
CABINET

Wednesday, 3rd June, 2015

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

Apologies Munsif Dad

20 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

21 Minutes of Cabinet - 11th March 2015

The Minutes of the meeting of Cabinet held on 11th March 2015 were submitted for approval as a correct record.

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

22 Minutes of Boards, Panels and Working Groups

The Minutes of the following meetings were submitted:-

- (a) Learning and Development Panel - 3rd March 2015
- (b) Cabinet Public Transport Group - 12th March 2015

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

23 Reports of Cabinet Members

The Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss) referred to Minute 305 of the meeting of Cabinet held on 3rd December 2014 (Huncoat War Memorial) and reported that consultations had taken place in regard to the relocation of the Huncoat War Memorial. The outcome of the consultations had resulted in the proposal being placed on hold and the Portfolio Holder indicated that the Council would be happy to reconsider the matter should any organisation come forward with future location and funding ideas.

24 Appointment of Cabinet Groups

The Leader of the Council (Councillor Miles Parkinson) submitted a report proposing the establishment and membership of the following Cabinet Groups:-

- (a) Cabinet Waste and Recycling Group
- (b) Cabinet Public Transport Group
- (c) Accrington Pals Centenary Commemorations Group

- (d) Cabinet Committee (Scrap Metal Dealers Act 2013)

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) to (c) above, acted in an advisory capacity to Cabinet and did not have any delegated or decision making powers. The Cabinet Committee referred to at (d) 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 establishment of the Cabinet Waste and Recycling Group, the Cabinet Public Transport Group, the Accrington Pals Centenary Commemorations Group and the Cabinet Committee (Scrap Metal Dealers Act 2013) be approved, with the terms of reference set out in the appendix to the report; and,**
 - (2) That the membership of the above Groups, as set out in Paragraph 3.5 of the report, be approved.**

25 Hyndburn's Community Safety Partnership Plan 2014/15 and Lancashire Community Safety Agreement 2014/15

The Portfolio Holder for Health and Communities (Councillor Munsif Dad) submitted a report on the Hyndburn Community Safety Partnership's priorities, together with an update on the Lancashire Community Safety Agreement 2014/16. Approval of the report was not deemed a key decision.

Reasons for Decision

(1) The Lancashire Community Safety Agreement 2014-16 was developed by Lancashire County Council's Community Safety Team and endorsed by the Lancashire Community Safety Strategy Group. It set out key county-wide issues, community safety strategic activity and outcomes. It had been suggested that the Agreement (Appendix A to the report) be considered by each partner organisation as part of their respective democratic process.

(2) The Hyndburn Community Safety Partnership Steering Group wanted the Partnership Plan to be focused and concentrated on partnership activity and that was reflected in Appendix B to the report and showed what actions the Partnership was undertaking to address Hyndburn's priorities.

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

- Resolved** - **That the priorities identified by Hyndburn's Community Safety Partnership be endorsed and the actions set out in that Partnership's Plan be welcomed.**

26 Refundable Allotment Deposit

The Portfolio Holder for Education, Leisure and Arts submitted a report seeking approval for the implementation of a refundable allotment deposit for all new allotment tenancy agreements. The provisions for the allotment deposit scheme were set out in Section 3.5 of the report. The scheme would apply to new allotment tenants only and would not be applied retrospectively to existing tenants. Approval of the report was not deemed a key decision.

Reasons for Decision

(1) A trawl of the internet had shown that a number of other Councils had introduced a repayable allotment deposit scheme. In each case the deposit was levied at the onset of the tenancy agreement and was repayable upon termination of the tenancy, on provision that the allotment plot was passed back to the local authority in reasonable condition in accordance with the tenancy agreement.

(2) The cost of removing waste from allotment plots during 2014/15 was £2,600. It was not expected that the deposit scheme would fully recover the cost of waste removal but its implementation would act as a deterrent.

Alternative Options Considered and Reasons for Rejection

(1) The Council does not levy an allotment deposit and the existing system continue to be applied. The current tenancy agreement had a provision for recovering costs incurred by the Council where the tenant was in default of the tenancy agreement. The officer time chasing the outgoing tenant for a small cost in the majority of cases outweighed the remediation costs. Setting up a deposit scheme resolved that issue. The Council would continue to use the tenancy agreement to recover large remediation costs where appropriate.

(2) The scheme was applied to all tenants new and existing. The scheme would be extremely difficult to apply retrospectively to existing tenants without causing harm and upset. In many cases it was difficult to prove who was responsible for the waste material, which might have been deposited by a prior tenant several years previously. The application of the scheme to new tenants only would ensure that the allotment deposit would be in place for a majority of tenants over a period of several years due to natural allotment turnover.

(3) The deposit set at a standard amount. The report suggested that the deposit was set at a level equivalent to the first years rent. The amount was therefore variable depending on the size of the allotment plot selected by the incoming tenant, and therefore according to affordability to the tenant. Setting the value in line with allotment rents ensured that the deposit increased at the same rate as the increments in allotment rents and was therefore consistent with the increased cost of waste removal. It was recognised that the deposit was a set amount at the start of the tenancy, the value of which would decrease each year due to inflation.

Resolved (1) **That the Chief Planning and Transportation Officer be authorised to introduce an ‘allotment deposit’ scheme for all new allotment tenancy agreements in accordance with the provisions set out in Section 3.5 of the report; and,**

- (2) That the Chief Planning and Transportation Officer, in consultation with the Executive Director (Legal and Democratic Services) be delegated authority to amend the Allotment Tenancy Agreement for all new allotment tenancies, incorporating the terms and conditions of the allotment deposit scheme in accordance with the provisions set out in Section 3.5 of the report.

27 Domestic Abuse Services - Procurement Rules

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 domestic abuse support services to enhance the domestic abuse safe house provision in Hyndburn. 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, has been successful in securing £751,580 in revenue funding across the County via a bid to the Department of Communities and Local Government for 'funding to strengthen accommodation based domestic abuse service provision'. Through the bid, Hyndburn had secured an allocation of £57,865 to assist in the enhancement of the domestic abuse safe house provision in the Borough.

(2) Hyndburn currently had one safe house that accommodated two households in eight bedspaces. The additional funding would enable the provision of further dedicated, specialist staff to raise the standard of support in the safe house (including the provision of support for children and young people) and would allow support to be given to victims with more complex needs. It would also be possible to increase capacity by the creation of a further safe house.

(3) Hyndburn and Ribble Valley Domestic Abuse Service already provided support services to women and children in Hyndburn's existing safe house, alongside other specialist domestic abuse services in the Borough, including Independent Domestic Violence Advocates, Outreach Services and Therapeutic Support.

Alternative Options Considered and Reasons for Rejection

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

Resolved (1) That grant funding of £57,865.00 be accepted from Lancashire County Council to enhance domestic abuse support services in the Borough and 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 Domestic Abuse Service to provide an enhanced level of support to Hyndburn's safe houses for a 12 month period for the reasons set out in Section 3 of the report; and,
- (3) That authority be delegated to the Head of Regeneration and Housing, in consultation with the Portfolio Holder for Housing and Regeneration Services, to agree the terms of the Council's agreement with Hyndburn and Ribble Valley Domestic Abuse Service.

28 Hyndburn Selective Licensing Scheme - 2 Year Review

The Portfolio Holder for Housing and Regeneration submitted a report on the Selective Licensing Scheme Second Year Review. The Second Year Review 2012/14 was appended to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

Following the two year anniversary of the introduction of selective licensing in the Borough and in accordance with the original designation report, a two year review had recently been undertaken. The review recognised that selective licensing was part of a larger vision and strategy to improve the housing market in the Borough.

Alternative Options Considered and Reasons for Rejection

A decision not to monitor and review the selective licensing designation would conflict with the commitment given in the designation report and the opportunity to determine the effectiveness of the scheme would be missed.

Resolved - **That the Hyndburn Selective Licensing Scheme - Year 2 Review 2012-2014, as presented and attached to the report, be approved.**

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.

29 Financial Position 2015/16 - Report to End of April 2015

The Portfolio Holder for Resources submitted a report on the financial spending of the Council at the end of April 2015 and the prediction of the outturn position to the end of the financial year in March 2016. The financial detail of the report was appended to the report. The spend against Budget in the first month of the year was £705,643 against a Budget of £709,931 leaving a positive variance of just over £4,000. The forecast spend for the year to 31st March 2016 was £11,479,000 against a budget of £11,489,000. A surplus of £10,000 by the end of the 2015/16 financial year was forecasted, making a Budget surplus of almost 0.1% on the overall activities of the Council. There were small overspends in Environmental Health, Planning and Transportation and Parks and Open Spaces. Regeneration and Property Services was predicting a large adverse variance of almost £80,000. However, savings across other Budget areas outstripped those negative

variances and the current prediction was for a small overall surplus of £10,000 by the end of the financial year.

Reasons for Decision

To inform Cabinet of the financial spending of the Council at the end of April 2015 and the prediction of the outturn position to the end of the financial year in March 2016.

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

Resolved - That the report be noted and Corporate Management Team asked to continue to identify savings and generate a surplus on the 2015/16 Budget to assist with future potential financial pressures on the Council.

30 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 item, when it was likely in view of the nature of the proceedings that there would otherwise be disclosure of exempt information within the Paragraph of Schedule 12A of the Act specified at the item.

31 Report of Urgent Cabinet Decision - Sale of Land at Altham Industrial Estate

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 copy of an exempt signed Urgent Cabinet Decision form and accompanying exempt report relating to the use of the Urgent Cabinet Decision Procedure in respect of the Proposed Sale of Council-Owned Land at Altham Industrial Estate. Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt decision form and accompanying exempt report.

Alternative Options Considered and Reasons for Rejection

The Council was not obliged to agree to the sale, but if the land was retained the Council would forgo the Capital receipt.

Resolved - That the use of the Urgent Cabinet Decision Procedure be noted.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed