

**MINUTES OF A MEETING OF THE
EXECUTIVE
HELD AT THE TOWN HALL, NELSON
ON 25TH AUGUST, 2016**

PRESENT—

Councillor M. Iqbal (Chairman – in the Chair)

Councillors

Nadeem Ahmed
Nawaz Ahmed
E. Ansar
D. Clegg
A. R. Greaves

J. Henderson
A. Mahmood
M. Sakib
D. M. Whipp

Also in attendance:

Councillor W. Blackburn
Councillor J. Cooney
Councillor K. Turner
Councillor D. Whalley
Councillor P. White

Officers in attendance:

Philip Mousdale Corporate Director
Vince Green Financial Services Manager
Sarah Waterworth Committee Administrator



The following people attended the meeting and spoke on the items indicated:

Janet Riley
Kathleen Appleby



35. DECLARATIONS OF INTEREST

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

36. PUBLIC QUESTION TIME

There were no questions raised from members of the public.

37. MINUTES

RESOLVED

That the Minutes of the Executive meeting held on 30th June, 2016 be approved as a correct record and signed by the Chairman.

38. BRIERFIELD MILL ADJOINING SITES

The Housing, Health and Economic Development Services Manager submitted a report which sought the approval to the arrangements for the demolition of buildings/structures on two sites (Orders Lands) adjoining Brierfield Mill shown on the plans appended to the report, acquired as part of two Compulsory Purchase Orders (CPO) being promoted by the Council and to agree the transfer of the Order Lands to Pendle Enterprise and Regeneration (Brierfield Mill) Ltd, (PEARL (Brierfield Mill)) following the CPO vesting process.

RESOLVED

- (1) That the demolition of the Railway Tavern and Buildings/Structures on Orders Lands, as defined in the report be approved.
- (2) That the Contract Procedure Rules be waived to enable the contract for clearance works of Council owned buildings on the Orders Lands to be awarded to PEARL (Brierfield Mill).
- (3) That the transfer of the Council's freehold of the Order Lands, to PEARL (Brierfield Mill) on completion of the CPO vesting process at a value to be agreed under delegated powers to the to the Corporate Director, taking into account an independent valuation report by Liberata and the financial appraisal of the scheme be agreed.

REASON

To seek approval from the Executive on specific matters that supports the Northlight project at Brierfield Mill.

39. STRATEGIC MONITORING REPORT 2016/17 – QUARTER 1

The Financial Services Manager submitted a report regarding the performance monitoring information on the Council's service and financial plans.

RESOLVED

That the progress made on actions identified in the Strategic Plan (shown as Appendix A - Strategic Monitoring Statement of the report) be noted.

REASON

To inform the Executive of performance monitoring information relating to the Councils service and financial plans.

40. GEARING UP FOR GROWTH BUSINESS SUPPORT SCHEME

The Housing, Health and Economic Development Services Manager submitted a report regarding the achievements of the Gearing up for Growth Programme during 2015/16 and to propose activity and budget allocations for a three year programme in 2016/19.

RESOLVED

- (1) That the programme's achievements during the last financial year be noted
- (2) That the proposed activity and respective budget allocations for the programme over the next three years 2016/19 be agreed.

REASON

To update members on the achievements of the programme in 2015/16 and to agree the programme for the next three years 2016/19.

41. THEMATIC GROUPS ANNUAL REPORT

The Neighbourhood Services Managers submitted a report regarding the progress of the Sustainable Communities Strategy (SCS) Thematic Groups – June 2015 - June 2016 and barriers to delivery.

RESOLVED

- (1) That the annual progress of the four SCS themes be noted.
- (2) That the proposal to arrange a seminar for Members on the Lancashire and South Cumbria Sustainability and Transformation Plan be noted.
- (3) That the District Council Public Health Offer in the appendix to the report be approved.

REASON

- (1) ***To recognise the role of partnership working in delivering the council's Strategic Objectives.***
- (2) ***To strengthen the council's influencing role in the emerging new health economy.***

42. TREASURY MANAGEMENT OUTTURN 2015/16

The Financial Services Manager submitted a report on the performance of the Council's Treasury Management function for the 2015/16 financial year

RESOLVED

That the outturn on the Council's treasury management activities for 2015/16 be noted.

REASON

To inform the Executive of the Council's treasury management activities for the financial year 2015/16 in compliance with the Council's Treasury Management Policy.

43. REVIEW OF LOCAL SCHEME OF COUNCIL TAX SUPPORT

The Financial Services Manager submitted a report which sought approval to commence a public consultation on possible changes to the Council's local scheme of council tax support for 2017/18.

RESOLVED

- (1) That the proposed consultation on the potential technical changes to the local scheme of council tax support outlined in paragraphs 9 and 10 of the report be approved; but that the consultation not include the options to reduce the maximum level of support for working age claimants.
- (2) That the public consultation period which would run from 2nd September (i.e. following expiry of the call-in period) to 31st October be noted.
- (3) That the Financial Services Manager be given delegated authority to finalise the consultation document in consultation with the Leader and Portfolio Holder for Finance.
- (4) That the timetable for the remainder of the review and the intention to submit a draft scheme for 2017/18 to the November meeting of the Executive be noted.

REASON

To obtain approval for the public consultation on possible changes to the Councils local scheme of council tax support having regard to issues of scheme affordability and alignment with changes to the Housing Benefits framework. The Council is legally required to consult on such matters.

44. REVIEW OF COUNCIL TAX DISCOUNT (FORMERLY THE 'CLASS C' EXEMPTION)

The Financial Services Manager submitted a report in response to a request from the Executive to review the former council tax discount of 50% which was implemented in Pendle on the abolition of the former 'Class C' council tax exemption in 2013. The discount was subsequently reduced to zero with effect from 1st April 2015.

RESOLVED

That with effect from 1st April 2017 the council tax discount on dwellings which are empty and substantially unfurnished be reinstated at 100% for a maximum of 4 weeks from the date the dwelling first becomes empty.

REASON

To allow owners of empty and unfurnished properties limited relief from the payment of council tax and to incentivise landlords to return properties to occupation quickly.

45. ACQUISITION OF THE ACE CENTRE

The Strategic Director submitted a report which sought the approval to acquire the Council's interest in the ACE Centre (Ground Floor, First Floor and the Bistro).

RECOMMENDATION

- (1) That the Council be recommended to approve a supplementary capital estimate of £2.200m for the acquisition of the Council's interest in the ACE Centre;
- (2) That subject to (1) above, that the proposal to borrow £2.200m from the Public Works Loan Board to fund the acquisition be noted.

REASON

To acquire the Council's interest in the ACE Centre as a means of reducing the financing costs to the Council and as a contribution to the budget savings target.

46. RECOMMENDED WRITE OFFS

The Revenues Manager, Liberata submitted a report regarding the write off of debts relating to Sundry Debtors, Overpayments of Housing Benefit, Council Tax and National Non Domestic Rates.

RESOLVED

That the following amounts be written off as irrecoverable:-

- (a) £2,176.00 in respect of Sundry Debtors.
- (b) £61,933.28 in respect of Housing Benefit Overpayments.
- (c) £128, 829.72 in respect of Council Tax.
- (d) £158,662.97 in respect of National Non-Domestic Rates.

REASONS

The prudential and considered writing off of bad debts is an essential requirement for the efficient management of debt recovery functions.

47. ENFORCEMENT AGENTS – LOCAL CODE OF PRACTICE

The Financial Services Manager provided a Local Code of Practice for approval in support of the Council's use of civil enforcement agents.

RESOLVED

That the Local Code of Practice as presented at Appendix A to the report be agreed.

REASON

To help regulate the Council's working arrangements with civil enforcements agents for the collection of local taxation debts.

48. TENDERS

The Democratic and Legal Manager submitted for information a report regarding tenders which had been received and accepted and to report any exemption from the requirements of the Contract Procedure Rules.

RESOLVED

- (1) That the tenders received and accepted be noted.
- (2) That the exemption granted from the Contract Procedure Rules in responses to the Syrian Refugee crisis be noted.

REASONS

To agree acceptance of tenders/offers in accordance with Contract Procedure Rules.

49. SYRIAN RESETTLEMENT PROGRAMME (SRP) AND ASYLUM DISPERSAL

The Housing, Health and Economic Development Manager submitted an update regarding the implementation of the SRP and Asylum Dispersal in Pendle.

RESOLVED

That the developments in relation to the implementation of SRP and Asylum Dispersal in Pendle be noted.

REASON

In response to requests from the Home Office.

50. LAND AT GREAT HOUSE FARM, RED LANE, COLNE

The Strategic Director submitted a report which sought the Executive's approval to dispose of land at Great House Farm, Red Lane, Colne.

RESOLVED

- (1) That the disposal of the land at Great House Farm, Red Lane, Colne as set out at Appendix A (including the additional land described in the report and now declared surplus to requirements) to Beck Developments Ltd be agreed.
- (2) That the disposal be on the basis of the Heads of Terms as set out at Appendix B of the report with the inclusion that no access to the development be allowed from The Meadows.

REASON

To dispose of Council-owned land in return for a capital receipt and to facilitate the development of new build housing.

51. HOUSING DEVELOPMENT – CLITHEROE ROAD, BRIERFIELD

The Financial Services Manager submitted a report which requested approval for the Council to act as first guarantor in relation to loan funding from the Homes and Community Agency (HCA) under the Builders Finance Fund. Loan funding was required to enable the planned housing development by PEARL 2 to proceed.

RESOLVED

- (1) That a parent guarantee to the Homes and Communities Agency in respect of the Builders Finance Fund credit facility of £1,510,050 for the housing development by PEARL2 at Clitheroe Road, Brierfield subject to the competition of the counter indemnity at (3) below be provided by the Council.
- (2) That officers be authorised to conclude the required loan documentation in conjunction with the HCA and PEARL2.
- (3) That the intention to enter in to an agreement with the Barnfield Group Ltd for it to provide the Council with a 70% counter indemnity in the event that the guarantee under (1) above is called upon be noted.

REASON

To seek the approval from the Executive on a matter that has financial implications for the Council.

52. STARTER HOMES: UNLOCKING THE LAND FUND

The Housing, Health and Economic Development Services Manager submitted a report regarding an expression of interest submitted to the Homes and Communities Agency for starter homes funding.

RESOLVED

That the current situation with regards the expression of interest bid for starter homes funding be noted.

REASON

To inform Members of the bid submitted for funding under the starter homes initiative.

53. PLAYING PITCH STRATEGY

The Neighbourhood Services Manager submitted a report which detailed a proposed Playing Pitch Strategy (PPS) for Pendle, Burnley and Rossendale.

RESOLVED

- (1) That the PPS be approved as 'live' working document for strategically guiding Pendle's playing pitch and ancillary facility development and improvement over the next 10 years.
- (2) That the document be referred for information to the Transfer of Services and Facilities to Town and Parish Councils Committee as important background to decisions on transfer of sports pitches and also circulated to all Town and Parish Councils with the aim of obtaining buy in from them in terms of the recommendation and delivery of the actions.

REASON

- (1) ***The PPS will provide a strategic guide for the Council over the next 10 years in terms of playing pitch development, improvement and investment.***
- (2) ***In view of the potential transfer of sports pitches/playing field to Town and Parish Councils over the next 2-3 years, it is imperative that strategy and its recommendations. Actions are taken on board by them thereby ensuring the development and improvement of playing pitches in the long term is forthcoming.***

54. TAXI LICENSING POLICY AND CSE/ SAFEGUARDING TRAINING

The Planning, Building Control and Licensing Services Manager submitted a report regarding updating the licensing policy to require all taxi drivers to have undertaken appropriate CSE/ Safeguarding training, the procedures for taxi drivers to follow for renewing licenses to ensure DBS checks were up to date and to bring together in a single document all of the taxi licensing policies of the Council.

RESOLVED

- (1) That the taxi licensing policies be amalgamated into a single document.
- (2) That the new requirement for drivers to undertake accredited training on child sexual exploitation and safeguarding be approved.
- (3) That the new requirement for drivers to register with the Disclosure and Data Barring Service and to allow the Council to check online for any status change be approved.

REASON

In order to ensure Pendle has effective policies and procedures in place to minimise the risk of child sexual exploitation and safeguarding all users of the taxi service operating in Pendle.

55. MATTERS REFERRED FROM AREA COMMITTEES

(a) Car Park off Railway Street, Nelson

At a meeting of the Nelson Committee on 4th July, 2016 it was resolved:

- “(1) That the Executive be requested to consider a clause within a proposed licence of the land to allow the licensee an option to purchase it if sold in future.
- (2) That if a clause is included in the licence the land shown edged black on the plan is to be solely used for a car park.
- (3) That the land is not sold within the next 12 months.”

RESOLVED

- (1) That the request from Nelson Committee to include an option to purchase in the proposed licence be not approved.

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(2) That the land be used solely for a car park.

REASON

To ensure that the land be used for car parking only.

(b) Former Corn Mill, Gisburn Road, Barrowford

At a meeting of the Barrowford and Western Parishes Committee on 7th July, 2016 it was resolved:

“That the Executive be recommended to reconsider issuing a compulsory purchase order in respect of the former Corn Mill in Higherford and using the brownfield development fund to improve the site.”

RESOLVED

That Management Team be requested to investigate what action could be taken and report back.

REASON

In the interest of visual amenity.

(c) Land at Quaker Rise, Brierfield

At a meeting of the Brierfield and Reedley Committee on 9th August, 2016 it was resolved “that the Executive be recommended to declare the land at Quaker Rise, Brierfield, shown edged black on the plan attached to the report, surplus to requirements.”

RESOLVED

That the land edged black on the plan appended to the report be declared surplus to requirements and offered for sale on the open market.

REASON

To achieve a capital receipt and to end all liabilities.

(d) Disposal of land at Halifax Road, Brierfield

At a meeting of the Brierfield and Reedley Committee on 9th August, 2016 it was resolved “that the Executive be recommended to declare the land at Halifax Road, Brierfield, shown edged black on the plan attached to the report, surplus to requirements for disposal for residential development.”

RESOLVED

That the land edged black on the plan appended to the report be declared surplus to requirements and sold on the open market.

REASON

To achieve a capital receipt, to end all liabilities and to provide new homes.

56. TRAWDEN FOREST NEIGHBOURHOOD AREA

(Councillor A. R. Greaves declared a personal interest in this item which was not a disclosable pecuniary interest as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012).

The Planning, Building Control and Licensing Services Manager submitted a report regarding a notice which had been submitted by Trawden Forest Parish Council of their intention to prepare a neighbourhood plan for their area.

RESOLVED

- (1) That the responses to the public consultation be noted.
- (2) That the Parish area for Trawden Forest as the Neighbourhood Area be designated.

REASON

- (1) ***To comply with the Neighbourhood Plan (General) Regulations 2012 and Planning Practice Guidance.***
- (2) ***A local planning authority must designate an appropriate neighbourhood area if it receives a valid application and some or all of the area has not yet been designated (see section 61G(5) of the Town and Country Planning Act 1990 Act as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act 2004).***

57. FORWARD PLAN

The Executive's Work Programme and Forward Plan of key decisions for the four month period commencing 18th August, 2016 were submitted for information.

Chairman _____