

**MINUTES OF A MEETING OF THE
EXECUTIVE
HELD AT THE TOWN HALL, NELSON
ON 22nd OCTOBER, 2015**

PRESENT –

Councillor M. Iqbal (Chairman – in the Chair)

Councillors

*Councillor Nadeem Ahmed
Councillor D. Clegg
Councillor A. R. Greaves
Councillor M. Hanif
Councillor J. M. P. Henderson*

*Councillor M. Sakib
Councillor I. W. Tweedie
Councillor D. Whalley
Councillor D. M. Whipp*

Also in attendance:

Councillor W. Blackburn

Officers in attendance:

<i>Dean Langton</i>	<i>Strategic Director</i>
<i>Philip Mousdale</i>	<i>Corporate Director</i>
<i>Vince Green</i>	<i>Financial Services Manager</i>
<i>Peter Atkinson</i>	<i>Neighbourhood Services Manager</i>
<i>Jane Watson</i>	<i>Senior Committee Administrator</i>



84. DECLARATIONS OF INTEREST

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

85. PUBLIC QUESTION TIME

There were no questions from members of the public.

86. MINUTES

RESOLVED

That the Minutes of the Executive meeting held on 17th September, 2015 be approved as a correct record and signed by the Chairman.

87. PENDLE JOBS AND GROWTH STRATEGY ACTION PLAN 2013-2017

The Housing, Health and Economic Development Services Manager submitted a report on progress in delivering the Pendle Jobs and Growth Strategy. The Plan showed what had been achieved in the delivering the Strategy over the last two years and what was proposed for the next two years.

It was evident that the Strategy showed how the growth plans met regional and national objectives. This would provide access to any available funding to stimulate further growth through the LEP and European programmes.

RESOLVED

That, subject to the inclusion of lobbying to reinstate the railway line between Colne and Skipton, the Action Plan for 2015-2017 be noted.

REASON

To keep the Executive informed of progress in delivering the strategy.

88. BARNOLDSWICK AND COLNE TOWN CENTRE WI-FI

The Housing, Health and Economic Development Services Manager submitted a report on issues which had arisen with the proposed installation of Wi-Fi in Colne and Barnoldswick. The respective Area Committees had been consulted and were in favour of proceeding with this initiative. Clannet had quoted a cost of £13,979 for Barnoldswick but had since decided they no longer wished to undertake the project.

Following a desk top exercise Wi-Fi Spark had provided a detailed plan and proposed costs:

	Installation Costs	Monthly Costs
Barnoldswick	£30,839.01	£406.17
Colne	£19,370.20	£273.70

It was noted that the budget of £15,000 set aside by the Gearing Up For Growth Panel for this project would not be sufficient. It was acknowledged that alternative sources of funding would be required to make up the difference.

RESOLVED

- (1) That the increase be noted and no further action be taken by the Council to install town centre Wi-Fi in Barnoldswick and Colne.
- (2) That should Barnoldswick and Colne Town Councils express an interest to pursue this project they be advised that they would need to identify funding for the scheme.

REASON

The increase in cost to implement the scheme was not financially viable for the Council.

89. MATTERS REQUIRING FINANCIAL APPROVAL

The Financial Services Manager submitted a report on matters which required a decision under the Council's Financial and Contract Procedure Rules.

Loans to Earby Town Council

The Town Council had asked that the interest on the loans they had with Pendle Council be waived. Other Town and Parish Councils had been granted this request.

Detached Duty Advisory Workers

A saving of £12,600 for the two Detached Duty Advisory Workers with ITHAAD and PEEF had been agreed in the Councils 2015/16 budget. They were to remain in their positions until 30th September, 2015. Discussions with Brierfield and Nelson Town Councils regarding possible additional funding beyond this date had not been successful. As a result, and following discussions with the two organisations, the Executive were asked to consider approving a supplementary estimate of £13,010 to keep the workers in post until 31st March, 2016.

East Lancashire Healthy Lifestyles Consortium

The Executive were advised that the County Council's Active Lifestyles and Healthy Weight contract was currently out to tender. As well as providing coordinated information, assessment and support programme the Service would comprise of obesity prevention, opportunities for physical activity and weight management. It was reported that in East Lancashire a collaborative approach had been adopted with the East Lancashire leisure providers and district councils who had formed a Consortium to submit an East Lancashire proposal. The Consortium had agreed that Pendle Leisure Trust would co-ordinate the East Lancashire Consortium proposal. An accountable body was required to host and administer any potential Active Lifestyles and Healthy Weight budget on behalf of the Consortium. Pendle had offered to take on this role.

RESOLVED

- (1) That the request from Earby Town Council to waive the payment of interest outstanding on loans made to the Town Council be agreed.
- (2) That a six-month extension to the contracts for the Detached Workers be agreed along with a supplementary revenue estimate of £13,010 to be funded from the Budget Support Reserve.
- (3) That should the Consortium be successful approval be granted for Pendle Council to act as Accountable Body for the East Lancashire Healthy Lifestyles Consortium.

REASON

In accordance with the Council's Financial and Contract Procedure Rules.

90. TREASURY MANAGEMENT MID YEAR REVIEW 2015/16

The Financial Services Manager submitted a report on the treasury management activities for the Council for the period ending 30th September, 2015.

RESOLVED

That the report be noted.

REASON

To comply with the Council's Treasury Management Policy and good practice in treasury management generally.

91. STRATEGIC MONITORING REPORT TO 30th SEPTEMBER, 2015

The Financial Services Manager submitted a report on performance monitoring information on the Council's service and financial plans. A summary of progress was attached to the report.

RESOLVED

That the actions identified in the Strategic Plan be noted.

REASON

To inform the Executive of performance monitoring information relating to the Council's service and financial plans.

92. BUDGET WORKING GROUP

Minutes of a meeting of the Budget Working Group held on 1st October, 2015 were submitted for information.

93. TRANSFER OF SERVICES AND FACILITIES TO TOWN AND PARISH COUNCILS

(a) Transfer of bus turnaround at Barley, Laneshaw Bridge and Trawden

The Neighbourhood Services Manager submitted a report on the current position regarding ownership of the above bus turnarounds and the possibility of transferring them to the relevant parish councils. It was also suggested that the Tram Tracks at Trawden be transferred.

RESOLVED

- (1) That the current status of the turnarounds and tram tracks be noted and authority be granted for the possible transfer to the relevant parish councils.
- (2) That should the transfers proceed it be a condition that the Parish Council's keep them available for use as bus turnarounds so long as required for such by bus operators.

REASON

To provide the relevant parish council the opportunity to take over responsibility for the land in question.

(b) Halifax Road Allotments Site, Brierfield

The Corporate Director submitted a report on the possible transfer of this allotment site to Brierfield Town Council. The law stated that, where a town or parish council exists then it, rather than the Borough Council, was the statutory allotment authority. It was reported that this site had not been transferred at the same time as other statutory allotments in 1992 as it was originally within the Nelson boundary. It did however become part of the Brierfield ward following the ward boundary review in 2000. For some years the site had been managed on behalf of the Council by the Town Council who in turn had a Management Agreement in place with the Halifax Road Allotments Society who undertook the day to day management of the site.

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RESOLVED

That the allotment site be transferred to Brierfield Town Council.

REASON

To regularise the legal position.

(c) Miscellaneous Land in Barrowford

The Transfer of Services and Facilities to Town and Parish Councils Committee considered a request from Barrowford Parish Council for the transfer of miscellaneous pieces of land and subsequently referred the request to the Barrowford and Western Parishes Committee for consideration. At its meeting on 8th October the Area Committee resolved:-

“That the Executive be recommended to approve the request from Barrowford Parish Council for the transfer of seven small pieces of land and two small garage sites as set out in the report.”

RESOLVED

That the request from Barrowford Parish Council for the transfer of seven small pieces of land and two small garage sites, as set out in the report, be approved.

REASON

In response to a request from Barrowford Parish Council.

94. TENDERS

The Democratic and Legal Manager submitted a report on tenders received and accepted. The Executive were also asked to consider an exemption to the requirements of Contract Procedure Rules in relation to Pendle Wavelengths. The best and final offers received in relation to 23-25 Market Square, Nelson was also reported.

RESOLVED

- (1) That the report be noted.
- (2) That the exemption from Contract Procedure Rules for the specialist cleaning at Pendle Wavelengths be noted.
- (3) That with regard to 23-25 Market Square, Nelson the highest offer of £43,000 be accepted and the offerors be requested to sign a contract and pay a 10% deposit within 7 days.

REASON

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

95. CONTAMINATED LAND STRATEGY 2015-2020

The Housing, Health and Economic Development Services Manager submitted a report on the updated Contaminated Land Strategy.

The Strategy outlined the Council's duties in dealing with potentially contaminated land. It had been updated with regard to recent changes to the statutory guidance and reduction/abolition of central government grants.

RECOMMENDATION

That Council be recommended to adopt the Contaminated Land Inspection Strategy to ensure that the Council continues to meet its statutory duties under Part 11A of the Environmental Protection Act 1990 and that the Strategy be kept up to date.

REASON

The Strategy is required to undergo periodic review and updating as and when required.

96. COLNE AIR QUALITY ACTION PLAN

The Housing, Health and Economic Development Services Manager submitted a report on the Colne Air Quality Action Plan. The Action Plan set out a number of actions that, if implemented successfully, would reduce levels of nitrogen dioxide to within acceptable levels. Once approved the Plan would be submitted to DEFRA.

RESOLVED

That the Colne Air Quality Action Plan be adopted.

REASON

To comply with the Environment Act 1995 and to enable work on delivering the Plan to start.

97. SELECTIVE LICENSING ACTION PLAN

The Housing, Health and Economic Development Services Manager submitted a report on progress being made with the investigation into the need to introduce selective licensing in parts of the Borough. At a meeting of the Executive in May 2015 it was agreed that investigations be carried out in and around the Waterside Ward of Colne. Measures to be taken into account included low demand, anti-social behaviour, poor property conditions, deprivation and crime.

Appendices attached to the report provided details of the data of the above measures in the Waterside Ward against the Pendle average. It was apparent that the data sets were not complete but evidence appeared to support the designation of a selective licensing area based on low demand but supported by anti-social behaviour, level of crime and level of deprivation. It was accepted that there was a need to map the data to street level to enable the boundaries of the area to be determined.

RESOLVED

- (1) That officers continue to look at data for the Waterside and adjoining wards to identify the specific area that would benefit from selective licensing.
- (2) That a report be submitted to a future meeting requesting approval to consult on the introduction of selective licensing.

REASONS

- (1) *To ensure that the area to be designated and be shown to be an area of low demand housing.*
- (2) *To seek approval to consult on the designated area with the community and partner organisations in line with government guidance.*

**98. PROPOSED JOINT WORKING ARRANGEMENTS WITH
CRAVEN DISTRICT COUNCIL FOR CIVIL ENGINEERING SUPPORT**

The Neighbourhood Services Manager submitted a report on proposed arrangements for joint working between the Council's Neighbourhood Services unit and Craven District Council in respect of civil engineering support until September 2018.

RESOLVED

That the Neighbourhood Services Manager be authorised to enter into a collaborative arrangement on behalf of the Council for the provision of civil engineering services to Craven District Council.

REASON

To allow both Councils to derive mutual benefits from the proposed arrangement in terms of efficiency gains.

99. INCOME REVIEW – RESIDENTS' PARKING PERMITS

Under the Council's Call-In procedure, the decision taken with regard to the above had been called in as it was felt that:

"An increase in just under 33% over two years would affect approximately 769 properties (from renewal figures in January). As the permit was to allow residents to park within the proximity of their home it was felt that an increase of this magnitude was not proportional to either the increase in the cost of living or for the service which was provided, as such it was requested that the Executive reconsider this decision."

A meeting of Scrutiny Group Spokespersons, Members who called-in the item, the Executive Member for Neighbourhood Services and Community Safety and relevant officers was held on 1st October, 2015 to discuss the matter further. A note of the meeting was submitted for information.

RESOLVED

That the cost of Residents' Parking Permits be increased from £17 to £20 with effect from 1st January, 2016.

REASON

The agreed increase forms part of the Council's budget savings proposals for 2016/17.

100. BARROWFORD NEIGHBOURHOOD PLAN

The Planning, Building Control and Licensing Services Manager submitted a report advising that notice had been submitted to the Council by Barrowford Parish Council of their intention to prepare a neighbourhood plan for their area. In accordance with Regulation 6 the Council advertised and consulted on the application area which closed on Friday 25th September, 2015. In total 5 representations were received and overall they were in general support although a number of issues were highlighted for the Parish Council to consider before embarking on the preparation of the plan.

RESOLVED

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

REASONS

- (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.***

101. STATEMENT OF COMMUNITY INVOLVEMENT

The Planning, Building Control and Licensing Services Manager submitted an update report on the Statement of Community Involvement (SCI) in Planning for public consultation. The current SCI was adopted in March 2007. Since then various amendments to legislation, national planning policy and guidance had been made which required the need for it to be updated. The SCI should explain how local planning authorities would engage with local communities and other interested parties in producing their Local Plan and determining planning applications.

It was also regarded as a local development document and as such was subject to a consultation exercise before adoption by Council.

RESOLVED

That the Statement of Community Involvement be made available for a six-week public consultation exercise.

REASON

To comply with Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended) and to allow members of the public and other key stakeholders the opportunity to comment on the content of the document.

101. MATTERS REFERRED FROM AREA COMMITTEES

**(a) Derelict Property on the corner of Regent Street/Derby Street, Nelson
(40 Regent Street, Nelson)**

At a meeting of Nelson Committee on 6th July, 2015 it was resolved “that the Executive be requested to compulsory purchase the property and market it for sale on the open market.”

The report from the Housing, Health and Economic Development Services Manager was also submitted for information.

RESOLVED

That the Executive endorse the action to be taken under Section 79 of the Building Act 1984 and/or Section 215 of the Town and Country Planning Act 1990 by the Planning, Building Control and Licensing Services Manager.

REASON

- (1) *To improve the condition and appearance of the building.***
- (2) *There was no identifiable budget to compulsory purchase the property.***

(b) Land at Bracewell Street, Nelson

At a meeting of Nelson Committee on 7th September, 2015 it was resolved:-

- “(1) That the Executive be requested to authorise the release of the restrictive covenant on use and variation of the highway requirements, subject to satisfactory negotiations with the land owner.**
- (2) If authorised that the approval of the consideration, timescale to secure early development and other contractual details be delegated to the Strategic Director.”**

The report considered by Nelson Committee was also submitted for information.

RESOLVED

- (1) That authority be granted for the release of the restrictive covenant on use and variation of the highway requirements, subject to satisfactory negotiations with the land owner.**
- (2) That approval of the consideration, timescale to secure early development and other contractual details be delegated to the Strategic Director.**

REASON

The release of the covenant and the variation of the highway requirement would enable the future residential development of the site and generate an additional receipt to the Council.

(c) 16 Mosley Street, Barnoldswick

At a meeting of the West Craven Committee on 8th September, 2015 it was resolved “that the Planning, Building Control and Licensing Services Manager be asked to update the Executive on the situation at 16 Mosley Street, Barnoldswick.”

The Planning, Building Control and Licensing Services Manager reported that no replies had been received to the requisitions for information that had been sent out. The property was now being occupied. The occupier had undertaken some work to the rear flat roof by placing felt on it. A further report would be submitted to the Executive about the implications for a compulsory purchase order stemming from the occupation of the property.

RESOLVED

That the position be noted.

(d) Land adjacent 42 Damhead Road, Barnoldswick

At a meeting of the West Craven Committee on 6th October, 2015 it was resolved “that the Executive be recommended to authorise the release of the land (shown as hatched on the plan attached to the report) subject to satisfactory negotiations with the owner of 42 Damhead Road, taking into account the costs of removing trees which were the Council’s responsibility, and, if approved, that consideration for the disposal be delegated to the Strategic Director.”

The report considered by West Craven Committee was submitted for information.

RESOLVED

- (1) That the release of the land (shown hatched on the plan attached to the report) be approved subject to satisfactory negotiations with the owner of 42 Damhead Road, Barnoldswick, and taking into account the costs of removing trees which were the Council’s responsibility.
- (2) That approval of the negotiations and contractual details in relation to the disposal be delegated to the Strategic Director.

REASON

The disposal of the land would enable the established boundary to reflect the legal boundary and the Council would also receive a capital receipt.

(e) Rediffusion Cables in Barnoldswick Town Centre

At a meeting of West Craven Committee on 6th October, 2015 the Committee were advised by the Planning, Building Control and Licensing Services Manager that there was no further progress to report since the last meeting on the possible removal of Rediffusion cables in Barnoldswick. At that meeting it was resolved:-

- “(1) That the Planning, Building Control and Licensing Services Manager be asked to try to make contact with the receivers for Maxwell Communications so that they could be called to account to resolve the issue of redundant overhead dangerous cables.

Executive (22.10.2015)

(2) That the Executive be asked to consider how best to resolve this issue.”

RESOLVED

That a full report on options for dealing with the issue, including costs, be brought to the December meeting.

REASON

In the interests of public safety.

(f) Properties on Walton Street, Colne

At at meeting of the Colne and District Committee on 8th October, 2015 reference was made to the empty properties on Walton Street, Colne owned by private landlords. Refurbishment works had recently been completed on other properties in that area and it was felt that these empty properties had a deteriorating effect on the street. It was resolved “that the issue relating to empty properties on Walton Street, Colne be referred to the Executive for consideration.”

It was reported that of the six empty properties on the street officers were in negotiations with five owners with a view to them taking on an improvement loan. Officers were also trying to contact the owner of the remaining property.

RESOLVED

That the position be noted.

102.

FORWARD PLAN

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

Chairman _____