

**MINUTES OF A MEETING
OF THE EXECUTIVE
HELD AT NELSON TOWN HALL
ON 15th MARCH, 2018**

PRESENT –

Councillor M. Iqbal (Chairman – in the Chair)

Councillors

*E. Ansar
D. Clegg
A. R. Greaves
K. Hartley*

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

Also in attendance:

*Councillor J. Cooney
Councillor D. E. Lord
Councillor P. White*

Officers in attendance

| | |
|-------------------|------------------------------------------------------------------|
| <i>D. Langton</i> | <i>Chief Executive</i> |
| <i>H. Culshaw</i> | <i>Head of Legal Services</i> |
| <i>V. Green</i> | <i>Financial Services Manager</i> |
| <i>N. Watson</i> | <i>Planning, Building Control and Licensing Services Manager</i> |
| <i>J. Watson</i> | <i>Head of Democratic Services</i> |

(Apologies for absence were received from Councillor Mohammed Arshad).



The following people attend the meeting and spoke of the item indicated:

| | | |
|---------------------|--------------------------------------------|-----------------------|
| <i>Ryan Haigh</i> | <i>Holt House, Colne – Community Asset</i> | <i>Minute No. 139</i> |
| <i>Jody Banim</i> | <i>Transfer Request</i> | |
| <i>Ben Metcalfe</i> | | |



136. DECLARATIONS OF INTEREST

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

137. PUBLIC QUESTION TIME

Laura Blackburn asked if it was true that Marsden Golf Course was being sold off for development. She said this had been referred to in a recent Conservative campaign leaflet which had been distributed in the Marsden Ward. The Leader confirmed that this was not true and was concerned that this had raised fears with the management company of the Golf Course, Pendle Leisure Trust and local residents.

138.

MINUTES

RESOLVED

That the Minutes of the Special Budget Executive meeting held on 7th February, 2018 be approved as a correct record and signed by the Chairman.

139. HOLT HOUSE, COLNE – COMMUNITY ASSET TRANSFER REQUEST

The Corporate Director submitted a report following receipt of a request to consider community asset transfer requests from Colne FC and Colne and Nelson RUFC.

Colne FC had requested the transfer of its freehold of the land at Holt House which they currently leased for 99 years. They were proposing to develop the site, in five phases, to increase capacity at the stadium, additional parking and improved access off Birtwistle Avenue. The request included taking additional land, which would involve the loss of a youth 11 a side pitch which was in poor condition. This would be mitigated by the provision of a 3G pitch which the Council was exploring with Lancashire Football Association.

The Club had been advised that the Council was unwilling to transfer the freehold but offered to extend the lease to 125 years. In response, the Club said “that a full asset transfer/land transfer would be the preferred option for the Club to move forward.” With regards to the potential sale of the land for residential development the club said “... a caveat stating that the asset would be transferred back to the Council if the land is used for anything other than Colne FC and sporting facilities would negate this concern.”

In response to a previous request in March 2013 the Executive, whilst amenable to the idea of asset transfers took the view that these should be by way of long leases rather than freehold disposal.

It was reported that Colne and Nelson Rugby Club currently leased their site on a 28 year lease. They had indicated that they would also be interested in considering an asset transfer.

RESOLVED

That this item be deferred and a meeting be arranged as soon as possible with representatives from Colne FC, Nelson and Colne Rugby Club, representatives from the three main political groups, relevant officers and partners associated with the clubs who were involved in their development plans for the future.

REASON

To support the proposals and ambitions of the two clubs and to ensure the proposals were of benefit to both the clubs and the wider community.

140. LOMESHAYE INDUSTRIAL ESTATE EXTENSION PHASE 1

The Housing, Health and Economic Development Services Manger submitted a report on progress with the Phase 1 extension to the Lomeshaye Industrial Estate. A planning application had been submitted in December 2017 to extend the site to accommodate up to ten industrial units with

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open space, access roads, landscaping and infrastructure with means of access off Churchill Way, Nelson.

Following the making of the CPO on 12th January, 2018 five objections were received and the Secretary of State for Housing, Communities and Local Government had decided to hold a public enquiry into the CPO. A date for the inquiry had not yet been received.

Negotiations were continuing with the objectors to try and address their concerns.

RESOLVED

- (1) That progress be noted.
- (2) That subject to the Lomeshaye Industrial Estate Extension Phase 1 land being acquired by Pendle Council, either through negotiation or Compulsory Purchase, that it be transferred to PEARL2 on a long leasehold at market value following completion of the infrastructure works.
- (3) That the transfer be agreed at a value to be agreed under delegate powers to the Corporate Director, taking into account an independent valuation report by Liberata and the financial appraisal of the scheme.

REASON

To keep the Executive informed of progress and to ensure early development of the site.

141. CONSULTATION ON THE PROVISION OF LEISURE AND SPORTS FACILITIES IN PENDLE

The Corporate Director submitted a report on the purpose, scope and development of carrying out a consultation of the provision of leisure and sports facilities in Pendle. The proposal to carry out this consultation had arisen out of consideration of the financial challenges faced by the Council as well as the Leisure Trust.

The purpose of the consultation was to provide an up to date and comprehensive audit and sports and leisure facilities in the Borough. The scope would cover facilities and provision within the Borough or within 20 minutes driving time of the borough boundary. It was also acknowledged that the consultation would extend to certain other organised leisure activities beyond the purely physical.

It was proposed that a Working Group be established to draw up the audit and the consultation, details of which were outlined in the report. An indicative timetable was also included.

RESOLVED

- (1) That the audit and consultation as outlined in the report be approved.
- (2) That a Working Group comprising two representatives of each political group, the Chief Executive of Pendle Leisure Trust, the Principal Sports and Leisure Development Officer and the Corporate Director be appointed to oversee and agree the details of the exercise.

REASON

To enable the Council to develop an informed strategy for the provision of sports and leisure facilities.

**142. COLNE BUSINESS IMPROVEMENT DISTRICT (BID)
DEVELOPMENT UPDATE**

The Housing, Health and Economic Development Services Manager submitted a report on progress made with developing the BID for Colne. All relevant notices had been received and the BID was now at a stage where a date for the ballot could be set.

RESOLVED

- (1) That, in accordance with the BID Regulations (the Business Improvement Districts (England) Regulations 2004) it be noted that:
 - (a) A submission from the BID proposer, which included a copy of the BID proposal and business plan, which also included all of the details stated in Schedule 1 of the Regulations had been received.
 - (b) A notice in writing requesting the Council to instruct its Returning Officer to hold a BID ballot in relation to the BID proposals and that finances were available to cover the cost of the ballot in the event it failed and the number of persons voting in favour was less than 20% of the number of persons entitled to vote had been received.
 - (c) The BID proposal did not conflict with any existing Council or other public authority policy.
 - (d) The BID did not impose a disproportionate burden on particular businesses by way of an unfair levy charge on a certain class of levy payers, for example by an inappropriate manipulation of the BID boundary.
- (2) That the Chief Executive be instructed to prepare a document from the business rates records showing the names of each business ratepayer within the boundary of the proposed BID, together with the address and rateable value of each hereditament occupied, or (if unoccupied) owned; and to supply a copy of this to the BID proposer.
- (3) That the Returning Officer be instructed to hold the BID ballot on 28th June, 2018.

REASONS

- (1) ***To allow the development of the proposed 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 BID ballot to take place on 28th June, 2018.***

143. PENDLE HILL LANDSCAPE PARTNERSHIP

The Housing, Health and Economic Development Services Manager submitted a report about the Pendle Hill Landscape Partnership scheme along with the areas of activity the scheme would cover over the four year funding period.

The programme of activity was split into three themes Environment, Economy and Everyone. The proposal was for there to be twelve projects delivered across these three themes and details were included in the report.

It was reported that the Council Members and officers would remain on the Pendle Hill Landscape Partnership board. Reference was also made to the work officers in the Economic Development and Communications Teams had already been involved in.

RESOLVED

That the report be noted.

REASON

To make Members aware of the scheme and how it could benefit the Pendle area.

144. TREASURY MANAGEMENT STRATEGY STATEMENT 2018/19

The Financial Services Manager submitted the Treasury Management Strategy Statement 2018/19 for consideration.

RECOMMENDATION

That Council be recommended to approve the Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and the Annual Investment Strategy for 2018/19 as detailed in Appendix A attached to the report along with:

- (a) The prudential indicators and limits referred to in Sections 2 and 3 of the Strategy document.
- (b) The statement by the Financial Services Manager, shown in paragraph 9 in the report indicating compliance with the requirement to keep borrowing below the Council's capital financing requirement over the medium-term.
- (c) The revised policy on the Minimum Revenue Provision for 2018/19 (Section 5.1.2 on page 19 of the Strategy) including the circumstances in which the Minimum Revenue Provision may not be required.

REASON

To comply with the CIPFA Treasury management Code of Practice (recently updated) the Council's Treasury Management Policy and good practice generally.

145. LAND AT KNOTTS POND, COLNE

The Chief Executive submitted a report on the potential disposal of land at Knotts Pond, Colne.

The land had been identified as Amenity Greenspace in the Council's Open Space Audit in 2008. The Council had acquired the land in 2015 from the Crown and the Duchy of Lancaster. The report provided details of the history of the site and referred to resolutions from the Colne and District Committee regarding selling off the land to residents abutting the site. In response to letters to residents asking if they were interested in purchasing the land only one positive response had been received.

The Executive were asked to consider letting the land on garden tenancies for an annual rent with associated costs e.g., fencing or disposing of part of the land to the interested resident.

During discussion it was acknowledged that the disposal of the land was considered to be the preferred option.

RESOLVED

That the Chief Executive be authorised to enter into negotiations with residents at 1 and 3 Knotts Mount, 2 St. Andrew's Close and 2-12 Knotts Drive, Colne regarding the disposal of land at the rear of their properties, and shown on the plan attached to the report, at minimum value.

REASON

To end some maintenance liabilities for the Council

146. LAND AT THOMAS STREET, COLNE

The Chief Executive submitted a report following receipt of a request to purchase the car park on Thomas Street, Colne. The prospective purchaser of an adjacent works premises required the car park to be used for dedicated parking/storage. It was acknowledged that planning permission would be required for this use.

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

The Colne and District Committee had discussed this site at its last meeting and had resolved:-

- “(1) That the Planning, Building Control and Licensing Services Manager be requested to submit a report to the next meeting on the condition of the trees on the Thomas Street Car Park, Colne.
- (2) That the Executive be recommended to meet with the proposed purchaser of the site, along with members of the Colne and District Committee, to discuss their proposals for this car park.”

RESOLVED

- (1) That this Executive agrees, in principle, that the land at Thomas Street, Colne be used as a car park.

- (2) That a meeting be arranged with the proposed purchaser of the site, along with the three Waterside Ward Councillors, the Chairman of Colne and District Committee, the Leader of the Council and relevant officers to discuss the proposals for this land.

REASON

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

147. WATERSIDE COMMUNITY CENTRE

The Neighbourhood Services Manager submitted a report on options for the future ownership and use of the Waterside Community Centre.

Through the Burnley, Pendle and Rossendale Council for Voluntary Service groups/organisations have been encouraged to submit an initial expression of interest to take on the responsibility and running of the building. Of the six initial expressions of interest only two organisations submitted further information: Positive Action in the Community and Lancashire Sport Partnership Ltd (both submissions were appended to the report. The Executive were advised that Positive Action in the Community offered the most realistic prospects for the sustainable future of the centre.

RESOLVED

- (1) That the responsibility and running costs of the Waterside Community Centre be transferred to Positive Action in the Community to extend their current service provision, and to explore the scope to work with Lancashire Sport Partnership Ltd.
- (2) That delegated authority be granted to the Chief Executive, in consultation with the Leader of the Council, and the Deputy Leader, to negotiate the terms on which the building is transferred to Positive Action in the Community.
- (3) That, should the negotiations conclude with a proposal that the building be disposed of at a discount then the matter be referred back to the Executive for consideration.

REASONS

- (1) ***To ensure the future use of the building as an asset to benefit the community.***
- (2) ***To comply with Contract Procedure Rules.***

148. TENDERS

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

It was reported that four offers had been received for land at Ravenscroft Way in Barnoldswick. The land had been marketed for sale for an alternative use, subject to planning consent. The highest offer of £100,000 was to develop the land for a commercial unit with storage yard.

RESOLVED

- (1) That the tenders which had been received and accepted be noted.

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- (2) That the highest offer of £100,000 for land at Ravenscroft Way, Barnoldswick be accepted subject to the offeror obtaining planning permission for the proposed use within a 6 month period.

REASON

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

149. NEW HOUSING JOINT VENTURE

(a) Call In – Proposed Housing Joint Venture Company

This item was considered at the last Executive meeting on 7th February, 2018 but was subsequently called in. A note of the call-in meeting held on 21st February, 2018 was submitted for information.

RESOLVED

That the decision to set up a new Joint Venture Company between Pendle Council, Barnfield Investment Properties and Harewood Housing Society Ltd., be re-affirmed.

REASONS

- (1) ***To support the development of new open market and affordable housing in Pendle.***
(2) ***To provide a return on investment.***

(b) Growing Places Investment Fund

The Housing, Health and Economic Development Services Manager submitted a report which sought agreement to take out a Growing Places Investment Fund Loan from Lancashire Enterprise Partnership to support the delivery of housing developed through the new Joint Venture.

RESOLVED

- (1) That it be agreed that the Council be a party to a Growing Places Investment Fund Loan of £5m.
(2) That delegated authority be granted to the Chief Executive, in consultation with the Leader of the Council, to agree the final details of the Growing Places Loan.

REASON

To support the development of new open market and affordable housing in Pendle.

150. ESTABLISHMENT OF A SMALL SITES DEVELOPER REGISTER

The Housing, Health and Economic Development Services Manager submitted a report on proposed processes and criteria for selecting developers to be on a Developer Register for the disposal and development of smaller Council owned sites.

In the report there was a suggestion that a Small Sites Developer Register be implemented rather than a Developer Panel. It was felt that this change would still achieve the aims of the Panel but would not be too bureaucratic.

The report set out how the register would be established and the process for bringing forward sites for development. It was proposed that the Register would be in place in June and further sites for inclusion in the Register would be submitted to Members in a future report.

RESOLVED

- (1) That the proposed process and criteria for selection of developers, as set out in the report, to be on the Small Sites Developer Register be approved.
- (2) That a waiver of the contract Procedure Rules be agreed in that suitable sites be offered to developers on the Register first before being put on the open market.
- (3) That a further report be submitted to the Policy and Resources Committee proposing sites to be put forward to developers on the Register.

REASON

- (1) *To support smaller local developers.*
- (2) *To dispose of sites that could support the Council's growth objectives.*

151. HOMELESSNESS REDUCTION ACT 2017

The Housing, Health and Economic Development Services Manager submitted a report on the Homelessness Reduction Act 2017. The Act would come into effect on 2nd April, 2018 and it set out new duties on English local authorities with the aim of preventing homelessness.

Appendix 1 attached to the report set out these duties along with their potential impact.

It was acknowledged that the Act required significant changes to the way homelessness would be dealt with by local authorities.

RESOLVED

That the commencement of the Homelessness Reduction Act 2017 be noted.

REASON

To ensure the Executive was aware of the new Act.

152. LONG TERM EMPTY PROPERTIES TO BE CONSIDERED FOR COMPULSORY PURCHASE

The Housing, Health and Economic Development Services Manager submitted a report which provided a list of properties that could be considered for compulsory purchase across the Borough.

The Executive were reminded that a fund of £150,000 had been agreed to allow for the CPO, initially, of four properties in Cambridge Street, Brierfield. Work to renovate three of the properties

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was due to start soon so it was suggested that any further CPO work on these properties be suspended but progress on the renovation works be monitored.

The Executive discussed the criteria to be used to priorities the properties listed in Appendix 1 attached to the report. Reference was made to a number of properties that were not on the list and Members were asked to contact the Empty Homes Officer about this.

RESOLVED

- (1) That the programme of potential Compulsory Purchase of the properties listed in Appendix 1 attached to the report, be approved.
- (2) That further reports to agree the Compulsory Purchase of individual properties be submitted to future meetings of the Policy and Resources Committee.

REASON

To allow the effective management of long term problem properties across the Borough.

153. CHARGING FOR REQUESTED FOOD HYGIENE RATING SCHEME RE-INSPECTIONS

The Housing, Health and Economic Development Services Manager submitted a report on the proposed introduction of cost recovery charges for work carried out to re-inspections and re-score food businesses under the food hygiene rating scheme.

Many of the businesses who asked for a rescore were those that scored 2, 3 or 4 and wished to achieve a 5 rating. The number of these requests was increasing. The Food Standards Agency had recently issued advice indicating that charges could be made using powers in the Localism Act 2011.

The proposed fee had been calculated at £140 on a cost recovery basis and it was proposed to implement this charge with effect from 1st April, 2018.

RESOLVED

- (1) That the introduction of charges for re-inspections made at the request of the food business operator to re-assess the food hygiene ratings be approved.
- (2) That the cost recovery charge of £140 be agreed and to take effect from 1st April, 2018.

REASON

- (1) *To enable the Council to recover a cost for work over and above its statutory function.*
- (2) *To enable the charges to be implemented at the start of the new financial year.*

154. PUBLIC HEALTH ACT FUNERALS POLICY

The Housing, Health and Economic Development Services Manager submitted the Public Health Act Funerals Policy for consideration.

Due to relatively low numbers the Council had not had a policy in place, however, in the past two years the number of cases where the Council was being asked to make arrangements for peoples funerals had increased. The cost to the Council was around £1,500 (which included officer time).

The policy and procedures set out in the Policy identified how the Council would perform its responsibility under the Public Health (Control of Diseases) Act 1984. It also set out how the costs from the estate of the deceased could be recovered and that this would be reported annually.

RECOMMENDATION

That Council be recommended to approve the Public Health Act Funerals Policy as set out in Appendix 1 attached to the report.

REASON

To ensure the public funerals are carried out in a fair and transparent way and that the deceased's estate is managed in line with the current legislation and guidance.

155. TRANSPORT FOR THE NORTH STRATEGIC TRANSPORT PLAN

The Neighbourhood Services Manager submitted a report advising the Executive of the Transport for the North (TfN) Draft Strategic Transport Plan which had been launched in January 2018.

RESOLVED

- (1) That the Draft Strategic Transport Plan be noted.
- (2) That the Transport for the North be urged to endorse Pendle's (and Lancashire County Council's) views on the Department for Transport's Strategic Road network review and the Major Road Network proposals (and associated improvements).
- (3) That the Chief Executive be authorised to formulate a detailed consultation response to the TfN in conjunction with the Leader of the Council and the Executive Member for Neighbourhood Services and Community Services.

REASONS

- (1) ***To advise the Executive of this new consultation document.***
- (2) ***To agree a consultation response.***

156. TO CONSIDER RESPONDING TO THE CONSULTATIONS ON PLANNING REFORMS

The Planning, Building Control and Licensing Services Manager submitted, for consideration a report on the Proposed Planning Reforms and to agree the Council's response.

Four consultation documents had been issued which sought to reform parts of the planning process with a view to, in the main, increasing housebuilding rates. The suggested responses were attached to the report at Appendix A. The documents were:

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- Draft Planning Practice Guidance for Viability
- Housing Delivery Test Draft Measurement Rule Book
- National Planning Policy Framework – Draft Text for Consultation
- Supporting Housing Delivery Through Developer Contributions

It was reported that another consultation document had recently been published “National Planning Practice Guidance” which also required a response.

RESOLVED

- (1) That the draft responses to the National Planning Policy Framework, as set out in Appendix A to the report be agreed in principle and the Planning, Building Control and Licensing Services Manager, in consultation with the Executive Member for Planning and Development, be granted delegated authority to submit the final response.
- (2) That the Planning, Building Control and Licensing Services Manager, in consultation with the Executive Member for Planning and Development, be granted delegated authority to submit the responses to the consultations on the Draft Planning Practice Guidance for Viability, Housing Delivery Test Draft Measurement Rule Book and the Supporting Housing Delivery Through Developer Contributions based on the comments made in the report and the National Planning Practice Guidance.

REASON

In order to ensure that Pendle contributes to the development of local and national policy on planning issues.

157.

FORWARD PLAN

The Executive’s Work Programme and Forward Plan of key decisions for the four month period commencing 1st March, 2018 were submitted for information.

Chairman _____