approves the acceptance of £145,901 Rough Sleeping Prevention and Recovery grant for 2025/26.**
- (2) Notes and approves the acceptance of £75,000 Rough Sleeping Accommodation Programme (RSAP) grant for 2025/26.**
- (3) Approves the following grants from the Rough Sleeping Prevention and Recovery Grant award for 2025/26 to continue and enhance support for people who are rough sleeping or at risk of rough sleeping:**
 - (i) a grant of £20,000 to Stepping Stone Projects for the continuation of the “A Bed Every Night” project;**
 - (ii) a grant of £28,576 to Stepping Stone Projects for the continuation of Step Forward Hyndburn;**
 - (iii) a grant of £15,000 to Maundy Relief for the continuation of the emergency night shelter; and**
 - (iv) a grant of £31,000 to Maundy Relief for the continuation of the street navigator activities.**
- (4) Approves an additional grant of £75,000 from the Rough Sleeping Accommodation Programme (RSAP) 2025 – 2026 to Stepping Stone Projects for the continuation of their support to occupants of 10 units of dispersed accommodation in the Borough which is provided to help people who have been rough sleeping into longer term accommodation.**
- (5) Delegates authority to the Head of Regeneration and Housing, in consultation with the Executive Director (Legal and Democratic Services) to draw up, finalise and execute agreements to**

grant Maundy Relief and Stepping Stone Projects the funds listed above to continue the support and activities they are currently providing.

115 Procurement of Locata Pro Homelessness, Prevention and Advice (HPA2) Software System

The Cabinet considered a report of Councillor Melissa Fisher, Deputy Leader and Portfolio Holder for Housing and Regeneration, seeking approval to waive the Council's Contract Procedure Rules in respect of the direct procurement of the Locata Pro Homelessness, Prevention and Advice (HPA2) software, which was currently the homelessness management and reporting software system used by the Council.

Councillor Fisher provided a short introduction to the report, which tied in closely with the previous item of business. She highlighted the contract duration, annual costs and that its purpose was to support the Housing Advice and Homelessness Team.

Councillor Khan asked whether any alternative systems had been considered. Councillor Fisher referred him to Paragraphs 3.5 and 4.1 of the report, which explained why now was not an appropriate time to change the system being used.

Approval of the report was not deemed a key decision.

Reasons for Decision

The introduction of the Homelessness Reduction Act 2017(HRA) had placed new legal duties on local authorities and amended existing homelessness legislation set out in the Housing Act 1996.

The HRA (enacted in 2018) placed prevention at the heart of homelessness service delivery. It introduced new duties for local housing authorities to intervene earlier and work to prevent and relieve homelessness, regardless of whether or not households were in priority need.

The Council had entered into a contract with Locata (Housing Services) Ltd in 2018 for a 2 year term with an option to renew annually for a further 2 years. This contract had expired in April 2022. The Council had continued to use this system on an out of contract annual fee with Locata (Housing Services) Ltd.

The Council needed a homelessness management system on a daily basis to manage all homelessness casework. The Locata system provided reports on homelessness statistics, data and information on active and closed homelessness cases. Continuous software system support was essential to ensure continuity of service delivery, compliance with the requirements of the HRA and a tool which supported auditing of the service. The data was also used to understand the level of homelessness both locally and nationally, informed policy making and could support grant funding and bids for new interventions.

The Housing Advice and Homelessness service was currently facing significant pressures, which included the additional work of dealing with homeless applications from asylum seekers who had received a positive asylum decision, households arriving under the family reunion scheme and an increasing number of very complex homeless cases. Therefore, this was not an ideal time to consider changing an essential software system. In addition, given the prospect of local government reorganisation, the disruption of a possible move to

a new provider did not appear to be an appropriate use of time and resources. The new agreement with Locata would run for 2 years (at a cost of £12,000 per annum), with an option to extend for a further 2 years. This fit well with the reorganisation timescale and would enable a successor organisation to easily move to a single provider of this information.

The Council required a homelessness case management and reporting system to ensure it could report on all statutory homelessness assessments in compliance with the requirements of the Homelessness Reduction Act.

Alternative Options considered and Reasons for Rejection

A procurement exercise for a homelessness management and reporting system had been considered but rejected for the reasons set out in Paragraph 3.5 of the report. Cabinet could ask for the contract to be procured, but this was not recommended for the reasons given.

Resolved

- That Cabinet:

- (1) Agrees to waive the Council's Contract Procedure Rules in respect of the purchase of Locata Pro Homelessness, Prevention and Advice software from Locata (Housing Services) Ltd.**
- (2) Delegates authority to the Head of Regeneration and Housing in consultation with the Executive Director (Legal and Democratic Services) to draw up, finalise and execute a contract with Locata (Housing Services) Ltd in respect of the purchase.**

116 Prudential Indicators Monitoring and Treasury Management Strategy Update – Quarter 1 2025/26

Members considered a report of Councillor Vanessa Alexander, Portfolio Holder for Resources and Council Operations, providing an update on the Treasury Management activities since the start of this financial year.

In the absence of Councillor Alexander, the Leader of the Council provided a brief introduction to the report.

Councillor Khan referred to the impending reorganisation of local government and asked how this might affect the Treasury Management Strategy. In particular, he asked if consideration was being given to bringing back investments into the Council's accessible finances in order to support its priority projects. Councillor Dad responded that local government reorganisation was going to occur and that in the interim the Controlling group of Hyndburn would continue to do all it could to benefit the residents of the Borough. Martin Dyson, Executive Director (Resources) clarified that outstanding debts (currently £9.6m, not including other long term liabilities) would transfer to the new unitary authority upon reorganisation, but Hyndburn had a comparatively low level of debt, which should not be a concern to its successor body. Investments would continue up until changeover, as the

Council wished to continue to maximise its returns, however, there would be a point at which investments beyond 12 months' duration would need to be considered carefully.

Councillor Khan noted that Hyndburn had done well to secure external funding and gain interest from its external investments. He asked whether there would be sufficient time to spend surplus resources, if the Council chose to do so. Councillors Whitehead, Fisher and Pritchard responded that preparation for reorganisation was a priority in the Corporate Strategy. There was an asset management review under way and working groups would be set up to consider any relevant issues. However, unallocated reserves were just short of £2m, not the significantly higher figure quoted recently by one councillor in the press. Councillor Dad summed up by confirming that the Council did not currently have surplus money to spend.

Approval of the report was not deemed a key decision.

Reasons for Decision

The *Prudential Code for Capital Finance in Local Authorities* required the Council to set Prudential Indicators annually for the forthcoming three years to demonstrate that the Council's capital investment plans were affordable, prudent, and sustainable. The Council had adopted its prudential indicators for 2025/26 at its meeting in February 2025.

The Prudential Code required the Council, having agreed at least a minimum number of mandatory prudential indicators (including limits and statements), to monitor them in a locally determined format on a quarterly basis.

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

'*Treasury Management*' related to the borrowing, investing and cash activities of the authority, and the effective management of any associated risks. In February 2025 in the same report referred to above the Council had also set out and then approved its current Treasury Management Strategy. This was in accordance with the CIPFA (Chartered Institute of Public Finance & Accountancy) code of practice on treasury management in public services, the Council having previously adopted, via Cabinet, the then revised code of practice. Associated treasury management Prudential Indicators had been included in the February 2025 report.

Prudential Indicators Monitoring

Appendix 1 to the report set out the monitoring information for each of the prudential indicators and limits. They related to:

- External debt overall limits;
- Affordability (e.g. implications for Council Tax);
- Prudence and sustainability (e.g. implications for external borrowing);
- Capital expenditure; and
- Other indicators for Treasury Management.

Treasury Management Update

The forecast balance sheet position at 30th June 2025 for treasury management activities was shown in the table below.

Forecast Treasury Balance Sheet Position 2025/26

Portfolio Position 2025/26 Q1	Original Estimate 2025/26	Position 30 June 2025
	£'000	£'000
<u>EXTERNAL DEBT</u>		
Borrowing	9,595	9,595
Other Long-Term Liabilities	1,967	2,207
Total External Debt	11,562	11,802
Capital Financing Requirement	9,190	9,430
Under/(Over) Borrowing	(2,372)	(2,372)
<u>INVESTMENTS</u>		
Total Long-Term Investments	-	-
Total Short-Term Investments	-	38,440
Total Investments	-	38,440

The table demonstrated that the Council was performing within the original targets set at the start of the year. Within the prudential indicators, there were a number of key indicators to ensure that the Council operated its activities within well-defined limits. In general, the requirement was that the Capital Financing Requirement should exceed gross debt. However, in 2025/26 the gross debt had exceeded the Capital Financing Requirement. This was due to the Council having historical debt with a maturity repayment profile (meaning all principal was paid at the loans maturity date) but the accounting treatment required that the Capital Financing Requirement was reduced each year by the payment of Minimum Revenue Provision (MRP). Other Liabilities in prior years reflected finance liabilities relating to vehicles and plant and in the current year reflected the transfer of all leases onto the balance sheet to comply with the new IFRS 16 – Leases accounting standard.

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

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

Investment balances were higher than had been forecast when the Prudential Indicators and strategy had been set. This was mainly due to grants received in advance of capital spend being incurred, as well as slippage in the capital programme.

The Capital Programme 2025/26 was expected to be funded by the use of Government Grants (including Levelling Up Fund and UK Shared Prosperity Fund) and other external financing. It had also been supported during the year by greater use of internal sources of capital finance (including capital receipts and use of the Council's reserve balances). No external borrowing was expected to be required during the year.

Investment Activities during The Period

During the first quarter of the year the Council had invested funds with other Local Authorities, the Government's Debt Management Agency Deposit Facility and had used Money Market Funds and Bank deposit accounts.

Portfolio Position 30 June 2025	Position 30 June 2025
	£'000
Local Authorities	26,000
Debt Management Agency Deposit Facility	10,360
Money Market Funds	2,000
Lancashire County Council Call Account	0
Bank Deposit Accounts	80
Total Short-Term Investments	38,440

Two further tables were included in the report, which gave more details of the investments the Council had in place at 30th June 2025 with other local authorities and a number of future dated loans agreed at the end of the quarter.

The Council's Finance Team had a number of checks in place before any loans to other local authorities were agreed, to prioritise the security of any funds invested.

Expected Movement in Interest Rates

The Council had appointed MUFG (formally Link Asset Services) as treasury adviser to the Council and part of their service was to assist the Council in formulating a view on interest rates. A graph was included in the report, which gave MUFG's latest available view of the expected future movement in interest rates.

The latest forecast set out a view that both short and long-dated interest rates would start to fall, as inflation had fallen closer to the Bank of England's target of 2.00%.

Interest rate risk was minimised as the Council's borrowings were fixed until a trigger point, where the lender would seek better rates. Current interest rates would need to rise significantly for this to occur. With rates expected to fall in the short-term this was unlikely to occur, but this would be monitored closely.

The revenue outturn position on the Council's Treasury Management activities was as shown in the table below.

Forecast Treasury Revenue Outturn – 2025/26 Q1

Portfolio Position 2025/26	Working Budget 2025/26	Forecast Outturn 2025/26	Forecast (Under) / Over Spend
	£'000	£'000	£'000
<u>INTEREST RECEIVABLE</u>			

Interest Receivable on Temporary Lending	(700)	(797)	(97)
Other Interest Receivable	-	-	-
Total Interest Receivable	(700)	(797)	(97)
INTEREST PAYABLE			
Interest Payable on Long-Term Borrowings	440	440	-
Interest Payable on Finance Leases	41	41	-
Other Interest Payable	-	-	-
Total Interest Payable	481	481	-
Minimum Revenue Provision	1,085	1,085	-
Net (Income) / Expenditure from Treasury Activities	866	769	(97)

Interest Receivable

The Council had invested amounts of surplus cash on a short term, temporary basis. The interest received from these investments was above the budgeted expectations for the full year, mainly due to higher levels of funds being held and the Bank of England maintaining interest rates at higher levels than had been anticipated when the budget was set. The Council's strategy continued to focus on the security of deposits and the liquidity of funds. The additional interest forecast to be generated was now expected to be £97,000 for the year ending March 2026.

The Council continued to invest surplus cash in top rated financial institutions. The authority continued to spread its money around a number of institutions to ensure that its was not potentially damaged by the unforeseen collapse of any one bank. Deposits were also held with banks where the Council believed that the respective governments were likely to be able to guarantee deposits in the event of bank failure. This strategy was continuing to yield an appropriate rate of return, though at a lower rate, as there was less risk attached to these deposits. The Council also operated a policy of holding no more than £2m in any one bank (with the exception of the liquidity account held with Nat West Bank, where the limit was £3m) to ensure that the risk was spread. The Council could place unlimited funds with the Government Debt Management Agency Deposit Facility (DMADF). This allowed greater flexibility for placing of funds with potential for higher returns with minimal risk.

Interest Payable

An estimate of interest on additional borrowing was included in the budget. No new borrowing was expected to be required during the year.

Minimum Revenue Provision

There was currently no change in the forecast Minimum Revenue Provision charge for the year.

Performance against Prudential Indicators

The Council's performance to date, and current forecasts for the year, against the Prudential Indicators set in the Treasury Management Strategy approved by full Council on 27th February 2025 were shown in Appendix 1 of the report. The Council had remained within the Prudential Indicators set out in the approved Treasury Management Strategy.

Liability Benchmark

The Council's Treasury Management Strategy also set out a Liability Benchmark. This compared the Council's actual borrowing against an alternative strategy. The liability benchmark was calculated showing the lowest risk level of borrowing.

The liability benchmark was a useful tool to help establish whether the Council was likely to be a long-term borrower or a long-term investor in the future, and so shape its strategy focus and decision making. The liability benchmark itself represented an estimate of the cumulative amount of external borrowing the Council had to hold to fund its current capital and revenue plans, while keeping treasury investments at the minimum level required to manage day-to-day cash flow.

There had been no significant changes to the inputs to this calculation, therefore there had been no updates to this indicator. A chart illustrating the liability benchmark was provided in the report, which reflected that presented in the approved Treasury Management Strategy.

There were no alternative options for consideration or reasons

Resolved - **That the Cabinet notes the Treasury Management activities and position during the first quarter of 2025/26.**

117 Revenue Budget Monitoring 2025/2026 - Quarter 1 to end of June 2025

The Cabinet considered a report of Councillor Vanessa Alexander, Portfolio Holder for Resources and Council Operations, on the financial spending of the Council up to the end of the June 2025 for the financial year 2025/26 and the forecast impact on the Council's Medium Term Financial Strategy for 2025/26 to 2027/28.

In the absence of Councillor Alexander, the Leader of the Council provided a brief introduction to the report. He highlighted the £5k forecast underspend and the main adverse variances, which were linked to ICT licenses and unrecoverable Housing Benefit claims. He reminded members that although Total Reserves were £21.751M, £19.787M was to support the capital programme and earmarked for future commitments, leaving the General Fund (Unallocated) Reserve as £1.964M.

Approval of the report was not deemed a key decision.

Reasons for Decision

At the Full Council meeting on 27th February 2025, Council had agreed the General Fund Revenue Budget for 2025/26. This had set a budget for the Council's total spend in 2025/26 of £17.313M.

The current forecast spend to the end of the financial year in March 2026 was £17.430M. That provided a forecast underspend for the year against the budget to £0.005M. Further analysis of changes in forecast spend were shown in Section 4 of the report.

Table 1: Actual Performance Against Budgets

Department	Original Budget	In Year Budget Changes	Working Budget	Forecast Outturn	Forecast Outturn Variance to
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	£'000	£'000	£'000	£'000	Working Budget £'000
Environmental Health	941	-	941	933	(8)
Environmental Services	5,495	(14)	5,481	5,330	(151)
Legal and Democratic	1,896	-	1,896	1,887	(9)
Planning and Transportation	712	10	722	876	154
Regeneration and Housing	1,604	-	1,604	1,604	-
Resources	6,086	-	6,086	6,028	(58)
Net Cost of Services	16,734	(4)	16,730	16,658	(72)
Non-Service	865	4	869	772	(97)
Cabinet Approved Contributions	-	-	-	-	-
Corporate Savings Target	(164)	-	(164)	-	164
Total Net Expenditure	17,435	-	17,435	17,430	(5)
Funding	(17,435)	-	(17,435)	(17,435)	-
(Under)/Overspend	-	-	-	(5)	(5)

Table 2, which was set out in the report, showed details of the most significant changes in the forecast variance.

Variance by Service

Section 4 of the report included a narrative and additional tables (Nos 3 to 11) on Forecast Outturn by each Service, Non-Service Areas and Funding for 2025/26, which provided more detailed information on the areas identified in Table 1 above. Table 12 comprised the Forecast Movements in Reserves 2025/26, which showed that the Council was currently forecasting a reduction of £8.474M in its usable reserves during the year, bringing them to £21.751M at the end of the year. The most significant movements in reserves were the forecast spending on the capital programme.

Potential Pressures and Risks in Year

Although the forecast underspend at Quarter 1 was relatively small at £0.05M, there were some real pressures and risks that needed to be considered that were not currently built into any financial forecasts. The main pressures/risks to be considered were as highlighted below, with a more comprehensive description as shown in the report:

- Waste Disposal Site/Transfer Station;
- Oswaldtwistle Civic Theatre;
- Crematorium/Cremators;
- Food Waste Collections;
- Hyndburn Leisure;
- Housing Benefit Supported / Exempt Accommodation; and
- Pay Award.

The above pressures/risks might need to be considered over the course of the Medium-Term Financial Strategy against the forecast underspend for the year.

There were no alternative options for consideration or reasons

Resolved

- (1) That Cabinet notes the report and asks the Corporate Management Team to continue to monitor the financial position of the Council over the remaining months of the year.**
- (2) That Cabinet notes the pressures and risks highlighted in Section 5 of the report and that regular updates will be provided on any potential impact on the current forecast underspend in year and the future Medium Term Financial Strategy.**

118 Capital Programme Monitoring 2025/26 - 1st Quarter Update to 30th June 2025

The Cabinet considered a report of Councillor Vanessa Alexander, Portfolio Holder for Resources and Council Operations, which provided an updated overview of the Council's Capital Programme Monitoring position at Q1. It outlined the latest phasing of the programme, including revised estimates of available resources, and highlighted any additions or changes to the forecast outturn since the previous monitoring report presented to Council on 27th February 2025.

In the absence of Councillor Alexander, the Leader of the Council provided a brief introduction to the report.

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

Reasons for Decision

2025/26 Capital Programme

At the Council meeting on the 27th February 2025, Members had approved a capital budget for 2025/26 of £2.726m. A further £23.236m had been added to this budget from rephased capital projects carried forward from 2024/25. Of these rephased budgets, £19.370m related to major projects, such as the Levelling Up funded schemes for Accrington town centre and the leisure estate investment programme.

Member approval had also been received to add a further £29.270m to the capital programme, of which £29.187m was for the scheme at Huncoat Garden Village (HGV), which was fully funded from external grants and capital receipts.

At its meeting on 27th February 2025, the Council had approved an increase of £0.250m to the Climate Change reserve to fund decarbonisation initiatives. Subsequently, a decarbonisation scheme had been identified as part of the Levelling Up Fund (LUF) project at the Market Hall, which included the installation of photovoltaic panels on the building's roof with a cost of £0.500m. Although funding had been allocated, the scheme had not yet received formal approval for inclusion in the Capital Programme and, therefore, the report sought that endorsement.

Several projects had been identified to be rephased into future years, which total £21.212m, of which, HGV was £20.980m.

The proposed Capital Budget for 2025/26 now totalled £34.353m, as shown in the table below:

Capital Programme 2025/26

	£m
Capital Budget (Approved at February Council 2025)	2.726
Budget Changes	
Slippage from 2024/25	23.236
Budgets removed from the programme	-0.178
New Schemes in year – Huncoat Garden Village	29.187
New Schemes in year - Other	0.094
New Schemes requested in this report – decarbonisation works	0.500
Current Approved Capital Programme Budget 2025/26	55.565
Less Slippage to 2026/27	-21.212
Current Working Capital Programme Budget 2025/26	34.353

The financing of the programme in 2025/26 was set out in a pie chart within the report.

The current programme of £55.565m and the rephasing of the programme into future years was as shown below:

Summary of the Scheme Profiles over the Medium-Term Financial Strategy

Programme Area	2025/26 £000	2026/27 £000	2027/28 £000	Total £000
Operational Buildings	1,128	234	-	1,362
Parks and Open Spaces	1,131	-	-	1,131
IT Projects	497	-	-	497
Recreation and Sport	-	-	-	-
Vehicles and Equipment	669	-	-	669
Community Projects	608	-	-	608
Planned Asset Improvement Programme	217	-	-	217
Leisure Estate Investment Programme	6,793	-	-	6,793
Levelling Up Fund Schemes	13,077	-	-	13,077
UK Shared Prosperity Fund	255	-	-	255
Huncoat Garden Village	8,209	17,163	3,815	29,187
Housing Improvement Programme	1,769	-	-	1,769
Total Approved Capital Spend Budgets	34,353	17,397	3,815	55,565

1st Quarter Update Position

The actual and committed expenditure to 30th June 2025 was £4.412m, against the latest rephased budget for 2025/26 of £34.353m. This equated to 12.84% spend.

As shown in the table above, £17.397m of budget had been rephased into 2026/27, and £3.815m into 2027/28, to reflect forecast expenditure in future years.

The rephased capital budget for 2025/26 was shown in the table below with a more detailed breakdown shown in Appendix 1 of the report. A summary of the new additions approved

at Council in February 2025, together with new schemes approved in year and proposed known slippage to 2026/27 and 2027/28 were shown in Appendix 2 to the report.

Rephased Capital Budget for 2025/26

Programme Area	Total Budget	Spend and Commitments to Date	Forecast Spend for Remainder of Year	Forecast Outturn Position for the Year	Variance (Under) / Overspend
	£000	£000	£000	£000	£000
Operational Buildings	1,128	(4)	1,132	1,128	-
Parks and Open Spaces	1,131	131	1,000	1,131	-
IT Projects	497	78	419	497	-
Recreation and Sport	-	-	-	-	-
Vehicles and Equipment	669	232	437	669	-
Community Projects	608	395	213	608	-
Planned Asset Improvement Programme	217	3	214	217	-
Leisure Estate Investment Programme	6,793	1,600	5,193	6,793	-
Levelling Up Fund Schemes	13,077	1,054	12,023	13,077	-
UK Shared Prosperity Fund	255	174	81	255	-
Huncoat Garden Village	8,209	141	8,068	8,209	-
Housing Improvement Programme	1,769	608	1,161	1,769	-
Total	34,353	4,412	29,941	34,353	-

% of Budget Spend	12.84%	87.16%	100.00%	0.00%
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The capital programme would be subject to close monitoring throughout the financial year to ensure that project expenditure remained aligned with approved forecasts and was accurately reflected in the Council's cash flow projections. Any deviations from planned spending profiles, along with their financial implications, would be assessed and incorporated into future treasury management and revenue budget forecasts as appropriate.

Financial Risks of the Capital Programme

Capital Receipts

The financing of the Capital Programme was dependent on securing £2.082m in capital receipts from the sale of Council-owned land and buildings. To date, £1m had been generated, leaving a balance of £1.082m to be achieved. However, due to £0.234m of capital expenditure being reprofiled into 2026/27, the revised target for 2025/26 was £0.842m.

Progress was being made on the disposal of the assets identified to generate these receipts. Should any of these sales be delayed, the Council might need to either pause elements of the Capital Programme or temporarily use alternative reserves to maintain delivery. It was therefore essential that the planned disposals were prioritised to ensure the necessary funding was secured.

Officers would continue to review the Council's operational asset base to identify further opportunities for capital receipts and would regularly assess the risks associated with this funding strategy.

(This was a medium-level risk).

External Grants and Contributions

The Capital Programme was reliant on £44.611m in external funding. It was therefore crucial that the external funding was secured, and grant income for eligible works was claimed on a frequent basis. To date £9.601m had been received, leaving £35.009m still to be received / claimed over the next three years

Most of the external funding was allocated to the projects summarised below, which were described in more detail in the report:

- Levelling Up Project (LUF);
- Huncoat Garden Village;
- Disabled Facilities Grant; and
- Leisure Estate Investment Programme.

(This was a medium-level risk).

Major Schemes in Capital Programme

The Capital Programme included several major schemes that required close and ongoing monitoring to ensure they remained on schedule, within budget, and that any external funding was both secured and claimed in a timely manner. Key projects currently identified as major schemes included:

- Levelling Up Programme - with £13.077m in year. This figure included additional Council works incorporated into the Levelling Up programme.
- Disabled Facilities Grant - with £1.769m in year.
- UK Shared Prosperity Grant – with £0.255m in year.
- Leisure Estate Investment Programme – Forecast £6.796m in year.
- Huncoat Garden Village – with £8.208m in year and £17.163m in 2026/27
- Asset Planned Programme works £0.217m in year. These works included maintenance of operational buildings and the continued investment in Parks and Playgrounds

Levelling Up Programme - Additional Enhancements Identified

Additional enhancements had been identified that extended beyond the original scope of the Levelling Up Fund (LUF) bid submitted in 2022. At present, no additional funding had been secured to support these works. The initial estimated cost of these enhancements was approximately £1.85m at current prices, based on the assumption that they would be delivered as part of the existing project plan. Of this total, £0.500m had been allocated for the installation of solar photovoltaic panels on the roof of the Market Hall, which was included in this report as a recommended addition to the 2025/26 Capital Programme.

The remaining enhancements, which members might also wish to consider for inclusion were –

- £0.600m - Market Chambers External Works – these works would be required to be completed before a future Delivery Stage National Heritage Lottery Bid for submission in May 2026.
- £0.300m - Burton Chambers Roof Works – this was the additional cost of fully replacing the roof as opposed to the minor repairs included in the original specification.
- £0.340m - Market Hall – additional layout alteration requests.
- £0.110m - additional fees and risk allowances on the above elements.

£1.35m Total

The tender bids for Phase 2 fit-out works on the LUF projects were currently under evaluation. A successful bidder was expected to be appointed by late August. Once the evaluation was complete and the bid costs were compared to the available budget, the Council would be able to confirm whether any funds remained for additional enhancements. If no surplus was available, further capital funding would need to be identified to support any enhancements that members might wish to include in the capital programme.

Conclusion

The Capital Programme had expanded significantly over the past two financial years and now totalled £55.565m. Although approximately 69% of the programme was funded through external grants and contributions, the scale and complexity of the programme placed considerable pressure on the Council's staffing resources to effectively procure and deliver projects. It was therefore essential that all projects were carefully planned and appropriately phased to ensure delivery within required timescales and to maximise the use of available resources.

The Programme would continue to be carefully monitored, and it might require further revisions in its phasing in the future.

There were no alternative options for consideration or reasons

Resolved

- (1) That Cabinet notes the financial position of the capital programme at Q1 2025/26.**
- (2) That the capital budget for 2025/26 is increased by £500k to support decarbonisation initiatives. The additional budget will enable the installation of photovoltaic cells to the roof of the Market Hall.**

With the consent of the meeting, Agenda Item 12 was taken next.

119 Wilson Leisure Centre Development Project Update

The Cabinet considered a report of Councillor Melissa Fisher, Deputy Leader and Portfolio Holder for Housing and Regeneration, updating members and Management Team on progressions so far on the Wilson Leisure Centre development, along with the target completion date and financial position in relation to the overall budget.

Councillor Fisher provided a brief introduction to the report including the proposed opening date, and the proposed new name for the Centre in memory of Cath Thom. She was looking forward to the project's completion. Councillors Dad, Pritchard and Whitehead spoke about Cath Thom and noted that family members had been contacted and were

delighted with the proposal. Councillor Pritchard also thanked Helen McCue-Melling, Regeneration and Property Manager, for her efforts to ensure that the venue had numerous facilities for users with a disability and was dementia friendly.

Councillor Zak Khan was pleased to see that the Centre was on track and that it had not been unduly affected by the original contractor, ISG, entering administration. He expressed some reservations about the Centre being named after a former politician rather than, say, a local sports person.

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

Reasons for Decision

Works recommenced on the Wilson site with Universal Ltd the newly appointed construction contractor in early January 2025.

The remaining works from the restart were scheduled for approximately 32 weeks with a completion date expected in early to mid-September 2025.

The contract progress to date was currently expected to have a completion date of 19th September which was expected to overrun the original target by up to 10 working days.

As Universal Ltd had taken over the contract works after the previous contractor ISG falling into administration there was always likely to be some scope for some slight contract completion overrun as some aspects of works would require procuring again and therefore the current projected overrun of 10 days was within tolerable expectations.

Good progress works had been made against the planned critical path and the building was in its final phases with the focus now moving towards undertaking final external building & internal fitout and finishes.

As with all major projects there were always risks around delays due to reliance on third parties such as utility connections and the availability of providers in ensuring connections were delivered on time.

A summary of construction progress was as follows:

- **Roof** - Practically complete, mansafe system installed, capping to perimeter ongoing following scaffold strip.
- **Internal Walls** - Firestopping where applicable well advanced, air sealing where applicable well advanced, dot and dab, rendering/skimming almost complete – small areas remained.
- **Internal Floors** - Floor tiling ongoing in wet change.
- **Internal Decoration** - Plant room(s) completed, outdoor change areas well advanced, working in front of Mechanical, Electrical and Plumbing (MEP).
- **Pool Area** - Pool earthing installed, pool shell tiling almost complete, pool wall perimeter well advanced with tape and joint and rendering.
- **External Façade** - Curtain walling complete, cladding well advanced.

- **External works** - Mains electric and watermains installed. Main duct system installed; attenuation tank delayed following review of impact on pavilion.
- **MEP** - First Fix works well advanced, ducting well advanced, all main plant installed i.e. Air Handling Unit (AHU), Air Source Heat Pump (ASHP), Main Low Voltage (LV) panel, Building Management System (BMS) panel, substation installed.
- **Pool Filtration** - Main plant well advanced, with chemical controllers installed. Main panel on site.
- **Pavillion** - Demolished with ground level reduced dig ongoing.

The contract works were now approximately 22 weeks into the 32-week programme and over the next 10 weeks the key final works would be undertaken to achieve the final completion handover date of 19th September 2025.

It was expected from that point in time the Council and Hyndburn Leisure would then ensure the building was fully operational in preparation for a planned opening to the public on the 10th October 2025.

A mobilisation plan had been developed to prepare the building and ensure internal gym equipment, furniture and fittings could be installed and that Hyndburn Leisure had staff recruited and trained in operations of the building.

The Council, Hyndburn Leisure, Sport England, and all stakeholders would be involved in communications in the lead up to the planned opening.

Financial Progress

Cabinet in January 2025 had previously agreed to accept a further £240,000 from Sport England to increase the development budget to £12.929m and restart the works by appointing the Universal Group to complete the project.

In order to restart the project it had been agreed that further costs in addition to the Sport England grant could be met from within the contingency budget held within the overall project budget, which at this point only left £35,399 available to meet any future risks that might occur.

Since the restart, the project had been closely monitored, and budgets had been scrutinised by the project team, along with re-engineering and re-design agreed between the Council, its contractors and Sport England as a funder.

The latest forecast on the project costs was a total cost of £13.057m compared to the approved budget of £12.929m, which forecast an overspend of £0.128m - an increase in the budget of 1%.

This forecast overspend included additional contract costs and variations totalling £0.245m and were attributable to increases in costs relating to compliance with planning conditions, meeting final internal design requirements requested by Sport England and combatting projected costs of additional site security due to site break-ins. These costs had been managed where possible within the scheme budget and additional savings had been achieved to minimise the impact down to the £0.128m now forecast.

Latest Project Forecast Expenditure

Description	Latest Approved Project Budget	Total Spend to Date	Forecast to End of Project	Forecast Scheme Final Cost	Final Expected Variation
	£000's	£000's	£000's	£000's	£000's
Sub-total Contract Sum	11,598	7,317	4,659	11,976	(387)
Sub-total Fees & Equipment FFE	1,089	460	299	760	330
Total Contract Sum	12,687	7,777	4,958	12,735	(48)
Sub-total – HBC other costs	158	92	27	119	38
Contingency/Variations to Contract	85	49	153	202	(118)
Total Development Agreement	12,929	7,918	5,138	13,057	(128)

The Council had been in the fortunate position where it had been able to receive external funding in advance of major project expenditure and these additional cash balances had been invested to generate interest returns. These investment returns had significantly contributed to the Council's revenue budget underspend of £0.433m in 2024/25. It was therefore proposed that the underspend be earmarked to fund any overspend that might arise in the final stages of this project, currently identified as £0.128m.

Naming of the new Leisure Centre

A request had been made to name the new Leisure Centre at Wilson Sports Village "The Cath Thom Leisure Centre". This naming would recognise the service of the former Clayton-le-Moors ward Councillor who had served the residents for 16 years as a ward councillor and a County Councillor.

Cath Thom had also been appointed as Mayor of Hyndburn and received the Borough's highest honour of an Honorary Alderman. She had been described as the "matriarch of the Labour party in Clayton-le-Moors and an "elder stateswoman of the Borough" who was an "impossible act to follow."

In 1982 she had started her 16-year term in office as Clayton-le-Moors councillor and in the 1990s she represented Rishton, Altham and Clayton-le-Moors at County Hall.

Cath had sadly passed away in 2019, aged 91. It was felt that it would be a fitting tribute to name the new Leisure centre in Clayton-le-Moors after one of the residents who served the Council so well.

There were no alternative options for consideration or reasons

Resolved

- (1) That Cabinet note the progress and expected completion date of the project as 19th September 2025.**
- (2) That Cabinet note the latest forecast additional costs of the project at £0.128m (1%) and agree to cover any overspend from the £0.433m underspend in 2024/25, should it be needed to cover the final completion costs.**
- (3) That Cabinet approve the naming of the new Leisure Centre at the Wilson Sports Village site as "The Cath Thom Leisure Centre" in recognition of the former**

Councillor, Mayor and Honorary Alderman's service
to the Council and Clayton le Moors Ward.

120 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

121 New Lease of Piggy Park, Devonshire Road, Rishton

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was granted by Councillor Stephen Button, Chair of the Communities and Wellbeing Overview and Scrutiny Committee, to the following decision being made by Cabinet on 30th July 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 considered a report of Councillor Munisf Dad BEM JP, Leader of the Council, in relation to the lease of Piggy Park, Devonshire Road, Rishton.

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.

122 Disposal of Elmfield Hall and External Areas to Community Solutions North West Limited

This item had been withdrawn and was not considered.

Signed:.....

Date:

Chair of the meeting

At which the minutes were confirmed

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CABINET

Wednesday, 10th September, 2025

- Present:** Councillor Munsif Dad BEM JP (in the Chair), Councillors Vanessa Alexander, Scott Brerton, Stewart Eaves, Melissa Fisher, Clare Pritchard and Kimberley Whitehead
- In Attendance:** Councillors Judith Addison, David Heap, Zak Khan, Kath Pratt and Steven Smithson
- Apologies:** Councillor Ethan Rawcliffe
-

143 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Ethan Rawcliffe.

144 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations made on this occasion.

145 Minutes of Cabinet

The minutes of the meeting of Cabinet held on 30th July 2025 were submitted for approval as a correct record.

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

146 Reports of Cabinet Members

Leader of the Council

Councillor Munsif Dad BEM JP reported on the following:

Local Government Reorganisation

The Government had set a timeline for Lancashire councils to produce a preferred option for local government reorganisation (LGR) by 28th November 2025. LGR was the process of moving from the current two-tier system of a county council, two smaller unitary councils and 12 district councils in Lancashire, to a simpler model of fewer unitary councils.

The Government aims with LGR were to improve efficiency savings, service delivery, provide stronger local leadership, economic growth, community identity and foster effective local partnerships while not hindering the ability to deliver sustainable and high quality services for residents.

Guidance stated that most new authorities should serve at least 500,000 people. Exceptions might be made to ensure the system worked well for each area.

Councils in Lancashire were working together and discussing possible options for reorganisation. The Council would continue to represent Hyndburn in these discussions in order to raise any concerns that might impact local issues or services.

Currently there were five proposals based on following models:

- Model 1 consisted of Lancashire being split into 2 large unitary councils with a North / South divide;
- Model 2 consisted of 3 unitary councils (North / East / West);
- Models 3 and 4 were 2 different configurations of 4 unitary councils; and
- Model 5 consisted of 5 smaller unitary councils.

A survey had gone live consulting the public on their view – this was available on the Council's website to complete calling on residents, businesses and community organisations to have their say on shaping the future of local government in the county.

The results of the survey, along with data from business cases compiled by consultants for each type of model, would be collated and made available for councils to help make the final decisions.

The Council would discuss these varying models and business cases at Scrutiny on the 5th November and Full Council on 13th November before Cabinet on 19th November was due to take a final decision on Hyndburn's preferred option in time for the Government's deadline of 28th November.

Once final reorganisation was submitted, the Government would determine which proposals were more suitable to take forward for further consideration before a decision was made.

Statutory consultation with residents and stakeholders was expected to take place on these proposals in the New Year, after which sometime over the summer the minister would make a decision on the reorganisation model in Lancashire.

In 2027, the new unitary councils would be established and would initially operate in shadow form to ensure a smooth transition from existing local government status to the new one. Elections to the shadow authority were expected to take place in May 2027.

In April 2028, the new unitary authorities would officially go live assuming legal powers and representatives and all 15 original Lancashire local authorities would be abolished.

Lancashire County Council Funding Contributions

Hyndburn was one of the four districts to benefit from the Levelling Up East Lancashire programme and would benefit from two connected projects as part of the programme:

- Safer, Greener, Healthier Streets; and
- Public Transport Improvements.

Detailed information was now available about the two Safer, Greener, Healthier Streets projects in Hyndburn in the following locations:

- Woodnook; and
- Countess Street

The Public Transport Improvements would facilitate better travel between homes, jobs and services.

Further updates on these projects would be provided in the future.

Corporate Peer Challenge Review Visit

The Council recently welcomed back the Corporate Peer Challenge team, led by the Local Government Association, for a review visit. The council was very grateful to them for returning to assess progress and for the constructive feedback they had provided.

The team's written report was still awaited, which would set out their full assessment of progress since the main visit last year. However, the Leader was pleased to report that the verbal feedback received on the day was overwhelmingly positive.

The team had highlighted excellent progress on the Council's key strategic projects and noted how well these align with the new Corporate Strategy. They recognised that the structures in place, and the relationships between elected members, officers and the management team, were effective and provided the right space for discussion and debate to support strong decision-making.

They gave particular credit to the work the Council had undertaken on staff engagement this year, which was already delivering positive outcomes. Early results from the latest staff survey, which would be published shortly, suggested that staff really valued the changes that had been made.

They also recognised the Council's work on community cohesion, its communications with staff around local government reorganisation, and the progress being made on climate change and decarbonisation. The authority's transformation and digital work had also been highlighted as leading to real improvements in ways of working and in the Council's ability to deliver good services.

The team acknowledged that there was still more to do. Indeed, the Council's cross-party working group had driven an action plan, which set out a number of further steps, some of which were scheduled for later this year. The Council fully recognised this and was continuing to press ahead.

It was encouraging to hear that the team regarded the Council's direction of travel as positive, and that the work being undertaken was making a real difference for staff, members and communities.

Deputy Leader of the Council and Portfolio Holder for Housing and Regeneration

Councillor Melissa Fisher reported on the following:

Local Elections

In response to questions raised on social media, Councillor Fisher indicated that Hyndburn's Labour Party did not have any power to cancel the planned local elections next year. The controlling group was not aware of any such proposals, but if this was to be proposed the decision would come from the Government.

Wilson Sports Hub

The Cath Thom Leisure Centre, at the Wilson Sports Hub, was due to open in approximately one month's time. A time-limited membership offer of £29.99 (with the price locked in for a lifetime) for the first 200 applicants had been a complete sell-out. The offer had been designed to quickly build up a strong customer base. It was anticipated that the centre would be really successful and councillors were looking forward to its grand opening.

Portfolio Holder for Environmental Services

Councillor Stewart Eaves reported on the following:

King George V Playing Fields

Delivery of the project at King George V Playing Fields remained on target. Officers would be in touch with the contactors next week to finalise the date for the commencement of work on the building.

Deputy Leader of the Council and Portfolio Holder for Culture, Heritage and Sport

Councillor Kimberley Whitehead reported on the following:

Heritage Open Days

The national Heritage Open Days campaign would provide an opportunity to explore some of Hyndburn's most iconic heritage sites between 12th September and the National Manufacturing Day on 25th September 2025. Sites would include:

- Haworth Art Gallery;
- Accrington Stanley Football Club;
- Accrington Town Hall (Mayor's tour);
- and many others.

Councillors were invited to support these Open Days where they could.

Portfolio Holder for Business, Growth and Sustainability

Councillor Scott Brerton reported on the following:

Grants to Support Local Businesses

The grants scheme for businesses for a range of activities, including education and start up programmes, was going well.

Accrington Futures Event

The Accrington Futures Event was due to be held again on 3rd October 2025 at Accrington Stanley's Wham Stadium. Over one thousand students were expected to attend to speak directly with over 50 employers, training providers, colleges, certain industry experts, the Army and Police, to help them to make informed decisions about their future.

Hyndburn Jobs Fair

The successful Jobs Fair run in March 2025 would go ahead once again. The last event, run by the Council, had helped support 45 local businesses with their recruitment and had attracted over 2,000 visitors.

Business Workshops

The business workshops series had proved to be hugely successful and thanks were due to all those involved in their organisation.

Further workshops were planned over the coming months.

Portfolio Holder for Transformation and Town Centres

Councillor Clare Pritchard reported on the following:

Public Spaces Protection Order

The Council was currently consulting upon a proposed Public Spaces Protection Order (PSPO) covering Accrington town centre. The Order, if implemented, would allow the Council and Police to tackle anti-social behaviour and improve the quality of life for those who lived, worked, and visited Accrington. A survey was now live on the Council's website.

Levelling Up Projects

A preferred contractor had now been identified for the second phases (internal fit-out) of the levelling up projects at the Market Hall and at Burtons Chambers. A competitive procurement process had been undertaken to deliver the Phase 2 work and had resulted in the preferred contractor, Krol Corlett, based in Liverpool, Manchester and Preston, who had a strong track-record of refurbishment works. The Council would now work alongside Krol Corlett to conclude final matters before signing contracts, with works due to start later this month.

Leader of the Council

Councillor Munsif Dad BEM JP made a further announcement as follows:

Accrington Neighbourhoods Board

The Council was carrying out a recruitment exercise for a new Chair for the Accrington Neighbourhoods Board. An advertisement had been posted around six weeks ago initially for a period of three weeks, which had subsequently been extended. Six applications had now been received. The Leader of the Council and the local MP, Sarah Smith, would consider the applications and make a suitable appointment as soon as possible.

Councillor Whitehead clarified that she served on the Neighbourhood Board in her capacity as Deputy Police and Crime Commissioner for Lancashire, not as a borough councillor. She reminded councillors that the Chair of the Board was responsible for making the wider appointments to the Board, not the Leader of the Council. Councillor Dad added that the core membership of the Board comprised the following 5 representatives:

- a local councillor (Councillor Munsif Dad)
- the local MP (Sarah Smith MP)
- Police/PCC (Councillor Kimberley Whitehead)
- a county councillor from Lancashire (CC Ashley Joynes)
- the independent Chair (currently being recruited)

The Board's membership was not dissimilar from that of the previous Town Centre Partnership Board, which had included then Conservative Leader of the Council and Conservative MP.

Councillor Zak Khan, Leader of the Opposition, commented on the announcements above, asked the following questions and received the responses as summarised below:

- **Local Government Reorganisation** – The questionnaire by the consultants was now live. What input did the Leader of the Council have into the survey and would the results be broken down into statistics showing the views of residents in each district council area?
Response: Councillor Dad indicated that all district leaders continued to meet to discuss reorganisation. The specifics of the survey had been delegated to the Lancashire Chief Executives Group to develop via the consultants. The consultants report would be available to the relevant Overview and Scrutiny Committee and the Council, but it was not yet known how the results would be presented. David Welsby, Chief Executive, added that the Chief Executives Group was due to meet tomorrow and the latter point would be raised with them.
- **Corporate Peer Challenge Review Visit** – The overall process had been useful and Councillor Khan had himself provided some feedback to the peers. He had appreciated the opportunity to be involved in the Member Working Group for the review. Would the Peer Challenge feedback be shared widely and would the Member Working Group continue?
Response: Councillor Dad indicated that the Peer Review final report was expected soon and would be shared. It was unclear yet whether the Member Working Group would continue, as this largely depended on what was highlighted in the report. There should be no new recommendations.
- **Wilson Sports Hub** – The imminent opening of the Leisure Centre and uptake of membership was good news. What level of membership was required to make the venture viable and was the 200+ take up enough?
Response: Councillor Fisher replied that there were some wider targets set around performance. She undertook to reply directly to Councillor Khan with further details. The Leader of the Council added that Hyndburn Leisure had been selected to operate the centre because of its good track-record of service delivery. The centre should be viable, given that its first target of 200 members had already been met.
- **Business Grants** – It was encouraging to note that take up of business grants was good. What metrics were used to evaluate success and when would the detail be reported?
Response: Councillor Brerton indicated that this was an on-going process, but that initial findings were positive. Ultimately, the Council could look at the number of jobs created and how much inward investment from other sources had been received. It was anticipated that the first progress report would be available soon.
- **Accrington Futures Event** – The involvement of schools in this event was welcomed.
Response: Noted.
- **Public Spaces Protection Order** – When would the PSPO go live and what evidence was there that this would help?
Response: This type of measure had been used previously by the Council and did work. The implementation date had not yet been determined, as the consultation would not expire until 30th September 2025.
- **Accrington Neighbourhoods Board** – Councillor Khan noted that the population of Hyndburn was around 80,000 and expressed a view that the recruitment process

had not been transparent. Would the selection of the independent Chair be determined by the Leader and MP alone?

Response: The Leader of the Council indicated that the application process had been open to all, but only six people had replied. He and the MP would carry out any interviews and select the best candidate for appointment to the role of Chair.

147 Process for the Development of the Revenue and Capital Budgets for 2026/2027

Members considered a report of Councillor Vanessa Alexander, Portfolio Holder for Resources and Council Operations, providing an update on the development of the Council's Revenue and Capital budgets for 2026/27 and outlining how current risks and assumptions were affecting the Medium-Term Financial Strategy (MTFS) for 2026/27 to 2028/29.

Councillor Alexander provided a brief introduction to the report, highlighting the purpose of the report, the main risks and pressures within the MTFS, the timetable for setting the Budget and the three financial models included in the MTFS.

Councillor Zak Khan expressed a view that the Fair Funding Review would have a devastating effect on the Council's finances and could reduce available resources by some £5m. He acknowledged that this was not a situation caused by the controlling group, but asked how they intended to deal with the consequences of any loss of funding. This was important because Hyndburn was the 16th most deprived district in England. He asked if this would mean an increase in Council Tax, the sale of assets and changes to business rates. He also offered to work with the controlling group to help to identify possible solutions.

The Leader of the Council indicated that the authority had responded to the Government's consultation on 15th August 2025 and had engaged with the MP to lobby on the Council's behalf. He considered that the figure of £5m quoted was incorrect and that any assumption that Council Tax would need to be raised beyond the referendum threshold was flawed. Notwithstanding the engagement undertaken with the Minister and MP, Cabinet members were already working to consider how best to produce a viable budget.

Councillor Alexander expressed the view that comments such as 'devastating' were not helpful, when communicating the current position to staff and the public, as the final financial implications were not yet known. The Government's provisional funding announcement would be made in November/December 2025. Councillor Pritchard and Whitehead also spoke about the importance of not sensationalising the situation and of their personal commitment to work to ensure the best financial situation possible for the residents of Hyndburn. Councillor Alexander summarised by stating that she had experience of dealing with funding reductions when necessary and that, in any event, there might be some transitional arrangements introduced to minimise the impacts.

Councillor Dad gave an undertaking to meet with Councillor Khan about this matter and reaffirmed that Cabinet members had already been considering potential solutions for the last few weeks.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Council had approved its annual Revenue Budget for 2025/26 and the Medium-Term Financial Strategy (MTFS) for 2025/26 to 2027/28 at the Full Council meeting on 27th February 2025.

Since the budget had been approved, the Government had launched the Fair Funding Reform 2.0 consultation and had signalled a multi-year settlement from 2026/27. Early analysis suggested Hyndburn Council might be disproportionately affected.

Therefore, to ensure a credible and robust budget could be delivered for the forthcoming year, the Council had begun early work to develop its financial plans for 2026/27. This early start would allow sufficient time for Officers and Members to shape a budget that aligned with the Council's corporate priorities, explored a range of options, and responded to emerging risks and pressures.

The budget was a key financial planning tool that supported delivery of the Corporate Plan. It had to demonstrate value for money, be subject to robust scrutiny, and stand up to external audit. The Council's approach to budget development was a core component of the External Auditor's assessment of its Value for Money (VfM) arrangements.

A sustainable budget over the life of the MTFS was essential. Where savings were required, the Council must have a credible and deliverable plan in place. Achieving a balanced and sustainable financial position not only supported service delivery but also provided assurance to External Auditors and helped to avoid adverse commentary in the VfM report.

Key Risks and Pressures in the Medium-Term Finance Strategy

The main risks/pressures to be considered were as listed below, with a more detailed description as set out in the report:

- Fair Funding Review;
- Local Government Reorganisation (LGR);
- Capital Programme – Funding Risk;
- Crematorium/Cremators;
- Waste Disposal Site/Transfer Station;
- Hyndburn Leisure;
- Huncoat Garden Village;
- Future Revenue Costs for Levelling Up Fund Projects;
- Supported Housing - Housing Benefit Claims; and
- Posts Funded from Reserves or External Grants.

Assumptions for the Medium-Term Financial Strategy

The Medium-Term Financial Strategy for Hyndburn Borough Council presented three scenarios:

- **Standard** – the most likely outcome for the year.
- **Pessimistic** – a “worst case” scenario.
- **Optimistic** – a “best case” scenario.

Given how early it was in the budget setting process and the unknowns at this point, (e.g. there were no indications of changes in Government funding yet) these scenarios could differ significantly at this stage.

There were several assumptions which were used as part of producing the budget. The estimates to be used in the construction of the budget were set out below:

Pay Award

The agreed pay award for 2025/26 was 3.2% for Hyndburn Borough Council, which was 0.2% over the budget and resulted in additional costs of c.£27k p/a. For financial modelling purposes, a 2.5% increase would be assumed in the standard scenario, with 4.0% used in the pessimistic case and 1.0% in the optimistic case.

Inflation

The Consumer Price Index (CPI) rose by 3.6% in the 12 months to June 2025. As inflation varied across cost types, utility cost forecasts would be calculated separately and were addressed below. For general inflation modelling, a rate of 3.0% would be used in the standard scenario, with 5.0% in the pessimistic case and 2.0% in the optimistic case.

Utilities

The Council had entered a new energy contract in October 2025, which ran until September 2027. While this provided short-term price stability, future costs remained uncertain due to potential market volatility and unpredictable usage patterns. To reflect this, inflation for gas and electricity would also be modelled at 3.0% in the standard scenario, 5.0% in the pessimistic case and 2.0% in the optimistic case.

Sales, Fees and Charges

The Council charged customers for a range of services, and the cost of delivering these was expected to rise due to inflation and pay awards. To help offset these pressures, it was considered prudent to increase fees accordingly. In the standard scenario, a 3.0% increase in fees and charges would be assumed, consistent with general inflation. In the pessimistic scenario, a lower increase of 1.0% would be assumed, reflecting potential constraints on the Council's ability to raise charges. In the optimistic scenario, a 4.0% increase would be assumed, reflecting greater flexibility and demand.

Following the recent Corporate Peer Challenge, the Council was reviewing its Sales, Fees and Charges income targets and developing a strategy for inclusion in the Medium-Term Financial Strategy. This might include increasing existing charges or introducing new ones, subject to the outcome of the Fair Funding Reform consultation.

Government Grant Income

As previously mentioned, the Fair Funding Review (FFR 2.0) was expected to significantly impact Hyndburn Borough Council, primarily through a reduction in retained business rates income. The Council was working with LG Futures to model the potential financial implications of these changes.

In the standard scenario, a reduction of £1.75m was anticipated over the three-year multi-year period, phased with two-thirds of the reduction occurring in 2026/27 and the remaining third in 2027/28. A flat cash position was assumed for 2028/29.

In the optimistic scenario, the same phasing applied but with a reduced overall impact of £1.5m. The pessimistic scenario assumed a larger reduction of £2.0m over the same period.

A consultation response outlining the impact on Hyndburn and district councils more broadly had been submitted in August. The Government was expected to publish early

funding indications in November, followed by the provisional settlement and policy statement in December.

Income from Business Rates

Hyndburn Borough Council currently retained 40% of locally collected business rates and participated in the Lancashire Business Rates Pool, which allowed for a more efficient distribution of growth and risk across participating authorities.

However, due to the funding reset outlined in the Fair Funding Review (FFR 2.0), the future of the pooling arrangement remained uncertain. Any assumptions regarding future business rates income, including potential reductions, had already been incorporated into the funding scenarios detailed above.

Income from Council Tax

The main area of income over which the Council had direct control was Council Tax. As the billing authority, Hyndburn Borough Council was forecasting to collect a total of £52.748m in Council Tax during the 2025/26 financial year. Of this, only £6.141m (11.64%) was retained by Hyndburn, with the remainder distributed to Lancashire County Council, the Lancashire Police and Crime Commissioner, and Lancashire Fire and Rescue Service as precepting authorities.

Increases in Council Tax income was driven by two key factors:

- **Changes in the Council Tax base:** Each year, the Council calculated its tax base, which reflected the number of chargeable domestic properties, adjusted for discounts (e.g. single person discount) and Council Tax Support. This figure was converted into Band D equivalents to standardise comparisons. Growth in the tax base could result from new housing developments or bringing empty properties back into use. For Hyndburn, growth had been modest in recent years, with an increase of just 0.31% in 2025/26.
- **Changes in the Council Tax rate:** Each year, the Council decided whether to increase the rate of Council Tax it charged. Central Government set a referendum threshold, which limited how much councils could increase rates without triggering a local vote. In recent years, this had been 2.99% for district councils like Hyndburn, and 4.99% for upper-tier and unitary authorities.

The assumptions to be used for changes in Council Tax income in the revenue budget were as set out below:

	Pessimistic	Standard	Optimistic
Growth in Council Tax Base	0.31%	0.66%	1.13%
Increase in Council Tax Rate	1.00%	2.99%	2.99%

Council Tax Base

Under the Council's draft Local Plan, it was estimated that an additional 201 domestic properties would be built each year. When converted to Band D equivalents, this equated

to 146 properties, representing a 0.66% increase in the Council Tax Base. This assumption formed the basis of the standard scenario.

The Government had introduced new annual housebuilding targets for each borough, with Hyndburn's target set at 313 properties per year. This converted to approximately 250 Band D equivalents, resulting in a 1.13% increase in the Council Tax Base. This assumption underpinned the optimistic scenario.

The pessimistic scenario reflected the growth provided in 2025/26 and assumed a modest growth rate of 0.31%, equating to 69 Band D equivalents or approximately 94 new domestic properties.

The estimated annual increase in Council Tax income, before any changes to the tax rate, was:

- Pessimistic (0.31%) – £19,076
- Standard (0.66%) – £40,363
- Optimistic (1.13%) – £69,115

Council Tax Rate

The table below showed the current Council Tax charges per annum for each Council Tax band and the annual increase on each band across the three MTFS scenarios, ie. 1.00%, 2.99% and 2.99%:

Council Tax Band	2025/26 Charge	Increase of 1.00% (Pessimistic)	Increase of 2.99% (Standard)	Increase of 2.99% (Optimistic)
Band AA	153.59	155.13	158.18	158.18
Band A	184.31	186.15	189.82	189.82
Band B	215.02	217.17	221.45	221.45
Band C	245.74	248.20	253.09	253.09
Band D	276.46	279.22	284.73	284.73
Band E	337.90	341.28	348.00	348.00
Band F	399.33	403.32	411.27	411.27
Band G	460.77	465.38	474.55	474.55
Band H	552.92	558.45	569.45	569.45

The total changes in Council Tax income for each of the increases in the table above, before any growth in the Council Tax base were:

- Increase of 1.00% (Pessimistic) - £61,170 additional income ;
- Increase of 2.99% (Standard) - £183,288 additional income;
- Increase of 2.99% (Optimistic) - £183,288 additional income.

Total Council Tax Income

The table below showed the overall Council Tax Income which would be assumed under the three scenarios:

	2025/26	Pessimistic	Standard	Optimistic
Hyndburn BC Council Tax Income	£6,127,200	£6,207,600	£6,290,900	£6,381,700
Increase in Council Tax Income from 2025/26		£ 80,400	£ 163,700	£ 254,500

The assumptions mentioned above would be used initially and adjusted as appropriate once more certain information became available.

Revenue Budget Timetable

The Council's budget-setting timetable was influenced by the approval schedules of major Council Tax precepting authorities, such as Lancashire County Council. Hyndburn Borough Council's draft budget would be presented to Cabinet on 18th February 2026, with final approval scheduled for the Council meeting on 26th February 2026.

The timetable set out below ensured that the Council would meet its legal budget setting deadlines:

Action	Date
Process for the development of the budget report presented to Cabinet	10 Sept 2025
Finance Cabinet Working Group	02 Oct 2025
Initial Medium Term Financial Strategy report presented to Cabinet	22 Oct 2025
Finance Cabinet Working Group	04 Nov 2025
Provisional Finance Settlement expected to be published by Central Government (date to be confirmed)	Nov 2025
Finance Cabinet Working Group	02 Dec 2025
Council Tax Base Setting report approved by Cabinet	21 Jan 2026
Finance Cabinet Working Group	13 Jan 2026
Final Finance Settlement expected to be published by Central Government (date to be confirmed)	Feb 2025
Draft Medium Term Financial Strategy & Revenue Budget reports presented to Resources Overview and Scrutiny Committee	16 Feb 2026
Draft Medium Term Financial Strategy & Revenue Budget reports presented to Cabinet	18 Feb 2026
Final Medium Term Financial Strategy & Revenue Budget reports agreed by full Council	26 Feb 2026

Capital Budget Timetable

At the same Council meeting in February 2026, the Capital Programme for 2026/27 would be approved.

The timetable for the development of the Capital Programme was as set out below:

Action	Date
Process for the development of the budget report presented to Cabinet	10 Sept 2025
Capital Programme bidding process begins	27 Aug 2025

Deadline for submission of Capital Programme bids	30 Sept 2025
Finance Cabinet Working Group	02 Oct 2025
Finance Cabinet Working Group	04 Nov 2025
Finance Cabinet Working Group	02 Dec 2025
Finance Cabinet Working Group	13 Jan 2026
Draft Capital Budget report presented to Resources Overview and Scrutiny Committee	16 Feb 2026
Draft Capital Budget report presented to Cabinet	18 Feb 2026
Final Capital Budget report approved by full Council	26 Feb 2026

There were no alternative options for consideration or reasons

Resolved

- That Cabinet:

- (1) Notes the key risks and pressures to the delivery of the budget in 2025/26. These issues will continue to be monitored and reported through the regular Budget Monitoring updates presented to Cabinet.**
- (2) Approves the assumptions outlined in Section 5 of the report, which will be incorporated into the Medium-Term Financial Strategy (MTFS) updated for 2026/27 to 2028/29, to be presented to Cabinet in October.**
- (3) Notes the timetable set out in Section 6 of the report for the development of the Council's Revenue Budget for 2026/27.**
- (4) Notes the timetable set out in Section 7 of the report for the development of the Council's Capital Budget for 2026/27.**

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

148 Additional Climate Funding

The Cabinet considered a report of Councillor Stephen Button, Chair of the Communities and Wellbeing Overview and Scrutiny Committee, setting out a recommendation of that committee that, during planning for the Council's budget for 2026-27, Cabinet give consideration to extending the Council's Climate budget in order to facilitate the Council's ability to achieve its net zero targets.

Councillor Button provided a short introduction to the report, in which he outlined the information provided to the Communities and Wellbeing Overview and Scrutiny Committee, including the significant progress made to date in meeting the Council's net zero targets, but highlighting that progress had now slowed as much of the initial funding had now been used up.

Councillor Brerton thanked the Committee for its recommendation. He had attended that meeting and the debate had been very positive, recognising the Council's achievements so far. Some large projects had already been completed and the authority was widely regarded 'as punching above its weight'. The funding question could not be answered today, as there was a lengthy Budget process to go through. However, the suggestion would be considered positively at the appropriate time. Councillor Alexander thanked Councillor Button for his report and provided an assurance that the proposal would be on the table during the Cabinet's Budget deliberations.

Approval of the report was not deemed a key decision.

Reasons for Decision

A Communities and Wellbeing Overview and Scrutiny Committee had been held on 14th July 2025 and had been consulted on the 'Draft Climate Strategy and Action Plan' and updated on the Hyndburn wide CO₂ emissions and the Council's transition to Carbon Net Zero. The Committee had been informed of the importance of limiting global warming to 1.5°C or staying well below 2°C to try to achieve pre-industrial levels and to achieve a 7.6% annual reduction in carbon emissions that would be required to achieve net zero targets. The Committee considered that further funding would be required to achieve its net zero targets and had made a recommendation that Cabinet give consideration to providing additional funding for the Climate Action Fund during its budget planning process.

In September 2019 Hyndburn Borough Council had declared a climate emergency and had committed to reaching net zero carbon emissions by 2030. This pledge comprised a series of recommendations to help limit global warming.

One Carbon World had carried out a carbon footprint study between 2020 and 2023 and an initial review had indicated the Council's buildings were responsible for some 75% of its operational carbon emissions and the highest priority was to decarbonise energy usage, particularly from gas. The Council had set aside a £1m climate reserve pot to help to achieve Hyndburn's target to make the Council's activities net zero carbon by 2030. The Council had been very proactive and had made great advances in reducing the Borough's carbon emissions. Since 2019 carbon emissions had been reduced by 55% by decarbonising the Council's building stock, procuring renewable energy tariffs, replacing diesel within the vehicle fleet with hydro veg oil and working towards sustainability, carbon capture and offsetting and habitat creation through various projects.

The climate reserve pot had also been used to appoint two officers, a Home Energy Reduction Officer and a Natural Spaces Project Officer over a 3 year period and both had contributed to the Council's successes in reducing or offsetting carbon emissions.

However, there had been a plateauing in the reduction of carbon emissions and without further funding the Council would be limited in how much more it could achieve and it might not be able to meet the 2030 net zero target. The Council had completed much of its work in decarbonising its Council buildings and many of the natural solution programmes delivered by external organisations were due to be completed within the next couple of years. As such, there was going to be a greater reliance on working towards net zero through a range of new smaller projects.

The Council's vision for a sustainable future was identified within the Corporate Strategy and focused on: Making the Council's Activities and Operations Net Zero by 2030, reducing fuel poverty – Home Energy Efficiency and Green Open Spaces and the Natural Environment to balance growth with sustainability.

Alternative Options considered and Reasons for Rejection

The Council could decide to provide no additional funding, but this would limit the Council's ability to achieve its target of net zero by 2030.

- Resolved**
- That Cabinet notes the recommendation of the Communities and Wellbeing Overview and Scrutiny Committee that it should consider additional funding for the Climate Action Fund as part of its preparations for the 2026/27 Budget.

149 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

150 Telecommunications Mast at Harvey Street Oswaldtwistle

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was granted by Councillor Stephen Button, Chair of the Communities and Wellbeing Overview and Scrutiny Committee, to the following decision being made by Cabinet on 10th September 2025, in private, on the grounds that the decision was urgent and could not reasonably be deferred. A notice to this effect had been published on the Council's website.

Exempt information by virtue of Paragraph 5 - In respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Members considered a report of Councillor Munsif Dad BEM JP, Leader of the Council, updating Cabinet on a decision taken, following consultation with the Leader, in connection with resisting the proposed erection of a telecommunications mast on land at Harvey Street, Oswaldtwistle.

Councillor Dad provided a brief explanation of the Council's position as outlined in the report and indicated that Sarah Smith MP also supported this stance. Councillors Whitehead and Khan also placed on record their support for the actions as described.

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.

151 Disposal of Elmfield Hall and External Areas to Community Solutions North West Limited

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was granted by Councillor Stephen Button, Chair of the Communities and Wellbeing Overview and Scrutiny Committee, to the following decision being made by Cabinet on 10th September 2025, in private, on the grounds that the decision was urgent and could not reasonably be deferred. A notice to this effect had been published on the Council's website.

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

Members considered a report of Councillor Munsif Dad BEM JP, Leader of the Council, seeking approval for the grant of a new lease of Elmfield Hall and associated outbuildings and land to Community Solutions North West Limited on the basis set out in the report.

Councillor Dad indicated that the Labour Group continued to support community groups in the Borough and that both Community Solutions North West and the Green Spaces Forum should benefit from the arrangements proposed. Councillor Whitehead echoed these comments and highlighted what could be achieved when partners worked closely together.

Councillor Khan also mentioned that he supported these arrangements and added that he and Councillor Addison had met with representative of the lessee today, who had been complimentary about the work of the Council's officers to reach this solution. He asked what assistance might be available to community sector organisations who were having difficulties meeting the terms of a lease and if any protection for lease-holders could be built into those arrangements beyond the life of this Council. Leader responded that community organisations could discuss any financial issues with the Council. Cabinet members also agreed to look into the question of ensuring security of tenure for leaseholders following local government reorganisation.

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.

152 Disposal of 3 and 5 Abbey Street, Accrington

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was granted by Councillor Noordad Aziz, Chair of the Resources Overview and Scrutiny Committee, to the following decision being made by Cabinet on 10th September 2025, in private, on the

grounds that the decision was urgent and could not reasonably be deferred. A notice to this effect had been published on the Council's website.

Exempt information by virtue of Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Members considered a report of Councillor Munsif Dad BEM JP, Leader of the Council, seeking approval for the disposal of two vacant Council owned properties, being 3 and 5 Abbey Street, Accrington, on the basis set out in the report.

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

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PLANNING COMMITTEE

Wednesday, 11th June, 2025

Present: Councillor Dave Parkins (in the Chair), Councillors Loraine Cox, Ethan Rawcliffe, Kath Pratt, Judith Addison, Scott Brerton, Stephen Button, Noordad Aziz, Munsif Dad BEM JP and Stewart Eaves

Apologies: Councillors Joyce Plummer, Clare Pritchard and Mike Booth

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

Apologies for absence were submitted by Councillors Joyce Plummer and Mike Booth. Apologies were given by Councillor Clare Pritchard with Councillor Munsif Dad BEM JP acting as Substitute.

37 Thanks from the Committee

Councillor Dave Parkins on behalf of the committee gave thanks to Adam Birkett, Chief Planning and Transportation Officer and Shanshan Chen, Planning Officer, for the roll out of the Supplementary Planning Guidance regarding Children's Care Homes, Residential Conversions and HMO's.

The committee thanked the officers for providing a document which gives guidance for these aforementioned applications which members can use to make appropriate decisions.

38 Minutes of the Last Meeting

The Minutes of the last Planning Committee held on the 16th of April 2025 were submitted for approval as a correct record.

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

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

Mr Adam Birkett, Chief Planning and Transportation Officer noted to the committee that on page 19 and page 29 of the agenda reference made to "Footnote 63" is incorrect and should instead state "Footnote 26".

40 11/25/0119 - 30 Bluebell Way, Huncoat, BB5 6TD

Mr Adam Birkett, Chief Planning and Transformation Officer presented the application to the committee.

The property is a detached dwellinghouse on Bluebell Way which is 2 storeys, 3 bedrooms, bathroom and ensuite, kitchen, dining room, lounge, garden room, snug, utility room, hallway and accessible wc. The property benefits from 2 parking spaces.

The application details a change of use from a dwelling (C3a) to a residential care (C2) for one child, this would be the child's main residence and carers would attend on a rota/shift basis.

16 Objections had been received from neighbouring properties.

Lancashire County Councils Children's Services provided objections to the application as per the report.

No Objections were received from Lancashire County Council Highways or Hyndburn Borough Councils Environmental Health Team.

The application was recommended for Refusal as per the report.

Members of the Committee discussed the application, paying particular attention to the new Supplementary Planning Guidance in relation to Children's Care Homes. Members agreed across the board that the guidance was helpful in coming to a decision and allowed for weight to be given appropriately to prevalent concerns such as the proximity to an existing care home and how this would likely change the residential character of the area.

Members emphasised that they understood the need for Children's Care Homes but that the types of locations and properties they operate from need to be appropriate.

Resolved – Members of the committee voted unanimously to refuse the application as per officer recommendation noted below.

1. The proposed Children's Care Home is located within a residential area, in close proximity to another similar care home on the same residential road. It would provide two off-street parking spaces which would be insufficient to accommodate staff cars during the shift-change period, and cars of other persons visiting the premises, resulting in vehicles parking on the street and due to the narrow highway width likely parking partly on the footway. There would be a cumulative impact arising from the proposed use together with the existing use which would adversely affect the safety and convenience of pedestrians and other road users, and would detrimentally change the established residential character of the area in conflict with policies Env7 of the Hyndburn Core Strategy and DM32 of the Development Management DPD and contrary to the Children's Residential & Supported Accommodations SPG.

2. The proposed development, by virtue of its failure to demonstrate a local need and its nature and scale failing to align with Lancashire Children's Services commissioning strategies is contrary the Children's Residential & Supported Accommodations SPG and the National Planning Policy Framework.

N.B. – 1. Jaqueline Rawston – Spoke against the application.

- Noted that this is the 6th application of a similar nature on this estate.
- The previous application for this address was refused and looking at the report there does not appear to have been any changes to address these reasons for refusal.
- The supplementary Planning Guidance addresses the concerns of the residence considering the location of the property in conjunction with the existing care home.
- Asks members to refuse the application as per the report.

41 11/25/0120 - 30 Epping Avenue Altham BB5 5DR

Mr Adam Birkett, Chief Planning and Transportation Officer presented the report to the committee.

Mr Birkett noted its similarity to the previous application in its features. Comprising of a detached house in a residential area. Featuring a 4 bedroom property, with a bathroom and an ensuite, living room, dining room, kitchen and wc. The property has 2 allocated parking spaces.

The application proposed a change of use from dwelling (Use Class C3a) to Residential Care (Use Class C2) for one child. This would be the child's main residence and staff would attend on a rotor/ shift basis.

13 Objections have been received from neighbouring residents and an objection from Altham Parish Council.

Lancashire County Councils Children's Services provided objections to the application as per the report.

Lancashire County Councils Highways and Hyndburn Borough Councils Environmental Health Team have raised no objections.

Mr Birkett noted that there is an existing Children's Care Home next door at number 28. In accordance with the Supplementary Planning Guidance the distance between Children's Care Homes should be a minimum of 400 metres.

The application was recommended for refusal as per the report.

Members of the committee noted the similarities to the previous application and agreed that having 2 Children's Homes next door was not a good idea and would significantly impact parking in the area and the residential character of the street.

Resolved – The committee voted by unanimous decision to refuse the application as per officer recommendation.

1. **The proposed Children's Care Home is located within a residential area, adjacent to another similar care home on the same residential road. It would provide two off-street parking spaces, which would be insufficient to accommodate staff cars during the shift-change period, and cars of other persons visiting the premises, resulting in vehicles parking on the street and due to the narrow highway width likely parking partly on the footway. There would be a cumulative impact arising from the proposed use together with the existing use which would adversely affect the safety and convenience of pedestrians and other road users, and would detrimentally change the established residential character of the area in conflict with policies Env7 of the Hyndburn Core Strategy and DM32 of the Development Management DPD and contrary to the Children's Residential & Supported Accommodations SPG.**
2. **The proposed development, by virtue of its failure to demonstrate a local need and its nature and scale failing to align with Lancashire Children's Services commissioning strategies is contrary the Children's Residential & Supported Accommodations SPG and the National Planning Policy Framework.**

N.B. – 1. Altham Parish Councillor Rennie Pinder – Spoke against the application.

- Similar application in relation to the previous agenda item.
 - The cumulative impact of having a Children's Home next door would significantly increase parking demand and put pressure on local service.
 - Asked the committee to vote with the officer recommendation.
2. Jonathan Chadwick. – Spoke against the application.
- Speaking on behalf of the neighbouring residents.

- A cluster of care facilities changes the nature of the neighbourhood.
- The proposal offers no benefit to the local community.
- The existing care home has already caused an increase in antisocial behaviour and takes up far more parking spaces than the 2 attached to the property.
- Professional meetings often cause there to be as many as 6 cars at the address at one time.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

JUDICIAL COMMITTEE (PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING)

Tuesday, 8th July, 2025

Present: Councillor Melissa Fisher, Danny Cassidy, Bernard Dawson MBE, Marlene Haworth, Heather Anderson and Dave Parkins

Apologies Kimberley Whitehead and Vanessa Alexander

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

Apologies for absence were submitted on behalf of Councillor Kimberley Whitehead and Councillor Vanessa Alexandra.

Councillor Heather Anderson and Councillor Dave Parkins acted as substitutions for the above.

There were no interests or dispensations declared at the meeting.

67 Minutes of Last Meeting

The Minutes of the Judicial Committee (Private Hire and Hackney Carriage) held on the 5th June 2025, were submitted for approval as a correct record.

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

68 Licensing Procedure for Meetings of the Committee

The Licensing Procedure to be followed at the meeting in relation to Hackney Carriage and Private Hire driver's licences was submitted.

A copy of the procedure was included within the agenda and the respective Licensing Procedure had been provided to the driver.

Resolved – That the Procedure be noted.

69 Licensing Guidelines

The Institute of Licensing Guidelines for Hackney Carriage and Private Hire Trades was submitted, which was used to assist Hyndburn Borough Council when determining the suitability of applicants and licensees in the Hackney Carriage and Private Hire trades.

Resolved – That the Guidance be noted.

70 Exclusion of the Public

Resolved – That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following items, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings,

that there would otherwise be disclosure of exempt information within the Paragraphs at Scheduled 12A of the Act, specified at the items.

71 Report Relating to a Licensed Private Hire Driver (MAK)

The Licensing Manager, on behalf of the Executive Director (Legal and Democratic Services), submitted a report to enable members to consider whether to grant a renewal of driver (MAK) private hire and hackney carriage joint drivers licence.

Options presented to Members were; renew or not to renew.

The driver has held a licence with the Council since the 18th January 2002 (when the electronic records start). His current licence expired on the 6th June 2025, and the application to renew his licence was received on the 30th May 2025.

It was noted that on the 4th May 2022 the driver attended a virtual disability awareness classroom course, which included education regarding the regulations about assistance dogs.

A complaint was received in the Licensing department on the 13th May 2024 from a member of the public alleging an incident of discrimination under the Equality Act 2010.

The driver was interviewed on 2 occasions by the Licensing department following this complaint; the transcripts of the interviews were available to the committee to read.

CCTV footage was shown during the committee of the driver and complainant's interaction on the day of the alleged incident.

Following the investigation into the complaint, the Licensing authority made a decision to prosecute the driver; the case had been adjourned and will not be heard by Magistrates until August 2025.

The driver attended the committee along with his representative Mr Mike Thorpe, Licensing Consultant to discuss the circumstances leading up to attending the committee today. They presented that he is a well-respected driver of 38 years who is due to retire soon, the driver accepted the booking and arrived at the job to find the complainant and a dog. The driver questioned that the dog was on a lead and questioned the complainant if the dog was an assistance dog. The driver asked the complainant to sit in the rear of the vehicle, which she did not want to, and then following a conversation, the driver pressed the no fare button and the driver drove off without the complainant. A character reference was read out regarding Mr Khan to the committee from his employer.

The member of the public who submitted the complaint, attended the meeting today and gave a short witness statement. She confirmed the details in the report were correct that the Licensing Manager read out and that she offered to show the driver her licenced documentation that she is registered blind but he did not want to see it. She has used the taxi firm for a number of years and never had any issues before this incident. A copy of a witness statement dated 14th May 2024 was also available for the committee to read.

Members were given the opportunity to ask questions of the officer, driver and witness before retiring to consider a decision.

Resolved – That, the first part of the decision the committee made was to make a preliminary point to state that the driver had received a fair hearing today and had

not been prejudiced by the ongoing prosecution which had been adjourned till August 2025.

The committee had serious concerns over the information received and evidence shown today. They commended the driver’s long and clean driving history, however after hearing all the evidence submitted today they found the explanation for the incident on the 13th May 2024 to be inconsistent and had reason to doubt the driver’s credibility. On the balance of probabilities the committee were satisfied the incident occurred as presented by the Licensing Manager and after listening to the witness and her statements.

The CCTV that was shown during the committee clearly showed the driver acted very dangerously and put a member of the public at a very serious risk of harm.

Therefore, the committee determined the driver was not a fit and proper person to hold a private hire and hackney carriage joint driver’s licence and made the decision not to renew his licence.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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PLANNING COMMITTEE

Wednesday, 9th July, 2025

Present: Councillor Dave Parkins (in the Chair), Councillors Joyce Plummer, Loraine Cox, Ethan Rawcliffe, Kath Pratt, Judith Addison, Scott Brerton, Stephen Button, Noordad Aziz, Stewart Eaves and Heather Anderson

Apologies: Councillors Clare Pritchard

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

Apologies for Absence were received by Councillor Clare Pritchard with Councillor Heather Anderson Substituting.

73 Minutes of the Last Meeting

The Minutes of the last Planning Committee held on the 11th of June 2025 were submitted for approval as a correct record.

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

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

75 11/25/0114 - Great Harwood Showground, Land off Harwood Lane, Great Harwood, BB6 7TD

Mr Adam Birkett Head of Planning and Transportation addressed the committee and drew their attention to a letter which had been sent by the agent of the 11/25/0114 application directly to Members of the Committee.

The letter raised concerns about the details of the officer report and added additional information which had not been included in the original application.

Due to this Mr Birkett asked the Chair if Members had any comments before continuing to discuss the application.

Members decided by unanimous decision in light of the new information it would be best to defer the application to allow Planning Officers to address the applicant.

Resolved – The item was deferred.

76 11/23/0364 - Former Law Courts and Police Station, Manchester Road, Accrington, BB5 2BH

Mr Joshua Parkinson, Planning Manager (Development Management) presented the application to the committee. Noting the update sheet which had been provided and clarifying the late representations from Growth Lancashire, Historic England and Twentieth Century Society regarding their position in relation to the uPVC windows suggested by the applicant.

Similarly an update was provided from Lancashire County Council Highways regarding the cost of the off-site highway improvements.

Mr Parkinson discussed the specifics of the application, making reference to the report in regards to the consultation responses received.

The application referred to the Grade II listed building 'Magistrates Courts, Manchester Road'. The Police Station was constructed in 1933 by Sir Percy Thomas. The site is located in the Christ Church Conservation Area (CA). The neighbouring site is also a Grade II listed building the 'Fire Station' and has recently been converted into offices, a warehouse and shop with a rooftop extension.

The proposed development seeks to create offices, a café and 25 apartments with a rooftop extension. The applicant had provided a Viability Study mentioned on page 34 of the report which highlighted the need for uPVC windows and a lack of available funds to allocate affordable housing units. However, the committee report notes that an Independent Viability Assessment found a surplus of £92,501.00.

The committee report notes officers' concerns with the application while balancing the benefits of the development.

The report recommended the application for approval with conditions.

Members discussed the benefit of having the building brought back into use alongside boosting the housing supply.

Discussions took place regarding the conditions noted in the report and how they minimise the harm to the building's exterior profile. Similarly members commented on the sites location on major bus routes and proximity to the train station, highlighting the bus stop across the road which has links to Manchester, Rawtenstall and many other surrounding towns.

Overall members viewed the development of such a significant building positively and were happy to see investment into Hyndburn.

Resolved – Members voted to move the officer recommendation with the conditions listed in the report, or as amended to the satisfaction of the Chief Planning and Transportation Officer, by unanimous decision.

77 11/24/0026 - Former Law Courts and Police Station, Manchester Road, Accrington, BB5 2BH

Mr Joshua Parkinson, Planning Manager (Development Management) presented the application to the committee. The Listed Building Consent details the same site as the previous application 11/23/0364 and proposes the removal of some furniture and existing partitions which is necessary to carry out the change of use.

The report recommends the approval of the application with the conditions listed in the report to minimise harm and keep the character of the building.

Members discussed the measures recommended and found them to be favourable, drawing attention to the photographic coverage of historically significant features of the site. Similarly members mentioned the fact that as the building stands no one is able to currently enjoy these features as the building has been out of use for a long period of time.

Resolved – Members voted to move the officer recommendation with the conditions listed in the report, or as amended to the satisfaction of the Chief Planning and Transportation Officer, by unanimous decision.

78 Update Sheet

Update Sheet presented as part of item 11/23/0364.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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COMMUNITIES AND WELLBEING OVERVIEW AND SCRUTINY COMMITTEE

Monday, 14th July, 2025

- Present:** Councillor Stephen Button (in the Chair),
Councillors David Heap, Loraine Cox, Clare McKenna, Clare Yates,
Jodi Clements (Vice Chair) and Noordad Aziz
Cooptees Sandie Dent, Rawstron and Jean Battle
- In Attendance:** Councillor Ethan Rawcliffe, Ian Marfleet (The Regeneration Project Manager)
Stuart Sambrook (Policy Manager)
- Apologies:** Councillors Tina Walker and Mike Booth
-

90 Apologies for Absence and Substitutions

Apologies for absence were submitted on behalf of Councillors Mike Booth and Tina Walker.

Councillors Aziz acted as substitute representative for Councillor Booth.

91 Declarations of Interest and Dispensations

Jackie Rawstrone, Co-optee member of the Committee, declared a personal interest in item 6 of the agenda, Allotment Review, due to her holding a tenancy of a Council allotment. She remained in the meeting and participated in the discussion.

There were no dispensations declared at the meeting.

92 Minutes of Last Meeting

The minutes of the last meeting of the Communities and Wellbeing Overview & Scrutiny Committee, held on 4th March 2025, were submitted for approval as a correct record.

Resolved – That the minutes of the last meeting held on 4th March 2025 be approved as a correct record.

93 Overview & Scrutiny Work Programmes for 2025-26

The Overview and Scrutiny Officer submitted a report seeking approval of the work programme for the Communities and Wellbeing Overview and Scrutiny Committee for 2025-26.

Resolved - That the work programme for the Communities and Wellbeing Overview & Scrutiny Committee be approved for 2025-26.

94 Draft Climate Strategy & Action Plan

The Policy Manager submitted a report to consult the Committee on the draft Climate Change Strategy and Action Plan and sought comment from Committee. He also gave a presentation to update Committee on Hyndburn wide CO2 emissions and the Council's transition to Carbon Net Zero. He provided details of:

- The background to the Council's climate change initiatives, starting with the Green Agenda in 2018, which had resulted in the Council declaring a Climate Emergency in 2019.
- The importance of limiting global warming to 1.5c or staying well below 2c to try to achieve pre-industrial levels and to achieve a 7.6% annual reduction in carbon emissions that would be required to achieve net zero targets.
- The focus of the Strategy in showing the achievements to date, emissions of Council activity and Hyndburn wide, carbon reduction pathway, natural solutions, partnership work and the Action Plan.
- HBC Carbon footprint and a levelling off in the trajectory in achieving a reduction of carbon emissions in recent years.
- The continuation of LCC aiming to reduce transport emissions through the promotion of using electric vehicles by installing charging points across the borough.
- The work of the Council in decarbonising its public buildings and action it has taken to reduce carbon emissions such as changing fuel used by its vehicles to hydro-treated veg oil and procuring green renewable energy when possible.
- The importance of offsetting the harmful effect of climate change through work to develop areas of biodiversity and planting trees. Tree coverage in the UK was the lowest in Europe.
- The work of the Net Zero Working Group and the focus of their work.

The Policy Manager also informed the Committee that Hyndburn Council had set aside a £1m climate reserve pot to help to achieve Hyndburn's target to make the Council's activities net zero carbon by 2030 which clearly demonstrated the Council's determination to tackle global warming. The Council had used this funding in various ways including:

- The appointment of two Officers – a Home Energy Reduction Officer and a Natural Spaces Project Officer over a 3-year period.
- The acquisition of Bury Meadows with initial improvements and planned works.
- The natural solutions programmes delivered by external organisations over 3 years
- Installation of solar panels to improve energy efficiency at the Market Hall.

This budget had substantially been allocated and required further funding to achieve any future progression, particularly if the net zero targets were to be achieved.

He explained that to help provide direction with the transition to net zero and after the Council's recent Corporate Peer Challenge, an action plan had been created to provide further guidance in the following areas:

- Reduction of fuel poverty
- Making the Council's activities and operations net zero by 2030
- Removal of fossil fuel from Council-owned assets, focusing on the highest emitters and buildings at risk
- Enhancing green open spaces and the natural environment

- Increasing housing growth
- Increasing employment and business growth.

Members of the Committee were invited to ask questions and raised the following issues:

- Who would work with local businesses/companies to encourage working towards net zero?
- How could there be greater awareness and access to grants for home energy efficiency improvements and to increase public confidence in choosing a genuine company.
- How Hyndburn's housing stock contributed to climate change.
- The number of empty properties and dereliction around Accrington town centre being a contributor to climate change and how a change in street scene, increasing ecology, could help to offset carbon emissions.

Ian Marfleet advised the Committee that, since 2024, all businesses had to submit an onsite biodiversity net gain or pay off site biodiversity net gain. He also pointed out that the Council had contracts with third parties to plant trees in the borough and that work was ongoing with private farmers to improve their lands for sustainable farming. These action types all required support from the Council.

Resolved

- (1) That the Committee be provided with an update on the Council's strategy for dealing with empty business properties;**
- (2) That Cabinet be requested to give consideration to extending the Council's Climate fund in order to facilitate the Council's ability to achieve its net zero targets;**
- (3) That the Head of Regeneration and Housing be requested to give consideration to carrying out a stock condition survey of housing in the borough to provide clarity in understanding the level of work required to achieve its net zero targets.**

95 Review of Allotments

The Regeneration Project Manager submitted a report to provide an overview of the Allotments Service.

He explained that:

- There were 730 allotment plots over 24 allotment sites, which covered an area of land of 26.1 Ha.
- The average plot size was 340m².
- The National Allotment Society (NAS) recommended a target number of allotment plots per 1,000 households as 20. Hyndburn had 24.5 allotment plots per 1,000 households – 22% greater than required.
- A draft allotment consultation had been drafted for 2025.
- He referenced the percentage of respondents in relation to a consultation of allotment tenants held in 2018 and of the key outcomes.
- The last tenancy agreement was extremely detailed, and had been approved in March 2014

- The provision of allotments had been subject to numerous rent reviews as outlined in 3.4 of the report.
- He gave details of the budget break down and the annual repair and maintenance budget for allotments and garages.
- Vacancy rates and average occupancy periods were detailed as 147 vacant plots in 2024 and a 5.5 year average occupancy in 2024. The main reasons for tenants terminating their allotment plots were due to ill-health and a lack of time.
- In respect of enforcement, most allotments are inspected during Spring and Summer and tenants scoring very poor or worse would be served a 'Use it or lose it notice.
- The total number of allotment applications since 2021 was 1,944 and the present number on the waiting list was 510.

The Committee submitted a number of questions in advance to the meeting which were responded to by the Officer, relating to the following issues:

- The length of time tenants were given to bring allotment plots to a standard after starting a new tenancy before any enforcement action was started.
- If some of the larger allotment plots could be made into more manageable smaller plots.
- If future consultations could include a sample number as percentages on their own gave no understanding of how many had taken part in a survey.
- How vandalism was being dealt with on allotments.
- What strategy was in place for dealing with fly tipping.
- What security was in place to protect allotments from vandalism, fly tipping and anti-social behaviour.
- Could allotment sites be used as shared community allotments?
- What information and guidance was given to new tenants to help them use their allotments more beneficially.
- Could external organisations like Community Payback be used to improve allotments in poor conditions before being offered to new tenants.

The Officer explained:

- that he took the starting condition of the plot at the commencement of the tenancy agreement into consideration before deciding what, if any, future enforcement action to take. The process of enforcement action was explained.
- that the Council held allotment plots of various sizes and although there was a need for large plots, some had already been split into smaller plots. He indicated that they could reduce the size of more plots should the need arise and resources allow.
- how previous surveys had been held and indicated that sample size would be included with future surveys.
- that incidents of vandalism and external fly tipping were very low, with most waste related problems caused by the tenants themselves although the introduction of a refundable deposit had made a significant difference to the amount of waste/debris left by tenants at the end of their tenancy agreements.
- That the only means to prevent commercial flytipping would be to permanently remove vehicle access to the sites through the erection of impenetrable barriers.

- That there did not seem to be a will for self-management of the allotments, amongst tenants, and that previous proposals of self-management through an allotment association had not materialised. The consultation for 2025/26 would provide the opportunity for tenants to comment on the opportunity for self-managed allotment sites, the results of which the Council would consider as part of a review.
- New tenants were provided with the Allotment Guidelines which explained, in detail, how an allotment should be used.
- Community Payback and Bootstrap had both previously been used to undertake improvement works to allotment sites. Bootstrap no longer existed and the Council no longer held a service level contract with Community Payback.

The Regeneration Project Manager indicated that the rate of turnover of plots was high with 40% of tenants terminating their plots having held the plot for less than 2 years. He gave reasons why plots became vacant and pointed out that there was a long waiting list for allotment plots. He explained that he had been employed to work for the Allotments service for two and half days per week but found it difficult to complete the amount of work required. He pointed out that he was only able to serve up to 100 'Use it or lose it' Notices per year due to resource restrictions. He acknowledged the Committee's proposals contained in the advanced questions but pointed out that both resources and budgets were an issue in ensuring good management of the plots.

Members asked further questions relating to the following issues, and were provided with responses:

- the number of members made up Hyndburn Federation of Allotments
- vacancy rates of garages
- enforcement action against allotment plots of a poor standard or disused

Cath Holmes, Chair of Hyndburn Federation of Allotments, was in attendance and referred to an inadequate budget provided for allotments as well as the service being under-staffed. She requested that this was considered by the Committee.

With reference to 3.4 of the report which showed the 'Central Support Services & Chief Executives Administration' received a budget of £42,500. The Committee requested a breakdown of how this budget was used.

Resolved

- (1) That the report be noted; and**
- (2) That the Head of Planning & Transportation gives consideration to increasing the budget allocated for managing the allotment sites.**

96 Cooptee Nominations

The Overview & Scrutiny Officer submitted a report to inform the Committee that there was still a co-optee vacancy for a young person (18 – 25 years). She reported that the co-optee position would cover the remaining municipal year for 2025-26 and invited the Committee to submit nominations. She informed the Committee that nominations would be considered at the next Committee and any recommendations be submitted to Full Council for approval.

Resolved - that the report be noted.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

SPECIAL SCRUTINY COMMITTEE

Wednesday, 16th July, 2025

Present: Councillor Kate Walsh (in the Chair),
Councillors Josh Allen, Heather Anderson, Bernard Dawson, Zak Khan,
Clare McKenna, Clare Yates and Mohammed Younis
Co-optees: Shahed Mahmood

In Attendance: Victoria Tindall (The Business & Marketing Co-ordinator))

Apologies Councillor Mike Booth

97 Apologies for Absence and Substitutions

Apologies for absence were submitted on behalf of Councillor Mike Booth.

Councillor Bernard Dawson acted as substitute representative for Councillor Mike Booth.

98 Declarations of Interest and Dispensations

Councillors Kate Walsh, Josh Allen, Heather Anderson and Bernard Dawson all declared personal interests in respect of item 6 of the agenda – Events Review, as all had involvement with events in their local communities. They all remained in the meeting and participated in discussions.

No dispensations were declared at the meeting.

99 Minutes of the last Meeting

The Minutes of the last meeting of the Special Overview & Scrutiny Committee held on 5th February 2025, were submitted for approval as a correct record.

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

100 Overview & Scrutiny Work Programmes

The Overview & Scrutiny Officer submitted a report seeking approval of the work programme for the Resources Overview & Scrutiny Committee for 2025-26. Members were reminded that items could added to the programme throughout the year should it be considered important and relevant.

Members referred to the importance of projects taking place in Accrington Town Centre and indicated that the work programme should reflect this. It was proposed that additional meetings should be added to ensure sufficient scrutiny.

The Chair explained that the item 'Financial support to the borough's other Town Centres' had been withdrawn from the meeting due to the financial information required not being available geographically. She requested that this item was considered at a future meeting.

Resolved - That the work programme for the Special Overview & Scrutiny Committee be approved.

101 Co-optee Nominations

The Overview & Scrutiny Officer submitted a report to inform the Committee that a vacancy had arisen due to Co-optee, Andy Tatchell's resignation. She explained the process for new nominations to the Committee. The Committee thanked Andy Tatchell for his time and service on the Committee.

The Chair informed the Committee to forward any nominations for the vacancy to the Overview & Scrutiny Officer.

Resolved - that the report be noted.

102 Events Review

The Business & Marketing Co-ordinator, Victoria Tindall, presented a report to provide an update on plans for events in Accrington Town Centre for 2025-26 including costs and value of money. She reported that the location criteria for events had grown considerably, extending from the high streets across the borough to include parks and open spaces. She reported that this year's budget of £150,000 allowed for grants to be provided for events and included an additional £11,000 to ensure that organisers were able to align their security measures with incoming requirements for Martins Law. She referred to 3.2 of the report which gave details of the current event programme for 2025-26.

She referred to section 4 of the report detailing that each event had its own objectives and target audiences.

In respect of the success of events, she reported that footfall for four large events had fallen, this year, due to extremely wet weather and explained that events were reported on and assessed, with post event debriefs taking place to measure the reality against their proposed objectives. This information helped the Portfolio Holder to determine whether the event should be repeated.

A list of Advanced Questions was forwarded to the Officer in advance of the meeting and the questions and responses were given to the following issues:

- The accuracy of measuring footfall at events
- The impact of improvement works on events in Accrington Town Centre
- The work the Council was doing to get independent businesses/the high street involved in events
- What the Council was doing to extend provision for other townships to hold events
- Action to ensure that the availability of grants for events was promoted to a wider audience
- Encouraging businesses to apply for grant funding to run events taking pressure off the usual organisers

The Business & Marketing Co-ordinator referred to the success of using the HUQ system in recording footfall at events. She explained the software provided figures on the number of visitors to the whole town centre on that day, not specifically to the event. It was a good indicator of how the numbers compared to those of other comparative days in the

month/year/events. The way the footfall numbers were aggregated made some assumptions and exceptions, some of which were explained. In addition to footfall, the HUQ software was able to provide other figures, such as day part, hot spot and dwell time.

Members considered the benefits of the HUQ system and proposed that meetings were held with Councillors, Co-optees and the business community to share the benefits of the use of the system.

Members also noted that footfall at events in Accrington Town Centre had been down but considered that the disruption caused by the improvement works and the weather could have been contributory factors. They also pointed out that the Town Hall had been closed during some of the main events taking place and suggested that this had been a missed opportunity for the Hyndburn Leisure Trust to increase usage and the income of the Town Hall. They exposed the fact that the cost of using the Town Hall often deterred people from hiring the venue.

The Business & Marketing Co-ordinator reported that she had attended meetings to consider best practice for delivering events and had devised a report to share this information. The Committee requested that reports of this nature should be released and taken into consideration by the Cabinet Portfolio Holder and brought before interested parties. They requested that Cabinet Portfolio holders worked more closely with Officers to ensure information of this nature was considered. The Business & Marketing Co-ordinator indicated that she could issue an interim report to those interested.

Resolved

- (1) That the Business & Marketing Co-ordinator organised an event(s) to showcase the benefits of the HUQ system and that Councillors, Co-optees and businesses be invited to attend;**
- (2) That the Business & Marketing Co-ordinator explores the possibility and viability of extending the number and type of cultural events; and**
- (3) That the Business & Marketing Co-ordinator raises awareness to business of the opportunity for businesses to apply for grants to host events in their townships.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

Wednesday, 23rd July, 2025

- Present:** Councillor Noordad Aziz (in the Chair),
Councillors Andrew Clegg, Heather Anderson, David Heap,
Judith Addison and Steven Smithson
Co-optees: Christine Heys, Richard Downie and Tim O’Kane
- In Attendance:** Councillor Munsif Dad, Lee Middlehurst (Head of Benefits, Revenues and
Customer Services) and Jane Windle (Customer Contact Centre Manager)

Stuart Sambrook (Policy Manager)
Lyndsey Sims (Chief Executive of Hyndburn Leisure Trust)
- Apologies:** Councillors Paul Cox and Mike Booth
-

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

Apologies for absence were submitted on behalf of Councillors Mike Booth and Paul Cox.

Councillors Bernard Dawson and Jodi Clements acted as substitute representatives for Councillors Mike Booth and Paul Cox, respectively.

Councillor Aziz declared a personal interest in item 5 - Hyndburn Leisure Trust, due to his children attending swimming lessons run by Hyndburn Leisure Trust. Cllr Aziz remained in the meeting and took part in the debate and determination of this item.

Cllr Aziz also acknowledged that, having been a Cabinet Member during the municipal year 2024-25, he had been involved in decision making processes and therefore, he indicated that he would declare an interest should he consider there to be a conflict of interest arising during the meeting.

104 Minutes of Last Meeting

The Minutes of the meetings of Resources Overview & Scrutiny Committees held on 20th February 2025 and 18th March 2025 were submitted for approval as correct records.

Resolved - **That the Minutes of the Resources Overview & Scrutiny Committees held on 20th February 2025 and 18th March 2025 be received and approved as correct records.**

105 Overview & Scrutiny Work Programmes

The Overview & Scrutiny Officer submitted a report seeking approval of the work programme for the Resources Overview & Scrutiny Committee for 2025-26. Members were reminded that items could be added to the programme throughout the year should it be considered important and relevant and approved by the Chair of the Committee.

Resolved - **That the work programme for the Resources Overview & Scrutiny Committee for 2025-26 be approved.**

Change in Order of Items Considered on the Agenda

The order of items considered on the agenda were moved to accommodate availability for presentations as follows:

Item 4 – Performance Review Report – moved to item 5 of the agenda

Item 5 – Hyndburn Leisure Trust Annual Report – moved to item 6 of the agenda

Item 6 – Household Support Fund – moved to item 4 of the agenda.

106 Household Support Fund

The Head of Benefits, Revenues and Customer Contact submitted a report to provide the Resources Overview and Scrutiny Committee with an overview of the Household Support Fund (HSF) scheme and the Council's approach to the administration of this scheme.

Councillor Dad, Leader of the Council, attended the meeting to report on the item and to answer questions submitted by the Committee. He provided an overview of the Household Support Fund and informed the Committee of an extension to funding until March 2026. He explained that the aim of the Fund was to provide immediate financial assistance to residents facing financial challenges and that it was open to all residents regardless of whether they were in receipt of benefits.

The Committee had submitted questions to the Officer, in advance of the meeting, which had been responded to. These referred to the following issues:

- How clear was the application process?
- If the Council processed all applications for funding, irrespective of how they applied?
- Which organisations were included in those that could refer applicants?
- Which organisations were included in those listed under Food Grant networks?
- The timeframe for applying to receive DHP?
- Why the administration of the Household Support Fund was taken back in house by Hyndburn Borough Council?
- Would the Council need to take on extra staff now that the HSF was being processed in house again and what had happened to the staff that had work for Hyndburn Leisure Trust who had processed applications previously?

A summary of the responses included:

Hyndburn Borough Council had been approached by Hyndburn Leisure Trust to advise that, due to employee changes, they would not be able to administer HSF from 1st April 2025, consequently, the Council had agreed to take back this responsibility. The Council had considered the previous successful delivery of the Fund by Hyndburn Leisure Trust and taken the decision to administer the Fund in the same way, to ensure smooth transition. The Head of Benefits, Revenues and Customer Services confirmed that all applications were processed by the Council, irrespective of how applications were submitted. He provided a list of the Direct Referral organisations and those organisations who were listed under the Food Grant Network. He reported that applications would be processed within two weeks of receipt and that the Council currently had enough staffing capacity to deal with the processing of applications.

Members were also provided with further opportunity to ask questions at the meeting. Questions included:

- Advice on where residents were directed to, to apply for the Funding.
- Who decided how much a person was eligible for?
- How the Household Support Fund was promoted and if this could be improved?
- Applications for Funding were relevant to different categories, was it possible to apply for more than one category?
- Had there been a difference in application figures between the administrations by Hyndburn Leisure Trust and the Council?

Responses to the above questions were given at the meeting:

The Committee was informed that people could apply for funding directly to the Council or be referred by one of the supporting organisations. All applications were processed by the Council. The level of award was indicative to the application.

In respect of ensuring that residents were aware of the availability of the Funding, the Leader of the Council informed the Committee that social media had been used to promote the Funding as well as partner organisations providing advice on its existence. He pointed out that the aim was to maintain awareness of the scheme and that further promotion would take place through schools as a way of accessing families in need of support.

In relation to the number of categories that applicants could apply for, Members were told that the Council would work with applicants although costs had to be kept down.

In respect of a comparison between the administration of the Funding by Hyndburn Borough Council and Hyndburn Leisure Trust, the Committee was informed that the level of funding had reduced but comparisons were still too early to make.

On behalf of the Committee, the Chair thanked Hyndburn Leisure Trust for their work in previously administering the Household Support Fund.

Resolved

- (1) That there be further promotion to increase awareness of the Household Support Fund on the Council's social media;**
- (2) That Committee Members be provided with details of how residents can apply for Funding; and**
- (3) That the Head of Benefits, Revenues and Customer Services provides Committee Members with data on the categories of applicants who have applied for funding.**

107 Performance Review Report

The Policy Manager submitted a report to provide a performance update on the Council's Sustainability Environment Key Performance Indicators as part of the Council's performance monitoring review.

He reported that the Corporate Performance Review held in 2024 had recommended that the Council monitored its performance progress. Subsequently, a performance review report had been submitted to the Resource Overview & Scrutiny Committee held in January 2025, at which the Committee had recommended that future Performance Review reports should only focus on elements of performance. Subsequently, the theme of this report was Sustainability (Environment). This covered recycling rates, household waste, fly tipping, housing repair, vacant dwellings, carbon emissions, Green Flags and air pollution.

The Policy Manager referred to appendix 1 of the report which listed the Sustainability theme's KPIs (eight indicators) and compared performance over the past 5 years, benchmarking and providing Service Manager commentary. He explained that of the eight indicators, three had seen an improvement in their direction of travel, four had stayed the same and one had seen a downturn compare with previous years.

The three indicators that had seen an improvement in performance were: the number of fly tipping incidents, the number of complaints of housing disrepair and the number of Green Flag parks held. The indicator that had slightly dropped was the household recycling rate. This had seen a slight drop from 32.2% to 31.6% although this was still below the Lancashire average of 39%. The Committee was informed that this figure included garden waste and would be affected by each borough's housing stock and garden type. In a positive light, Hyndburn did have the highest rates of dry recycling across Lancashire and residual household waste which had remained significantly below the Lancashire average.

The Committee had submitted a number of questions, in advance to the meeting, which had been responded to and referred to the following issues:

- Fly tipping could be effected by volume as well as the number of incidents – could this be included in performance monitoring?
- Fly tipping of mattresses was a problem, was a delay in collecting bulky waste a contributory factor to this?
- Was there data on the fly tipping of bulky waste?
- Could data on 'housing standards disrepair' be broken down into further categories?
- Why do the performance indicator rates show garden waste and residual household waste to be comparably worse than neighbouring authorities?

Committee Members also asked additional questions at the meeting as follows:

- Is there anything that can be done to target air pollution, particularly pollution from traffic in the Clayton Triangle area.
- With reference to Household Waste Recycling rates, could the Council do more to educate residents to boost rates of recycling.
- People did not want to pay for disposing of their waste so this often led to fly tipping. Was the problem of fly tipping worse on private land? Could data be provided?
- Could an improved bulky waste disposal service and better advertisement of the service help to reduce rates of fly tipping?
- Did the abolition of the selective landlord licensing scheme have an impact on the number of housing disrepair complaints?
- Conversion of properties into HMOs was now common and many were of an age where improvements would be required.
- Were any of the Green Flag parks in danger of losing the qualification?
- Was there any further information relating to the number of damp, mould housing disrepair complaints.

The Policy Manager reported that the Council was only responsible for monitoring certain pollutants and that he was able to provide a summary of which pollutants the Council monitored and which they didn't.

In respect of housing disrepair complaints numbers were down on previous year's figures, which was partly due to the milder weather conditions experienced in winter 24/25. He pointed out that Hyndburn had a large number of terraced properties which required heating and ventilation or would fall into poor condition. He reported that the causes of complaint

could be broken down into different categories and that this information could be shared with Councillors.

He referred to the Council's carbon footprint and informed the Committee that the Council had been able to move towards its net zero target but this had started to plateau in recent years. He pointed out that to make any further significance it would require funding. Should funding not be made available then a process of working on offsetting emissions would be required along with a promotion campaign to encourage residents to participate in reducing emissions by making small changes themselves.

Green flags in parks had made significant progress in recent years with 11 parks holding the award.

The Policy Manager explained that the recycling figures for Hyndburn were good and that the low rate of residual household waste showed that residents were recycling. He pointed out that this performance data was often misinterpreted. He informed the Committee that Officers had not considered there to be a problem with mattresses being fly tipped.

A Member reported that data showing the number of incidents of fly tipping and issues around bulky waste disposal (e.g. mattresses) may not always be accurate as the Council often told residents to leave reported waste for later collection, sometimes weeks later. It was considered that this along with other issues such as narrow back alleys could have contributed to inaccurate or misinterpreted performance monitoring figures.

The Policy Manager reported that he would refer back any concerns/comments raised at the meeting to the relevant Officers.

Resolved

- (1) That the report be noted; and**
- (2) That the Policy Manager reports back to the relevant Officers on issues raised by the Committee.**

108 Hyndburn Leisure Services Annual Review

The Chief Executive of Hyndburn Leisure (HL), Lyndsey Sims, presented the Resources Overview & Scrutiny Committee with a progress report for Hyndburn Leisure, highlighting in-year challenges, opportunities and future plans.

She reported on the Trust's financial position including:

- Reducing grant funding paid to the Trust by Hyndburn Borough Council to zero since 2008-9.
- The year-on-year reductions to the management fee providing cumulative savings to the Council of over £9 million (exclusive of VAT).
- External factors, over the last 3 years, had meant that the charity had required a subsidy from the Council to maintain the operation of all facilities and services. A subsidy of £1 million had been agreed for 2024-25 which represented 17.5% of the overall turnover in 2024-25.
- In 2024-25 an overall operating profit of £15k was achieved.
- Over the next two years, the Trust aimed to move back towards a zero operating subsidy although the Charity had indicated to the Council that a subsidy of around £700k would be required for 2025-26.

The Chief Executive of HL also referred to the work of the Charity and their achievements in respect of project work to improve health and wellbeing in the community. She explained that they worked with other partners to deliver projects to support people's needs and explained how this had had a beneficial impact on people's lives, which the Charity was proud of. She reported that the Trust would continue work around improving healthy outcomes and reducing inequalities for the community by working closely with stakeholders across sectors such as public health, funders and service users. In 2024-25 there had been 611,941 attendees at their facilities generating an estimated £19.5 million of social and economic benefit to Hyndburn.

She informed the Committee of the launch of a new mobile app providing people with more flexibility when booking activities. The Trust had also made efforts to reduce its carbon footprint and, in doing so, made their facilities more energy efficient and they had launched its most recent company strategy, updated annually, which had four major pillars: People, Provision, Partnerships and Performance.

Prior to the meeting, the Committee had submitted a number of questions in advance which had been responded to. The issues raised related to:

- The future plans of Hyndburn Leisure Trust, in respect of the Local Government Review
- Plans and utilisation of Accrington Town Hall and its facilities
- Accrington Town Hall revenue and its expenditure
- Integration into town centre plans for Accrington Town Hall
- Using Accrington Town Hall as a centre for performances?
- Plans for separating the arts and entertainment side of the Trust from the sports side
- The Trust working with neighbouring authorities to provide entertainment provision
- Consideration of the Trust working with bodies such as IMEP to provide entertainment
- Questions relating to running costs and subsidies.

Responses to the above questions were provided at the meeting. The main points were summarised as below:

The Trust did not have any current plans to operate differently but would continue to work closely with Hyndburn Borough Council and other East Lancashire Leisure Trusts and Councils. The Chief Executive of the Trust reported that future plans for Accrington Town Hall included being open to the idea of the facility moving back into Council control as part of the Council's Culture & Heritage plans.

In respect of concern that Accrington Town Hall was being underused, she referred to the number of visitors and type of activities that had taken place in the Town Hall during 2024-25. She reported on the difficulty of booking performance events due to the size and shape of the stage not being suitable and that funding was not currently available to make the necessary changes. She explained that it was not always possible to open the Town Hall during major events in the town centre due to operating costs and that there were no plans to separate the arts and entertainment side of the Trust from its sporting facilities. The Trust was represented on the Town Centre Board and was committed to working with the Council and other stakeholders to ensure that the operating focus for the Town Hall complimented town centre plans.

The Chief Executive of HL reported that they were in the process of developing a proposal for Mercer Hall and Accrington Town Hall to help with entertainment provision and were

working with partners, including Ossy Fest to identify potential opportunities for further collaboration in the future.

Revenue being brought into the Town Hall was generated at £179k income and she gave details of the main expenditure costs. She reported that a subsidy control assessment had been completed by the Council and that any debt owed to the Council related to other financial years (not 2024-25). The Trust's 2025-26 draft budget included an assumption that the Trust would operate Wilson Sports Village from October 2025 and the lease approved would have no effect on the 2025-26 budget.

In respect of running costs of HL and the subsidy of £1m given to offset the outstanding debt, she responded that the subsidy was awarded to support the operating costs during 2024-25 and explained how, in the past the annual operating subsidy had been agreed in advance of the financial year commencing and was paid in monthly instalments. She gave details of how the subsidy had been used. She informed the Committee that the financial operating position for 2024-25 was a £15k profit.

Further questions were raised by Members of the Committee including the following:

- With reference to the swimming pool facility at the new Wilson Sports Village, she was asked how many users would be required to break even and if this would impact swimming facilities at other Trust venues.
- What action was being taken to prevent future operating losses and less reliance on the Council providing subsidy.
- Were there plans to upgrade the facilities at Accrington Town Hall and how could better use be made of this venue. Reference was made to the cost of hiring the Town Hall, the Town Hall often being closed and the popularity of the Tourist Information Centre that had once been located in the Town Hall.
- Could the provision of niche sports attract more people into the borough.
- Could the Leisure Trust work with other partners to enhance facilities.

Responses:

- It was estimated that the financial breakeven point for the new swimming facility at Wilson's Sports Village should take place within the first 9 months with 1100 Members and 600 swimming lessons and that it wasn't anticipated to have an impact on the Trust's other swimming facilities.
- It was explained that the subsidy and other grants were used to offset costs and to deliver activities. Expenditures would have to be reduced if this funding was not available.
- It was likely that a report would be submitted to Cabinet in September 2025 updating the Council on the Leisure Trust's position.
- There had been funding applications for upgrading the Town Hall, which would cost in the region of £25k
- Members were informed that the circumstances in running the Town Hall now were not comparable with that of the past. She did, however, indicate that should Members want this, costs could be estimated. She referred to the annual losses made on the Town Hall operating costs each year, including high energy and staffing costs.
- New ideas for sporting events and facilities were welcomed.
- The Trust already worked closely with other partners and was open to further partnership working.

Resolved

(1) That a list of buildings, operated by Hyndburn Leisure Trust, be shared with Members of the Resources Overview & Scrutiny Committee; and

(2) That the report be noted.

109 Co-optee Nominations

The Overview & Scrutiny Officer submitted a report to inform the Committee that there was still a co-optee vacancy for a young person (18 – 25 years). She reported that the co-optee position would cover the remaining municipal year for 2025-26 and invited the Committee to submit nominations. She informed the Committee that nominations would be considered at the next Committee and any recommendations being submitted to Full Council for approval.

The Committee suggested that nominations should be sought using social media and that consideration should also be given in respect of a youth M.P. or a young person interested in politics.

Resolved

- That the report be noted.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

CABINET COMMITTEE (STREET NAMING)

Wednesday, 6th August, 2025

Present: Councillor Scott Brerton (in the Chair),
Councillors Melissa Fisher and Kimberley Whitehead

Apologies Councillors Clare Pritchard and Marlene Haworth

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

Apologies were given by Councillors Marleen Haworth and Clare Pritchard.
Councillor Kimberley Whitehead substituted for Councillor Pritchard.

130 Minutes of the Last Meeting

The Minutes of the last Cabinet Committee (Street Naming) meeting on the 21st of May 2025 were submitted for approval as a correct record.

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

131 Street Naming Proposal

The report was presented by Mr Ayaz Mahmood, Senior ICT Officer and Mr Sayed Ahmed, Land and Geospatial Analyst to the committee.

The Street Name recommended was Ernest Marsden Close after the Rishton born scientist who helped to discover the atom.

The name was selected in accordance with the Councils Street Naming and Numbering Policy which is summarised in the report.

The application details a street name for 30 new dwellings as detailed in the appendix documents which is located off Mary Street, Rishton.

Consultations were undertaken with Royal Mail and North West Ambulance Service who raised no issues with the proposed Street Name.
No response was received from the Fire or Police service.

Resolved – The Street Name was approved as the recommended Ernest Marsden Close with the numbering sequence odds and evens highlighted on page 11 of the agenda.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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PLANNING COMMITTEE

Wednesday, 20th August, 2025

Present: Councillor Dave Parkins (in the Chair), Councillors Bernard Dawson MBE (Vice Chair), Loraine Cox, Kath Pratt, Judith Addison, Scott Brerton, Stephen Button, Noordad Aziz, Stewart Eaves, Josh Allen, Heather Anderson and Munsif Dad BEM JP

Apologies: Councillors Mike Booth, Joyce Plummer and Clare Pritchard

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

Apologies for Absence were submitted by Councillors Joyce Plummer, Clare Pritchard and Mike Booth.

Substitutions were made for Councillors Pritchard and Booth by Councillors Heather Anderson and Munsif Dad BEM JP

133 Minutes of the Last Meeting

The Minutes of the last Planning Committee held on the 9th of July 2025 were submitted for approval as a correct record.

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

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

135 11/25/0114 - Great Harwood Showground, Land off Harwood Lane, Great Harwood, BB6 7TD

Mr Adam Birkett, Chief Planning and Transportation Officer, presented the report to the committee. Noting that this item was brought to the previous committee on the 9th of July but had been deferred to the following committee meeting due to additional information being provided by the applicant.

Mr Birkett noted that the application has been amended and would be presented as a new item.

Mr Birkett detailed the application, informing members that the application proposed the creation of a new access road and hardstanding on agricultural land at Great Harwood Showground, off Harwood Lane, Great Harwood.

The track will be formed of a 150mm sub-base, 50mm of 25mm gravel which will be topped with 25mm of soil and seed. The track will be 4m wide and 520m long.

The application also proposed two hardstanding areas in a central location of the showground either side of an existing track. The southern area would measure 60 x 10m and the northern area would measure 60 x 35m.

No Objections to the application were received but some conditions were suggested from the Hyndburn Borough Council Ecology Department and Lancashire County Council Highways.

Mr Birkett highlighted that the application site sits within the Green Belt and while the planning department does not consider the proposed application to cause significant harm to this there will be some harm to the site as a result of the application. In this instance the officers consider the 'very special circumstances', noted on page 14 of the report, to outweigh the harm generated.

The application was recommended for Approval subject to Conditions noted in the report.

Members of the committee discussed the application, making reference to the success of the Great Harwood Show and its long standing history of bad weather. Members shared experiences where the weather caused difficulties with vehicles accessing the site and noted that the shared entrance for vehicles and pedestrians caused some concern.

Members also agreed that the show provided much value to the area and was a look forward to event which brought people not only from Hyndburn but surrounding areas also.

Resolved – Members voted by unanimous decision to follow officer recommendations and accept the application subject to the conditions noted in the report (or alternative conditions amended to the satisfaction of the Chief Planning and Transportation Officer).

136 Planning Enforcement Update

Mr Joshua Parkinson, Planning Manager (Development Manager), presented the Enforcement Update to the committee.

Mr Parkinson gave an update on the figures presented in the report. Highlighting that over the last two years one of the key priorities has been to work on the review and clearance of historic enforcement cases. The cases that remain are typically more technical and complex in nature, requiring additional time and resources to address appropriately.

Mr Parkinson informed the committee that there are 458 live cases on hand, including the historic cases that require further action and that priority is being given to cases which cause the most significant harm to public amenity and or the environment.

Paragraph 5.4 of the report highlighted a table which showcased a list of enforcement cases that are currently within the appeal or legal system. Members asked several questions surrounding the legal procedure and queried if funds for officer time were claimed back as part of this procedure. Mr Daniel Hoyle, Solicitor, confirmed that we often ask the courts for costs, but they are not always granted.

Resolved – Members noted the report for informational purposes.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

PLANNING COMMITTEE

Wednesday, 3rd September, 2025

Present: Councillor Dave Parkins (in the Chair), Councillors Bernard Dawson MBE (Vice Chair), Joyce Plummer, Clare Pritchard, Ethan Rawcliffe, Kath Pratt, Judith Addison, Scott Brerton, Noordad Aziz, Josh Allen, Heather Anderson, Danny Cassidy and Kimberley Whitehead

Apologies: Councillors Loraine Cox, Stephen Button and Stewart Eaves

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

Apologies for absence were submitted by Councillors Loraine Cox, Stewart Eaves and Stephen Button.

Substitutions were made for Councillor Cox by Councillor Danny Cassidy, Councillor Eaves by Councillor Heather Anderson and Councillor Button by Councillor Kimberley Whitehead.

138 Minutes of the Last Meeting

The Minutes of the last Planning Committee held on the 20th of August 2025 were submitted for approval as a correct record.

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

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

140 11/25/0299 - 450 Manchester Road, Accrington, Lancashire BB5 2QG

Mr Adam Birkett, Chief Planning and Transportation Officer, presented the report to the committee. Noting that the application was not a planning application but an application for a Certificate of Lawful Use to ascertain whether the proposition to change the use of the property 450 Manchester Road from a single dwelling to a small house in multiple occupation was lawful.

The application relates to a two-storey end-of-terrace dwellinghouse which would be laid out as 3 bedsitting rooms with self-contained shower rooms/wc; with kitchen and other facilities shared. No external alterations were proposed.

Mr Birkett explained to the committee that under Class L of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed change of use would be considered 'Permitted Development' and therefore no planning permission was required for the change of use sought and the application for a Certificate of Lawful Use must be granted.

Members expressed sympathy for the objectors of the application, noting that they had similar concerns in regards to the busy highway and the property's location in relation to the character of the area but ultimately had to follow the national planning guidance in place for the type of application presented which does not consider any of the above as reasons for refusal.

Resolved – The application was approved as per the officer recommendation.

N.B. – 1. Rebecca Booth – Spoke in support of the application

- Reminded the committee that this was not a planning application but an application for a Certificate for Lawful Use.
- Stated that there is no legal basis for the committee to refuse the Certificate as in the report.
- Informed that the owner of the property would be happy to speak to the neighbouring residents to alleviate any concerns as she will be living in the property herself.
- Conveyed that the owner wants to settle into the community.
- Emphasised that the owner of the property did not have to apply for the Certificate of Lawful Use but wanted to do the right thing by doing so.

2. Ward Councillor David Heap – Spoke against the application.

- Representing his constituents.
- Highlighted that 170 objections had been made from residents, highlighting highway safety, residential amenity, majority owner occupied properties and 2 local schools nearby as concerns.
- Asked the committee to consider, the safety of residents in regard to the busy highway, residential amenity and the existing character of the area.
- Asked the committee to refuse the application.

141 11/25/0303 - 21 Union Street, Accrington, Lancashire BB5 1PL

Mr Joshua Parkinson, Planning Manager (Development Manager), presented the application to the committee.

The application related to 21 Union Street, a two-storey mid-terrace building within Accrington Town Centre which comprised a commercial unit on the ground floor with an office above (both Use Class E).

The application was to determine whether the prior approval of the Local Planning Authority was required for the partial change of use of the application building to eight flats (Use Class C3) under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015).

Mr Parkinson informed the committee of the factors for consideration for this type of application as noted in the report.

The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. Mr Parkinson emphasised this to the committee stating the importance of not imposing unnecessarily onerous requirements and the need to only consider the factors highlighted in the report.

Members discussed the conditions in the report, noting the requirement of additional windows and the proposed site layout.

Members commented that the site was not occupied and seeing the building brought back into use would be a positive addition to the town centre. The accessibility of the property to local transport links was also deemed a positive of the application.

Some concerns were raised about the lack of available parking nearby but ultimately the committee decided that this was likely to be of minimal impact as there were available parking sites a short distance away.

Resolved – The application was approved with the conditions listed in the report, or as amended to the satisfaction of the Chief Planning and Transportation Officer.

142 Update Sheet

The update sheets were noted.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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REPORT TO:		Council	
DATE:		25 September 2025	
REPORT AUTHOR:		Julian Joinson, Head of Member Services	
TITLE OF REPORT:		Motions for Debate at Council - 1. Live Streaming of Meetings 2. Urgent Review of the Article 4 Direction Across Hyndburn. 3. Support for Local Businesses amid Financial Pressures 4. Fair Funding Review	
EXEMPT REPORT:	No		
KEY DECISION:	No	If yes, date of publication:	N/A

The Council will be asked to consider the following motions submitted under Council Procedure Rule A9:-

1. Live Streaming of Meetings

This Council requests that the Cabinet consider making arrangements for all council meetings to be live streamed online for public viewing, this includes full council, cabinet and scrutiny meetings.

Proposer: Cllr David Heap

Seconder: Cllr Zak Khan

Signatories: Cllr Steven Smithson

Submitted on Saturday 19 July 2025 (14:44)

2. Urgent Review of the Article 4 Direction Across Hyndburn

This Council calls on the Cabinet to urgently review its decision regarding the implementation of the Article 4 Direction for Houses in Multiple Occupation (HMOs) across Hyndburn, and to provide a clear, transparent explanation as to why seven wards have been excluded from this policy.

Proposer: Cllr Steven Smithson

Seconder: Cllr David Heap

Signatories: Cllr Loraine Cox and Cllr Zak Khan

Submitted on Friday 15 August 2025 (07:19)

3. Support for Local Businesses amid Financial Pressures

This Council recognises the significant financial challenges currently facing local businesses across Hyndburn. The recent increase in taxes, predominately National Insurance (NI) contributions, has placed additional strain on employers, while high business rates - particularly within the hospitality and retail sector - are contributing to a worrying rise in business closures.

Our local businesses are vital economic drivers. They create employment opportunities, support local supply chains, and help build a thriving community where families can live, work, and prosper. It is a priority for this Council to ensure these businesses are supported during this difficult period.

This Council:

1. Requests that the Cabinet develops an urgent report outlining practical and targeted measures to support local businesses, tailored to individual sectors. This may include steps to promote and increase uptake of existing business rate relief schemes.
2. Requests that the Cabinet reviews the importance of establishing an Economic and Regeneration Fund – as proposed during the February 2025 budget-setting process – and the Cabinet revisit the viability and implementation of such a fund to support long-term business recovery and growth.
3. Requests the Leader of the Council & Leader of the Opposition write a joint cross-party letter to Sarah Smith MP; urging her to recognise that the country cannot tax its way to grow and to stand up for Hyndburn businesses by vocally opposing any new tax rises.

Through these actions, the Council aims to provide meaningful support to the businesses that form the backbone of Hyndburn's economy and long-term transformation, before it is too late for more of our local hard-working business owners.

Proposer: Cllr Zak Khan

Seconder: Cllr Steven Smithson

Signatories: Cllr David Heap

Submitted on Monday 25 August 2025 (16:48)

4. Fair Funding Review

The Cabinet Report of 10 September 2025 detailing an update on the Fair Funding Review notes:

"Hyndburn could experience a substantial reduction in funding under the revised methodology. Hyndburn has been identified as one of the 49 most adversely affected authorities, with projected funding levels falling well below the baseline set out in the government's consultation."

This Council:

Requests the Leader of the Council, along with Leaders of the Opposition parties, write a joint cross-party letter on behalf and signed by all Councillors, to Sarah Smith MP, the Chancellor and the Secretary of State for MHCLG. To urge them to conduct an urgent review and reverse Hyndburn's inclusion on the list of adversely affected authorities. In order to provide certainty to the residents in Hyndburn that they will not be disproportionately affected at a time of significant need across the Borough.

Proposer: Cllr Zak Khan

Seconder: Cllr Joyce Plummer

Signatures: Cllr Danny Cassidy

Submitted on Tuesday, 16 September 2025 (10:59)

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