

# Public Document Pack

---

## CABINET

---

**Wednesday, 6th June, 2018**

**Present:** Councillor Miles Parkinson (in the Chair), Councillors Clare Cleary, Munsif Dad and Joyce Plummer

**In Attendance:** Councillors Tony Dobson, Lisa Allen, Eamonn Higgins and June Harrison

**Apologies:** Paul Cox and Gareth Molineux

---

### **19 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Paul Cox and Gareth Molineux.

### **20 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

### **21 Minutes of Cabinet**

The Minutes of the meeting of Cabinet held on 21<sup>st</sup> March 2018 were submitted for approval as a correct record.

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

### **22 Minutes of Boards, Panels and Working Groups**

The Minutes of the Regeneration and Housing Panel held on 12<sup>th</sup> March 2018 were submitted for noting.

The Leader of the Conservative Group referred to concerns relating to the town centre improvements and damage caused. He also requested an update on the Private Landlord Selective Licensing scheme. The Leader of the Council explained that normal snagging issues would be resolved on completion of the works and pointed out that the aim of the improvements was to raise the profile of Accrington. The Head of Regeneration and Housing provided an update on the Private Landlord Selective Licensing Scheme.

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

### **23 Report of Urgent Cabinet Decision - Lancashire Syrian Resettlement Programme - Request for Procurement Rules Exemption**

A report was submitted for noting relating to the use of the Urgent Cabinet Decision Procedure to waive the Council's Contract Procedure Rules in respect of the purchase of case work support as required for the Syrian Resettlement Programme implementation in Hyndburn.

**Resolved** - **That the Urgent Cabinet Decision be noted.**

## **24 Reports of Cabinet Members**

There were no reports.

## **25 Onward Homes Presentation**

Alastair Cooper, Executive Director – Operations and Dave Mayner, Regional Director, Lancashire, Onward, gave a presentation to Committee on the newly formed organisation. They explained that Onward had been established in April 2018 and had brought together five housing associations under one simple group structure which had included Hyndburn Homes.

They reported that 11% of their housing stock would be situated in Hyndburn and that their aim was to make a positive difference to the community it served. They outlined their ambitions for the next 5 years and referred to the bespoke action plans for each neighbourhood and the investment intended for the area. In addition he pointed out that the Onward Contact Centre would be situated in Accrington.

The Leader of the Council welcomed the presentation and the jobs created by Onward Contact Centre being situated in Accrington.

**Resolved** - **That the presentation be noted.**

## **26 Appointment of Cabinet Committee and Cabinet Group**

The Leader of the Council (Councillor Miles Parkinson) submitted a report to confirm the establishment of Cabinet Committees and Cabinet Groups for the 2018/19 Municipal Year and to appoint members to the following Committees and Groups:

- a) Cabinet Committee (Scrap Metal Dealers Act 2013)
- b) Cabinet Committee (Street Naming)
- c) Cabinet Committee (Digital Economy)
- d) Accrington Pals Centenary Commemorations Group
- e) Cabinet Public Transport Group
- f) Cabinet Waste and Recycling Group

The Terms of Reference for the Cabinet Committees and Groups were appended to the report. Approval of the report was not deemed a key decision.

### *Reasons for Decision*

The Cabinet Committees referred to at (a) and (b) were previously established to enable compliance with statutory requirements and discharge the Council's functions in respect of the naming and renaming of streets, respectively. The Cabinet Committee (Digital Committee) will be established to provide a forum for Cabinet to consider the impact of the digital economy on the Borough and its town centres in particular. The three Cabinet Groups act in an advisory capacity to Cabinet and do not have any delegated or decision making powers.

### *Alternative Options Considered and Reasons for Rejection*

None were considered, although Cabinet could decide not to appoint any of the proposed panels and groups if it wished.

**Resolved**

- (1) That the establishment of the Cabinet Committees and Cabinet Groups with the terms of reference, as set out in the appendix to the report, be approved;**
- (2) That the membership of the Cabinet Committees and Cabinet Groups, as set out in the report be approved.**

## **27 Revised Statement of Community Involvement/Revised Local Development Scheme**

The Leader of the Council submitted a report presenting two updated documents: a draft revised Statement of Community Involvement; and a draft revised Local Development Scheme, for consideration and approval. Both are documents which the Council must produce in relation to its planning functions and relate to the processes rather than the content of Local Plans.

The draft Statement of Community Involvement updates the version adopted in September 2006 and sets out how and when the Council would engage local communities in producing the Local Plan and in determining planning applications. It has been updated to reflect changes since adoption in relation to legislation, regulations, and guidance. The revised Local Development Scheme set out an up to date timetable for the production of documents within, and associated to, the Development Plan, otherwise referred to as the Local Plan.

Approval of the report was not deemed a key decision.

*Reasons for Decision*

### **Statement of Community Involvement**

The Council has a duty to prepare a Statement of Community Involvement (SCI). Structures and resources available to the Council to undertake engagement have changed significantly since the SCI was first adopted in 2006. For example, staff resources have reduced and area committees (a local forum which would have facilitated engagement) have ceased. In addition there has been considerable growth in the use of social media, and this should be reflected as an appropriate medium for publicising and enabling engagement. All of the above have rendered the current SCI out of date. They are all addressed in the updated SCI which is attached for consideration. When adopted, the SCI will guide engagement in both processes of plan making and determination of planning applications and will ensure that the Council fulfils the new requirement to update it at least every five years.

### **Local Development Scheme**

The Council also has a duty to prepare a Local Development Scheme (LDS) which must publicise the intended timetable for producing the Local Plan. The Council's last LDS was published in October 2015, covering the period of plan preparation up to October 2018. This revised LDS presents the intentions of the Council to progress (and complete) the Local Plan over the period 2018-2021.

## Summary

Both the SCI and LDS are documents to which an inspector would look at examination in assessing the soundness of plan documents to ensure that the relevant procedural and legal requirements had been met. Inspectors may also consider the SCI at planning appeals to ensure that Council has discharged its engagement and consultation functions appropriately.

Both documents would be monitored and reviewed in the light of any further changes and any requirements to keep them up to date.

### *Alternative Options Considered and Reasons for Rejection*

The only alternative option would be not to adopt the updated SCI and LDS and rely on the previous versions. However this is not a realistic option for various reasons. The adopted SCI would not be up to date in terms of reflecting current legislation, guidance and regulations. Furthermore it would not comply with the new requirement that it be reviewed every five years. There are significant inherent risks in not having an up to date SCI or LDS which could impact on the tests of soundness when a plan is examined.

### **Resolved**

- (1) That the new approach in relation to public engagement as set out in the Statement of Community Involvement for the purposes of engaging the local communities in producing the Hyndburn Local Plan and determining planning applications be noted.**
- (2) That the timescales for preparation of the documents which would make up the Hyndburn Local Plan (2018-2021) as set out in the attached Local Development Scheme be noted; and**
- (3) That the content of the Statement of Community Involvement and the Local Development Scheme (subject to inclusion of the timings of the Huncoat masterplan work in the Hyndburn Local Plan timeline 2018-2021) once agreed be approved.**

## **28 Peel Park Local Nature Reserve - Additional Land**

The Leader of the Council submitted a report on the addition of the following land, recently purchased by the Council, being added to the Peel Park Local Nature Reserve (LNR) declaration; land lying between Peel Park to the north and Arden Hall/Plantation Road to the south (to be known as Pleck Meadow for project development purposes). Reference was made to map 1 for the location and boundaries and appendix 1 for a summary of the characteristics of the land.

Approval of the report was not deemed a key decision.

### *Reasons for Decision*

The proposal was intended to complement the Council's very positive work at Peel Park on enhancing public recreation and the Local Nature Reserve and to promote opportunities for enhancement including improving the visual quality of Peel Park, access networks and habitat value.

The Council had resolved to declare Local Nature Reserves at Peel Park and Woodnook Vale. The final stages of the declaration processes were underway, including a celebration event being planned for July 2018.

Bringing the land known as Pleck Meadow into public ownership would fill a significant gap and enable an enhancement programme to be developed over time.

Peel Park LNR, especially with the addition of the Pleck Meadow land, would be the largest Local Nature Reserve in Lancashire by far.

Over the coming 2-3 years, a project development process would be progressed to evolve an enhancement and grant bidding programme. This would include sessions for local involvement and consultation and a project group.

#### *Alternative Options Considered and Reasons for Rejection*

The decision could be taken not to include this land in the LNR declaration. This option was not recommended as it would fail to fully realise a great opportunity to unify the public and habitat resources as enabled by the recent successful land purchase.

#### **Resolved**

- (1) That it be approved to include the land known as Pleck Meadow in the formal declaration of Local Nature Reserve status (LNR) for Peel Park, Accrington, pursuant to Part III, Section 19 & 21 of the National Parks and Access to the Countryside Act 1949 (as amended); and**
- (2) That authority be delegated to the Chief Planning and Transportation Officer to include the land known as Pleck Meadow in completion of the declaration processes, as agreed at Cabinet in August 2017.**

## **29 Allotment Rental Charge 2020 and 2021**

The Portfolio Holder for Education, Leisure and Arts submitted a report seeking approval for a proposed increase in allotment rent charges from the 1<sup>st</sup> January 2020 and 1<sup>st</sup> January 2021.

Approval of the report was deemed a key decision.

#### *Reasons for Decision*

The Council has operated the allotments at a financial loss each year. The proposed rent increase will continue the ongoing process of small annual increments to ensure that the allotments become cost neutral 2020 onwards.

#### *Alternative Options Considered and Reasons for Rejection*

No change. The allotment service would be underfunded resulting in the need to achieve cost savings and the allotment service would be reduced in its ability to undertake its function in compliance with the allotment tenancy agreement.

There are no other reasonable alternatives, the service must achieve cost neutrality in order to provide the present cost effective and efficient service. It is not reasonable for the Council to achieve a budget deficit year on year, the cost of which is met through cross subsidy by other services.

The recommended option is reasonable to ensure that the Allotment Service become self-financing.

**Resolved** - **That the revised allotment rent charges from 1<sup>st</sup> January 2020 and 1<sup>st</sup> January 2021, as set out in the report, allowing for the statutory notification period, be approved.**

### **30 Data Protection Update**

The Portfolio Holder for Resources submitted a report for approval outlining the proposed new Data Protection Policy together with a number of associated procedure and guidance documents, as part of the Council's response to the General Data Protection Regulations, which came into force in the United Kingdom on 25<sup>th</sup> May 2018.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

The Council's existing data protection policy dates from 2010 and is now out of date. A proposed new policy is attached which takes account of the GDPR and Information Commission good practice guidance. The policy confirms the Council's approach to data protection and GDPR compliance and sets out the responsibilities of the Data Protection Officer, service managers and employees in ensuring the Council continues to act lawfully.

#### *Alternative Options Considered and Reasons for Rejection*

The Council is required by law to comply with the GDPR and the law requires the Council to have certain policies and procedures in place in order to demonstrate its compliance with the new legislation. The Council is therefore strongly advised to have a data protection policy and procedures for dealing with issues like data breaches, subject access requests and privacy impact assessments.

**Resolved**

- (1) That the Data Protection Policy attached at Appendix 1 to the report be approved;**
- (2) That authority be delegated to the Executive Director (Legal & Democratic Services), in her capacity as the Council's Data Protection Officer, to amend the Data Protection Policy and its associated procedures and guidance from time to time to take account of legislative changes and Information Commission guidance; and**
- (3) That progress made in respect of the GDPR action plan attached to Appendix 2 of 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.*

### **31 Financial Position 2017/18 - Report for the Year Ending 31st March 2018**

The Portfolio Holder for Resources submitted a report to inform Cabinet of the financial spending of the Council for the Accounting Year 2017/18.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

To inform Cabinet of the up to date financial position of the Council in respect of financial spending for the Accounting Year 2017/18.

#### *Alternative Options Considered and Reasons for Rejection*

Not applicable.

**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.*

### **32 Financial Position 2017/18 Capital Year End Outturn Report**

The Portfolio Holder for Resources submitted a report to inform Cabinet of the financial spend on Capital Projects during 2017/18. The full detail of expenditure is shown at Appendix 1 and the proposed list of changes to the 2018/19 Capital Programme is shown at Appendix 2. These will be funded from the amounts not spent but authorised in 2017/18.

Approval of the report was not deemed a key decision.

#### *Reasons for Decision*

To inform Cabinet of the up to date financial position of the Council in respect of the financial spend on capital projects during 2017/18.

#### *Alternative Options Considered and Reasons for Rejection*

Not applicable.

**Resolved** - **That the report be noted.**

### **33 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 business to be transacted, or**

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 item.

#### **34 Hyndburn Arts Ltd Financial Loan**

*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 Cabinet approval for a loan to be made to Hyndburn Arts Ltd.

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 loan to Hyndburn Arts Limited on the terms set out in the report be approved.

#### **35 Report of Urgent Cabinet Decision - Phase 4, Town Hall Improvement Programme**

*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 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 Phase 4, Town Hall Improvement Programme. 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 alternative options considered and reasons for rejection were set out in the exempt report.

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



**36 Report of Urgent Cabinet Decision - Admission Agreement - Lancashire County Pension Fund**

*Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 1 – Relating to any individual))*

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 Admission Agreement – Lancashire Count Pension Fund. 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 alternative options considered and reasons for rejection were set out in the exempt report.

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

**37 Film Project and Equipment Hire for a Creative Video Projection on Accrington Market 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 Regeneration and Housing submitted a report on the Film Project and equipment hire for a creative video projection on Accrington Market Hall. 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 alternative options considered and reasons for rejection were set out in the exempt report.

**Resolved**

- (1) That the Council's contract procedure rules be waived and Illuminos appointed to create and project a film on Accrington Market Hall on Sunday 11th November 2018 as set out in the report;**
- (2) That authority be delegated to the Head of Regeneration and Housing, in consultation with the Portfolio Holder for Regeneration and Housing, to agree and finalise terms with Illuminos.**

*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 that the information contained in the report was not available by the publication deadline.*

**38 Proposed Disposal of the Miller Fold Site, Accrington**

*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 Regeneration and Housing submitted a copy of an exempt report seeking Cabinet's approval in respect of the proposed disposal of the Miller Fold site. 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 alternative options considered and reasons for rejection were set out in the exempt report.

**Resolved** - **That the recommendations as set out in the report be approved.**

Signed:.....

Date: .....

Chair of the meeting  
At which the minutes were confirmed