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# COUNCIL

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**Thursday, 1st July, 2021**

**Present:** Councillor Kath Pratt (Mayor), Councillors Judith Addison, Dominik Allen, Josh Allen, Mohammad Ayub, Noordad Aziz, Peter Britcliffe, Andrew Clegg, Loraine Cox, Paul Cox, Munsif Dad BEM JP, Diane Fielding, June Harrison, Marlene Haworth, Susan Hayes, Carole Haythornthwaite, Eamonn Higgins, Michael Hindley, Terry Hurn, Abdul Khan, Chris Knight, Patrick McGinley, Michael Miller, Jenny Molineux, Caroline Montague, Tim O'Kane, Dave Parkins, Bernadette Parkinson, Miles Parkinson OBE, Joyce Plummer, Paddy Short, Steven Smithson and Kate Walsh

**Apologies:** Councillors Melissa Fisher and Sajid Mahmood

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#### **44 Apologies for absence**

Apologies for absence were submitted on behalf of Councillors Melissa Fisher and Sajid Mahmood.

#### **45 Declarations of Interest and Dispensations**

Councillor Kate Walsh declared a personal interest in Agenda Item 11(1) - Motion on Market Hall Rents, on the grounds that the organisation that she worked for was based in the Market Hall.

There were no declarations of dispensations submitted.

#### **46 Announcements**

##### **1. Public Interest Matter**

The Mayor reminded Members that they would have received a letter from the Chief Executive giving an update on the position following the public interest matter raised at the last Council meeting. However, the matter remained the subject of internal procedures which had not yet concluded.

So as not to prejudice that process, the Mayor indicated that she was minded not to allow any discussion on this issue under Agenda Items 4 and 9, which dealt with the minutes of recent Council and Cabinet meetings. She thanked councillors in advance for their understanding and cooperation in this regard.

##### **2. Funeral of Ron Hill MBE**

The Mayor reported that, with a mixture of both pride and sadness, she had recently attended the funeral of local Olympic legend, Ron Hill. Ron had received a fitting send off from mourners and well-wishers from the athletics community.

##### **3. Armed Forces Day and Anniversary of the Battle of the Somme**

The Mayor indicated that she had been fortunate recently to attend two socially-distanced ceremonies, along with Royal British Legion members and local politicians. An Armed Forces Day event had been held outside the Town Hall on 21st June 2021, to recognise the on-going commitment of current service men and women. Earlier today, the Mayor had attended an event to commemorate the sacrifices made at the Battle of the Somme, which had a particular significance locally because of the involvement of the Accrington Pals.

There were no announcements made by the Leader or Chief Executive of the Council.

#### **47 Confirmation of Minutes**

The Minutes of the Annual Council meeting held on 20<sup>th</sup> May 2021 were submitted for approval as a correct record.

Councillor Peter Britcliffe, Joint Deputy Leader of the Opposition, acknowledged the Mayor's decision not to allow any discussion on the public interest matter, since the substantive information had already been/was being considered by the relevant bodies. He wished to speak generally about standards in public life and queried whether the Council might have been misled during previous announcements. He indicated that Councillor Fisher had had stated clearly that she knew nothing of the matter referred to in the announcement made by the Leader of the Council at the last meeting. This potentially contradicted a statement made by another councillor who said that he had been approached to vote for Councillor Fisher during the Labour leadership election. The Code of Conduct required councillors to act with honesty and integrity at all times. Councillor Britcliffe believed that it would be proper to convene a meeting of the Standards Committee to consider whether Councillor Fisher had acted with honesty and integrity. He suggested that if standards of behaviour were found wanting, the party whip should be withdrawn.

Councillor Tim O'Kane indicated that he wished to disassociate himself from the announcements made recently about the elections. Any discussion today would be unfair as Councillor Fisher was not present to respond. A complaint could be made about possible misuse of Council resources in the way that the alleged incident had been brought to light. The Police had given a clear indication that there had been no criminality involved in the incident. Councillor O'Kane expressed concern at the way in which the matter had been raised by the Leader of the Council, since this would not normally have allowed a right of reply by the person implicated in the allegation. However, Officers had intervened to ensure that a right of reply was available. Labour councillors had not been notified that any such allegations were due to be raised at the last meeting and the matter had caused significant distress to Councillor Fisher.

The Leader of the Council responded that during his long service as a councillor he had always striven to support honesty and integrity, by doing the honourable thing. When presented with the information about the election issue he had sought to air this in an open and transparent way.

The Mayor reiterated that this was not the appropriate time to carry on a debate on the above subject and called for the vote on the minutes to be taken.

**Resolved** - **That the Minutes of the Annual Council meeting held on the 20<sup>th</sup> May 2021 be approved as a correct record.**

#### **48 Question Time**

The Mayor reported that no questions had been submitted under this Agenda Item.

#### **49 Change of Appointments to Audit Committee**

Members considered a recent request from the Conservative Group to change one of their two nominees appointed to the Audit Committee in 2021/22, so as to replace Councillor Josh Allen with Councillor Dominik Allen, with immediate effect.

**Resolved** - **To approve the replacement of Councillor Josh Allen by the appointment of Councillor Dominik Allen to the Audit Committee in 2021/22, with immediate effect**

#### **50 Initial Proposal for the New Parliamentary Constituency Boundary Review 2023 for Hyndburn**

Members considered a report of the Leader of the Council, providing an update on the Parliamentary Boundary Review 2023, which set out the initial proposals from the Boundary Commission for England (the Commission) concerning the Hyndburn constituency and which sought the Council's support for the Commission's initial recommendations.

The Leader gave a brief verbal introduction to the report, referring to the Council's response to the previous Review and highlighting the importance of retaining the name Hyndburn and keeping the parliamentary seat largely co-terminus with the Borough boundary. The Commission had a difficult job across the country, but brought an impartial view. The changes proposed by the Commission would preserve the socio-economic character of East Lancashire.

The report indicated that the Commission was an independent and impartial non-departmental public body, which was responsible for reviewing Parliamentary constituency boundaries in England.

On the 8<sup>th</sup> June 2021 the Commission had published a report on their initial proposals to ensure that the number of electors in each constituency was more equal (electorate equality), which included a boundary change to the Hyndburn constituency and again proposed the name Hyndburn CC (County Constituency) which the Commission had proposed in the final review back in 2018.

The Commission's latest proposals for the Hyndburn constituency included the loss of the Haslingden area to the West Pennine Moors constituency and the gain of three additional wards (Billington & Langho; East Whalley, Read & Simonstone; Whalley & Painter Wood) from the Ribble Valley constituency, whilst keeping Hyndburn coterminous with the district council's boundary.

Following the passing of the Parliamentary Constituencies Act 2020 in December 2020, and the publication of the relevant Parliamentary electorate data in January 2021, the Commission had begun a new review of all Parliamentary constituencies in England. They referred to this as the '*2023 Review*', as they were required to report with their final recommendations by 1 July 2023.

The 2023 Review of Parliamentary constituencies had been formally launched in January 2021. The Commission was required to ensure that the number of electors in each constituency was more equal; in doing so, the number of constituencies in England would increase from 533 to 543 (ten more than there were currently). The Commission was undertaking an independent review of all constituency boundaries in England and would present its final recommendations to Parliament by July 2023. Each constituency that the

Commission recommended would have to contain no fewer than 69,724 Parliamentary electors, and no more than 77,062 (except two 'protected' constituencies for the Isle of Wight). By law, these electorate figures related to the electorates as they were on 2 March 2020.

Applying the statutory formula to the electorate figures meant the total 650 constituencies was distributed during the review to the four parts of the UK with England receiving 543 seats, Scotland with 57, Wales with 32 and Northern Ireland with 18 seats. This Commission had applied the same distribution formula to the English allocation, which resulted in the following redistribution of constituencies among the nine English regions for the 2023 Review with the North West losing two seats from 75 to 73.

- East Midlands = 47 (increase of one)
- Eastern = 61 (increase of three)
- London = 75 (increase of two)
- North East = 27 (decrease of two)
- North West = 73 (decrease of two)
- South East = 91 (increase of seven)
- South West = 58 (increase of three)
- West Midlands = 57 (decrease of two)
- Yorkshire and the Humber = 54 (no change)

The Commission's proposals left ten of the existing 75 (going down to 73) North West constituencies unchanged. A further three constituencies were unchanged, except to realign with new local government ward boundaries. Across Cumbria and Lancashire it was proposed to reduce the number of existing constituency areas from 22 to 20, whilst Greater Manchester, Cheshire & Merseyside had kept the same number. This was down to the number of constituencies allocated to each sub-region and was determined by the combined electorate of the local authorities they contained.

In 2018, the Council had been united in keeping Hyndburn coterminous with 100% of the district area within the parliamentary seat of Hyndburn whilst keeping its name. The Council was pleased that the Commission had followed the previous submission and kept Hyndburn coterminous and would like to thank the Commission for retaining the Hyndburn area.

The previous 2018 review had recommended that Padiham wards were included in the Hyndburn constituency proposals. The latest 2023 proposals had instead included the three wards of Billington & Langho; East Whalley, Read & Simonstone; Whalley & Painter Wood from the Ribble Valley constituency area.

It could be argued that both 2018 and 2023 proposals had natural linkages and community ties from schools, shops and employment. The Padiham wards had similar social economic profiles and good infrastructure links. Whilst, prior to 1983 Great Harwood was in the Clitheroe constituency, before it had been changed to the Ribble Valley at which time Great Harwood had moved into Hyndburn.

Whilst there might be differing opinions regarding preferences of which additional wards make up electorate numbers within the parliamentary seat, the Council followed and supported the Commission's impartiality and understood that the seat required a certain number of electorates to represent voter equality and tolerance levels and be within the Commission's recommendations.

In the 2018 review, Ribble Valley Borough Council had made a representation and their preferred Parliamentary Constituency would be to include the whole of the Ribble Valley,

together with parts of West Hyndburn (Baxenden, Church, Immanuel, Netherton, Overton, Rishton, St Andrew's and St Oswald's) that would bring the new constituency within the right tolerance level at 77,634 and they suggested it should be known as Ribble Valley and Hyndburn West.

However, the latest proposals suggested that Ribble Valley district would only lose those three wards to the Hyndburn seat. The Burnley constituency would lose Briercliffe, and gain Bacup and the Whitworth area. Pendle was 100% coterminous and would gain Briercliffe, while Rossendale district had been split between the seat of Burnley and the new seat of West Pennine Moors.

Concerns would arise if the Council considered proposing alternative recommendations, such as preferences over certain wards. The detrimental impact on Hyndburn could be that the seat would be split into another parliamentary area. The risk could be a possibility that Hyndburn would no longer be coterminous if the Council suggested alternative proposals, with perhaps the Commission redrawing boundaries across the North West and proposing alternative proposals at other submission requests.

The Council's main objective was to support the proposal for keeping Hyndburn in one parliamentary constituency area. Any further proposals to change the name and not keep Hyndburn in one parliamentary seat would not receive the Council's support.

On 8 June 2021 the Commission had published their initial proposals for how the 543 constituencies for England could be drawn up within the legal parameters mentioned. This commenced a statutory consultation period of eight weeks (closing 2 August 2021), when anyone could give their views on those proposals. They would be particularly interested to hear from people about the extent to which the proposals reflected the local ties in the area, and if people disagreed with their proposals, how they thought they should be amended. There would then be two further rounds of public consultation.

Early in 2022, the Commission would publish responses to the initial proposals and would conduct a six-week 'secondary consultation', including between two and five public hearings in each region. Late in 2022, the Commission would publish its revised proposals and conduct a four-week written consultation and following the conclusion of all three consultation periods, the Commission would look at all the evidence received before forming its final recommendations. The Commission would then have to submit its final report and recommendations to the Speaker of the House of Commons by 1 July 2023.

#### **Resolved**

#### **- That Council:**

- (1) Notes the contents of the report;**
- (2) Supports the proposal for keeping Hyndburn in one parliamentary constituency area and Hyndburn CC (County Constituency) for the name of the constituency.**
- (3) Understands there may be differing views regarding preferences of which additional wards make up electorate numbers within the parliamentary seat, but that any further proposals to change the name and not keep Hyndburn coterminous in one parliamentary seat would not receive the Council's full support.**

Members considered a report of Councillor Joyce Plummer, Portfolio Holder for Resources, on the National Non Domestic Rates Nursery Discount Scheme for 2021/22 and the new Nursery Discount Scheme, both for the period of 1st July 2021 to 31st March 2022

Councillor Plummer highlighted the key features of the report and the four schemes indicated which underpinned the Government's previous and on-going support for leisure, hospitality and childcare businesses. The funding could amount to around £2M for local business funded by the Government.

The report stated that, in its response to the Coronavirus (COVID-19) pandemic, the Government had announced a raft of measures to support business rates payers – deliverable via billing authorities using their existing discretionary powers under Section 47 of the Local Government Finance Act 1988.

Government had supported billing authorities and their preceptors by funding, in full, the discretionary reliefs awarded under these measures using grants delivered under Section 31 of the Local Government Act 2003.

The administration of all discount schemes within this report was subject to restrictions laid out in Section 47 of the Local Government Finance Act 1988 which stipulated that any variation or termination of a discount scheme under Section 47 that would result in an increased financial liability for the ratepayer must be done at the end of a financial year and with 12 months' notice. By extending the 2020/21 schemes and implementing new schemes from 1<sup>st</sup> July 2021, the Council's administration of business rates relief remained within the legal boundaries of its discretionary powers.

#### *Expanded Retail Discount Scheme 2021/22 Scheme*

Since 2019/20 the Government had provided a Business Rates Retail Discount for retail properties which for 2020/21 it expanded to include the leisure and hospitality sectors. On 3 March 2021 the Government confirmed that the Expanded Retail Discount would continue to apply in 2021/22 at 100% for three months, from 1 April 2021 to 30 June 2021.

For 2021/22, the Expanded Retail Discount would be applied after mandatory reliefs and other discretionary reliefs funded by grants made under section 31 of the Local Government Act 2003 had been applied. Other locally applied discounts under section 47 of the Local Government Finance Act 1988 would have to be applied after the Expanded Retail Discount.

Expanded Retail Discount awards were made under section 47 of the Local Government Finance Act 1988, as amended.

For the extended 2020/21 scheme, a total of 311 businesses were set to benefit from 1<sup>st</sup> April to 30<sup>th</sup> June 2021 with a total of £1.1M in business rates relief awarded. For the new 2021/22 scheme, fewer businesses were due to accept the relief due to cash caps and some national chains had requested relief to 30<sup>th</sup> June 2021 only. The Council's current estimate of relief to be paid under the 2021/22 scheme was £2.1M.

The Retail Discount Scheme provided by the Council, in line with guidance and funding provided via MHCLG had been updated to reflect changes made to policy on a national scale. The main differences in the schemes were outlined in a table set out in the report.

#### *Nursery Discount Scheme*

In response to the Coronavirus, in the Budget on 18<sup>th</sup> March 2020, the Government had announced that all Early Years Foundation Stage childcare providers, registered with Ofsted and liable for business rates in 2020/21 would be given a 100% business rates discount for 2020/21.

At the Budget on 3 March 2021, the Chancellor had announced that the Nursery Discount would continue to apply at 100% for eligible properties for the first three months of 2021 from 1 April 2021 to 30 June 2021.

In total, 12 Early Years Foundation Stage childcare providers were set to benefit from the 2020/21 scheme extension with a total of £17,000 being awarded from 1<sup>st</sup> April to 30<sup>th</sup> June 2021. The same 12 childcare providers were due to benefit from the new 2021/22 scheme with £33,000 in rate relief due to be awarded.

For both scheme extensions, as this was a measure for 2021/22 only, the Government was not changing the legislation relating to the reliefs available to properties. Instead the Government would reimburse local authorities that used their discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended), to grant relief.

#### *2021/22 Expanded Retail Relief and Nursery Discount Schemes*

In its guidance to local authorities issued in March 2021, the Government had outlined future funding for both an Expanded Retail Discount Scheme and Nursery Discount Scheme to run from 1<sup>st</sup> July 2021 to 31<sup>st</sup> March 2022. For both schemes, business rates relief would be capped at 66% of the business rates liability (subject to cash caps) for 1<sup>st</sup> July 2021 to 31<sup>st</sup> March 2022, at which point the schemes would close.

For both 2021/22 schemes, ratepayers would be given the right to refuse the discount.

#### *Cash Caps*

For the Expanded Retail Relief 2022/21, a ratepayer could only receive relief up to the following cash caps, ignoring any relief for the period before 1 July 2021:

- a. £2 million for ratepayers meeting the eligibility for the 'closed cash cap test'; this test identified those businesses whose main in-person services were mandated to close based on law and guidance applicable on 5<sup>th</sup> January 2021, further compensating those businesses that might have faced a steeper financial impact as a result of national and local restrictions. Or,
- b. £105,000 for all other ratepayers not subject to mandatory closures as outlined above.

For the Nursery Discount Scheme 2021/22, a cash cap of £105,000 per business was applicable, across all of their hereditaments.

#### *State Aid/Subsidy Control*

Whilst EU State Aid rules no longer applied within the UK following the end of the transition period on 31 December 2020, the UK still had several international obligations relating to subsidies. These included those arising from the UK's continued membership of the World Trade Organisation, or from the UK-EU Trade and Cooperation Agreement. The Government considered that relief awarded under the schemes in this report was not a subsidy that fell foul of the new subsidy control principles. This meant that local authorities could lawfully award relief to all eligible properties up to the caps specified in the guidance.

Councillor Addison noted that animal boarding establishments had claimed that they were not being supported, but business had largely dried up because families were not taking holidays abroad. The situation had been brought to her attention by a cattery in her ward. Boarding establishments were also essential for older people who needed to make arrangements for their pets when they were admitted to hospital. The sector's professional association had raised the issue with Speaker of the House of Commons, Sir Lindsay Hoyle MP. Some local authorities were providing grant support, but others were not. Councillor Addison asked if this matter could be looked at in Hyndburn.

Councillor Plummer and the Leader of the Council were both aware of the issue and a commitment had been given to look into this matter with a view to providing discretionary funding.

**Resolved**

- (1) That the Expanded National Non Domestic Retail Discount Scheme 2020/21 and the Nursery Discount Scheme 2020/21 attached to the report, be extended for the first three months of 2021/22 financial year.**
- (2) That the Expanded National Non Domestic Rates Retail Discount Scheme 2021/22 and the Nursery Discount Scheme 2021/22 attached to the report, be approved and applied to business rates bills as soon as is reasonably practicable in order to provide businesses with certainty around their business rates liabilities for 2021/22.**
- (3) That the Deputy Chief Executive be given delegated powers to undertake the calculation, collection, administration and recovery of National Non Domestic Rates in accordance with the Local Government Finance Act 1988, (as amended from time to time) and further government regulations that may be issued pursuant to the same.**

**52 Minutes of Cabinet**

The minutes of the meetings of Cabinet held on 17<sup>th</sup> March and 9<sup>th</sup> June 2021 were submitted.

**Resolved**

- That the Minutes be received and noted.**

**53 Minutes of Committees**

The Minutes of the following meetings were submitted:

<b>Meeting (Municipal Year 2020/21)</b>	<b>Date</b>
Standards Committee	15 <sup>th</sup> October 2020
Judicial (Private Hire and Hackney Carriage Licensing) Committee	13 <sup>th</sup> January 2021
Planning Committee	24 <sup>th</sup> February 2021
Communities and Wellbeing Overview and Scrutiny Committee	17 <sup>th</sup> March 2021
Cabinet (Street Naming) Committee	17 <sup>th</sup> March 2021
Planning Committee	24 <sup>th</sup> March 2021

**Resolved**

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

**54 Motion(s) submitted on Notice**

**1) Motion Submitted on Notice – Market Hall Rents**

The following **motion** was proposed by Councillor Marlene Haworth and seconded by Councillor Peter Britcliffe under Council Procedure Rule A9:-

“Trading is not back to normal in Accrington Town Centre, as restrictions on Covid-19 are being lifted across the country. This is probably due to the relatively high incidence of COVID-19 in the Borough, which means residents continue to exercise caution.

To alleviate problems for Market Hall traders and to help them get back on their feet the Conservative Group respectfully request that the Cabinet bring in a further 50% reduction in rents for the 6 month period July to December. The cost of any lost income to be met from reserves.”

Councillor Haworth outlined the background to the motion. A letter had been set recently to the Leader of the council from Sara Britcliffe MP requesting a reduction in rents in the Market Hall. The Conservative Group had been delighted to learn that the Labour administration had listened to the case put forward and responded positively to the motion. She hoped that it would not now be necessary to have a lengthy debate on the matter. She thanked the Leader and Deputy Leader of the Council for their decision and swift action. She expressed a hope that the controlling administration would respond in such a positive way to other suggestions brought forward by the Opposition. Close co-operation demonstrated that the Opposition Group were not, as one Member had suggested, ‘as thick as bricks’.

Councillor Haworth confirmed that she did not wish to propose withdrawal of the motion at this time.

Councillor Britcliffe also expressed delight at the response from the Labour Group to the written question submitted to them by the MP. It was acknowledged that the Council was awaiting the longer term support to be provided under the Levelling Up Fund thanks to the efforts of the MP and the Leader of the Council. It was especially important that Hyndburn did not slide into the abyss. As an example, the planters outside the Town Hall were currently full of weeds which gave the impression that the Council was unable to take care of its key public assets. He urged all concerned not to allow the Borough slip any further down.

Councillor Britcliffe asked if he could withdraw the motion. The Chief Executive indicated that it was not possible for the seconder to unilaterally withdraw a motion.

The following **amendment** was then moved by Councillor Paul Cox and was seconded by Councillor Miles Parkinson OBE:

- In paragraph 2 of the motion after the word ‘feet’ deletion of the words ‘the Conservative Group respectfully request that the Cabinet bring in a further 50%...’and the insertion of the words ‘this Council respectfully requests that the Cabinet consider continuing the 52.5%...’

Councillors Miles Parkinson and Loraine Cox spoke in favour of the amendment and highlighted the difficult time faced by traders. A wide range of stakeholders were coming together for the benefit of the whole Borough. Accrington played an important part as a hub

for all of the townships. The Council would come together with other stakeholders to submit a bid under Phase 2 of the Levelling Up Fund and everyone could play a role.

The Borough had not been as wealthy during austerity, as grant funding which might have been available under a Labour Government had been whittled down. However, the options were now opening up again. The concerns about decline were being addressed and a prize of around £20M investment was potentially available. The Council was doing its utmost during a global pandemic to support its Market Hall traders.

The Labour administration had already provided significant levels of support to Market Hall traders in recent years. Cabinet had approved a permanent reduction in rent of 13.4% in August 2018 and a further 30% concession for a 3 year period from January 2020, with a further 22.5% concession during the initial COVID lockdown up to 31 March 2021. These measures, coupled with the new Market Stall Incentive Scheme and the proposed Levelling Up Fund investment should make positive difference. The Council was happy to work closely with local traders and to support them.

*A brief adjournment was agreed due to a disturbance by an intoxicated member of the public. The meeting then recommenced after a few minutes.*

Councillor Haworth responded on behalf of the Opposition Group that there was no desire to resist the amendment for the sake of scoring political points. Supporting the Market Hall traders was the primary objective. She would have preferred a larger concession, but the current proposal was acceptable.

On being put to the vote the **amendment** was declared **carried**, following which the **substantive motion** below was then put to the vote.

‘Trading is not back to normal in Accrington Town Centre, as restrictions on Covid-19 are being lifted across the country. This is probably due to the relatively high incidence of COVID-19 in the Borough, which means residents continue to exercise caution.

To alleviate problems for Market Hall traders and to help them get back on their feet this Council respectfully requests the Cabinet consider continuing the 52.5% reduction in rents for the 6 month period July to December. The cost of any lost income to be met from reserves.’

The **substantive motion** was declared **carried**.

**Resolved** - **That Council requests the Cabinet to consider continuing the 52.5% reduction in rents for the 6 month period July to December 2021, the cost of any lost income to be met from reserves.**

Signed:.....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

