

**MINUTES OF A MEETING OF THE
POLICY AND RESOURCES COMMITTEE
HELD ON 23rd OCTOBER, 2018
AT NELSON TOWN HALL**

PRESENT –

Councillor P. White (Chairman – in the chair)

Councillors

*Nadeem Ahmed
Musawar Arshad
W. Blackburn
J. Cooney
M. S. Foxley
P. J. Foxley*

*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>Susan Guinness</i>	<i>Chief Financial Officer</i>
<i>Jane Watson</i>	<i>Head of Democratic Services</i>

(Apologies for absence were received from Councillor M. Goulthorp).

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The following people attended the meeting and spoke of the following item:

<i>Jeff Needham</i>	<i>18/0501/OUT Outline: Major: Residential development</i>	<i>Minute No. 90(a)</i>
<i>Peter Chadwick</i>	<i>for 36 dwellings (access only) at the allotments south</i>	
<i>Angela Charnock</i>	<i>west of 197-239 Halifax Road, Brierfield</i>	
<i>Alan Nizinkiewicz</i>		
<i>David Flanagan</i>		
<i>Nick Jackson</i>		
<i>Rachel Jackson</i>		
<i>James Newson</i>		

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87. 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 92(a) land at Thomas Street, Colne

88. PUBLIC QUESTION TIME

There were no questions from members of the public.

89. MINUTES

RESOLVED

That the Minutes of the meeting held on 18th September, 2018 be approved as a correct record and signed by the Chairman.

90. PLANNING APPLICATIONS

(a) 18/0501/OUT Outline: Major: Residential development for 36 dwellings (access only) at the allotments south west of 197-239 Halifax Road, Brierfield for Liberata Architects

At a meeting of the Brierfield and Reedley Committee on 2nd October, 2018 the decision to approve this application was referred as a recommendation to this Committee as the decision to refuse the application would be a significant risk of costs.

The Planning, Building Control and Licensing Services Manager circulated an update at the meeting. The Coal Authority had withdrawn their objections subject to the imposition of a condition which would secure a number of issues. A number of additional notification responses had been received objecting to the proposed development on grounds which had already been addressed in the report.

RESOLVED

That planning permission be refused for the following reasons:

1. The proposed development would result in the unacceptable loss of a prominent greenfield site which currently makes a significant contribution to the landscape character of the area. The proposed development would be contrary to policy ENV1 of the Pendle Local Plan Part 1: Core Strategy and paragraph 170 of the National Planning Policy Framework.
2. The proposed development would increase demand for school places, the applicant has not agreed to a planning obligation to offset the impact of the development on demand for school places and has failed to demonstrate that such a planning obligation would make the development undeliverable. The development is therefore contrary to policy SDP6 of the Pendle Local Plan Part 1: Core Strategy.

91. PENDLE LEISURE TRUST – SAVINGS PROPOSALS 2019/20

The Chief Executive submitted a report which set out the initial savings proposals received from the Pendle Leisure Trust following the Committee's request for proposals in support of the Council's overall savings requirement for 2019/20.

For 2019/20 the Trust had to deliver savings or generate additional income of £400k. The initial proposals amounted to £322,200 which left a shortfall of £78k:

Proposal	Estimated Savings £
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Closure of the ACE Centre	204,200
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Policy and Resources Committee (23.10.2018)

Review of Inside Spa	80,000
Pricing Changes	38,000

Total Proposals **322,200**

The Trust had been asked to identify additional savings to meet the shortfall and these would be reported in due course.

RESOLVED

- (1) That the initial proposals from the Pendle Leisure Trust, as provided at Appendix A to the report, be noted and these be considered in the development of the Management Team's proposed budget for 2019/20.
- (2) That the Chief Executive be granted delegated authority to explore alternative options for the continued operation of the ACE Centre.

REASON

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

92. CALL IN NOTICES

- (a) **Income Review (DFGs, Pre-Planning Application Advice and Bulky Household Waste)**

This item was considered at the last Policy and Resources Committee meeting on 18th September, 2018 but was subsequently called in. A note of the call in meeting was circulated at the meeting. Additional information which was requested in the Call In meeting regarding pre-planning application advice and bulky household waste was circulated prior to the meeting.

RESOLVED

That the decision to change the fees and charges in relation to DFGs, pre-planning application advice and the reduction in bulky household waste items from 10 to 3 be reaffirmed.

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.

- (b) **Future Provision of Grit Bins**

This item was considered at the last Policy and Resources Committee meeting on 18th September, 2018 but was subsequently called in. A note of the call in meeting was circulated at the meeting.

RESOLVED

- (1) That the decision not to agree a supplementary estimate of £1,617 be reaffirmed.

- (2) That the Chief Financial Officer be requested to look at decommitting projects to enable the grit to be funded from revenue monies brought forward from Nelson Committee's 2017/18 Capital Programme.

REASON

In accordance with Council policy.

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

(c) 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).

This item was considered at the last Policy and Resources Committee meeting on 18th September, 2018 but was subsequently called in. A note of the call in meeting was circulated at the meeting.

RESOLVED

That this item be deferred pending further discussions with the potential purchaser of the site.

REASON

To discuss various issues relating to the disposal of the site.

Councillor P. White (Chairman – in the chair)

93. INCOME REVIEW PHASE II (2019/20 BUDGET SETTING AND MEDIUM TERM FINANCIAL PLAN)

The Chief Financial Officer submitted a report which focused on ways to maximise the Council's income generating opportunities, where appropriate, to make a positive contribution to the Medium Term Financial Plan.

(a) Houses in Multiple Occupation Licence Fees

The Licence fee of £500 (with an additional charge of £50 for each additional let over ten) had been set in 2006 at the introduction of the Housing Act 2004. The scope of this Act had been amended by the Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2018. Case law arising from Gaskin Vs Richmond LBC 2018 meant that the fee charged should be in two parts – an application fee and a licensing fee.

The proposal was to increase the fee to £732.00 with a charge of £21.00 for each additional room over ten. The application fee was £490.00 and a five year Licence Fee was £242.00. This charge was in line with other Authorities in Lancashire:

Bolton Council	£768.30
Burnley Borough Council	£750.00
Blackburn with Darwen Council	£900.00

(b) Mobile Home Charges for Residential Sites

The Mobile Homes Act 2013 amendment of the Caravan Sites Control of Development Act 1960 introduced some important changes to park home licensing. Local Authorities could charge site owners a fee for:

- Applying for a site licence;
- Amendments and transfers of existing licences;
- Depositing site rules; and
- Annual fees.

A draft policy setting out the fee policy was attached to the report. It was reported that there were currently five sites that had a total of 132 residential units that were required to be licensed under the Mobile Homes Act 2013.

RECOMENDATION

- (1) That Council be recommended to approve the changes to the licence fee structure for Houses in Multiple Occupation.
- (2) That Council be recommended to approve the Mobile Homes, Charges for Residential Sites Policy.

REASON

- (1) ***To make sure the application and licence fee reflects the actual cost of licensing a House in Multiple Occupation and that the charge is in line with recent relevant case law (Gaskin Vs Richmond LBC 2018).***
- (2) ***To allow the appropriate fee to be charged for the licensing of relevant protected Residential Mobile Home sites in line with current legislation.***

94. MATTERS REQUIRING FINANCIAL APPROVAL

The Chief Financial Officer submitted a report which sought approval to provide a financial contribution towards the planned 3G sports pitch at the Brierfield Mill – Northlight complex. It was reported that the tendering exercise to deliver the pitch had come in higher than the original estimate of £0.35m.

A number of actions were being taken to resolve this issue and some additional funding had been achieved, however, there was still a shortfall of £55,000. The proposal was that the Council contributes the amount required but only if the funding shortfall could not be resolved through other means.

RESOLVED

That a contribution towards the 3G sports pitch at Brierfield Mill – Northlight be agreed up to a maximum value of £55,000.

REASON

To agree a potential contribution to provide an external 3G sports pitch to cover a funding shortfall should additional funding be required.

95. RECOMMENDED WRITE OFFS

The Committee considered a report on the write off of debts relating to Council Tax, National Non Domestic Rate and Overpayments of Housing Benefit.

RESOLVED

That the sums of £134,152.71 in respect of Housing Benefit Overpayments, £135,037.31 in respect of Council Tax and £71,032.09 in respect of Business Rates be written off as irrecoverable.

REASON

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

96. GLEN COTTAGE, RAINHALL CRESCENT, BARNOLDSWICK

The Housing, Health and Economic Development Services Manager submitted a report regarding the proposed compulsory purchase of Glen Cottage, Rainhall Crescent, Barnoldswick. The property had been empty for at least seven years and there appeared to have been no attempt to improve or maintain the property during this time. A ground floor window had been boarded up following vandalism, render to the rear had fallen off leaving open jointed stonework and the property was in a general state of disrepair.

It was reported that the executor was improving the property. However, following receipt of an Empty Home Loan enquire in September 2014 no application had been forthcoming. Officers had been advised that the executor had cited a family dispute was delaying the granting of probate. This continued to be the current position.

Committee were presented with three options:

- (a) Do nothing and wait for probate to be granted.
- (b) Issue an Empty Dwelling Management Order.
- (c) Seek to Compulsory Purchase the property and take it into the Councils ownership.

RESOLVED

- (1) That the principle of the Compulsory Purchase of Glen Cottage, Rainhall Crescent, Barnoldswick be accepted.
- (2) That the Head of Legal Services be authorised to:
 - (i) take the initial steps in connection with making of a Compulsory Purchase Order under Section 17 of the Housing Act 1985 including the services of preliminary notices and preparation of a Statement of Case in connection with the proposed

Order.

- (ii) To report back to Committee seeking formal authority to proceed with the proposed Compulsory Purchase Order once the preliminary works had been completed.
- (3) That compulsory purchase of this property does not breach the Human Rights Act 1998 and is proportionate in all the circumstances.

REASON

To bring an unoccupied and decaying property back into residential use and to improve the amenity of the area.

97. 32 RHODA STREET, NELSON

The Housing, Health and Economic Development Services Manager submitted a report regarding the proposed compulsory purchase of 32 Rhoda Street, Nelson.

The property had been empty for at least seven years and there appeared to have been no attempt to improve or maintain it. The property was in a state of disrepair with rotten window frames and broken glass; no roof on the kitchen extension and boarded up windows and doors on the ground floor. Internal access had not been possible but it was evident that floorboards had been removed from the living room. The executor had not responded to requests to meet.

Committee were presented with three options:

- (a) Do nothing and wait for probate to be granted.
- (b) Issue an Empty Dwelling Management Order.
- (c) Seek to Compulsory Purchase the property and take it into the Councils ownership.

RESOLVED

- (1) That the principle of the Compulsory Purchase of 32 Rhoda Street, Nelson be accepted.
- (2) That the Head of Legal Services be authorised to:
 - (i) take the initial steps in connection with making of a Compulsory Purchase Order under Section 17 of the Housing Act 1985 including the services of preliminary notices and preparation of a Statement of Case in connection with the proposed Order.
 - (ii) report back to Committee seeking formal authority to proceed with the proposed Compulsory Purchase Order once the preliminary works had been completed.
- (3) That compulsory purchase of this property does not breach the Human Rights Act 1998 and is proportionate in all the circumstances.

REASON

To bring an unoccupied and decaying property back into residential use and to improve the amenity of the area.

**98. UPSIZING AND DIVERSION OF CULVERT TO
SKIPTON ROAD, BARNOLDSWICK**

The Neighbourhood Services Manager submitted a report on the proposed upsizing and diversion of the culvert to Skipton Road, Barnoldswick.

There had been a number of incidents of flooding in the Ghyll Meadows area of Barnoldswick since 1998 and the report provided background to works undertaken and the impact of flooding in that area. Works to the 'lower leg' of the culvert which ran along Meadow Way (Phase 1) had been carried out in 2002. However, since this work was completed there had been two 'near misses' from flooding.

Phase 2 of the works would include upsizing the culvert from a 375mm diameter to a 600mm diameter and diversion of the culvert from under residential properties. A bid had been submitted to the Environment Agency's Grant in Aid 6-year Programme for £324k with an additional match of £25k from Pendle Council for improvement works to the culverted watercourse within the Ghyll Meadows area of Barnoldswick. Approval of the scheme was expected by the end of October.

RESOLVED

- (1) That the scheme be supported and placed within the Council's Capital Programme for 2019/20.
- (2) That the County Council be requested to consent to any future repairs of the culvert at Ghyll Meadows, as riparian owners of the road; and in the meantime, that the work for the replacement of the culvert be put out to tender.

REASON

To allow the scheme to progress providing better flood protection to residents.

99. PUBLIC SPACES PROTECTION ORDER FOR PARKS

The Corporate Director submitted a report on the outcome of the consultation with the relevant Town and Parish Councils on proposals and options for Public Spaces Protection Orders (PSPOs) in relation to parks in Pendle.

Of the seven Town and Parish Councils consulted on the draft PSPO for Parks Brierfield Town Council, Barrowford Parish Council, Nelson Town Council, Colne Town Council and Trawden Forest Parish Council had approved the proposals.

Barnoldswick Town Council had suggested changes at Victory and Letcliff Parks and Valley Gardens; Kelbrook and Sough Parish Council and Earby Town Council had suggested changes at Sough Park. All suggestions had been included in the revised version.

RESOLVED

That, having considered the outcome of the consultation, the proposals outlined in the report be agreed and the necessary legal steps, including the provision of signage, be taken to implement them.

REASON

To enable the Council and its partners to respond to concerns regarding behaviour that was detrimental to the quality of life in public spaces in Pendle including enforcement action.

100.

PENDLE SCULPTURE TRAIL

The Housing, Health and Economic Development Services Manager submitted a report on the further development of the Pendle Sculpture Trail.

A grant of £78,992 had been secured from the LEADER/RDPE grant programme. This would allow the Council to employ 16 artists to create 17 new sculptures. The grant body would fund 92% of the total bill for this project which was £85,861 with an additional cost of £3,500 for a Lead Artist. It was noted that the match funding required would be met from within existing budgets.

RESOLVED

- (1) That the grant award of £78,992 towards the further development of the Pendle Sculpture Trail be noted.
- (2) That the requirement to provide £6,869 from existing budgets as match funding and a further £3,500 for a Lead Artist be noted.

REASON

To provide up-to-date information on the further development of the trail.

101.

TENDERS AND OTHER CONTRACT RELATED MATTERS

The Corporate Director submitted, for information, details of tenders which had been received and accepted along with any exemptions from the requirements of the Contract Procedure Rules.

102.

MATTERS REFERRED FROM AREA COMMITTEES

(a) Environmental Blight

At a meeting of the West Craven Committee on 2nd October, 2018 it was resolved “that the Policy and Resources Committee be asked if they would be willing to contribute £3,000 towards the cost of resurfacing Cemetery Road Car Park, to match fund £3,000 from the Earby allocation of the West Craven 2018/19 Capital Programme.”

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

RESOLVED

- (1) That the request for £3,000 towards the cost of resurfacing Cemetery Road Car Park not be agreed.
- (2) That the attention of West Craven members be drawn to the opportunity presented by the forthcoming Community Investment Fund.

REASON

Insufficient funds available.

Chairman _____