
CABINET

Wednesday, 6th December, 2017

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

In Attendance: Councillors Tony Dobson, Glen Harrison, Terry Hurn and Abdul Khan

242 Apologies for Absence

There were no apologies for absence.

243 Declarations of Interest and Dispensations

Councillor Paul Cox declared a disclosable pecuniary interest in the item relating to "Allotment Rental Charge 2019" and left the meeting prior to the determination of the item and took no part in the discussion or vote on that item. His interest arose due to him being a tenant on the Council's Milnshaw Allotment Site.

Councillor Paul Cox declared a personal interest in the item relating to "Hyndburn Homes - Review of Housing Stock Transfer Agreement". His interest arose due to him being one of the Council's representatives on the Hyndburn Homes Industrial and Provident Society Ltd Board.

There were no declarations of dispensations.

244 Minutes of Cabinet

The Minutes of the meeting of Cabinet held on 11th October 2017 were submitted for approval as a correct record.

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

245 Minutes of Boards, Panels and Working Groups

The Minutes of the following meetings were submitted:-

- a) Accrington Pals Centenary Commemorations Group - 5th September 2017
- b) Leader's Policy Development Board - 13th September 2017
- c) Regeneration and Housing Panel - 18th September 2017
- d) Cabinet Waste and Recycling Group - 19th September 2017

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

246 Reports of Cabinet Members

There were no reports.

247 Changes to Street Naming and Numbering Arrangements

The Leader of the Council (Councillor Miles Parkinson) submitted a report seeking approval for the transfer of the Council's street naming function to members and for consequential changes to the Council's scheme of delegation to officers to be made. The transfer involved the creation of a new Cabinet Committee (Street Naming) and the proposed terms of reference for the Committee were appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

- 1) The Council's street naming and numbering powers were contained within Sections 17 and 18 of the Public Health Act 1925 and as the powers were "executive powers", they fell within the remit of the Cabinet.
- 2) The transfer of the street naming function from officers to a newly created Cabinet Committee (Street Naming) would promote greater member involvement in the naming and renaming of the Borough's streets.
- 3) The more technical task of numbering and renumbering properties (and renaming individual properties) remained an officer function as currently street numbering could have a bearing on the efficiency of the postal and emergency services. That function was undertaken having regard to Royal Mail criteria and numbering conventions.

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

Resolved

- (1) That the terms of reference for the Cabinet Committee (Street Naming), as attached at Appendix 1 to the report, be agreed subject to the inclusion that a councillor nominated by the Leader of the main opposition group may attend; and,**
- (2) That the numbering and renumbering of properties (and renaming of individual properties) remain delegated to officers.**

248 Allotment Rental Charge 2019

The Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss) submitted a report seeking approval for a proposed increase in allotment rent charges from 1st January 2019. It was recommended that from 1st January 2019, the allotment rent charge be increased from 16p/m² annum to 18p/m² annum, that the minimum plot charge of £40.00pa and the charge for raised beds of £20.00pa both remain unchanged. The minimum plot charge was the amount below which the rent would not drop, regardless of plot size. The recommended increase represented an annual rent increase of 13% for 398 allotment tenants. 59 tenants would have their rent increased between 18p and £5.00pa, 292 between £5.00 and £10.00pa, 68 between £10.00 and £20.00pa and 12 greater than £20.00pa. 521 tenants would be completely unaffected. Approval of the report was deemed a key decision.

Reasons for Decision

- 1) During 2012, the Council had consulted with allotment tenants and 83% of those responding said that rent should be increased regularly in small amounts rather than a single large increase at irregular intervals.
- 2) The Council had a legal duty to notify existing allotment tenants 12 months in advance of a rent increase.
- 3) The Allotment Act 1950 stated that an authority may charge such rent as a tenant may “reasonably be expected to pay”. The recommended rental increase had taken account of the following factors:-
 - Comparison with other neighbouring authorities
 - Comparison with other local recreational activities
 - National Allotment Society Policy Document 103. Rents
 - Consultation with the Hyndburn Federation of Allotment.

Alternative Options Considered and Reasons for Rejection

- 1) No change. There was a continued need for the Council to provide staff time and revenue to manage and maintain the allotments. The proposed rent increase would support a self-sustaining allotments service. During the 2012 consultation with allotment tenants, an overwhelming majority of respondents (83%) had opted for smaller annual increases, rather than a single large increase at infrequent interval. The option had been discounted on the grounds that the allotment service showed a financial deficit in 2017/18.
- 2) Increase the minimum charge from £40.00pa to £45.00pa, leaving the area charge rate at 16p/m². Projected annual income £48,000. The option had been discounted on the grounds that the minimum rent was increased from £35.00 to £40.00 in 2018. In addition, the increased rent failed to contribute sufficient income towards making the allotment service self-financing.
- 3) Increase the area charge rate by 1p annum to 17p/m², leaving the minimum charge of £40.00pa unchanged. Projected annual income £48,000. The option had been discounted on the grounds that the increased rent failed to contribute sufficient income towards making the allotment service self-financing.
- 4) Increase the area charge rate by 1p annum to 17p/m² and increasing the minimum charge from £40.00pa to £42.50pa. Projected annual income £48,500. The option had been discounted on the grounds that the increased rent failed to contribute sufficient income towards making the allotment service self-financing
- 5) Increase the area charge rate by 3p per annum to 19p/m², leaving the minimum charge of £40.00pa unchanged. Projected annual income £51,400. The option had been discounted on the grounds of unreasonably high rent increase for those tenants with large plots.

The recommended option was reasonable to ensure that the allotment service became increasingly self-financing. The proposed increase for larger plots was kept to an absolute minimum. The recommended option did not place a disproportionate burden on those with small to medium sized plots

Resolved - That allotment rental charges be increased from 1st January 2019, as set out in Paragraph 3.1 of the report, allowing for the statutory notification period as noted in Paragraph 3.4 of the report.

249 Domestic Abuse Sanctuary Scheme - Procurement Rules Exemption

The Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary) submitted a report seeking the waiver of the Council's Contract Procedure Rules in respect of the purchase of a domestic abuse sanctuary scheme for people who had experienced domestic abuse. Approval of the report was not deemed a key decision.

Reasons for Decision

- 1) Lancashire County Council, in partnership with the 12 Lancashire district housing authorities, had been successful in securing an award of £1,353,100.99 across the county via a bid to the Department of Communities and Local Government to strengthen provision of domestic abuse services.
- 2) From the bid, Hyndburn had secured an allocation of £5,000.00 to support sanctuary measures to enable victims of domestic abuse to stay safe in their own homes. Sanctuary measures included physical security measures.
- 3) Hyndburn and Ribble Valley Outreach Team had managed and co-ordinated sanctuary scheme provision for victims of domestic abuse in Hyndburn since 2006, with the assistance of grant funding from the Council's homeless prevention fund.
- 4) It was proposed that Cabinet agree to waive the Council's Contract Procedure Rules to award the contract for the provision of the sanctuary scheme to Hyndburn and Ribble Valley Outreach Team without first testing the market. Appointing the Outreach Team to take on the additional work would maintain consistency and continuity of service delivery. It would build on existing service provision and would minimise set up costs, as the Outreach Team were already in situ. The additional funding was for 12 months only, so the proposed contract would be comparatively short. A procurement exercise could add to costs and would cause delay in commencing service provision.
- 5) A grant agreement between the Council and Hyndburn and Ribble Valley Outreach Team would specify the details of the services to be provided.

Alternative Options Considered and Reasons for Rejection

The Council could carry out a procurement exercise to choose a support provider in respect of the additional services, but that was not recommended for the reasons set out in Paragraph 3 of the report.

Resolved (1) That grant funding of £5,000.00 be accepted from Lancashire County Council to support sanctuary measures to enable victims of domestic abuse to stay safe in their own homes in the Borough and that authority be delegated to the Head of Regeneration and Housing to agree the terms of the relevant grant agreement;

- (2) That the Council's Contract Procedure Rules be waived in respect of the appointment of Hyndburn and Ribble Valley Outreach Team, for a period of 12 months to deliver, administer and co-ordinate the delivery of sanctuary measures to enable victims of domestic abuse to remain and stay safe in their own home for the reasons set out in Paragraph 3.4 of the report; and,
- (3) That the Head of Regeneration and Housing be delegated authority to agree the terms of the Council's agreement with Hyndburn and Ribble Valley Outreach Team, following consultation with the Portfolio Holder for Housing and Regeneration.

250 Scrutiny Report on Accrington Town Centre

The Chair of the Resources Overview and Scrutiny Committee (Councillor Abdul Khan) submitted a report relating to a short review of Town Centre viability and viability for Accrington which had recently been undertaken by the Committee. Approval of the report was not deemed a key decision.

The Portfolio Holder for Housing and Regeneration commented on the recommendations of the Resources Overview and Scrutiny Committee which were as follows:-

- (1) That Cabinet is commended for the welcome appointment of a Business and Marketing Co-ordinator for Accrington Town Centre.
- (2) That Cabinet be requested to carry out a review of the Market Hall Business Plan and improvements to the Outside Market be considered a priority by Cabinet.
- (3) That the following initiatives which were identified in the report received by the Committee be addressed support the future vitality of Accrington Town Centre:
 - Regular Programme of Events
 - Town Centre Wi-Fi
 - Faster Broadband
 - Reduction in Crime and Anti-Social Behaviour
 - Improve Marketing and Public Relations
- (4) That Cabinet be requested to consider the Access Audit Report for Accrington Town Centre commissioned by Hyndburn Disability Forum.

Reasons for Decision

Cabinet was the relevant body to receive the report.

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

Resolved

- That the recommendations of the Resources Overview and Scrutiny Committee be noted and acted on wherever possible and the Committee be informed accordingly.

251 Veterans in Hyndburn

The Chair of the Communities and Wellbeing Overview and Scrutiny Committee (Councillor Glen Harrison) submitted a report relating to a review of Veterans Association UK, with a focus on its work in Hyndburn, which had recently been undertaken by the Committee. Approval of the report was not deemed a key decision.

The Portfolio Holder for Housing and Regeneration commented on the recommendations of the Communities and Wellbeing Overview and Scrutiny Committee which were as follows:-

- (1) That Cabinet promotes the support available for Veterans in this Borough through its website and through social media.
- (2) That Cabinet agrees to provide a letter of support for future external funding applications submitted by Veterans Association UK where that project will benefit Hyndburn residents, and that Cabinet considers providing match funding where required on a case by case basis.
- (3) That Cabinet commends the support provided by Hyndburn Homes when it comes to housing veterans and encourages other social housing providers in Hyndburn to take a similar approach.
- (4) That Cabinet considers introducing a policy whereby veterans receive appropriate prioritisation for relevant Council services, such as Disabled Facilities Grants where this can be done lawfully and in accordance with grant rules.
- (5) That Cabinet considers providing funding to enable Veterans Association UK to continue to operate out of Accrington Market Hall after July 2018.

Reasons for Decision

Cabinet was the relevant body to receive the report.

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

Resolved - **That the recommendations of the Communities and Wellbeing Overview and Scrutiny Committee be noted and acted on wherever possible and the Committee be informed accordingly.**

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.

252 Prudential Indicators Monitoring and Treasury Management Strategy Update

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted an update report on activities relating to Prudential Indicators Monitoring and the Treasury Management Strategy since the start of the financial year 2017/18. The Council was required to set prudential indicators annually for the forthcoming three years to demonstrate that its capital investment plans were affordable, prudent and sustainable. The current prudential indicators had been adopted by Council in February 2017. The Prudential Code required the Council, having agreed at least a minimum number of mandatory prudential

indicators (including limits and statements), to monitor them in a locally determined format and frequency. The monitoring information for each of the prudential indicators, limits and statements was set out in Appendix 1 to the report. The half-year report to Cabinet complemented a more regular review by the Deputy Chief Executive. The indicators were purely for internal use and were not designed to be used as comparators between authorities. Treasury Management related to the borrowing and cash activities of the authority and the effective management of any associated risks. The current Treasury Management Strategy had been approved by Council in February 2017 in accordance with the CIPFA Code of Practice for Treasury Management in Public Services. Approval of the report was not deemed a key decision.

Reasons for Decision

To meet the requirements of the Prudential Code for Capital Finance in Local Authorities and the CIPFA Code of Practice on Treasury Management in Public Services.

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 ensure the latest up to date information was included in the report.

253 Capital Spend Report 2017-18

The Portfolio Holder for Resources submitted a progress report on the 2017/18 Capital Programme which had been approved by Council on 23rd February 2017 and then subsequently increased upon the authorisation of the carry forward of projects from the previous year and a variety of in-year new authorisations using existing internal funds or new external funding. The Programme had been determined in line with previous decisions to fund capital expenditure from existing resources and to avoid borrowing to finance capital expenditure. The total value of the spend authorised in February 2017 was £9.3m which had been increased to £12.01m with the carry forward projects. The predicted outturn to the end of the financial year was £7.2m and only two projects were currently indicating an adverse variance against their budget. The major adverse variance against budget related to Rhyddings Park. Details of individual project budgets and spend to date was provided at Appendix 1 to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

To update Cabinet on the progress of the 2017/18 Capital Programme.

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

Resolved - **That the progress on capital expenditure to date 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 ensure the latest up to date information was included in the report.

254 Financial Position September 2017-18 - Report for Year Ending 31st March 2018

The Portfolio Holder for Resources submitted a report on the financial spending of the Council up to the end of September 2017 and the financial forecast outturn position for the Accounting Year 2017/18. The financial detail of the report was shown as a table at the end of the report. Spend for the first six months of the financial year was £5,122,356 compared to a Budget of £5,332,317 giving a positive variance of £209,000. The current forecast spend to the end of the financial year in March 2018 was £11,078,000 compared to a Budget of £11,197,000. That forecast produced a positive variance of £119,000. The main areas of financial pressure were Parks and Cemeteries and Regeneration and Property Services. 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 September 2017 and the prediction of the outturn position to the end of the financial year in March 2018.

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

Resolved - **That the report be noted and Corporate Management Team be asked to look to reduce costs and increase income over the remainder of the year to improve the Council's overall financial position.**

255 Exclusion of the Public

Recommended - **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 proceedings that there would otherwise be disclosure of exempt information within the Paragraph 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 to negotiate and enable the review within the timescale allowed.

256 Hyndburn Homes - Review of Housing Stock Transfer Agreement

(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 delegated authority to negotiate and review the terms of the Housing Stock Transfer Agreement. 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 Head of Regeneration and Housing be delegated authority to negotiate and revise the Housing Stock Transfer Agreement, in consultation with the Deputy Chief Executive and the Executive Director (Legal and Democratic Services), and following consultation with the Leader of the Council and the Portfolio Holder for Housing and Regeneration.**

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 deliver the Commission within the timescale available.

257 Living History: East Lancashire Service Personnel who Served in the Great War

(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 a report seeking authorisation to commission the development of an interactive history of soldiers, seamen and airmen who served during the Great War from East Lancashire. 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 allocation of funding up to the amount identified in the report from past underspends to commission the production of the interactive facility be approved;**
 - (2) That the Deputy Chief Executive be authorised to enter into a contract with the source identified in the report for the delivery of the commission; and,**
 - (3) That in order to seek tenders for the work, the Council's Contract Procedure Rules be waived on the grounds that the source identified in the report was uniquely placed to produce the commission.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed