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# CABINET

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**Wednesday, 15th September, 2021**

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

**In Attendance:** Councillors June Harrison, Marlene Haworth and Michael Miller

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**120 Apologies for Absence**

There were no apologies for absence submitted on this occasion.

**121 Declarations of Interest and Dispensations**

There were no reported declarations of interest or dispensations.

**122 Minutes of Cabinet**

The minutes of the meeting of the Cabinet held on 14<sup>th</sup> July 2021 were submitted for approval as a correct record.

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

**123 Urgent Decisions Taken**

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

No.	Decision Heading	Portfolio Holder	Date of Approval
(a)	Sale of Clayton Civic Hall	Councillor Loraine Cox	7 <sup>th</sup> July 2021

The Leader of the Council, Councillor Miles Parkinson OBE, reported that the premises had been a community hub since the 1960s and was a key facility for the area. The Council had for a long time been considering how to maintain the building as a centre for the community and for wellbeing. At a recent Cabinet Briefing there had been support to accommodate existing organisations within the premises, such as Clayton Amateur Boxing Club, as well as providing for those organisations displaced by the closure of the Arthur Wilson Centre. To meet those ends, Hyndburn Leisure had stepped up to acquire the site. The Council had been pleased to agree to this acquisition.

The site would now be developed as a multi-use space for both charities and businesses. It would also support the Leisure Transformation Partnership, with partners working together to deliver better health outcomes for residents.

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

**124 Reports of Cabinet Members**

There were no verbal reports provided on this occasion.

## **125 Levelling up Funding Bid - Update**

Councillor Miles Parkinson OBE, provided an update on the progress of the Levelling Up Fund Bid, the commissioning of external consultancy work and the spend to date.

The Leader indicated that the current activities were an important step in enabling the Council to submit a bid for around £20M. The report outlined what had been achieved so far and the costs. He reminded Members that in the Annual Budget the Council had set aside £150k to kick-start this work. The Council had also been designated as a Priority 1 area, which would attract an additional £120k of funding. The expenses, as listed in the report, had to meet strict criteria.

Consultation was an important stage in the bidding process and the options which emerged would be carefully scored on what they were likely to achieve.

Councillor Paul Cox, Deputy Leader of the Council, highlighted the expenditure set out at Paragraph 3.1 of the report. The polling of residents was a particularly important step. The work done so far provided the necessary evidence base to support the bid. The Council had to spend on these items in order to attract in the larger sums provided by the Fund. Working with key stakeholders was also essential. The preparations would need to be completed in time for the Government's Budget, at which time it was anticipated that an announcement would be made inviting the 2<sup>nd</sup> tranche of Levelling Up Fund bids.

Councillor Michael Miller, Joint Deputy Leader of the Conservative Group, asked if the costs listed were estimates or actual expenditure. He referred to the highways projects which would be depend on the outcome of the consultations. The Leader responded that some figures were estimates, as work was still in progress. Atkins, the highways consultants used by Lancashire County Council (LCC), had been engaged to carry out the highways designs. Hyndburn's projects would need to be developed in collaboration with any schemes being undertaken by LCC as part of that council's bid. It was envisaged that LCC would prioritise work across East Lancashire. This issue had been raised at a recent Lancashire Leaders meeting and had been supported by the Leaders of other neighbouring East Lancashire authorities.

The Levelling Up Fund bid would sit alongside further work being undertaken to develop a Town Centre Investment Plan, which would identify other funding sources for future projects.

Approval of the report was not deemed a key decision.

### *Reasons for Decision*

The full reasons are set out in the main report, which includes information on the following matters:

- Background to the Levelling Up Fund;
- Appointment of consultants, Bradshaw Advisory Limited (BA) to lead the bidding process;
- Learning from the High Street Fund bid and identifying the town's strengths;
- Engaging with a wide range of stakeholders (as listed in the report);
- The overarching Stakeholder Board and details of its membership;

- Timings and decision to submit a bid in Round 2;
- The brief for BA: namely the Levelling Up Fund bid and Town Centre Investment Plan;
- Levelling Up Fund priorities: smaller transport projects; town centre and high street regeneration; and cultural and heritage assets;
- Stakeholder group suggested projects (as listed in the report);
- Process for developing a Town Centre Investment Plan; and
- Costs to date.

*There were no alternative options considered or reasons proposed for rejection*

**Resolved** - **That Cabinet notes the update report on the Levelling Up Fund Bid.**

## **126 Public Space Protection Order relating to Dog Control**

*In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012, a notice had been published on 7<sup>th</sup> September 2021 under the General Exception Procedure confirming that Councillor Jenny Molineux, Chair of the Communities and Wellbeing Overview and Scrutiny Committee had been informed that the following key decision was to be made by Cabinet on 15<sup>th</sup> September 2021 without publishing details of the decision at least 28 days before the meeting.*

Councillor Paul Cox provided a report seeking approval to the making of a Public Spaces Protection Order (PSPO) pursuant to section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("The Act") relating to dog control within the Borough of Hyndburn.

Councillor P Cox highlighted the main elements of the report, including the relevant legislation and reasons for use of a PSPO, consultations undertaken and additional areas identified for inclusion in the PSPO (namely Borough sports pitches and the Rose Garden in Haworth Park).

Councillor Munsif Dad BEM JP, commented that he had discussed dogs being exercised in cemeteries with Councillor P Cox. This was a particularly sensitive issue in relation to the Muslim burial plots. He acknowledged that the majority of dog walkers using the cemeteries did behave responsibly by keeping their dogs on leads, but a minority allowed their dogs to roam free, which had led to fouling on graves. This was unacceptable to all sections of the community. Councillor Dad hoped that his concerns would be addressed.

Councillor Marlene Haworth, Leader of the Conservative Group, welcomed the report, which was widely supported by the Opposition Group. She expressed disappointment at irresponsible dog owners. She had witnessed at least three people today in Haworth Park whose dogs were not on leads. She expressed a hope that compliance with the PSPO could be monitored effectively. Councillor Harrison commented that the restrictions in Haworth Park applied only to the Rose Garden, as this was used for weddings. Councillor P Cox indicated that the Council employed a dog warden (in-house), but that the relied heavily on intelligence from members of the public. Residents should send their observations in to the Council. Dog walkers tended to be creatures of habit, following a set route a set times of the day, so irresponsible owners should be easy to identify. Any infractions would attract a fixed penalty.

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

*Reasons for Decision*

Legislation relating to Dog Control had changed in 2014 with the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014. The Act superseded The Clean Neighbourhoods and Environment Act 2005 in relation to dog control.

The Act required local authorities to use PSPOs instead of dog control orders. To make a PSPO a local authority had to be satisfied that activities carried on in a public place had, or were likely to have, a detrimental effect on the quality of life of those in the locality (s 59 (2) of the Act) and that those activities were unreasonable, likely to persist or continue and justified the making of the PSPO.

Officers had taken the view that the statutory conditions were met because:

- (i) There were ongoing concerns about dog fouling in the Borough;
- (ii) There had been issues for users of play facilities and bowling greens with dogs running around disrupting their activities, jumping up at people and fouling in these areas;
- (iii) There had been issues and continued to be issues with dogs off leads running in townships causing disruption for shoppers and dogs running into the highway;
- (iv) There were ongoing concerns about dogs not on leads being able to run onto graves and foul in the boroughs cemeteries; and
- (v) There were concerns about dogs off leads fouling, disrupting users and attacking other dogs at Churchfield House in Great Harwood.

In addition, nominated sports pitches and the Rose Garden in Haworth Park had been added to the areas covered by the proposed PSPO. This was because there had been complaints from sports pitch users about dog fouling on sports pitches where children and adults were going to participate in football or rugby, caused by dogs not being on leads and the owners not knowing the dog had fouled. Also, due to the fact that the Rose Garden in Haworth Park was used for weddings and art events there had been complaints about dogs off leads running around disrupting activities and fouling, which had created an unpleasant environment for such activities.

PSPO's were live for a maximum of three years and at that point could be extended and varied if necessary, for them to remain in force.

Section 60(2) of the Act permitted local authorities to extend the period during which an existing PSPO had effect if it was satisfied on reasonable grounds that the restrictions in that PSPO were still required.

A consultation exercise had been undertaken during June of 2021. Key stakeholders such as the Police & Crime Commissioner's Office, Dogs Trust and user groups such as Sports Teams and local 'Friends Of' groups had been informed of the consultation to ensure those most invested had a chance to comment. A summary of the results is as set out in the table below:

Consultation Question	In Favour	Against
Exclude dogs from Council Play Facilities	83.79%	16.21%
Exclude dogs from Council bowling greens	77.78%	22.22%
That dog owners or those in charge of a dog clear up after the dog fouls	99.6%	0.4%
Dogs are kept on leads in Borough townships	85.71%	14.29%
Dogs are kept on leads in the Boroughs cemeteries	87.25%	12.75%
Dogs are kept on leads on designated sports pitches	65.08%	34.92%

Dogs are kept on leads within the grounds of Churchfield House in Great Harwood	75.29%	27.71%
Dogs are kept on leads within the rose garden at Haworth Park	65.86%	34.14%

As part of the consultation, an online survey had been available for Borough residents to indicate which of the proposals for inclusion within the PSPO they were for or against. A total of 257 responses had been received via the online survey. The results were available in Appendix 2 of the report.

Within the consultation document there was a space available on the online survey for anyone wishing to make a specific point or comment about the proposals. A total of 104 responses had been received via the online survey. A copy of those responses was provided in Appendix 3 of the report.

During the consultation a request had been made by the Lancashire Wildlife Trust to include Foxhill Bank Local Nature Reserve (LNR) within the PSPO to require users to keep their dogs on leads when within the LNR. This requirement would be considered for the next consultation in three years time.

While the PSPO restricted how dog walkers could exercise their dogs in specified areas, the Borough's eleven major parks and many other open spaces throughout Hyndburn were available for dog walkers to exercise their dogs without restrictions.

#### *Alternative Options considered and Reasons for Rejection*

Not to make a Public Space Protection Order relating to dog control in Hyndburn pursuant to Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. This had been rejected as evidence and experience showed that practical measures, like a PSPO helped balance the needs of dog owners with the wider use of public spaces.

#### **Resolved**

- (1) That Cabinet agrees to make a PSPO having taken into consideration the outcome of the consultation exercise.**
- (2) That Cabinet agrees to make a PSPO being satisfied that the conditions in section 59(2) and (3) of the Act have been met. Those conditions being:**
  - (i) Activities carried on in a public place within the authority's area have had a detrimental effect on the quality of those in the locality;**
  - (ii) It is likely that activities will be carried on in a public place within that area and they will have such an effect;**
  - (iii) Is or is likely to be persistent or of a continuing nature;**
  - (iv) Is or is likely to be such as to make the activities unreasonable; and**
  - (v) Justifies the restriction imposed.**
- (3) That Cabinet agrees to make a PSPO which imposes the following requirements (for a detailed list of the different sites outlined below refer to Appendix 1):**

- (i) The exclusion of dogs from Council owned children's play facilities;
- (ii) The exclusion of dogs from designated Council owned bowling greens;
- (iii) The requirement that the owner or person in charge of a dog having to clear up after their dog if the dog fouls on any open land in the Borough to which the dog has access;
- (iv) The requirement for dogs to be kept on leads within Hyndburn's main townships;
- (v) The requirement for dogs to be kept on leads in the Borough's cemeteries;
- (vi) The requirement for dogs to be kept on leads on Council owned sports pitches;
- (vii) The requirement for dogs to be kept on leads within the grounds of Churchfield House in Great Harwood; and
- (viii) The requirement for dogs to be kept on leads within the Rose Garden in Haworth Park.

- (4) That Cabinet agree on the level of any Fixed Penalty Notices (FPN) issued for contravening a PSPO (recommended at £80 with no discount) and delegate authority to the Executive Director (Environment) to amend the level of FPN in the future in consultation with the relevant portfolio holder and the Executive Director (Legal and Democratic Services).

#### **127 Amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing**

Councillor Joyce Plummer provided a report seeking approval for an amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing to remove the requirement for swivel seats to be fitted in all saloon type hackney carriage vehicles for the front passenger.

Councillor Plummer summarised the content of the report including the relevant legislation and the current condition applied in Hyndburn for swivel seats in saloon type hackney carriage vehicles. She reminded Members that protective screens had been provided for all hackney carriage and private hire vehicle as a result of the Covid-19 pandemic. However, this meant that the swivel seats could no longer operate properly. In general, the seats had always been cumbersome and difficult to use. A group of elected Members had tested the seats while visiting a taxi rank and had identified safety implications regarding the use of swivel seats. The intention was to remove this condition from the vehicle licence. There remained 6 'London' taxis or wheelchair accessible vehicles in service, which represented around 12% of the licenced hackney fleet.

Councillor Munsif Dad BEM JP welcomed the report, having raised these issues over a long period of time. Appropriate consultations had been carried out, including councillors visiting a taxi rank. The proposals had the support of the hackney carriage drivers. He also welcomed the provision and continued use of the safety screens which helped to protect drivers and customers alike.

Councillor Marlene Haworth also welcomed the report. She queried whether sufficient thought had been given to what alternative provision was available for disabled taxi users. Councillor Plummer indicated that swivel seat usage had been very low and in many cases seats had never been used. She reiterated that a number of other accessible vehicles were licensed as hackney carriages and the Leader added that Lancashire County Council also had a Dial-a-Bus service for disabled travellers. Councillor Dad commented that in practice disabled users were already being referred to the specialist vehicles that were in operation, as these were more practical to use.

Approval of the report was not deemed a key decision.

### *Reasons for Decision*

Under Section 47 of the Local Government (Miscellaneous Provisions) Act the Council could attach to the grant of a hackney carriage vehicle licence such conditions as the Council might consider reasonably necessary. Any person aggrieved by a condition could appeal to the magistrate's court. In pursuance of Section 47 some time ago the Council had attached the following conditions to hackney carriage vehicle licences:

“All new or replacement hackney carriage vehicles must be;-

a “London” type hackney carriage, or a suitable wheelchair accessible vehicle, approved by the Council, for licence numbers 54 to 62

a saloon car approved by the Council to be fitted with a swivel seat for licence numbers 1 to 53

Swivel seats must be fitted to compatible vehicles by an authorised company in accordance with the vehicle and seat manufacturers guidance and the company concerned must provide certification of compliance with these requirements; and the swivel seat must be fitted when the vehicle is presented for a taxi vehicle test. If a swivel seat isn't fitted, the vehicle will fail its test.

Swivel seats are not available for **every** make and model of vehicle manufactured. Vehicles in which it is not possible to install such a seat, will **NOT** be acceptable for licensing unless the height of the seat (28” from the ground to highest part of seat squab) is such that it offers no benefit to the disabled (e.g. some MPV's and purpose built people carriers).

A swivel seat is required to allow access for disabled or elderly people in and out of the vehicle. The seat works by rotating 90° and then sliding forwards. The person can then sit on the seat and rotate back into the vehicle. You must ensure that the seat is then locked back into position”.

During the Covid-19 Pandemic protective screens had been provided for all hackney carriage and private hire vehicles licensed in Hyndburn. The screens separated the front driver compartment from the rear passenger compartment with a view to protecting both drivers and customers from infection from Covid-19 whilst being in such a small enclosed space. It had quickly become apparent that the swivel seats would not operate with the protective screens in place.

At a recent Taxi Liaison Group meeting the viability of the swivel seats had been raised and a discussion had taken place, not only about the issue raised by the protective screens, but also about how practical the seats were to use and how often they were used in spite of the substantial expense of having the seats fitted. There was also an issue which arose when

a replacement vehicle was required following an accident, even if it was only required for a short period of time, in that the replacement vehicle had to comply with the policy and had to have a swivel seat fitted.

As a result of the discussions a group consisting of elected Members and the Licensing Manager visited the taxi rank on Union Street and attempted to get in and out of one of the hackney carriage vehicles that did not have a protective screen fitted, using the swivel seat. All present found the seats to be cumbersome and it also appeared to be a health and safety risk. Those attempting to get in the vehicle bumped their heads on the doorframe and would not have been able to turn their legs into the footwell without physical assistance (handling by the taxi drivers or another helper). Additionally, whilst getting onto the seat all found that their feet were quite a distance from the ground, a sensation that was quite unnerving for an able bodied person and would probably be even worse for someone with a disability. All came to the conclusion that the swivel seats were not fit for purpose.

Discussions had been held with the drivers present at the rank who stated that they had never been asked to use the swivel seat, one stated over a period of 19 years and another said over a period of 12 years. All drivers stated that disabled people had their own methods of getting in and out of vehicles and would not want to use something alien to them like a swivel seat.

It was proposed that the policy in relation to hackneys 54 to 62 remained as it was currently.

#### *Alternative Options considered and Reasons for Rejection*

The Council could take no action and continue with the current policy. However, as the group who had attended the rank considered the seats to be a health and safety risk whilst adding no real value to the hackney carriage fleet for reasons set out in the report, officers were recommending that Members amend the policy as requested.

**Resolved** - **That Cabinet approves the amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing as set out in this report.**

## **128 Gypsy and Traveller Site Provision - Proposed Approach**

Councillor Miles Parkinson OBE provided a report on the work that had been undertaken in relation to Gypsy and Traveller site allocation and policy, following the Cabinet update provided in January 2021 and which set out the current position in relation to such provision.

The report also set out the proposed planning policy approach to address the needs of travellers in the new Local Plan. The Council were currently involved in two Planning and Enforcement Appeals, relating to unauthorised Gypsy and Traveller development and the report was intended to set out the direction of travel that the Council was proposing to take in relation to Gypsy and Traveller site provision. This was with a view to addressing any concerns raised by Members prior to the 'Publication' version of the Local Plan being issued.

Councillor Parkinson highlighted that the Council had to meet identified accommodation need for gypsies and travellers and the report provided the context for this process, as well as the grounds to defend Planning and Enforcement Appeals, such as those on-going in relation to Back Lane, Baxenden and Moss Lane, Oswaldtwistle.



Councillor Munsif Dad BEM JP expressed concerns about proposed additional caravans at Springvale, Accrington, as there had previously been friction between the residents of Fairfield Street and Springvale Avenue and existing caravan residents at the site.

Councillor Marlene Haworth expressed similar concerns in respect of an extension to the Sough Lane, Oswaldtwistle site. The Leader reiterated the intention to address elected Members questions and concerns before the publication of the formal 'Publication' version of the Local Plan. The Council was happy to make appropriate provision for the travelling community and could not base its decisions on speculation and prejudice. However, it did understand that residents might have strongly held views on site locations. It was the Council's view that the sites identified were the most suitable available.

Councillor Howarth queried whether the Council had reached the point where it had already made enough provision available and questioned whether there was a finite limit. The Leader responded that this was determined by Government policy. Ideally the travelling community would be dispersed fairly and evenly across the whole country. In the past Hyndburn had met its responsibilities proactively, whereas some of its neighbours and neighbouring counties had not done so. This had led to an established gypsy and traveller community in the Borough and increasing accommodation need.

Councillor Michael Miller asked if the Hyndburn's reduced housing needs allocation applied proportionately to the need for gypsy and traveller accommodation. The Leader commented that these were separate issues. For mainstream housing it was known that Hyndburn had an overprovision of 1 and 2 bedroom accommodation and terraced homes and aspired to create more large family homes. The accommodation need identified for travellers had been based on the minimum figures necessary, but the reality was that these were still higher than neighbouring authorities due to historic provision.

Councillor Miller enquired if more could be done to promote use of brownfield sites, rather than Green Belt. Councillor Parkinson commented that many of the sites identified were in fact brownfield. However, in some instances the allocation of out-of-urban-area sites helped to avoid the conflict issues mentioned previously. In so far as possible, the Council would endeavour to take into account the views of residents, but the planning officers had to work within the legal framework.

Councillor Haworth suggested that it might be worth writing to Government about the situation to explain that Hyndburn already provided for its share of gypsies and travellers. The proposals were somewhat at odds with the intention of Levelling Up the Borough and improving the quality of life for all. The Leader confirmed that letters had been sent in the past and might be useful. The Borough remained proud of its diverse community which catered for travellers, refugees, asylum seekers and every class of society. This was not replicated elsewhere, for example, with around one third of councils not offering support to Afghan refugees. The Leader reiterated that because of the established gypsy and traveller community in Hyndburn their future accommodation need was correspondingly greater.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

The full reasons are set out in the main report, which includes information on the following matters:

- National policy for traveller sites;
- Hyndburn Local Plan 2016-2036;

- Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (including pitch and plot requirements);
- Gypsy and Traveller Policy and Site Options - proposed approach (including Steps 1 and 2 and meeting the short term and longer term requirements);
- Current policy position in relation to gypsy and traveller site provision; and
- Consultations.

*There were no alternative options considered or reasons proposed for rejection*

**Resolved**

- **That Cabinet supports the Council in seeking to develop an approach to Gypsy and Traveller provision that is based on the following:**
  - (i) **Takes account of the content and findings of the Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA) 2019 (provided with the report as background paper 1);**
  - (ii) **An agreement to use the proposed strategy to meet Gypsy and Traveller requirements as set out in this paper;**
  - (iii) **Includes the sites identified in this report as proposed Gypsy and Traveller site allocations in the emerging Local Plan (the Regulation 19 version);**
  - (iv) **That land at Spring Vale, Accrington (Site ref. 155); land at Crossland Street, Accrington (Site ref. 262); and land off Enfield Road, Huncoat (Site ref. 266) provide a range of sites that could meet the identified short term need for gypsy and traveller provision; in particular site 155 was granted permission in 2001 for the siting of 10 static caravans and again in 2006 for the siting of 9 mobile homes and remains undeveloped;**
  - (v) **That the medium to longer term needs are met by those sites identified in paragraphs 3.18 and 3.20 of the report.**

**129 Appointment of an External Expert Consultant - Electric Vehicle Charging Points**

Councillor Paul Cox presented a report seeking approval to waive the Council's Contracts Procedure Rules for the appointment of a suitably experienced consultant to provide information relating to the installation of electric vehicle charging points in Council depots.

Councillor P Cox highlighted the intention to appoint the Association of Public Sector Excellence (APSE) as the consultant to undertake the technical research and produce information required to engage an appropriate contractor for the installation works. APSE could be appointed quickly and following evaluation of the work required a full tender exercise could be carried out for the main project.

Councillor Haworth asked how many charging points would be installed. Councillor P Cox responded that this would be part of the evaluation work undertaken by APSE. Councillor Haworth also asked about the public charging points previously sited near the Town Hall.

Councillor Michael Miller queried whether new public charging points would form part of the Levelling Up bid, for example, they could be sited in Council car parks. Councillor Cox clarified that the report related only to charging points for the Council's planned fleet of electric vehicles at Willows Lane. The Leader added that on-street charging points would be a matter for Lancashire County Council. The charging points originally outside the Town Hall had been relocated to St James Street. He noted that the technology was rapidly developing, with inductive/wireless power transfer charging possibly on the horizon.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

The Council had declared a climate emergency in 2017 and since then had been working to reduce its carbon footprint.

Over the last 5 years electric vehicle technology had moved on to a point whereby the Council could consider replacing some of its smaller works vans with electric vehicles.

When researching what electric vehicles would be suitable to be used as part of the Council's fleet it had become evident that prior to procuring any electric vehicles the Council needed to have electric vehicle charging points available for these vehicles within its depots.

There was not only a need to assess how many electric vehicle charging points would be needed to keep the fleet running, but also whether the mains electrical supply to the depots was sufficient.

It was recognised that the Council did not have the specific knowledge or experienced staff 'in house' to undertake the necessary technical research and produce information suitable for engaging an appropriate electrical contractor to install the electric vehicle charging points.

The Association of Public Sector Excellence (APSE) were a not for profit organisation who provided information, advice and expertise to over 300 Local Authorities throughout the UK. APSE were able to provide the specific knowledge and experienced staff to provide a report containing the necessary information to the Council outlining the most effective way to install electric vehicle charging points. The Council had previously engaged APSE on a consultancy basis to provide specific knowledge and experience for the public sector decarbonisation project currently underway.

Waiving the Council's Contract Procedure Rules, meant that APSE could be appointed and quickly commence work, thereby avoiding the longer time involved in running a formal tendering exercise. The Leader of the Council had expressed a desire that this work should commence during the current financial year. Once the information provided by APSE had been evaluated and the Council was ready to procure the electric vehicle charging points, a tender exercise would be undertaken to ensure the most economically advantageous contractor was engaged.

Officers believed that APSE were the most suitable consultant to undertake this work because after making reasonable enquiries APSE was the only supplier identified which was able to provide independent advice as they were not a supplier of electric vehicle charging points. Officers wanted an independent organisation to identify the most cost effective way of installing electric vehicle charging points to Council depots.

#### *Alternative Options considered and Reasons for Rejection*

It was important that the appointment was undertaken quickly so the Council could move on with greening its fleet and reducing its carbon footprint. The alternative would be to delay the procurement of electric vehicle charging points, thus delaying the change from diesel vehicles to electric vehicles.

**Resolved**

- That Cabinet agrees to waive the Contracts Procedure Rules and grants delegated authority to the Executive Director (Environment), following consultation with the Executive Director (Legal and Democratic Services) to agree the terms of the agreement, to appoint an external consultant as set out in paragraphs 3.6 and 3.7 of the report.

**130 Exclusion of the Public**

**Resolved**

- That, in accordance with Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during the following item, when it was likely, in view of the nature of the proceedings that there would otherwise be disclosure of exempt information within the Paragraph at Schedule 12A of the Act specified at the item.

**131 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
(a)	Public Sector Decarbonisation Scheme	Councillor Miles Parkinson OBE	20 <sup>th</sup> August 2021

Councillor Michael Miller enquired why the repair works to the roof at Hyndburn Leisure Centre had not been addressed prior to the approval of the decarbonisation works and if this delay might jeopardise the main scheme. Mr David Welsby, Chief Executive, reported that the deadline for completion of the decarbonisation works had now been extended so that the grant was not at risk. Also, it had not been possible to know the exact state of the roof until the inspection works for the main project had been carried out.

Councillor Miller also asked about the source of the funding for the roof repair works. The Chief Executive confirmed that there were already reserves in place for remedial and maintenance works at the Sports Centre. The overall project would be a mixture of capital programme works and grant funding for decarbonisation.

**Resolved**

- To note the report on urgent decisions taken.

**132 (Item Withdrawn)**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed