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CABINET

Wednesday, 21st October, 2020

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

In Attendance: Councillors Glen Harrison and Marlene Haworth

Apologies: Councillor Loraine Cox

12 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Loraine Cox.

13 Declarations of Interest and Dispensations

Councillor Miles Parkinson OBE declared a personal interest in the Agenda Item 10 – Urgent Decisions Taken, in view of his appointment as a director of Barnfield & Hyndburn Limited prior to its winding up. Councillors Paul Cox and Joyce Plummer declared a personal interest in Agenda Item 5(i) as an allotment tenant and a member of an allotment association respectively.

14 Minutes of Cabinet

The minutes of the meeting of Cabinet held on 12th February 2020 were submitted for approval as a correct record.

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

15 Minutes of Committees, Boards, Panels and Working Groups

The minutes of the following meetings were submitted:-

- Regeneration and Housing Panel – 6th January 2020
- Cabinet Committee (Street Naming) – 24th February 2020
- Regeneration and Housing Panel – 9th March 2020

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

16 Urgent Decisions Taken

In accordance with Executive Procedure Rule B16(c), Members considered a report on the following decisions taken under the urgency procedure:-

No.	Decision Heading	Portfolio Holder	Date of Approval
(a)	B with Us Allocations Policy	Councillor L Cox	25 th March 2020
(b)	Amendment to Scheme of Delegation – Coronavirus Act 2020	Councillor J Plummer	2 nd April 2020
(c)	Truck Cartel - Potential Compensation Claim	Councillor M Parkinson OBE	5 th May 2020
(d)	LA Support (Litter and Dog Fouling Enforcement)	Councillor P Cox	5 th May 2020
(e)	Local Business Discretionary Grant Policy	Councillor J Plummer	3 rd June 2020
(f)	Barnfield & Hyndburn Limited – proposed winding up and sale of Norden Court (<i>Urgency report only. The substantive report contained exempt information – full details appeared in Part C of the Agenda</i>)	Councillor M Parkinson OBE	23 rd June 2020
(g)	Amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing	Councillor J Plummer	9 th July 2020
(h)	Member attendance at meetings	Councillor J Plummer	10 th July 2020
(i)	Allotment Rental Charge 2022 and 2023	Councillor M Dad	31 st July 2020
(j)	Temporary Rent Concession for the Indoor Market Hall Traders due to Coronavirus	Councillor P Cox	27 th August 2020
(k)	Equality and Diversity Strategy 2020-2025	Councillor J Plummer	28 th August 2020
(l)	Surrender of Lease from Mercer House 1842 in respect of Mercer House, Clayton Le Moors	Councillor L Cox	3 rd September 2020
(m)	Surrender of Lease granted to Mercer House 1842 of the Arthur Wilson Centre, Clayton Le Moors	Councillor L Cox	3 rd September 2020
(n)	Christmas Lights 2020	Councillor L Cox	24 th September 2020

Councillor Marlene Haworth, Leader of the Opposition, commented that she was pleased to see the temporary rent concessions agreed with Market Hall traders (Item (j) above) and that core opening hours were a consideration regarding the concessions. She enquired what the required opening hours were.

Councillor Paul Cox, Deputy Leader of the Council, reported that it had been important to continue to work with the market traders and to reiterate when the facility was open for business. The Market Hall was open until 4.30pm on weekdays and it was hoped to extend opening hours further to 5.00pm as the trade increased. Other options were also being considered, including possible evening opening. However, the situation was very fluid due to the Coronavirus pandemic. The Council was working closely with traders, who were taking on board the challenge. This was starting to pay off, as footfall was now improving.

Resolved - **To note the report on urgent decisions taken.**

17 Reports of Cabinet Members

There were no verbal reports provided on this occasion.

18 Employment Land in Hyndburn - Future Provision

Councillor Miles Parkinson OBE, Leader of the Council, reported on the allocation of future employment development land.

Members were informed that as well as needing to find sufficient land to meet the Borough's housing needs in the Local Plan, it was also necessary to allocate land for future employment development. The report presented options for the future provision of Employment Land in Hyndburn prior to the Council issuing the Publication Version of the Local Plan in Spring 2021.

The report also set out the direction of travel that the Local Plan was proposing to take, with a view to addressing any concerns raised by Members prior to the publication version of the plan being issued. Plans illustrating the location of sites and their site reference numbers were also included within the report.

Councillor Parkinson summarised the main features of the report, which gave the details of what was proposed and the logic supporting the direction of travel. The decisions were important for the business community and the wider economic wellbeing of Hyndburn. This would occur naturally as part of the Local Plan process, and would need the approval of the Secretary of State in around 18-24 months' time.

The Leader was delighted with the progress made at Frontier Park. The development had come on-stream much faster than anticipated and would soon be fully open. The development in Huncoat would now focus on that area being a premier housing location. Accordingly, there would be a shortfall in other employment land. The report provided some direction on this matter.

The Borough included a lot of Green Belt land, but it was a fact that the M65 had been developed straight through that Green Belt land. The motorway could deliver economic growth around its junctions within the borough, namely Junctions 6, 7 and 8.

A variety of possible locations had been identified by the planners. Some of those sites could be more easily developed than others, including Frontier Park, and Altham Business Park, which were already attractive to major public companies.

This was a critical time for the Borough, which had been badly impacted by COVID-19. Accordingly, it would need to look to promote economic development within the Borough.

Councillor Marlene Haworth commented that the Conservative Group had raised some concerns about the potential loss of Green Belt. That land was precious and there should be a focus on using brownfield sites first. Green Belt should only be used cautiously for housing or businesses.

The Leader of the Council responded that brownfield sites were still important, but frequently their use was constrained by their small size, often being former mill sites. Modern employment often required large distribution hubs. Another issue was that brownfield sites were frequently surrounded by residential properties. For that reason these sites were now preferred for housing development. Typically new employment sites required space for large industrial units with a large apron for vehicles. These would not be welcomed in urban areas. For the last three decades development had been focused on Altham

Buisness Park, which provided employment both in Hyndburn and for the wider area. Frontier Park would do similarly. Employment sites now needed to be close to motorway junctions.

Overall, individual townships would remain separate, although Accrington, Church and Oswaldtwistle now largely formed a single conurbation. It was acknowledged that the boundaries of Oswaldtwistle, Rishton, Clayton-le-Moors and Great Harwood should not stretch towards Blackburn and that the surrounding Green Belt should be protected. Accordingly, Green Belt land would only be considered where this made good sense and did not impact on other local amenity. Similar commitments had been made previously. For example, Lyndon Park in Great Harwood had been a controversial development, but it had been approved as other benefits had been realised for the residents.

Altham was preferred as the principle site for further employment land development, but if that site was used up before the end of the Local Plan period, use could be made of some land at Whitebirk.

Approval of the report was not a key decision.

Reason for Decision

The report included detailed information on the following matters, which explained the reasons for the decision:-

- National Planning Policy Framework (NPPF);
- The Current Position – the Hyndburn Core Strategy;
- A further strategic site;
- Developments since the adoption of the Core Strategy in 2012;
- Future direction;
- M65 Junction 6;
- M65 Junction 7;
- M65 Junction 8;
- Other sites; and
- Conclusions and Local Plan Update

Alternative Options considered and Reasons for Rejection

A number of alternative sites had been considered as part of the process. Sites put forward through the call for sites had been assessed using a variety of criteria and against other evidence collected as part of the Local Plan process.

The Council would be collecting further evidence on sites as part of the Local Plan process, for example highway assessments, and if that evidence indicated that the approach described in the current report should be changed a follow up report would be presented to members.

Resolved

(1) That the authority seeks to develop a strategy for employment land in the Local Plan that is based on the following approach:

- i. A connected housing and economic development strategy that is based on growth and a desire to meet the Borough's housing and employment land**

requirements, taking into consideration the evidence base provided by GL Hearn (2016), Turleys (2017 and 2019) and Aspinall Verdi (2019).

- ii. An employment strategy that remains consistent with the broad approach taken by the Core Strategy adopted in 2012 but reflects the changes described in this report and is based on the following objectives:
 - a. The provision of sufficient employment land;
 - b. The identification and allocation of strategic employment sites at Frontier Park and Altham in the first instance, and in the longer term land at Whitebirk to the west of Rishton;
 - c. An existing employment site strategy that protects good quality employment sites whilst allows the development of poor quality sites for other development, and;
 - d. The development of a town centre strategy.
- iii. That the strategic employment site at Frontier Park will continue to make a contribution to the Borough's Employment Land requirements during the plan period 2016-2036.
- iv. That the strategic employment site at Huncoat will not contribute towards future employment need but will be developed for housing as shown by the emerging Masterplan being developed for Huncoat Garden Village.
- v. That land to the south of Altham Business Park contribute towards the Borough's employment land requirements subject to measures being taken to mitigate the impact of the development to acceptable levels as described in this report. This should be based around Sites 49, 60 and 218 described at Appendix 4.
- vi. That in the longer term, land at Whitebirk be identified as a potential strategic employment site subject to a masterplan being undertaken that prescribes the means by which this site can be developed in a sustainable manner. This should be based around Sites 229, 230 and part of site 228 described at Appendix 2.
- vii. That the Local Plan will necessitate a review of Green Belt. The potential sites at Altham and Whitebirk are both in the Green Belt and in order for the Green Belt boundary to be changed in either of these locations it will be necessary for the Council to demonstrate that

there are exceptional circumstances for this change. This justification will be undertaken as part of the local plan preparation.

- (2) That Cabinet notes that these recommendations are based on current evidence for the Local Plan and should not prejudice the outcome of evidence that remains to be undertaken and which will need to be taken into consideration in the preparation of the Local Plan.**
- (3) To note that the report is intended to provide an indication of the direction of travel that officers are seeking to take on Employment Land and it has been requested by the Leader of the Council.**
- (4) To note that agreement to the recommendations set out above will allow officers to focus on the approach described, but that the report does not represent policy and does not form part of the development plan.**

19 Climate Emergency and Carbon Neutral Gold and International Standard Award

Councillor Miles Parkinson OBE, Leader of the Council, reported that the Council was nearing completion of a Carbon Footprint exercise, through which a Carbon Neutral Gold and International Standard had been awarded and that it was participating in the United Nations Carbon Neutral Now initiative. These were significant steps in the Council's Climate Emergency action planning.

Councillor Glen Harrison, Chair of the Environment and Climate Change Members working Group, highlighted key issues in relation to the report. Before becoming an elected Member, Councillor Harrison had held a keen interest in environmental issues, such as plastic tides and extreme weather problems.

The report represented a very positive statement in an uncertain world. It was notable that during the first wave of the COVID-19 pandemic, anecdotal evidence showed that the planet was able to repair itself.

The latest work in Hyndburn had followed the declaration of a Climate Emergency motion put by Councillor Harrison and agreed by the Council in September 2019. The intention was for Hyndburn to be net carbon neutral in its core activities by 2030. To this end, external commissioners had produced a carbon footprint report, which had led to the awards identified in the report. The Council was the first in the UK to participate in both initiatives.

An action plan would be developed and several actions had already been progressed, which were detailed in the report. Further proposals would be brought back to the Cabinet as they were developed.

Councillor Harrison thanked the Chief Executive, David Welsby and all others involved in the programme.

The Leader of the Council acknowledged the hard work of staff and expressed his delight at Hyndburn being the first council to achieve this status. The Council had already committed a budget to climate change initiatives before Coronavirus had surfaced as the main priority. However, the environment would remain high on the agenda after the virus had subsided.

Businesses and residents would also be encouraged to be greener, to make the world a better place for all.

Councillor Haworth commented that the programme was a wonderful initiative and commended Councillor Harrison for his work on this. It was vital to provide a decent place to live for future generations.

Approval of the report was not a key decision.

Reason for Decision

The Council had declared a Climate Emergency in September 2019 and had also completed a Green Review in the same year, together identifying a range of actions with a headline target to achieve net-zero carbon in Council activities by 2030 and to produce a measured baseline.

A Carbon Footprint report had been commissioned to identify the baseline figure of CO₂e (equivalent) emissions, through independent analysis of Council data for the year 2018/19 (April 2018 to March 2019). Prepared by One Carbon World, this was part of the Carbon Neutral Gold and International Standards and UN Climate Neutral Now initiatives.

The Council was the first in the UK to participate in both initiatives.

Using carbon management principles of Measure, Reduce, Offset, the UN Climate Neutral Now initiative invited organisations, governments and citizens to work towards global climate neutrality by addressing their climate footprint through a 3-step method:-

- Measure their greenhouse gas emissions. also called the carbon footprint;
- Reduce them as much as possible through their own actions; and
- Offset (compensate) those which could not be currently avoided by using UN certified emission reductions.

The Carbon Footprint report followed a robust methodology to analyse carbon emissions, impact of different fuels, energy sources and activities. Detailed results would be discussed at a future Cabinet meeting covering the operations of the Council, together with the sports facilities operated by the Leisure Trust, measuring emissions arising from energy, fuel, business travel and waste.

Reducing the net carbon footprint would require priority to be given to the areas of highest emissions as part of a comprehensive Climate Emergency action plan, including:-

- Detailed energy audits of key buildings and review of options to reduce energy use, natural gas in particular, such as more efficient insulation methods, improved heating and lighting systems, and exploration of alternative/renewable energy sources for heating such as air source heat pumps (ASHPs) ground source heat pumps (GSHPs), solar thermal, Solar PV and others.
- A Public Sector Decarbonisation Fund had recently been announced which could be an opportunity to source technical expertise as well as capital grants for appropriate installations. Discussions had been initiated with APSE Energy, an advisory service dedicated to the public sector.

- Reviewing opportunities to reduce the carbon impacts from the Council's vehicle fleet, including external assistance through the Energy Saving Trust
- Developing programmes of natural environment measures to balance emissions as well as deliver opportunities for high quality environments and local involvement.

The Council had continued to progress several key actions towards the goal of net zero carbon, such as those actions in recent months, as follows:-

- electricity for a portfolio of key buildings was now sourced from 100% green energy;
- zero carbon emission electric lifters on refuse vehicles;
- working with environmental organisations on a Lancashire Woodland campaign, woodland creation and other habitat enhancement locally; and
- supporting the greening of the taxi fleet.

Alternative Options considered and Reasons for Rejection

In-house preparation of a carbon footprint. Data had been assembled in-house by staff from several services, but the Council did not currently have staff capacity to analyse and report on the CO₂e emissions implications. Also, an externally produced carbon footprint offered independence and transparency and scope for monitoring progress on-going.

Resolved

- (1) That Cabinet welcomes the Carbon Neutral Gold and International Standard award reflecting the Council's participation in the One Carbon World Carbon Footprint and United Nations Climate Neutral Now initiatives.**
- (2) That Cabinet continues to develop a progressive programme of carbon reduction measures plus a range of beneficial measures to balance any remaining impacts, with proposals being brought forward to future Cabinet meetings.**
- (3) That Cabinet recognises that significant actions have continued to be progressed, notwithstanding the additional challenges of recent months.**

20 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 items, 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.**

21 Urgent Decisions Taken

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)

In accordance with Executive Procedure Rule B16(c), Members considered a report on the following decisions taken under the urgency procedure:-

No.	Decision Heading	Portfolio Holder	Date of Approval
(f)	Barnfield & Hyndburn Limited – proposed winding up and sale of Norden Court <i>(The reason for urgency was included in Part B of the Agenda)</i>	Councillor M Parkinson OBE	23 rd June 2020

Resolved - To note the report on the urgent decision taken.

22 Project Phoenix 1D

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)

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was given by Councillor Paddy Short, Chair of the Resources Overview and Scrutiny Committee, to the following decision being made by Cabinet on 21st October 2020 in private, on the grounds that the decision was urgent and could not reasonably be deferred.

In accordance with Regulation 11(1)(a) of the above Regulations and Council Procedure Rule D16 (Special Urgency), approval was given by Councillor Paddy Short, Chair of the Resources Overview and Scrutiny Committee, to the following key decision being made by Cabinet on 21st October 2020 on the grounds that the decision was urgent and could not reasonably be deferred

Appropriate notices under Regulations 5(7) and 11(2) had been made available for public inspection and published on the Council’s website prior to the meeting.

Reason for Urgency

Progress needed to be made quickly to minimise the potential risks to the funding available, which must be fully expended by the end of March 2021.

Councillor Loraine Cox, Portfolio Holder for Housing and Regeneration, had submitted a report seeking a number of approvals to enable the Phoenix 1D site to be sold to a developer for new build housing, and which set out the necessary funding arrangements. The Leader of the Council, introduced the report, in the absence of the Portfolio Holder.

Approval of the report was 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