
CABINET

Wednesday, 20th July, 2016

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

In Attendance: Councillors Peter Britcliffe, Tony Dobson, Terry Hurn, Abdul Khan and Paul Thompson

Apologies: Councillor Paul Cox

95 Apology for Absence

An apology for absence was submitted from Councillor Paul Cox (Deputy Leader of the Council).

96 Declarations of Interest and Dispensations

The Portfolio Holder for Resources (Councillor Gareth Molineux) declared a personal interest in the item relating to "Rhyddings Park Heritage Lottery Bid". His interest arose due to his employer being involved in work at the Park.

There were no declarations of dispensations.

97 Minutes of Cabinet - 8th June 2016

The Minutes of the meeting of Cabinet held on 8th June 2016 were submitted for approval as a correct record.

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

98 Minutes of Boards, Panels and Working Groups

The Minutes of the meeting of the Learning and Development Panel held on 28th June 2016 were submitted.

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

99 Reports of Cabinet Members

There were no reports.

100 Appointment of Replacement Representative on the Cabinet Committee (Scrap Metal Dealers Act 2013)

The Leader of the Council (Councillor Miles Parkinson) submitted a report relating to the appointment of a replacement representative to serve on the Cabinet Committee (Scrap Metal Dealers Act 2013). The Terms of Reference for the Cabinet Committee were appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

On 8th June 2016, Cabinet agreed the establishment of the Cabinet Committee (Scrap Metal Dealers Act 2013) and appointed Councillor June Harrison as one of the three representatives on that Group. The Terms of Reference for the Cabinet Committee stipulated that the three appointed representatives must be members of Cabinet.

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

Resolved - **That the Leader of the Council (Councillor Miles Parkinson) be appointed to serve on the Cabinet Committee (Scrap Metal Dealers Act 2013) in place of Councillor June Harrison.**

101 Regulation of Investigatory Powers Act 2000 - Half Yearly Report

The Leader of the Council submitted a half-yearly report relating to the use of powers conferred on the Council by Part II of the Regulation of Investigatory Powers Act 2000 (RIPA) and reported that during the period 1st November 2015 to 31st May 2016 there had been no applications for authorisations under RIPA and there were no applications outstanding. As RIPA had not been used in the last three years, Cabinet was requested to consider the submission of future reports only if the RIPA powers had actually been used. Approval of the report was not deemed a key decision.

Reasons for Decision

RIPA had not been used in the last three years.

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

Resolved (1) **That the report be noted; and,**
(2) **That further reports be submitted to Cabinet only in the event that the powers conferred by RIPA were actually used.**

102 Council Tax Support Consultation

The Leader of the Council submitted a report seeking approval to commence a public consultation on plans to revise Hyndburn Council's Tax Support Scheme for 2017/18. The following documents were attached to the report:-

- Appendix 1 - Council Tax Support Consultation Strategy 2017/18
- Appendix 2 - Proposed Council Tax Support Scheme April 2017
- Appendix 3 - Council Tax Support Consultation 2017/18 Customer First Analysis June 2016

Approval of the report was not deemed a key decision.

Reasons for Decision

1. Council Tax Benefit had been abolished nationally on 31st March 2013 and replaced with Local Council Tax Support Schemes (LCTS) which were designed and implemented by billing authorities. After extensive consultation the Council had decided to implement a scheme that required all working age claimants of Council Tax Support to contribute at least

20% towards their annual Council Tax bill, with the Council providing the remaining 80%. The same support rate was maintained in 2014/15 and 2015/16 despite a reduction in the Government Revenue Support Grant.

2. In preparation for the 2016/17 LCTS scheme, the Council consulted for a second time on options to alter Hyndburn's scheme, as maintaining maximum support levels at 80% was no longer sustainable without impacting on the provision of other services or increasing Council Tax for all taxpayers. The consultation presented three main options to residents. Following that consultation, the 2016/17 Council Tax support scheme for Hyndburn was introduced with a new maximum support level for working age claimants of 73%.

3. Due to the Government's commitment to substantially reduce public expenditure over the next four years, maintaining the support level at 73% would again no longer be sustainable. The Council therefore intended to consult and it was proposed that the three main funding options offered to residents, with the added facility to suggest any alternatives they would like to be considered, should be:-

- Reduce maximum support levels for CTS claimants
- Raise Council Tax levels for all liable taxpayers
- Make savings by cutting or reducing other services

In addition, residents would also be consulted on a number of assessment criteria for Council Tax Support claims to be changed to bring the scheme in line with changes being made on a national level to Housing Benefit Regulations.

Alternative Options considered and Reasons for Rejection

The Council could choose not to consult on its options and the current scheme with a 73% subsidy would continue. That would not allow the views of the local population or interested parties to be considered and would limit the Council's options to fund the Council Tax Support scheme for 2017/18 to either cutting services or raising Council Tax levels.

Resolved

- (1) That the Deputy Chief Executive be authorised to commence a public consultation on plans to revise the current Council Tax Support Scheme from April 2017; and,**
- (2) That it be noted that the consultation would run for 12 weeks from 25th July to 14th October 2016 and would guide the final recommendations to be placed before Full Council for approval of the Council Tax Support Scheme by 31st January 2017.**

103 Rhyddings Park Heritage Lottery Bid

The Leader of the Council submitted an update report on the situation regarding the Heritage Lottery Bid for Rhyddings Park, Oswaldtwistle. In January 2016 the Council had been informed that the Bid to carry out refurbishment works at the Park had been successful. In late January 2016, a petition had been started on Facebook due to some local opposition to one element of the Park's refurbishment, the removal of the sequoia tree to facilitate the landscape improvements to the Rhyddings Street entrance of the Park. It had been agreed that an independent arboricultural consultant's report would be commissioned in respect of the tree and the issue opened up for debate at Full Council. At a meeting of the Council held on 7th July 2016, an advisory vote had been taken and it was

resolved that it be recommended to Cabinet that the sequoia tree should not be removed but should be retained as part of the refurbishment. The Leader of the Council indicated that the long-term future of the tree and the Park in general had been considered and recommended Cabinet to agree that the sequoia tree be removed and the landscape plan as originally agreed by the National Heritage Lottery Board be continued with. Approval of the report was not deemed a key decision.

At the discretion of the Leader of the Council, Councillor Peter Britcliffe (Oswaldtwistle St. Andrew's Ward Councillor) spoke on behalf of residents in favour of the tree being retained.

Reasons for Decision

1. In 2012 the Council's Parks and Cemetery Service started working with Friends of Rhyddings Park to explore the possibility of applying for Parks for People funding administered via the Heritage Lottery Fund (HLF). The outcome of a consultation with Friends of Rhyddings Park was that local residents wished to see various refurbishment works carried out and on 3rd December 2013, Cabinet agreed for the Council to work towards securing Heritage Lottery funding for the Park. In early January 2016, the Council was informed that the Council's bid had been successful. The refurbishment works that the funding would allow for was set out in Paragraph 3.6 of the report and revenue funding would also be made available to employ two staff to facilitate audience development and improved horticultural skills within the Park.

2. In January 2016, a petition had been started on Facebook due to some local opposition to the removal of the sequoia tree to facilitate the landscape improvements to the Park. Following an independent arboricultural consultant's report the issue had been debated at Full Council which had made a recommendation to Cabinet that the tree should be retained. The options available and the long-term future of the sequoia tree and Park in general had since been considered.

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

Resolved

- (1) That the contents of the report be noted;**
- (2) That bearing in mind the long-term future of the sequoia tree and Park in general, the tree be removed and the landscape plan as originally agreed by the National Heritage Lottery Board be continued with.**

104 Draft Hate Crime / Incident Procedure

The Portfolio Holder for Health and Communities (Councillor Munsif Dad) submitted a report relating to the updating of the Council's Hate Crime / Incident Procedure. The proposed draft Procedure and a Customer First Analysis were appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

The current Hate Crime / Incident Policy and Procedure had been approved in May 2008 and although procedurally more or less sound, referred to old legislation and due to its length and detail was not easily readable or understandable. The proposed Procedure attempted to explain, very simply, the steps employees or elected members should take if they received a report of or witnessed a hate crime / incident. The revised document also raised awareness of employees and elected members responsibilities in relation to the Council's commitment to tackling hate crime.

Alternative Options Considered and Reasons for Rejection

The existing document could be retained by the Council with a few revisions to update it.

Resolved - **That the draft Hate Crime / Incident Procedure be approved.**

105 Proposed Safeguarding Policy

The Portfolio Holder for Communities and Health submitted a report proposing a new Safeguarding Policy. The draft Policy and a Customer First Analysis were appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

The current Policy which dealt with the Council's approach to safeguarding was the Child, Young Person and Vulnerable Adult Policy and had been in place for a number of years. The Policy did not reflect Child Sexual Exploitation or the Prevent Duty and an opportunity had arisen to simplify and shorten the document which would make it easier to understand and follow and to raise awareness of it amongst staff and elected members.

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

Resolved - **That the draft Safeguarding Policy be approved subject to any inclusions the Head of Human Resources felt appropriate.**

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.

106 Financial Position 2016-17 - Report to End of May 2016

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted a report on the financial spending of the Council at the end of May 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 two months of the year was £1,639,150 against a Budget of £1,681,281 leaving a positive variance of just over £42,000. The forecast spend for the year to 31st March 2017 was £11,151,000 against a budget of £11,283,000. A surplus of almost £132,000 by the end of the 2016/17 financial year was forecasted, making a Budget surplus of slightly more than 1.1% on the overall activities of the Council. Surpluses on Policy and Corporate Governance, Culture and Leisure and Non Service Items currently outweighed the predicted adverse variances on Environmental Health, Waste Services, Parks and Cemeteries, Regeneration and Property Services and Planning and Transportation. Approval of the report was not deemed a key decision.

Reasons for Decision

To inform Cabinet of the financial spending of the Council at the end of My 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.

107 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.

108 Surrender of Lease Back Arrangement at Elmfield Hall

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 Education, Leisure and Arts (Councillor Ken Moss) submitted a report seeking approval to surrender the residue of the Council's 125 year lease of the Parks Department welfare facilities, materials and machinery store at Elmfield Hall, Gatty Park back to Community Solutions North West Limited. 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

To maintain the status quo was not recommended as further investment into Elmfield Hall was desirable, along with Community Solutions North West Limited being able to extend their offer to the local community.

Resolved

- (1) That the report be noted;**
- (2) That Cabinet being satisfied that the proposed surrender was likely to promote the social, economic or environmental well-being of the area, the residue of the Council's 125 year lease of the Parks Department welfare facilities, materials and machinery store at Elmfield Hall, Gatty Park be surrendered back to Community Solutions North West Limited on the terms set out in the report; and,**
- (3) That the Acting Head of Community Services be delegated authority to agree the detailed terms of the surrender in consultation with the Executive Director (Legal and Democratic Services).**

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.

109 Revocation of Emergency Cabinet Decision on 22nd May 2015 to Sell Land at Clayton Triangle

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 (Councillor Clare Cleary) submitted a report relating to the revocation of a Cabinet decision to sell land owned by the Council at Clayton Triangle and at the rear of St. Mary's Court to Black Label Homes Ltd. A Plan showing the land and a small area of roadway 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 land owned by the Council could be marketed separately to the Canal and River Trust land but that was not recommended as the individual sites owned by the Council were small and irregular and the scheme would benefit from combining the sites. That might also help realise a higher capital receipt.

Resolved

(1) That the decisions at i) to iii) below as made by Cabinet on 22nd May 2015 be revoked:-

i) sell the land at Clayton Triangle, as shown edged red on the attached plan, to Black Label Homes Limited for the sum identified in the report.

ii) sell the small area of roadway shown coloured solid red on the attached plan to Black Label Homes Limited for the consideration identified in the report.

iii) delegate authority to the Head of Regeneration and Housing to agree the detailed terms of the transactions referred to at i) and ii) above.

(2) That the site now be marketed for sale on the open market.

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.

110 Sale of Land at Junction 7 Business Park, Clayton-le-Moors

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 a report seeking approval to advertise the proposed disposal of land currently held by the Council as public open space being the land adjacent to Junction 7 Business Park, Clayton-le-Moors (shown edged red on the plan attached to the report) and being all the land contained in Land Registry title number LA854303 (“the Land”). 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

1. Pursuant to Section 123(2A) Local Government Act 1972, the Council had to make known its intention to dispose of public open space and consider objections received. The Council could decide to retain the area for its present use or proceed to dispose as described in the report.

2. The offer could be refused on the basis that the land was currently designated for housing and as such could be valued at as much as identified in the report. It was recommended that this option be rejected as the site was land locked and had no vehicular access other than via the industrial estate. There was also a likelihood of significant remediation costs. Both of those issues could negate any additional value in the site.

Resolved

- **That the Head of Regeneration and Housing, following consultation with the Leader of the Council, be delegated authority to:-**
 - i) **advertise the proposed disposal of land currently held by the Council as public open space being the land adjacent to Junction 7 Business Park, Clayton-le-Moors (as shown edged red on the plan attached to the report) and being all the land contained in Land Registry number LA854303 (“the Land”).**
 - ii) **give due consideration to any objections to the disposal of the land.**
 - iii) **agree the detailed terms and thereafter sell the land if it was considered appropriate to do so following consideration of any objections received.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed