

**MINUTES OF A MEETING OF THE
EXECUTIVE
HELD AT THE TOWN HALL, NELSON
ON 19th OCTOBER, 2017**

PRESENT –

His Worship the Mayor Councillor D. Whalley

Councillor M. Iqbal (Chairman – in the chair)

Councillors

*E. Ansar
M. Ashraf
D. Clegg
A. R. Greaves
J. Henderson*

*K. Hartley
A. Mahmood
M. Sakib
D. M. Whipp*

Also in attendance:

*Councillor W. Blackburn
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>Finance Services Manager</i>
<i>Neil Watson</i>	<i>Planning, Building Control and Licensing Services Manager</i>
<i>Neil P. Krajewski</i>	<i>Grant Thornton UK LLP</i>
<i>Alison Goode</i>	<i>Pendle Leisure Trust</i>
<i>Jason Whittaker</i>	<i>Pendle Leisure Trust</i>
<i>Jane Watson</i>	<i>Head of Democratic Services</i>



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

<i>Christine Ashton</i>	<i>Redevelopment of Pendle Leisure Centre –</i>	<i>Minute No. 80</i>
<i>Penny Clough</i>	<i>Loan to Pendle Leisure Trust</i>	
<i>Mark Nuttall</i>		
<i>Jeanette Green</i>		
<i>Barry Green</i>		
<i>Stephen Broadbent</i>		



78.

DECLARATIONS OF INTEREST

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

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Councillor M. Sakib declared a personal and prejudicial interest in minute number 89. – land at Bamford Street, Nelson.

79. MINUTES

RESOLVED

That the Minutes of the Executive meeting held on 21st September, 2017 be approved as a correct record and signed by the Chairman.

**80. REDEVELOPMENT OF PENDLE LEISURE CENTRE
LOAN TO PENDLE LEISURE TRUST**

The Financial Services Manager submitted a report which outlined proposals on behalf of Pendle Leisure Trust for the redevelopment of Pendle Leisure Centre in Colne. Agreement was also sought from the Executive for a loan to the Trust to finance the development.

It was reported that the proposals formed part of a wider set of proposals to help reduce the annual management fee payable by the Council.

The proposed scheme was for the creation of a children's soft play area (including two party rooms) in three-quarters of the sports hall and a fitness/dance studio in the remaining quarter. A café and refurbishment of the existing dry side changing rooms and reception was also proposed. The total cost of the scheme was £511,600.

The Trust had been looking at the current usage/hires in the sports hall to determine what they could relocate to Primet High School (evening use) and West Craven Sports Centre (day time use) along with fitness classes that would need to be relocated to the new fitness/dance studio. It was acknowledged that it may not be possible to cater for all current users in any revised arrangements.

As owners of the building it was acknowledged that the Council would carry out some of the refurbishment works.

The Trust was therefore asking for a loan up to a maximum of £500,000 to enable the scheme to be implemented.

RESOLVED

- (1) That the proposal from Pendle Leisure Trust for the redevelopment of Pendle Leisure Centre in Colne be supported.
- (2) That the request from Pendle Leisure Trust for a loan of up to a maximum of £0.5m to finance the project be endorsed.
- (3) That Council be **recommended** to approve a supplementary capital estimate of £0.5m in the current year in support of the project.
- (4) That the Financial Services Manager, in consultation with the Leader and the Executive Member for Finance, be granted delegated authority to agree the terms of the loan with the Leisure Trust.

REASON

To facilitate the redevelopment of Pendle Leisure Centre and provide funding to the Trust to complete the scheme as part of a wider set of proposals to help reduce the annual management fee payable by the Council.

81. MATTERS REQUIRING FINANCIAL APPROVAL

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

Clitheroe Road Housing Development, Brierfield- Deed of Subordination in favour of the Homes and Communities Agency

A decision was made by the Executive in August 2016 to approve the provision of a parent guarantee to the Homes and Communities Agency (HCA) in respect of the Builders Finance Fund credit facility of c£1.5m in support of the housing development by PEARL2 at Clitheroe Road, Brierfield. The Council's guarantee was conditional on the completion of a 70% counter indemnity from the Barnfield Group in favour of the Council which left the Council exposed for the remaining 30%. Officers had concluded the required loan documentation in conjunction with HCA and PEARL2.

HCA had now asked the Council to agree a Deed of Subordination which, it was reported, was a new requirement.

The purpose of the Deed was to safeguard the HCA's interest in the loan facility provided to PEARL2 and to ensure that this was repaid first before any benefits were accrued either to the Council or Barnfield as the subordinated lenders.

RESOLVED

That officers be authorised to agree the execution of a Deed of Subordination in favour of the Homes and Communities Agency linked to the provision of loan funding for the PEARL2 housing development at Clitheroe Road, Brierfield.

REASON

In response to a specific matter that has financial implications for the Council.

82. TREASURY MANAGEMENT 2017-2018 MID-YEAR REPORT

The Financial Services Manager submitted an update on the treasury management activities of the Council for the period ending 30th September, 2017 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, 2017 be noted.

REASON

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

83. INCOME REVIEW – INCREASE IN CEMETERY FEES

This item was considered at the last meeting on 21st September, 2017 but was subsequently called in. A meeting with relevant Councillors and officers was held on 13th October, 2017 to discuss the matter further. A note of the meeting was submitted for information.

The Financial Services Manager circulated variant proposals for consideration at the meeting.

RESOLVED

That the decision to increase cemetery fees be re-affirmed based on the variant proposals circulated at the meeting and to be implemented during November, 2017.

REASON

To implement the Council's financial strategy action plan, specifically in support of the 'charging' theme outlined as part of the updated Medium Term Financial Plan reported to the Executive in May, 2017.

84. ANNUAL AUDIT LETTER 2016/17

The Financial Services Manager submitted a report following receipt of the annual audit letter for 2016/17 from Grant Thornton which was attached at Appendix A to the report.

RESOLVED

That the Annual Audit Letter for 2016/17 be accepted.

REASON

To consider and accept the Annual Audit Letter for 2016/17 from Grant Thornton.

**85. LOCAL GOVERNMENT FINANCE SETTLEMENT 2018/19
RESPONSE TO CONSULTATION**

The Financial Services Manager submitted a report on the draft response to the Government's technical consultation on aspects of the Local Government Finance Settlement for 2018/19. The consultation set out the technical issues which needed to be considered and finalised before the provisional local government finance settlement was issued in December each year.

Members discussed the allocations mechanism for New Homes Bonus along with a number of other responses to the consultation.

RESOLVED

That the draft response to the consultation provided at Appendix B be accepted and the Financial Services Manager be authorised to submit this to the DCLG by the deadline of 26th October, 2017.

REASON

To agree and approve for submission the Council's response to the above consultation.

86. 16 KIRBY ROAD, LOMESHAYE INDUSTRIAL ESTATE, NELSON

The Strategic Director submitted a report following receipt of a request to purchase the freehold or extend the long lease of the land edged black on the plan attached to the report and known as 16 Kirby Road, Lomeshaye Industrial Estate, Nelson. The site was subject to a 125 year lease from the Council from 20th February, 1990.

The property was currently vacant and up for sale.

The Executive were advised that disposal of the freehold would take away control from the Council and could affect any future development of the industrial estate. An extension to the lease term, however, may secure long term occupancy of a vacant property.

RESOLVED

- (1) That the request to purchase the freehold of 16 Kirby Road, Lomeshaye Industrial Estate, Nelson be refused.
- (2) That the lease be extended by an additional 27 years and the Strategic Director be authorised to negotiate and agree terms for the lease extension.

REASON

- (1) ***A decision to dispose of the freehold would affect any future development of the industrial estate.***
- (2) ***To return the lease to a 125 year term, as originally granted.***

87. TENDERS AND CONTRACT RELATED MATTERS

The Corporate Director submitted a report on an exemption from the requirements of the contract Procedure Rules.

BMX Track, Swinden Playing Fields, Cravendale Avenue, Nelson

It was reported that out of the five specialist contractors on the British Cycling approved list invited to submit tenders only one tender had been submitted. This was from Dirtworks who had constructed the existing BMX track at Swinden Playing Fields along with a number of other schemes in neighbouring authorities.

An exemption to the requirements of Contract Procedure Rules had been granted. Approval had been given for a negotiated contract in accordance with CPR26 with Dirtworks using open-book accounting for a scheme costing no more than £55,000.

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RESOLVED

That the exemption granted from Contract Procedure Rules for the BMX Pump Track, Swinden Playing Fields, Cravendale Avenue, Nelson be noted.

REASON

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

**88. PENDLE HOMELESSNESS STRATEGY 2017-2022
AND HOMELESSNESS TEMPORARY ACCOMMODATION POLICY 2017**

The Housing, Health and Economic Development Services Manager submitted a report on the Pendle Homelessness Strategy for 2017-2022 and the Pendle Homelessness Temporary Accommodation Policy 2017.

RESOLVED

That Council be **recommended** to approve the Pendle Homelessness Strategy 2017-2022 and the Pendle Homelessness Temporary Accommodation Policy 2017.

REASON

Under the requirements of the Homelessness Act 2002.

Councillor M. Sakib declared a personal and prejudicial interest in the following item and withdrew from the meeting during discussion.

89. LAND AT BAMFORD STREET, NELSON

A report detailing the offers received for the remaining plots (3, 4 and 5) on the Bamford Street site in Nelson was submitted by the Strategic Director. These plots had been remarketed over the summer and the following bids had been received:-

Plot Number	Bidder 1	Offers Received	
		Bidder 2	Bidder 3 (interested in 1 or both plots)
Plot 3	£26,001		
Plot 4		£52,002 for	£14,250
Plot 5		both plots	£16,000

RESOLVED

That the highest offers received for Plots 3, 4 and 5 for land on Bamford Street, Nelson be accepted.

REASON

To achieve a capital receipt, fulfil the aims of the Right to Build scheme and reduce liabilities for the Council.

90. BROWNFIELD REGISTERS AND PERMISSION IN PRINCIPLE

The Planning, Building Control and Licensing Services Manager submitted a report on the need to produce a Brownfield Register and what it would contain along with the process for granting Permission in Principle (PIP) and the financial implications implementing PIPs could have. Legislation for both had now been issued but further legislation was to be issued extending the circumstances in which PIP could be granted.

It was reported that the Town and Country Planning (Brownfield Land Register) Regulations 2017 set the detailed parameters of what the register must contain. The Register contained two parts and was to be published no later than 31st December, 2017. Part one (the brownfield sites) was mandatory but Part 2 (which contained those sites granted PIP) was not.

Details of what should be included in the register and the criterion for entering land into the register was set out in the report. There was also reference to the fees regulations regarding PIPs. It was noted that based on the 48.89 ha of potential brownfield land that could be granted PIP income from planning fees for these would be £188,265. However, excluding the sites that already had planning permission there would be an income loss of £136,675.

RESOLVED

- (1) That the approach to implementing the legislation, as set out in the report, be agreed.
- (2) That Permission in Principle not be pursued unless a change in the fees regulations compensated the Council for the loss of income.
- (3) That consultations not be carried out for the inclusion of sites in the Part 1 Register.

REASON

- (1) ***To ensure that the Council is aware of what is required under the new legislation.***
- (2) ***In order not to have a loss of income through the PIP process.***
- (3) ***The sites have already been published through the SHLAA process.***

91. PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES: CONSULTATION PROPOSALS

The Planning, Building Control and Licensing Services Manager submitted a report which set out responses to the above consultation. The deadline for comments was 9th November, 2017.

The consultation reinforced the Government's aims of providing the right homes in the right places, building them faster than at present, diversifying the housing stock and tackling the impact of the housing shortage.

During discussion it was felt that the consultation created uncertainty and would destabilise the planning process. Members were also unclear on how the formula for the number of house to be developed had been reached and how the figures had been brought together.

It was noted that full Council would be considering a motion on this issue on 26th October, 2017.

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RESOLVED

That pending the outcome of discussions at the Council meeting on 26th October, 2017, the Planning, Building Control and Licensing Services Manager, in consultation with the Leader and Deputy Leader prepare a response to the consultation.

REASON

To take into account the recommendation from the full Council meeting.

92. MATTERS REFERRED FROM AREA COMMITTEES

(a) Disposal of Housing Sites

At the Colne and District Committee meeting on 5th October, 2017 it was resolved “that the Executive be requested to dispose of the land at Leach Street, Colne and Harrison Drive Recreation Ground, Colne.”

RESOLVED

That land at Leach Street, Colne and the Harrison Drive Recreation Ground in Colne be declared surplus to requirements.

REASON

To dispose of sites that can support the Council’s growth objectives.

93. FORWARD PLAN

The Executive’s Work Programme and Forward Plan of key decisions for the four month period commencing 1st November, 2017 were submitted for information.

Chairman _____