

**MINUTES OF A MEETING
OF THE EXECUTIVE
HELD AT NELSON TOWN HALL
ON 19th SEPTEMBER 2024**

PRESENT –

Councillor A. Mahmood (Chair)

Councillors

*S. Ahmed
D. Lord
M. Iqbal
M Hanif
D. Whipp
T. Whipp*

Also in attendance:

*Cllr N. Ahmed
Cllr M Aslam
Cllr A. Sutcliffe*

Officers in attendance

<i>Rose Rouse</i>	<i>Chief Executive</i>
<i>Phillip Spurr</i>	<i>Director of Place</i>
<i>Karen Spencer</i>	<i>Director of Resources</i>
<i>Neil Watson</i>	<i>Assistant Director, Planning, Building Control & Regulatory Services</i>
<i>Howard Culshaw</i>	<i>Head of Legal and Democratic Services</i>
<i>Iftikhar Bokhari</i>	<i>Head of Economic Growth</i>
<i>John Halton</i>	<i>Principal Officer (Development Plans and Policy)</i>
<i>Craig Barnes</i>	<i>Senior Planning Policy Officer</i>



48. DECLARATIONS OF INTEREST

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

49. PUBLIC QUESTION TIME

There were no questions from members of the public.

50. MINUTES

RESOLVED

That the Minutes of the meeting held on 1st August 2024 be approved as a correct record and signed by the Chair.

51. LEISURE MANAGEMENT OPTIONS

The Director of Place submitted a report which provided the findings (financial and non-financial), of the assessment of potential operational management options for Pendle Borough Council (PBC) leisure facilities and sought a decision from Executive on the way forward.

The Director of Place reminded the Executive that PBC had previously decided to explore the feasibility of bringing the operational management of its Leisure Facilities back in house and that before making a decision on the way forward, the Council wished to understand the financial and non-financial implications of such a move. Accordingly, Strategic Leisure had been appointed in July 2024 to undertake the assessment, a copy of the assessment report being appended to the submitted report at Appendix 1.

The Director of Place then introduced Rachel Fowler and George Sutcliffe from Strategic Leisure who provided Executive with a PowerPoint presentation outlining the management option appraisals within the assessment report. The presentation focused on and highlighted:

- Management options appraisal;
- Project scope;
- Outsourced model;
- Methodology;
- Facilities managed by Pendle Leisure Trust (PLT):
- Key headlines – non-financial;
- Summary of the financial impact of each operational model:
- Key headlines – financial;
- Recommendations for Pendle Borough Council;

During and following the presentation, Rachel Fowler and George Sutcliffe from Strategic Leisure responded to Executive Members questions, comments and concerns, including:

- The potential advantages and disadvantages of working cross boundary with other leisure trust(s) in nearby local authorities and how feasible such a model would be? Rachel Fowler responded that there were examples of this type of model that had worked elsewhere and could be explored if supported;
- Whether Pendle Leisure Trust could outsource some of its services, such as Human Resources? Overheads would be an issue if PLT outsourced its overheads;
- Income and staffing ratios;
- A suggestion that the Council's Executive and Leisure Trust Board and its Chief Executive meet at the earliest opportunity. Strategic Leisure felt such a conversation would be beneficial;
- Social return and value on investments.
- Factors such as utilities had increased greatly in cost.
- Current lease agreements and issues.
- A suggestion that representations are made to Central Government regarding exemptions from NNDR for Leisure Services which are run by local authorities.
- Wet and Dry facilities and costs and options.

Cllr N Ahmed commented on the Leisure Management options.

The Chief Executive referred to the continuing affordability pressures and the Overview and Scrutiny Committee recommendations from December 2023. She also commented on the options and how geographically close the three Leisure Centre in Pendle were located to each other, challenging the service's competitiveness.

Following a lengthy discussion, whereby several viewpoints were put forward and considered, Executive, based on the analysis of findings made the following resolutions:

RESOLVED

- (1) If PBC's priority is to save money, then moving to an in-house operational management model should not be considered.
- (2) If PBC's priority is to save money and maintain reduced operational risk then moving to a LATCo operational management model should not be considered.
- (3) If PBC's priority is to save money then procuring an outsourced operational management model should be considered.
- (4) PBC should carefully consider the non-financial benefits of the PLT model in making any decision about change.
- (5) Timescales for achieving any savings are recognised and taken into account in decision-making.
- (6) Further legal investigation should be undertaken in respect of the existing leases, to determine whether they can be changed/rescinded.
- (7) If PBC decides not to change its current operational delivery model, it is recommended that negotiation takes place with PLT over the increasing subsidy to determine the extent of service PBC wishes to deliver, and that this is then reflected in costs.
- (8) If PBC decides not to change its current operational delivery model, it is recommended that a suite of KPIs is developed against which performance can be measured and evaluated.

REASONS

- (1) ***Leisure and Leisure Facilities are a key issue for the Council, and leisure spend is a high proportion of the Council's stretched revenue position. Determining a clear way forward for leisure provision which is both financially and environmentally sustainable is a key issue for the authority.***
- (2) ***Exploring alternative operational models to PLT enables the Council to understand whether other models are more cost effective.***

52. NATIONAL PLANNING POLICY FRAMEWORK - REVISION

The Assistant Director, Planning, Building Control and Regulatory submitted a report which informed Members of the proposed changes to the National Planning Policy Framework (NPPF) and sought the Executive to agree the response to the Consultation.

Members asked questions and made some comments on the NPPF which the Assistant Director, Planning, Building Control and Regulatory responded and provided clarity.

RESOLVED: That the Executive –

- (1) Notes and endorses the proposed responses to the Consultation as set out in Appendix 1 to the submitted report;
- (2) Agrees to send the response as set out in Appendix 1 to Government.

REASONS

(1&2) To ensure the Council contributes to the development of national planning policy that will affect the Pendle and the development of the local plan.

53. PENDLE LOCAL PLAN FOURTH EDITION

The Assistant Director, Planning, Building Control and Regulatory submitted a report which requested that Members:

- (1) Approve the Officer responses to the representations received in response to the Regulation 18 public consultation, which ran from Friday 23 June to Friday 18 August 2023.
- (2) Approve the recommended changes to the Pendle Local Plan Fourth Edition and agree to the publication of the final draft for a six-week public consultation in October/November 2024; and
- (3) Agree that the Pendle Local Plan Fourth Edition and all supporting documents, together with all valid representations received in response to the Regulation 19 public consultation, can be submitted to the Secretary of State for independent examination.

In response to a Member's question regarding car parks, the Assistant Director, Planning, Building Control and Regulatory stated the Executive could alter the wording of number 11 of policy 37 on the lines that "where alternative car parking can be provided or there are considerable public benefits to the new development".

RECOMMENDED

- (1) That the officer responses and recommendations as set-out in the Consultation Statement (Appendix 4) be accepted, subject to the minor amendment of wording to number 11 of policy 37 as agreed at this meeting and outlined above;
- (2) That the Pendle Local Plan Fourth Edition (Appendix 1) and all supporting documents (Appendices 2-5 inclusive) be made available for a six-week public consultation.

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(3) That the Pendle Local Plan Fourth Edition (Appendix 1) and all supporting documents (Appendices 2-5 inclusive) be submitted to the Secretary of State, who will request the Planning Inspectorate to conduct an independent examination of the Plan.

(4) That Members comments on the plan as outlined at this meeting be noted and it be agreed for this report to be submitted to the Council meeting on 26th September, 2024.

REASONS

- 1) To allow the Local Plan to proceed to the Publication stage (2)**
- 2) To comply with the requirements of Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.**
- 3) (3) To comply with the requirements of Regulation 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.**
- 4) To allow Council to ratify the decision of the Executive on a matter of Council policy.**

54. PENDLE ANNUAL GOVERNANCE STATEMENT 2023/24

The Executive was requested to consider the Pendle Annual Governance Statement (AGS) 2023/24 following its earlier consideration at the Accounts and Audit Committee at its last meeting held on 30th July, 2024.

RESOLVED

That the Pendle AGS as now submitted and considered, be received.

55. TRAFALGAR HOUSE, NELSON (REDEVELOPMENT PROPOSALS)

The Director of Place submitted a report which set out options for Executive's consideration for the Trafalgar House site in Nelson Town Centre and to deliver the constituent parts of the original Town Deal funded proposals for the site.

Whilst some Members of the Executive were in favour of a partial demolition of the site, other Members supported the full demolition of Trafalgar House.

A proposal was put forward by Cllr David Whipp and seconded by Cllr Tom Whipp that the full demolition be undertaken for Trafalgar House.

Cllr Ash Sutcliffe who was in attendance spoke in favour of a partial demolition.

An amendment was put forward by Cllr Mahmood and seconded by Cllr Hanif for the partial demolition of Trafalgar House. Upon being put to the vote as the substantive motion, the amendment for the partial demolition of Trafalgar House was carried by 4 votes to 3.

RESOLVED

(1) To approve the partial demolition of Trafalgar House and leave a cleared site suitable for car parking and possible future redevelopment.

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- (2) To approve reconfiguration of the area between the rear of Number 1 Market Street and the ACE Centre by constructing additional parking to include some Electric Vehicle Charging (EVC).
- (3) To note the virement of £25,000 of Trafalgar House Town Deal funding to the redevelopment of Pendle Rise Shopping Centre to support the inclusion of 14 EVC spaces in that scheme.
- (4) To note that options for revenue models for the provision of photovoltaic cells to power EVCs at the ACE Centre / Pendle Rise are being reviewed.
- (5) To note that a further report on options for the projected underspend of Town Deal funds as a result of the proposals will be brought to Committee.
- (6) To defer acting on these recommendations until a further report is brought to the next Executive setting out the potential revenue costs associated with retaining the remaining part of the building.

REASONS

- 1) To safely demolish the existing Trafalgar House structure before further deterioration in its condition risks collapse and a danger to public safety. To provide for a site for potential future redevelopment at a time when economic conditions are more conducive for investment into Nelson Town Centre following redevelopment of Pendle Rise Shopping Centre. To ensure a timely decision to enable the project to be completed within the timelines set out within the conditions relating to the Town Deal Fund.**
- (2) To ensure that the benefits of providing additional and convenient parking for the ACE Centre, set out within the original Trafalgar House proposals, are permanently safeguarded within the overall Revitalised Nelson programme.**
- (3) To ensure that the benefits of providing additional EVC parking for Nelson Town Centre, proposed within the original Trafalgar House proposals, are permanently safeguarded within the overall Revitalised Nelson programme.**
- (4) For information.**
- (5) For information**

56. COLNE, EARBY AND BARNOLDSWICK MASTRPLANS

The Head of Economic Growth re-presented the report on Colne, Earby and Barnoldswick Masterplans to the Executive which sought formal adoption.

Cllr David Whipp reiterated to the meeting the decisions on the Masterplans, (Recommendations 2,3 and 4) as agreed by Executive at its last meeting held on 1st August, 2024, namely

- “(2) Request LCC to fund elements of the public realm works in the Masterplans.
- (3) Agree the use of Compulsory Purchase Orders powers in appropriate circumstances.
- (4) Request Area Committees and Parish and Town Councils to establish Working Groups to take forward the various action plans for each Masterplan”.

RESOLVED

That the Colne, Earby and Barnoldswick Masterplans be approved for adoption without the need to go to Full Council.

REASONS

(1) To provide Colne, Earby and Barnoldswick with a vision for development over the coming years.

(2) To enable the Masterplans to be considered complete and adopted

57.

PENDLE BUSINESS CENTRE

The Director of Resources submitted a report which advised the Executive of a request received from a local community group who wishes to acquire the Council's leasehold and freehold reversionary interest in Pendle Business Centre, Commercial Road, Nelson.

RESOLVED:

(1) That Executive agrees to dispose of the Council's legal interests in the above property.

(2) That Executive delegates authority to the Director of Resources to negotiate an acceptable premium for the interests being sold.

REASONS

(1) To generate a capital receipt (premium) and to reduce outgoings attributable to accommodation that is no longer required operationally.

(2) To ensure that the Director of Resources is happy that the premium to be negotiated is at market levels and in accordance with Best Value.

58.

WORKFORCE STRATEGY

The Director of Resources presented the Workforce Strategy 2024-27 for approval by Executive.

RESOLVED:

That the Workforce Strategy 2024-27 be approved.

REASONS

(1) To ensure that a current Workforce Strategy is adopted and delivered.

59. PERFORMANCE UPDATE QUARTER 1 2024/25

The Director of Resources submitted a report, the purpose of which was to provide the Executive with performance monitoring information for the period 1st April – 30th June, 2024.

Councillor David Whipp commented on the report to which the Director of Resources responded.

RESOLVED:

That the report be received and Members comments thereon be noted.

REASONS

To inform the Executive of performance monitoring information relating to the Council's services.

60. SETTING OF HACKNEY CARRIAGE FARES FOR HORSE DRAWN CARRIAGES

The Assistant Director, Planning, Building Control and Regulatory Services which asked Executive to consider for approval a proposed table of fares for horse drawn carriages.

RESOLVED

- (1) That the table of fares for horse drawn carriages as set out in Appendix 1 of the submitted report be not agreed and instead replaced with a fare that can be charged of up to £400 per hour.
- (2) That the fares be advertised in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and should no objections be received the fares be implemented.

REASONS

For recommendation 1. To agree a table of fares for horse drawn carriages.

For recommendation 2. Hackney carriage fares must be advertised for consultation.

61. CLIMATE CHANGE UPDATE (REVISED TERMS OF REFERENCE/CLIMATE EMERGENCY ACTION PLAN/REVISED PERFORMANCE INDICATORS AND 2023/24 CARBON EMISSIONS)

The Head of Economic Growth submitted a report which informed the Executive of the Annual Emission Report 2023/24, for information, prior to being published online and which sought approval for the revised Climate Emergency Working Group (CEWG) Terms of Reference.

Cllr David Whipp commented on the report and proposed that Executive should determine the external bodies represented on the CEWG.

Cllr Tom Whipp commented on cycle to work scheme element and salary sacrifice schemes relating thereto.

The making of this decision is an Executive function (and not therefore exercisable by the Area Committee) and was urgent because the Heritage Trust North West did not wish to risk jeopardising the loss of the sale pending resolution of the above issues as they were relying on the receipt to invest into their heritage work. AGREED (1) That consent be granted to Heritage Trust North West (HTNW) to sub-lease 10 car parking spaces on the car parking area lying adjacent to the Malt Kiln building in Barrowford. (2) That consent be granted to HTNW to install a bridge across a sewer from Council land to land in their ownership to enable vehicular access. (3) That the requirement for a Premium to be paid to the Council for the consents granted in (2) and (3) be waived on the basis that the monies from the sub-lease be received by Pendle Heritage Centre, and not HTNW, to be invested in its heritage projects and maintaining the vaulted cellars on the land.

64. FORWARD PLAN

The Executive's draft Work Programme and Forward Plan of key decisions for the four-month period commencing 5th September, 2024 was submitted for information.

65. EXCLUSION OF PUBLIC AND PRESS

Members agreed to exclude the public and press from the meeting during the following two items of business in pursuance of the power contained in Section 100(A)(4) of the Local Government Act, 1972 as amended, in relation to exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).

66. PENDLE RISE SHOPPING CENTRE, NELSON

The Director of Place submitted a report which sought the approval of Executive to the making of a Compulsory Purchase Order (CPO) to acquire all remaining land and interests in the land required for the redevelopment of Pendle Rise Shopping Centre.

RESOLVED:

(1) That a compulsory purchase order (CPO) be made pursuant to the powers contained in Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) for the acquisition of the land shaded pink on the plan at Appendix One to the exempt submitted report

(2) That authority be delegated to the Director of Place to settle the final form and content of the CPO, Statement of Reasons and associated documentation and take all action needed to pursue the CPO and secure its confirmation.

(3) That authority be delegated to the Director of Place following confirmation of the CPO, to implement the CPO powers and acquire title to and/or take possession of the land.

(4) That authority be delegated to the Director of Place to serve notices to terminate leases/tenancies and/or agree relocations of tenants to secure vacant possession of the land where practicable in advance of, or without the need for, implementing CPO powers.

(5) To note the draft Statement of Reasons, the Relocation Strategy and Equality Impact Assessment produced in support of the acquisition and redevelopment of Pendle Rise.

(6) To note that Penbrook Developments Limited would be progressing with an application for stopping up small parts of the adopted highway on Broadway and Holme Street to facilitate the redevelopment of Pendle Rise under S247 of the Town and Country Planning Act 1990.

REASONS

(1) To enable the Council to acquire all land and interests in land to enable the redevelopment of Pendle Rise in accordance with the objectives of the Nelson Masterplan. The redevelopment will revitalise the town centre and its environment, deliver a much-improved retail offer and public areas, and will bring in much needed economic investment.

(2) To ensure that all remaining interests in the land can be acquired and vacant possession of Pendle Rise Shopping Centre can be obtained to allow the redevelopment to proceed.

(3) To facilitate the timely delivery of the Pendle Rise redevelopment, in accordance with the Nelson Town Deal Programme and the Ministry of Housing, Communities and Local Government funding.

(4) To facilitate the timely delivery of the Pendle Rise redevelopment, in accordance with the Nelson Town Deal Programme and the Ministry of Housing, Communities and Local Government funding.

(5) To demonstrate that: - there is a compelling case in the public interest for making and promoting the CPO; - the use of compulsory purchase powers is necessary and proportionate; - the use of the compulsory purchase powers will facilitate the development, redevelopment and/or improvement of Pendle Rise by way of the demolition of the existing shopping centre and redevelopment of the land for retail use including access, car parking and landscaping; - the redevelopment is likely to contribute towards the promotion and improvement of the economic, social and environmental well-being of the area; and -the benefits of the redevelopment clearly outweigh any interference with the rights of those affected.

(6) For information.

67. PENDLE INNOVATION CENTRE, BROOK STREET, NELSON

The Director of Resources submitted a report which informed the Executive of a request from a business located at the Pendle Innovation Centre that the Council accepts an early surrender of the Lease under which they occupied the above premises

RESOLVED

(1) That the surrender subject to a negotiated 'premium' for early surrender be agreed.

(2) That authority be delegated to the Director of Resources to negotiate an acceptable premium to assist business continuation and local employment.

(3) That if early surrender was accepted, that delegated approval be given to the Director of Resources to determine the future use of the premises.

REASONS

(1) To assist in the reorganisation of the business (accommodation that is no longer required operationally) so that the business can continue to operate from Nelson and retain staff employed in the Borough.

(2) To ensure that the Director of Resources is happy with the premium, to be negotiated to cover lost income if the early surrender is accepted and engages in determining the buildings future use/occupation.

Executive (19.09.2024)

Chair _____