

**MINUTES OF A MEETING OF THE
POLICY AND RESOURCES COMMITTEE
HELD ON 18th SEPTEMBER, 2018
AT NELSON TOWN HALL**

PRESENT –

Councillor P. White (Chairman – in the chair)

Councillors

*Nadeem Ahmed
W. Blackburn
V. A. Fletcher
M. S. Foxley
P. J. Foxley
M. Goulthorp*

*M. Iqbal
Y. Iqbal
A. Mahmood
B. Newman
C. Wakeford
D. M. Whipp*

Officers in attendance:

<i>Dean Langton</i>	<i>Chief Executive</i>
<i>Philip Mousdale</i>	<i>Corporate Director</i>
<i>Jane Watson</i>	<i>Head of Democratic Services</i>

(Apologies for absence were received from Councillors Musawar Arshad and J. Cooney).



69. DECLARATION 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 78 land at Thomas Street, Colne.

Councillor W. Blackburn declared a non-pecuniary interest in minute number 83 19 Market Square, Nelson.

70. PUBLIC QUESTION TIME

There were no questions from members of the public.

71. MINUTES

RESOLVED

That the Minutes of the meeting held on 28th August, 2018 be approved as a correct record and signed by the Chairman.

72.

INCOME REVIEW 2018/19

The Chief Financial Officer submitted a report which reviewed fees and charges in advance of the 2019/20 budget process in line with the Council's Fees and Charges policy. This was also in response to the significant financial pressures faced by the Council.

A summary of the fee proposals was presented to Committee (Appendix A attached to the report) with specific matters highlighted in the report. This included cemeteries, legal fees, collection of household bulky waste, pest control, planning fees and disabled facilities grants.

An extension to the Niche Wall at Barrowford Cemetery was also proposed to meet the anticipated demand and details of the estimated costs were set out in the report.

RESOLVED

- (1) That the proposed changes to fees and charges, as outlined in Appendix A attached to the report, be approved subject to the following amendments:
 - No increase in cemetery fees
 - Enforcement re: dogs on leads, dog fouling and litter – fine to be increased to £150
- (2) That the proposed changes to Agency Fees for Disabled Facilities Grants be approved.
- (3) That the Invest to Save Scheme proposed to extend the Niche Wall at Barrowford Cemetery be approved.

REASON

To implement the Council's Financial Strategy, specifically in support of the 'charging' theme established as a strategy to contribute to balancing the budget within the Medium Term Financial Plan.

IN ACCORDANCE WITH THE COUNCIL'S CALL-IN PROCEDURE THE ABOVE DECISION (relating to DFG's, pre-application planning advice and bulky household waste) STANDS REFERRED BACK TO THE THREE GROUP LEADERS FOR DISCUSSION AND RECONSIDERATION AT THE NEXT MEETING OF THE POLICY AND RESOURCES COMMITTEE.

73.

BUDGET SAVINGS 2019/20

The Chief Financial Officer submitted a report which provided an update on the Council's Medium Term Financial Plan (MTFP) along with a number of saving proposals for consideration.

There was a forecasted budget gap of £3.9m within the MTFP which had been reported to the Committee in May 2018. The MTFP had since been reviewed and a summary of the current forecast as at September 2018 was included in the report. It was reported that the budget shortfall had reduced from £0.95m to £0.83m (after the use of reserves). The main change was an adjustment to the estimated contribution expected from the Council Tax Collection Fund.

The Committee were presented with the following initial savings proposals for 2019/20:

	£000
Staffing – Management of Vacant Posts	60
Grounds Maintenance – Contributions from Local Councils	90
Accommodation Savings	30
Waste Management – Reduction in Mechanical Sweeping	81
Total Proposed Savings	261

RESOLVED

- (1) That the Council's updated Medium Term Financial Plan, which shows the forecast budget deficit for the period to 2021/22 of £3.9m be noted.
- (2) That Council be recommend to approve the following budget saving proposals:

	£000
Staffing – Management of Vacant Posts	60
Grounds Maintenance – Contributions from Local Councils	90
Accommodation Savings	30
Total Proposed Savings	180

REASON

To seek early approval for a number of budget saving proposals in support of the requirement to save an estimated £3.9m by 2021/22. This was the projected amount of savings required as set out in the Council's Medium Term Financial Plan covering the three year period 2019/20 to 2021/22.

74. COMMUNITY INVESTMENT FUND

The Chief Financial Officer submitted a report on the proposed Community Investment Fund initiative. An amount of £100,000 had been set aside from the 2017/18 revenue budget underspend to create the Fund. This would provide Councillors with the opportunity to bid for funding on asset improvement projects within their Ward.

RESOLVED

That this item be deferred for further information.

REASON

To ensure the correct guidance was in place.

75. FLEET REVIEW AND PROCUREMENT

The Environmental Services Manager submitted a report on the need to commence the procurement exercise for the Council's fleet and the timings required to be met in order to successfully procure a replacement fleet by 20th October, 2019.

Prior to starting the tendering process the nature of the procurement was to be decided. Options being considered included contract hire with maintenance or outright purchase of vehicles with potentially the TUPE transfer of maintenance staff to oversee maintenance of the fleet. Three potential consultants who would offer legal and financial opinion and procurement guidance through the process had been approached. Of these only two had provided responses and these were detailed in the report.

RESOLVED

- (1) That the commencement of the procurement exercise be confirmed.
- (2) That Brian Farrington Ltd., be appointed as external consultants to assist the Council through the procurement process.

REASON

To ensure the Council completes an effective commissioning and procurement exercise assisting the Council to meet its four corporate strategic objectives: Strong Services, Strong Economy, Strong Communities and Strong Organisation.

76. THE BOROUGH OF PENDLE (LOMESHAYE INDUSTRIAL ESTATE EXTENSION PHASE 2) COMPULSORY PURCHASE ORDER 2018

The Housing, Health and Economic Development Services Manager submitted a report on the promotion of a Compulsory Purchase Order to acquire land to further extend Lomeshaye Industrial Estate in Brierfield. This would facilitate the second phase of the proposed extension to the Estate, thereby safeguarding or creating up to an additional 1000 jobs.

RESOLVED

- (1) That the Borough of Pendle (Lomeshaye Industrial Estate Extension, Phase 2) 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 shown edged black on the map attached to the report as Appendix 1 in order to deliver the second phase of the extension of the Lomeshaye Industrial Estate. The acquisition should enable the development, redevelopment and improvement of the Lomeshaye Industrial Estate through enabling further industrial units to be developed on the site in the expectation that such action shall consolidate the benefits arising from infrastructure and environmental improvements related to any Phase 1 extension and in any case shall improve the social and economic wellbeing of the area.
- (2) The draft Statement of Reasons attached to the report be approved and the 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 2) Compulsory Purchase Order 2018 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)).

- (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 to be exclusive of 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 the withdrawal of objections to the Compulsory Purchase Order (where 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 2, Extension) Compulsory Purchase Order 2018.' This shall facilitate the second phase of the proposed extension of the Lomeshaye Industrial Estate. In so doing, 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.

77. TRAWDEN FOREST NEIGHBOURHOOD PLAN

The Planning, Building Control and Licensing Services Manager submitted a report on progress with the Trawden Forest Neighbourhood Plan. Modifications proposed by the Independent Examiner were highlighted in the report. These modifications were needed to ensure the Plan met the Basic Conditions and could proceed to referendum.

Officers recommendation was that the Plan, as modified, did meet the Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). This would then proceed to a referendum and 8th November, 2018 had been identified as the most suitable date for this.

RECOMMENDATION

That Council be recommended:

- (1) to accept the Independent Examiner's recommended modifications to the Trawden Forest Neighbourhood Plan, as set out in Appendix 1 attached to the report;
- (2) to agree that the Trawden Neighbourhood Plan, as modified, meets the Basic Conditions and was compatible with EU obligations and human rights legislation;
- (3) to agree that the Trawden Forest Neighbourhood Plan proceed to referendum.

REASON

- (1) ***To comply with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012.***
- (2) ***To comply with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 and Schedule 4B of the Town and Country Planning Act 1990 (as amended).***

78. 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.)

At the last meeting the Committee considered a report on the disposal of land at Thomas Street, Colne for which an offer of £13,500 had been received. The officer recommendation was to dispose of the land for the sum offered. The Committee resolved that the disposal of the land not be agreed.

A further, higher offer had now been received in the sum of £15,000. In accordance with normal practice this offer was reported to the Committee for consideration. The officer recommendation was again to accept the offer.

RESOLVED

That the offer of £15,000 for land at Thomas Street, Colne be accepted.

REASON

To bring an asset that has been declared surplus back in to a beneficial use, achieve a capital receipt and remove all liabilities for the Council.

<i>IN ACCORDANCE WITH THE COUNCIL'S CALL-IN PROCEDURE THE ABOVE DECISION STANDS REFERRED BACK TO THE THREE GROUP LEADERS FOR DISCUSSION AND RECONSIDERATION AT THE NEXT MEETING OF THE POLICY AND RESOURCES COMMITTEE.</i>

79. POLICY THEMES – ANNUAL REPORT

The Chief Executive submitted a report which provided an update on the following policy themes: Community Safety, Cohesion, Prevent, Children and Young People, Health and Wellbeing, Emissions, Equality and Diversity and Pendle Vision Board.

The Committee were asked to identify future review topics for the Health and Social Care Panel Workplan.

RESOLVED

- (1) That the annual report on Policy Themes and the challenges to delivery be noted.
- (2) That the Annual Emissions Report 2017/18 (attached to the report at Appendix 2) be approved.
- (3) That review topics for the Health and Social Care Panel Workplan be referred to Lynne Rowland (Democratic Services).

REASON

To recognise the role of partnership working in delivering the Council's Strategic Objectives.

80. SAFEGUARDING POLICIES UPDATE

The Chief Executive submitted a report on updated corporate safeguarding policies for the Council and associated learning and development needs for Members.

Both the Family Support and Safeguarding Children and the Promoting Welfare and Safeguarding Adults policies had recently been reviewed to ensure they were fit for purpose. Both had been condensed and now followed a similar format. It was suggested that the training elements for both policies be combined.

RESOLVED

- (1) That the revised 'Family Support and Safeguarding Children Policy' and 'Promoting Welfare and Safeguarding Adults Policy' be endorsed.
- (2) That all Members be requested to attend a mandatory training session on the revised policies and procedures in (2) above and that this session be held prior to the Council meeting on 5th December, 2018.

REASONS

- (1) ***To support Members in protecting the welfare of children and young people and vulnerable adults in Pendle.***
- (2) ***To ensure the Council meets its statutory duty in the Children Act 2004 and Care Act 2014.***

81. ANIMAL LICENSING CHANGES

The Planning, Building Control and Licensing Services Manager submitted a report on proposed changes to animal licensing. A range of legislation had been combined and replaced with the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which brought all animal licensing activities under the umbrella of District Councils or Unitary Authorities.

It was estimated this would involve the Council licensing 38 activities including boarding for cats and dogs, selling animals as pets, hiring out horses, breeding dogs and keeping or training animals for exhibition.

The Regulations allowed Councils to charge for a variety of functions it considered necessary and these were listed in the report. The fees were split into two. The first charge was the cost of applying for the license. If the license was refused there would be no further charges. If the license was granted further fees were required for monitoring, enforcement, Government returns and costs associated with re-inspection based on the length of the license issued.

It was noted that there was a right of appeal against refusals to grant or renew licenses or to vary or revoke a license.

RECOMMENDATION

- (1) That Council be recommended to amend the Officer Scheme of Delegation in the Council's Constitution to authorise the Planning, Building Control and Licensing Services Manager to deal with all licensing activities covered by the Animal Welfare (Licensing Activities Involving Animals) (England) Regulations 2018.
- (2) That Council be recommended to approve the fees for the applications as set out in the report.

REASON

To enable the Council to fully implement the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

82. MOSSCARE ST. VINCENT'S HOME IMPROVEMENT AGENCY FUNDING

The Housing, Health and Economic Development Services Manager submitted a report regarding the Council's funding contribution towards Mosscares St. Vincent's (MSV) who had been providing a home improvement agency service in Pendle for the last 25 years through their Homecare and Repair Service.

The Council currently provided £32,000 of funding which was used to provide the support workers and technical officers to supervise the work and provide advice to their clients. The report stated that MSV had recently increased their charges and with the change in the Council's working relationship with them it was considered it was no longer value for money for the Council to continue to fund Mosscares St. Vincent's Home Improvement Agency.

It was unclear how the service would be affected if this funding was withdrawn. It was noted that Burnley Borough Council had withdrawn their funding but MSV continued to provide a service in their Borough.

RESOLVED

That this item be deferred and an all-party meeting be arranged with representatives from Mosscares St. Vincent's and relevant officers to discuss the impact the withdrawal of this funding would have on the service they provide in the Borough.

REASON

To establish the impact this would have on residents.

83. 19 MARKET SQUARE, NELSON

The Chief Executive submitted a report on a proposal for the Burnley, Pendle and Rossendale Council for Voluntary Service to enter into a 3 year lease for 19 Market Square, Nelson at an annual rent of £16,000. Building Bridges who currently occupied the premises would be moving to 20 Scotland Road, Nelson.

RESOLVED

That a 3 year lease be granted to Burnley, Pendle and Rossendale Council for Voluntary Service for 19 Market Square, Nelson and the Chief Executive be authorised to negotiate terms.

REASON

The negotiation of lease terms would result in continued occupation of the property and a benefit to the community.

84. TENDERS

The Corporate Director submitted, for information, a report on tenders which had been received and accepted.

85. NELSON COMMITTEE – CAPITAL PROGRAMME – FREE SWIMMING

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

The Chief Financial Officer reports that this revenue funding was available by the deletion of other revenue projects.

86. MATTERS REFERRED FROM AREA COMMITTEES

(a) Future Provision of Grit Bins

At a meeting of the Nelson Committee on 3rd September, 2018 it was resolved "that the Policy and Resources Committee be recommended to approve a supplementary estimate of £1,617 to retain the grit bins as located and replenish them throughout the winter."

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

RESOLVED

That the request of a supplementary estimate of £1,617 not be agreed.

REASON

In accordance with Council policy.

IN ACCORDANCE WITH THE COUNCIL'S CALL-IN PROCEDURE THE ABOVE DECISION STANDS REFERRED BACK TO THE THREE GROUP LEADERS FOR DISCUSSION AND RECONSIDERATION AT THE NEXT MEETING OF THE POLICY AND RESOURCES COMMITTEE.

(b) Land at Wickworth Street, Nelson

At a meeting of the Nelson Committee on 3rd September, 2018 it was resolved:

- “(1) That the Policy and Resources Committee be recommended to approve land adjacent to 50 Wickworth Street, Nelson (edged black on the plan attached to the report) surplus to requirements.
- (2) That the loss of open space be advertised to facilitate the disposal.
- (3) That the land be marketed for disposal under the Council's Self-Build Scheme.”

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

RESOLVED

- (1) That the land adjacent to 50 Wickworth Street, Nelson (edged black on the plan attached to the report) be declared surplus to requirements.
- (2) That the loss of open space be advertised to facilitate the disposal.
- (3) That the land be marketed for disposal under the Council's Self-Build Scheme.

REASON

- (1) In order that the land can be disposed.***
- (2) To comply with the public open space requirements of Section 123 of the Local Government Act 1972 (as amended).***
- (3) To dispose of sites that can support the Council's growth objectives and the Self Build Scheme.***

(c) Land at End Street, Colne

At a meeting of the Colne and District Committee on 6th September, 2018 it was resolved:

- “(1) That the Policy and Resources Committee be recommended to declare land at End Street, Colne, as shown on the plan attached to the report, surplus to requirements.
- (2) That consideration be given to developing the site in conjunction with the land opposite, at the site of the former chapel.

- (3) That it be noted that this site may be of interest to the Peter Birtwistle Trust and that this Committee supports the Trust in its efforts to acquire land in Colne to expand its supported housing stock.
- (4) That the Housing, Health and Economic Development Services Manager be requested to consult with officers at Lancashire County Council to discuss the possibility of a joint scheme to develop the rectangular piece of land above Bankfield Street, Colne."

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

RESOLVED

- (1) That land at End Street, Colne, as shown on the plan attached to the report, be declared surplus to requirements.
- (2) That consideration be given to developing the site in conjunction with the land opposite, at the site of the former chapel.
- (3) That it be noted that this site may be of interest to the Peter Birtwistle Trust and that this Committee supports the Trust in its efforts to acquire land in Colne to expand its supported housing stock.
- (4) That the Housing, Health and Economic Development Services Manager be requested to consult with officers at Lancashire County Council to discuss the possibility of a joint scheme to develop the rectangular piece of land above Bankfield Street, Colne."

REASON

- (1) ***In order that the land can be disposed.***
- (2) ***To comply with the public open space requirements of Section 123 of the Local Government Act 1972 (as amended).***
- (3) ***To dispose of sites that could support the Council's growth objectives and the Developer Register Scheme.***

Chairman _____