
CABINET

Wednesday, 4th December, 2024

Present: Councillor Munsif Dad BEM JP (in the Chair), Councillors Vanessa Alexander, Noordad Aziz, Scott Brerton, Stewart Eaves, Melissa Fisher and Kate Walsh

In Attendance: Councillors Danny Cassidy, Bernard Dawson, Zak Khan, Dave Parkins and Kath Pratt.

Apologies: Councillor Kimberley Whitehead

251 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Kimberley Whitehead.

252 Declarations of Interest and Dispensations

Councillor Scott Brerton declared a disclosable pecuniary interest in Agenda Item 9 – Disposal of Land at Park Road/Balfour Street, Great Harwood, on the grounds that the land was close to his home and its future use could potentially have an effect on the value of his property.

There were no reported declarations of dispensations granted.

253 Minutes of Cabinet

The minutes of the meeting of the Cabinet held on 30th October 2024 were submitted for approval as a correct record.

Councillor Khan raised some points in respect of Minute 208 – Reports of Cabinet Members as follows:

Regarding Litter and Fly Tipping, he commented that he had not yet received a list of the proposed dates for skip days and asked about the criteria for deployment. He also asked if these would replace the community beat sweep activities. Councillor Dad responded that the full list of dates had not yet been set, but he would ensure that these were sent to Cllr Khan.

In connection with the Retrofitting Hub, Councillor Khan asked if a response had been received from the relevant Ministers about the funding announcement.

In respect of Minute 209 – Prudential Indicators Monitoring and Treasury Management Strategy Update, Councillor Khan asked whether the impact of increased employers' contributions for National Insurance was now known. David Welsby, Chief Executive responded that the Government had announced that it intended to compensate local authorities for the increased costs of employers NI contributions.

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

254 Minutes of Boards, Panels and Working Groups

The minutes of the meeting of the following body were provided:

Name of Body	Date of Meeting
Leader's Policy Development Board	22 nd October 2024

Resolved - **That the Minutes of the meeting of the above body be noted.**

255 Reports of Cabinet Members

Leader of the Council

Councillor Munsif Dad BEM JP, reported on the following:

Local Government Reorganisation

The White Paper on English Devolution, which proposed further local government reorganisation, was awaited. The White Paper would set out the framework for the reorganisation of local government in Lancashire. The controlling administration would keep staff and residents informed as more information became available.

Accrington and Rossendale College

A letter was read out, which had been received from the Nelson and Colne College Group. The Group comprised the three merged colleges of Accrington and Rossendale College, Nelson and Colne College and Lancashire Adult Learning. The Group had undertaken a review of its structure and name and a clear route forward had emerged. The intention was to change the name of the overarching body to East Lancashire Learning Group. However, the individual college entities would retain their existing names.

Councillor Dad recounted his long association with Accrington and Rossendale College, moving from a student, to a tutor, then to a governor. The College did excellent work and the rebranding should be supported.

Community Action Fund

Grants had been awarded to five local organisations from the Cabinet Action Fund, which had been introduced earlier this year. These were as follows:

- *Oswaldtwistle District Women's Institute*: £500 to help towards room hire for a craft club. This funding would enable the group to continue providing a creative and social outlet for its members.
- *Fairfield Boxing Club*: £500 to provide free sessions aimed at reducing anti-social behaviour. By offering these sessions, the club hoped to engage young people in positive activities, promoting discipline, respect, and physical fitness.
- *St Andrews Primary School*: £1,500 to cover transport costs for their Christmas play. This grant would ensure that all students could participate in this festive event, which was a highlight of the school year and an important opportunity for children to showcase their talents.

- *Masjid and Madrassa Islamia*: £250 to support community activities and services. The funding would help the organisation continue its valuable work in providing educational and social support to the local community.
- *Accrington Stanley Supporters Trust*: £500 to assist with their community initiatives.

Councillor Aziz declared a personal interest in the announcement regarding funding for Masjid and Madrassa Islamia, as this was the mosque that he attended. However, he had no role there in any position of control.

Long Term Plan for Towns

Information had been received that the new Government intended to retain the Long Term Plan for Towns programme, as part of its wider regeneration proposals. The Borough would receive up to £20m over the next decade. The name of the programme was likely to change. Councils which had already been identified as receiving the award should not seek to undo what had already been planned. However, a revised prospectus would be issued in the New Year to include new strategic initiatives from the Government. The prospectus would be accompanied by a comprehensive technical note. It was intended that some additional capacity would be available for scoping works in 2025/26 to enable funding for the projects to be provided with effect from 2026/27.

Taxi MOT Testing Station

The Council was exploring the possibility of providing an independent MOT testing station to support the taxi trade. The importance of the taxi trade was recognised. At the same time, the Council had invited representatives of Uber to discuss the provision of a Hyndburn licence.

Councillor Fisher commented that officers were working with Uber, as the number of drivers operating in the Borough had increased. There were also some concerns that a significant number of vehicles in Hyndburn were licenced out of borough, including from areas such as Knowsley and Wolverhampton. This situation was lawful, but gave rise to issues around quality and effective enforcement. The Licensing Manager had expressed some concerns about this matter. There also was a concern that local operators could transfer to less stringent regimes. However, by continuing to work collaboratively with the taxi trade, the Council was confident that it could retain the appropriate levels of control. If necessary, the controlling administration would raise the matter with the Government.

Pay and Display On-Street Parking Consultation

Lancashire County Council had announced its review of on-street pay and display parking arrangements. Both Accrington and Great Harwood were under consideration. The Cabinet was opposed to the introduction of these measures, preferring on-street parking to remain free. All of the Borough Council's car parks were free. This encouraged people to shop locally. The Council would write to Lancashire County Council to voice its concerns and opposition to the proposals.

Deputy Leader of the Council and Portfolio Holder for Housing and Communities

Councillor Melissa Fisher reported on the following:

Accrington Victoria Hospital

This remained a hot topic. The Council had learned that the GP Practice based there had now moved to the Acorn Centre. In addition, chatter on social media yesterday suggested that the minor injuries unit had also moved to the Acorn Centre. A Strategy Group would be established early in the New Year, to include Councillor Fisher as Portfolio Holder, representatives of the NHS Trust and other stakeholders, to look at the future of the building.

Deputy Leader of the Council and Portfolio Holder for Transformation, Education and Skills

Councillor Noordad Aziz reported on the following:

Accrington Town Centre Masterplan

A consultation on the Accrington Town Centre Masterplan had just opened. The views of residents were being sought on what should be included in this vision. As well as the information on-line, a number of drop in sessions would be held at Market Chambers on the 12th December and 9th January from 3pm-7pm, and at Raza Jamia Masjid on a date to be confirmed in the New Year. Information boards would also be available for viewing at Accrington Library from 13th December 2024 until the end of the consultation on 12th January 2025.

Wilson Sports Village

Alliance Leisure was working hard to recommence the work at Wilson Sports Village. Currently work was underway to assess whether there was a gap between the money spent so far and what should be required to complete the project. Project leaders were optimistic that there would be no need for the Council to top up the finances required. Given the need to restart works as soon as possible, it might be necessary to take any funding decisions needed under emergency powers. Early recommencement was desirable to ensure that the Council did not incur unnecessary costs in relation to the security provided at the site while construction works were at a halt. The officers were currently drafting the necessary urgent report.

Portfolio Holder for Resources and Council Operations

Councillor Vanessa Alexander reported on the following:

Accrington Stanley Women FC

The Council had recently sponsored Accrington Stanley Women FC. The Council's heart logo now featured prominently on the upper arm of the women's playing shirt. A framed shirt was displayed in the meeting.

Benefits Uptake

The Council had written to some 1,500 residents, to advise them about the availability of benefits to which they might be entitled, but were not currently claiming.

Portfolio Holder for Environmental Services

Councillor Stewart Eaves reported on the following:

Litter and Fly Tipping

Community skip days were now being rolled out with the first event due to take place on Saturday from 8.30am in Huncoat. The Portfolio Holder would join Councillor Dave Parkins in the area.

An update on the use of the fixed penalty notice (PFN) system was provided. Some 160 first letters had been issued up to the end of last month, which had resulted in only 13 needing to be escalated to penalties. Some additional training was planned for enforcement officers.

Remembrance Sunday/Armistice Day

In his role as Armed Forces Community Covenant Champion, Councillor Eaves reported that the numerous remembrance services and parades had gone well and had been safely supported. There had been some initial concerns over the cenotaph site in Oswaldtwistle as Cadent had been undertaking works to replace the gas main. However, Councillors Gilbert and Smithson had worked together with Cadent to get the road surface reinstated in time.

Waste Transfer Station

The Council's Head of Environmental Services, Craig Haraben, was investigating costings with Suez, in Darwen, for the possible provision of a Waste Transfer Station at their site.

Portfolio Holder for Business & Growth

Councillor Scott Brerton reported on the following:

Economic Development

The Economic Development Manager, Salma Chaudhry, and other staff were thanked for their efforts in enabling the authority to 'punch above its weight' regarding economic development.

Business Engagement

A number of business drop-in sessions had been arranged across the Borough. Work had also been carried out on-line with local shops, during the daytime, at lunchtime and in the evenings. Some in person visits had also taken place to shops.

In the New Year, the Council was considering running a jobs fair in Accrington. Large employers, including British Aerospace and BT, had already shown some interest in supporting the event.

Social Value

Officers were looking into maximising social value in the Borough, including harnessing businesses' Corporate Social Responsibility (CSR) and the use of small donations. There were many community organisations in the area who would be keen to engage with the business sector. The intention was bring the two sectors together, possibly at an event or via an on-line portal.

Education and Business

Last month there had been a celebration of the work of Education Business Partnership North West, which was a local body bringing education and business together and co-ordinating programmes that supported students to learn from labour market information.

Business Inclusion Group

The Council would support the next event in February of the Business Inclusion Group, which was facilitated by Lucy Hamlin from Spring Into Action CIC, based in Oswaldtwistle. The Group promoted diversity and inclusion as key drivers of innovation and success in business. The event would feature a keynote speaker from Lancashire LGBT, based in Preston, as well as a session on workplace policies on inclusivity. Kirsten Burnett, Head of Policy and Organisational Development, at the Council, would also attend the event.

Portfolio Holder for Sustainability and Families

Councillor Kate Walsh reported on the following:

Electric Vehicle Charging

The Portfolio Holder had recently attended a presentation by representatives of Lancashire County Council (LCC) about Electric vehicle (EV) charging. The County Council had agreed to work with this Council to develop the local infrastructure. Some concerns had already been raised with LCC about charging points within the Borough.

Leader of the Council

Councillor Munsif Dad BEM JP made some further announcements as follows:

Chief Planning and Transportation Officer

Simon Prideaux, Head of Planning and Transportation was present at the meeting. The Leader noted that this would be Mr Prideaux's last appearance before the Cabinet as he was due to retire shortly after over 17 years service with the authority. Councillor Dad wished him well for the future on behalf of the Cabinet and the whole Council.

Accrington Christmas Lights Switch-On

The Christmas Lights Switch-On in Accrington held on Thursday 28th November 2024, organised by #AmazingAccrington, had been a great success. The atmosphere in the Town Centre had been incredible. In part, this had been due to the popularity of the headline act, Martin Kemp, who had captured the mood of the crowd perfectly with his 'Back to the Eighties' show. It was believed that the event had attracted some ten thousand visitors.

Councillor Aziz hoped that this level of success would be repeated in Great Harwood on Saturday 14th December 2024, when East 17 were due to headline the Christmas Extravaganza.

With the agreement of the meeting, Agenda Item 11 was taken next, to enable the planning officers present to leave the meeting earlier than would otherwise be the case.

256 Houses in Multiple Occupation and Children's Care Homes

In accordance with Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval had been

given by Councillor Jodi Clements, Chair of the Communities and Wellbeing Overview and Scrutiny Committee, to the following decision being made by Cabinet on 4th December 2024, under the special urgency provisions for key decisions, on the grounds that the decision was urgent and could not reasonably be deferred.

Members considered a report of Councillor Munsif Dad BEM JP, Leader of the Council, about proposed changes to planning policies in relation to Houses in Multiple Occupation and Children's Care Homes.

Councillor Dad provided a brief introduction to the report and thanked planning officers Simon Prideaux and Shanshan Chen, who had drafted the report and who were in attendance. The report presented the draft versions of:

- The evidence base document supporting the need for an Article 4 Direction that would remove permitted development rights for small houses in multiple occupation in nine wards in Hyndburn.
- Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation that would be used to help determine planning applications for Houses in Multiple Occupation, and;
- Supplementary Planning Guidance (SPG) on Children's Care Homes that would be used to help determine planning applications for Children's Care Homes.

Cabinet was being asked to agree to undertake the necessary consultations, as the first step towards the Council being more readily able to manage these types of developments in the Borough.

Councillors Aziz, Walsh, Parkins, Fisher and Khan spoke in favour of the proposals. Councillor Khan queried whether the choice of wards might appear to be politically motivated and whether it might have been more advantageous to apply the Article 4 Direction across the whole Borough. Councillor Dad responded that the choice of wards was purely evidence based. Officers responded that the proposed changes were being consulted upon and that the evidence report was a live document. The wards covered and the relevant policies could be reviewed and adjusted as necessary after a period of time to reflect any change in circumstances. The approval of the Secretary of State was required for the proposed Article 4 Direction and this was unlikely to be granted for the whole Borough on the current evidence.

Approval of the report was deemed a key decision.

Reasons for Decision

Over the past 18 months the Council had seen a significant increase in the number of planning applications for Houses in Multiple Occupation (HMO's) and for Children's Care Homes. These applications had given rise to objections from neighbouring residents and concerns about the impact that large numbers of care homes and children's homes would have on an area.

One of the shared aims of the Corporate Strategy (2023-2028) and the adopted Hyndburn Core Strategy was to provide for a greater choice and quality of housing in the Borough. To help deliver this objective the Core Strategy set out a number of key priorities:

- To provide sufficient housing of the right size and type to meet local needs, including those in need of affordable and supported housing or requiring larger family homes, higher value homes and homes to cater for an aging population. This would provide a more balanced housing supply with a choice of property types and tenure.
- To ensure that all new property would be built to high standards, in sustainable locations, making the best use of brownfield land and to designs which minimised carbon emissions and related well to local character.
- To ensure that areas of low demand housing were regenerated with a wider range of improved and new housing and supporting facilities, including local health centres and public open spaces.

The Core Strategy recognised that access to good quality affordable housing was an essential human need and was vital to the creation of sustainable, mixed communities. The provision of a balanced housing market within Hyndburn was a key priority and the Core Strategy sought to achieve this primarily through the development of larger family homes in sustainable locations.

This policy framework had been established in response to the housing problems that had historically been witnessed in Hyndburn. At its worse, the Borough had suffered housing market failure due to the high concentrations of poor quality terraced houses coupled with low demand, contributing to high levels of deprivation in central areas of Hyndburn. Whilst much had been done to help address these issues, large areas of the Borough still suffered from high levels of deprivation and associated problems. These areas were characterised by having:

- High density of terraced and low value housing;
- High numbers of rented properties;
- Higher than average health issues;
- Low average wages;
- Higher than average number of people on allowances;
- Higher rates of crime and disorder; and
- Poor quality environment.

It was important to acknowledge that HMOs had widened the housing choice within the Borough, particularly providing affordable accommodation for young professionals, alongside low-income households who might be economically inactive or working in low paid jobs, and tackling the issues of a large number of vacant dwellings within the Borough. HMOs operated by government partnerships also provided essential temporary accommodations for asylum seekers, homeless people, ex-offenders, etc. The development of HMOs had also served to steadily reduce the level of vacant properties in the Borough.

However, at a time when corporate policies were seeking to improve the quality of housing across Hyndburn, there was a concern that the uncontrolled development of houses in multiple occupation in these areas would serve to lower the quality of housing and only serve to increase the social problems experienced in these areas. Higher than average concentrations of rented properties and houses in multiple occupation could have an unacceptable adverse impact on the socio-economic profile of these areas and as a consequence might result in families moving out of central areas and contributing to a spiral of decline at a time when the Council was working to improve these areas.

Need for an Article 4 Direction – Evidence Base

The communities in Hyndburn faced a wide range of socio-economic challenges. Many of Hyndburn's Wards were within the top 10% of the most deprived wards in England when measured against a variety of indicators, and a similar number were also in the top 20% most deprived. Over the past 20 years, Hyndburn's position in the indices of deprivation had steadily fallen and the steady increase in the numbers and concentrations of houses in multiple occupation were likely to have contributed towards this and made improvements to Hyndburn's position steadily more difficult.

It was no coincidence that the wards with the lowest house values were also characterised by higher levels of deprivation and higher numbers of HMO's. Whilst these areas had once been characterised by failing housing markets with high levels of vacant properties, owners of vacant properties were now finding companies and agencies keen to manage their properties to accommodate people with a range of needs, such as people on release from prison, mental health needs or refugees with no home. This in turn placed additional burdens and stress on already deprived communities.

An Article 4 Direction was part of planning legislation that allowed the Council to remove or restrict permitted development rights, including changes of use, in respect of an area or a particular type of property. Appendix 1 to the report set out the evidence that justified the making of an Article 4 Direction in nine wards in Hyndburn.

The need for a Policy Framework

If an Article 4 Direction was successfully implemented, it would only mean that planning permission was required for the development of small houses in multiple occupation.

Whilst the Hyndburn Core Strategy set out a broad strategy for the development of more family homes in the Borough, it was developed at a time when houses in multiple occupation were not an issue. The Development Management DPD had been developed in a way that dove-tailed with the Core Strategy and whilst it sought to improve the quality of housing across the Borough, it did not contain a detailed policy framework to help determine planning applications for houses in multiple occupation.

The Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation provided in the report at Appendix 2 sought to set out a policy framework for the determination of planning applications for houses in multiple occupation submitted in Hyndburn.

This Supplementary Planning Guidance was intended to expand upon policy or provide further detail to policies in Development Plan Documents and the emerging Hyndburn Local Plan 2040. This document did not have development plan status, but it would be afforded weight as a material planning consideration in the determination of planning applications. This Supplementary Planning Guidance would remain a consultation draft until it had been consulted on and taken back to Council to be adopted.

This SPG would apply to all planning applications for development consisting of a change of use of a building from a use falling within the Use Class C3 (a family dwelling or flat for example) to Use Class C4 (small HMO) within the areas as shown at Figure 1 of Appendix 2. It would also apply to planning applications for the change of use from Use Class C3 to 'sui generis' large HMOs in the whole Local Authority Area.

The guidance would not apply retrospectively to existing HMOs. It should be noted that change of use from a small HMO (class C4) to dwelling house was a permitted

development and did not require planning permission. However, permission was still required to change a large HMO (sui generis) into a dwelling house.

In addition to this guidance, other considerations and policies from the Hyndburn Development Plan documents and the emerging Hyndburn 2040 Local Plan might also be relevant to the consideration of a planning application for an HMO, depending on individual circumstances.

Children's Homes Supplementary Planning Guidance

The draft Children's Homes SPG was set out in the report at Appendix 3. This SPG had confirmed that a children's home which operated with care staff on shifts did not comply with the definition of Class C3(b) or C3(c) use, and use of such premises as a children's home would generally fall within Class C2 use (residential institution). By virtue of their differences in operational nature, level of activities, number of staff/visitors, and associated parking requirement and vehicle movements, a material change of use between children's homes and residential dwellings would occur, therefore planning permission would be required for such type of development to enable the Local Planning Authority to assess the merits and impacts of the proposal.

The Children's Homes Supplementary Planning Guidance was intended to expand upon policy or provide further detail to policies in Development Plan Documents and the emerging Hyndburn Local Plan 2040. This document did not have development plan status, but it would be afforded weight as a material planning consideration in the determination of planning applications. This Supplementary Planning Guidance would remain a consultation draft until it had been consulted on and taken back to Council to be adopted.

This SPG would apply to all planning applications for development of children's homes. It particularly aimed to ensure that care needs for local children would be met locally, and to minimise the risk of children from other regions of the country being placed in Hyndburn. It set out two policies to ensure that the proposed children's homes would meet the needs of local communities and satisfy site specific requirements which included:

- i. That the general location of the care home was considered to be suitable and appropriate;
- ii. That the application property was suitable for the number of children and carers proposed;
- iii. That there was sufficient off-street car-parking for carers and visitors and that the development would not impact on highway safety, and;
- iv. That the development would not result in a concentration or cluster of children's care home in that area.

In addition to this guidance, other considerations and policies from the Hyndburn Development Plan documents and the emerging Hyndburn 2040 Local Plan and the Ministerial Statement (2023) might also be relevant to the consideration of a planning application for an HMO, depending on individual circumstances.

Alternative Options considered and Reasons for Rejection

There were essentially three alternative options open to Cabinet:

- *Do not take forward the HMO Article 4 Direction* - Alternative options would be to not introduce an Article 4 direction, in which case conversions to small HMOs would remain permitted development across the Borough or to apply the Article 4 direction to more wards of the Borough.

In light of the evidence presented in the Evidence Report (Appendix 1), it was considered appropriate to introduce the Article 4 Direction to the nine wards in Hyndburn (Barnfield, Central, Church, Clayton-le-Moors, Netherton, Peel, Rishton, Spring Hill, and St. Andrews) as these were the areas with the main concentrations of HMOs, and social/economic issues such as deprivation, high crime rate and low property prices.

- *Do not take forward the HMO SPD* - In this scenario, the Council was likely to receive increased numbers of planning applications for HMOs. Without detail policy guidance, the Council would not be able to effectively manage and steer future developments of small and large HMOs in a consistent manner in the areas subject to Article 4 Direction and the whole borough, which would also lead to more appeals as applicants might challenge the Council's interpretation of policies in the current and emerging local plans used as reasons for refusal.
- *Do not take forward the Children's Homes SPD* - In this scenario, the Council would continue to receive planning applications for children's homes without any particular policy guidance to allow the Planning Committee to assess whether the proposed development would meet the care needs for the local community, whether the prospective children's homes were of an appropriate space standards, and whether they would be appropriately located in the community without resulting in undue impact on the amenity of the existing communities and highway safety.

Consequently, the Council would not be able to effectively manage developments of children's homes, which might lead to more appeals against the Council's decisions.

Resolved

- That the Cabinet:

- (1) Makes an Article 4 Direction to remove permitted development rights for change of use from individual dwelling houses (Class C3) to small Houses in Multiple Occupation in nine wards within Hyndburn (Barnfield, Central, Church, Clayton-le-Moors, Netherton, Peel, Rishton, Spring Hill, and St. Andrew's), in line with the details set out in the Evidence Report (Appendix 1);**
- (2) Approves the draft Houses in Multiple Occupation (HMO) Supplementary Planning Guidance (SPG) as set out in Appendix 2 of the report, to be issued for consultation.**
- (3) Approves the draft Children's Homes Supplementary Planning Guidance (SPG) as set out in Appendix 3, to be issued for consultation.**

(4) Delegates authority to the Head of Planning and Transportation to consider the outcome of the consultation and to determine whether the direction should be confirmed, and whether to adopt the HMO and Children’s Homes SPGs.

257 Garage Plot Rental Charge 1st April 2025

Members considered a joint report of Councillor Noordad Aziz, Deputy Leader and Portfolio Holder for Transformation, Education and Skills, and Councillor Vanessa Alexander, Portfolio Holder for Resources and Council Operations, seeking approval for increased garage plot rents from 1st April 2025.

Councillor Aziz provided a brief introduction to the report. The proposals would see an increase in rental from £102 per annum to £110 across the Borough’s 184 garage plots. The rental cost was comparable to that in neighbouring East Lancashire authorities.

Approval of the report was not considered to be a key decision.

Reasons for Decision

The Council completed a garage rent review every 3 years, with the aim of ensuring that the garage plot rents kept pace with inflation. It was reasonable for the Council to increase the garage plot rents having taken into consideration the annual rate of inflation and rents charged by neighbouring local authorities.

The Council had last increased the annual garage plot rent on the 1st April 2022.

Allowing for the annual rate of inflation from 2022, and rent comparisons charged by neighbouring local authorities, it was recommended that the annual rent be increased to £110.00 from 1st April 2025.

The term “garage plot”, for the purpose of the report, meant an area of land owned by the Council roughly equal in size to that which permitted the erection of a 3m x 6m single garage, together with a narrow strip of land around the plot thereby permitting vehicle access and garage maintenance.

Garage plots were rented to members of the public (the tenants) who might, at their own expense, erect a garage which could be used for parking a domestic motor vehicle. Some plots were used for parking cars or caravan storage without a garage building. It was a condition of the agreement that the garage plots were not used for commercial purposes and that the garage itself and the plot were maintained by the tenant.

The Council had 184 garage plots, all of which were tenanted at the time of writing.

The Council’s proposed annual rent of £110.00 was comparable with neighbouring local authorities, as indicated below:-

Blackburn with Darwen Borough Council	£96.00
Pendle Borough Council	£120.00
Burnley Borough Council	£92.30
Rossendale Borough Council	£190.00

In reaching the recommended rent, consideration had been given to the annual rate of inflation since 2022 and that predicted from 2025 onwards, which ranged by year from 2.0%

to 4.0%. The recommended garage plot rent increase was 2.5% (year on year from 2022), which was comparable to the national rate of annual inflation.

Alternative Options considered and Reasons for Rejection

No change and continue to charge rents at the existing amount - This option was not recommended as it was likely to mean that a larger rent increase would be required at a future date. It was reasonable for the Council to review the rents charged every 3 years to ensure that increases were gradual and that tenants did not face significant increases.

Set a lower rent increase - This option was not recommended as the annual rate of national inflation since 2022 and predicted 2025 onwards ranged from 2.0% to 4.0%. The Council had set the rent increase comparable to that of the national rate of inflation, and to a rate comparable with other neighbouring local authorities.

Set a higher rent increase - This option was not recommended on the grounds that the increase would be greater than the national rate of inflation.

Resolved - **That Cabinet authorises an increase in garage plot rents from £102.00 to £110.00 per annum (excluding VAT) with effect from 1st April 2025.**

258 Arts, Culture and Heritage - Portfolio Report

The Cabinet considered a report of Councillor Kimberley Whitehead, Portfolio Holder for Culture, Heritage and Arts, which provided an overview of the current and planned activities around arts, heritage, and culture in Hyndburn, in particular those supported by Hyndburn Borough Council. The report also:

- highlighted key developments, funding sources, and next steps to further support and enhance these areas;
- provided an update on progress around the Council's developing Culture and Heritage Strategy; and
- provided details on event expenditure and outcome measures

In the absence of Councillor Whitehead, Councillor Vanessa Alexander introduced the report, as follows:

Culture and heritage was a new portfolio area in May, brought in by the current Cabinet to reflect the importance it could play in shaping the future of the Borough, helping people to thrive and express themselves. The report showed how the work aligned with Council's broader priorities, such as town centre regeneration and community engagement. It provided an overview of the different and extensive areas of work which, taken in combination, supported arts, culture, and heritage in Hyndburn, including the wide-ranging cultural and economic contribution that the Haworth Art Gallery made.

The report outlined the wide-ranging events programme and included some data on spend and attendance for Council-funded events, offering a clearer picture of their reach and impact. Officers were being requested to continue to improve how this could be measured, to help the Council to make informed decisions about future investment.

The report also updated Cabinet on the development of the Council's draft Culture and Heritage Strategy. This strategy would be a vital step in shaping how the Council enhanced

cultural participation, developed local talent, and made heritage relevant and accessible to all residents.

One recommendation was to acknowledge the need for a robust business plan to be developed as part of the Market Chambers development stage, and for additional funding bids to be explored to support the running of the venue in its early years. This would reduce the need for any future reliance on Council funding once the venue was operational.

A number of officers across the Council were involved in this work, and the authority also benefitted from external expertise on the Culture and Heritage Investment Panel, including people who voluntarily gave their time to steer this work. On behalf of the Portfolio Holder, Councillor Alexander acknowledged those efforts and thanked all concerned. In particular, she thanked Kirsten Burnett, Head of Policy and Organisational Development who was present at the meeting today.

Councillor Aziz noted that the draft Strategy recognised diversity and the different cultures which prevailed across the Borough. Councillor Khan asked a number of questions which are summarised below, together with any responses provided:

- The Council had been very successful in attracting funding for its arts and cultural offer, but would it be able to attract sufficient funding in the future and how could it encourage private investment?
- The future of Mercer Hall and Oswaldtwistle Civic Theatre had not been mentioned. Could an update be provided?
- Membership of the Culture and Heritage Investment Panel (CHIP) was Council-centric. Could a broader membership be considered?
- There were numerous events taking place, but was value for money being monitored?

Mrs Burnett confirmed that the CHIP had met last week and had identified the need to review its membership. This would be discussed at an away day in January or February 2025. The intention was to reduce the number of officers serving on the Panel. The Panel's role in fundraising would also be considered at the away day. Officers were currently looking at how to better use data to support decisions about commissioning future events. Councillor Dad indicated that he supported this value for money approach. Councillor Alexander confirmed that the controlling group was considering how Mercer Hall and the Civic Theatre fit into its future plans. Information on this would be shared on this at the appropriate time.

Approval of the report was not considered to be a key decision.

Reasons for Decision

Hyndburn Council's culture and heritage activity had traditionally centred predominantly around Haworth Art Gallery and Artists' Studios, alongside an annual events programme.

Additional funding streams in recent years had supported new initiatives to strengthen Hyndburn's cultural identity, complementing key strategic regeneration projects, particularly those based around Accrington Town Square. This approach recognised that investing in culture and heritage was a powerful way to support place-making, as it helped to create vibrant, distinctive and appealing spaces that would foster a sense of community and identity, and improve quality of life.

Through continued targeted work, and ensuring arts and heritage were accessible to all residents, the Council had a real opportunity to enhance social inclusion and community pride, and to promote economic vitality. Balancing ambitious goals with funding constraints and ensuring long-term sustainability would be a challenge. The Council would continue to strengthen partnerships, seek new funding opportunities, and refine its approach based on continuous feedback and evaluation.

The report included detailed information under the following headings:-

- Resources and Staffing;
- Funding;
- UK Shared Prosperity Fund;
- Culture and Heritage Strategy Development;
- Governance and Oversight;
- Culture and Heritage Investment Panel (CHIP);
- Other partnerships / key organisations;
- Evaluation and performance measures;
- Accrington Market Chambers;
- Haworth Art Gallery;
- Physical Assets;
- Links to other priorities; and
- Marketing / audience reach.

There were no alternative options for consideration or reasons

Resolved

- (1) That Cabinet notes the report and the wide range of activity within the Borough.**
- (2) That Cabinet notes that work is ongoing on the draft Culture and Heritage Strategy and that this will be brought to a future Cabinet meeting for approval.**
- (3) That Cabinet continues to support the priority, set out in the Corporate Strategy, to transform Market Chambers into a new heritage, culture and arts space, as part of the wider town centre regeneration work.**
- (4) That Cabinet:**
 - **acknowledges the need for a robust business plan to be developed as part of the Market Chambers development stage, and additional funding bids made to support the running of the venue in its early years; and**
 - **recognises that there may be a need to consider future budget provision to support operational costs during the post-opening period.**

- (5) That Cabinet asks officers to consider how the Council can use additional data and feedback to assess the social and economic value of its investments in culture and heritage activity, and to support future decisions.**

259 Public Space Protection Order relating to Dog Control

In accordance with Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval had been given by Councillor Jodi Clements, Chair of the Communities and Wellbeing Overview and Scrutiny Committee, to the following decision being made by Cabinet on 4th December 2024, under the special urgency provisions for key decisions, on the grounds that the decision was urgent and could not reasonably be deferred.

Members considered joint report of Councillor Stewart Eaves, Portfolio Holder for Environmental Services and Councillor Kimberley Whitehead, Portfolio Holder for Culture, Heritage and Arts, requesting Cabinet to consider extending and varying a Public Spaces Protection Order (PSPO) called the Borough Council of Hyndburn (Control of Dogs) Public Spaces Protection Order (Number 1 of 2021) pursuant to sections 60 and 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("The Act") relating to dog control within the Borough of Hyndburn.

Councillor Eaves provided a brief introduction to the report. He referred to an additional recommendation which was being proposed in the light of responses provided in the comments section of the PSPO consultation and discussions with the Friends of Memorial Park, Great Harwood. Mr Welsby, Chief Executive, clarified that the new recommendation was in addition to those already set out in the report.

Councillor Dad commented that he had previously had some concerns about dogs in cemeteries, in the light of complaints he had received 3 or 4 years ago from the families of the deceased. However, while attending a burial at Burnley Road Cemetery in Accrington, at the weekend he had observed around 10 dog owners, all of whom had their pets on a lead. He had been reassured that, in general, owners who exercised their dogs in cemeteries were responsible and that there was no issue with dogs being in cemeteries *per se*. Irresponsible owners could be dealt with via the PSPO and enforcement.

Approval of the report was deemed a key decision.

Reasons for Decision

Legislation relating to Dog Control changed in 2014 with the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014. The Act had 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.

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.

PSPOs 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.

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 were 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 Borough's cemeteries;
- (v) There were ongoing concerns about dogs off leads fouling, disrupting users and attacking other dogs at Churchfield House in Great Harwood;
- (vi) There were ongoing concerns about dogs off leads fouling on grass sports pitches where children and adults played football and rugby; and
- (vii) There were ongoing concerns about dogs off leads fouling and disrupting users in the rose garden at Haworth Park during weddings and art events

In addition to the concerns at (i) - (vii) above, officers had taken the view that the statutory conditions were met because, since the current PSPO had been enacted in December 2021 and the current restrictions were put in place, the dog warden had still had to issue 28 Fixed Penalty Notices for breaching PSPO conditions, in addition to a number of informal warnings and educational conversations with dog owners while out on patrol. Also, the dog warden routinely received and investigated general complaints from members of the public about issues such as dog fouling and anti-social dog behaviour. As such, officers took the view that the issues outlined ay (i) – (vii) above were continuing and persistent.

A consultation exercise had been undertaken during October of 2024. Key stakeholders such as the Police & Crime Commissioner Office, Dogs Trust, Kennel Club and user groups such as Sports Leagues & 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 were in the table below:

Consultation Question	In Favour	Against
Exclude dogs from Council Play Facilities	89.47%	10.53%
Exclude dogs from Council bowling greens	88.30%	11.70%
That dog owners or those in charge of a dog clear up after the dog fouls	100%	0%
Dogs are kept on leads in Borough townships	91.49%	8.51%
Dogs are kept on leads in the Boroughs cemeteries	94.38%	5.62%
Dogs are kept on leads on designated sports pitches	71.74%	28.26%
Dogs are kept on leads within the grounds of Churchfield House in Great Harwood	90%	10%
Dogs are kept on leads within the rose garden at Haworth Park	82.42%	17.58%

As part of the consultation an online survey was available for Borough residents to indicate which of the proposals for inclusion within the PSPO they were for or against. A total of 95

responses had been received via the online survey. The results were provided at Appendix 2 of the report.

Within the consultation document there had been a space available in 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. Copies of those responses were set out in Appendix 3 of the report.

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

Do not extend and vary the Borough Council of Hyndburn (Control of Dogs) Public Spaces Protection Order (Number 1 of 2021) relating to dog control in Hyndburn pursuant to Section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014. This had been rejected as evidence and experience had shown that practical measures, like a PSPO, helped to balance the needs of dog owners with the wider use of public spaces.

Resolved

- (1) That Cabinet agrees to extend and vary the Borough Council of Hyndburn (Control of Dogs) Public Spaces Protection Order (Number 1 of 2021) having taken into consideration the outcome of the consultation exercise.**

- (2) That Cabinet agrees to extend and vary the Borough Council of Hyndburn (Control of Dogs) Public Spaces Protection Order (Number 1 of 2021) being satisfied that the conditions in sections 59 (2-3) and 60 (2) 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) It is or is likely to be persistent or of a continuing nature;**
 - (iv) It is or is likely to be such as to make the activities unreasonable;**
 - (v) It justifies the restrictions imposed; and**
 - (vi) It is necessary to prevent the occurrence or recurrence of the activities identified in the order, or an increase in the frequency or seriousness of those activities**

- (3) That Cabinet agrees to extend and vary the Borough Council of Hyndburn (Control of Dogs) Public Spaces Protection Order (Number 1 of 2021) which imposes the following requirements (for a detailed list of sites 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 has 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) The variations proposed for Borough Council of Hyndburn (Control of Dogs) Public Spaces Protection Order (Number 1 of 2021) are:**
- (i) Adding the Multi Use Games Area (MUGA) on Bolton Avenue in Huncoat;**
 - (ii) Adding the new playground and MUGA at Knuzden Recreation ground;**
 - (iii) Removing the open space at Brookside View in Oswaldtwistle as it is no longer a formal play facility**
 - (iv) Removing the bottom plateau at Bullough Park playing fields from the PSPO as this is no longer used for formal sports;**
 - (v) Reducing the area on the bottom plateau at Memorial Park playing fields to exclude the area not used as football pitches from the PSPO; and**

- (vi) **Reconfiguring the area at Wilson Playing Fields used for sports pitches to take into account the construction of the new leisure centre.**

(For details of the variations please refer to the draft PSPO in Appendix 4 and associated plans in Appendix 5)

- (5) **That Cabinet agrees that the level of any Fixed Penalty Notices (FPN) issued for contravening a PSPO will be £80 with no discount and delegates 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).**
- (6) **Further to the responses provided in the comments section of the PSPO consultation and discussions with the Friends of Memorial Park, that Cabinet requests officers to undertake a further consultation in the New Year to decide whether a PSPO should be made to require dog owners to have dogs on leads in the formal part of Memorial Park, in Great Harwood.**

260 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**

Councillor Scott Brerton, having previously declared a disclosable pecuniary interest in the following item, left the meeting and took no part in the debate or vote on the matter.

261 Disposal of Land at Park Road / Balfour Street, Great Harwood

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 Kate Walsh, Portfolio Holder for Sustainability and Families gave a brief introduction to the report. Councillor Noordad Aziz noted that the sale would support local business and would generate a capital receipt that would help to ensure that the Council's capital programme was fully funded.

Approval of the report was not considered to be 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