

CABINET

Wednesday, 29th August, 2018

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

In Attendance: Councillors Tony Dobson and Lisa Allen

Apologies: Gareth Molineux

98 Apologies for Absence

An apology for absence was submitted on behalf of Councillor Gareth Molineux.

99 Declarations of Interest and Dispensations

There were no interests or dispensations declared at the meeting.

100 Minutes of Cabinet

The Minutes of the meeting of Cabinet held on 18th July 2018 were submitted for approval as a correct record.

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

101 Minutes of Boards, Panels and Working Groups

The Minutes of the Local Plan Member Working Group held on 2nd July 2018 were submitted for noting.

Resolved - That the Minutes be received and noted.

102 Reports of Cabinet Members

There were no reports.

103 Black Abbey Street Urgent Variation of Christ Church Conservation Area

The report was withdrawn.

104 The Development of a Policy Framework for Pavement Cafés and the Display of Goods on Pavements

The Leader of the Council (Councillor Miles Parkinson) submitted a report seeking approval to develop a policy framework for the management of pavement cafes/outdoor eating (in association with existing cafes and restaurants) and the use of pavements for other activities in Hyndburn.

Approval of the report was deemed a key decision.

Reasons for Decision

There has been a steady reduction in the number of national retailers, banks and building societies in Accrington town centre and an increase in the number of vacant stores, charity shops and discount stores.

There have been a number of significant developments that have helped to increase the number of people in Accrington Town Centre and make it more attractive for business and there is a continuing need to explore and develop ways of attracting people and businesses into Accrington. Possessing a diversity of uses is also recognised as a means of attracting people into town centres and recent reports suggest that improved performance in some high streets is being driven by the presence of an inventive food and drink sector, such as street food and markets. A positive policy framework would encourage, and reduce barriers, for those seeking to develop their food and drink establishments in the town centre – pavement Cafes.

Alternative Options Considered and Reasons for Rejection

No action. At present the Council does not have a policy in relation to pavement cafes/display of goods on pavements. It is therefore unclear what someone seeking to develop a pavement café would need to consider or submit to the Council (if anything).

Resolved

- (1) That a policy framework be developed for the operation of Pavement cafes and the use of pavements for other activities (such as the display of goods) on pavements in Hyndburn, and in particular Accrington Town Centre;**
- (2) That the policy framework be developed in consultation with relevant stakeholders including town centre businesses, Lancashire County Council and the Town Team before being presented to Cabinet for approval;**
- (3) That the policy framework be accompanied by guidance for applicants on how to apply for a licence to operate a pavement café and what information they need to submit and details of model conditions that might be considered necessary on any licence granted; and**
- (4) That the policy framework be accompanied by a schedule of fees that will set out the initial cost of managing an application and the annual cost associated with renewal of licence.**

105 The Waste (England and Wales) Regulations 2011 (Amended 2012) Review of Waste Collection Arrangements

The Deputy Leader of the Council (Councillor Paul Cox) submitted a report to advise Members on the implications of the Waste (England and Wales) Regulations 2011, (amended 2012) and the outcome of the Technically Environmentally, and Economically Practicable, (TEEP) test on the Council's new collection arrangements for certain recyclable materials (paper and card, glass, metals and plastics).

Approval of the report was not deemed a key decision.

Reasons for Decision

The Waste (England and Wales) Regulations 2011 (Amended 2012) are designed to implement the requirements of the EU Waste Framework Directive, Article 4, which relates to the handling and processing of certain recyclable materials. The aim is to ensure that materials collected as recyclables are recycled and not disposed of in another way. The Directive is therefore concerned with the quality of materials collected and the ability of material reprocessors to sort materials and provide high quality materials for subsequent closed loop recycling.

Waste Collection Authorities will need to consider their collection arrangements against these requirements. The regulations do not prohibit commingled collections, rather they establish separate collections as the default position and it is for the WCAs to demonstrate that separate collections are not necessary or practicable.

The regulations are about improving the quantity and quality of the material collected and the ability of reprocessors to sort materials and provide high quality materials for closed loop recycling.

If separate collection of a material fails any one of the technically, environmentally and economically practicable tests then it will be deemed to not have met the Practicability (TEEP) Test. The Council has substantially changed its method of collecting domestic recycling and undertaken a new TEEP assessment. A review of the Council's waste collection arrangements has therefore been undertaken by the Head of Environmental Services applying the Route Map.

Alternative Options Considered and Reasons for Rejection

Around 10 different collection methods were proposed and evaluated. All were rejected due to issues around vehicle sizes, cost of providing additional containers and the number of vehicles/crew members required for each option. However, the two stream recycling collection model utilising wheeled bins; maintains the existing alternate weekly collections calendar, (i.e. recycling week 1, residual week 2, recycling week 3 residual week 4 and so on), allows for a reduced standardised Refuse Compaction Vehicle fleet and simplifies recycling for residents. Overall, this option was considered the best and widely supported by Cabinet members and Officers.

Due to the Council's financial pressures, it was not economically practical to maintain the 'status quo' of utilising bags and boxes. Moving to a two stream recycling collection method provided substantial financial savings on vehicles, the requirement for a third recycling wheeled bin and staff costs.

Whilst not part of the Necessity and Technically, Environmentally and Economically Practicable, (TEEP) assessments, evidence from other WCAs which moved from bags and boxes to wheeled bins, suggests an increase in capture rates which would also suggest an increase in the recycling rate. The removal of bags and boxes will also lead to a significantly improvement in the cleanliness of the environment as there will be very little wind-blown litter.

Resolved

- (1) That the outcome of the Necessity and Technically, Environmentally and Economically Practicable, (TEEP) assessments, carried out on the Council's revised recycling collection arrangements that were implemented in July 2018 be endorsed; and**
- (2) That the Head of Environmental Services in consultation with the Cabinet Portfolio Holder for Environmental**

Services and the Head of Legal Services be authorised to sign off the new assessment document, in line with best practice guidance as per item 3.5 (WRAP's Route Map).

106 Garage Plot Rental Charge 1st April 2019

The Cabinet Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary) submitted a report seeking approval for increased garage plot rents from 1st April 2019.

Approval of the report was deemed a key decision.

Reasons for Decision

The Council last increased the annual garage plot rent on the 1st April 2016. Allowing for an annual rate of inflation of 2.2% since 2016, and rent comparisons charged by neighbouring authorities, it is recommended that the annual rent be increased to £96.00.

The Council completes a garage rent review every 3 years, with the aim of ensuring that the garage plot rents keep pace with inflation. It is reasonable for the Council to increase the garage plot rents having taken into consideration annual inflation since the last rent increase and rents charged by neighbouring local authorities.

The recommended rent of £96.00 is the average of the four neighbouring Lancashire authorities. In reaching the recommended rent, consideration has been given to the annual rate of inflation since 2016.

Alternative Options Considered and Reasons for Rejection

No change. Continue to charge rents at the existing amount. This option has been rejected on the grounds that a larger rent increase will be required at a future date. It is reasonable for the Council to review the rents charged every 3 years.

Set a lower rent increase. This option has been rejected on the grounds that the annual rate of national inflation since 2016 is 2.44%. The Council has set the rent increase marginally lower than the national rate of inflation, and to a rate comparable with other neighbouring local authorities.

Set a higher rent increase. This option has been rejected on the grounds that the increase would be greater than the national rate of inflation.

Resolved - **That an increase in garage plot rents from £90.00 to £96.00 per annum (excluding VAT) be approved with effect from 1st April 2019.**

107 Financial Position 2018/19 Update

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.

The Cabinet Portfolio Holder for Resources (Councillor Joyce Plummer) submitted a report to inform Cabinet of the financial spending of the Council up to the end of July 2018 and the financial forecast outturn position for the Accounting Year 2018/19.

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 2018 and the prediction of the outturn position to the end of the financial year in March 2019.

Alternative Options Considered and Reasons for Rejection

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

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

108 Accrington Markets - Review of Charges

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.

The Cabinet Portfolio Holder for Housing and Regeneration (Councillor Clare Cleary) submitted a report to seek approval to implement a new charging structure for Accrington Market with effect from 1st October 2018. The report also provided an overview of current charges, occupancy levels and steps being taken to ensure the long term viability and sustainability of Accrington Markets.

Approval of the report was not deemed a key decision.

Reasons for Decision

This is the first major review of Market Hall charges since 2010. The proposed reduction and freezing of charges reflects difficult high street trading conditions generally, including those affecting the markets sector.

The proposed revised charges reflect a review of the open market rental values at Accrington Markets using comparable rents and rateable values and a review of service costs. The charging review has also been mindful to keep a fair balance between the financial pressures faced by some of our traders and the long term sustainability of Accrington Markets.

The Cabinet Working Group with the support of officers, will be ensuring the good financial stewardship of the Markets' budget with a priority to increase occupancy of the outside markets and to eradicate longer term subsidised occupancies of the indoor Market Hall unless there are exceptional circumstances that add value to the overall offer at Accrington Markets especially for other traders by increasing footfall significantly.

A Valuation Report was commissioned to establish the open market rental values of the accommodation for the inside and outside markets. The valuation report considered town centre comparable rents, other market charging comparisons across Lancashire and wider North West and the Valuation Office Agency's rateable values for the Market Hall which is considered a fairly good barometer of rental values.

Despite the freeze the Cabinet Working Group were well aware of a decrease in retail rental values in and around Accrington town centre and trading difficulties experienced by some market traders.

In addition to reviewing Market charges, the Cabinet Working Group has started to look at wider issues that are having a negative impact on the Markets' budget including occupancy levels, incentive rates and a vision and business plan for the future with a view to sustaining Accrington Markets for the long term future.

Like the rent charges, the Markets Service Charge has not been reviewed since 2010. This has now been reviewed to reflect actual costs, with a small increase in costs, and therefore there is a need to increase the service charge element of charges.

Alternative Options Considered and Reasons for Rejection

The proposed charges are based on an assessment of open market rents by a qualified and experienced Chartered Surveyor registered with The Royal Institute of Chartered Surveyors. Other options were considered by the Cabinet Working Group but have been rejected due to the need to achieve a fair balance between open market values and financial pressures faced by some traders.

Resolved

- (1) That the proposed charges for Accrington Market, as set out in the report, be approved with effect from 1st October 2018 (10.5% reduction) and 1st October 2019 (a further 2.9% reduction);**
- (2) That it be noted that the proposed charges apply to all tenancies and occupancies except those that were subject to agreed incentive rates and discounts within the indoor Market Hall or Kiosks;**
- (3) That it be noted of the intention to phase out all current indoor Market Hall incentive arrangements by no later than the 30th June 2019;**
- (4) That all indoor Market Hall and Kiosk tenants benefit each year from a one month, 50% rent discount (but not service charge) subject to the account not going into arrears for a 12 month term ending the 31st March of each financial year and the rent and service charge being continually paid by direct debit be approved;**
- (5) That it be noted that the maximum incentive term for the indoor market will be 6 months and will not exceed 50% of the combined rent and service charge rate except in exceptional circumstances where the incoming tenant will provide significant added value to all stall holders. Any extended incentive rates under exceptional circumstances will have to be approved by the Chief Officer responsible for the Markets in consultation with the Portfolio Holder and Leader of the Council; and**
- (6) That authority be delegated to the Head of Regeneration and Housing to determine the occupancy charges for the two outside catering units and seating areas in**

consultation with the Leader of the Council and the Portfolio Holder responsible for Accrington Markets;

- (7) That the work of the Accrington Markets Cabinet Working Group be noted and acknowledged in reviewing the financial position and charging regime of Accrington Markets and authority be given for the Working Group to continue to closely monitor Accrington Markets' budget and to examine ways in which financial performance could improve to ensure the long term sustainability of the indoor and outdoor markets.

109 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 at Schedule 12A of the Act specified at the item.

110 Leasing of Whiteash Playing Fields and Associated Changing Pavilion to Hyndburn Youth FC

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 Deputy Leader of the Council (Councillor Paul Cox) submitted a report seeking approval in principle from Cabinet to grant a lease for Whiteash Playing Fields in Oswaldtwistle and associated changing pavilion to Hyndburn Youth Football Club (Hyndburn Youth FC) or its trustees and to agree arrangements for the grant of the proposed lease.

Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for 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 approval be given in principle to lease Whiteash Playing Fields and associated changing pavilion to Hyndburn Youth Football Club or its trustees on the terms set out in the report;
- (2) That authority be delegated to the Head of Housing and Regeneration to advertise the intention to dispose of the land by way of a lease pursuant to Section 123(2A) of

- (3) That authority be delegated to the Deputy Head of Environmental Services to apply for consent from Fields in Trust to enter into a lease with Hyndburn Youth FC or its trustees for Whiteash Playing Fields; and**
- (4) That subject to paragraphs 2.2 and 2.3 of the report, authority be delegated to the Head of Housing and Regeneration to agree the detailed terms of the lease and to complete the lease with Hyndburn Youth FC or its trustees.**

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 approval be given to appropriate two Council owned residential properties and adjacent land (as set out in the exempt report) currently held for planning purposes of Section 2 of the Local Government Act 2000, pursuant to Section 232 of the Town & country Planning Act 1990;**
- (2) That approval be given to lease the two properties as the terms provided in the exempt report; and**
- (3) That authority be delegated to the Head of Regeneration and Housing and the Executive Director (Legal and Democratic Services to finalise all other terms of the lease.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

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