

---

# CABINET

---

**Wednesday, 8th June, 2016**

**Present:** Councillor Miles Parkinson (in the Chair), Councillors Clare Cleary, Paul Cox, Munsif Dad, Gareth Molineux and Ken Moss

**In Attendance:** Councillors Tony Dobson, Abdul Khan and Paul Thompson

---

**22 Apologies for Absence**

There were no apologies for absence.

**23 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

**24 Minutes of Cabinet - 23rd March 2016**

The Minutes of the meeting of Cabinet held on 23<sup>rd</sup> March 2016 were submitted for approval as a correct record.

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

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

The Minutes of the following meetings were submitted:-

- a) Health and Communities Working Group - 2<sup>nd</sup> February and 22<sup>nd</sup> March 2016
- b) Cabinet Public Transport Group - 3<sup>rd</sup> March 2016
- c) Learning and Development Panel - 15<sup>th</sup> March 2016
- d) Regeneration and Housing Panel - 21<sup>st</sup> March 2016
- e) Leader's Policy Development Board - 23<sup>rd</sup> March 2016

**Resolved** - **That the Minutes of the above meetings be received and noted.**

**26 Reports of Urgent Cabinet Decisions**

The Leader of the Council (Councillor Miles Parkinson) submitted copies of signed Urgent Cabinet Decision forms and accompanying reports relating to the following:-

- a) Proposed Licence Agreement with Keepmoat Homes Ltd to Facilitate Site Investigations of the Steiner Street site, Accrington.
- b) Weed Killing of Highways and Back Streets.

**Resolved** - That the Urgent Cabinet Decisions be noted.

**27 Reports of Cabinet Members**

There were no reports.

**28 Appointment of Cabinet Groups**

The Leader of the Council submitted a report proposing the establishment and membership of the following Cabinet Groups:-

- a) Accrington Pals Centenary Commemorations Group
- b) Cabinet Committee (Scrap Metal Dealers Act 2013)
- c) Cabinet Public Transport Group
- d) Cabinet Waste and Recycling Group

The Terms of Reference for all four Groups were appended to the report. Approval of the report was not deemed a key decision.

*Reasons for Decision*

The Groups referred to at (a), (c) and (d) above, acted in an advisory capacity to Cabinet and did not have any delegated or decision making powers. The Cabinet Committee referred to at (b) above, determined whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013, where the applicant or licensee (as the case might be) had informed the Council that they wished to make oral representations.

*There were no alternative options for consideration or reasons for rejection.*

**Resolved** (1) That the following Cabinet Groups be established, and the Terms of Reference, as set out in the Appendix to the report, be approved:-

**Accrington Pals Centenary Commemorations Group  
Cabinet Committee (Scrap Metal Dealers Act 2013)  
Cabinet Public Transport Group  
Cabinet Waste and Recycling Group**

(2) That the membership of the above Groups, as set out in Paragraph 3.6 of the report, be approved.

**29 Development Management DPD - Consultation Draft Comments and Actions**

The Leader of the Council submitted a report seeking approval of the proposed Council Response to all formal comments received during the consultation period for the Development Management DPD Consultation Draft. The proposed Response, a Summary of the comments received and a Customer First Analysis were appended to the report. Approval of the report was not deemed a key decision.

*Reasons for Decision*

(1) The Development Management DPD formed an important part of the new Local Plan for Hyndburn and would set out the more detailed planning policies to be used in the determination of planning applications for the Borough. It would sit alongside the Core Strategy and Accrington Area Action Plans adopted by the Council in 2012.

(2) The Development Management DPD Consultation Draft was approved by Cabinet and Council in January 2016 for a period of statutory consultation and that process had taken place between 11<sup>th</sup> February and 24<sup>th</sup> March 2016. 34 Individuals / organisations had submitted comments which had been reviewed and categorised into comment type. A full Summary of all the comments received, who submitted them, to what aspect of the Consultation Draft they related and the proposed Council response / further action required and associated notes were appended to the current report submitted.

(3) Following further work and the proposed changes, it was anticipated that a revised Development Management DPD Publication version would be submitted to Cabinet in August 2016 for approval for the final round of statutory consultation in September / October 2016. Following that consultation, the Council would be required to submit comments received to the Secretary of State for a Planning Inspector to undertake an independent Examination of the DPD. Following successful Examination, the Council may adopt the DPD as part of the Local Plan for the area and it was anticipated that such would be in 2017.

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

The Development Management DPD had been prepared in accordance with the Town and Country (Local Planning) (England) Regulations 2012 and there were no alternative options for its preparation.

**Resolved** - **That the proposed Council Response (as appended to the report) to all comments received during the consultation period of the Development Management DPD Consultation Draft held during February / March 2016, be approved.**

### **30 Milnshaw Park Play Area**

The Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss) submitted a report seeking approval to lease an area of Milnshaw Park, Accrington to Hyndburn Green Spaces Forum for the installation of a new play area for local children. A Location Plan and a Customer First Analysis were appended to the report. Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

(1) The play equipment at the Park was over 20 years old and only one piece of useable equipment remained, the rest having been removed due to being beyond economical repair. There was a desire to refurbish the play area and provide play equipment of a modern day standard and a number of funding streams had become available that could be used to co-fund the refurbishment project.

(2) Funding had been secured in part through Section 106 funding and Church and Milnshaw Area Council. The remaining funding was to come from Biffa Award, the Landfill Tax funding element of their business. The Hyndburn Green Spaces Forum had submitted an application to Biffa Award for £50,000 which was now through to Stage 2 of the application process. A condition of the Biffa Award funding was that the applicant (should it not be the landowner) should have at least a 10 year lease of the area of land in question. Although detailed lease terms had yet to be agreed, it was proposed that the Council grant the Forum a 10 year lease of the land shown edged black on the plan at a peppercorn rent

for use as a children's play area. The intention was that the Council would continue to maintain, repair and insure the play area under the terms of the lease.

(3) The proposed lease comprised land that was currently public open space and Section 123 of the Local Government Act 1972 required the Council to advertise its intention to dispose of public space and to consider any representations received before making a final decision. Public notice had been given, but the final date for receipt of comments and objections had not yet passed.

(4) Once constructed the play area would have free and open public access in exactly the same way as any other park play area, the lease would place no restriction on public use.

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

The Council could refuse to lease the land to the Hyndburn Green Spaces Forum but this was not recommended because the external funding body contributing to the refurbishment of the play area would withdraw funding which would prevent the project from happening.

#### **Resolved**

- (1) That the lease of an area of Milnshaw Park (shown edged black on the Plan attached to the report) to Hyndburn Green Spaces Forum for the purpose of installing a new play area for local children be agreed, subject to:-**
  - (i) Biffa Grant Funding being awarded to the Forum; and,**
  - (ii) No objections being received to the proposed disposal of public open space.**
- (2) That a further report be presented to Cabinet to consider whether to proceed with the proposed lease if objections were received in connection with the proposed disposal of public open space; and,**
- (3) That subject to Resolution (1) above, authority be delegated to the Acting Head of Community Services, following consultation with the Portfolio Holder for Education, Leisure and Arts, to agree the detailed terms of the lease.**

### **31 Rhyddings Park Heritage Lottery Bid**

The Portfolio Holder for Education, Leisure and Arts submitted a report on progress made in relation to the Heritage Lottery Fund (HLF) Parks for People funding bid for Rhyddings Park, Oswaldtwistle. A Customer First Analysis was appended to the report. Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

(1) On 3<sup>rd</sup> December 2013, Cabinet agreed that the Council work with Newground Together to secure Parks for People Funding for refurbishment works at Rhyddings Park, Oswaldtwistle, at no cost to the Council. The funding bid had been successful and the works allowed for were set out in Paragraph 3.8 of the above report.

(2) As Newground Together were co-applicant with the Council in relation to the successful Heritage Lottery Fund Stage 2 Bid, the Council intended to continue to work in partnership with that Organisation to implement and complete the Project. Newground Together would jointly act as project manager with the Council for the duration of the Project and would employ two staff, funded by the Lottery Fund, to facilitate audience development and improved horticultural skills within the Park.

(3) The Council would take on the responsibility of accountable body and the delivery stage work would commence on site once all permissions had been finalised and secured.

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

The delivery stage of Parks for People Heritage Lottery Fund funding could be discontinued and the Council could try to undertake improvements to the Park via a piece meal approach. That was not recommended as grant funding had now been secured and work could be undertaken as one project over the next two years.

#### **Resolved**

- (1) That the refurbishment and improvement of Rhyddings Park, as outlined in the report (“the Project”), be supported and receipt of the Heritage Lottery Funding be welcomed;**
- (2) That it be agreed that the Council be the accountable body in respect of the Project and in accordance with the Heritage Lottery Fund’s terms and conditions in connection with the Project;**
- (3) That authority be delegated to the Acting Head of Community Services to take all reasonable steps to implement and complete the Project, including entering into the necessary agreement with the Heritage Lottery Fund, entering into any necessary agreement with Newground Together, engaging consultants and contractors as required to deliver the Project and obtaining all necessary permissions and consents; and,**
- (4) That a further report be received by Cabinet in due course for its consideration and approval in respect of the proposed terms of the lease to the Friends of Rhyddings Park of the Coach House in Rhyddings Park and the proposed arrangements for the management and operation of the Coach House.**

*The following item was submitted as urgent business with the Chair’s agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.*

## **32 Financial Position 2016-17 - Report to End of April 2016**

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted a report on the financial spending of the Council at the end of April 2016 and the prediction of the outturn position to the end of the financial year in March 2017. The financial detail of the report was appended to the report. The spend against Budget in the first month of the year was

£661,693 against a Budget of £689,411 leaving a positive variance of just over £27,000. The forecast spend for the year to 31<sup>st</sup> March 2017 was £11,164,000 against a budget of £11,283,000. A surplus of almost £118,000 by the end of the 2016/17 financial year was forecasted, making a Budget surplus of slightly more than 1.0% on the overall activities of the Council. Surpluses on Policy and Corporate Governance, Culture and Leisure, Regeneration and Property Services and Non Service Items currently outweighed the predicted adverse variances on Environmental Health, Waste Services, Parks and Cemeteries and Planning and Transportation. Approval of the report was deemed a key decision.

*Reasons for Decision*

To inform Cabinet of the financial spending of the Council at the end of April 2016 and the prediction of the outturn position to the end of the financial year in March 2017.

*There were no alternative options for consideration or reasons for rejection.*

**Resolved** - **That the report be noted and Corporate Management Team be asked to continue to identify savings and generate a surplus on the 2016/17 Budget to assist with future potential financial pressures on the Council.**

*The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.*

### **33 Capital Report Outturn 2015-16**

The Portfolio Holder for Resources submitted a report on the financial spend on Capital Projects during 2015/16. The full detail of expenditure was set out at Appendix 1 to the report and the proposed list of changes to the 2016/17 Capital Programme which would be funded from the amounts not spent but authorised in 2015/16 was shown at Appendix 2. The figures reported were the latest available and might be subject to change in finalising the draft accounts or after the conclusion of the final accounts audit. If the figures changed significantly from those contained in the report, an update on the overall position would be made to Cabinet in October 2016, at the end of the audit period. Approval of the report was not deemed a key decision.

*Reasons for Decision*

To inform Cabinet of details relating to the 2015/16 Capital Programme.

*There were no alternative options for consideration or reasons for rejection.*

**Resolved** - **That the report be noted and the Audit Committee be requested to approve the Slippage items at Appendix 2 to the report.**

*The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.*

### **34 Financial Position 2015-16 - Report for the Year Ending 31st March 2016**

The Portfolio Holder for Resources submitted a report on the spending of the Council for the Accounting year 2015/16 and on the revenue elements of the Council's Treasury Management for the same financial year. Attention was drawn to the financial detail of the report shown as a table at the end of the document. Spend for the financial year ending 31<sup>st</sup> March 2016 was £10,572,000 against an Annual Approved Council Budget of £11,489,000. A surplus for the year of £916,000 had been produced which was just under 8% of the original Budget. Most operating areas of the Council had produced budget savings during the year. Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

To inform Cabinet of the financial spend of the Council for the Accounting Year 2015/16.

*There were no alternative options for consideration or reasons for rejection.*

**Resolved** - **That the report be noted.**

*The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to approve a lease to enable the continued use as a community centre.*

### **35 Hippings Vale Community Centre, Oswaldtwistle**

The Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary) submitted a report seeking approval to the lease of the Hippings Vale Community Centre (edged red on the plan attached to the report) and for the provision of a related grant of approximately £47,000 to Hyndburn Arts Limited in order to enable its continued use as a community centre. A Customer First Analysis was appended to the report. Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

(1) Hippings Vale Community Centre was currently managed through the terms of a management agreement between the Council and the Hippings Vale Community Centre Committee ("the Association") with repairs and running costs being recharged to Hyndburn Leisure through a separate agreement. The total net income received in respect of the Centre was divided between the Council and the Association.

(2) The Council had been approached by Hyndburn Arts Limited after members of the Association had voiced their intention to dissolve the current group. Hyndburn Arts Limited had submitted a business case based on current usage of the Centre and their proposals to enable the continuation and hopefully, expansion and diversification of a range of activities that were provided from the premises. Neither the Council nor Hyndburn Leisure, had the capacity to manage the building and it was likely the building would close and the activities would cease. On that basis, it was considered that the continuation of the resource,

facilitated by Hyndburn Arts Limited, would further the social well-being of the area and its residents.

(3) The lease would generate savings to Hyndburn Leisure of £6,474 in 2016/17 and similar amounts thereafter. The Council in turn paid Hyndburn Leisure an annual grant, part of which was used to manage the building. That grant had been reduced in the financial year 2016/17 and had taken into account the savings to be made from the transfer.

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

(1) If the Community Centre use was to cease, the building could potentially be used for office purposes and the estimated alternative rental value for that use was £13,580 per annum. That use was not recommended as it would result in a loss of local services and activities that benefitted the health and well-being of the local community. In addition, Hyndburn Arts Limited who currently leased Oswaldtwistle Civic Theatre was in close proximity and was eager to take over management of the Centre to ensure those services continued and expanded, further benefitting the local community.

(2) The Council had received an enquiry from another party who had shown tentative interest in leasing the building for a variety of uses including a nursery, after school club, soft play area and health and fitness classes, but that initial interest had not been progressed in any way.

#### **Resolved**

- (1) That the acceptance of a surrender of the existing management arrangements for Hippings Vale Community Centre be approved;**
- (2) That the grant of a five year lease of the Hippings Vale Community Centre on a rent free basis, which was below market value, to Hyndburn Arts Limited from 6<sup>th</sup> June 2016 be approved;**
- (3) That a one-off grant of approximately £47,000 to Hyndburn Arts Limited for the purposes of improvements, repairs and maintenance costs associated with the Community Centre building be approved; and,**
- (4) That authority be delegated to the Head of Regeneration and Housing, following consultation with the Director of Legal and Democratic Services, to agree the detailed terms for the grant of the lease and associated grant funding.**

#### **36 Exclusion of the Public**

#### **Resolved**

- That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following items, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act specified at the items.**

*The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being as set out in the exempt report.*

### **37 Deveron Mill, Great Harwood**

*Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

The Portfolio Holder for Housing and Regeneration submitted an exempt report seeking approval to sell Deveron Mill, Great Harwood. A Plan showing the location of the premises was appended to 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 authority be delegated to the Head of Regeneration and Housing, following consultation with the Leader of the Council, to agree detailed terms for, and to complete, the disposal of Deveron Mill, Great Harwood.**

*The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being as set out in the exempt report.*

### **38 Disposal of Haworth Street Garage to Accrington Stanley Football Club**

*Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

The Leader of the Council submitted an exempt report seeking approval to dispose of the commercial premises known as Haworth Street Garage situated at Haworth Street, Altham, Accrington by including it in the 50 year lease to Accrington Stanley Football Club Ltd for the Wham Stadium site off Livingstone Road, Accrington. A Plan showing the location of the Haworth Street Garage was appended to 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**

- (1) That the disposal of the Haworth Street Garage, at below market value, be agreed provided the Council was satisfied that it furthered the social, economic or environmental well-being of the Borough, by including the site in the lease to Accrington Stanley Football Club Limited, for the Wham Stadium site off Livingston Road (marked black on the Plan attached at Appendix 1 to the report) as a football stadium with ancillary uses on the main terms approved by Cabinet on 23<sup>rd</sup> March 2016; and,**
- (2) That authority be delegated to the Head of Regeneration and Housing, following consultation with the Council Leader, to agree the detailed terms which would be included in the lease.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed