

**MINUTES OF A MEETING OF THE
EXECUTIVE
HELD AT THE TOWN HALL, NELSON
ON 19th MARCH, 2015**

PRESENT –

Councillor A. R. Greaves (Vice-Chairman – in the Chair)

Councillors

*Councillor D. Clegg
Councillor T. Cooney
Councillor J. Purcell*

*Councillor J. K. Starkie
Councillor G. Waugh
Councillor D. M. Whipp*

(Apologies for absence were received from Councillors Nadeem Ahmed, J. Cooney and P. White).

Officers in attendance:

*Stephen Barnes
Dean Langton
Jane Watson*

*Chief Executive
Head of Central and Regeneration Services
Senior Committee Administrator*



127. DECLARATIONS OF INTEREST

Members were reminded of the legal requirements concerning the declaration of interests.

128. PUBLIC QUESTION TIME

John Rowe mentioned the Countryside Access service and referred to the recent changes following a reduction in budgets from the County Council. He asked if Town and Parish Councils could be asked to contribute towards the upkeep of the public rights of way within their areas. It was explained that this issue had already been identified by the Transfer of Services to Town and Parish Councils Working Group and discussions would be held with the Town and Parish Councils during the coming year.

129. MINUTES

RESOLVED

That the Minutes of the Special Budget Executive meeting held on 10th February, 2015 be approved as a correct record and signed by the Chairman.

130. EMPTY HOMES ACTION PLAN

The Economic and Housing Regeneration Manager submitted a report on progress being made against the Empty Homes Plan along with an update on the Empty Homes Action Plan for 2012-2014. The actions had resulted in a significant reduction in the number of empty homes from 2000

in 2008/09 to currently 1200. It was also reported that over 500 properties had been returned into occupation during 2014/15 compared to 74 in 2012/13 and 107 in 2011/12. This was credited to the appointment of a dedicated Empty Homes Officer.

An update on the Empty Homes Loan was also provided. Since its introduction 84 enquiries had been received. This had resulted in 51 loans being offered, although in 32 cases properties had been improved but the loans had not been claimed. This meant that offers of assistance could be made to other empty home owners across the Borough.

It was acknowledged that there were still clusters of empty properties that were causing problems and attracting anti-social behaviour. It was the intention to focus on these cluster areas to reduce the number of empty homes further.

RESOLVED

- (1) That the work already completed towards achieving the targets in the Empty Homes Plan be noted.
- (2) That the Empty Homes Action Plan for 2015/16 be adopted.
- (3) That progress with the Empty Homes Loan be noted.

REASONS

- (1) *To enable the Empty Homes Plan targets to be met.*
- (2) *To continue the reduction in empty properties across the Borough.*

131. ANNUAL PUBLIC HEALTH PROGRESS REPORT

The Localities and Policy Manager submitted, for information, an update report on Public Health developments.

132. TOUR OF BRITAIN CYCLE RACE

Minutes of meetings of the Tour of Britain Cycle Race Working Group held on 3rd February and 3rd March 2015 were submitted for information.

133. GEARING UP FOR GROWTH GRANTS PANEL

Minutes of a meeting of the Gearing Up for Growth Grants Panel held on 2nd February, 2015 were submitted for information.

134. COLLECTION OF RECYCLABLE MATERIALS

The Waste Services Manager submitted a report 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 current waste collection arrangements.

The Council did not collect recycling separately and therefore the TEEP test was applied to determine if this was needed. The assessment undertaken, attached to the report as appendix 1,

demonstrated that it was not economically practicable to collect the four affected waste streams separately from one another and from other waste types.

RESOVLED

- (1) That the requirements of The Waste (England and Wales) Regulations 2011 (Amended 2012) be noted.
- (2) That the TEEP assessment be approved and the continuation of the current household waste collection regime be endorsed.

REASON

For information and to be compliant with current waste legislation.

135. MATTERS REQUIRING FINANCIAL APPROVAL

The Head of Central and Regeneration Services submitted a report which summarised issues which required consideration by the Executive under the Council's Financial and Contract Procedure Rules.

(a) Fraud and Error Incentive Scheme (FERIS)

The Scheme provided Local Authorities with incentive based funding with a view to significantly reducing both fraud and error in the processing of Housing Benefits. The Council had opted into this scheme and it was reported that the start-up funding had already been received.

There was also the opportunity to receive additional funding from the Innovation Bid Fund and the Council was leading a bid for this funding on behalf of seven other Councils, Liberatora and their private sector partner Transactis. The Executive was asked to give authority for the Council to be Accountable Body for this funding should the bid be successful.

(b) Area Committee Revenue Funding

Council had resolved to implement savings of £25,000 and £15,000 respectively for the transfer of Play Areas, MUGAs and Passenger Shelters to Town and Parish Councils. Whilst discussions were to take place with Town and Parish Councils, to mitigate the potential for a shortfall in savings, the Executive were asked to give approval for £40,000 of the revenue funding for Area Committees (which currently stood at £70,000) pending the completion of these asset transfers.

It was suggested that a process be put in place to release this funding to Area Committees when it becomes needed.

(c) Funding for PCSOs

The Executive were asked to consider varying the use of the funding included in the Council's General Fund Revenue Budget for 2015/16 to meet the costs of the dedicated Anti-Social Behaviour Officer co-located in the Council's offices in Pendle. The Council had been advised that this officer would be withdrawn from Nelson to work in Burnley which would provide less coverage on anti-social behaviour matters in the Pendle area. There would be no additional cost to the

Council but this may result in a reduction in the number of PCSOs funded by the Council (potentially from 6 to 5).

RESOLVED

- (1) That authority be granted for the Council to act as Accountable Body for the FERIS project to reduce fraud and error on Housing Benefit as set out in the report.
- (2) That £40,000 of the revenue funding earmarked for Area Committees in 2015/16 be retained in the General Fund Revenue Budget in lieu of the savings for Play Areas, MUGAs and Passenger Shelters as agreed as part of the budget for 2015/16.
- (3) That in relation to (2) above a further report on the process of releasing the funds to Area Committees be submitted to the next meeting.
- (4) That, subject to discussions with Lancashire Constabulary, authority be granted to vary the use of the funding for PCSOs to meet the costs of a dedicated Anti-Social Behaviour Officer to be located in Pendle.

REASON

To seek approval for various matters that has financial implications for the Council.

136. THE ACE CENTRE, NELSON

The Head of Central and Regeneration Services submitted a report which sought approval for the Council to enter into a lease for the ACE Business Centre. Since 2011 PEARL had managed the Centre directly in conjunction with Pendle Leisure Trust. However, the current occupancy of the Centre was c18% and this had remained broadly unchanged for the last 3 years.

The current position was explained to Members. There was a need to service an outstanding commercial debt on the Centre. This comprised both interest and principal repayments. The loan was from Handelsbanken and was due for repayment in full in July 2016. It was felt that refinancing was likely but consideration had been given to ways in which sufficient funding could be raised to repay the debt in full without doing this. Secondly from enquiries received it was clear that there was a demand for smaller office units. It was estimated it would cost c£300,000 to create c70 offices (there were currently 34). PEARL did not have sufficient funds for this investment nor were they in a position to undertake further investment in other projects. Other than obtaining bank funding it was felt that funding should generally be provided by both the Council and Barnfield.

It was suggested therefore the Council offer PEARL a lease for the ACE Centre. This would be for 10 years at a rental value of £174,500. PEARL had indicated that they would take a sub-let of the Business Centre which would reimburse the Council from within its own funds for the full value of the rent leaving no additional cost to the Council. Fully let the ACE Centre would produce an annual rent of £367,710. It was therefore proposed to dispose of the ACE Centre and, subject the final value achieved, use the proceeds of the sale:

- To repay the Handelsbanken debt in full;
- Invest in the reconfiguration of the ACE Centre into smaller offices;

Executive (19.03.2015)

- Invest in improvement work to the façade of Colne Arcade Shopping Centre;
- Invest the balance of any funds in new projects such as the redevelopment of the former Colne Health Centre.

RESOLVED

That approval be granted for the Council to enter into a lease with PEARL for the ACE Business Centre subject to PEARL agreeing to back-to-back sub-lease of the ACE Business Centre from the Council.

REASON

To seek agreement to a lease for the ACE Business Centre.

137. TREASURY MANAGEMENT STRATEGY STATEMENT 2015/16

The Head of Central and Regeneration Services submitted a report on the Annual Treasury Management Strategy Statement for 2015/16.

RECOMMENDATION

That Council be recommended to approve the Treasury Management Strategy Statement, Minimum Revenue Policy Statement and the Annual Investment Strategy for 2015/16, as detailed in Appendix A attached to the report, and in particular:

- The Prudential Indicators and limits referred to in Sections 2 and 3 of the Strategy document;
- The statement by the Chief Finance Officer, shown in paragraph 9 of the report, indicating compliance with the requirement to keep borrowing below the Council's Capital Financing Requirement;
- The policy on the Minimum Revenue Provision (Section 2.3 of the Strategy) and in particular the circumstances in which Minimum Revenue Provision may not be required.

REASON

To comply with the CIPFA Treasury Management Code of Practice, the Council's Treasury Management Policy and good practice in treasury management generally.

138. TRANSFER OF SERVICES TO TOWN AND PARISH COUNCILS

Minutes of a meeting of the Transfer of Services to Town and Parish Councils held on 2nd March, 2015 were submitted for information.

139. TENDERS

The Democratic and Legal Manager submitted, for information, a report on tenders which had been received and accepted. A further report was circulated at the meeting requesting the Executive to accept the highest offer from the sealed bids received in relation to 19-21 Carr Road, Nelson.

RESOLVED

That the highest offer of £107,921 be accepted in relation to 19-21 Carr Road, Nelson.

REASON

In accordance with Contract Procedure Rules.

**140. COMMUNITY SAFETY PARTNERSHIP COMBINATION AGREEMENT
PENNINE LANCASHIRE COMMUNITY SAFETY PARTNERSHIP**

The Localities and Policy Team Manager submitted a report on whether Pendle Community Safety Partnership should cease and merge with Blackburn with Darwen, Burnley and Rossendale to form a single partnership covering those areas. It was reported that Hyndburn and Ribble Valley intended to retain their statutory Community Safety Partnership and did not want to merge. A structure had been circulated which showed how the group could operate but which concentrated on the relationships between existing county theme groups and those established by the Pennine Lancashire Community Safety Strategic Group. The model showed that district CSPs would be replaced by District Community Safety Business Groups. These groups would concentrate on delivery of day to day crime reduction and local issues though it was unclear where they would derive their direction.

RESOLVED

That Pendle Community Safety Partnership be retained as the Borough's statutory Community Safety Partnership.

REASON

To retain local support for Pendle which focuses on an approach to reduce crime and anti-social behaviour.

141. MATTERS REFERRED FROM AREA COMMITTEES

(a) Sports Pitches at Victory Park, Barnoldswick

At a meeting of the West Craven Committee on 2nd December, 2014 it was resolved "that the Executive be asked to grant Barnoldswick Town Football Club a 99 year lease on the football sports pitches at Victory Park, shown on the plan submitted, at a peppercorn rent.

RESOLVED

That Barnoldswick Town Football Club be granted a 99 year lease on the football sports pitches at Victory Park, as shown on the plan submitted, at a peppercorn rent.

REASON

At the request of Barnoldswick Town Football Club.

(b) Barley Car Park

At a meeting of the Barrowford and Western Parishes Committee on 5th February, 2015 it was resolved “that the Executive be informed that this Committee supports the request of Barley Parish Council to transfer the car park to them.”

RESOLVED

That the request for the transfer of Barley car park to Barley Parish Council be agreed.

REASON

In response to a request from the Parish Council.

142. 16 MOSLEY STREET, BARNOLDSWICK

The Planning and Building Control Manager submitted a report on options to resolve the condition of the above property. The property had been empty for some time and the roof of the rear extension had substantially collapsed. There were also problems with the external condition of other elements of the building, such as guttering which had become loose. Neighbourbours had also indicated that this was leading to damp in their property but Environmental Health had investigated this and there was found to be no direct link at this time.

The property was not registered in the land registry and every effort had been made to try to find who owned the property but no one had been identified. Officers were trying to establish if it was subject to any form of probate. Without details of ownership no one could be compelled to carry out the works.

RESOLVED

- (1) That further investigations be undertaken regarding the registration of the property in the land registry.
- (2) That the issue of probate be pursued further to try and establish if there was a lawful owner of the property.
- (3) That Liberata Property Services be asked to draw up a schedule of works for the property as a matter of urgency.
- (4) That a report be submitted to the next meeting on options for serving a Section 79 Building Notice and the implications of compulsory purchasing the property.
- (5) That options for the re-occupancy of the property be considered and included in the report referred to in (3) above.

REASON

In order to provide the best solution to renovate the property.

143. LAND AT WOOD STREET/LENCHES ROAD, COLNE

The Democratic and Legal Manager submitted a report on the proposed disposal of land at Wood Street/Lenches Road, Colne to a residents' Community Land Trust. This would be formed by residents of Wood Street. It was reported that such Trusts that had been established had been formed either as companies or industrial and provident societies. Directors and a secretary would need to be appointed, board meetings would need to be held as well as the completion of annual returns and accounts. From discussions with residents they would prefer not to take on such responsibilities and would like the land to be maintained as open space by another means.

It was reported that on 12th March, 2015 Colne and District Committee had resolved:

"That this Committee recommends that the Executive declare the land at Wood Street/Lenches Road, Colne, as shown on the plan attached to the report, surplus to requirements and also recommends the Executive to continue discussions with the residents to find a way forward."

RESOLVED

That land at Wood Street/Lenches Road, Colne, as shown on the plan attached to the report, be declared surplus to requirements and the Democratic and Legal Manager be asked to continue discussions with the residents to find a way forward.

REASON

In response to a request from residents.

144. MARKETS WORKING GROUP

Minutes of a meeting of the Markets Working Group held on 27th February, 2015 along with an action plan were submitted for information. It was noted that the Groups work had been completed and that no more meetings would be held.

145. CLIMATE CHANGE ACTION PLAN

The Localities and Policy Manager submitted, for information, a progress report on the Council's Climate Change Action Plan 2014-2016.

146. FORWARD PLAN

The Executive's Work Programme and Forward Plan of key decisions for the four month period commencing 1st April, 2015 were submitted for information.

147. LOCAL GOVERNMENT ACT, 1972

In accordance with the provisions of Section 100 (B)(4) of the Local Government Act, 1972, as amended, the Chairman agreed that the following two items should be considered as a matter of urgency, the ground being that a decision was required to move progress as soon as possible and that the next Executive meeting was not until 28th May.

148.

WALTON STREET, COLNE

It was reported that at the meeting of the Colne and District Committee on 12th March, 2015 it was resolved “that the street works bid for Walton Street, Colne be referred to the Executive for consideration and that a meeting be arranged with all interested parties, including the County Council to discuss the matter further.”

Background to the various funding streams which had been identified was given but it was felt that further information was required and that a meeting with all parties concerned would be beneficial.

RESOLVED

That a meeting be arranged as soon as possible with all interested parties, including the County Council to discuss the matter further.

REASON

To establish where the funding is coming from and to complete the scheme as soon as possible.

149.

2 ALBION STREET, EARBY

It was reported that at a meeting of the West Craven Committee on 10th March, 2015 it was resolved “that the Democratic and Legal Manager be authorised and instructed to prosecute the owner of 2 Albion Street, Earby for non-compliance if the works required by the Section 79 Building Notice have not been carried out by 12th March and the Executive be asked, as a matter of urgency, to fund the improvement works and for a charge to be put on the property.”

The Executive were advised that the Section 79 Building Notice had not been complied with.

RESOLVED

That Liberata Property Services be asked to draw up a schedule of works for the property and that a report on the way forward, including all costings, be submitted to the next meeting.

REASON

To establish the cost implications before agreeing to undertake any works.

Chairman _____