Wednesday, 4th January, 2017

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

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

Apologies: Councillor Gareth Molineux

303 Apology for Absence

An apology for absence was submitted from Councillor Gareth Molineux.

304 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

305 Minutes of Cabinet

The Minutes of the meeting of Cabinet held on 7th December 2016 were submitted for approval as a correct record.

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

306 Reports of Cabinet Members

There were no reports.

307 Council Tax Base 2017-2018

The Leader of the Council (Councillor Miles Parkinson) submitted a report relating to the Council Tax Base for the financial year 2017/2018. In accordance with Section 35 of the Local Government Finance Act 1992, the Council was required to formally determine the Council Tax Base for 2017/2018 prior to 31st January 2017. That determination allowed the Council to notify the major preceptors (Lancashire County Council, Police and Crime Commissioner for Lancashire and Lancashire Combined Fire Authority) by 31st January of the Council Tax Base. The requisite calculations for Hyndburn and Altham (attached as Appendices A and B respectively to the report) had to be carried out in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012 and once determined, could not be changed. That Base had to be used when the Council set the levels of Council Tax for the year 2017/2018. It was proposed that the Tax Base for Hyndburn for the financial year 2017/2018 be 20,197 which was an increase from last year’s Tax Base of 1,108 (19,089) and that the 2017/2018 Tax Base for Altham be 305 which was an increase from last year’s Tax Base of 4 (301). A Customer First Analysis (Equality and Diversity Implications) was attached at Appendix C to the report. Approval of the report was not deemed a key decision.
Reasons for Decision

It was a statutory requirement to set a Council Tax Base.

Alternative Options Considered and Reasons for Rejection

Failure to set a Council Tax Base was not an option.

Resolved

1) That the report be approved;

2) That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012, the amount calculated by the Council as its Council Tax Base for the financial year 2017/2018 be 20,197; and,

3) That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012, the amount calculated by the Council for its Council Tax Base for the Parish of Altham for the financial year 2017/2018 be 305.

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 allow the Development Management Development Plan Document to be submitted to the Secretary of State for independent examination.

308 Development Management Development Plan Document Submission (Regulation 22)

The Leader of the Council submitted a report advising Cabinet of the statutory consultation exercise held on the Development Management Development Plan Document (DM DPD) Publication version, and seeking approval of the ‘Council Response’ attached to the report to allow the Development Plan Document to be submitted to the Secretary of State for independent examination. A Customer First Analysis was also appended to the report. A separate report ‘Development Management Development Plan Document Publication – Representations and proposed Council Response was also attached to the Cabinet report. The Leader reported that representations received on ‘legal compliance’ of the Document had been withdrawn. Approval of the report was not deemed a key decision.

Reasons for Decision

1) The Development Management Development Plan Document formed an important part of the new Local Plan for Hyndburn and set out the more detailed planning policies to be used by Development Management Officers and Planning Committee in determining planning applications for the Borough. Once complete, the Document would sit alongside the Core Strategy and Accrington Area Action Plan, parts of the Local Plan already adopted by the Council in 2012. The Document would replace the majority of Local Plan (1996) Policies that remained extant.

At this stage of production, the Development Plan Document, comments/representations should only relate to the ‘legal compliance’ of the Document (with regards to the Town and Country Planning (Local Planning) (England) Regulations 2012, Duty to Co-operate and Procedural Requirements) or the ‘soundness’ of the Document. Table 1 of the Cabinet report provided a summary of the comments received, in relation to those two key tests. Table 2 of the Cabinet report provided a breakdown of the representations made in relation to the ‘soundness’ of the document.

Alternative Options Considered and Reasons for Rejection

The Development Management Development Plan Document had been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and as the preparation of the Document had to be in accordance with the legal framework, there were no alternative options for its preparation.

Resolved

1) That the number of representations received to the Publication Development Management Development Plan Document and the summary of the main issues raised be noted; and,

2) That the Development Management Development Plan Document Publication Version and the proposed ‘Council Response’ be approved for submission to the Secretary of State.

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 be able to produce a masterplan and financial viability appraisal and delivery strategy within the required timescale.

Huncoat Housing Zone / Garden Village

The Leader of the Council submitted a report on the Government’s recent decision to grant Huncoat Housing Zone status as part of the Pennine Lancashire Housing Zone. A Plan showing the proposed Housing Zone Study Area was appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

1) Huncoat Village and surrounding area was subject to strategic housing and employment land allocations within the Hyndburn Core Strategy 2012, centred on the former colliery and power station sites. Those allocations, together with other land in the wider Huncoat area, provided a major opportunity for meeting the Borough’s future housing needs and economic growth.

2) It had been acknowledged and endorsed by the Department of Communities and Local Government to award Huncoat Housing Zone status as part of the Pennine Lancashire Housing Zone. Due to its strategic potential, Huncoat was also subject to an Expression of Interest to Government to become part of the Government’s Garden Village Programme.

3) Housing Zones are part of the government’s policy to accelerate new housing building on brownfield land with Government making available nationally £3 billion of recoverable investment funding for the private sector to build new homes. Housing Zone status for Huncoat gives the Council priority access to a £18 million Government fund to
undertake planning work and project management in order to bring the Huncoat Housing Zone to the point of delivery.

4) On 9th December 2016, the Council had submitted a bid totalling £374,000 to the Government’s Large Sites and Housing Zones Capacity Fund which would cover, in full, the technical studies and project management costs essential to accelerating growth in Huncoat through the production of a Masterplan and Financial Viability Appraisal and Delivery Strategy.

Alternative Options Considered and Reasons for Rejection

The Masterplan would be subject to option development that would probably comprise of three options, as follows:

a) Policy compliant scenario, based on existing Core Strategy allocations and policies (up to 800\(^1\) new homes).

b) A medium growth scenario (800 – 1,500 new homes).

c) A maximum growth option (1,500 – 2,000 new homes).

\(^1\)The current strategic housing site had capacity for circa 450 homes, however, the development of a further 150 homes on employment land would be policy compliant in order to help bring forward employment / development infrastructure.

Resolved

(1) That the recent decision of the Department of Communities and Local Government to award Huncoat Housing Zone status be noted and welcomed;

(2) That subject to resources, the production of a Masterplan which would be developed in consultation with residents for the proposed Housing Zone study area (Appendix 1 to the report), including a Financial Viability Appraisal and Delivery Strategy that would aim to unlock housing and employment land for development and at the same time provide a planning framework and spatial plan that maximised the place-making potential for Huncoat, be approved; and,

(3) That it be noted that Huncoat could make a major contribution towards the future housing growth in the Borough with the potential (under the maximum growth option referred to in Paragraph 4.1 of the report) for up to 2,000 new homes in the long term. That would be subject to the proposed Masterplan vision and emerging planning policy (the Local Plan).
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 enable the consultation exercise to be carried out within the prescribed timescale.

**310 Proposal to Designate a Private Landlord Selective Licensing Scheme (Parts of Accrington and Church)**

The Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary) submitted a report seeking agreement to consult all persons likely to be affected by the proposed selective licensing designation of parts of Accrington and Church. The draft consultation proposal to designate was appended to the report. Approval of the report was deemed a key decision.

**Reasons for Decision**

1) Hyndburn’s current selective licensing designation in parts of Accrington and Church would come to an end on 30th November 2017 and over the last 4-5 months, officers had been undertaking activity in connection with the draft consultation proposal to designate a private landlord selective licensing scheme in parts of Accrington and Church.

2) Preliminary pre consultation with members of Hyndburn’s Private Landlord Liaison Group had been carried out during August and September 2016 to gather initial views on the possibility of a further designation. Comments received had been taken into account in preparing the designation proposal.

3) Under Section 80 of the Housing Act 2004, local housing authorities had the power to designate either the whole or part of their district areas as subject to selective licensing, subject to two prerequisites. Firstly, housing authorities were required to have taken reasonable steps to consult persons likely to be affected by the designation and to consider any representations made in response. Secondly the Act required that the proposed licensing scheme must satisfy one or more of a number of specified statutory conditions set out in the Act.

4) The amended Department of Communities and Local Government Guidance on Selective licensing in the private rented sector extended the conditions for designation of selective licensing in England.

**Alternative Options Considered and Reasons for Rejection**

1) The draft designation proposal included an Option Appraisal that considered the alternative ‘tools’ available to the Council in addressing the standard of management in the private rented sector and the reasons why those alternatives had been rejected.

2) As part of the evidence base for presenting the case for the proposed designation, the report considered whether the current designation had succeeded, failed or needed additional time to meet the original objectives. It concluded that whilst progress had been made in improving and stabilising low housing demand in the designation area, a further designation was required in order to support ongoing activity to reduce low housing demand.

**Resolved** (1) That the draft consultation proposal to designate a private landlord selective licensing scheme in parts of Accrington and Church (as appended to the report) be approved;
(2) That it be noted that the selective licensing designation proposal was based on one ground under Part 3 of the Housing Act 2004, as follows:-

- That the area was, or was likely to become, an area of low housing demand; and,

- That making a designation would, when combined with other measures taken in the area by the local housing authority, or by other persons together with the local housing authority, contribute to the improvement of the social or economic conditions in the area – S80(3) (a) and (b).

(3) That consultation with all persons likely to be affected by the proposed selective licensing designation be authorised for a period of 12 weeks as set out in the draft Selective Licensing designation (see Appendix) in accordance with relevant Government guidance;

(4) That the Head of Regeneration and Housing be requested to report back to Cabinet at a later date with the outcome of the consultation to enable Cabinet to consider whether to make a selective licensing designation for parts of Accrington and Church (and if on the basis set out in the Appendix to the report or on a difference basis having regard to the outcome of the consultation);

(5) That it be noted that the proposed selective licensing designation was an extended area when compared to the existing designation for parts of Accrington and Church and included additional areas in West Accrington, Church, Spring Hill, Peel and the town centre (see map in the Appendix). That equated to approximately 1000 additional properties.; and,

(6) That a 60 Minute Briefing Session on the success, and benefits of the current selective licensing designation and the criteria for the proposed selective licensing designation be arranged for all Members of 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 enable a number of Hyndburn households to benefit from the installation of new central heating systems.

311 Department of Energy and Climate Change Central Heating Fund

The Portfolio Holder for Housing and Regeneration submitted a report seeking approval to enter into a Central Heating Fund Scheme Host Authority and Accountable Body Agreement with Blackburn with Darwen Borough Council to enable a number of Hyndburn households to benefit from the installation of new central heating systems. Approval of the report was not deemed a key decision.
Reasons for Decision

1) The combined Lancashire local authorities, including Blackpool and Blackburn with Darwen Councils, secured funding to install first time gas central heating systems to fuel poor households in Lancashire. The Central Heating Fund is subject to a Memorandum of Understanding between the Department of Energy and Climate Change and Blackburn with Darwen Council with the latter being both the Accountable Body and Host Authority for the Fund.

2) The Fund would pay for the installation of full gas central heating systems to eligible households where one does not currently exist and would normally comprise of a condensing gas boiler and one radiator in each habitable room based on the Chartered Institute of Building Services Engineer’s Guidelines.

3) Blackburn with Darwen Council had run a series of adverts and approximately 20 eligible households in Hyndburn responded to take up the assistance offered. However, for the central heating systems to be installed, Hyndburn Council would have to enter into a legal Agreement and indemnify Blackburn with Darwen against liabilities it might incur in its role as accountable body and host for administering the fund. The main potential risks for Hyndburn Council were set out in Paragraph 3.6 of the report but in order to mitigate the risks, the installation contract would be between the installer and the grant applicant and any claims for loss, etc., should be directed to the installer (contractor) and not Blackburn with Darwen Council and / or Hyndburn Borough Council.

Alternative Options Considered and Reasons for Rejection

1) Cabinet could decide not to enter into the Agreement with Blackburn with Darwen Council.

2) The report sought delegated authority to conclude the legal terms and enter into the Agreement with Blackburn with Darwen Council and therefore there were no alternative proposals presented.

Resolved

(1) That the opportunity for a number of Hyndburn households to benefit from new central heating systems via the Department of Energy and Climate Change Central Heating Fund be noted;

(2) That the financial and legal risks the Council was exposed to by entering into a Central Heating Fund Scheme Agreement with Blackburn and Darwen Borough Council, as described in Paragraph 3.6 of the report, be noted and acknowledged;

(3) That having considered the measures taken to significantly reduce the risk of any liability claims against Hyndburn Borough Council, authority be delegated to the Head of Regeneration and Housing to finalise terms of the Agreement following consultation with the Executive Director (Legal and Democratic Services), the Deputy Chief Executive and the Portfolio Holder for Housing and Regeneration; and,
(4) That subject to finalising terms of the Agreement, the Executive Director (Legal and Democratic Services) be authorised to finalise and execute the Agreement.

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.


On behalf of the Portfolio Holder for Resources (Councillor Gareth Molineux), the Leader of the Council submitted a report on the financial spending of the Council at the end of November 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 eight months of the year was £6,778,399 against a Budget of £7,254,198 leaving a positive variance of just over £475,000. The forecast spend for the year to 31st March 2017 was £10,758,000 against a budget of £11,283,000. A surplus of just under £524,000 by the end of the 2016/17 financial year was forecasted, making a Budget surplus of slightly more than 4.6% 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, Planning and Transportation and Regeneration and Property Service. 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 November 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.

Signed:………………………………………………

Date: …………………………………………………

Chair of the meeting
At which the minutes were confirmed