
CABINET

Wednesday, 18th March, 2026

Present: Councillor Munsif Dad BEM JP (in the Chair), Councillors Vanessa Alexander, Scott Brerton, Stewart Eaves, Melissa Fisher, Clare Pritchard and Kimberley Whitehead

In Attendance: Councillors Danny Cassidy, David Heap, Zak Khan and Kath Pratt and Mr Shahed Mahmood (Co-opted Member of the Special Scrutiny Committee)

Apologies: Councillor Ethan Rawcliffe

The Leader of the Council, Councillor Munsif Dad, indicated that as this meeting fell within Ramadan, he would hope to be in a position to close the meeting by no later than 6.10pm.

344 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Ethan Rawcliffe.

345 Declarations of Interest and Dispensations

Councillor Melissa Fisher made the Cabinet aware of her employment by Lancashire County Council, which was the provider of funding for the services mentioned in the following items:

- Item 8 – Healthy Weight Management Services;
- Item 9 – Smoke Free Programme Services; and
- Item 10 – Holiday Activity and Food Programme Services.

Councillor Melissa Fisher also declared a personal interest in the following items, in the light of her outside body appointment as a Member of the Hyndburn Leisure Board, the provider of the services referred to:

- Item 5 – Provision of Leisure Services;
- Item 8 – Healthy Weight Management Services;
- Item 9 – Smoke Free Programme Services; and
- Item 10 – Holiday Activity and Food Programme Services.

There were no declarations of dispensations made on this occasion.

346 Minutes of Cabinet

The minutes of the meeting of the Cabinet held on 18th February 2026 were submitted for approval as a correct record.

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

347 Reports of Cabinet Members

Leader of the Council

Councillor Munsif Dad BEM JP announced that, as there was a relatively large agenda and that there were some time constraints as to members' availability, there would be no Portfolio Holder announcements on this occasion.

348 Provision of Leisure Services within Hyndburn

In accordance with Regulation 10(1)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the proper officer had informed Councillor Noordad Aziz, Chair of the Resources Overview and Scrutiny Committee, that it was intended that the following key decision would be made by Cabinet on 18th March 2026, under the General Exception provisions, on the grounds that the decision was urgent and could not reasonably be deferred.

Members considered a report of Councillor Munsif Dad, Leader of the Council, presenting options to Cabinet for securing the long-term provision of leisure services within Hyndburn.

Councillor Dad provided a brief introduction to the report, highlighting the main issues addressed in the report which included the following:

- The award of new 30-year leases to Hyndburn Leisure ("HL");
- The proposed write off from trading debt between HL and the Council;
- Compliance with subsidy control legislation;
- Payment of the annual financial support payment to Hyndburn Leisure in respect of the 2026/27 financial year; and
- The potential release of bad debt provisions from Council's balance sheet.

Councillor Zak Khan commented that he supported, in principle, the writing off of the trading debt, but enquired about the following

- whether the figure of £1,624m was the entire debt owed;
- whether HL could adequately maintain the buildings in the longer term under a full repairing lease; and
- what improvements to the financial management arrangement had been realised as a result of the negotiations with HL.

Martin Dyson Executive Director (Resources) confirmed that the total debt figure was as reported. The Leader responded that a 30-year lease would enable HL to attract in additional funding and it had a track record of doing so previously. Regarding improved outcome, the Council had set out some key requirements which were being monitored. The Portfolio Holder, Executive Director (Resources) had regular meetings with HL. Going forward:

- HL would manage their own Human Resources function in full;
- The Town Hall would come back into the Council's responsibility in 2027; and
- The subsidy required over the last few years would be minimised.

Overall the Council wanted HL to continue, to prosper and to have a good working relationship with the authority.

Approval of the report was deemed a key decision.

Reasons for Decision

HL had been the operating the Council's leisure facilities since April 2002 and currently managed the following venues on behalf of the Council:

- Hyndburn Leisure Centre;
- Mercer Hall;
- Cath Thom Leisure Centre / Wilsons site including playing fields, athletics track and sports pitches;
- Accrington Town Hall;
- Oswaldtwistle West End Community Centre; and
- Bank Mill House Community Centre.

The Council had undertaken a review of its Leisure Management options in 2024 as it had been over twenty years since the current delivery arrangements had been set up, and both the Council and HL recognised that a lot had changed in that time.

The Council and HL had agreed that it was sensible to review the current operating model to ensure that it was still the best way to deliver community leisure services in the Borough and that it still represented best value for the Council and its residents, particularly in view of the following:

- The approaching expiry of the current leases of Hyndburn Sports Centre, Mercer Hall Leisure Centre and Accrington Town Hall.
- The closure to the public of Mercer Hall Leisure Centre and swimming pool and the ongoing work to identify ways to redevelop and repurpose the same as a community facility.
- The construction by the Council, (with the assistance of grant funding from Sport England) of a new sports and leisure facility at Wilson Playing Fields, (Cath Tom Lesiure Centre) and the need to determine how this would be managed.
- The hope that the new, energy efficient leisure centre at Wilson Playing Fields and the repurposed Mercer Hall facility would operate with reduced running costs; and
- A reduction in VAT benefits that had once been available to HL and the recent increased costs associated with leisure provision in the Borough.

The Government had recently announced plans to reorganise two tier local government within the next two to three years (LGR), which was not contemplated by the leisure management review or the leisure options report. In the circumstances, it had been agreed that the Council would take a pragmatic approach and that the Council and HL would work together to agree a strategy for community leisure provision over the next few years.

Over the last year the Council and HL had agreed an approach that involved increasing health and wellbeing outcomes and reducing financial subsidy requirements, linked to the opening of the new Cath Thom Leisure Centre and the repurposing works recently undertaken at Mercer Hall.

The Council's Medium Term Financial Strategy envisaged financial support to HL being required at the following levels subject to Cabinet approval and subsidy control compliance:

MTFS Forecasts	Subsidy from
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	Council
2024/25 – Actual Paid	£1,000,000
2025/26	£700,000
2026/27	£500,000
2027/28	£350,000

The report provided further detailed information in respect of the following matters:

- Lease arrangements;
- Current year financial position;
- Outstanding debt position; and
- Proposed grant subsidy and Subsidy Control Implications

Alternative Options considered and Reasons for Rejection

The Council could convert trading debt into a loan. This was not considered to be feasible for the following reasons –

- The loan would need to be over a long period to enable HL to repay it;
- Repayments would be high based on a 15-year loan; and
- The loan would need to be at market value or be subsidised.

It has been confirmed that any increase in loan would not be affordable unless it was matched by increased subsidy.

The Council could charge rent at market value for Hyndburn Leisure Centre and / or the Cath Thom Leisure Centre. This was not recommended as it would increase HL's costs and therefore impact any financial subsidy reductions that had been agreed thus resulting in a request for increased subsidy.

The Council could decide not to pay the financial support of £500,000 proposed for 2026/27 or pay a lesser amount. However, HL has budgeted on the assumption that the monies would be received. Any reduction in the same would impact upon HL's financial viability and could lead to increased charges to customers and / or a reduced level of service provision to the detriment of residents.

HL being responsible for their own payroll services would cease the need for the Council to be a registered payroll agent and comply with HMRC requirements for compliance, authorisation, data protection and anti-money laundering services.

Resolved

- (1) That, having considered the compliance assessment attached as Appendix 1 to the report and being satisfied that the following are consistent with the subsidy control principles:**
- i) Cabinet agrees to accept the surrender of HL's current lease of Hyndburn Sports Centre and to grant HL a new lease of the same for a 30-year term commencing on 1st April 2026 at a peppercorn rent, with HL taking on full responsibility for repairs and insurance and with the mutual break clause detailed in section 4.6 of the report; and**

- ii) **Cabinet agrees to accept the surrender of HL's current lease of Wilsons Paying Fields and the Cath Thom Leisure Centre and to grant HL a new lease of the same for a 30 year term commencing on 1st April 2026 at a peppercorn rent, with HL taking on full responsibility for repairs and insurance and with the mutual break clause detailed in section 4.6 of the report below ; and**
 - iii) **Cabinet agrees to write off HL's trading debts of £1.624m currently owed to the Council subject to satisfaction of the conditions set out in paragraph 6.6 of the report.**
 - iv) **Cabinet agree the £500,000 financial support payment to HL for the financial year 2026/27 as approved at Council at the budget meeting in February 2026 for payment in April 2026.**
- (2) **That Cabinet delegates authority to the Executive Director (Resources) to agree the detailed terms of the proposed new leases to HL and thereafter to instruct Legal Services to draft, negotiate and complete the same.**
 - (3) **That Cabinet agrees that the Council will resume the running and management of Accrington Town Hall upon the expiry of the lease to HL on 1st April 2027.**

349 Article 4 Direction on Houses in Multiple Occupation

In accordance with Regulation 10(1)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the proper officer had informed Councillor Stephen Button, Chair of the Communities and Wellbeing Overview and Scrutiny Committee, that it was intended that the following key decision would be made by Cabinet on 18th March 2026, under the General Exception provisions, on the grounds that the decision was urgent and could not reasonably be deferred.

The Cabinet considered a report of Councillor Munif Dad BEM JP, Leader of the Council, setting out the evidence for an Article 4 Direction made under the Town and Country Planning General Permitted Development Order 2015 (as amended) covering smaller houses in multiple occupation (HMOs) in the wards of Altham, Baxenden, Huncoat, Immanuel, Milnshaw, Overton and St Oswalds.

Councillor Dad provided a brief introduction to the report, noting that, at the present time, change of use from dwellinghouses (use class C3) to smaller HMOs (properties occupied by 3 to 6 unrelated individuals) within the relevant wards did not require planning permission. He outlined the extent of the existing Article 4 arrangements and what was now proposed, including the reasons why and the possible risks of the preferred timescale for implementation.

Councillor Pritchard and Brerton spoke in favour of the proposals and commented that it was a brave decision to implement the Article 4 Direction across the whole Borough. Councillor Zak Khan supported the proposals and enquired if the Council had sufficient resource to monitor the impact on the local community of any planning approvals given. Councillor Pritchard reminded members that the new regime had only just come into force, but any planning conditions would fall under the remit of the planning enforcement team.

The Leader added that the original evidence had only supported introducing these measures for 9 wards but that in taking that decision a commitment had been given to review the evidence for all other wards in the Borough. The whole of Hyndburn would now be covered.

Approval of the report was deemed a key decision.

Reasons for Decision

The Council had resolved in December 2024 to make a non-immediate Article 4 Direction removing the automatic right to change from Class C3 (dwellinghouse) to Class C4 (small HMO), as otherwise permitted under Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015. Evidence prepared to support the Article 4 Direction had identified that some areas of the Borough had higher concentrations of HMOs, lower property values, and greater levels of deprivation. It had therefore been recommended that permitted development rights be withdrawn within the nine most affected wards: Barnfield, Central, Church, Clayton-le-Moors, Peel, Netherton, Rishton, Spring Hill, and St Andrew's.

The Council had confirmed the March 2026 Article 4 Direction on 17 November 2025. The Direction would take effect on 15th March 2026.

A further exercise had now been undertaken to establish whether evidence existed to support a further Article 4 Direction in the remaining seven wards: Altham, Baxenden, Huncoat, Immanuel, Milnshaw, Overton and St Oswalds.

Paragraph 54 of the National Planning Policy Framework (NPPF) stated that the use of Article 4 directions to remove national permitted development rights should be limited to situations where an Article 4 direction was necessary to protect local amenity or the well-being of the area and in all cases, be based on robust evidence, and apply to the smallest geographical area possible.

Where permitted development rights were removed, the effect was that developers were required to submit a planning application for such proposals (in this case a change from Class C3 (dwellinghouse) to Class C4 (small HMO)). This would allow the effects of a proposed HMO on an area's amenity and the local community to be taken into consideration as part of the planning application process.

One of the shared aims of the Corporate Strategy (2023-2028), the adopted Hyndburn Core Strategy and the emerging Hyndburn Local Plan 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 would minimise carbon emissions and relate 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.

The Hyndburn 2040 Local Plan (Strategic Policies and Site Allocations) was now at Main Modifications stage in plan-making. The policies in the plan should now be considered to carry substantial weight. Policy SP11 (Suitable Range of Housing) particularly related to the development of new apartments and Houses in Multiple Occupation (HMOs) in Hyndburn. It stated that the Council would seek to ensure that an appropriate range of housing was delivered in the plan period. New apartment developments (including Houses of Multiple Occupation) would only be supported where they would maintain the prevailing character and setting of the local area and were either:

- a) within town centres or within walking distance (250m or closer) of town centres;
- b) part of high-quality development in canal-side locations where the regeneration benefits of this type of development can be demonstrated;
- c) part of strategy housing development where there was a need to provide a wider range of housing types;
- d) in locations that were well served by public transport and the development would secure the efficient use of land; or
- e) part of a scheme that would involve the reuse or adaptation of a historic mill building in an appropriate location.

The explanatory text in paragraph 6.31 of the report also noted that, “New apartment developments and Houses in Multiple Occupation (HMO) in Hyndburn will only be supported in the appropriate locations set out in Policy SP11 where they are well designed in terms of their appearance, size and setting. The Nationally Described Space Standards (NDSS), which set out minimum space standards and room sizes have been adopted by the Council for all new housing developments (where viable), which includes the new build of (and conversion of existing buildings to) flats/apartments or HMOs”.

The Inspector at the examination of the Local Plan had not made any main modifications to Policy SP11 in the emerging plan and it was therefore considered to carry substantial weight in decision making.

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, the 2025 Indices of Deprivation showed that large areas of the Borough still suffered from high levels of deprivation. 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.

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 HMOs 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 might have an unacceptable adverse impact on the socio-economic profile of these areas and as a consequence might result in families moving out and contributing to a spiral of decline at a time when the Council was working to improve these areas.

The main driver for the increase in HMOs appeared to be the low property prices in the Borough coupled with a lower wage economy, which generated higher numbers of residents seeking lower affordable rents. In many cases this was the only way some residents could access the housing market. This type of property provided a higher yield to owners for a lower initial input. Hyndburn continued to be one of the lowest places in the country for property prices, even though HMOs would often sell, once converted, for a higher price.

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 it was believed it had assisted in 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.

Under current planning rules, planning permission was required for the use of a property as a house in multiple occupation if it was to be occupied by more than 6 people. Since the majority of houses in Hyndburn's inner areas and many of the other wards within the Borough were smaller Victorian terraces, the use of these properties as smaller HMO's did not require planning permission.

In 2012, the Government had introduced permitted development rights that meant that HMOs occupied by 6 or less occupants did not require planning permission. From this point on it had been very difficult to monitor the numbers of properties being converted into HMOs. It would also appear that around 2021 to 2023 there had been an uplift in properties being purchased for conversion. HMOs with 5 persons or more, or that comprised two or more households, required a licence from the Council, so these properties could still be monitored.

As of February 2026, it was estimated that there were approximately 502 HMOs in the Borough. Since the decision in 2024 to make a limited Article 4 Direction in 9 wards in the Borough, work had been ongoing to try and identify HMOs. Though there was a concentration of smaller HMOs within the central urban areas, there were smaller HMOs in all wards in the Borough.

The report provided further detailed information about the following:

- The need for an Article 4 Direction;
- Options for Introducing a New Article 4 Direction; and
- Consultations.

Alternative Options considered and Reasons for Rejection

There were alternative options open to Cabinet - firstly where the Article 4 Direction should apply and secondly, what type of Article 4 Direction should apply:

Do not take forward the HMO Article 4 Direction within the remaining 7 Wards of the Borough

One option would be to not introduce an Article 4 Direction, in which case conversions to small HMOs would remain permitted development across the remaining 7 Wards within the Borough. The position could be monitored for a set period with a further report to Cabinet being mandated. This option carried a risk that smaller HMOs would be difficult to identify and monitor, and also that they would proliferate in those wards, possibly as a result of some displacement of HMO's from the parts of the Borough covered by the existing March 2026 Article 4 Direction. Therefore, this option was not one recommended to take forward.

Whether to make an Immediate or non-Immediate effect Article 4 Direction

A Direction with immediate effect could withdraw permitted development rights straight away; however, it would have to be confirmed by the local planning authority within six months of coming into effect in order to remain in force. Confirmation could only occur after the local planning authority had undertaken local consultation in accordance with Sections 107 and 108 of the Town and Country Planning Act 1990 and the provisions of the Town and Country Planning (Compensation) (England) Regulations 2015 (as amended).

As set out above, compensation provisions applied to Directions that had taken immediate effect. By contrast, a non-immediate Direction might be made giving at least 12 months' notice before it came into force, thereby removing the potential for compensation claims once the Direction was in effect.

While the evidence set out in the report indicated that there was a strong planning basis for intervention, the level of financial risk associated with making an immediate Article 4 Direction was difficult to quantify. Given the evidence of relatively high numbers of HMOs within the Borough, and the factors identified which contributed to the demand for the conversion of properties to HMOs, there was the potential for compensation claims to arise if an immediate Direction was pursued. The Council did not have complete information on the location of all such properties and there might be additional properties not currently identified. Furthermore, the possibility of speculative planning applications being submitted for the purpose of establishing a basis for compensation claims could not be discounted.

Having regard to the above considerations, members were invited to determine whether they would prefer to make a non-immediate Direction, which would remove the financial risks to the Council whilst still addressing the planning concerns, although at a slower pace.

Resolved

- (1) That Cabinet, having considered the evidence base attached as Appendix 1 to the report and being satisfied that there are grounds for an immediate Article 4 Direction as set out in section 3 of this report, approves the introduction of an immediate**

Article 4 Direction to remove the permitted development right that currently allows a property to change from Use Class C3 (dwellinghouse) to Use Class C4 (small House in Multiple Occupation) without planning permission, as set out in Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015, and such Article 4 Direction to apply within the wards of Altham, Baxenden, Huncoat, Immanuel, Milnshaw, Overton and St Oswalds.

(2) That Cabinet also agrees to:

- (i) Delegate authority to the Head of Planning and Transportation, in consultation with the relevant Portfolio Holder, to make any necessary minor amendments to the Evidence Base documents and to prepare the final draft of the Article 4 Direction and the associated notice.**
- (ii) Carry out a public consultation on the proposed immediate Article 4 Direction in respect of the proposed confirmation of the same pursuant to sections 107 and 108 of the Town and Country Planning Act 1990 and the Town and Country Planning (Compensation) (England) Regulations 2015 (as amended).**
- (iii) Delegate authority to the Head of Planning and Transportation, in consultation with the Portfolio Holder, to review the consultation responses and determine whether the Article 4 Direction should subsequently be confirmed, noting that the Direction will not continue to apply unless the same is confirmed by the Council within 6 months of being made.**

With the consent of the meeting, the Chair brought forward Items 15, 16 and 17, so that he could present these before he might need to leave the meeting at 6.10pm.

350 Exclusion of the Public

Resolved

- That, in accordance with Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during the following items, when it is likely, in view of the nature of the proceedings that there will otherwise be disclosure of exempt information within the Paragraphs of Schedule 12A of the Local Government Act 1972 specified at the items.**

351 Car Park, Brookside Street, Oswaldtwistle

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was being sought from Councillor Noordad Aziz, Chair of the Resources Overview and Scrutiny Committee, to the following decision being made by Cabinet on 18th March 2026, in private, on the grounds that the decision was urgent and could not reasonably be deferred.

Exempt information by virtue of Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Members considered a report of Councillor Munsif Dad, Leader of the Council, seeking approval for the disposal of all or part of the land forming the site of a car park and residual land lying to the North of Brookside Street, Oswaldtwistle (as shown edged red on the plan (Plan 1) attached to the report.

Councillor Dad provided a brief introduction to the report, highlighting the history and current issues with the site. Councillor Khan indicated his support for the proposals and asked about whether conditions could be attached to the site. The Leader referred Councillor Khan to paragraph 3.5 of the report.

Approval of the report was not deemed 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.**

352 Disposal of Freehold Interest in Land at Church Street/Warner Street, Accrington

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval was being sought from Councillor Noordad Aziz, Chair of the Resources Overview and Scrutiny Committee, to the following decision being made by Cabinet on 18th March 2026, in private, on the grounds that the decision was urgent and could not reasonably be deferred.

Exempt information by virtue of Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Cabinet considered a report of Councillor Munsif Dad BEM JP, Leader of the Council, seeking approval for the disposal of the Council's freehold interest in land and premises at a number of addresses on Church Street and Warner Street, Accrington.

Councillor Dad provided a brief introduction to the report, highlighting the addresses involved and the valuation obtained.

Councillor Zak Khan queried whether the sale of this land might be premature in view of the Council's vision for the Town Centre and the site's key location opposite the Accrington Pals Memorial Gardens. The Leader commented that this was an opportunity to realise a capital receipt now to support the current Capital Programme. Councillor Whitehead noted that this particular area was not part of the Council's key regeneration plans for the Town Centre. The businesses in the affected properties were well established and the proposals would give them some security.

Approval of the report was not deemed 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.**

Members of the public and press were invited to return to the meeting and the Chair commenced with the business set out at Agenda Item 7.

353 Huncoat Garden Village - Authorisation for Making a Compulsory Purchase Order (CPO) for the Proposed Relief Road (Huncoat Lane)

In accordance with Regulation 10(1)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the proper officer had informed Councillor Noordad Aziz, Chair of the Resources Overview and Scrutiny Committee, that it was intended that the following key decision would be made by Cabinet on 18th March 2026, under the General Exception provisions, on the grounds that the decision was urgent and could not reasonably be deferred.

Members considered a report of Councillor Melissa Fisher, Deputy Leader and Portfolio Holder for Housing and Regeneration, providing Cabinet with an update on the Huncoat Garden Village Project, including an update on the progress to date with the acquisition of land interests in connection with the proposed residential relief road and seeking authority to the making of a Compulsory Purchase Order (CPO) for the purchase of that land where agreement could not be reached, as well as agreeing delegations to officers to agree compensation and acquisition payments.

Councillor Fisher provided a brief introduction to the report, highlighting the good progress being made on the project and the proposed approach to the purchase of the land required for the relief road. She also reported that the relevant planning consent for the road had been given at the Planning Committee meeting held on 11th March 2026. She thanked Mark Hoyle, Head of Regeneration and Housing, for his on-going work on this important project.

Councillor Pritchard spoke in favour of this matter. Councillor Zak Khan also expressed support and asked about how the delegated powers in relation to making a CPO would be applied. The Leader commented that use of the CPO would be a last resort as the Council hoped to reach agreement with land owners through negotiation.

Approval of the report was deemed a key decision.

Reasons for Decision

HGV formed a key part of Hyndburn Borough Council's growth plans. It was a residential-led, housing development project with the potential to transform the housing market within Hyndburn. HGV would bring back into use the site of the former Huncoat Power Station, and the site of the former Huncoat Colliery, to create an extension to the existing Huncoat village using new garden community principles. It would deliver circa 1,800 new homes of mixed tenure (including affordable and social housing), over a circa 15-year period, alongside a new local centre meeting amenity needs, an expanded primary school, 24 hectares of strategic and functional open space, including a safeguarded area of ecological importance, new woodland and networked open space, and infrastructure in the form of the Scheme, car parking provision at Huncoat Railway Station and localised road junction upgrades as required.

The Council had successfully secured circa £29.90 million from the Government's Brownfield, Infrastructure and Land Fund ("BIL Funding") which was managed by Homes England. The secured funding covered the cost of land acquisition and delivery of the Scheme. Money within the BIL Funding was also allocated for remediation works to the two largest sites within HGV at the former Huncoat Power Station and the former Huncoat Colliery as well as improvement works at Junction 8 of the M65 to the north of Huncoat which is at capacity.

The Council continued to make good progress on the HGV project, including:

- In July 2025, the Council had notified Homes England that some agreed milestones within the project would not be met and as such an extension to the funding availability period would be required. A revised programme, expenditure forecast, updated milestones and supporting narrative had been submitted to Homes England with a request for an extension of the funding period to 31st March 2029, to be approved by way of an Assurance Review.
- The Assurance Review had assessed the revised programme to ensure it fitted with Homes England's corporate governance, managed financial risks effectively, and complied with government standard.
- The Council received written confirmation from Homes England on the 6th of March 2026 that the Assurance Review process had approved the revised programme milestones and extension of the funding availability period to 31st March 2029, subject to satisfaction of the following conditions:
 - a new milestone being inserted into the grant funding agreement, (via a Deed of Variation), setting the date by which the Council would have to have addressed the recommendations of the Assurance Review;
 - confirmation that the Subsidy Control position on the project remained unchanged & compliant;

- confirmation in writing from that the Council accepted full responsibility for any cost overruns, setting out how these would be covered;
- confirmation the Council would be responsible for meeting all costs not incurred and claimed before the revised Availability Period of 31st March 2029 from its own resources.

The Council was already in the process of complying with these additional conditions and was confident that they would be satisfied in a timely manner.

- The planning application for the Scheme was expected to be considered by Hyndburn Planning Committee on the 11th March 2026.
- The Design Code for the project was approved by the Council's Cabinet on the 18th June 2025.
- The Council's publication Draft Local Plan had been subject to public examination in September 2025. At its meeting on the 15th January 2026, the Council had approved the consultation on the main modifications to the draft Plan which the appointed independent inspector had identified as necessary for the Plan to be found sound and legally compliant. Policy SP2 within the draft Plan set out HGV as a strategic location for housing growth, and the main modifications continued to support HGV policy which included site allocation and the Scheme.
- Eric Wright Civil Engineering had been selected as the preferred bidder to construct the proposed Scheme. Stage 2 was being progressed which included the road design to RIBA Stage 4.
- The owners of the former colliery site had selected a preferred house builder partner.
- The former power station site owner and their house builder partner had finalised their remediation plan for the site.
- The Council was progressing contract terms with the landowners of the former colliery site and former power station site to grant fund site remediation works.
- The Council was in discussions and negotiations with landowners on the route of the Scheme.

The Scheme was a circa 1.1km proposed residential relief road with access to the north via Altham Lane and from the south via A697 Burnley Road / A56 Accrington Bypass roundabout to the south. The primary objective of the Scheme was to enable the delivery of HGV, unlocking significant social, economic and environmental wellbeing benefits to the area.

The Council's Cabinet was being asked to resolve to make a compulsory purchase order ("CPO") in order to facilitate the Scheme, which formed a critical path to delivering HGV and its substantial benefits. Given the funding and development programme for the Scheme (and wider delivery of HGV), it was considered that the use of compulsory purchase powers was necessary to effect the delivery of the proposed Scheme, enable the Council to

materialise the Scheme in a timely fashion and to deliver the wider benefits of HGV. It remained the Council's preference and intention to secure interests by negotiated agreement rather than the use of CPO powers and it was hoped that negotiations could conclude prior to making the Order.

The report included further detailed information in relation to the following topics:

- The Need for the Proposed Residential Relief Road (Huncoat Lane);
- Attempts to Acquire Interests by Agreement;
- Land Assembly and Obtaining Clean Title to the Land;
- Description of the Order Land
- Description of Interests in the Order Land
- The Need for a compulsory Purchase Order (CPO), including a summary of the Statement of Reasons

Alternative Options considered and Reasons for Rejection

In light of the multiple ownerships within the Order Land and the efforts already made to date (unsuccessfully) to acquire all relevant interests, it was considered that the only certain way of securing development of the Scheme within a reasonable time and in accordance with the relevant policies, was for a compulsory purchase order to be made. This approach was supported by the planning policy framework of the area, the potential to deliver the regeneration well-being benefits, and the fact that alternatives that were not comprehensive would not deliver the range of regeneration benefits that were required.

In addition to the above, the Council's grant funding agreement (GFA) with Homes England's currently only made grant available until the 31st March 2028 (the grant availability period). The GFA therefore included key milestones to help to ensure that the road was constructed within the grant availability period. The milestones include legal contracts with the landowners, acquisition of all necessary rights / interests in the land for the construction of the road, start on site for the construction of the Scheme, and completion of the construction of the Scheme. In the circumstances there was a need to proceed with a CPO as soon as possible to ensure that the programme and milestones were achieved and that the Scheme was completed within the grant availability period.

Given the extent of development required and the comprehensive design approach adopted across the Order Land, it was not possible for individual owners to achieve appropriate development of the Order Land (or parts of it).

Single ownership and control of the Order Land was necessary to enable the Scheme to proceed. Given the third-party interests identified in the Schedule to the Order it was unlikely that the Council would be able to acquire all of the necessary interests by agreement within a reasonable timescale. Officers were of the opinion that the Council therefore needed to make the Order to ensure that the significant benefits of the Scheme (and the facilitation of HGV) could be brought forward in a reasonable timescale. Whilst negotiations to acquire all interests by agreement, wherever possible, would continue, given the fragmented nature of the ownership of Order Land, the Order was required to achieve vacant possession of the land where necessary.

Resolved

– That Cabinet:

- (1) Notes the progress being made with the Huncoat Garden Village (HGV) project.**

- (2) Having concluded that the acquisition of all interests in the Order Land will facilitate development of the land required for the construction of the proposed residential relief road (Huncoat Lane), (the “Scheme”), which is essential to unlock land for the HGV project, notes that the Scheme therefore is likely to contribute to the achievement of the following objectives:**
- **The promotion or improvement of the economic well-being of the area**
 - **The promotion or improvement of the social well-being of the area**
 - **The promotion or improvement of the environmental well-being of the area.**
- (3) Resolves to take all necessary steps to make and secure the confirmation and implementation of a Compulsory Purchase Order (the “Order”) pursuant to section 226 (1)(a) and 226(3)(a) of the Town and Country Planning Act 1990 (‘the 1990 Act’) to acquire compulsorily all or part of the land shown shaded pink and edged red on the plan (Order Land) attached to the report at Appendix B entitled “Map referred to in the Hyndburn Borough Council (Huncoat Lane) Compulsory Purchase Order 2026”, together with all rights and interests affecting the land (which may be extinguished or overridden), in order to enable the delivery of the proposed residential relief road, known as Huncoat Lane, forming part of the HGV project. Those steps include the publication and service of all notices and the presentation of the Council’s case at any public inquiry if required.**
- (4) That Cabinet resolves to delegate authority to the Head of Regeneration and Housing: To finalise the wording of the Order and the Statement of Reasons and to make any final adjustments as may be necessary to reduce the boundaries of the Order Map and take all steps necessary to make and confirm the Order:**
- **To take all steps to seek to acquire any or all of the necessary interests in the Order Land by agreement or by implementing any confirmed compulsory acquisition powers;**
 - **To remove from the Order any plot (or interest therein) no longer required to be acquired compulsorily, to amend the interests scheduled in the Order (if so advised) and to**

request that the Secretary of State makes any changes to the Order prior to confirmation as may be appropriate;

- **To negotiate and agree the terms of such acquisitions, settle claims for compensation and enter into such agreements or deeds necessary for the acquisition of all or part of the Order Land;**
 - **That if the Secretary of State authorises the Council to do so, confirm any Order made.**
- (5) Resolves to utilise, where appropriate, either the general vesting declaration procedure under the Compulsory Purchase (Vesting Declarations) Acts 1981 or the notice to treat procedure under Section 5 of the Compulsory Purchase Act 1965 in respect of the confirmed Order.**
- (6) Agrees, under section 6(4) of the Acquisition of Land Act 1981 to dispense with individual service of notices in respect of land where the Council is satisfied that it has not been possible following the making of reasonable inquiry to establish ownership of the land in question and for the service of notices in the manner set out in section 6(4) of the Acquisition of Land Act 1981.**
- (7) Confirms that, in agreeing to recommendations (1) to (6) above, Cabinet has considered the provisions of the Human Rights Act 1998 so far as they are applicable in deciding whether to make the Order and to exercise all other statutory powers that the Council seeks to exercise and resolve the following:**
- **With regard to Article 1 Protocol 1, it is considered that the interference with the individual's land is justified by the advantages accruing to the public by proceeding with the development of the proposed link road particularly taking into account the fact that there is a legal right to compensation for the property taken and any rights extinguished under the Order;**
 - **With regard to Article 8 of Protocol 1, it is considered that in balancing the rights of the individuals who are affected by the Order against the benefit to the community of proceeding with the Order, the making of the**

Order resulting in the interference with the individuals rights is justified in the interest of improving the economic, social and environmental wellbeing associated with the Scheme and wider HGV project.

- (8) Confirms that, in agreeing to recommendations (1) to (6) above, Cabinet has had due regard to the Equality Act 2010, including the public sector equality duty in section 149 of the latter.**
- (9) Notes the overall cost estimates, including the estimated acquisition costs of those interests which are still to be acquired and the fees for making the Order will be met from existing Council budgets.**

354 Healthy Weight Management Services

The Cabinet considered a report of Councillor Melissa Fisher, Deputy Leader and Portfolio Holder for Housing and Regeneration, providing an update on the outcome of the recent tender exercise for the delivery of Healthy Weight Management Services on behalf of the Council for the period 1st April 2026 to 31st March 2029.

Councillor Fisher provided a brief introduction to the report, highlighting the need for the service, the Council's rationale for undertaking a tender exercise for an external provider and the high level of experience of the successful tenderer. Overall, their programme would empower individuals to manage their own issues, leading to lasting change.

Approval of the report was not deemed a key decision.

Reasons for Decision

In 2024 Lancashire County Council had taken the decision to collaborate directly with District Councils for the delivery of a new healthy weight management service. As such, Hyndburn Borough Council had entered into a 5-year collaboration agreement with Lancashire County Council for the provision of Weight Management Services in Hyndburn from 1st April 2024 until 31st March 2029. Within the agreement, District Councils had the ability to deliver services in house or appoint a provider to deliver the service on its behalf.

Reports presented to Cabinet in February 2024 and March 2025, had highlighted that levels of obese and overweight adults and children in Lancashire continued to increase and were also significantly higher than the Lancashire and National averages. Working collaboratively had provided the opportunity to reshape and redesign services in Hyndburn. Healthy weight management programs typically ran for around 12 weeks and often operated in group settings, either in-person, on-line or via web-based applications, (or a combination). Participants received expert guidance on diet, nutrition and lifestyle changes, with a strong focus on behaviour change generally centred around exercise.

The services looked to combine healthy weight management with PASTA, (Play and Skills at Teatime Activity) which was a programme previously commissioned by LCC which aimed to encourage and empower families to make choices to lead a healthier lifestyle through participation in an active play and cooking session. Participants prepares and ate/or took

home a nutritious and budget conscious family meal each week and the opportunity to understand the importance of good nutrition and physical activity.

These programmes aimed to empower individuals to manage their weight, improve their well-being, and reduce their risk of weight-related health issues. Though limited in duration, they acted as a crucial springboard for lasting change, helping individuals find their footing on the path to a healthier and more active lifestyle.

The Council did not have the resources or expertise to deliver the healthy weight management service in-house and needed to appoint a provider to deliver the service on its behalf. At the meeting in January 2024 and again in March 2025, Cabinet had agreed to waive the Council's Contract Procedure Rules to allow funding to be passported to an external provider (Hyndburn Leisure) but at the latter meeting, it had noted the Council would be required to openly tender these services for the remaining 3 years of the collaboration agreement period from 1st April 2026 to 31st March 2029.

Procurement of an External Provider

In line with the open and transparent tender process, the Council had published an Invitation to Tender through the Government's recommended 'Find a Tender' portal on 9th December 2025 seeking a partner to deliver the Healthy Weight Programme for Hyndburn (details of which were attached as an Appendix to the report). The key dates for the tender had been as follows:

- Tender Published – 9th December 2025
- Deadline for receipt of queries – 18th December 2025
- Final response to queries – 5th January 2026
- Tender submission deadline – 22nd January 2026
- Tender decision announced – 13th February 2026
- Contract decision notice published – 1st March 2026

Five submissions had been received by the required closing date. All submissions had been independently assessed and scored by officers on the necessary skills and experience within the following areas highlighted.

1	Overview of how the organisation will deliver the healthy weight outcomes	30%
2	Evidence of successful delivery of a similar project and lessons learned	30%
3	Overview of how the organisation will improve the social, economic, and environmental wellbeing of Hyndburn, in line with the Public Services (Social Value) Act 2012	20%
4	Overview of how the organisation will sustain the project beyond initial delivery	15%
5	Submission of last year's accounts	5%

The range of scores was from 39 to 89, with the highest scoring and winning tender being submitted by Hyndburn Leisure (Tender 1).

	Marks	Tender 1	Tender 2	Tender 3	Tender 4	Tender 5
1	30	28	25	26	13	24
2	30	27	28	25	10	25
3	20	18	16	17	6	16
4	15	11	12	11	5	11
5	2	5	5	5	5	5
TOTAL	100	89	86	84	39	81

NB Tenders scored in the order they were received

Alternative Options considered and Reasons for Rejection

The Council could decide to deliver the service in-house. This was not recommended as the Council did not have resource or in-house expertise to deliver the service directly.

Resolved

- (1) Cabinet note the outcome of the tender exercise recently undertaken and the successful tender was submitted by Hyndburn Leisure.**
- (2) That Cabinet agrees to delegate authority to the Executive Director (Environment) to negotiate and agree all terms relating to the Healthy Weight Management Services contract in consultation with the Executive Director (Legal & Democratic Services) and Portfolio Holder.**

355 Smoke Free Programme Services

Members considered a report of Councillor Melissa Fisher, Deputy Leader and Portfolio Holder for Housing and Regeneration, informing Cabinet of the Smoke Free Programme Services in Hyndburn.

Councillor Fisher provided a brief introduction to the report, outlining the current arrangements, under which Hyndburn Leisure had been appointed in August 2025 to deliver the programme until March 2026. She highlighted the key project outcomes and drew Members' attention to the interim delivery report covering the period from September 2025 to January 2026. The intention was to passport the funding received from Lancashire County Council to Hyndburn Leisure to support the work that they had carried out at risk.

Approval of the report was not deemed a key decision.

Reasons for Decision

Hyndburn Leisure had submitted a grant application to Lancashire County Council (LCC) in respect of its Lancashire Local Stop Smoking Services and Support Grant programme (LLSSASG) for £98,000 and the funding had been approved by LCC Public Health in August 2025. The project was due to be delivered from September 2025 until 31st March 2026 by Hyndburn Leisure, but the funding would be given to the Council.

Hyndburn Leisure's programme was to deliver services that supported the following overarching key project outcomes:

- Build demand for Smokefree Lancashire;
- Increase the number of smokers accessing the Smokefree Lancashire service;
- Increase the number of smokers setting a quit date;
- Increase the number of smokers who are quitting;
- Reduce the smoking prevalence in Lancashire;
- Improve the respiratory and cardiovascular health of local populations;
- Reduce health inequalities for target populations; and

- Deliver a “Making Every Contact Count” approach to encourage positive behaviour change and outcomes.

A brief interim progress update of the work delivered by HL was appended to the Cabinet report, with a final report due to be presented later in the year.

The report recommended that the Council waived its Contract Procedure rules and appointed Hyndburn Leisure to deliver the smoke free service from September 2025 to 31st March 2026 for the following reasons:

- Whilst Hyndburn Leisure had submitted the grant application to LCC, the funding was paid via a contractual agreement between Hyndburn Borough Council and Lancashire County Council. Whilst this agreement had been signed in January 2026, the Trust had been working at risk to deliver the project since September 2025.
- The Council was under a contractual obligation with Lancashire County Council to deliver the smoke free project and would passport this grant funding to Hyndburn Leisure via a service level agreement.
- This service level agreement could not be signed and the funding released to Hyndburn Leisure unless the Council’s Contract Procedure Rules were waived. Given the relatively late receipt of the funding from LCC there was not time for the Council to run a procurement exercise and ensure delivery of the project by the deadline date.

Alternative Options considered and Reasons for Rejection

Cabinet could decide not to waive the Contract Procedure Rules to appoint Hyndburn Leisure to deliver smoke free service. This was not recommended for the reasons highlighted in paragraph 3.1 and 3.4 in the report.

- Resolved**
- (1) That Cabinet agrees to waive the Council’s Contract Procedure Rules to appoint Hyndburn Leisure to deliver the Smoke Free programme on behalf of the Council for the period September 2025 to 31st March 2026.**
 - (2) That Cabinet agrees to delegate authority to the Executive Director (Environment) to agree all terms relating to a Smoke Free Service Level Agreement with Hyndburn Leisure, in consultation with the Executive Director (Legal & Democratic Services) and Portfolio Holder.**

356 Holiday Activity and Food Programme Services

The Cabinet considered a report of Councillor Melissa Fisher, Deputy Leader and Portfolio Holder for Housing and Regeneration, about the provision of the Holiday Activity and Food Programme Services (HAF) in Hyndburn.

Councillor Fisher provided a brief introduction to the report, explaining the background to the delivery of his service and the need to provide financial support for this year’s Spring / Easter Programme because of the short timescale involved. Hyndburn Leisure had a long

and good track-record of delivering HAF services and had the necessary systems in place to continue to undertake this work,

Approval of the report was not deemed a key decision.

Reasons for Decision

Hyndburn Leisure had been procured as the preferred provider by Lancashire County Council (LCC) to deliver the HAF Programme in Hyndburn from 2021/22 to 2025. LCC has shifted to a collaboration agreement with District Councils which transferred the delivery and funding obligations to District Councils for future financial years. Working collaboratively might provide the opportunity to review services in Hyndburn and within the agreement, District Councils would have the ability to deliver services in-house or appoint a provider to deliver the service on its behalf.

The HAF Programme ran during the Spring / Easter, Summer and Winter holiday months with the aim of providing free holiday provision to children whose families received eligible benefits and related free school meals. The Programme looked to support children with:

- Provision of Healthy and nutritious meals;
- Maintaining a healthy level of physical activity;
- Being happy, having fun, meeting new friends;
- Developing a greater understanding of food, nutrition and other health-related issues;
- Taking part in fun and engaging activities that supported development;
- Feeling safe and secure;
- Getting access to the right support services; and
- Returning to school feeling engaged and ready to learn.

LCC had only recently received confirmation from the Department for Education on the HAF funding for 2026/27 and because LCC only received funding / notification on an annual basis, it would facilitate agreements with District Councils on a year-by-year extension. Whilst LCC had indicated Hyndburn's 2026/27 allocation for HAF delivery would be circa £351,000, at the time of writing the report, the Council had yet to receive the legal agreement from LCC.

The Council had also received a request from LCC asking it to financially support the cost of this year's Spring / Easter Programme delivery. This was to ensure the HAF Programme in Hyndburn could continue providing its valuable offer to children and families, whilst the funding was transferred from LCC.

Hyndburn Council did not have the resources or expertise to deliver the HAF service in-house and, due to the limited timescales before the start of the 2026/27 Spring / Easter Service Programme, it was not possible to tender the provision for the service.

Whilst the full year report was in the process of being finalised, the following information was a brief overview of the 2025 HAF Programme successfully delivered by Hyndburn Leisure:

Easter 2025 Programme

- Children engaged: 614
- Provisions: 27 locations
- Total attendances: 1,685

Summer 2025 Programme

- Children engaged: 980
- Provisions: 26 locations
- Total attendances: 7,369

Christmas 2025 Programme

- Children engaged: 667
- Provisions: 23 locations
- Total attendances: 1,616

Overall Delivery Position

- Total children engaged across 2025: 2,261 (non-unique total across programmes)
- Total attendances across 2025: 10,670
- Average children engaged per programme: 753.6
- Average provisions per programme: 25 locations
- Summer remained the highest-impact delivery period, generating the greatest volume of engagement and attendance across the year.

SEND

- Specific places remained limited due to the specialist skillset required, enhanced staffing ratios, suitable venue requirements and access to specialist equipment and resources.
- Of the SEND places offered, 61.5% had been attended. However, despite the limited number of designated SEND-specific spaces, 657 children with SEND accessed HAF provision during the 2025 delivery period, demonstrating a strong inclusive practice across mainstream delivery, provider commitment to supporting additional needs and ongoing demand for specialist provision.

The report recommended that the Council waived its Contract Procedure Rules and appointed Hyndburn Leisure to deliver the 2026 Spring / Easter HAF Programme for the following reasons:

- The Council did not have the resources or experience to deliver the services itself.
- Given the late funding acknowledgment from LCC there was not time for the Council to run a procurement exercise and ensure delivery of the project in time.
- A service's agreement could not be signed and the funding released to Hyndburn Leisure unless the Council's Contract Procedure Rules were waived.
- Hyndburn Leisure had a proven track record of HAF Programme service delivery and held existing operational infrastructure, safeguarding systems, community partnerships and delivery capacity necessary to deliver the services within the required timescales.

Once the Council had received the legal agreement from LCC, it would review the best mechanism and approach for delivery of the remaining HAF Programme for 2026/27 given that LCC had confirmed HAF funding would be ringfenced until 2029.

Alternative Options considered and Reasons for Rejection

Cabinet could decide to not agree to waive Contract Procedure rules to appoint Hyndburn Leisure to deliver the Spring / Easter 2026 HAF Programme on the authority's behalf. This was not recommended for the reasons mentioned in section 3 in the report.

The Council could decide to deliver the services in-house. This was not recommended as the Council did not have resource or in-house expertise to deliver the services directly.

Resolved

- (1) That Cabinet agrees to waive the Council's Contract Procedure Rules to appoint Hyndburn Leisure to deliver the 2026 Spring / Easter HAF Programme on behalf of the Council.**
- (2) Cabinet agrees to a £67,000 payment to Hyndburn Leisure in the financial year 2025/26, for the delivery of the Spring / Easter HAF programme prior to the Council receiving the full grant funding from Lancashire County Council.**
- (3) That Cabinet agrees to delegate authority to the Executive Director (Environment) to negotiate and agree all terms relating to the HAF Services Contract with Lancashire County Council and service level agreement with Hyndburn Leisure in consultation with the Executive Director (Legal & Democratic Services) and Portfolio Holder.**

357 Sports Development Programme

Members considered a report of Councillor Kimberley Whitehead, Deputy Leader and Portfolio Holder for Culture Heritage and Sport, seeking Cabinet approval for the creation of a Sports Development Programme in Hyndburn.

Councillor Whitehead provided a brief introduction to the report, outlining the Council's aim of engaging with grassroots teams and clubs and highlighting the how this would deliver long-term benefits, including inward investment and sustainable funding. Given the desire to implement this quickly the Cabinet was being asked to waive the Council's Contract Procedure Rules to appoint Hyndburn Leisure, who had the relevant expertise, existing links to teams and clubs and the ability to access grant funding. Hyndburn Leisure would shortly advertise for a sports development officer.

Councillor Melissa Fisher commented that this had been discussed at the recent Leisure Trust Board meeting. The Board had been very pleased to welcome this proposal.

Councillor Zak Khan indicated his support for the proposal and asked if other delivery partners had been considered and who the sports development officer would be accountable to. Councillor Whitehead responded that Hyndburn Leisure were best placed to deliver this programme and that the other providers considered had too narrow a focus. The use of Hyndburn Leisure would allow greater access to long term funding and the addition of this work to the Trust's portfolio would also help to support their own viability. The Council was working with other organisations too. The sports development officer would be accountable to the Council and its Scrutiny function, as well as to Hyndburn Leisure. The arrangements would be subject to a Service Level Agreement.

The Leader summed up by stating that the Council knew that Hyndburn Leisure could deliver this programme, would work closely with the authority and would be able to access additional funding.

Approval of the report was not deemed a key decision.

Reasons for Decision

As part of the budget process, the Council had agreed to provide £45,000 funding per annum (for financial years 2026/27 and 2027/28) for the creation of a new sports development post, together with £100,000 (total funding for financial years 2026/27 and 2027/28) to support healthier communities, youth engagement and long-term participation in sport in the Borough and aligning with the Council's wider commitment to community wellbeing. Hyndburn Council did not have the resources or expertise to deliver the proposed Sports Development Programme in-house and due to the limited timescales before needing to start delivery of the 2026/27 programme, it was not considered possible or sensible to tender the provision for the service or recruit an in-house sports development officer.

The report recommended that the Council waived its Contract Procedure Rules and appointed HL to deliver the Sports Development Programme from 1st April 2026 to 31st March 2028 for the following reasons:

- HL were ideally placed to start delivery of the programme quickly having already extensive networks with local sports teams and strong relationships with local schools, colleges and national governing bodies for sport, together with a successful record of securing grants from external funders, which could generate additional resources for sports development activity.
- HL held existing operational infrastructure, safeguarding systems, community partnerships and delivery capacity necessary to mobilise within the required timescales.
- The Council wished to commence the provision of the programme quickly and there was not time for the Council to run a procurement or recruitment exercise given the short period before the commencement date.
- HL would be better placed than the Council to support the work of the new sports development officer.
- HL would directly employ the sports development officer and would take on full employer responsibility.
- A service level agreement could not be signed and the funding released to HL unless the Council's Contract Procedure Rules were waived.

It was envisaged that HL would create a new post with the overall purpose of providing strategic leadership for the development, sustainability and profile of sport and physical activity across Hyndburn. The new postholder would lead the strengthening of local sport infrastructure, oversee borough-wide club network development, build strong and effective partnerships with National Governing Bodies of sport (NGBs) and education providers, and take strategic responsibility for marketing and promotion of sport and physical activity opportunities. The new postholder would ensure that opportunities to be active were visible, accessible and inclusive - making sport and physical activity something everyone in Hyndburn could enjoy.

Key responsibilities of the role would be:

- Strategic Leadership & Infrastructure;
- Club Development & Network Leadership;
- Strategic Partnerships;
- Education & Participation Pathways;

- Marketing, Communications & Profile Raising;
- Inclusion & Reducing Inequalities; and
- Funding, Investment & Performance

The Sports Development Programme to be delivered by HL under the terms of the proposed agreement for the service would generate initiatives that delivered the overarching outcomes mentioned below. The final targets and thresholds would be requirements of the agreement for the service. Performance would be monitored through quarterly reporting to the Council, supported by narrative case studies where appropriate.

Support delivery of the Active Environment Strategy

The Sports Development Programme would make a direct contribution to the delivery of the Council's Active Environment Strategy by increasing opportunities for residents of all ages and abilities to participate in regular physical activity. The role would work across leisure facilities, parks, open spaces, schools and community venues to ensure that physical activity opportunities are visible, accessible and well-connected across the Borough.

The programme would place a particular emphasis on increasing participation among those who were currently inactive or under-represented in sport and physical activity, supporting the Council's wider ambitions around prevention, health improvement and community wellbeing. Aligning sports development activity with the Active Environment Strategy would help create a coherent, borough-wide approach that embedded physical activity into everyday life and supported healthier, more active communities.

Support grassroots sports teams/clubs

The programme would provide structured and strategic support to grassroots sports teams and clubs operating within Hyndburn, recognising their vital role in delivering local participation opportunities and sustaining long-term engagement in sport. This would include support with club development, funding opportunities, governance, safeguarding, volunteer recruitment and retention, and pathways to accreditation where appropriate.

By strengthening club networks and improving connectivity between clubs, schools, education providers and NGB's, the programme would help to build capacity, resilience and sustainability within the local sporting infrastructure. This support would enable clubs to grow participation, improve quality of provision and respond more effectively to local need, ensuring that grassroots sport continued to thrive across the Borough.

Establish a benevolent fund

As part of the Programme, HL would establish and oversee a benevolent fund designed to reduce financial barriers to participation in sport and physical activity. The fund would be used to provide targeted support to individuals, clubs or community groups where cost would otherwise prevent engagement, such as assistance with membership fees, equipment, kit or access to facilities.

The benevolent fund would be aligned with the Council's equality and participation objectives and will support inclusive access to sport, particularly for children and young people, those from low-income households and other under-represented groups. By addressing affordability and access challenges, the fund would help ensure that opportunities to be active were genuinely open to all residents, regardless of background or circumstance.

Secure long-term sports legacy

The Sports Development Programme was designed to deliver sustainable, long-term benefits rather than short-term interventions. By investing in strategic leadership,

partnership development and local capacity-building, the programme would help create a strong foundation for sport and physical activity that endures beyond the life of the initial funding period.

Through strengthened infrastructure, enhanced club networks, improved participation pathways and the pursuit of external funding opportunities, the Programme would support the creation of a lasting sports legacy for Hyndburn. This legacy would be characterised by increased participation, stronger community organisations, improved health and wellbeing outcomes, and a higher profile for sport and physical activity across the Borough.

Alternative Options considered and Reasons for Rejection

Cabinet could decide not to waive the Contract Procedure Rules to appoint HL to deliver the Sports Development Programme. This was not recommended for the reasons highlighted in paragraph 3.1 and 3.2 of the report.

Resolved

- (1) That Cabinet agrees to waive the Council's Contract Procedure Rules to appoint Hyndburn Leisure (HL) to deliver the Sports Development Programme on behalf of the Council for the period 1st April 2026 to 31st March 2028.**
- (2) That Cabinet agrees to delegate authority to the Executive Director (Environment) to agree all terms relating to the Sports Development Programme Service Level Agreement with HL, in consultation with the Executive Director (Legal & Democratic Services) and Portfolio Holder.**

358 Dog Control in Accrington Cemetery

Members considered a report of Councillor Stewart Eaves, Portfolio Holder for Environmental Services, informing Cabinet of additional dog control measures in Accrington Cemetery.

Councillor Eaves provided a brief introduction to the report, noting that the matter had been considered carefully over a significant period of time. He outlined the complaints that had been received, the use of a detailed independent impact assessment, and the need to balance the requirements of users of the site, which was both a burial ground and a green open space. A number of options had been considered and the preferred approach was to fence off the footpath close to the entrance on Whitewell Road, which was where dog fouling was most prevalent. Residents would still be able to walk dogs responsibly throughout the rest of the cemetery.

Councillors Dad and Whitehead spoke in favour of this proposal and explained the reasons for the decision. Councillor Zak Khan also welcomed the proposals and hoped that the communications released would be able to effectively convey the rationale for this decision in a way which did not cause division within the community. The Leader acknowledged this sensitivity, as comprehensive feedback had been received on this issue. He gave an assurance that the press release would explain why this decision was being taken.

Approval of the report was not deemed a key decision.

Reasons for Decision

Currently there was a Public Space Protection Order (PSPO) relevant to dog control in force at Accrington Cemetery. While PSPO's were reviewed every three years, there had been a dog control PSPO for Accrington Cemetery since 2015. This was because there was a high level of public support to have some reasonable dog control in the cemetery.

The current PSPO permitted dog walkers to walk their dogs throughout Accrington Cemetery but did require dog walkers to keep their dogs on a lead at all times and to pick up any dog fouling after their dogs.

A considerable number of the dog walkers who walked their dogs in Accrington Cemetery entered the cemetery via the pedestrian access off Whitewell Road. Dog walkers who entered through this access tended to turn left and walk down the footpath towards the bottom of the cemetery between plots MA and EO.

Members of the community with relatives buried in burial area MA adjacent to the footpath referenced above, had made representation to the Council stating they have seen dogs on leads being allowed to walk on the grass burial plots and on occasion seen some dog owners cleaning up dog fouling from the grass burial area. While this behaviour does not breach the current PSPO, it had caused some distress to the families who had requested additional dog control due to the dog walking traffic in that part of the cemetery.

There were a number of options available to Cabinet which could address the specific complaints received and this report recommended implementing the following:

1. Create a fenced 'dog free zone' by installing a fence along the boundary of EO plot with a gate at either end of the footpath and one in the middle running between EO and MA plot (a map highlighting the fenceline was appended to the report).
- Amend the existing dog control order to exclude dogs from the footpath running between EO and MA plot, (a fenced dog free zone) so the Council's dog wardens could take enforcement action should any dog walkers choose to ignore the fenced dog free zone and walk through it with their dogs.

To ensure the Council was compliant with its equality duty, the Council had engaged a specialist consultant to undertake an equality impact assessment (EIA) in relation to the possible options Cabinet could choose to strengthen dog control, or not, in Accrington Cemetery (the EIA was appended to the report).

Alternative Options considered and Reasons for Rejection

The following options had been considered by the Council:

- (a) Do nothing and leave the current dog control arrangements in place.
- (b) Install a fence with multiple access gates, along the boundary of MA plot in Accrington Cemetery with no change to the existing PSPO.
- (c) Implement a new PSPO which would exclude dogs from the whole of Accrington Cemetery (except for assistance dogs).
- (d) Implement a new PSPO which would exclude dogs just from the footpath running between MA and EO plots in Accrington Cemetery, effectively creating a dog free zone (except for assistance dogs).

- (e) Install a fence along the boundary of EO plot with a gate at each end and one in the middle, to create a fenced dog free zone (except for assistance dogs) along the footpath running between MA and EO plots in Accrington Cemetery. In addition, implement a new PSPO which would exclude dogs just from the footpath running between MA and EO plots in Accrington Cemetery.

These options were evaluated after taking into consideration the equality impact assessment. The following were some of the key points relevant to each option:

- The Council had received a number of complaints and option (a) of doing nothing would not be acceptable.
- Option (b) did provide a physical barrier between MA plot and dog walkers. However, having the fence along the boundary MA plot would create difficulties for visitors to access graves, would mean certain graves would become entrances to the plot, and would cause access issues for people with mobility issues, wheelchair and mobility scooter users and people with visual impairments. It would also make grave digging and grounds maintenance operations more difficult and less safe for staff to undertake. The fence would also have to be a removable fence so that it could be removed to facilitate grave digging and grounds maintenance operations. This would lead to a lower quality fence, compared to a fixed permanent fence, and would make it harder to respond to some short notice burials due to the extra time required to remove the fence before grave digging operations could safely commence.
- Option (c) would lead to dogs not having access to MA plot. However, this would also mean responsible dog owners, with their pets, could not visit the graves of family members in the cemetery and prevent those dog owners who use the cemetery as an open space from walking their dogs along their usual dog walking route.
- Option (d) would exclude dogs from the footpath running between MA and EO plots in Accrington Cemetery, effectively creating a dog free zone. This option did allow dog walkers to walk their dogs (on leads) in the majority of the cemetery. However, there would be no physical barrier and it would require the current PSPO to be amended to exclude dog owners from walking dogs using the footpath running between MA and EO plot.
- Option (e) would create a fenced dog free zone by installing a fence along the boundary of EO plot and having a gate at either end and in the middle of the footpath running between EO and MA plot. As the fence would run along the boundary of EO plot (which was full for coffin burials) it did not cause any significant maintenance, grave digging or staff safety issues. It also meant that access to the whole MA plot was via one gate on the footpath which retained the open access of MA plot for visitors. The current PSPO would then be amended to exclude dogs from the footpath running between EO and MA plot, so the dog wardens could take enforcement action should any dog walkers choose to ignore the fenced dog free zone and walk through it with their dogs.

Resolved

(1) That Cabinet notes the report.

- (2) That Cabinet agrees to the installation of fencing and introduce additional dog control measures in Accrington Cemetery as set out in paragraph 3.5 of the report.
- (3) That Cabinet delegates authority to the Executive Director (Environment) to implement the installation of the fencing and in consultation with the Executive Director (Legal and Democratic Services) to amend the dog controls in Accrington Cemetery.

359 Town Centre Levelling Up Funded Project Progress

Members considered a report of Councillor Clare Pritchard, Portfolio Holder for Transformation and Town Centres, updating Cabinet on the Levelling Up funded (LUF) town centre projects.

Councillor Pritchard provided a brief introduction to the report, outlining the Phase 1 works that had been undertaken, the contractor procurement process for Phase 2 and the on-going works. She also referred to the additional works being undertaken to finish of the exterior of the Market Hall and its anticipated completion date in mid-July. Burton's Chambers was likely to be competed first, but the Council had asked the contractors to prioritise work on the Market Hall, where possible. A job advertisement had recently gone out for a Town Centre Venues Manager. In addition, representatives from the Ministry of Housing, Communities and Local Government (MHCLG) had visited the Town Centre sites and made some positive comments. They were hoping to use this project in a case study to showcase best practice.

Councillor Zak Khan noted the planned opening date for the Market Hall in November 2026 and asked what the additional costs would be to the Council of operating the venue in-house. Councillor Pritchard indicated that there should be no additional cost to the Council. Councillor Whitehead added that use of an external operator might well have cost more.

Approval of the report was not deemed a key decision.

Reasons for Decision

The Levelling Up Fund had been announced at the 2020 Government Spending Review. Its focus was on capital investment in local infrastructure projects that required up to £20m of funding and built on prior programmes such as the 'Local Growth Fund' and 'Towns Fund'.

In January 2022, Cabinet had given its formal approval in support of the Town Centre Stakeholder Board's recommendations that the Council's LUF submission should focus around the following three principal interventions, noting that at the time 2 and 3 were not in the Council's ownership.

1. Redevelopment within the Indoor Market Hall and removal of the outdoor pavilions along Peel Street to provide an enhanced food and drink offering alongside traditional market stalls and new leisure offering – the intervention known as Market Hall.

2. Acquisition and external façade improvements/roof repairs to the properties of 43-59 Blackburn Road / 2-4 Church Street – the intervention known as Market Chambers.
- Acquisition and redevelopment to the block 61-69 Blackburn Road to provide for a shared workspace offering – the intervention known as Burtons Chambers.

Acquisitions

Market Chambers - In total, six freehold and twenty-five leasehold interests had been acquired across the properties 2-4 Church Street and 43-59 Blackburn Road. The first had been secured in August 2023 and the last in July 2025. A General Vesting Declaration had been made by the Council on the 10th February 2026 and notices had been posted around the property subsequent to the confirmation of the Compulsory Purchase Order by the Inspector. Following a 3-month notice period, the Council would register the acquired land as a single title with the Land Registry.

Phase 1 construction contract

All works procured under the phase 1 contract were complete and the small number of defects identified by the phase 2 contractor had been resolved by the phase 1 contractor and their subcontractors.

Phase 2 construction contract (fit-out)

The following work headings were instructed:

- Full internal fit-out works to Market Hall and Burtons Chambers, such as floors, walls, ceilings, electrical, mechanical and ventilation systems, decorations, fixtures/fittings etc.
- Installation of a new damp proof protection system to two elevations in Burtons Chambers which were below the external ground level.
- Re-covering to the roof of Burtons Chambers.
- Further replacement of roof glazing, guttering and safety walkway to the Market Hall roof.
- Installation of a Solar Photovoltaic system to the Market Hall roof including any repairs to the existing covering.
- External public realm works to Peel Street (reduced scope from the original approved planning application, following extensive surveys which identified the proximity/quantity of utility services and river culvert).

Additional works had been identified as the project had progressed - these being additional asbestos removal, make secure existing floor joists and additional weatherproofing details to roof glazing. Whilst it had been necessary to instruct this work under the phase 2 contract, these costs were being managed within the overall approved budget.

There was no LUF funded work planned to the remaining leaseholder's ground floor external façade in Burtons Chambers, although designs had been future proofed as far as possible to enable the space to be incorporated, the curtain walling system/windows and internal services extended into the redeveloped workspace if/when it became vacant and the Council wished.

Monitoring / Reporting

The quarterly reporting requirement to MHCLG had changed. The Council was now required to report progress every six months, starting from April 2026 and the spending deadline had been extended, from 31st March 2026 to 31st March 2028.

The phase 2 contractor's most recent progress report had highlighted seventeen different contractors on the project. Of these, seven had head offices in the Merseyside area, four in Greater Manchester, two in Cheshire/North Wales, two in West Yorkshire and one in Lancashire. Whilst there were no contractors registered address in Hyndburn, twelve operatives working on site lived within postcodes BB3, BB4, BB5 and BB12.

Budget

At the end of the phase 1 contract, the project cost consultants and Council finance team had reported £14,336,357 expenditure against £25,416,516 of available funding (£20,000,000 LUF funding, £3,916,516 from Hyndburn Borough Council and £1,500,000 of match funding from Lancashire County Council). This provided a remaining approved budget of £11,080,159 for phase 2 works (plus a separate client contingency of £500,000). At the time of writing the report, the latest cost report produced by the Council's consultants Rihbell and Rider Levett Bucknall, currently estimated an overall phase 2 cost of £11,129,503, which would be a £49,344 overspend and less than 2% of the approved budget. However, there were still twenty-two outstanding Provisional Sums yet to be agreed and instructed. These had a tender estimated contract value circa £1.3m so the overall phase 2 cost could still fluctuate upwards or downwards. The project team and phase 2 contractor were working to have these works agreed and the prices fixed within the coming month.

Programme

At the time of writing the report, the contractor's programme still showed a working assumption that the construction works to Burtons Chambers would be 'practically complete' by 6th July 2026 and Market Hall by 13th July 2026 (RIBA 6 – Handover).

Following the change to leasing the Market Hall, where the Council would now manage the Market Hall day-to-day operations, there was a substantial amount of work for the Council to undertake in promoting and signing up new food and drink traders plus any other general market type traders to complement the existing traders temporarily decanted to the town square. The Head of Policy and Communications, who was not part of the existing LUF project team, had been asked to lead this work to ensure the Market Hall opened successfully.

Given the time required to secure new tenants and recant the traders from the temporary cabins, it had been agreed that the Market Hall re-opening would align with the Christmas Lights Switch On events, on either the 19th or 20th November 2026 (the exact day would be agreed nearer the time with market traders). The Council continued to liaise closely with the Burtons Chambers operator to understand the work/timescale they required for testing or any soft launching, but the operator had agreed to open in line with the Market Hall as the temporary cabins would need to have been removed from in front the building's entrance (RIBA 7 – Use).

There were no alternative options for consideration or reasons.

Resolved

- That the Cabinet note the progress update as set out in this report.**

360 Accrington Market Hall - Rents and Other Terms of Trading

The Cabinet considered a report of Councillor Clare Pritchard, Portfolio Holder for Transformation and Town Centres, providing an update on progress with reopening Accrington Market Hall and seeking delegated authorities in relation to the setting of market rents, service charges, fees, market regulations and other terms and conditions for trading at Accrington Market

Councillor Pritchard provided a brief introduction to the report, outlining the Council's on-going engagement with existing market traders and its proposals for the Market Hall to re-open as a thriving venue for existing traders and new traders alike, as well as being attractive to the public. The Council acknowledged that unavoidable delays were causing some anxiety for existing traders and it was doing its best to allay those concerns. Recruitment for the new Town Centre Venues Manager was now underway.

Approval of the report was not deemed a key decision.

Reasons for Decision

Accrington Market Hall was one of the key town centre projects largely funded by the Council's Levelling Up allocation, with match funding from a number of sources.

The market traders had been decanted to cabins in the Town Square to enable substantial repair, construction and refit works to the Market Hall building. These had been detailed in reports from the Executive Director (Environment) and were now nearing completion. The site was expected to be handed back to the Council from the construction contractors in July 2026.

Following consultation with consultants Barker Proudlove (appointed in line with the Cabinet report in December 2025) and the Portfolio Holder for Transformation and Town Centres, a proposed reopening date had been set for mid-November. This was to allow time for recruiting and agreeing leases with traders / food and drink operators and to recant traders from the Town Square back into their new Market Hall units / stalls.

The Council (with Barker Proudlove) was looking to move forward on detailed discussions (with clear information on rent levels) with existing traders. This would establish which traders would be moving onto new leases, on the Market's reopening. Following these discussions, there would be a clear picture of any gaps, both in terms of number and type of traders. Recruitment of new traders would then take place, led by Barker Proudlove.

At the same time as discussions would begin with existing traders, Barker Proudlove would seek potential new food and beverage operators, including a bar operator. There were no existing food and beverage operators in the temporary Town Square market.

The Council would shortly receive specialist external advice on the estimated costs of running the Market. This had been a new piece of work since the Council had decided to run the Market in house, rather than through an outsourced model as had previously been planned. This advice would outline the estimated actual costs per square metre, alongside a picture of the commercial "going rates" for similar provision in towns bearing similar economic characteristics. This advice would inform decisions as to rent levels (including service charges).

In the past, rent levels had been subsidised and if this continued to be the case, the Council would need to ensure it was compliant with subsidy control rules.

Recruitment to a new post of Town Centre Venues Manager was underway. The objectives of this role would be to:

- **Create a vibrant destination venue:** Transform Accrington Market Hall into a thriving visitor destination and community hub that would drive footfall throughout opening times during the week, including evenings and weekends, creating economic activity and social value in the town centre;
- **Deliver exceptional programming and activation:** Develop and implement an innovative year-round programme that included food and drink events, live entertainment, family activities, cultural celebrations and special markets, creating compelling reasons for people to visit, stay longer and return regularly;
- **Maximise commercial performance:** Drive income growth through strategic trader management, diverse food and beverage operations, new revenue streams, partnership development and commercial innovation whilst maintaining community focus and accessibility;
- **Champion place-making:** Position the Market Hall as a catalyst to support Accrington's regeneration, working collaboratively with town centre partners to create a distinctive and cohesive visitor experience that supported the evening and weekend economy;
- **Build community connections:** Ensure the Market Hall served diverse community needs through inclusive programming that balanced social value with commercial viability, demonstrating that community benefit and financial sustainability strengthened rather than competed with each other

There was an internal cross-service project team working on the reopening plans, as well as advice and services commissioned via Barker Proudlove.

There were no alternative options for consideration or reasons.

Resolved

- (1) **That Cabinet grants delegated authority for the Head of Policy and OD to determine rent levels, fees and service charges and the opening arrangements for Accrington Market, in consultation with the Executive Director (Finance) and the Portfolio Holder for Transformation and Town Centres.**
- (2) **That, if proposed rent levels are at a level below market value, the Head of Policy and OD ensures compliance with the Subsidy Control Act 2022, in consultation with the Executive Director (Legal and Democratic).**
- (3) **That Cabinet grants delegated authority for the Head of Policy and OD to agree, set and implement the market regulations and other trading terms and conditions for Accrington Market and to grant the respective traders' leases or other agreements, all in**

consultation with the Executive Director (Legal and Democratic).

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed