
CABINET

Wednesday, 20th March 2019

Present: Councillor Miles Parkinson (in the Chair), Councillors Paul Cox and Munsif Dad.

In Attendance: Councillors Tony Dobson and June Harrison.

Apologies for Absence

Apologies for absence were submitted from Councillors Gareth Molineux and Joyce Plummer.

Declarations of Interest and Dispensations

There were no reported declarations of interest or dispensations.

Minutes of Cabinet

The Minutes of the meeting of Cabinet held on 6th February 2019 were submitted for approval as a correct record.

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

Minutes of Boards, Panels and Working Groups

The minutes of the following meetings were submitted:-

- Regeneration and Housing Panel- 14th January 2019
- Cabinet Street Naming Committee- 15th February 2019

The Leader of the Conservative Group referred to item 36 of the Regeneration and Housing Panel, Disabled Facility Grant Eligibility. He reported that no information had been received to date in relation to the establishment of a Cross Party Working Group to look at resolving any issues associated with the Disabled Facility Grant Process which was agreed at the Resources Overview and Scrutiny Committee on the 12th February.

The Chair asked the Head of Regeneration and Housing to communicate arrangements with the Democratic Services department.

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

Reports of Cabinet Members

There were no reports provided by Cabinet Members present at the meeting.

Clayton Triangle site - Update from Overview & Scrutiny Committee Call-in

The Leader of the Council reported on behalf of the Portfolio holder for Resources who had submitted a report to inform Members of the findings of the Resources Overview & Scrutiny Committee "Call-in" in respect of the sale of the Clayton Triangle site.

Approval of the report was not deemed a key decision.

Reasons for Decision

At its meeting on 6th February 2019 Cabinet approved the disposal of the land known as Clayton Triangle. That decision was subsequently "called in" by the Resources Overview & Scrutiny Committee, which met to consider the matter on 4th March 2019.

After careful consideration the Resources Overview & Scrutiny Committee released the Cabinet decision for full implementation.

In addition, Resources Overview & Scrutiny Committee asked that Cabinet noted the following:

i) that the Committee wishes to ensure that ward councillors are consulted in respect proposals for the sale of land and property in their area and that there is wider member participation in the disposal of Council owned sites; and

ii) that the Committee is keen to ensure that the Council markets its sites for sale as widely and proactively as possible to ensure that development opportunities are brought to the attention of a wide range of potential purchasers. This will include ensuring the Council has an up to date mailing list of all developers, including cooperatives and registered social landlords.

There were no alternative options for consideration or reasons for rejection.

- Resolved**
- (1) That Cabinet noted the Cabinet decision of 6th February 2019 in respect of the disposal of the Clayton Triangle site which was released in full for implementation; and,**
 - (2) That Cabinet noted the comments of the Resources Overview & Scrutiny Committee in respect of future disposals of land and property as set out in the report.**

Renewal of Procurement Strategy

The Leader of the Council reported on behalf of the Portfolio holder for Resources who had submitted a report to seek approval to extend the Council's current procurement strategy for 2 years to enable the procurement implications of Brexit to be better understood prior to a new procurement strategy being prepared.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Council's existing Procurement Strategy covered the period 2014 – 2018 and was attached as an appendix to the report. The Strategy was approved by Cabinet in June 2014 and it established the following as the Council's procurement objectives:

Effective procurement:

- Delivering value for money by reducing costs whilst maintaining quality
- Reducing unnecessary bureaucracy and streamlining our processes
- Maintaining high standards of probity, transparency and legal compliance

Sustainable procurement:

- Supporting the local economy
- Protecting the environment
- Promoting a fairer society

The Strategy was now due for review and updating. However, there is some uncertainty about the direction of public procurement following Brexit and it seems sensible to delay this work until the implications of Brexit are better understood. For this reason it is suggested that the Procurement Strategy is extended to cover the period 2014 –2020.

Alternative Options Considered and Reasons for Rejection

There is no legal requirement to have a Procurement Strategy, so Cabinet could dispense with the Strategy completely. However, it is recognised good practice to have a procurement strategy as part of the Council's approach to securing best value, so this is not recommended. Alternatively, Cabinet could request officers to review and update the Procurement Strategy now, rather than agreeing to the proposed delay. This is not recommended as it could lead to abortive work, as any strategy put in place now could need to be further reviewed and updated in the near future, post-Brexit.

Resolved

That Cabinet agreed to the Council's Procurement Strategy 2014-18 be extended for two years to enable the procurement implications of Brexit to be better understood prior to a new procurement strategy being prepared.

Domestic Abuse Services

The Deputy Leader of the Council reported on behalf of the Portfolio holder for Housing and Regeneration who had submitted a report to seek authority to enter into a Grant Agreement with HARV (Hyndburn and Ribble Valley Domestic Abuse Service) to enable HARV to deliver domestic abuse support services to enhance the domestic abuse safe house provision and deliver a sanctuary scheme in Hyndburn.

The Leader of the Conservative Group asked if the service covered all sections of the community including men.

Approval of the report was not deemed a key decision.

Reasons for Decision

Lancashire CC in partnership with the 12 Lancashire district housing authorities and 11 domestic abuse service providers has been successful in securing a grant award of £1,249,947.00 across the county via a bid to MHCLG (Ministry of Housing, Communities and Local Government). This nationwide '2018 – 2020 *Fund for Domestic Abuse Services*' is for local areas to work collaboratively across local authority boundaries to strengthen domestic abuse provision. An additional £120,000 has been awarded that will help towards the delivery of sanctuary schemes. The funding is a one off grant payment for 18 months (October 2018 to end of March 2020).

Through this bid Hyndburn has secured an allocation of £96,619 to assist in the

enhancement of the domestic abuse safe house provision in the Borough. Funding will be used by HARV to employ support workers which include a dedicated BME (Black Minority Ethnic) and Complex Needs Worker and a part time Family Support Worker to support families living in the safe houses and ensuring that victims from all sections of the community are able to access the provision.

HARV also manages and co-ordinates the Boroughs sanctuary scheme provision for victims of domestic abuse in Hyndburn. This support enables victims of domestic abuse to stay safe in their own homes through the provision of physical security measures including window and door locks, strengthening doors, emergency alarms etc. The grant funding will ensure this scheme continues.

The Council will enter into a grant agreement with HARV which will provide funding to HARV to enable it to deliver support to the residents in Hyndburn's safe houses and to deliver a sanctuary scheme to keep victims of domestic abuse safe and secure in their own homes.

Alternative Options Considered and Reasons for Rejection

There are no realistic alternative options. Both Hyndburn Borough Council and HARV supported the successful bid to MHCLG. HARV has provided the support to the residents in Hyndburn's safe house for the last 5 years and has delivered the sanctuary scheme in the Borough since 2006. This new funding will enable HARV to continue to deliver support to vulnerable victims of domestic abuse in the borough. As the funding is for 18 months only it does not seem reasonable or proportionate to look at grant funding other agencies that would have set up costs etc. The grant funding received will deliver the outcomes stated in the bid.

Resolved

- (1) That Cabinet agreed to the Council accepting grant funding of £96,619 - for safe house support and an amount to be determined (approx. £5k to £10k) to support a sanctuary scheme - from Lancashire County Council to enhance domestic abuse support services in the Borough; and,**
- (2) That Cabinet delegated authority to the Head of Regeneration and Housing following consultation with the Portfolio Holder for Regeneration and Housing Services to agree the terms of, and enter into a grant agreement with Hyndburn and Ribble Valley Domestic Abuse Service (HARV) to enable them to enhance their domestic abuse safe house provision and deliver a sanctuary scheme in Hyndburn.**

Financial Position January 2019- Report for the Year Ending 31st March 2019

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date financial information was included in the report.

The Leader of the Council reported on behalf of the Portfolio holder for Resources who had submitted a report to inform Cabinet on the financial spending of the Council up to the end of January 2019 and the financial forecast outturn position for the Accounting Year 2018/19.

Approval of the report was not deemed a key decision.

Reasons for Decision

The financial details of the report was shown as a table at the end of the report.

The spend for the first 10 months of the financial year to the end of January 2019 was £9,011,632 compared to a Budget of £9,095,172 giving a positive variance of £83,000 over the first 10 months of the year.

The current forecast spend to the end of the financial year in March 2019 was £11,039,000 compared to a Budget of £11,174,000. This forecast produces a positive variance of £135,000. Culture & Leisure Services, Parks & Cemeteries, Planning & Transportation and Regeneration & Property Services were all predicting small adverse variance.

Only Town Centre & Markets are forecasting a significant adverse variance. All other Budget Areas are indicating a surplus position compared to their Budget by the year end.

Alternative Options Considered and Reasons for Rejection

Not applicable.

Resolved

- **That Cabinet noted the report and asked that the Corporate Management Team continue to reduce costs and increase income over the remainder of the year to help improve the overall financial position of the Council.**

Integrated Home Improvement Service

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest consultation response was included in the report.

The Deputy Leader of the Council reported on behalf of the Portfolio holder for Housing and Regeneration who had submitted a report to seek Cabinet approval to Hyndburn Borough Council's response to Lancashire County Council's Integrated Home Improvement Service consultation exercise.

Approval of the report was not deemed a key decision.

Reasons for Decision

Lancashire County Council (LCC), like many councils across the country, is going through financially challenging times. This is as a result of funding not keeping pace with the increasing demand and cost of services being delivered. LCC need to continue to look at ways of reducing costs to help balance the books for future years. This means they have to consider changes to some of the services currently provided, as they do not have the resources to continue to deliver what they have done in the past. These changes were considered by County Councillors and they are now looking to consult on what impact the proposals may have.

The Integrated Home Improvement Service (also known as Care and Repair) provided help to people in need of extra support to make their homes safe and accessible, by assisting homeowners to maintain, repair and improve their properties. In Hyndburn this service is

provided by Homewise.

This service supported independent living for older people, people living with physical disabilities and people living with long term health conditions. The Integrated Home Improvement Service is currently contracted to six local providers based across Lancashire for service delivery.

LCC will continue to provide funding for minor aids and adaptations (under £1,000) to people who are eligible for this service. However, they are proposing to cease funding the Home Improvement Services that they are not legally required to provide.

LCC is currently consulting with partners, stakeholders and service users. The consultation period runs from 18 February to 15 April 2019. The Council's response to this consultation is attached at Appendix 1 for your consideration and approval.

Alternative Options Considered and Reasons for Rejection

Hyndburn Borough Council could choose not to respond to the LCC Consultation exercise however as the future of Homewise was at risk, should the funding for the Home Improvement Service be removed this was not a sensible course of action.

The withdrawal of the Homewise Home improvement Service would have a significant impact on many vulnerable households across the Borough especially elderly and disabled households and therefore the Council wants to express its strongest objection. This is a LCC run service and therefore Hyndburn Borough Council is not in a position to propose alternative options other than oppose the proposed withdrawal of the service.

- Resolved**
- (1) That Cabinet strongly disagrees with Lancashire County Council's proposals to cease funding Home Improvement Services; and,**
 - (2) That Cabinet agreed and approved Hyndburn Borough Councils' response to the Lancashire CC Integrated Home Improvement Service consultation exercise as attached at Appendix 1 in the report.**

Lease Renewal - Hyndburn Voluntary & Community Resource Centre, St James Old School Building, Cannon Street, Accrington

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to confirm details of the lease renewal.

The Deputy Leader of the Council reported on behalf of the Portfolio holder for Housing and Regeneration who had submitted a report to seek Cabinet approval to accept the surrender of the existing lease of St James Old School Building, Cannon Street, Accrington from Hyndburn Voluntary & Community Resource Centre Ltd (HVCRC) and provide them with a new 25 year lease.

Approval of the report was not deemed a key decision.

Reasons for Decision

(HVCRC) currently hold a lease of the premises which is due to expire on 18th September 2024. (HVCRC) have requested a new 25 year lease on similar terms to the existing lease to satisfy conditions required in relation to a grant of £165,708 from the Reaching Communities - Buildings Big Lottery Fund (BLF). This lease will facilitate HVCRC being able to satisfy conditions of the offer from BLF by providing to BLF a completed Certificate of title from their solicitor and a completed Deed of dedication and evidence that they have registered a restriction on the title of the land and buildings.

The offer of the grant of £165,708 from BLF has been made to the HVCRC in an offer letter dated 24th April 2018. HVCRC will be expected to deliver building works will provide new modern and accessible facilities including new kitchens and toilets, redecoration and replacement of internal doors throughout, in addition to an automated door entry system at the main entrance of the building. This work aims to increase the number of activities and services and number of people attending them who are elderly, disabled and indeed all members of the community, thus improving community cohesion, health and wellbeing and reduce social exclusion.

The original lease of the building was granted for a term of 7 years less one day from 20th September 2004. The replacement lease was for a term of 3 years to 19th September 2014. The current lease is for a period of 10 years from 19th September 2014. All previous leases including the current one were granted subject to the tenant paying a nominal peppercorn rental.

The lease will include a user clause which stipulates that the building should be used as a community resource centre in accordance with the tenant company's charitable objectives.

The building is currently used by a range of organisations delivering key services to a diverse range of groups and clients with over 300 people visiting the site weekly. A range of social activities take place including Yoga, dance and fitness classes available to young and old both during the day and in the evenings. The centre also hosts the Red Rose Recovery and Smart Recovery Circle. Both groups work with vulnerable members of the community in helping them deal with addictions, behavioural issues, encourage self development and rebuild self esteem and confidence. They provide help and support through activities and training and the groups work with multi-agencies to aid recovery, reduce dependency on drugs and alcohol.

The grant offer is conditional on BLF approving a Capital Delivery Plan and Business Plan which is currently work in progress by HVCRC and entering into a lease with the Council and this has been suggested by the BLF to be a term of 25 years.

The lease will include a full repair and maintenance clause and, as such, it is expected that income derived from the activities will be reinvested into the building for maintenance and repairs, including those identified in a recent condition survey of the building and are not dependant on HVCRC receiving the grant from BLF. In 2017 HVCRC reported to BLF a surplus £29,018.

The tenant will, in accordance with the lease, be expected to ensure they comply will all relevant legislation whilst in occupation and provide the Council as Landlord with evidence of that compliance.

Alternative Options Considered and Reasons for Rejection

The building could be used as offices with a potential annual rental income of £25,000, however there is currently a surplus of office accommodation in the Borough therefore this income is not guaranteed.

If an alternative use were to be supported, the Council would need to bring the current lease to an end by serving the appropriate notice. It would then need to advertise the building available to let or for sale. There is already a surplus of vacant buildings in the town centre and this supports the Council's policy to transfer under used assets to suitable community groups where this is possible.

The building could be opened up to other community groups but the Council has not been approached by others to manage this building.

The new 25 year lease is a prerequisite of the HLF providing £160,000 to HVCRC which will be used to upgrade the building and facilities. Not providing the lease will jeopardise this funding opportunity and HVCRC are unlikely to be able to afford to carry out these improvements. This does not negate their liabilities under the terms of the lease to carry repairs and maintenance of the site.

Resolved

- **That Cabinet approved the surrender of the current 10 year lease and grants a new 25 year lease to Hyndburn Voluntary and Community Centre Ltd at a nil rental on the basis that, having considered part 3 of the report, Cabinet is satisfied that the proposed usage of the building will continue to promote the social, economic and environmental wellbeing of the Borough.**

Energy Efficiency - CHiL Delivery Partner

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure complex legal issues had been addressed.

The Deputy Leader of the Council reported on behalf of the Portfolio holder for Housing and Regeneration who had submitted a report to inform Cabinet of the procurement process undertaken to appoint a delivery agent for Cosy Homes in Lancashire (CHiL). Approval was sought to waive the Council's Contract Procedure Rules to seek approval for Hyndburn Borough Council to enter into an agreement with Rhea Projects Ltd so residents and households in Hyndburn have access to opportunities and funding to improve the energy efficiency of their homes.

Approval of the report was not deemed a key decision.

Reasons for Decision

Hyndburn Borough Council is committed to improving the energy efficiency of domestic homes within the Borough. This includes addressing health inequalities exacerbated by living in cold and damp homes, reducing fuel poverty, tackling seasonal excess deaths and reducing carbon emissions from domestic properties.

The latest fuel poverty figures available (2016) show that Hyndburn had 5,008 households in fuel poverty representing 14.1% of households.

There have been a number of initiatives and funding available to Hyndburn residents over the years. Most recently this has been via the annual 'Affordable Warmth Fund' that has provided funding for boilers, central heating systems, loft and cavity wall insulation to qualifying households. This has been administered locally by the Council and Homewise

Cosy Homes in Lancashire (CHiL) is a brand established by the 12 district and 2 unitary council's in Lancashire and the County Council to co-ordinate and deliver domestic energy efficiency schemes across Lancashire. CHiL has been in place since 2014 and has evolved from a strong track record of the council's working collaboratively through the long established Lancashire Energy Officers Group.

CHiL projects seek to maximise government Energy Company Obligation (ECO) and other grant and funding opportunities that are available for energy efficiency and heating measures for Lancashire residents. CHiL particularly supports those households in fuel poverty and vulnerable to the effects of living in a cold home. Details of the current affordable warmth / energy efficiency measures available for Lancashire and Hyndburn residents along with the qualification criteria.

In order to access funding for energy efficiency through the latest government initiatives 'consortium' approaches are encouraged for efficiency and economies of scale. The CHiL brand is Lancashire's co-ordinated approach. It is proposed that Hyndburn BC become part of this consortium or collaborative working approach.

In October 2018 Blackpool Council, on behalf of the other Lancashire districts, undertook a procurement / tender exercise to select a delivery agent for CHiL. This approach was taken to ensure the delivery of a common and co-ordinated approach to households accessing energy efficiency measures across Lancashire and to benefit from 'economies of scale' rather than each district undertaking its own procurement process. It builds on the long standing collaborative working between the Lancashire Authorities. Rhea Projects Ltd was selected as the successful delivery agent. The Council is satisfied with the procurement process undertaken.

In order for Hyndburn residents to benefit from the outcome of the procurement process undertaken and for the Council to enter into its own agreement with Rhea Projects Ltd the Council needs to sign the Indemnity Letter with Blackpool Council. In signing the Indemnity Letter the Council is confirming that Blackpool Council was the lead authority in undertaking the procurement process referred to in para 3.7 above and is satisfied with the processes and procedures that were followed.

Alternative Options Considered and Reasons for Rejection

The Council could undertake its own procurement exercise to appoint a Hyndburn delivery agent and / or approach energy companies direct to access funding for energy efficiency measures. This approach would be time and resource intensive. As stated above the Government encourages 'consortium' approaches for efficiency and economies of scale. As a Lancashire wide approach is in place through CHiL it seems sensible that Hyndburn becomes part of this.

The Council is required to adopt a Statement of Intent for ECO Flexible Eligibility so qualifying households can potentially benefit from energy efficiency measures as part of the Government's Energy Company Obligation Scheme. The Council could choose to adopt the Lancashire SOI, however it is preferable to adopt our own version so we have flexibility around the delivery of energy efficiency measures for Hyndburn residents.

Resolved

- (1) That Cabinet agreed to waive the Council’s Contract Procedure Rules in respect of appointment of a CHiL delivery agent and noted the procurement process led by Blackpool Council on behalf of the Lancashire local authorities; and,**
- (2) That Cabinet granted delegated authority to the Head of Regeneration and Housing, in conjunction with the Executive Director (Legal Services), to agree and sign an ‘Indemnity Letter’ in respect of the procurement process undertaken by Blackpool Council; and,**
- (3) That Cabinet granted delegated authority to the Head of Regeneration and Housing, in conjunction with the Executive Director (Legal Services), to agree terms for, and enter into, a contract / agreement with Rhea Projects Ltd as the delivery agent for CHiL.**
- (4) That Cabinet adopts the Hyndburn BC ‘Statement of Intent for ECO Flexible Eligibility’ attached as Appendix 1 to the report.**

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 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.**

Sale of 302 Burnley Road, Accrington

Exempt Information under the Local Government Act 1972, Schedule 12A, Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Deputy Leader of the Council reported on behalf of the Portfolio holder for Housing and Regeneration who had submitted an exempt report to seek Cabinet instructions for the sale of 302 Burnley Road, Accrington.

Approval of the report was not deemed 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