

**MINUTES OF A MEETING  
OF THE EXECUTIVE  
HELD AT NELSON TOWN HALL  
ON 14<sup>th</sup> DECEMBER, 2017**

*PRESENT –*

*Councillor M. Iqbal (Chairman – in the Chair)*

**Councillors**

*E. Ansar  
M. Arshad  
D. Clegg  
A. R. Greaves*

*J. Henderson  
A. Mahmood  
M. Sakib  
D. M. Whipp*

**Also in attendance:**

*Councillor R. E. Carrol  
Councillor M. Goulthorp  
Councillor M. Horsfield  
Councillor K. Turner*

**Officers in attendance:**

<i>D. Langton</i>	<i>Chief Executive</i>
<i>V. Green</i>	<i>Financial Services Manager</i>
<i>D. Walker</i>	<i>Environmental Services Manager</i>
<i>J. Watson</i>	<i>Head of Democratic Services</i>

*(Apologies for absence were received from Councillor K. Hartley).*

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**94. DECLARATIONS OF INTEREST**

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

**95. PUBLIC QUESTION TIME**

On behalf of the Further Clough Head Action Group, Alison Simcock asked if the Council would consider a possible land swap of this site with the County Council to enable a new school to be built. She asked for assurances that before any discussions were held with the County Council the land was not sold to a developer for housing. County Council Azhar Ali added that he had already had informal discussions with some Ward Councillors and the Chairman about this issue. He advised that officers at the County Council would be willing to meet to discuss this proposal.

In response the Chairman said that he had already written to the County Council and asked to meet with them to discuss education issues in the Borough but was open to discussing a possible land swap within them as well. A response to the request had not yet been received but once the meeting had been held County Councillor Ali would be informed so that he could advise residents on the outcome.

96.

## MINUTES

### RESOLVED

That, subject to the inclusion of Councillor M. Arshad shown as attending the meeting, the Minutes of the Executive meeting held on 19<sup>th</sup> October, 2017 be approved as a correct record and signed by the Chairman.

### 97. THE BOROUGH OF PENDLE (LOMESHAYE INDUSTRIAL ESTATE – PHASE 1) COMPULSORY PURCHASE ORDER 2017

The Housing, Health and Economic Development Services Manager submitted a report on the proposed compulsory purchase order to acquire land adjoining Lomeshaye Industrial Estate in Brierfield. This would facilitate the first phase of the proposed extension to the Industrial Estate, thereby safeguarding or creating an additional 400-500 jobs.

### RESOLVED

- (1) That THE BOROUGH OF PENDLE (LOMESHAYE INDUSTRIAL ESTATE EXTENSION, PHASE 1) COMPULSORY PURCHASE ORDER 2018 be made under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 and the Acquisition of Land Act 1981 (as amended)) for the acquisition of all interests in land and premises described in the report and on the site plan shown edged black on the Map in Appendix 1 to the report in order to deliver the first phase of the extension of the Lomeshaye Industrial Estate through enabling further industrial units to be developed on the site in the expectation that such action would improve the social, economic and environmental wellbeing of the area.
- (2) That the draft Statement of Reasons attached to the report be approved and appropriate officers be authorised to make any amendments they consider reasonably necessary before submission of the Order to the Secretary of State.
- (3) That appropriate officers of the Council be authorised to take any necessary steps to prepare the documentation required to make The Borough of Pendle (Lomeshaye Industrial Estate Extension, Phase 1) Compulsory Purchase Order 2018 under Section 226(1)(a) of the Town and Country Planning 1990 (as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 and the Acquisition of Land Act 1981 (as amended)).
- (4) That officers of the Council be authorised to take any such steps as may be required to promote with a view to securing the confirmation and subsequent implementation of the above aforementioned Order, such steps to include but not be exclusive to the following:
  - Affixing the Common Seal of the Council to the Compulsory Purchase Order and Map.
  - The issue and service of all statutory notices.
  - The submission of all necessary documentation to the Secretary of State for Communities and Local Government in seeking to obtain confirmation of the Order.
  - Continuing negotiations and approving agreements with land owners setting out the terms for the acquisition of their interests, as if a confirmed Compulsory Purchase Order had been in place.

- Agreeing in advance with withdrawal of objections to the Compulsory Purchase Order (where appropriate).
- The presentation of the council's case at any public inquiry or through written representations if this is appropriate.
- The presentation of the Council's case at Parliament should Special Parliamentary Procedure be invoked as part of the confirmation process.
- To make and affix the Common Seal of the Council to a General Vesting Declaration in respect of any part of the Order Land and to issue and serve any statutory notices relating thereto.
- Representation of the Council's case on compensation matters connected with this Compulsory Purchase Order to the Upper Tribunal (Lands Chamber).

## **REASON**

***To make a Compulsory Purchase Order to be known as 'THE BOROUGH OF PENDLE (LOMESHAYE INDUSTRIAL ESTATE PHASE 1, EXTENSION) COMPULSORY PURCHASE ORDER 2018.' This shall facilitate the first phase of the proposed extension of the Lomeshaye Industrial Estate. In doing so, it shall implement policies within the adopted Core Strategy, facilitate economic development and deliver corporate objectives. This would also allow officers to take all necessary steps to promote and seek confirmation of the Compulsory Purchase Order.***

## **98. COLNE BUSINESS IMPROVEMENT DISTRICT**

The Housing, Health and Economic Development Services Manager submitted a report on progress made with developing a BID for Colne, in particular the stages completed to date and estimated timescales/outcomes.

Following on from expressions of interest received in becoming members of the BID Steering Group it was suggested that membership be increased from 10 to 12 (up to 9 businesses, 2 Pendle Councillors and 1 Colne Town Councillor) with Chris Kolek and Pendle Council (Business Support Team Leader) facilitating the development as non-voting steering group members.

It was noted the development process would take approximately 12 months from the start of the project, with a target completion date of June 2018. It was anticipated that the ballot/vote would also take place in June 2018.

## **RESOLVED**

That the report and timetable for the implementation of a Colne BID be noted.

## **REASON**

***To allow the development of the proposed Colne BID to continue.***

## **99. WASTE COLLECTION, RECYCLING AND STREET CLEANSING**

The Corporate Director submitted a report on the results of the public consultation exercise on the waste service; and in light of the survey the report set out proposals for the making of significant savings on this service.

There had been 2,237 responses to the consultation with 2,136 online and 101 in paper form.

The consultation also included questions on charging for bulky household waste collection and replacement bins; increasing the charge for garden waste collection and introducing a booking system for winter collections; and reducing the levels of manual and mechanical street cleansing services.

The Executive were reminded that the target of savings was c£300,000 from changes in the collection service itself.

It was reported that the majority of people who responded to the consultation favoured the Executive's preferred option of 4 weekly collections for brown bins and paper/card and retaining the 2 weekly collections for grey bins.

The Executive also discussed other options identified within the report for generating savings which would result in a saving of £190,000.

Other options identified in the report for charging for services within the Service Area were also discussed.

## **RESOLVED**

- (1) That the Council's thanks to all those who responded be given via a press release and social media posts.
- (2) That the following be **recommended** to Council for approval:
  - (a) That with effect from 1<sup>st</sup> April 2018 the household refuse collection service change to fortnightly residual refuse collection with four weekly recyclable waste along with savings proposals from staffing restructure (£30,000) changes to sickness procedures (£15,000) reduction in non-contractual vehicle repairs (£15,000) and additional trade waste income (£40,000).
  - (b) That the Environmental Services Manager be granted delegated authority to procure for the lease of 20,000 new wheelie bins; replace 7.5t vehicles and source new 18t vehicles as appropriate and the necessary adjustments to the Council's Capital Programme be agreed.

## **REASON**

***To reduce the net cost of the service and help achieve a balanced budget.***

## **100. STRATEGIC MONITORING REPORT TO 30<sup>th</sup> SEPTEMBER, 2017**

The Financial Services Manager submitted a report which detailed the performance monitoring information on the Council's service plans for the first half of 2017/18.

## **RESOLVED**

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

## **REASON**

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

**101.**

### **REVENUE BUDGET 2018/19**

The Financial Services Manager submitted a report which provided an update on elements of the Autumn Budget announced by the Chancellor on 22<sup>nd</sup> November, 2017. The Executive were asked to approve the Revised Budget for 2017/18 and were presented with the draft Base Budget for 2018/19 for consideration.

A budget strategy (including savings proposals) was also submitted as part of an approach to achieve a balanced budget in 2018/19 (along with outline proposals for 2019/21). In addition the Executive were asked to consider the development of a budget for 2018/19 and the Medium Term Financial Plan period (to 2020/21).

Reference was also made to a letter received from the Citizens Advice Bureau regarding future provision within the Borough.

## **RESOLVED**

- (1) That, in view of the seriousness of the Council's forecast financial position, it was agreed that this report be shared with all Councillors so that they be made fully aware of the position.
- (2) That the Revised Budget for 2017/18, including the additional in-year contributions to reserves (for the purposes stated in paragraphs 17-19 in the report) be approved as follows:

	£
Change Management Reserve	300,000
Growth Sites Development Reserve	100,000
NNDR Volatility Reserve	100,000
- (3) That the Financial Services Manager, in consultation with the Executive Member for Finance, be granted delegated authority to prepare and submit the Council's response to the consultation on the provisional Local Government Finance Settlement for 2018/19, details of which were expected prior to the festive period.
- (4) That the draft Base Budget for 2018/19, the forecast Medium Term Financial Plan and the assumptions underpinning both be noted.
- (5) That with regards to Appendix F(i) (savings proposals) the £190,000 proposed savings within the Waste Management Service, referred to in Minute 99 above, be noted and all other savings listed in the appendix be deferred and considered further at the Budget meeting in February, 2018.
- (6) That the Pendle Leisure Trust's savings proposals, detailed in Appendix F(ii) to the report,

be noted and, with the exception of the redevelopment of Colne Leisure Centre and the proposed price increase, the other reductions listed 8-18 be accepted and **recommended** to Council for approval.

- (7) That the outline savings proposals for 2019/20 and 2020/21 be noted and it be agreed that, as a minimum, these options and any other suggestions that come forward should form the basis of the further work necessary to achieve a balanced budget in these years.
- (8) That to support the work outlined in (7) above, it be agreed that the Budget Working Group be maintained and that it should continue as currently constituted (i.e. 2:2:2).
- (9) That the financial planning assumption of a Band D council tax increase of £5 (+1.99%) for 2018/19 be noted pending confirmation of the council tax referendum principles as part of the Local Government Finance Settlement for 2018/19.
- (10) That the Corporate Director be authorised to conclude the transfer of Colne Municipal Hall to Colne Town Council and to agree the terms of the transfer with the Town Council in consultation with the Leader and Executive Member for Finance; and that a meeting be arranged early in the New Year to discuss the transfer with the Town Council.
- (11) That the timetable for the remainder of the budget process, as set out in the report, be noted.
- (12) That a cross party meeting be held with the Citizens Advice Bureau to discuss future provision of the service within Pendle.

## **REASON**

***To continue with the implementation of the Council's Financial Strategy and to inform the development of the council's budget for 2018/19.***

### **102. DEVELOPING THE MEDIUM TERM CAPITAL PROGRAMME 2018/21**

The Financial Services Manager submitted a report which provided an update on the capital programme in the current year and outlined the initial capital programme for 2018/21.

The report provided details of the likely capital resources available in 2018/19 and capital bids for the year as submitted by services. The Executive discussed the draft capital programme for 2018/19 and noted that a further report on the Council's medium-term capital programme for 2018/19 along with an updated capital strategy would be submitted to the February cycle of meetings.

## **RESOLVED**

- (1) That the projected position on the capital programme for 2017/18, as shown in Appendix A attached to the report, be noted.
- (2) That it be noted that the capital bids submitted for 2018/19 exceed the projected resources available by £0.57m and were therefore unaffordable.
- (3) That, in view of (b) above the Executive considered the draft Capital Programme for

2018/19 as shown in Appendix C attached to the report, pending a further report on this matter to the Executive meeting in February, 2018.

- (4) That the intention to submit an updated strategy for the flexible use of capital receipts in the February cycle of meetings to enable the Council to benefit from the flexibility in 2018/19 be noted.

## **REASON**

***To consider the development of the Council's Capital Programme for 2018/21.***

### **103. BUSINESS RATES RELIEF UPDATED POLICY**

The Financial Services Manager submitted a report on a consolidated policy document that brought together the various forms of rate relief available to business ratepayers in Pendle and set out the Council's approach to applying discretionary elements of relief.

The Executive made reference to the need to ensure that the public were fully informed of why the Council were required to carry out this review.

## **RESOLVED**

- (1) That the updated policy for the granting of Discretionary Non-Domestic Rate Relief, attached as Appendix A to the report, be approved.
- (2) That the intention to review the current level of relief awarded to identify if any savings could be made from 2019/20 be supported and officers be authorised to put current recipients of relief on notice that their award would come to an end on 31<sup>st</sup> March, 2019 pending the outcome of this review.

## **REASON**

***To seek approval to an updated policy following a number of additional rate relief measures implemented by Government arising from the 2017 NNDR Revaluation and to facilitate a review of current reliefs to assess the scope for making savings.***

### **104. LOCAL SCHEME OF COUNCIL TAX SUPPORT 2018/19**

The Financial Services Manager submitted a report on the proposed local scheme of Council Tax Support for 2018/19 with a recommendation that Council approve and implement the scheme from 1<sup>st</sup> April, 2018.

It was noted that there were no local changes proposed to the Council's scheme for 2018/19 and the maximum level of support for working age claimants was maintained at 80%.

## **RESOLVED**

- (1) That the proposed local scheme of Council Tax Support, attached to the report at Appendix A, be **recommended** to Council in December 2017 for approval with an implementation date of 1<sup>st</sup> April, 2018.

- (2) That the Council grants delegated authority to the Financial Services Manager, in consultation with the Executive Member for Finance, so as to make any amendments to the scheme resulting from the annual updating of the detailed regulations which underpin the primary legislation.

## **REASON**

***Council is required to approve a local scheme of Council Tax Support by 31<sup>st</sup> January for the following financial year. As there was no Council meeting in January the Executive was asked to refer this matter to Council on 21<sup>st</sup> December, 2017.***

## **105. COUNCIL TAX BASE 2018/19**

The Financial Services Manager submitted a report on the proposed Council Tax Base for 2018/19 (including the tax base for each part of the area to which parish precepts relate).

## **RESOLVED**

- (1) That, in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, it be agreed that the amount calculated by the Borough of Pendle as its council tax base for the year 2018/19 be 23,661.5.
- (2) That the tax base for parished areas be agreed as:

<b>Parish Area</b>	<b>Tax Base at 96.0% Collection</b>
Barley	131.4
Barnoldswick	2,984.5
Barrowford	2,117.7
Blacko	300.9
Bracewell & Brogden	117.9
Brierfield	2,002.2
Colne	4,533.3
Earby	1,230.2
Foulridge	569.5
Goldshaw Booth	113.3
Higham	352.6
Kelbrook & Sough	341.6
Laneshawbridge	311.7
Nelson	5,884.3
Old Laund Booth	637.2
Reedley Hallows	697.9
Roughlee	156.7
Salterforth	286.2
Trawden Forest	892.4
<b>Total</b>	<b>23,661.5</b>

- (3) That the Class C discount for 2018/19 be retained on the same basis as it has operated in the current year.



- (4) That the recent announcement in the Budget regarding the Government's intention to allow local authorities the power to levy a council tax premium of 100% on long-term empty properties rather than the current 50% be noted; an implementation date for this measure has not yet been confirmed by the Government.

**REASON**

***To agree the Council's Tax Base for 2018/19 for council tax setting purposes.***

**106. RECOMMENDED WRITE OFFS**

The Liberata Revenues Manager submitted a report recommending the write off of debts relating to Sundry Debtors, overpayments of Housing Benefit, Council Tax and National Non Domestic Rate.

**RESOLVED**

That it be agreed that the sums of £1,683.29 in respect of Sundry Debtors, £57,016.30 in respect of the overpayment of Housing Benefit, £138,166.35 in respect of Council Tax and £52,101.51 in respect of National Non Domestic Rate, be written off as irrecoverable.

**REASON**

***The prudential and considered writing off of bad debts was an essential requirement for the efficient management of the debt recovery functions.***

**107. TENDERS**

The Corporate Director submitted, for information, a report on tenders which had been received and accepted. The Executive were also asked to consider officers received for the sale of 32 Every Street, Brierfield. Three offers had been received ranging from £10,000 to £13,000. The property had been marked for sale with a guide price of £12,000.

Best and final offers had been invited by 10<sup>th</sup> November, 2017 which resulted in seven offers being received ranging from £12,500 to £20,500.

**RESOLVED**

- (1) That the report be noted.
- (2) That the highest offer of £20,500 be accepted for the sale of 32 Every Street, Brierfield.

**REASON**

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

**108. EMPTY HOMES PLAN AND UPDATE**

The Housing, Health and Economic Development Services Manager submitted a report on progress being made against the Empty Homes Plan and an update on the Empty Homes Action Plan.

## **RESOLVED**

- (1) That the work already completed towards achieving the targets in the Empty Homes Plan be noted.
- (2) That the Empty Homes Action Plan for 2017/19 be adopted.
- (3) That, subject to (2) above the proposed use of Compulsory Purchase Orders as a means of bringing some long-term empty properties back in to use be agreed.
- (4) That, for the purposes of (3) above, an initial capital allocation of £150,000 be agreed from the current year's approved capital programme budget for Empty Homes.
- (5) That a further report be brought back to the Executive regarding the priority properties that could be considered for Compulsory Purchase.

## **REASONS**

- (1) ***To enable the Empty Homes Plan targets to be met.***
- (2) ***To continue the reduction in empty properties across the Borough.***
- (3) ***To enable the most challenging empty properties to be brought back in to use.***
- (4) ***To receive approval for the Compulsory Purchase Priority list.***

### **109. SITES IN COLNE – DISPOSAL FOR AFFORDABLE HOUSING**

The Housing, Health and Economic Development Services Manager submitted a report which sought approval for the Bold Street/Colne Lane and Hawley Street/Knotts Lane sites in Colne to be disposed of under a negotiated procedure for the development of affordable housing.

## **RESOLVED**

- (1) That the disposal of land at Bold Street/Colne Lane and Hawley Street/Knotts Lane, Colne to Together Housing for the development of affordable housing be agreed.
- (2) That the Chief Executive be authorised to approve the negotiated terms for the disposal of the sites referred to in (1) above.

## **REASON**

***To ensure the early development of the sites and that affordable housing grant is retained within Pendle.***

### **110. DISPOSAL OF HOUSING SITES**

At the Executive meeting on 24<sup>th</sup> August, 2017 it was resolved “that a meeting be held with West Craven Committee and Earby Town Council to consider the possible disposal of land at Aspen Grove, Bailey Street and Red Lion Street, Earby and to discuss future housing/commercial sites in Earby.”

The meeting was held on 20<sup>th</sup> October, 2017 and the Executive were informed that following discussions there was no agreement on a way forward.

However, at a meeting of the West Craven Committee on 3<sup>rd</sup> October, 2017 it was resolved “that the Executive be informed that the Committee agree with Earby Town Council’s objection to the disposal of Aspen Grove, Bailey Street and Red Lion Street, Earby; that where possible brownfield sites be built on first; and, that the options for potential housing/commercial sites be looked at more closely at the 20th October meeting.

Concerns were expressed that development on any one of the three sites could lead to potential flooding problems. Reference was also made to alternative brownfield sites and the need to meet the housing numbers required by Government.

The Executive were recommended to reconsider the possible disposal of these three sites.

## **RESOLVED**

That, with the exception of land at Red Lion Street, Earby the land at Aspen Grove and Bailey Street, Earby be declared surplus to requirements and disposed of.

## **REASON**

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

## **111. FUNDING SUPPORTED HOUSING: POLICY STATEMENT AND CONSULTATION**

The Housing, Health and Economic Development Services Manager submitted a report on the policy statement issued by the Government in relation to funding for supported housing. The Executive were presented with proposed responses to the consultation questions for consideration.

## **RESOLVED**

- (1) That the policy statement issued by Government in relation to funding for supported housing be noted.
- (2) That the response to the consultation questions be agreed.

## **REASON**

*To ensure the Executive was aware of the policy statement issued by Government and that the Council is able to submit its views to questions set by Government regarding funding supported accommodation.*

## **112. DRAFT HOMELESSNESS CODE OF GUIDANCE OPPORTUNITY TO RESPOND TO THE CONSULTATION**

The Housing, Health and Economic Development Services Manager submitted a report on the proposed responses to the consultation questions set in relation to proposals by Government regarding the Draft Homelessness Code of Guidance.

The Government were revising the existing statutory Code of Guidance which would provide guidance to local authorities on how they should exercise their homelessness functions and apply the legislation in practice.

The proposed responses were discussed by the Executive and detailed in Appendix 3 attached to the report.

## **RESOLVED**

That the response to the consultation being forwarded as the Council's response to the proposals by Government regarding the Draft Homelessness Code of Guidance be approved.

## **REASON**

*To ensure the Council is able to submit its views to Government.*

### **113. TRANSPORT FOR THE NORTH (ROAD AND RAIL PROPOSALS)**

The Neighbourhood Services Manager submitted a report advising on the functions of the Transport for the North (TFN) Body and its related partners.

The report provided information on the need for a strategic Transport for the North Transport Plan; development of the Plan to date; overview of the Initial Major Roads report; overview of the Initial Integrated Rail report; the position statement of the Plan as at June 2017 along with its latest position at November 2017.

## **RESOLVED**

- (1) That the report be noted.
- (2) That a meeting be sought between the Executive and the new Chief Executive of Transport for the North.
- (3) That a meeting be requested with the County Councillor for Highways and Transport to discuss relevant issues regarding Transport for the North and its impact within the Borough.
- (4) That following discussions referred to in (2) and (3) above a further meeting be arranged with the Executive, the Chief Executive of Transport for the North, the County Councillor for Highways and Transport and other districts, namely Burnley, Hyndburn and Craven to discuss issues around Transport for the North.

## **REASON**

*To advise the Executive of current strategic transport developments.*

### **114. EARBY FLOOD DEFENCE AND RESILIENCE**

The Neighbourhood Services Manager submitted a report on progress made with ESIF funding bid, flood modelling, upland moorland management and Victoria Clough culvert repairs being undertaken by the Environment Agency and works undertaken by Pendle.

The Executive were also asked to grant approval for the flood resilience schemes to proceed with funding from the Department of Communities and Local Government.

**RESOLVED**

- (1) That progress be noted.
- (2) That approval be granted for the flood resilience schemes to proceed subject to confirmation of funding from the Department of Communities and Local Government.

**REASON**

***To enable flooding issues in Earby to be effectively managed and reduced.***

**115. PLANNING AUTHORITY'S MONITORING REPORT 2016/17**

The Planning, Building Control and Licensing Services Manager submitted a report on the Local Planning Authority's Monitoring Report (AMR) for the period 1<sup>st</sup> April, 2016 to 31<sup>st</sup> March, 2017.

The AMR provided details of the data collected and a brief analysis of performance against each indicator. It was noted that there was a mixed picture with some positive signs of improvement against some of the indicators, but also some areas of concern. This was in relation to housing and employment requirements set out in the Core Strategy which were not currently being met. There were, however, signs of improvement in the housing market and funding had been put in place to unlock economic development opportunities in the Borough.

**RESOLVED**

That the Authority's Monitoring Report 2016/17 be approved.

**REASON**

***To comply with Part 6, Section 116 of the Localism Act 2011 and Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012, which require that all local planning authorities prepare a report which monitors the progress of their Local Development Scheme and the policies contained in their Development Plan.***

**116. FORWARD PLAN**

The Executive's Work Programme and Forward Plan of key decisions for the four month period commencing 1<sup>st</sup> December, 2017 were submitted for information.

Chairman \_\_\_\_\_