

**MINUTES OF A MEETING OF THE
EXECUTIVE
HELD AT THE TOWN HALL, NELSON
ON 26th MAY, 2016**

PRESENT –

Councillor M. Iqbal (Chairman – in the Chair)

Councillors

*Nadeem 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 D. E. Lord
Councillor J. K. Starkie
Councillor K. Turner*

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>Jane Watson</i>	<i>Senior Committee Administrator</i>

(Apologies for absence were received from Councillor Nawaz Ahmed).



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

<i>Mr. Oakes</i>	<i>Age Limit of Licensed Vehicles</i>	<i>Minute No. 15</i>
<i>Mr. Ilyas</i>		
<i>Mr. Sayeed</i>		
<i>Tariq Hussain</i>		
<i>Mohammed Chaudhry</i>		



1. DECLARATIONS OF INTEREST

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

2. PUBLIC QUESTION TIME

There were no questions from members of the public.

3. MINUTES

RESOLVED

That the Minutes of the Executive meeting held on 17th March, 2016 be approved as a correct record and signed by the Chairman.

**4. PERFORMANCE INDICATORS UPDATE
1st APRIL, 2015 – 31st MARCH, 2016**

The Strategic Director submitted a report on progress with the 25 corporate key performance indicators delivered by and on behalf of the Council.

Over recent years the key issues related to performance around planning applications and appeals, homelessness, recycling and complaints. An update on progress was included in the report.

Reference was made to the floods that had affected areas of the Borough in November and December last year. It was felt that as the lead local flood risk authority the County Council had not been very active in addressing flooding problems in Pendle. Concerns were expressed that the Pendle Making Space for Water Meeting, which addressed flooding issues, had not met since November 2015 and the meeting scheduled for 20th May, 2016 had been cancelled. This meeting was administered and chaired by the County Council. It was suggested that every effort be made to reconvene these meetings.

RESOLVED

- (1) That the report be noted.
- (2) That the Strategic Director approach the County Council with a request that the Pendle Making Space for Water Meeting be reconvened as a matter of urgency.

REASON

- (1) *To inform the Executive of performance monitoring information relating to the Council's key performance indicators.*
- (2) *To ensure flooding issues were addressed as a matter of urgency.*

5. MATTERS REQUIRING FINANCIAL APPROVAL

The Financial Services Manager submitted a report on a number of matters requiring consideration under the Council's Financial and Contract Procedure Rules.

ITHAAD/Unity Hall Debt Write-Off

It was anticipated that Unity Hall, Nelson would have been transferred during 2015/16 but the transfer had not yet been completed although it was expected this would happen during 2016/17. ITHAAD had signed a formal surrender of their lease of the premises which had an outstanding balance of £8,493.81.

The Executive were asked to consider a request to write-off an outstanding debt due from ITHAAD in relation to Unity Hall, Nelson.

Executive (26.05.2016)

Release of Capital Funding to the Friends of Earby Hostel

In 2014/15 a budget of £4,910 was included in the capital programme in respect of Earby Youth Hostel. The budget had been carried forward for a number of years and was allowed to lapse in June 2015.

In March 2016 a request was received from the Secretary to the Friends of Earby Hostel asking if this fund could be released to the Friends.

The Executive were asked to consider releasing £4,920 to the Friends of Earby Hostel.

Brierfield Mill – Transfer of Freehold to PEARL (Brierfield Mill) Ltd.

It was reported that the current leasehold arrangements were making delivery of the scheme problematic. This was due to the range of different leasehold arrangements being negotiated, common areas, insurance and ground rent. To ensure delivery of the programme PEARL's legal advisors had advised that approval should be sought from the Homes and Communities Agency (HCA) to allow the transfer of the freehold of the full site to PEARL in advance of refurbishment works beginning.

Liberata had provided a valuation of £35k for the Council's freehold interest. It was suggested that this be waived and the property disposed of at less than market value. It was noted that if HCA required this amount to be repaid it could be funded from the Council's capital programme budget for Brierfield Mill in 2016/17.

Disposal of Land at Briercliffe Avenue, Colne to Cawder Construction

A request had been received from Cawder Construction for the disposal of land at Briercliffe Avenue, Colne. Together Housing had indicated an interest in this site for affordable housing but to make it viable were looking at developing it alongside another site in Colne, the White Grove Garage site.

Housing Pendle felt that if the two sites could be delivered as part of one build contract the Briercliffe Avenue site would be more viable and would reduce construction costs. The Executive were asked to consider disposing of this site to Cawder Construction.

Payment of £200,000 to PEARL (Brierfield Mill) Ltd.

It was reported that aspects of the programme were now at a stage where PEARL (Brierfield Mill) Ltd., needed to incur expenditure in advance of funding being received from the Lancashire Enterprise Partnership (LEP) particularly linked to enabling ways to facilitate the provision of the training element of the overall project. To support this the Executive were asked to consider advancing the sum of £200,000 by way of a temporary loan to PEARL (Brierfield Mill) Ltd.

Clitheroe Road Site, Brierfield

A survey had revealed the need for remediation works before work on the development of housing could commence. The Executive were asked to consider waiving Contract Procedure Rules (requirement for tender) and for the contract to be awarded to Barnfield who would be carrying out the housing development.

RESOLVED

- (1) That the outstanding debt of £8,493.81 due from ITHAAD in relation to Unit Hall Nelson be written-off.
- (2) That the fund of £4,910 be transferred to the Friends for works at Earby Youth Hostel.
- (3) That the Council's freehold of the Brierfield Mill site to PEARL be transferred, subject to agreement from the Homes and Communities Agency. This would be on the basis of the redevelopment obligations currently placed on PEARL being retained.
- (4) Subject to (3) above the transfer of the freehold to PEARL (Brierfield Mill) Ltd at nil value be agreed.
- (5) That the disposal of land at Briercliffe Avenue, Colne to Cawder Construction be agreed subject to a back-to-back agreement being in place with Housing Pendle.
- (6) That the Strategic Director be authorised to approve the negotiated terms for the disposal of land at Briercliffe Avenue, Colne.
- (7) That a payment of £200,000 to PEARL (Brierfield Mill) Ltd., be approved and this be funded from the approved Capital Programme for 2016/17.
- (8) That the requirement for remediation works to be carried out at the Clitheroe Road, Brierfield site be noted and it be agreed that the cost of these works be met from the sale proceeds arising from the disposal of the site.
- (9) That it be agreed that the Contract Procedure Rules be waived to enable the contract for remediation works to be awarded to Barnfield Construction.

REASON

To seek approval from the Executive on specific matters that have financial implications for the Council.

6. MEDIUM TERM FINANCIAL PLAN UPDATE AND BUDGET STRATEGY FOR 2017-2020

The Financial Services Manager submitted a report which provided an update on the Council's Financial Strategy and medium Term Financial Plan for 2017-2020. The report also set out a draft Budget Strategy for the period.

RESOLVED

- (1) That the prospects for Government funding in the period 2017/18 to 2019/20, as explained in the report, be noted.
- (2) That the Government's offer of a four year funding settlement and the deadline for applications of 14th October, 2016 be noted.
- (3) That the reforms to the system of Business Rates Retention and the programme of work now

underway to prepare for the new system by 2019/2020 be noted.

- (4) That the Financial Strategy for 2017/20 (and the supporting Medium Term Financial Plan 2017/20, as shown at Appendix A attached to the report) as set out in the report be noted and in doing so the strategy for the use of balances and reserves in the same period.
- (5) That the Budget Working Group be requested to:
 - i) develops charging and savings proposals to reduce the Council's net expenditure by £1.5m for consideration in the development of the budget for 2017/18.
 - ii) identifies further charging and savings options to deal with the balance of the budget deficit to 2019/20.
- (6) That the Medium Term Capital Programme, as shown at Appendix C attached to the report, be noted and a further report on the capital programme be submitted to Councillors later in the year including options for the flexible use of capital receipts.

REASON

To continue with the implementation of the Council's Financial Strategy and to deal with the Council's forecast medium term budget deficit.

7. DRAFT ANNUAL GOVERNANCE STATEMENT 2015/16

The Financial Services Manager submitted a report on the Council's draft Annual Governance Statement for 2015/16.

RESOLVED

That the Draft Annual Governance Statement for 2015/16 be approved.

REASON

To give an opportunity for the Executive to comment on the Annual Governance Statement prior to consideration by the Strategic Director and Council Leader and ultimately, approval by the Accounts and Audit Committee.

8. REVIEW OF LOCAL SCHEME OF COUNCIL TAX SUPPORT

The Financial Services Manager submitted a report which reviewed the Council's local scheme of council tax support and outlined the process and timescales by which the scheme would be reviewed.

Following the development of the 2016/17 scheme a number of changes were made to the Housing Benefit framework for working-age claimants from April 2016. It was therefore necessary for the scheme to be amended. Before this could be done a consultation exercise would be undertaken.

RESOLVED

- (1) That a review of the current local scheme of council tax support be approved.

- (2) That the review considers issues of scheme affordability as well as technical changes required to align the scheme with changes to the Housing Benefit framework.
- (3) That the suggested activity and outline timetable for the remainder of the review be noted.

REASON

To seek approval to commence a formal review of the Council's local scheme of council tax support having regard to issues of affordability and alignment with changes to the Housing Benefit framework.

9. TRANSFER OF SERVICES TO TOWN AND PARISH COUNCILS

(a) Minutes

Minutes of a meeting of the Transfer of Services and Facilities to Town and Parish Councils Committee held on 7th April, 2016 were submitted for information.

(b) Transfer of Colne Town Hall

The Corporate Director submitted a report on the proposed transfer of Colne Town Hall and related land and buildings to Colne Town Council.

The transfer would comprise the Town Hall building itself; the annexe together with the three shops known as 5, 7 and 9 Newmarket Street; the land on the opposite side of Albert Road on which the flagpoles and surrounding feature stand together with the adjoining grassed area; the garage at the rear of the Town Hall (subject to satisfactory arrangements for housing the Council's town centre sweeping equipment).

Further discussions were to be held on the possible inclusion in the transfer of the first floor accommodation above the adjacent shops on Albert Road and the shops themselves.

The consideration for the transfer would be a nominal £1.

RESOLVED

- (1) That the terms of transfer outlined above and in the report be approved.
- (2) That the Corporate Director, in consultation with the Leader and Deputy Leader, be authorised to agree any detailed issues.
- (3) That a report on the possible transfer of the first floor accommodation and the adjacent shops 2 and 4 Albert Road, Colne be submitted to the next meeting.

REASON

To continue the programme of disposal of community assets to town and parish councils.

10. TENDERS

The Democratic and Legal Manager submitted, for information, a report on tenders which had been received and accepted.

11. LANCASHIRE COUNTY COUNCIL BUDGET SAVINGS PROPSOALS

Minutes of a meeting held to discuss the County Council's budget savings proposals held on 5th February and 26th February, 2016 were submitted for information.

12. MATTERS REFERRED FROM AREA COMMITTEES

(a) Land at Richard Street, Brierfield

At a meeting of the Brierfield and Reedley Committee held on 29th March, 2016 it was resolved "that the Executive be asked to recommend that the Council purchase the land at Richard Street, Brierfield."

The Democratic and Legal Manager submitted a report which advised that the title of the land was vested in the Duchy of Lancaster who had stated that they were prepared to sell the land at its open market value. Liberata Property Services had suggested that the potential values in the region of £285,000 to £385,000 (not accounting for fees, contamination remediation, ground conditions or onerous covenants) might be obtained.

The Duchy had advised that they would only consider a sale of the land.

Given the valuation provided and Council's financial position it was suggested that the Council should not proceed with the purchase of the land.

RESOLVED

That the land not be purchased.

REASON

As there was no provision in the capital programme for the purchase of the land.

(b) Knotts Lane Pond Area, Colne

At a meeting of the Colne and District Committee held on 31st March, 2016 it was resolved "that a report be submitted to the Executive recommending the footpath be included in the definitive footpath map."

The Executive were asked to consider a report from the Neighbourhood Services Manager which set out the options available to have the footpath recorded on the Definitive Map. Two options were available. The first was for the Council to unilaterally dedicate the path as a public right of way and then apply to have it added to the Definitive Map. The second was to enter into a formal agreement with Lancashire County Council to create a public right of way. The advantage of this option was that the footpath would become publicly maintainable by the highway authority.

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The Executive also considered a third option. Under Section 31 of the Highways Act 1980 there was presumption that the owner had dedicated a public right of way if the public had used a route as if it were a footpath for 20 years or more. Therefore by doing nothing the footpath could automatically become a right of way in a few years' time.

RESOLVED

That the Democratic and Legal Manager be authorised to enter an agreement with Lancashire County Council under Section 25 of the Highways Act 1980 to dedicate the footpath referred to in the report and as marked on the plan attached to the report, as a public right of way.

REASON

- (1) *To carry out the recommendation of the Colne and District Committee in an efficient manner.*
- (2) *To ensure that the footpath is added to the definitive map and statement, and becomes maintainable at public expense.*

13. APPOINTMENT OF COMMITTEES

The Executive considered nominations onto various Committees/Working Groups.

RESOLVED

Budget Working Group

Councillors J. Cooney, A. R. Greaves, J. M. P. Henderson, M. Iqbal, D. M. Whipp and P. White.

Gearing Up For Growth Grants Panel

Councillors Nawaz Ahmed, M. Iqbal and D. M. Whipp

Scrap Metal Licensing Executive Sub-Committee

Councillors E. Ansar, M. Sakib and D. M. Whipp

Transfer of Services and Facilities to Town and Parish Councils Committee

Councillors A. R. Greaves, M. Iqbal, A. Mahmood, J. Starkie, K. Turner and D. M. Whipp

14. FORWARD PLAN

The Executive's Work Programme and Forward Plan of key decisions for the four month period commencing 1st June, 2016 were submitted for information.

15. CALL IN NOTICE AGE LIMIT OF LICENSED VEHICLES

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

"We believe the introduction of an 11 year age limit for all licensed vehicles will put public safety at risk. Pendle currently has a very poor failure rate for spot checks; some 61% of vehicles failed their checks in 2015. Extending the current age limit by a further 2 years doesn't provide any encouragement for the trade to keep their vehicles in good condition."

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A meeting of Scrutiny Group Spokespersons, Members who called-in the item, the Leader of the Council and relevant officers was held on 23rd May, 2016 to discuss the matter further. A note of that meeting was submitted for information.

From that meeting it was suggested that the Executive consider an alternative course of action. It was suggested that the age limit be extended to 10 years (12 for adapted vehicles) with 3 or 4 monthly taxi MOT tests. Any failures would then result in the license not being extended.

RESOLVED

- (1) That it be agreed that vehicles are not to be more than 7 years old when first licensed and no more than 11 years old on renewal or if manufactured or adapted to allow for wheelchair accessibility no more than 7 years old when first licensed and no more than 12 years on renewal.
- (2) That the Planning, Building Control and Licensing Services Manager be requested to submit a report to the Taxi Licensing and Other Licensing Committee on a scheme that would publicise good taxi operators but also highlight the poor taxi operators regarding maintenance and safety of their vehicles.

REASON

To encourage drivers to take more care of their vehicles.

Chairman _____