
CABINET

Wednesday, 31st August, 2016

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

In Attendance: Councillors Tony Dobson, Eamonn Higgins, Terry Hurn, Abdul Khan and Paul Thompson

Apologies: Councillor Gareth Molineux

128 Apology for Absence

An apology for absence was submitted from Councillor Gareth Molineux.

129 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

130 Minutes of Cabinet - 20th July 2016

The Minutes of the meeting of Cabinet held on 20th July 2016 were submitted for approval as a correct record.

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

131 Minutes of Boards, Panels and Working Groups

The Minutes of the following meetings were submitted:-

- a) Regeneration and Housing Panel - 23rd May 2016
- b) Leader's Policy Development Board - 20th July 2016

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

132 Reports of Cabinet Members

There were no reports.

133 Development Management DPD Publication (Reg 19)

The Leader of the Council (Councillor Miles Parkinson) submitted a report seeking approval to allow the Development Management Development Plan Document Publication Version (Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 - "the Regulations") to be publicised for a six week consultation period. The Draft Publication Document and a Customer First Analysis were appended to the report. The Publication Document superseded the previous "Consultation Draft" and was in effect the Council's final version of the Document, and a statement of intent that it now wished to

submit to the Secretary of State ready for examination. In accordance with “the Regulations”, a final six week statutory consultation period on the Document now had to take place. Reference was made to the night time economy of Accrington Town Centre. 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 and would replace the majority of Local Plan (1996) Policies that remained extant.

(2) The Development Management Development Plan Document Publication Version contained 39 Policies organised into core Chapters, together with nine “Guidance Notes” and some “Policy Maps”. In addition to amendments which had arisen from representations to the Consultation Draft, the Publication Document also took into account relevant findings from new evidence base reports, changes to Government Policy and Law and refinements recommended by a Sustainability Appraisal.

Alternative Options Considered and Reasons for Rejection

The Development Management Development Plan Document had been prepared in accordance with “the Regulations” and there were no alternative options for its preparation.

Resolved

- (1) That the content of the Development Management Development Plan Document Publication Version be approved and the commencement of a statutory six week public consultation in the period September / October 2016 be agreed; and,**
- (2) That authority be delegated to the Council’s Executive Director (Legal and Democratic Services) and the Chief Planning and Transportation Officer, following consultation with the Portfolio Holder for Planning, to make further necessary changes to the Development Management Development Plan document as they considered necessary or appropriate, prior to commencing public consultation.**

134 Declaration of Local Nature Reserves - Progress

The Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss) submitted a report on progress with arrangements for the declaration and management of two significant new Local Nature Reserves in Hyndburn. The proposed new sites were:-

- a) Peel Park and the Coppice, including Arden Hall and Land at Plantation Road
- b) Woodnook Vale, including Land at King George V Playing Fields and some areas of Bullough Park and Rothwell Heights

The Portfolio for Education, Leisure and Arts made a presentation on local nature reserves in Hyndburn.

Approval of the report was not deemed a key decision.

Reasons for Decision

(1) Hyndburn had some spectacular natural green spaces, which had significant habitat value and were highly valued by local people and were worthy of greater recognition. The intention to declare new local nature reserves was a long standing aspiration of the Council and had been reflected in the Corporate Strategy.

(2) If the proposed declarations were achieved, Hyndburn would be the first district in Lancashire to meet national targets for local nature reserves. Peel and Woodnook Reserves would be the largest in Lancashire. Significant improvement in the site conditions, habitat management and community activities, as analysed against the Local Nature Reserve Visitor Standards published by Natural England had been achieved and the Lead Adviser from Natural England who had visited the areas had stated "Both sites would be welcome additions to the Local Nature Reserves in England".

Alternative Options Considered and Reasons for Rejection

The decision to simply allow the natural greenspaces to continue to support local recreation and enjoyment of nature without a formal declaration as local nature reserves could be taken. That option was not recommended as the opportunity of a nationally recognised designation would not be achieved and the high quality and diversity of the spaces would not be reflected, especially following recent major improvement programmes. Also since 2006 the Council had been committed to the declaration of new local nature reserves.

Resolved

- (1) That progress be noted and arrangements for the declaration of new Local Nature Reserves at Peel Park and Woodnook Vale, Accrington be supported and the timeline shown in Appendix 2 of the report be aimed for;**
- (2) That all Members of the Council be invited to participate in an organised visit to the Local Nature Reserve areas, which included striking features of natural beauty, and to view the many recent improvements and activities;**
- (3) That continued joint working with Lancashire County Council to assist in their consideration of a Local Nature Reserve declaration in respect of the land in Lancashire Council Council ownership in Woodnook Vale, as referenced in Paragraph 6.5 of the report, be supported; and,**
- (4) That continued joint working with external parties, local organisations and community groups to maximise opportunities to bring in investment through various grant sources be supported.**

135 Overview and Scrutiny Work Programmes 2016/17

The Chair of the Resources Overview and Scrutiny Committee (Councillor Abdul Khan) submitted a report seeking consideration of and comment on the draft 2016/17 Overview and Scrutiny Work Programmes. The Work Programmes and the Criteria for selecting items were appended to the report. As in previous years, additional items would be added to the Work Programmes as the Municipal Year progressed. Approval of the report was not deemed a key decision.

Reasons for Decision

At the beginning of each Municipal Year, the Council's Overview and Scrutiny Committees agreed their respective Work Programmes for the Year, the process for which was set out in the Council's Overview and Scrutiny Procedure Rule C6(a).

Alternative Options Considered and Reasons for Rejection

Cabinet was the relevant body to consider the Work Programmes, pursuant to the Council's Overview and Scrutiny Procedure Rule C6(a).

- Resolved**
- (1) That the Work Programmes for the Overview and Scrutiny Committees, as appended to the report, be noted; and,**
 - (2) That a joint meeting of the Overview and Scrutiny Committees be held in February 2017 to consider the topic of Combined Authorities.**

136 Outcome of the Call-In of the Cabinet Decision on Rhyddings Park Heritage Lottery Bid (Sequoia Tree)

The Chair of the Resources Overview and Scrutiny Committee submitted a report on the outcome of the Extraordinary Meeting of the Resources Overview and Scrutiny Committee held on 11th August 2016 to consider the Call-In of the Cabinet decision on the Rhyddings Park Heritage Lottery Bid (Sequoia Tree). The Cabinet decision was released in full for implementation and the Committee had requested that consideration be given to the use of some of the wood from the Sequoia Tree for part of the improvement scheme in the Park. Approval of the report was not deemed a key decision.

Reasons for Decision

In accordance with the Call-In Procedure for Cabinet decisions, the Procedure was activated on 1st August 2016 by two members of the Resources Overview and Scrutiny Committee. The Call-In was sponsored by Councillor Judith Addison.

Alternative Options Considered and Reasons for Rejection

- (1) To release the Cabinet decision in part for implementation and refer the outstanding part of the decision back to the decision making body for reconsideration, setting out in writing the nature of the Committee's concerns. That option was rejected as the Call-In related to a very specific decision (the felling of the Sequoia Tree), which meant the decision could not be released in part.
- (2) To refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of the Committee's concerns. The decision maker should then reconsider amending the decision or not, before adopting a final decision. That option was rejected as the Committee was satisfied with the reasons for the original Cabinet decision.

- Resolved**
- That the release of the Cabinet decision in full for implementation be noted and consideration given at the appropriate time to the use of some of the wood from the Sequoia Tree for part of the Rhyddings Park Improvement Scheme.**

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.

137 Financial Position 2016/17 - Report to End of July 2016

The Leader of the Council submitted a report on the financial spending of the Council at the end of July 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 four months of the year was £3,371,268 against a Budget of £3,543,881 leaving a positive variance of just over £172,000. The forecast spend for the year to 31st March 2017 was £10,919,000 against a budget of £11,283,000. A surplus of just under £363,000 by the end of the 2016/17 financial year was forecasted, making a Budget surplus of slightly more than 3.2% on the overall activities of the Council. Surpluses on Policy and Corporate Governance, Waste Services, Parks and Cemeteries, Culture and Leisure and Non Service Items currently outweighed the predicted adverse variances on Environmental Health, Regeneration and Property Service 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 July 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.**

138 Exclusion of Public

Resolved - **That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following item, 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 item.**

139 Reports of Urgent Cabinet Decisions

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 copies of two exempt signed Urgent Cabinet Decision forms and accompanying exempt reports relating to the use of the Urgent Cabinet Decision Procedure in respect of:-

