

**MINUTES OF A MEETING OF THE
POLICY AND RESOURCES COMMITTEE
HELD ON 28th AUGUST, 2018
AT NELSON TOWN HALL**

PRESENT –

His Worship the Mayor Councillor J. K. Starkie (Substitute)

Councillor P. White (Chairman – in the chair)

Councillors

Nadeem Ahmed

W. Blackburn

M. S. Foxley

P. Foxley

M. Goulthorp (Substitute)

M. Iqbal

Y. Iqbal

A. Mahmood

B. Newman

C. Wakeford

D. M. Whipp

D. M. Whipp

Also attending:

Councillor R. E. Carroll

Councillor A. R. Greaves

Councillor M. Horsfield

Officers in attendance:

Dean Langton *Chief Executive*

Susan Guinness *Chief Financial Officer*

Neil Watson *Planning, Building Control and Licensing Services Manager*

Jane Watson *Head of Democratic Services*

(Apologies of absence were received from Councillors J. Cooney and Musawar Arshad and Philip Mousdale (Corporate Director)).



The following people attending the meeting and spoke on the following items:

<i>Neil Stephenson Janice Garnett David Metcalfe Louise Vary Michael Jefferson Bryce Greenwood</i>	<i>18/0362/FUL Full: Major: Erection of 34 dwelling houses with associated access roads, car parking, open space, landscaping and other associated works with vehicular access via Beckside on land to the east of Beckside, Salterforth</i>	<i>Minute No. 57(a)</i>
<i>Claire Bradley Ian Robinson</i>	<i>18/0358/FUL Full: Change of use from industrial to mixed use with office (Use Class B1) storage and distribution (Use Class B8 and assembly and leisure (Use Class D2) at Unit5A The Foundry, Riverside Mill, Greenfield Road, Colne</i>	<i>Minute No. 57(b)</i>
<i>Lee Turbitt</i>	<i>Land at Thomas Street, Colne</i>	<i>Minute No. 65</i>



55. DECLARATIONS OF INTEREST

Members were reminded of the requirements of the Member Code of Conduct concerning the declaration of interests.

Councillor P. White declared a non-pecuniary interest in minute number 65 land at Thomas Street, Colne.

56. PUBLIC QUESTION TIME

There were no questions from members of the public.

57. MINUTES

RESOLVED

That the Minutes of the meeting held on 24th July, 2018 be approved as a correct record and signed by the Chairman.

58. PLANNING APPLICATIONS

The Planning, Building Control and Licensing Services Manager submitted reports on the following planning applications which had previously been considered by an Area Committee.

- (a) **18/0362/FUL Full: Major: Erection of 34 dwelling houses with associated access roads, car parking, open space, landscaping and other associated works with vehicular access via Beckside at land to the east of Beckside, Salterforth for DDK Estates Limited and Seddon Homes Limited**

The Planning, Building Control and Licensing Services Manager circulated an update at the meeting. This included additional neighbour comments, a response from the Salterforth and Earby Drainage Board and an updated landscape appraisal from the applicant.

At a meeting of West Craven Committee on 7th August, 2018 the decision to refuse this application on the grounds set out below was referred as a recommendation to this Committee as the decision represented a significant risk of costs to the Council in the event of an appeal:

- Ribbon development
- Not sustainable development
- Lack of infrastructure including adequate drainage/sewage disposal
- Impact on landscape
- Salterforth has already achieved more than its share of housing numbers

RESOLVED

That planning permission be **refused** on the following grounds:

- (1) Impact on the surrounding landscape.

- (2) Salterforth has already achieved its share of housing numbers.
- (3) Unsustainable development.
- (b) **18/0358/FUL Full: Change of use from industrial to mixed use with office (Use Class B1) storage and distribution (Use Class B8) and assembly and leisure (Use Class D2) at Unit 5A The Foundry, Riverside Mill, Greenfield Road, Colne for Mr. P. Robinson**

The Planning, Building Control and Licensing Services Manager circulated draft conditions, which had been requested by the Colne and District Committee.

At a meeting of the Colne and District Committee on 9th August, 2018 the decision to approve this application was referred as a recommendation to this Committee as the decision represented a significant departure from policy.

RESOLVED

That the Planning, Building Control and Licensing Services Manager be granted delegated authority to approve the application subject to further discussions and applying necessary conditions.

59. BARROWFORD NEIGHBOURHOOD PLAN

It was reported that this item was withdrawn prior to the meeting.

60. STRATEGIC MONITORING REPORT TO 30th JUNE, 2018

The Chief Financial Officer submitted a report on progress made with the actions in the current Strategic plan along with monitoring information on the Council's revenue and capital budgets. The Committee were asked to review the performance information and comment as appropriate.

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 Committee of performance monitoring information relating to the Council's service and financial plans.

61. MATTERS REQUIRING FINANCIAL APPROVAL

The Chief Financial Officer submitted a report on a matter that required consideration under the Council's Financial and Contract Procedure Rules.

There was a proposal to move the CCTV viewing and recording room from Nelson and Colne College and install a new Siklu wireless network to Brierfield. A line of sight had been identified from the college roof to a lamp post outside the fireplace shop at the junction of Colne Road/Glen Way, Brierfield. A quote of £11,678 had been received for the project. It was noted that the new

camera in Tunstill Square (funding of £4,540 had already been agreed by the Committee at its meeting on 26th June, 2018) would also link into this network and work on this project was due to commence shortly.

RESOLVED

That an allocation of £11,678 be agreed and these costs be met from the CCTV Capital Funding budget.

REASON

To improve community safety in the area surrounding Nelson and Colne College.

62. REVIEW OF THE PENDLE LEISURE TRUST

The Chief Executive submitted a report which informed the Committee of the planning assumption for grant funding to the Pendle Leisure Trust in 2019/20. For planning purposes the Trust had been informed that a grant of £1.1m would be made available in 2019/20 with the caveat that the level of funding would ultimately be a matter for consideration by Councillors as part of the annual budget process. The Trust was therefore in the process of preparing options for consideration by the Council.

The report also sought agreement to undertake a fundamental review of sports/leisure service provision to inform the delivery of sports/leisure provision post 2019/20. Details of the review were set out in the report.

RESOLVED

- (1) That the provisional management fee of £1.3m for the Pendle Leisure Trust in 2019/20 (a reduction of £200k when compared to 2018/19) be noted.
- (2) That Pendle Leisure Trust be requested to submit proposals to the Council as to how it could save £200k in 2019/20 in support of the Council's overall savings requirement for next year.
- (3) That a strategic review of delivery of sports/leisure provision be undertaken as set out in the report.

REASON

To continue with the work required to identify savings to help balance the Council's budget for 2019/20 and over the medium term financial plan period to 2021/22.

63. COLNE BUSINESS IMPROVEMENT DISTRICT (BID) IMPLEMENTATION

The Housing, Health and Economic Development Services Manager submitted a report on the results of the recent ballot on the proposals for a BID in Colne. The ballot results returned a majority in favour of the BID both in terms of votes cast and the aggregate rateable value. A summary of the results was attached to the report at Appendix A.

Details of the timescales for the implementation of the BID were also included in the report. The next stage was to formulate the BID Company and recruit directors. This would be by nomination or, if need be, a ballot. All Colne BID levy payers would be automatically eligible for membership, once registered and could vote at annual and general meetings. The inaugural meeting was scheduled for 5.45p.m. on 4th September at Colne Town Hall. Of the 10 directors there was to be one Local Authority representative.

A draft Operating Agreement and Baseline Agreement between Pendle Council and the Colne BID Company was also submitted for consideration.

RESOLVED

- (1) That the result of the Colne BID ballot, which concluded on 28th June, 2018 and the next stages to implement a BID in Colne be noted.
- (2) That Councillor J. Cooney be nominated as the Council's representative on the Colne BID Company.
- (3) That delegated authority be granted to the Chief Executive to finalise the Operating Agreement and Baseline Service Agreement between Pendle Council and the Colne BID Company.

REASON

- (1) ***To allow the implementation of Colne BID to continue in accordance with the BID regulations.***
- (2) ***To allow the BID to develop in line with the recommended timescales and a Colne BID Company to be set up by October, 2018.***

64. LOMESHAYE INDUSTRIAL ESTATE EXTENSION PHASE 2

The Housing, Health and Economic Development Services Manager submitted a report on progress with Phase 2 of the extension of Lomeshaye Industrial Estate to ensure that the Local Growth Fund grant was not lost.

It was reported that in order to secure the £4m funding from the Local Growth Fund a detailed business case was required. The LEP had said that all projects that had received approval for Local Growth Fund were required to have their business cases ready for submission to the Growth Deal Management Board meeting on 3rd October. Recommendations would then be made to the LEP Board at their meeting on 6th November. If the deadline was not met then there was a risk that the funding would be reallocated to other projects.

It was acknowledged that progress to move the project forward was required. The report made reference to the land ownership issues with both Phase 1 and Phase 2. In effect the owner of land for Phase 2 also owned some of the land required for Phase 1 and was one of the objectors to the CPO. It was acknowledged that a further CPO may be required but it was suggested that negotiations be sought with the landowner with a view to the Council acquiring the land first.

It was noted that a range of studies would need to be undertaken to inform the planning application which was to be submitted once the Development Brief had been approved.

RESOLVED

- (1) That Liberata Property Services begin negotiations with the landowner to acquire the Phase 2 land.
- (2) That any offer made and compensation be paid as if a Compulsory Purchase Order was in place.
- (3) That authority be granted for the initial preparation of a Compulsory Purchase Order.
- (4) That the necessary studies to enable a planning application to be submitted once the Development Brief has been approved be undertaken.

REASON

To progress Phase 2 of the Council's Strategic Employment Site.

**65. LAND ADJACENT TO UNIT 4 PENDLESIDE,
LOMESHAYE INDUSTRIAL ESTATE**

The Chief Executive submitted a report which sought approval to grant a lease of additional land adjacent to Unit 4 Pendleside, Lomeshaye Industrial Estate. The proposal was for the formation of an additional permanent access to the Unit from Churchill Way. In view of the investment required and that the land was of negligible value it was proposed that the lease be at nil rental.

RESOLVED

- (1) That the additional land, show hatched on the plan attached to the report, be declared surplus to requirements in order that it be leased to the adjacent occupier at Unit 4 Pendleside, Lomeshaye Industrial Estate, for a term of 125 years (tenant to pay all costs).
- (2) That the loss of open space be advertised to facilitate the grant of the lease.

REASONS

- (1) ***To enable the provision of additional land to allow the adjoining occupier to create a permanent access from Churchill Way.***
- (2) ***To comply with the public open space requirements of Section 123 of the Local Government Act 1972 (as amended).***

Councillor Nadeem Ahmed (Vice-Chairman – in the Chair)

66. LAND AT THOMAS STREET, COLNE

(Councillor P. White declared a non-pecuniary interest in this item which was not a disclosable pecuniary interest as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 but was such that he considered that in view of the principles set out in the Council's Code of Conduct he should not take part in the debate and decision on the matter, therefore he withdrew from the meeting.)

The Chief Executive submitted a report on an offer received for land at Thomas Street, Colne for use by the adjacent premises for dedicated parking/storage. A planning application for change of use had been submitted and a decision was expected shortly.

An offer of £13,500 had been received to purchase the freehold for car parking/storage in conjunction with the adjacent works premises.

There was a lengthy discussion about the proposed use of the site. It was acknowledged that planning permission had recently been granted by Colne and District Committee for a change of use of the car park for B1a use (office) and B8 use (storage and distribution). It was felt, however that the disposal of the site for this use should not be agreed.

(A petition signed by 22 local residents objecting to the use of this site for B1a and B8 uses was submitted at the meeting).

RESOLVED

That the private treaty disposal of land at Thomas Street, Colne (edged black on the plan attached to the report) not be agreed.

REASON

It was felt that the use of the land for parking/storage would have a detrimental effect on residential amenity.

Councillor P. White (Chairman – in the Chair)

67. TENDERS AND OTHER CONTRACT RELATED MATTERS

The Corporate Director submitted, for information, a report on tenders which had been received and accepted. It was also reported that a contract had been awarded to Flood Protection Solutions Ltd., for deployable flood barriers and community resilience kits at a cost of £78,000. This would be funded from the confirmed Ministry of Housing, Communities and Local Government contribution (details of which were set out in the report). As this was bespoke work there was only one provider who was able to supply the goods. In view of this an exemption from Contract Procedure Rules had been granted in accordance with CPR 5.2(a).

It was noted that with the consent of 25 property owners the eligible, unallocated grant of £125,000 (£5,000 per property) from the Earby Property Level Resilience Scheme had been pooled together and would contribute towards this scheme.

RESOLVED

- (1) That the tenders received and accepted be noted.
- (2) That the exemption granted from Contract Procedure Rules for the Earby Property Level Resilience Scheme be noted.

REASON

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

68. MATTERS REFERRED FROM AREA COMMITTEES

(a) Nelson Committee – Capital Programme

At a meeting of Nelson Committee on 4th June, 2018 Members de-allocated funds from the Committee's 2017/18 Capital Programme and subsequently awarded £5,951 from the de-allocated funds to Pendle Leisure Trust for free swimming. As the funding was de-allocated following the closure of the 2017/18 accounts, it had been incorporated into the 2018/19 balance which was to be used for capital projects only.

The Chief Financial Officer considered this scheme to be revenue therefore, under the policy agreed in May 2018, the matter was referred to this Committee for decision.

RESOLVED

That the £5,951 allocation from Nelson Committee's 2017/18 Capital Programme be deferred, subject to clarification that there was sufficient 'revenue' funding still available at that time.

REASON

In order to allocate the Committee's Capital Programme effectively.

(b) Rear of 177-203 Leeds Road, Nelson

At a meeting of Nelson Committee on 6th August, 2018 Councillor Mohammed Iqbal reported that an estimate of £18,500 had been obtained for resurfacing of the back street at 177-203 Leeds Road, Nelson. At that meeting it was resolved:

- “(1) That £4,000 be awarded from the funding already allocated in this Committee's Capital Programme to capital works to Bradley Ward 2018/19.
- (2) That Nelson Town Council be asked to contribute £4,000 towards the scheme.
- (3) That the residents be asked to contribute a total of £3,500 towards the scheme.
- (4) That the Policy and Resources Committee be asked to agree a supplementary estimate of £7,000 towards the scheme.”

RESOLVED

That the supplementary estimate of £7,000 towards the resurfacing scheme at the rear of 177-203 Leeds Road, Nelson not be agreed.

REASON

There was insufficient funding available.

(c) Use of Dispersal Powers in Brierfield

At a meeting of the Brierfield and Reedley Committee on 7th August, 2018 it was resolved:

Policy and Resources Committee (28.08.2018)

- “(1) That the Policy and Resources Committee be asked to consider the introduction of a Public Spaces Protection Order, to include the Massey Street area as detailed in the report, for an initial period of twelve months.
- (2) That, if agreed, £300 be allocated from this Committee’s Capital Programme for the provision of signage around the restricted area.
- (3) That a request be made for Heyhead Park, Brierfield to be monitored for anti-social behaviour incidents over the next three months and if felt necessary, consideration be given to introducing a Public Spaces Protection Order in that location also.”

A copy of the report considered by the Committee was submitted for information.

RESOLVED

That the introduction of a Public Spaces Protection Order, to include the Massey Street area as detailed in the report, for an initial period of twelve months be agreed.

REASON

To address the concerns of local residents that, without additional sanctions in place, Massey Street will continue to attract significant and persistent anti-social behaviour.

(d) Glen Cottage, Barnoldswick

It was reported that Glen Cottage, Barnoldswick was a long term empty property which was in a poor condition. At a meeting of the West Craven Committee on 7th August, 2018 it was resolved:

“That the Policy and Resources Committee be asked to pursue the Compulsory Purchase of Glen Cottage, Barnoldswick as soon as possible.”

RESOLVED

That the Housing, Health and Economic Development Services Manager be requested to submit a report on the proposed Compulsory Purchase of Glen Cottage, Barnoldswick to the October meeting of this Committee.

REASON

To consider the proposed compulsory purchase as soon as possible.

Chairman _____