

**MINUTES OF A MEETING OF THE
EXECUTIVE
HELD AT THE TOWN HALL, NELSON
ON 17th NOVEMBER, 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 M. Arshad
Councillor W. Blackburn
Councillor J. Cooney
Councillor L. Crossley
Councillor J. Starkie
Councillor K. Turner
Councillor Y. Iqbal*

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>Neil Watson</i>	<i>Planning, Building Control and Licensing Services Manager</i>
<i>Jane Watson</i>	<i>Head of Democratic Services</i>
<i>Neil Krajewski</i>	<i>Grant Thornton</i>

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



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

<i>Ian Lord Robert Oliver Roy Windley</i>	<i>Transfer of Services and Facilities</i>	<i>Minute No. 78</i>
<i>John Hartley John Birchenough</i>	<i>Brownfield Sites</i>	<i>Minute No. 87</i>
<i>Owen Oliver</i>	<i>Pendle Local Plan Part 2</i>	<i>Minute No. 89</i>
<i>Pauline McCormick Danny Brennan</i>	<i>May Tree Close, Reedley</i>	<i>Minute No. 90(a)</i>



72. DECLARATIONS OF INTEREST

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

73. PUBLIC QUESTION TIME

Afzal Anwar referred to land on Carr Road, Nelson and asked if residents would be consulted on the future use of this site. Mohammed Aslam also asked if this site could be transferred to Nelson Town Council. In response the Leader said the Council had not yet made a decision on whether or not the land should be disposed of. This would be considered at the Executive's next meeting on 8th December, 2016.

74. MINUTES

RESOLVED

That the Minutes of the Executive meeting held on 22nd September, 2016 be approved as a correct record and signed by the Chairman.

75. PENDLE JOBS AND GROWTH STRATEGY ACTION PLAN 2017/18

The Housing, Health and Economic Development Services Manager submitted a report on progress in delivering the Pendle Jobs and Growth Strategy. The Strategy had been approved in November 2013 and the Action Plan attached to the report showed what had been achieved in delivering the Strategy over the past three years and what was proposed for the next two years.

RESOLVED

That progress made and the actions identified for 2017/19 be noted.

REASON

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

76. LIBERATA – EXTENSION TO CONTRACT AND RELATED MATTERS

The Strategic Director submitted a report which sought approval to extend the current contract with Liberata UK Ltd., for a further 10 year period from February, 2020. The acquisition by the Council of the freehold of Number One Market Street, Nelson was also proposed.

RECOMMENDATION

That Council be recommended to approve the following:

- (1) That the current contract with Liberata UK Ltd., be extended for a 10 year period from February, 2020 on the basis of the terms set out in the report.
- (2) That delegated authority be granted to the Strategic Director to conclude the contract extension as outlined in the report in consultation with the Leader and Executive Member

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for Finance.

- (3) That the Council purchase the freehold interest of Number One Market Street, Nelson from Barnfield Investment Properties Ltd., for £3.300m in 2017/18.
- (4) Subject to (3) above, it be agreed that the purchase be funded by borrowing and that this be reflected in the development of the Council's capital programme for 2017/18 (with the timing of such borrowing delegated to the Financial Services Manager).
- (5) That subject to (1) and (3) above, it be agreed that Number One Market Street, Nelson be leased to Liberata on the basis of the terms outlined in the report.

REASON

To contribute to the Council's savings requirements for 2017/20.

77. STRATEGIC MONITORING REPORT TO 30th SEPTEMBER, 2016

The Financial Services Manager submitted the Council's Strategic Monitoring Statement for the period ending 30th September, 2016. This provided details of progress made with the actions in the current Strategic Plan along with monitoring information on the Council's revenue and capital budgets.

RESOLVED

That the progress made on actions identified in the Strategic Plan, as shown in Appendix A attached to the report, be noted.

REASON

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

78. TRANSFER OF SERVICES AND FACILITIES

The Corporate Director submitted a report on the possible transfer of Earby Youth Hostel to Earby Town Council. The report also referred to a request from the North West Heritage Trust for the transfer to it of the freehold of the Pendle Heritage Centre.

Earby Youth Hostel

Discussions had been held with representatives of Earby Town Council who had indicated that they would be interested in taking ownership of the site with a view to it continuing to operate as an independent youth hostel (or some other tourism-based accommodation venture). The Town Council had therefore requested details of the terms on which the transfer of the site would be made. Details of the terms were listed in the report.

Pendle Heritage Centre

The request was to consider a community asset transfer of the Pendle Heritage Centre to the North West Heritage Trust. A separate Pendle Heritage Centre Trust had been created registered as a charity (no. 1165835) and limited company (9150342). The Heritage Trust for the North West would continue to hold the property and sublet the buildings to the new Trust.

Members were reminded that they last considered a similar request in May 2012 and a copy of that report had also been circulated. Although the recommendations had been agreed progress had not been made. The Committee's attention was drawn to Appendix B which contained the Trust's plans at that time and specifically item (g) and the Council's view at the time on transfer of the freehold.

RESOLVED

- (1) That the proposed terms for the transfer of Earby Youth Hostel to Earby Town Council and that the Strategic Director, in consultation with the Leader and Deputy Leader, be authorised to conclude negotiations.
- (2) That the Leader and Deputy Leader, together with the Corporate Director, be authorised to meet with representatives of the North West Heritage Trust and Barrowford Parish Council.

REASON

To further the Council's programme of transfer of facilities to town and parish councils and other organisations.

79. MATTERS REQUIRING FINANCIAL APPROVAL

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

Lomeshaye Marsh Field Centre

The Council had been notified by Gazprom that the electricity supply to the centre was going to be terminated to the facility due to unpaid utility bills. The bills had been sent to the Trust but they had informed the Council that they wanted nothing more to do with the centre and would not accept responsibility for the outstanding utility bills. These were subsequently settled by the Council to avoid services being disconnected. Liberata Property Services had inspected the property and had highlighted concerns evidencing the lack of statutory compliance checks such as wiring, legionella and fire risk. Some remedial works have been undertaken.

It was reported that to-date the Council had incurred costs of £1,497. Further costs would be incurred including on-going charges for electricity and water estimated at £130 per quarter. Although these were modest costs there was no approved budgeted provision for them.

The Executive were asked to consider three options:

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- The Council formally acquires the building from the Trust and accepts the on-going responsibility for its management and maintenance working with the current volunteers who presently used and supported the facility.
- The Council seeks to secure a transfer of the facility from the Trust to a local community group or organisation.
- The facility is closed.

Planning Appeals

It was reported that the Council's approved budget for planning appeals was £20,000. To date actual expenditure was running at £49,668 with further costs expected. It was anticipated that the planning appeals budget would overspend by £35,000 and the Executive was asked to approve a supplemental estimate to fund this.

It was noted that there was no budget remaining in the current year should further planning appeals emerge.

Pendle Leisure Trust – Early Market Engagement

The Executive were asked to consider approving a supplementary revenue estimate of £10,000 to fund an early market engagement exercise. The Budget Working Group had agreed to this being undertaken following consideration of a commercial review of the Leisure Trust from V4 Services Ltd. Discussions with representatives from the Leisure Trust were held prior to this meeting.

RESOLVED

- (1) That the current position regarding the Lomeshaye Marsh Field Centre be noted and the option of seeking a transfer of this facility to a local community group or organisation be endorsed.
- (2) That a supplementary revenue estimate of £35,000 be approved to fund an overspend on the budget for planning applications and that this be funded from the Budget Support Reserve for 2016/17.

REASON

- (1) *To enable the possible transfer of Lomeshaye Marsh Field Centre.*
- (2) *To settle costs incurred.*

80. ANNUAL AUDIT LETTER 2015/16

The Financial Services Manager presented Grant Thornton's Annual Audit Letter for 2015/16 which was received in October, 2016.

RESOLVED

That the Annual Audit Letter for 2015/16, attached as Appendix A to the report, be accepted.

REASON

To accept the letter for 2015/16.

81. APPOINTMENT OF EXTERNAL AUDITOR TO THE COUNCIL

The Financial Services Manager submitted a report which outlined possible options for appointing the external auditor to the Council and outlined a preferred course of action.

RECCOMENDATION

That Council be recommended to opt in to the appointing person arrangements made by Public Sector Audit Appointments for the appointment of external auditors.

REASON

Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by Full Council (the Authority meeting as a whole).

**82. TREASURY MANAGEMENT 2016/17
MID-YEAR REPORT**

The Financial Services Manager submitted a report which provided an update on the treasury management activities of the Council for the period ending 30th September, 2016 in accordance with the Council's Treasury Management Policy.

RESOLVED

That the work on the Council's treasury activities for the period ending 30th September, 2016 be noted.

REASON

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

83. REVIEW OF LOCAL SCHEME OF COUNCIL TAX SUPPORT

The Financial Services Manager submitted a report on the outcomes from the recent public consultation on possible changes to the Council's local scheme of council tax support. The changes were:

- Removal of the Family Premium from council tax support
- Reduction of backdate period to four weeks
- Withdrawal of council tax support when away from Great Britain for more than four weeks
- Abolition of the Severe Disability Premium where another person is paid Universal Credit (Carers Element) to look after them
- Limiting the number of dependant's additions to a maximum of two

It was noted that the number of responses received (97) was low with less than 20% being from households currently in receipt of council tax support.

RESOLVED

- (1) That the results of the recent public consultation exercise on possible changes to the Council's Local Scheme of Council Tax Support for 2017/18 be noted.

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- (2) That it be noted that two of the changes proposed from 1st April, 2017 are dependent on confirmation of Government policy decisions.
- (3) Subject to (2) above the technical changes required to align the scheme with the administration of Housing Benefits be recommended to Council for approval.
- (4) That subject to (3) above the proposed scheme of Local Council Tax Support at Appendix B attached to the report be recommended for approval by Council in December with an implementation date of 1st April, 2017.
- (5) That Council be recommended to grant delegated authority to the Financial Services Manager, in consultation with the Executive member for Finance, to make any amendments to the Scheme resulting from the annual updating of the detailed regulations which underpin the primary legislation.

REASON

To align the Council's Local Scheme of Council Tax Support with changes to the Housing Benefits framework. The Council is required to approve its Scheme of Local Support for a financial year by 31st January in the preceding year.

84. BUSINESS RATES REVALUATION 2017

The Financial Services Manager submitted a report which outlined the impact of the 2017 Business Rates Revaluation on Pendle. This was also a response to a resolution passed at the Council meeting held on 20th October, 2016.

The Government intends to move to 100% 'local' retention of business rates income by 2020. The report provided details of how this might be achieved but it was noted that the position would become clearer when the provisional Local Government Finance Settlement for 2017/18 was published in December.

RESOLVED

That the implications of the 2017 Business Rates Revaluation be noted.

REASON

To comply with the resolution from Council.

85. TENDERS

The Corporate Director submitted, for information, a report on tenders which had been received and accepted under the Contract Procedure Rules.

86. FUTURE OF PENDLE WOMEN'S REFUGE AND THE PENDLE DOMESTIC ABUSE ACTION PLAN FOR 2016/2019

The Housing, Health and Economic Development Services Manager submitted a report on possible options for the future of Pendle Women's Refuge following a soft market testing exercise and decisions by Lancashire County Council on funding for refuges.

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It was expected that funding from LCC would continue for a period of time but at a reduced level. With this in mind the Executive were asked to consider the following options:

1. The Council continues to manage the Refuge
2. The Council seeks an alternative provider to manage the Refuge
3. The Council seeks 'charitable status' for the Refuge service.
4. Closure of the Refuge

The results of the soft market testing exercise revealed that there was interest from external organisations in running the Refuge but a formal tender process would be required to fully evaluate this option.

The revised Pendle Domestic Abuse Action Plan for 2016/19 was also submitted for information.

RESOLVED

- (1) That a tender process be undertaken for the future provision of the Pendle Women's Refuge.
- (2) That a further report be submitted setting out the best option for the future delivery of the Refuge after the tender process.
- (3) That the Pendle Domestic Abuse Action Plan 2016/19 be noted.

REASONS

- (1) ***To fully explore the options for future sustainable provision of the Women's Refuge.***
- (2) ***The Council works closely with a number of agencies in tackling the scourge of domestic abuse within the Borough. The Action Plan builds on work undertaken within the 2012-15 Action Plan and sets out a programme of actions for the period 2016/19.***

87.

BROWNFIELD SITES FUND

The Housing, Health and Economic Development Services Manager submitted an update on progress with the use of the Brownfield Sites Fund. It was reported that the owners of twenty eight brownfield sites had been written to but where no houses had yet been built. Twelve owners had contacted the Council and requested application packs. Of these two applications had been received and another eight had submitted an application but needed to do more work first such as securing development finance etc.

The Executive also considered a suggestion that the Brownfield Sites Fund also be used to bring forward suitable employment sites, which would help to meet the Council's Jobs and Growth Strategy.

It was also suggested that funding applications be decided by the Grants Panel and then reported back to the Executive.

The Executive were advised that through Section 106 agreements £53,935 was available for bringing forward brownfield sites. The funding was available for use anywhere in the borough and it was proposed that this be added to the Brownfield Sites Fund.

RESOLVED

- (1) That progress with the use of the Brownfield Sites Fund be noted.
- (2) That consideration of the Fund being used to bring forward employment sites as well as housing sites with the level of funding being decided on a case by case basis be deferred and considered further at the next meeting.
- (3) That all applications for funding be decided by the Gearing up for Growth Grants Panel.
- (4) That £53,935 funding from relevant Section 106 agreements be added to the Fund and used for commercial development on brownfield sites.

REASON

To ensure Members are kept informed and that the Fund is dealt with in a consistent way.

88. COLNE NEIGHBOURHOOD AREA

The Planning, Building Control and Licensing Services Manager submitted a report on Colne Town Council's intention to prepare a neighbourhood plan for their area. This covered the whole of the Town Council area.

A public consultation exercise was undertaken from 14th October, 2016 to 11th November, 2016. No objections were received. The responses that were received were attached to the report for information.

RESOLVED

- (1) That the responses received to the public consultation for the Colne Neighbourhood Area be noted.
- (2) That the Town Council area for Colne be designated as the Neighbourhood Area.

REASONS

- (1) ***To comply with the Neighbourhood Planning (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 (Section 61G(5) of the Town and Country Planning Act 1990 as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act 2004).***

89. PENDLE LOCAL PLAN – PART 2

The Planning, Building Control and Licensing Services Manager submitted a report on progress made on the preparation of the Part 2 of the Local Plan. This focused on site allocations and the detailed development management policies.

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It was noted that the Part 2 Plan had to be formulated on a sound evidence base. As such a Sustainability Appraisal was required in the Plan and the following documents would comprise the main components of that evidence:

Sustainability Appraisal
Strategic Flood Risk Assessment (Update)
Green Belt Assessment
Green Belt Infrastructure Strategy
Development Viability (Update)

A study had been commissioned to look at the Green Belt. This would focus on the characteristics of the Green Belt set against the five purposes of Green Belt in the National Planning Policy Framework. The draft study was attached to the report but it was reported that the final document had not yet been received. A number of amendments had been requested. Also attached were the Site Assessment Methodology and Development Management Policies.

The Executive were also asked to set up a cross party working group to consider the strategic development of Part 2 of the Plan.

RESOLVED

- (1) That the progress made on the preparation of Part 2 of the Local Plan be noted.
- (2) That a cross party working group, comprising of two Councillors from each of the three main political groups, be convened to take forward the development of Part 2 of the Local Plan.
- (3) That the preparation of the evidence base, as set out in the report and the proposed methodology for delivering the plan be endorsed.
- (4) That a consultation exercise be agreed on the Site Assessment Methodology, the amended Green Belt Review and the further call for sites.

REASON

To facilitate the preparation and adoption of the Local Plan.

90. MATTERS REFERRED FROM AREA COMMITTEES

(a) May Tree Close, Reedley

The Corporate Director submitted a report asking the Executive to agree a contribution of £16,500 towards the making up and adoption of May Tree Close, Reedley.

Planning permission was granted in 2005 for this small housing development. It was reported that at that time it appeared the Council failed to serve a Section 220 Highways Act 1980 Advance Payments Code Notice on the developer. This required the deposit of money as security for the making up of roads on a development. A Section 38 Highways Agreement could be concluded as an alternative. The agreement was drafted and sent to the developer but never completed. The developer went bankrupt a few years later without having made up the roads.

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It was reported that residents had, for some time, put pressure on the Council to sort out the making up of the road. Stonehaven Estates had also contacted the Council about this. They were now developing an adjoining site subject to a condition that they complete the making up of May Tree Close.

Stonehaven Estates had obtained three estimates from contractors to carry out the road surfacing work and street lighting provision. The lowest was Dale Contractors at £26,500.

At a meeting with officers and Stonehaven Estates it was agreed that the Council would contribute £16,500 with residents contributing £5,000 and Stonehaven Estates £5,000.

RESOLVED

That the requested contribution of £16,500 be approved and it be met from the Brownfield Sites Fund; and that pursuant to Contract Procedure Rule 5.4 exemption from Contract Procedure Rules be approved.

REASON

To secure the making up and adoption of May Tree Close, Reedley.

91. FORWARD PLAN

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

92. EXCLUSION OF PUBLIC AND PRESS

That it be agreed that the public and press be excluded from the meeting during the next following item of business in pursuance of the power contained in Section 100(A)(4) of the Local Government Act, 1972 as amended (i.e., exempt information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

93. ROSSENDALE EMPTY HOMES

The Financial Services Manager submitted a report which sought approval to the terms of a settlement negotiated with Rossendale Borough Council in response to their claim against Pendle Council under the Empty Homes Programme.

RESOLVED

- (1) That the claim from Rossendale Borough Council be settled on the terms outlined in the report and these be funded from the Empty Homes Capital programme Budget in the current year.
- (2) That the Strategic Director be authorised to conclude the Settlement Agreement on behalf of the Council.

REASON

To resolve the claim made by Rossendale Borough Council and avoid the risk of further legal action with increased uncertainty in respect of additional costs.

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Chairman _____