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# CABINET

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**Wednesday, 16th March, 2022**

**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 Peter Britcliffe and June Harrison

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**289 Apologies for Absence**

Apologies were submitted on behalf of Councillor Marlene Haworth, who was a standing invitee to the meeting as Leader of the Opposition.

**290 Declarations of Interest and Dispensations**

There were no reported declarations of interest or dispensations.

**291 Minutes of Cabinet**

The minutes of the meeting of the Cabinet held on 9<sup>th</sup> February 2022 were submitted for approval as a correct record.

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

**292 Minutes of Boards, Panels and Working Groups**

The minutes of the following meeting were submitted:

- Cabinet Waste and Recycling Group – 20<sup>th</sup> January 2022

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

**293 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)	Hyndburn Youth Hub	Councillor Munsif Dad BEM JP	23 <sup>rd</sup> February 2022

Councillor Miles Parkinson OBE, Leader of the Council, commented that the Youth Hub was good news for Hyndburn and would involve the Council working in partnership again with Community Solutions North West Ltd to deliver a project to tackle youth unemployment issues.

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

**294 Reports of Cabinet Members**

## 295 Town Centre Investment Plan and Levelling Up Funding Bid Submission

Members considered a report of Councillor Miles Parkinson OBE, Leader of the Council, seeking approval for the Town Centre Investment Plan (TCIP) and the proposed interventions to be included within the Council's Levelling Up Funding (LUF) bid submission.

The Leader highlighted the main priorities within the TCIP and indicated that the Levelling Up Fund bid would be submitted shortly. The TCIP had been drawn together by key businesses and partners in Hyndburn.

Councillor Peter Britcliffe, Joint Deputy Leader of the Opposition, welcomed the work done so far and hoped that the bid would be a success. He asked if there was any indication yet as to what would emerge from Lancashire County Council's LUF bid, which was believed to be in excess of £50m. It was hoped that Hyndburn would receive its fair share of any funding received by the County Council. The Leader responded that Lancashire was still developing its bid and was likely to submit this at the end of March 2022. A presentation had been made to East Lancashire leaders and officers by County Councillor Phillippa Williamson, Leader of LCC, last week. East Lancashire was the primary area for their bid, which would focus on neighbourhoods and transportation. Hyndburn stood to benefit from improved disabled access at Accrington railway station, better management of 'rat runs' and additional real-time public transport information. Councillor Britcliffe asked if any improvements were planned to provide disabled access to the eastbound platform Church and Oswaldtwistle railway station. The Leader responded that he and the MP had attended a meeting with the Northern rail operator recently to discuss potential projects, as some funding was available to carry out assessments for other projects.

Approval of the report was not deemed a key decision.

### *Reasons for Decision*

Following the report presented to the Council on 13<sup>th</sup> January 2022, Cabinet had been recommended to formally approve the TCIP, with any minor updates to be agreed with the Stakeholder Board following the public consultation.

Council had also recommended that Cabinet formally approve the Stakeholder Board's recommendation that the Council's LUF submission should be based around the following principal interventions;

- Redevelopment to an area within the Indoor Market Hall and outdoor pavilions along Peel Street.
- Improvements and redevelopment to the properties of 43-59 Blackburn Road / 2-4 Church Street.
- Improvements and redevelopment to the block 61-69 Blackburn Road, commonly known as Burtons Chambers.

A further intervention to improve the visual appeal of the high street shops/businesses by working with local independent property owners to deliver façade improvements might also be considered, where sufficient funding within the bid total and Round 2 bid criteria allowed.

The report also highlighted the need for each LUF submission to include a minimum 10% external contribution as match funding and that good project management practice required construction schemes to have a minimum 10% financial contingency fund to cover unknown

and/or unavoidable costs. Both of these were identified within the report presented to the Council at its annual budget setting meeting on the 24<sup>th</sup> February 2022.

Whilst the Council's appointed external consultant had developed suggested responses to the questions needed for the Council's LUF application, there were a number of specific bid documents / statements which required the Council's Chief Finance Officer, (i.e. Section 151 Officer) and Chief Executive to make and sign as a true and correct record on behalf of the Council.

The Council was required to give due diligence to its potential procurement strategy for engaging contractors and professional services, (i.e. architects / engineers / project managers). There were various UK / EU Trade and Co-operation Agreement compliant frameworks available to the Council to either procure the works as a single project, incorporating all interventions, or procuring each intervention as a separate project. There were benefits and weaknesses with both options but at this current time the preferred option was for the Council to procure separately, thereby seeking the most experienced organisation for each intervention. This allowed projects to commence in order of readiness, given some interventions were in private ownership and/or had sitting tenants and allowed for potential partners the option of procuring / managing the works on behalf of the Council. However, this would not preclude any contractors / professional services organisation from bidding for more than one project where they could show the required level of experience and sufficient resource.

A number of organisations had already shown a keen interest in wishing to form a joint venture with the Council that would act as the vehicle to implement the interventions and secure their future. However, to ensure the Council sought the widest selection of potential partners / operators, it was proposed that a prior information notice(s) (PIN) would be published to alert the market of the potential opportunity to work with the Council. A PIN was a first step along a procurement process prior to the Council posting the required contract notice(s). Starting the process at this stage, prior to any announcement of the LUF bid, did not identify a preferred partner, but allows preliminary informal discussions to take place and ensured the Council was fully aware of the various offerings in the marketplace.

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

Cabinet could choose not to follow Full Council's recommendation in approving the TCIP, but this was not recommended as the Council required a relevant up-to-date town centre strategic plan which built on and updated the adopted 2012 Accrington Area Action Plan.

Cabinet could choose not to accept the Council's recommendation to support the Stakeholder Board interventions for the LUF bid submission. This was not recommended as the interventions identified derived from the rigorous, transparent and lengthy evaluation and selection process and any major redirection at this stage of the bid process would have a material impact on the ability to submit into the second round of the LUF.

#### **Decision**

- (1) That Cabinet formally approves the TCIP presented to Council on 13<sup>th</sup> January 2022 (see Appendix A).**
- (2) That the Council's Chief Executive is given delegated authority, following consultation with the Leader of the Council, to make any final minor amendments suggested by the Stakeholder Board following the TCIP Public Consultation.**

- (3) That Cabinet formally approves the principal interventions recommended by the Stakeholder Board to be included within the Council's LUF bid submission, following the presentation to Council on 13<sup>th</sup> January 2022.
- (4) That the Council's Chief Executive is given delegated authority, following consultation with the Leader of the Council, to make any final amendments or alternative interventions that may be brought forward for consideration in the Council's LUF bid submission, as further progress continues to be made around refining the costs and project viability.
- (5) That the Council's Chief Executive and Director of Finance are given delegated authority, following consultation with the Leader of the Council, to sign off the relevant documents required for the Council's LUF bid submission as highlighted in paragraph 3.5 of the report.
- (6) That Cabinet supports the current thinking on a preferred procurement strategy to deliver the interventions as detailed in paragraph 3.6 of the report, but notes that this could change on receiving further advice or information following the notice of a successful LUF bid.
- (7) That Cabinet notes and supports the Council in commencing the process of procuring potential partners / operators as detailed in paragraph 3.7 of the report, with formal award being subject to notice of a successful LUF bid.

## **296 Hyndburn Local Plan (Strategic Policies and Site Allocations) - Regulation 19 Consultation**

Members considered a report of Councillor Miles Parkinson OBE, Leader of the Council, on the publication of the Local Plan (Strategic Policies and Site Allocations – henceforth referred to as the “Local Plan”) at Regulation 19 stage. The report explained the context and content of the consultation documents that were proposed to be the subject of a public consultation exercise, due to be commenced in May 2022.

The Leader highlighted that this was a comprehensive document which would ultimately replace the existing Local Plan as the overarching planning document. However, this would be supported by other detailed plans. The Local Plan would identify sites for employment and housing up to 2037. It would support the Huncoat Garden Village proposals and other housing growth in Rishton, while also protecting the Green Belt. Additional employment land would be made available for Altham Industrial Estate and a train station park and ride would be provided in Huncoat. Many brownfield sites had already been developed.

Local councillors had been engaged throughout the process of revising the Local Plan. Change was sometimes controversial, but essential for the future of employment and housing. It might not be possible to please every individual, but all were being consulted.

After the conclusion of the consultation, the document would be sent to the Planning Inspectorate for independent examination. Any recommendations would be provided to the Council to consider and a final version then submitted to the Secretary of State in 2024.

Councillor Britcliffe asked what influence the Council had over Local Plans developed by neighbouring local authorities. In particular, he was concerned that Blackburn with Darwen Council's Local Plan sought to develop land up to the border with Hyndburn, at Belthorn, potentially altering the rural character of the village. The Leader responded that the Council worked closely with its neighbours. Blackburn with Darwen was slightly further along in the process of updating its Local Plan. However, Hyndburn Borough Council was a statutory consultee in respect of its Local Plan. Any issues arising could be submitted for discussion at the forthcoming Leader's Policy Development Board.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

Full reasons were set out in the main report, which included detailed information on the following:-

- Purpose of the Local Plan;
- Key documents;
- Reasons for review;
- Timetable and progress to date;
- Summary of Local Plan contents; and
- Consultation details.

*There were no alternative options for consideration or reasons*

#### **Decision**

#### **- That Cabinet:**

- (1) Notes the work which has already taken place, including previous statutory public consultation, on the earlier stages of preparation of the new Local Plan for Hyndburn;**
- (2) Approves the content of the Local Plan document (as set out in the various papers attached to the report) and agrees to commence a 6-week statutory consultation process; and**
- (3) Delegates authority to the Council's Executive Director (Legal and Democratic Services) and the Chief Planning and Transportation Officer, following consultation with the Portfolio Holder with responsibility for Planning, to make any further changes considered necessary or appropriate to the consultation documents, prior to commencing consultation.**

Members considered a report of Councillor Joyce Plummer, Portfolio Holder for Resources, seeking agreement to an Unacceptable Behaviour Policy.

Councillor Plummer indicated that the Council took the health and safety of its staff, elected members, volunteers and contractors seriously. Accordingly, the processes around incidents had recently been reviewed. Reminders had been sent about reporting incidents and about the procedures for sharing intelligence. The information could be sensitive, but was properly managed in terms of human rights and data protection.

Councillor Britcliffe indicated that at the last Council meeting an assault was alleged to have occurred by a councillor on a member of the public. He asked if the policy would cover this type of incident and where the allegation was up to within the Council's procedures. The Leader responded that he was aware of the allegation, which was being investigated by the Police. A complaint had also been passed to the Chief Whip and Regional Office of the relevant political party. The Chief Executive of the Council was aware of the matter and following outcome of the Police investigation, the issue was likely to be reported to the Council's Standards Committee. Mr David Welsby, Chief Executive indicated that the alleged incident would not fall within the remit of the Unacceptable Behaviour Policy (which dealt with customers' behaviour), but was covered by the Members Code of Conduct, which provided the link into the Standards procedures.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

The report indicated that in 2015, the Council had agreed a policy for the Management of Violence and Aggression. This had brought in a register of incidents so that specific staff were able to check before undertaking visits or face to face meetings, in case that person or address had some history of aggression. This would then inform further risk mitigation measures, e.g. going with a colleague, only holding meetings in a Council building etc.

Unacceptable behaviour was behaviour or language in whatever form whether in person, during a phone call, on social media, by text message or in writing that might cause employees or Elected Members to feel distressed, threatened, intimidated or abused and might include:

- Actual violence;
- Threats of violence;
- Harassment or inappropriate physical contact;
- Inappropriate cultural, gender identity, disabled, racial or religious references;
- Discriminatory language e.g. sexist, racist or homophobic comments;
- Inflammatory statements;
- Personal remarks or derogatory comments; and
- Offensive and intimidating behaviour

The system in place had operated well but it was important to review this regularly.

Responsibility for the Panel that considered inclusion on the Register lay with the Executive Director (Environment) as corporate Health and Safety lead, and currently included the Head of Policy and Organisational Development and a Solicitor (latterly the Legal Services Manager). The Safety and Emergency Planning Officer received incident reports with recommendations from Service Managers for submission to the Panel.

The proposed Unacceptable Behaviour Policy, which had been drafted by the previous Legal Services Manager, would replace the policy for the Management of Violence and Aggression.

The Register was maintained by the Safety and Emergency Planning Officer and stored on the Health and Safety drive area of the Council's network. It was restricted to those staff whom the Council considered needed the information to do their job safely.

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

The Council could retain its existing Policy but Panel members agreed with Management Team that a review was timely and useful.

- Decision**
- (1) That Cabinet approves the proposed Unacceptable Behaviour Policy.**
  - (2) That the Executive Director (Environment) ensures that any changes to processes are implemented and communicated.**

## **298 Capital Report - Outturn 2020/21**

Members considered a report of Councillor Joyce Plummer, Portfolio Holder for Resources, on financial spend on Capital Projects during 2020/21.

Councillor Plummer indicated that a substantial capital programme had been delivered despite the pandemic. It was appropriate here to recognise the good work carried out. When the Budget had been approved for 2020/21 the impacts of COVID-19 could not have been foreseen. Around £3m of works had been undertaken and the projects were underspent. At a time when many businesses were closed down the delivery of the capital programme had helped to keep many people in employment. The requests received for slippage were around £3m which was similar to the figure for previous years.

For the fifteenth consecutive year, all projects had been funded either from internal reserves or external grant, meaning that no borrowing was necessary. This prevented a significant call upon the General Revenue Budget.

The major high spots within the Capital Programme for the year were:

- Work completed on Accrington Town Centre Initiatives at a cost of £758,000.
- Investment by the Council of £559,000 on housing schemes, including £306,000 on the Lower Woodnook housing renewal scheme.
- Expenditure by the Council of £180,000 on replacement refuse collection vehicles.
- Awards by the Council of Disabled Facility Grants of almost £748,000 to ensure that those who had an illness or disability could continue to live independent lives in their own homes, if they wished to do so.

The Council had generated over £800,000 in capital receipts during the year concerned. Treasury Management and Prudential Indicators for the period were in line with expectations.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

The report included detail of the Capital Programme for 2020/21 at Appendix 1.

The outturn position for 2020/21 on Capital Expenditure showed a seventeenth year of major capital investment by the Council. The overall investment by the Council in the year was £3m against an authorised maximum budget of £8m. The overall programme was underspent by £86,000 for the year.

The Council had received applications for net slippage of £3.06m, comprising £4.76m of expenditure schemes moving from 2020/21 to 2021/22 and £1.73m of income. The list of schemes that had slipped was set out at Appendix 2 of the report.

The authority had maintained its prudent approach to Treasury Management during the year. The indicators at Table 3 within the report demonstrated small movements between the previous year's position and the outturn for 2020/21.

The report included further information on the following:

- Detail; (including key priorities, the management of the programme, spend by service area and the Council's funding strategy)
- Funding sources;
- Receipts; and
- Treasury management.

*There were no alternative options for consideration or reasons*

**Decision** - **The Cabinet notes the Capital Outturn Report 2020/21 and the Slippage items shown at Appendix 2 therein.**

## **299 Application for Museum Accreditation**

Councillor Munsif Dad BEM JP, Portfolio Holder for Education, Leisure and Arts, provided a report seeking approval for the Haworth Art Gallery's application to Arts Council England for Museum Accreditation.

Councillor Dad indicated that the Museum Accreditation sought was the sector's standard and dealt with issues such as access, engagement and protection of the collection. The Haworth Art Gallery currently managed its collection responsibly and engaged well with visitors. It also had in place good governance arrangements. The 5 year accreditation had been due to be renewed on 29<sup>th</sup> February 2020, but nationally museums had been closed due to COVID-19. However, the time was now right to apply for accreditation, which was a benchmark for all museums.

Approval of the report was not deemed a key decision.

### *Reasons for Decision*

The Arts Council Accreditation Scheme was the UK industry standard for museums and galleries. It helped everyone involved with a museum to do the right things, helping people to access and engage with collections, and protect them for future generations. The Accreditation Scheme did this by making sure museums managed their collections properly, engaged with visitors, and were governed appropriately by encouraging all museums and galleries to meet an agreed standard in:

- How they were run;
- How they managed their collections; and
- How they engaged with their users.

The Haworth currently benefited from Museum Accreditation which had a term of 5 years. The Haworth's accreditation had been due for renewal on 29<sup>th</sup> February 2020 and an application had been submitted. However, due to the outbreak of COVID-19 in March 2020, museums across the UK had closed their sites because of the impact of the pandemic and in line with Government guidance. In response the UK Accreditation partners – Arts Council England; Museums Galleries Scotland, Northern Ireland Museums Council and the Welsh Government (Museums Archives Libraries Division) – had paused the Accreditation Scheme with effect from 1<sup>st</sup> April 2020, and all Accredited museums in the UK had their current award status extended. The Haworth had until the 31<sup>st</sup> of March 2022 to make a new submission.

It was very important that the Haworth renewed its Museum Accreditation because it was the benchmark for a well-run museum. The award did the following:

#### For a Local Authority

- Helped show a museum met visitors' and users' needs;
- Showed a museum was being managed and governed properly;
- Could boost a museum's reputation, secure funding and give confidence to donors and other supporters;
- Helped a museum to manage their collections fairly, ethically and legally;
- Provided a museum with a set of minimum requirements that had to be met, which included accountability and performance management/monitoring progress;
- Opened up opportunities for a museum, including funding opportunities and new partnerships;
- Helped a museum audit their collections, and assess risks to them.

#### For Visitors

- Showed a museum was being properly managed and governed;
- Let people know that anything they donated to a collection would be accessible to the public and would be looked after ethically;
- Showed a museum looked after its collections properly and safeguarded them for the future;
- Helped museums understand what their users and visitors wanted and made plans for the future.

This mattered because it meant people could actually access collections and stories – seeing the items that mattered to them and knowing that future generations would be able to do the same.

#### For Museum Staff and Volunteers

- Showed a museum was being properly managed and governed – and other museums recognised that;
- Demonstrated a museum's professionalism – which made it easier to get funding and helped give confidence to lenders and donors;

- Meant a museum was looking after their collections and managing them appropriately;
- Helped museums meet their users' needs;
- Showed the museum team that they were working to an industry-wide standard;
- Gave access to professional advice and support, including mentors and Museum Development in England;
- Helped keep museums on track by giving them ways to formalise plans, policies and procedures and so improve services.

The Accreditation application comprised a suite of set documents that provided the required standard, policies and procedures for the Haworth and its collections. It was divided into three key areas and volumes and further split into a number of sections as follows:

### **Governance and Management**

- **Forward Plan:** to include a clear statement of purpose, an appropriate constitution, a satisfactory structure for governance and management, and an approved forward plan demonstrating financial stability.
- **A risk assessment of security arrangements:** to cover arrangements for staff, volunteers and visitors, stored and displayed collections and buildings and site.
- **Emergency Plan:** to include arrangements for staff and volunteers, visitors, collections and collections information, a risk assessment of threats, how you authorise, maintain, communicate and test your emergency plan, and how you share it with your staff and volunteers, and the emergency services, how your museum works with the emergency services, and any other relevant emergency plans, a priority salvage list and when you'll review your emergency plan.

### **Managing Collections**

- **Collections Development Policy:** to include taking responsibility for the collections we manage, the museum's statement of purpose, an overview of current collections, themes and priorities for future collecting, themes and priorities for rationalisation and disposal, information about the legal and ethical framework for acquiring and disposing of items, and the date the policy will be reviewed.
- **Documentation Policy:** how the collections would be recorded
- **Documentation Procedural Manual:** to include how the museum would follow Spectrum Primary Documentation Procedures (these include instructions how to follow the following procedures, object entry, acquisition and accessioning, location and movement control, inventory, cataloguing, object exit, loans in (borrowing objects), loans out (lending objects) and documentation planning.
- **Collections Care and Conservation Policy**
- **Collections Care and Conservation Plan**

### **Users and Their Experiences**

- **Access policy:** to cover how people could see, use and reference your collection, gain access to your museum buildings and sites and how you share information about the collection with people.
- **Access plan:** this must contain information to maintain and if possible improve the physical, sensory and intellectual access to collections, information about collections, access to the buildings housing your collections, understand and develop your audiences and engage with your users and improve their experience

providing stimulating learning and discovery activities including exhibitions and programming and how we communicate effectively with users and potential users through a range of access, marketing and promotional activities.

A link was provided in the report to the Council's website to enable the full draft documentation to be viewed.

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

The Haworth Art Gallery did not have to apply for Accreditation, however, the Gallery would no longer be museum accredited with significant disadvantages especially in applying for external funding from Arts Council England, National Lottery Heritage Fund and various other funding bodies.

**Decision** - **That Cabinet notes and approves the draft application for Arts Council England Museum Accreditation as described and summarised in the report (full details of which can be viewed on the Council's website accessible via the link included in the report).**

### **300 Financial Position Report - January 2022 - Report for the Year Ending 31st March 2022**

Members considered a report of Councillor Joyce Plummer, Portfolio Holder for Resources, on the financial spending of the Council up to the end of January 2022 and the financial forecast outturn position for the Accounting Year 2021/22.

Councillor Plummer commented that the current forecast produced a positive variance of £85,000 by the end of the financial year. This was an excellent result in the face of COVID-19, but was due in no small terms to additional Government funding provided. It was unlikely now that there would be a further surge in COVID-19 that would significantly affect the 2021/22 financial position. The Government had also now confirmed that COVID funding would be ring fenced and could be rolled forward into next year.

Across the Budget, adverse variances were largely due to reduced income generation based on the economic downturn due to COVID-19. In particular, this had impacted the Council in the following areas:

- Market Hall – with extended concessions being provided to traders; and
- Commercial lettings – with difficulties in attracting new tenants.

However, with wider savings generated and careful financial management, a Budget surplus was being forecast for 2021/22. A balanced Budget for 2022/23 had been set at the recent Council meeting, which would allow the authority to continue to meet its priorities and to help the local community to recover from the effects of the pandemic.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

The detailed figures underpinning the report were shown as a table at the end of the document provided.

The spend for the first 10 months of the financial year to the end of January 2022 was £9,651,000 compared to a Budget of £10,389,000, giving a positive variance of £738,000 over the first 10 months of the year.

The current forecast spend to the end of the financial year in March 2022 was £11,142,000, compared to a Budget of £11,227,000. This forecast produced a positive variance of £85,000 by the end of the financial year.

The Council had received additional financial support from Lancashire County Council (LCC) to meet the cost of continuing COVID-19 pressures over the second half of the year. This would allow the Council to meet its current forecast spend in relation to COVID-19 activities for the remainder of the year.

So far, since the spike in cases caused by the Omicron variant, the Council had been able to provide the support the local community required within its current funding envelope and therefore unless there was a dramatic swing upwards in COVID-19 cases over the last part of the financial year, the Council would expect to maintain this position. Any unspent balances of specific COVID-19 funding will be carried forward into the new year and used to continue to support the local community, as necessary.

The Budget forecast included large elements of expenditure and funding in connection with COVID-19. As this was a new area of budget management, controls and management of the expenditure and income was not at the same high standard as for the authority's normal budget expenditure. There was, therefore, a higher degree of risk around these figures in the forecasts made. Accountancy staff and Management were working to improve the thoroughness and accuracy of these figures.

The report included more detailed commentary about expenditure in the following service areas:-

- Environmental Services;
- Culture and Leisure Services;
- Planning and Transportation;
- Regeneration and Property Services;
- Policy and Corporate Governance; and
- Non-service Items.

The additional funding of £581,000 requested by the Council from Lancashire County Council to support its on-going work around COVID 19, had reduced the risk of an overspend this year and if COVID 19 activity largely remained as currently forecast, the Council should have sufficient funds to meet the known costs it expected to incur at this time.

*There were no alternative options for consideration or reasons*

**Decision** - **That Cabinet notes the report on the Financial Position for the Year ending 31<sup>st</sup> March 2022, as at January 2022, and asks Corporate Management Team to continue to reduce expenditure and increase income so as to further improve the overall financial position of the Council over the remaining months of the year.**

Councillor Loraine Cox, Portfolio Holder for Regeneration and Wellbeing, provided a report seeking approval to transfer the Council's remaining freehold interest, as illustrated at Appendix 1, at the former Lyndon Playing Fields development, now known as Lyndon Park, to Keepmoat Homes Limited.

Councillor L Cox introduced the report, which dealt with the transfer of the land required for the final two phases of the development. Approval was required to facilitate a departure from the terms of the existing sale agreement.

The Leader spoke about the controversial history of the development, but affirmed that change was necessary to provide new homes and to generate inward investment. The development had already supported improved facilities for local sports groups and event organisers and would ensure the future vibrancy of the high street in Great Harwood.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

The terms of the disposal of the former Lyndon Playing Fields, Great Harwood to Keepmoat Homes Limited (Keepmoat) were subject to a legally binding sale agreement which both parties had entered into on the 10<sup>th</sup> November 2017. Under the terms of the agreement, the Council owned land was drawn down in four phases (or parcels), subject to conditions which were specified in the agreement for sale. Parcels 1 and 2 had been drawn down by Keepmoat and fully developed.

The development also included land in a third-party ownership, which had also been sold to Keepmoat. This area of the development was situated to the south and southeast of the development site and now near completion.

Appendix 2 set out in the report illustrated the Lyndon Park development and areas, with the Council's former land (Parcels 1 and 2) and land still to be transferred (Parcels 3 and 4) identified as to the north of the development area. The remaining development land was former third party land with colouring to show progress with development.

Appendix 2 therefore shows that Keepmoat was nearing the final two phases of the Lyndon Park development, with Parcels 3 and 4 remaining in the Council's ownership. Under the terms of the agreement for sale the conditions for drawing down Parcel 3 of the Council land had been met. Keepmoat were accelerating delivery with good recent sales (after a slow down) and were therefore seeking to draw down Parcels 3 and 4 at the same time and conclude the full transfer of the Council's remaining land.

Under the terms of the existing sale agreement the Council were not yet required to dispose of Parcel 4 to Keepmoat, but they had requested this as they would now be paying the Council the balance of the purchase price for the Council's entire ownership. This would be a departure from the terms of the exiting sale agreement.

As stated above Keepmoat were due to pay the full balance of the land transfer, which had become due on the 10<sup>th</sup> November 2021. To date, under the terms of the sale agreement Keepmoat had paid the Council £1,711,808, and therefore a balance of £1,094,084 was now due from Keepmoat. This would have to be paid by Keepmoat irrespective of whether the Council agreed to transfer Parcel 4 of its land.

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

Under the terms of the sale agreement, Keepmoat's request to transfer Parcel 4 to them was early. The Council was not under an obligation to transfer Parcel 4 until 50% of the proposed plots on Parcel 3 (which would be 12 plots) had been constructed to roof level.

However, following a request from Keepmoat, consideration should be given to transferring the Council's full freehold interest of the remaining land including Parcel 4, even though there was no obligation to transfer this parcel, recognising the strong partnership between Keepmoat and the Council in developing this site and potential future sites in the Borough, and on the basis it should conclude all legal and financial transactions simultaneously.

**Decision**

- **That Cabinet considers and approves the freehold transfer of land shown at Appendix 1 of the report to Keepmoat Homes Limited and delegates authority to the Head of Regeneration and Housing to finalise terms of the transfer in consultation with the Executive Director (Legal and Democratic Services) and authorises the Executive Director (Legal and Democratic Services) to finalise and execute all legal documents to conclude the disposal.**

**302 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.**

**303 Sale of Land at Church Canal Gateway, Blackburn Road, Church, Accrington**

*In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was granted by Councillor Jenny Molineux, Chair of the Communities and Wellbeing Overview and Scrutiny Committee, to the following decision being made by Cabinet on 16<sup>th</sup> March 2022, in private, on the grounds that the decision was urgent and could not reasonably be deferred.*

*Exempt information by virtue of Paragraph 3 - Relating to the financial or business affairs of any particular person (including the authority holding that information)*

Councillor Loraine Cox provided a brief introduction to the report.

Councillor Britcliffe asked about whether the location of the proposed development would be consistent with Control of Major Accident Hazards (COMAH) risks at William Blythe Ltd. Mark Hoyle, Head of Regeneration and Housing, indicated that advice had been obtained from the Council's Planning Team and Health and Safety Executive (HSE) and the site was considered to be suitable for the proposed use. Councillor Britcliffe also mentioned that this site was a key gateway into the Borough and that any development needed to be of a high quality. The Leader and Mr Hoyle acknowledged this point, but responded that the detailed design would be a planning matter. Mr Welsby, Chief Executive, highlighted that the report

confirmed that the disposal would subject to the proposed purchaser obtaining satisfactory planning permission.

Approval of the report was not 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.**

**304 Sale of Former Council Offices, 20 Cannon Street, Accrington. BB5 1NJ**

*Exempt information by virtue of Paragraph 3 - Relating to the financial or business affairs of any particular person (including the authority holding that information)*

Councillor Loraine Cox provided a brief introduction to the report.

Councillor Britcliffe asked about the current condition of the building, since it had been vacant for some time. The Leader responded that there were some minor maintenance issues to address, but essentially this was a desirable building, with attractive architectural features, in a good location close to key public transport links.

Approval of the report was not 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.**

**305 Arthur Wilson Centre, Clayton-le-Moors**

*Exempt information by virtue of Paragraph 3 - Relating to the financial or business affairs of any particular person (including the authority holding that information)*

Councillor Loraine Cox provided a brief introduction to the report.

Approval of the report was not 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.**

**306 Sale of Land adjacent to the former Black Bull Public House, Lowergate Road, Huncoat**

*In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was granted by Councillor Jenny Molineux, Chair of the Communities and Wellbeing Overview and Scrutiny Committee, to the following decision being made by Cabinet on 16<sup>th</sup> March 2022, in private, on the grounds that the decision was urgent and could not reasonably be deferred.*

*Exempt information by virtue of Paragraph 3 - Relating to the financial or business affairs of any particular person (including the authority holding that information)*

Councillor Loraine Cox provided a brief introduction to the report.

Councillor Britcliffe enquired about the proposed use of the land. Councillor Plummer responded that the site would be used as a garden for a residential property.

Approval of the report was not 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