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CABINET

Wednesday, 15th January, 2020

Present: Councillor Miles Parkinson OBE (in the Chair), Councillors Paul Cox, Loraine Cox, Munsif Dad BEM JP and Joyce Plummer

In Attendance: Councillors Tony Dobson, June Harrison, Marlene Haworth and Dave Parkins

207 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Jenny Molineux.

208 Declarations of Interest and Dispensations

There were no reported declarations of interest or dispensations.

209 Minutes of Cabinet

The minutes of the meeting of Cabinet held on 13th November 2019 were submitted for approval as a correct record.

Councillor Tony Dobson referred to Minute 171 - Littering and Dog Fouling Enforcement – at Paragraph 2 of Page 4. He indicated that he had not yet received a written response to the matter of the income available to the enforcement company. Councillor Paul Cox apologised for the delay and confirmed that the response would be sent shortly.

Councillor Tony Dobson referred to Minute 172 – Accrington Markets – at Paragraph 1 of Page 6 and reminded the Cabinet that the Opposition group was happy to share its ideas though a cross-party working group. The Leader of the Council, Councillor Miles Parkinson, thanked Councillor Dobson for his support which would be accepted. He added that there had already been an exchange of texts before the Christmas period about the town centre regeneration funding. Unfortunately the Council had not been successful in its bid for direct funding for the town centre, but had been chosen as a pilot area to receive dedicated expert advice. It was the Leader's intention to meet with the Leader of the Opposition and the new MP, Sara Britcliffe, on Friday to discuss this matter. Ultimately, it was hoped to establish a Town Team/Panel to include councillors and relevant stakeholders, which could then work with the local MP and Jake Berry MP, Minister of State for the Northern Powerhouse and Local Growth, to develop a programme which would benefit future generations.

Councillor Marlene Haworth commented on the same minute (above) and indicated that she had been pleased to see the 30% discount applied to certain indoor market hall traders. She added that that she had received numerous comments about the lack of consistent opening hours of the stalls and that she would prefer to see some core working hours applied within the rental agreements. The Leader of the Council thanked Councillor Haworth for her observations and agreed to feed this point into the development process. Overall there needed to be a step change in the way that the town centre was organised, which might include some radical thinking. A team approach, bringing in a wealth of ideas with a view to reaching a consensus, was vital to designing the way forward.

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

210 Let's Move Hyndburn

Members received a presentation from Lyndsey Sims, Chief Executive Officer, Hyndburn Leisure, in connection with the Let's Move Hyndburn programme. The programme would see up to £10m invested in Hyndburn and Pennine Lancashire.

Ms Sims highlighted the following:-

- The culture of 'buy now pay later', as it applied to health risks, i.e. living for today;
- The health benefits of physical activity;
- A quote from Public Health England about the importance of physical activity, comparing being active to a 'pill';
- The aim for people to undertake 150 minutes of moderate intensity activity;
- What counted as moderate physical activity;
- Together an Active Future (existing programme);
- Local Delivery Pilot – Lead organisation and Other Partners
- Pilot themes:-
 - Active work places
 - Active places
 - Game changers
 - Mental fitness
 - Pennine Active Lifestyle Hub;
- Project commencement: public engagement campaign - methodology and outcomes.

Members asked a number of questions and raised issues including the following:-

- The need for expert advice to be on hand to help those with existing or complex medical conditions to access the most appropriate activities;
- The need for the offer to meet the needs of Hyndburn's diverse, but deprived population to enable residents to remain well even in later life, to combat loneliness in the elderly and to ensure young people do not lead sedentary lifestyles due to over-use of technology;
- The possibility of a 60 Minutes Briefing being held for all councillors on this topic;
- The contribution that the Council could make to wellbeing through its parks and open spaces;
- The need to engage with all of Hyndburn's communities to ensure that the offer was culturally appropriate;
- Whether the programme could provide funding for voluntary organisations to develop specific projects, such as the proposals for Play4Uz2 to create a space at Hyndburn Sports Centre.

Ms Sims summarised by stating that the Let's Move Hyndburn project would respond to what the community wanted. The Leader of the Council thanked Ms Sims for her attendance and presentation and hoped to invite representatives of the Trust back on a future date to report on progress.

211 Reports of Cabinet Members

The following verbal reports were provided:

Councillor Munsif Dad (Education, Leisure and Arts)

Councillor Munsif Dad reported that a second outdoor gym in Hyndburn had recently been opened in Milnshaw Park. The gym was another example of effective partnership working between Hyndburn Leisure and the Borough Council. The equipment would enable arms, legs and shoulders to be exercised and was suitable for persons of 14 years or older. The equipment catered for a range of fitness levels, from beginners to regular users. The gym was free to use and had clear instructions posted on how to use it. A QR code was also provided so that users could download an App, which gave advice on how to use the equipment and provided feedback on individuals' levels of activity to improve their overall health.

Councillor Paul Cox (Deputy Leader of the Council)

Councillor Paul Cox reported that, at the Lancashire Waste Partnership meeting in November 2019, figures had been provided on each of the Lancashire authorities' performance figures compared to the previous year. The following were highlighted:-

- Hyndburn had the biggest reduction of all authorities in levels of residual waste at 6.63%;
- Card and paper recycling was up by 10%;
- Plastic, glass and cans recycling was up by 15%.

Overall, Hyndburn was the number 1 collection authority, which was thanks to the residents themselves and to the Council's decision to replace the bags and boxes waste scheme, with wheelie bins.

Councillor P Cox also reported that the 'Poo Dunit' Scheme had recently successfully resulted in its first £75 Fixed Penalty Notice being issued, with a £50 reward provided for the information received on the offender. The Council provided free dog-waste disposal bags and serviced dog-waste bins for responsible owners. Law abiding citizens were fed up with those irresponsible owners who flouted the law and enforcement would continue to tackle this issue. Residents who cleaned up after their dogs had nothing to fear.

Resolved - **To note the verbal reports provided by Cabinet Members**

212 Council Tax Base - 2020-2021

Councillor Miles Parkinson OBE, Leader of the Council, provided a report on the Council Tax Base for 2020-21.

Approval of the report was not a key decision.

Reason for Decision

In accordance with Section 35 of the Local Government Finance Act 1992, the Council is required to formally determine the Council Tax Base for 2020-2021 prior to 31st January 2020. This allows the Council to notify the major preceptors (Lancashire County Council, the Police and Crime Commissioner for Lancashire and Lancashire Combined Fire Authority) by the 31st January of the Council Tax Base.

The requisite calculation has to be carried out in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012. Once determined the Council Tax

Base cannot be changed and has to be used when the Council set their Council Tax for the financial year 2020-2021.

The calculation of the Tax Base for Hyndburn and Altham for 2020-2021 was provided with the report. It is proposed that the Tax Base for Hyndburn 2020-2021 shall be 20,948. This is an increase from last year's Tax Base of 14 (20,934). The 2020-2021 Tax Base for Altham is 315, a decrease from last year's Tax Base of 1 (316).

The Local Authorities (Calculation of Council Tax Base) Regulations 2012 specify formulae for calculating the Council Tax Base which must be set between the 1st December 2019 and the 31st January 2020.

The Council Tax Base is the measure of the number of chargeable dwellings held on the valuation list as at the 09 September 2019 and then adjusted to take account of discounts, exemptions, re-bandings and Council Tax Support to arrive at the Authority's Council Tax Band D.

Alternative Options considered and Reasons for Rejection

This is a statutory requirement, therefore no other options can be considered.

- Resolved**
- (1) That Cabinet notes the report on the Council Tax Base for 2020-21**
 - (2) That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012, the amount calculated by the Council for its Council Tax Base for the financial year 2020-2021 shall be 20,948.**
 - (3) That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012, the amount calculated by the Council for its Council Tax Base for the parish of Altham for the financial year 2020-2021 shall be 315.**

213 Redevelopment of Peel Street Accrington

Councillor Paul Cox, Deputy Leader of the Council, reported on proposals to reduce the market stall/unit overcapacity by removing the external market pavilion/canopy and stone kiosks along Peel Street and redevelopment to provide additional town centre car parking, incorporating new paving and associated street furniture. The report built upon work carried out by the previous Portfolio Holder for Housing and Regeneration, Councillor Clare Cleary.

Councillor Dobson commented that he understood the reasons for looking at this matter, which was due to overcapacity within the market for retail accommodation and that the Council could ease the situation by removing its own retail provision. He would like to see what the longer term positive impact might be and whether there was a vision for the future of the town's retail offer. In particular, it would be useful to know what footfall was envisaged and what new businesses might be attracted to the town centre.

The Leader of the Council reiterated his earlier comments about a meeting on Friday regarding town centre regeneration and the future engagement of stakeholders and Members of Parliament. A substantial amount of money could be levered into regeneration. The Market Hall could be the jewel in the crown of the project, which would be discussed further under the next Agenda item. This also linked into the face-lifting of existing

properties using Heritage Lottery money. On a wider scale the development of Huncoat Garden Village would also contribute to the vibrancy of Accrington town centre and the improvement of the Borough. Future success was reliant on everybody working closely together.

Councillor Haworth enquired if a project manager had been engaged for this work yet. It was reported that this would be an external appointment, but that tenders had not yet been sought.

Approval of the report was not a key decision.

Reason for Decision

A previous scheme back in 2016/17 looking to remove market stall overcapacity gained general support from market traders and Members. However, there was no funding available at that time so the project did not progress past design concept stage.

Due to the continued reduction in footfall from the shift towards on-line shopping and expansion of retail centres/supermarkets, it is recognised there is substantial market stall overcapacity located within the external pavilions and some stone kiosks on Peel Street.

Market traders have voiced their concerns that since the relocation of the bus station, there has been a reduction in footfall and alluded that insufficient town centre parking is not allowing customers easy access to the Market Hall. Traders continue to be supportive of the idea to remove the overcapacity on Peel Street, if the redevelopment provided additional short term car parking and thereby attracting customers into the Market Hall.

Due to the acknowledged overcapacity, there is a political wish to see the pavilions removed and to provide more town centre parking. Such a scheme could incorporate a continuation of the town square paving, street furniture and raised planters onto Peel Street and open up the Southeast façade of the Market Hall, which was the original Market Hall main entrance in the early 1900's.

The Council no longer has the resources or expertise to design, undertake a tender exercise and project manage a scheme of this scale and the appointment of an experienced engineering Project Manager will bring a wealth of experience and potentially value for money advantages.

Officers continue to hold discussions with the traders from the Peel Street Kiosks and outside stalls on how best to accommodate them within the indoor Market Hall/external pavilion on Market Way, if the project was to proceed. However, where tenants cannot be relocated with their agreement, the Council will follow the appropriate statutory procedures.

Cabinet is also considering a proposal to redevelop part of the ground floor indoor Market Hall into a social hub serving food and drinks and the availability of car parking directly outside would only help attract customers to the venue.

Alternative Options considered and Reasons for Rejection

The Council could continue to operate the external market kiosks and stalls but this has been rejected as shopping habits continue to change. There is an acceptance from traders that there is insufficient demand and overcapacity and therefore a strong wish to see this external space redeveloped for additional town centre car parking.

Resolved

- (1) That Cabinet approves in principal the removal of the external pavilion/canopy, stone kiosks facing Peel Street and subsequent redevelopment of the area to provide additional town centre car parking, with comparable paving, street furniture continuing from the town square and expansion of the building lighting to the Southeast side of the Market Hall; and**
- (2) That Cabinet authorises and delegates authority to the Executive Director (Environment) following consultation with the Executive Director (Legal & Democratic Services) to undertake the necessary steps involved in serving the appropriate legal notices to terminate leases/licences agreements granted to the Peel Street kiosk/market tenants and any supplementary legal notices/agreements to third party utility providers and/or the Highway Authority; and**
- (3) That Cabinet requests the Executive Director (Environment) following consultation with the Portfolio Holder responsible for the Markets and Leader of the Council, to provide proposals for the relocation of the Peel Street kiosk/market tenants within the remaining market site; and**
- (4) That Cabinet authorises the Executive Director (Environment) to appoint a Project Manager who will commence site investigations/surveys, produce detailed drawings and undertake a tender exercise; and**
- (5) That Cabinet request a further report with full project costs and timescales for consideration at a later date.**

214 Accrington Indoor Market Hall Redevelopment

Councillor Paul Cox, Deputy Leader of the Council, reported on proposals to change within part of the indoor Market Hall from traditional market stall traders to a social hub incorporating multiple small kitchens and other outlets offering a variety of different food styles and drinks together with communal seating.

Councillor Marlene Haworth raised some concerns about the suggestion of developing a food hall and a social hub. She reminded Members that a food outlet venture established not too long ago in the Arndale Centre had not been successful. The lack of significant footfall in the town centre could be a barrier to any future aspirations around a food offer. In addition, there were already several other restaurants and pubs in the centre which provided low cost food. She advised caution around the proposals and asked if there was a 'Plan B'. She also enquired if the vision was set in stone.

The Leader of the Council commented that development of the project represented a large investment in officer time. However, the Town Hall, Market Hall and shop frontages were the jewel in the crown in Accrington and could be a real draw for visitors. At this stage the vision for the market was not set in stone. The Pilot Team would be able to work on what was Accrington's niche role and would enable the Council to write the case to the right people in Government about the investment needed. A consensus would be required.

Councillor P Cox reiterated that the purpose of the report was not to implement a solution, but to begin the dialogue to identify options and to help find a solution.

Approval of the report was not a key decision.

Reason for Decision

Due to the continued pressures from reduced footfall, on-line shopping and out of town centre retail centres/supermarkets, it is recognised that there is an overcapacity of stall/units within the indoor market hall, with current occupancy levels running at around 55%.

Continuing the traditional market model across the whole ground floor is no longer economically sustainable and it is the Leader's and Portfolio Holder's wish to consider the redevelopment of part of the indoor market hall to create a social hub with commercial retail units serving food and drinks. The development of a social hub will hopefully increase footfall levels in the Market Hall, Blackburn Road shops and newly refurbished town centre square.

There are a number of successful examples of venues which have been redeveloped to serve food and drink across the North, such as Altringham, Manchester, Chester, Preston, Durham, Warrington and other authorities such as Southport and Wigan are considering similar schemes for their market/historic buildings. Chester is probably most similar to the Council's vision, with half of their market building still operating traditional market stalls.

The success of venues like these is based on offering diners different styles of food, (typically limited to around 6 to 8 choices from each commercial retail kitchen), similarly priced across the other kitchens. The businesses are not high street brands or franchises but usually local/regional chefs wanting to start a business or open up more outlets where they already have a local following. Some venues also keep a kitchen vacant to provide 'one off' / pop up type events. Food styles may have some local references but there are a range of options, from wood fired pizza to quality burgers, fish, Thai/Mexican, traditional pie and mash, vegetarian/vegan alongside coffee/baked goods, alcoholic and non-alcoholic drinks.

Dawnvale Group are a very experienced design and project management company working within the hospitality and leisure industry and have undertaken similar commercial retail work inside historic buildings, involving Local Authorities and their appointment as Design/Project Manager will enable the Council to draw on their contacts/design experience, in-house industrial electrical and mechanical design engineers which could bring advantages with regards to value for money and managing all elements, rather than seeking quotes from separate architectural, electrical and mechanical engineering design companies.

The Council will also have to determine how the new food and drink outlets / social hub will be managed. At this stage officers envisage that this part of the Market Hall could be leased to a single provider who will then take responsibility for commercially letting the individual outlets and managing the social hub. Another option is that the Council could appoint somebody to manage the outlets and social hub on the Council's behalf, but with the outlets being directly let by the Council to the individual traders. Alternatively, the Council could employ its own staff to manage the day to day operation of social hub and lease arrangements direct with the traders. The implications and costs of each approach have yet to be fully evaluated and this process will be assisted by discussions with any interested parties.

Whilst there continues to be ongoing discussion with the market traders, if the project is approved by Cabinet, there may be a small number of existing tenants who do not wish to be part of the new social hub and therefore may need relocating to other areas within the redesigned Market Hall.

Cabinet is also considering a redevelopment proposal to reduce overcapacity by removing the pavilion/canopy and stone kiosks on Peel Street to provide additional town centre parking. This car parking will be directly outside the Market Hall and can only help attract customers to the proposed social hub and wider town centre businesses.

Alternative Options considered and Reasons for Rejection

The Council could continue to promote the Market Hall operating traditional market stalls but this has been rejected as shopping habits have fundamentally changed. There is insufficient demand to achieve anywhere near 100% occupancy levels and there is a strong political wish to see part of the building redeveloped as a social hub.

Resolved

- (1) That Cabinet approves in principal, a proposal to change an area within the indoor Market Hall, (the end facing onto the new town square) from traditional market stalls to food kitchens and drink outlets with communal seating; and**
- (2) That Cabinet agrees to waive the Council's contract procedures rules and authorises the Executive Director (Environment) following consultation with the Portfolio Holder responsible for the Markets to appoint Dawnvale Group, Albert House, Albert Street, Hollinwood, Manchester to produce a concept scheme and a realistic project budget estimate; and**
- (3) That Cabinet delegates authority to the Executive Director (Environment) following consultation with the Executive Director (Legal & Democratic Services) to engage in discussions with third parties interested in leasing or managing the social hub commercial retail kitchens and drink outlets; and**
- (4) That Cabinet request a further report with budget project costs and lease / management options for consideration at a later date.**

215 Report of Urgent Cabinet Decision - Hyndburn's Homelessness Strategy 2020 - 2025

Councillor Loraine Cox, Portfolio Holder Housing and Regeneration, reported on a decision which had been taken on 18th December 2019 by the Head of Regeneration and Housing, in accordance with Executive Procedure Rule B16, in relation to the Homelessness Review 2019 and the overarching Strategy for 2020-2025. The decision was as follows:-

That approval be given to Hyndburn's Prevention of Homelessness and Rough Sleeping Strategy and the accompanying Homelessness Review as set out at appendices 1 and 2 of the report.

Approval of the report was not deemed a key decision.

Reasons for Decision

The decision was urgent on the basis that the deadline for the submission of a revised Homelessness Review and strategy to the Ministry of Housing Communities and Local Government was 31st December 201 and there was no Cabinet meeting to due be held before that date.

The report contained the reasons for the substantive decision and included information on the following:-

Homelessness Review 2019

- The levels and likely future levels of homelessness in Hyndburn;
- The activities carried out in respect of preventing homelessness, securing accommodation and providing support for people who are homeless or at risk of becoming homeless;
- The resources available;
- The main causes of homelessness;
- Specific issues including: single people, mental health issues, use of B&B accommodation, Calico Homeless Families Project, Rough Sleeping and Welfare Benefit issues.

Hyndburn Prevention of Homelessness and Rough Sleeping Strategy

- Prevention and relief of homelessness;
- Provision of temporary accommodation;
- Working with landlords and suppliers of accommodation;
- Tackling and reducing levels of rough sleeping.

Alternative Options considered and Reasons for Rejection

The Council is required under the Homelessness Act 2002 to have an up to date Homelessness Strategy in place and to undertake a review every five years. Therefore, not having a strategy is not an option. The strategy provides for housing advice and assistance to the most vulnerable households across the Borough and those in greatest need.

Resolved - **To note the decision taken by the Head of Regeneration and Housing, under Executive Procedure Rule B16, to approve Hyndburn's Prevention of Homelessness and Rough Sleeping Strategy and the accompanying Homelessness Review.**

216 Report of Urgent Cabinet Decision - Exclusivity Agreement with Keepmoat

Councillor Loraine Cox, Portfolio Holder Housing and Regeneration, reported on a decision which had been taken on 18th December 2019 by the Head of Regeneration and Housing, in accordance with Executive Procedure Rule B16, in relation to an Exclusivity Agreement with Keepmoat Homes Limited for the disposal of the Council's interest in two sites for residential development. The sites were as follows:-

- Land south of Blackburn Road, Accrington, known as Phoenix 1D; and
- Land at Howard Close, Accrington, known as Spring Hill Village, Accrington

The decision was as follows:-

That authority be granted to enter into an Exclusivity Agreement with Keepmoat Homes Limited for the two sites described in the report and for the reasons set out in the report.

That authority be delegated to the Head of Regeneration and Housing to conclude the terms of the Exclusivity Agreement following consultation with the Portfolio Holder for Regeneration and Housing.

That the Head of Regeneration and Housing be authorised to complete the exclusivity Agreement following satisfactory completion of negotiations with Keepmoat Homes Limited.

That it be noted that a further report will be brought to a future Cabinet meeting to allow Cabinet to consider the terms of disposal for the two sites described in the report.

Approval of the report was not deemed a key decision.

Reasons for Decision

The decision was urgent on the basis that the existing Overarching Development Agreement (ODA) with Keepmoat ended on 19th December 2019 and Keepmoat had indicated that they might withdraw their interest in the sites if they were not granted a further exclusivity period upon the expiry of the ODA and there were no further Cabinet meetings being held before this date.

The report set out the reasons for the substantive decision in more detail. Key points are summarised below:-

- The ODA arrangement had been successful in securing regeneration and development of 216 new modern high quality homes, in West Accrington;
- The two remaining sites that are subject to the ODA remain undeveloped as they are not considered to be financially viable;
- The Council has an opportunity to access funding for land remediation and infrastructure work for the two sites through Homes England's Local Authority Accelerated Construction Fund, which will be subject to legal terms and a separate report to Cabinet at a later date. Approval and access to this funding could make the two development parcels financially viable;
- Keepmoat remain very keen to work with the Council in development the two sites for housing, subject to having exclusive right to purchase the site for a maximum period of 6 months.

Alternative Options considered and Reasons for Rejection

The Council could consider not developing the two sites. However, this could be a missed opportunity to develop new, modern housing in the area, as well as leave the two sites undeveloped.

The Council could consider advertising the two sites on the open market. However, it is considered that developers are unlikely to regard the sites as financially viable currently and, therefore, this is an opportunity to secure the two sites for development in conjunction with Keepmoat, subject to securing Homes England funding.

The Exclusivity Agreement will only be short term and, therefore, if the Council is unable to secure favourable terms with Keepmoat, the Council will then be able to place the sites on the open market.

- Resolved** - **To note the decision taken by the Head of Regeneration and Housing, under Executive Procedure Rule B16, to approve various actions identified within the report relation to an Exclusivity Agreement with Keepmoat Homes Limited.**

217 Prudential Indicators Monitoring and Treasury Management Strategy Update

Councillor Joyce Plummer, Portfolio Holder for Resources, provided a report to update Cabinet on activities in connection with Prudential Indicators Monitoring and the Treasury Management Strategy since the start of this financial year.

Approval of the report was not a key decision.

Reason for Decision

The *Prudential Code for Capital Finance in Local Authorities* requires the Council to set Prudential Indicators annually for the forthcoming three years to demonstrate that the Council's capital investment plans are affordable, prudent and sustainable. The Council adopted its current prudential indicators at its meeting in February 2019.

The Prudential Code requires the Council, having agreed at least a minimum number of mandatory prudential indicators (including limits and statements), to monitor them - in a locally determined format and frequency. This half-year report to Cabinet complements a more regular review by the Deputy Chief Executive.

The indicators are purely for internal use and not designed to be used as comparators between authorities. If it should be necessary to revise any of the indicators during the year, the Deputy Chief Executive will report and advise the Council further.

'*Treasury Management*' relates to the borrowing and cash activities of the authority, and the effective management of any associated risks. On 21st February 2019 in the same report referred to above the Council 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 were included in the February 2019 report.

Prudential Indicators Monitoring

Tables included in the report showed the monitoring information for each of the prudential indicators, limits and statements, which related to:-

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

Treasury Management Update

The report included information on the on the current treasury position and a table showed debt, other long term liabilities against the Capital Financing Requirement (CFR). A further table was provided which included information about the expected movement in interest rates for the period 2019 – 2021 and the reasons for and implications of those anticipated changes.

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

Resolved - **To note the report**

218 Council Tax and National Non Domestic Rates - Insolvency Policy

Councillor Joyce Plummer, Portfolio Holder for Resources, provided a report to seek Cabinet approval for the adoption of a new Council Tax and National Non Domestic Rates Insolvency Policy – replacing a previous version from 2012

Approval of the report was not a key decision.

Reason for Decision

The Council Tax and National Non Domestic Rates (business rates) Collection and Recovery Policy provides a foundation for our operations as it outlines the service that taxpayers can expect to receive as well as a transparent structure for the collection and recovery of tax due to the Council; a function which is essential to the funding of public services.

Reduced Government funding places greater emphasis each year on the importance of collecting and recovering Council Tax and Business Rates and as further pilots for the local retention of Business Rates continue to refine the Government's intentions for Business Rate retention schemes, it is required that the Council's policies reflect its practices and essential that all polices provide for a robust but fair collection and recovery process.

The Council Tax and National Non Domestic Rates Insolvency Policy sets out the Council's main processes and guidance on it practices for ratepayers when dealing with Insolvency for Council Tax and NNDR liabilities.

In 2019/20, the Council have examined 25 accounts to determine whether they meet the legal criteria for commencement of insolvency, winding up or bankruptcy proceedings ("insolvency"). Four insolvency hearings were scheduled for December 2019 with a further four cases awaiting hearing dates. In total, we have served 17 statutory demands (the preliminary step in bankruptcy proceedings) with a total value of over £112,000.

While the overall goal for insolvency is payment of arrears, the initiation of the insolvency process has meant that a number of debtors have engaged with us when other contact methods at our disposal in the recovery of arrears have not provided enough incentive to contact us and deal with the debts.

The new policy differs from the 2012 policy in that it includes changes made to debt thresholds for individuals, updated references to Insolvency Rules 2016 and an updated pro forma for officers to use. In the last 12 months, the Revenues Team working alongside colleagues in Legal Services have increased the Council's efforts to recover debt via insolvency and while in general the Council's procedures remain largely the same, smaller incremental changes such as these warranted a review of the policy as a whole.

Alternative Options considered and Reasons for Rejection

Collection and Recovery of Council Tax and business rates works within legislative frameworks and the Council adopted its current guidelines in 2012. Remaining with this policy does not affect the Council's ability to collect and recover local taxes however the incremental changes made since 2012 means that regular update and review provides a more accurate reflection of everyday practices.

The Insolvency Policy has been updated to reflect guidance provided by the Local Government and Social Care Ombudsman issued as a result of their findings from complaints regarding the handling of insolvency proceedings by local authorities. The guidance recommends that a robust, up to date procedure is in place and that all information, inquiries and account files are ordered in such a way as to demonstrate the Council's consistency of decision making and justification for insolvency – this is reflected in the updated referral forms and policy.

Resolved - **That the Council Tax and National Non Domestic Rates Insolvency Policy set out at Appendix 1 to the report be approved and adopted.**

219 House to House Collections Policy

Councillor Joyce Plummer, Portfolio Holder for Resources, provided a report seeking approval to a House to House Collections Policy for the Council.

Approval of the report was not a key decision.

Reason for Decision

The Licensing Service is responsible for regulating a wide range of functions including house to house collections. However to date there has been no formal House to House Collections Policy adopted by this Council.

House to house collections are governed by the House to House Collections Act 1939 and the House to House Collections Regulations 1947, as amended. As a general rule, house to house collections for charitable, benevolent or philanthropic purposes, whether or not the purpose is charitable within the meaning of the rule of law, are required to be licensed by the authority in whose area they intend to collect. The definition 'collection' extends beyond requests for money, to include the sale of magazines, requests for unwanted clothing and household items, visits to persuade persons to buy goods etc., where any part of the proceeds may go to charity.

The only exception to the general rule is for organisations that have been granted an Exemption Certificate by the Home Office under the provisions of the House to House Collections Act 1939. This certificate allows an organisation to collect in the district without applying for a licence. The organisation must inform the authority of the dates and areas of any planned collections.

The authority can refuse or revoke a licence for a number of reasons:-

- If too high a proportion of the proceeds are to be spent on expenses;
- If not enough of the proceeds are to be given to the charity or cause;
- If incorrect information was provided on the application form;
- If the promotor or any other person involved in the collection has been convicted of certain criminal offences, i.e. burglary, blackmail or fraud.

There is a right of appeal to the Secretary of State against the refusal or revocation of a licence within 14 days from the date on which the notice is given of the refusal or revocation.

Without a policy those that apply for a house to house collection licence in this district cannot be expected to know what is required of them and the proposed policy has been drafted to provide transparency and clarity on the requirements.

The proposed policy sets out the proportion of the proceeds of any house to house collection that should be applied to the charitable purposes that the collection is being made for. For this purpose it is recommended that 75% of the profits of house to house collections should be applied to the charity.

The Licensing Manager is of the opinion that a Policy of this type is necessary due to the number of bogus companies that are setting up and carrying out house to house collections mainly for private gain. The Association of Charity Shops estimates that charities lose between £2.5 million and £3 million a year through theft and people giving clothing to organisations which they think are charities but may be commercial companies collecting for profit.

The policy will limit the number of days that any particular collection can take place over. This will allow more charities to have the opportunity to collect and it will ensure that householders are not inundated with several charities all collecting at the same time.

In order to achieve its aims the Licensing Manager has identified the major issues and sought to tackle them through the policy with the intention of:-

- Ensuring impartiality and fairness in determining applications;
- Accommodating all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially sought after;
- Providing equality of opportunity for would be collectors;
- Avoiding causing undue nuisance to the public;
- Setting fair maximum limits for one applicant;
- Achieving a fair balance between local and national causes.

In conclusion, Members are requested to approve the proposed House to House Collections Policy in order to help to deliver fairness and transparency to all involved.

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

Resolved - **That the Draft House to House Collections Policy set out in the report be adopted.**

220 Huncoat Garden Village - Masterplan and Delivery Strategy Update

Councillor Loraine Cox, Portfolio Holder Housing and Regeneration, provided an update report on progress with the Huncoat Garden Village (HGV) Masterplan and Delivery Strategy (M&DS) and set out a timetable to conclude the M&DS.

Councillor Dave Parkins raised the following issues on the report:-

- Paragraphs 3.3(v) and 3.4(vi) – the original proposals had referred to a brand new junior school, but this had subsequently changed to increased provision on the

same location or on a new site. There were concerns regarding access to the existing site.

- Paragraph 3.4(v) – there were concerns that if the size of the residential development did not reach the ‘tipping point’ for the construction of a distribution road, there would still be a significant increase in traffic, which would then be confined to existing roads which were already congested.

Councillor Parkins also placed on record his thanks to Mark Hoyle, Head of Housing and Regeneration, and Chris Gregory, Housing Zone Project Manager, for keeping members of the Huncoat Forum updated on the project

Councillor Tony Dobson expressed his approval regarding the proposals and looked forward to the formal Masterplan and Delivery Strategy being developed.

The Leader of the Council commented that the detailed trigger points would be considered in due course. However, the overall Masterplan was critical for Huncoat. Otherwise, there was a risk that any development could be piecemeal and would not deliver the improvements envisaged for the village. The Masterplan would provide a co-ordinated vision for the area.

Approval of the report was not a key decision.

Reason for Decision

Cabinet received reports in January 2017 and July 2018 establishing HGV as a major housing growth opportunity for up to 2,000 new homes in the Borough. This was subject to putting in place an M&DS and emerging planning policy (the Local Plan). Cabinet also supported the decision to appoint Arcadis Consultancy (UK) Limited at a cost of £174,443 to support the Council in preparing an M&DS for HGV in partnership with Lancashire County Council and Homes England.

The M&DS is being undertaken under four key stages:

- Stage 1 – Evidence Base and Baseline Report;
- Stage 2 – Option Development and Testing;
- Stage 3 – Draft Framework Masterplan and Delivery Strategy Report;
- Stage 4 – Review and Final Masterplan Framework production.

Stages 1 and 2 have been provisionally concluded and consultation for the draft M&DS (Stage 3) has taken place. The report included further details of the development principles that have been identified for HGV.

The original timetable saw the Masterplan project commence early June 2018 and was scheduled to conclude January 2019. It soon became clear the timetable was over ambitious and was reviewed and rescheduled to conclude late summer 2019. In the spring of 2019 it was necessary to slow progress on the Masterplan for a number of significant reasons especially other key complementary and additional work, which is summarised below:-

- Local Plan Review;
- Highway implications;
- Ecology;
- Station and Rail Services;
- Proposed distribution road;

- Junior School provision;
- Following consultation of a residential only HGV, two additional residential only options (in addition to the three mixed housing/employment options) need to be tested and developed for consideration:

Council officers have negotiated a fee of £49,000 plus VAT with Arcadis (existing consultancy team) for the additional work described above. The fee is consistent with rates submitted by Arcadis as part of their original tender submission and, therefore, Council officers are confident the additional cost reflects good value for money.

As a result of the additional work, Council officers have agreed a revised timetable with Arcadis to conclude the M&DS, which is as follows:-

- Revised highway baseline, including identification of the “tipping point” for new distribution road – by 24th January 2020;
- Conclude additional residential only options and finalise revised Stage 2 report – by 6th March 2020;
- Produce and finalise Stage 3 report i.e. final draft M&DS – by 6th May 2020;
- Produce agreed final M&DS report - by 15th June 2020.

Alternative Options considered and Reasons for Rejection

The Masterplan and Delivery Strategy has been subject to option development and analysis as part of the Masterplan process. Three residential and employment options have been considered and as part of the additional work, two further residential options will be considered.

Resolved

- (1) That Cabinet notes and welcomes the progress being made to put a Masterplan and Delivery Strategy for Huncoat Garden Village in place which is a major opportunity for housing growth in the Borough.**
- (2) That Cabinet notes and endorses spending a further £49,000 plus VAT on additional consultancy fees with Arcadis Consultancy (UK) Limited from existing budgets for additional Masterplan and Delivery Strategy costs to enable the Masterplan and Delivery Strategy to be concluded.**
- (3) That Cabinet notes the extended timetable to conclude the Huncoat Garden Village Masterplan and Delivery Strategy as set out in the report.**

221 Financial Position November 2019 - Report for the Year Ending 31st March 2020

Councillor Joyce Plummer, Portfolio Holder for Resources, provided a report informing Cabinet of the financial spending of the Council up to the end of November 2019 and the financial forecast outturn position for the Accounting Year 2019/20. Members considered a table within the report which set out the core financial details.

Councillor June Harrison thanked Joe McIntyre, Deputy Chief Executive, and his team for ensuring that the Council’s finances remained ‘in the black’.

Approval of the report was not a key decision.

Reason for Decision

The spend for the first 8 months of the financial year to the end of November 2019 is £7,542,000 compared to a Budget of £7,755,000 giving a positive variance of £214,000 over the first 8 months of the year.

The current forecast spend to the end of the financial year in March 2020 is £10,820,000 compared to a Budget of £10,994,000. This forecast produces a positive variance of £174,000 by the end of the financial year. There are small adverse forecasts for Planning & Transportation, Policy & Corporate Governance, and Environmental Services. Regeneration and Property Services have a larger adverse variance of 13% of Budget. Elsewhere, positive variances are sufficient to produce an overall surplus for the year.

Environmental Services

Environmental Services are predicting a year end adverse variance of £36,000. This stems from salary savings of £19,000 on Food Safety. Waste Services' income is up £35,000, along with £17,000 of salary savings and £103,000 positive variance on recycling, less £34,000 of additional miscellaneous expenditure for an overall £121,000 surplus on their budget. Parks and Cemeteries are predicting a positive variance of £18,000 with the Parks Service indicating savings of £22,000 on salaries and £5,000 on miscellaneous costs offset by £36,000 of reduced income. Cemeteries are predicting an additional £20,000 income this year and salary savings of £9,000 less £2,000 of additional extra miscellaneous spend. The Town Centre and Market Hall Budget is indicating an overall adverse variance of £194,000, comprising £190,000 reduced income at the Market Hall and income from CCTV down by £10,000, less £26,000 of salary savings reduced by £21,000 of additional expenditure.

Culture & Leisure Services

Culture and Leisure Services are indicating a positive variance of £26,000 due to £30,000 of savings on leisure budgets less £4,000 additional net expenditure at the Haworth Art Gallery.

Planning & Transportation

Planning & Transportation are predicting an adverse variance for the year of £30,000. This is due to a predicted shortfall in income compared to budget on Building Control of £65,000 and additional salary expenditure in this area of £26,000. Elsewhere on the Budget there are £27,000 of staff saving and £46,000 of additional income less £12,000 of miscellaneous additional expenditure.

Regeneration & Property Services

Regeneration & Property Services are predicting an adverse variance of £138,000 at year-end with salary costs up by £93,000 over the year compared to budget and expected additional costs of £76,000, less £31,000 of additional income.

Policy & Corporate Governance

Policy & Corporate Governance are predicting an adverse variance of £43,000. This stems from salary savings of £181,000 less the Corporate Savings Target for the year of £165,000, predicted increases of £100,000 on Housing Benefit Costs, along with £2,000 of additional miscellaneous costs less £43,000 of additional income.

Non Service Items

The current estimate for the year is a positive variance of £395,000.

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

Resolved - **Cabinet notes the report and asks Corporate Management Team to continue to reduce costs and increase income over the remaining months of the financial year.**

222 Disability Service - Specialist Accommodation Unit

Reason for Urgency: Councillor Noordad Aziz, Chair of the Resources Overview and Scrutiny Committee, agreed that the following decision was urgent and could not reasonably be deferred on the grounds that the decision was required to facilitate communication to Lancashire County Council, as soon as possible, of this Council's commitment to make a significant financial contribution to the County Council's proposed development of a specialist accommodation unit in Great Harwood for adults with disabilities, so as to enable the project to proceed without delay

Councillor Loraine Cox, Portfolio Holder Housing and Regeneration, provided a report to bring to Cabinet's attention Lancashire County Council's intention to develop two specialist accommodation units; one for disabled adults and one for disabled children both in Great Harwood. The report sought Cabinet's approval to make a £300,000 contribution from the Council's Capital Programme towards the adult specialist unit.

The Leader of the Council commented that both he and Jenny Molineux, as county councillors representing Great Harwood, Rishton and Clayton-le Moors, were in favour of the proposals. The former school had been closed for a number of years and the new proposals would provide essential respite care for both children and adults, which was vital in providing carers with a break from their normal responsibilities.

Councillor Tony Dobson indicated that there would be cross-party support for this development. He suggested that the County Council might wish to provide an information session to local councillors and residents at the site to keep them informed. The Leader of the Council indicated that it was often the case that rumours started on social media, which gave a false impression of what facilities were planned. It was important to get the right message out to the public. He requested that the Head of Regeneration and Housing feed those comments back to colleagues at Lancashire County Council. Bank Mill House was suggested as a possible venue for a public information meeting.

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

Reason for Decision

Lancashire County Council's Disability Service has reviewed how it provides short break services to severely physically disabled adults including households with a learning disability and is proposing to build a new specialist unit in Great Harwood that:-

- Accommodates individuals in an emergency that have significant behavioural problems that pose a risk to themselves and others;
- Support care provision and prevent carer-breakdown, which could result in more costly placements for individuals;

- Provide respite for families / carers that will enable individuals to remain in their home environment;
- Support young people with complex needs in transition from children's services.

The new adult residential unit will provide seven ground floor bedrooms including communal space and specialist equipment. The Council is being invited by Lancashire County Council to contribute £300,000 to the adult unit which will cost approximately £2.034 million to construct.

Lancashire County Council is also proposing to construct a similar specialist facility for disabled children at an estimated cost of £3.01 million on the same site (the Council is not being asked to contribute towards the children's unit). This means a total investment of £5.04 million in Great Harwood for new state of the art facilities for severely disabled households.

Hyndburn Borough Council has accumulated a circa £652,000 underspend over several years from its Disabled Facilities Grant (DFG) funding and therefore the County Council has approached the Council seeking a financial contribution of £300,000 from the underspend towards the adult accommodation unit (and not the children's unit)

DFG funding is part of the County Council's Better Care Fund (BCF) and is distributed to the relevant Housing Authorities (District Councils in Lancashire) to support disabled households to remain living as independently as possible in their own homes.

The support provided through the provision of the short break units will enable carers to take a break from continued caring responsibilities which in turn will assist them to continue to provide that vital care. It also prevents carer breakdown which often results in care placement and will also support the placement of emergency accommodation for individuals displaying significant behavioural problems that pose a risk to themselves and others (safeguarding issues).

Therefore, the County Council's capital contribution to the adult accommodation unit supports the aims of the Better Care Fund priorities and supports individuals with disabilities to receive consistent supportive care which enables them to remain in their own homes and current caring situations. For this reason using the DFG underspend is an appropriate and valuable use of this funding.

Should Cabinet decide to support a £300,000 contribution towards the adult disabled unit from the Capital Programme the Council will seek to impose legal and financial conditions to ensure Hyndburn Borough Council's financial contribution towards the adult unit is protected and used for the disabled adult specialised accommodation unit as proposed, including the following:-

- Payment timing – Hyndburn Borough Council's £300,000 contribution to be paid when the adult accommodation unit is first occupied;
- Applying certain conditions to any future disposal of the unit proposed by Lancashire County Council;
- Clawback Provisions should the unit cease to be used for adult disabled households in the future, within a variety of timeframes. The Council could seek to impose a charge of title to secure the repayment obligations.

Alternative Options considered and Reasons for Rejection

The Council does not have to make a financial contribution to the County Council's new accommodation unit. However, the Council has accumulated a significant DFG underspend which is ring-fenced for supporting disabled households to live independently. The £300,000 can therefore be considered an appropriate and worthy use of this funding, working in partnership with Lancashire County Council supporting the housing needs of disabled households.

The Council has a very significant DFG funding programme and therefore a decision to make a £300,000 funding contribution to the County Council will not affect the Council's ability in helping households with DFG's.

Resolved

- (1) That Cabinet approves a £300,000 contribution from the Council's Capital Programme as set out in the report towards Lancashire County Council's proposed new specialist accommodation unit for physically disabled adults in Great Harwood, and**

- (2) That Cabinet delegates authority to the Head of Regeneration and Housing to conclude the terms of the Council's funding contribution following consultation with the Deputy Chief Executive, the Executive Director (Legal and Demographic Services) and with the Portfolio Holder for Housing and Regeneration.**

There were no items taken in private.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed