

**MINUTES OF A MEETING OF THE  
POLICY AND RESOURCES COMMITTEE  
HELD ON 19<sup>th</sup> MARCH, 2019  
AT NELSON TOWN HALL**

*PRESENT –*

*Councillor P. White (Chairman – in the chair)*

**Councillors**

*Nadeem Ahmed  
W. Blackburn  
R. E. Carroll  
M. S. Foxley  
P. J. Foxley  
M. Goulthorp*

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

**Also attending:**

*Councillor A. R. Greaves  
Councillor P. A. McCormick*

**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>Neil Watson</i>	<i>Planning, Building Control and Licensing Services Manager</i>
<i>Peter Atkinson</i>	<i>Neighbourhood Services Manager</i>
<i>Jane Watson</i>	<i>Head of Democratic Services</i>

*(Apologies for absence were received from Councillor Musawar Arshad).*



*The following people attended the meeting and spoke on the items indicated:*

<i>Shabnum Ahmed</i>	<i>18/0898/HHO Full: Erection of two storey side and rear extension at 35 Clegg Street, Brierfield</i>	<i>Minute No. 159(b)</i>
<i>Andrew Smith Elaine Smith Paddy Wrightson Claire Lunney Katy Wrightson Lousie Vary Paul Brook</i>	<i>19/0069/FUL Major: Full: Change of use from agricultural to a caravan park and siting of 36 holiday lodge caravans and 20 touring caravan pitches at Caravan Site, Lower Greenhill Farm, Kelbrook Road, Salterforth</i>	<i>Minute No. 159(c)</i>
<i>Ian Gilbert David Cockburn-Price</i>	<i>18/0865/REM Reserved Matters: Major: Erection of 82 dwellings and associated infrastructure (appearance, landscaping, layout and scale) (planning application 13/14/0580P – Appeal APP/E2340/W/15/3131974) on land to the East of</i>	<i>Minute No. 159(d)</i>

*Windermere Avenue, Colne*

*Alan Kinder  
Peter Heap*

*Lomeshaye Industrial Estate Extension – Phase 1*

*Minute No. 160*

*Deborah Bulcock  
Maureen Reynolds  
June Higgins*

*Update on Local and Regional Transport Issues*

*Minute No. 171*



**156.**

### **DECLARATIONS OF INTEREST**

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

**157.**

### **PUBLIC QUESTION TIME**

John Cooper asked if something could be done to reinstate the bus service between Earby and Skipton. It was reported that discussions had been held with Transdev and Preston Bus regarding this issue but no progress had been made. Requests had also been made with Transdev to 'trial' the service but this request had been declined. The Chairman agreed to discuss this matter further with Transdev.

**158.**

### **MINUTES**

#### **RESOLVED**

That the Minutes of the meeting held on 12<sup>th</sup> February, 2019 be approved as a correct record and signed by the Chairman.

**159.**

### **PLANNING APPLICATIONS**

**(a) 18/0731/HHO Full: Erection of a single storey rear extension at 6 Ethersall Road, Nelson for Mr. Asif Butt**

At a meeting of the Nelson Committee on 4<sup>th</sup> February, 2019 the decision to approve this application was referred as a recommendation to this Committee as the decision to approve the application would be a significant departure from policy.

#### **RESOLVED**

That planning permission be **refused** for the following reason:

The proposed development, by virtue of its depth and distance from side boundaries, would result in a significant detrimental loss of light to the adjacent property's ground floor rear facing windows and therefore have an adverse impact on the amenities of neighbouring occupiers. The application thereby fails to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and guidance within the design Principles SPD.

**(b) 18/0898/HHO Full: Erection of two storey side and rear extension at 35 Clegg Street, Brierfield for Mr. Adeel Khalid**

At a meeting of the Brierfield and Reedley Committee on 5<sup>th</sup> March, 2019 the decision to refuse this application was referred as a recommendation to this Committee as the decision to refuse the application would result in a significant risk of costs at appeal.

**RESOLVED**

That the Planning, Building Control and Licensing Services Manager be granted delegated authority to approve the application subject to clarification that the provision of car parking and an access would be permitted development.

**REASON**

*If the road was unclassified then the formation of a driveway, which was an element within the planning application, would be permitted development.*

**(c) 19/0069/FUL Major: Full: Change of use from agricultural to a caravan park and siting of 36 holiday lodge caravans and 20 touring caravan pitches at Caravan Site, Lower Greenhill Farm, Kelbrook Road, Salterforth for Mr. & Mrs. N. Hudson**

At a meeting of the West Craven Committee on 5<sup>th</sup> March, 2019 the decision to refuse this application was referred as a recommendation to this Committee as the decision to refuse the application would result in a significant risk of costs at appeal.

The Planning, Building Control and Licensing Services Manager circulated an update at the meeting. This included notification and consultee responses along with further officer comments.

**RESOLVED**

That planning permission be **refused** for the following reasons:

1. The proposed development would have an unacceptable impact on the landscape in views from the surrounding public road and footpath network. This would be severely detrimental to the landscape quality of the area and contrary to Policy ENV1 of the Pendle Local Plan Part 1: Core Strategy (2011-2030).
2. The proposed development would result in unacceptable harm to the character and visual amenity of the area contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011-2030).
3. The proposed development would result in an unacceptable increase in the risk of off-site flooding contrary to Policy ENV7 of the Pendle Local Plan Part1: Core Strategy (2011-2030).

- (d) **18/0865/REM Reserved Matters: Major: Erection of 82 dwellings and associated infrastructure (appearance, landscaping, layout and scale) (planning application 13/14/0580P – Appeal APP/E2340/W.15/3131974) on land to the East of Windermere Avenue, Colne for McDermot Homes Ltd.**

As this is a major planning application it was submitted to the Colne and District Committee on 10<sup>th</sup> January and 7<sup>th</sup> March, 2019 for comment prior to submission to this Committee.

The Planning, Building Control and Licensing Services Manager circulated an update at the meeting. Amended plans had been received for Plot 10 and conditions 2, 5, 7 and 16 had been amended.

## **RESOLVED**

That this item be deferred for negotiations with the applicant/agent regarding design/materials of the properties within the Conservation Area and those running along the eastern boundary of the site.

## **REASON**

*To ensure they were in-keeping with the Conservation Area.*

## **160. LOMESHAYE INDUSTRIAL ESTATE EXTENSION – PHASE 1**

The Housing, Health and Economic Development Services Manager submitted a report on the successful compulsory purchase of the land and to confirm the developer for the scheme.

The Council received notification from the Secretary of State for Housing, Communities and Local Government in a letter dated 20<sup>th</sup> February, 2019 that the CPO had been confirmed.

The report provided details of the next steps and following the ‘challenge’ period the Council was required to allow a minimum of 3 months for the land to be vested in the Council’s ownership which would make this July at the earliest. Once the land had been vested infrastructure work could be started.

Negotiations would continue with the landowners affected by the CPO to agree compensation but if there wasn’t an agreement then this would be referred to the Lands Tribunal. This would not delay the vesting process.

The Committee was also asked to re-affirm the Executive’s decision that PEARL2 be the developer for the Phase 1 extension.

## **RESOLVED**

- (1) That the confirmation of the Borough of Pendle (Lomeshaye Industrial Estate Extension, Phase 1) Compulsory Purchase Order 2018 and the process for the Council to vest the land be noted.
- (2) That the decision made by the Council’s Executive on 15<sup>th</sup> March, 2018 that the land be transferred to PEARL 2 on a long leasehold at market value following completion of the infrastructure works be reaffirmed.

- (3) That a Development Agreement be put in place between the Council and PEARL2 with delegated authority given to the Corporate Director to agree the terms of the Development Agreement.
- (4) That discussions be held with Mr. Heap regarding his development ideas for the site.

**REASON**

- (1) ***To keep the Committee informed of progress.***
- (2) ***To minimise risk to the Council.***

**161. CALL IN – LAND AT BOLD STREET, COLNE**

This item was considered at the January meeting of this Committee but was subsequently called in.

A note of the Call-In meeting and written proposals from residents in the Essex Street and Colne Lane area of Colne for the site to be used as a 'pocket park' were submitted for consideration.

The update provided to the Committee on 22<sup>nd</sup> January, 2019 was also provided for information.

**RESOLVED**

That the Committee's decision on 22<sup>nd</sup> January, 2019 be reaffirmed.

**REASON**

***To implement the decision made by the Executive on 23<sup>rd</sup> October, 2014 to declare the site surplus and to enable the planning application to be implemented.***



**MOTION**

It was moved by Councillor D. M. Whipp and seconded by Councillor P. White –

That the time having reached 11.00 p.m. pursuant to Standing Orders relating to the Duration of Meetings the meeting continue to consider the remaining business.

**RESOLVED**

Accordingly.



**162. ANNUAL TREASURY STRATEGY STATEMENT 2019/20**

The Chief Executive submitted a report on the Annual Treasury Management Strategy Statement for 2019/20.

## **RECOMMENDATION**

That Council be recommended to approve the Treasury Management Strategy Statement (TMSS) incorporating the Minimum Revenue Provision (MRP) Policy Statement and the Annual Investment Strategy (AIS) for 2019/20 as set out in Appendix A attached to the report and in particular:-

- (i) the Prudential Indicators and limits referred to in Sections 2 and 3 of the Strategy document;
- (ii) the statement by the Chief Financial Officer, shown at paragraph 10 in the report, indicating compliance with the requirement to keep borrowing below the Council's Capital Financial requirement over the medium-term;
- (iii) the policy on the Minimum Revenue Provision (MRP) for 2019/20 (Section 5.2 page 21 of the Strategy) including the circumstances in which MRP 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.***

### **163. DISCRETIONARY BUSINESS RATES RELIEF – UPDATE 2019/20**

The Chief Financial Officer submitted a report which provided an update on the changes to Discretionary Business Rates Relief in 2019/20. The report focused on the changes applicable to some discretionary rate reliefs in 2019/20.

## **RESOLVED**

That the changes made to Discretionary Business Rates Relief, as set out in the report, be noted.

## **REASON**

***To update the Committee on the changes.***

### **164. RECOMMENDED WRITE OFFS**

The Revenues Manager, Liberata, submitted a report recommending the write off of debts relating to Housing Benefit Overpayments, Council Tax, Business Rates and Sundry Income.

## **RESOLVED**

That it be agreed that the sums of £12,311.40 in respect of Housing Benefit Overpayments, £33,866.36 in respect of Council Tax, £218,290.50 in respect of Business Rates and £1,079.56 in respect of Sundry Income be written off.

## **REASON**

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

**165. THE BOROUGH OF PENDLE (GLEN COTTAGE, BARNOLDSWICK)  
COMPULSORY PURCHASE ORDER 2019**

The Housing, Health and Economic Development Services Manager submitted a report requesting approval of a compulsory purchase order to acquire Glen Cottage, Barnoldswick (and associated curtilage).

**RESOLVED**

- (1) That the Borough of Pendle (Glen Cottage, Barnoldswick) Compulsory Purchase Order 2019 under Section 17(1)(b) of the Housing Act 1985 (as amended by Section 9 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 this report and on the site shown edged with a thick black line on the Map attached at Appendix 1 to the report be agreed in order to acquire ownership of the dwelling house and upon acquisition to procure the disposal and renovation thereof.
- (2) That the draft Statement of Reasons annexed 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 the Head of Legal Services be authorised to take any necessary steps to prepare the documentation required to make The Borough of Pendle (Glen Cottage, Barnoldswick) Compulsory Purchase Order 2019 under Section 17(1)(b) of the Housing Act 1985 (as amended) by Section 99 of the Planning and Compulsory Purchase Act 2004 and the Acquisition of Land Act 1981 (as amended).
- (4) That the Head of Legal Services 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 the Ministry of Housing 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 any public inquiry or through written representations if this was appropriate;
  - 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 notice 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 (Glen Cottage, Barnoldswick) Compulsory Purchase Order 2019.’ This would enable the acquisition of an unoccupied and decaying property and facilitate it to be renovated and brought back into residential use, thereby improving the amenity of the area.***

**166. THE BOROUGH OF PENDLE (32 RHODA STREET, NELSON)  
COMPULSORY PURCHASE ORDER 2019**

The Housing, Health and Economic Development Services Manager submitted a report requesting approval of a compulsory purchase order to acquire 32 Rhoda Street, Nelson (and associated curtilage).

**RESOLVED**

- (1) That the Borough of Pendle (32 Rhoda Street, Nelson) Compulsory Purchase Order 2019 under Section 17(1)(b) of the Housing Act 1985 (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 show edged in a thick black line on the map attached as Appendix 1 to the report be approved in order to acquire ownership of the dwelling house and upon acquisition to procure the disposal and renovation thereof.
- (2) That the draft Statement of Reasons attached to the report be approved and authority be granted for appropriate officers to make any amendments they consider reasonably necessary before submission of the Order to the Secretary of State.
- (3) That the Head of Legal Services be authorised to take any necessary steps to prepare the documentation required to make The Borough of Pendle (32 Rhoda Street, Nelson) Compulsory Purchase Order 2019 under Section 17(1)(b) of the Housing Act 1985 (as amended) by Section 99 of the Planning and Compulsory Purchase Act 2004 and the Acquisition of Land Act 1981 (as amended).
- (4) That the Head of Legal Services 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 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 the Ministry of Housing, Communities and Local Government in seeking to obtain confirmation of the Order;
  - continuing negotiations and approving agreements with land owners setting out the terms of 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 any public inquiry or through written representations if this is appropriate;



- 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 (32 Rhoda Street, Nelson) Compulsory Purchase Order 2019.' This shall enable the acquisition of an unoccupied and decaying property and facilitate it to be renovated and brought back into residential use, thereby improving the amenity of the area.***

## **167. RESOURCES AND WASTE STRATEGY**

The Environmental Services Manager submitted a report which provided an overview of the contents of the DEFRA Resources and Waste Strategy that was released on 18<sup>th</sup> December, 2018.

The Strategy contained some significant changes in waste policy across the UK that would have some fundamental impacts on waste management services in Lancashire and more locally in Pendle. A summary of the contents of this Strategy was attached to the report at Appendix 1.

On 18<sup>th</sup> February, 2019 subsequent consultations were released. These would run for 12 weeks closing on 13<sup>th</sup> May. This included consistency of collection, deposit return schemes, producer responsibility for packaging and a plastic packaging tax. There was potential there would be a major impact on the way the Council collected waste for recycling which may result in the need for some significant service changes.

## **RESOLVED**

- (1) That the Corporate Director be granted delegated authority, in consultation with the Group Leaders and Council's representative on the Lancashire Waste Partnership, to provide responses to the consultation papers.
- (2) That further reports be submitted to this Committee as appropriate.

## **REASON**

***To ensure that officers and Members are fully briefed on the Resources and Waste Strategy and its potential impacts and consultation proposals on the Council.***

## **168. LANCASHIRE COUNTY COUNCIL SERVICE CHALLENGE SAVINGS CONSULTATIONS**

The Chief Executive submitted a report on the County Council's Service Challenge Savings consultation process.

- (a) Household Waste Recycling Centres Consultation
- (b) School Transport
- (c) Street Lighting – Part Night Lighting

- (d) Special Educational Needs and Disability Service
- (e) Traveller Sites
- (f) Older People Day Care Services
- (g) Welfare Rights Service
- (h) Health Improvement Service
- (i) Lancashire Wellbeing Service Consultation
- (j) Home Improvement Service

Those pertinent to Pendle were the Household Waste Recycling Centres and the Lancashire Wellbeing Service. The deadline for both consultations was 25<sup>th</sup> March, 2019.

The proposal was to change the opening hours for all 15 Household Waste Recycling Centres and reduce the service from 7 days to 5 days a week for 7 of their 15 sites. This affected the site in Barnoldswick. Rossendale and Pendle would be the only districts without a seven day service.

With regards to the Lancashire Wellbeing Service the proposal was that this service would cease.

Draft responses to both consultations were attached to the report.

## **RESOLVED**

- (1) That the draft response to the Household Waste and Recycling Centres consultation and the Lancashire Wellbeing Service consultation be agreed.
- (2) That the Chief Executive be granted delegated authority to respond to the Health Improvement Service and the Home Improvement Service consultations, in consultation with the Leader of the Council.

## **REASON**

*To minimise any impact of LCC service changes in Pendle.*

### **169. TRANSFER OF SERVICES AND FACILITIES TO TOWN AND PARISH COUNCILS UPDATE**

The Corporate Director submitted a report which provided a further update on the transfer of parks to specific town and parish councils along with the responses to the request for a 75% contribution to grounds maintenance. Details were listed in the report.

The Committee considered a request received from Barnoldswick Town Council for the transfer to it of the following sites:

- Bank Street – open space land around the play area
- Coates Avenue – open space land around the play area
- Amenity area at Harrison Street
- Town Square
- Memorial Gardens
- Clough Park
- Various garage sites
- Town Green
- Recreation ground at the end of Priory Way

It was noted that in 2016 the Council had considered the transfer of garage sites and concluded that they should not be transferred as it would represent a significant loss of income. If the Barnoldswick sites were transferred the lost income would be £37.651 per annum.

**RESOLVED**

- (1) That the position on the responses to the request for 75% parks grounds maintenance contributions be noted; in particular those cases where less than 75% is to be contributed and the amount of maintenance undertaken will be correspondingly reduced.
- (2) That the Corporate Director commence discussions with Colne, Trawden Forest and Nelson Councils on the transfer of the parks in their areas.
- (3) That the transfer of the pieces of land requested by Barnoldswick Town Council be agreed in principle, apart from the garage sites; and the Corporate Director undertake discussions with the Town Council on them.
- (4) That the request to transfer the amenity area at Harrison Street, Barnoldswick be deferred pending further information.

**REASON**

*To continue the programme of transfer to town and parish councils.*

**170. PROMOTING PENDLE ACTION PLAN**

The draft 'Promoting Pendle Action Plan' was submitted for consideration.

**RESOLVED**

That the Promoting Pendle plan be approved.

**REASON**

*To enable the Action Plan to be implemented.*

**171. UPDATE ON LOCAL AND REGIONAL TRANSPORT ISSUES**

The Neighbourhood Services Manager submitted a report on the latest developments concerning rail and road issues in and around Pendle.

The report provided an update on various issues including the Transport for the North Strategic Transport Plan, strategic and major road network, North Valley, Colne (Route Management Strategy) M65 Growth Corridor Junction 13 Nelson Signalisation (South East Roundabout) M65 Growth Corridor Sustainable Transport Links in Brierfield and problems on the Colne Line Rail Service.

**RESOLVED**

- (1) That the report be noted.

- (2) That a meeting be convened with Lancashire County Council, North Yorkshire County Council and Craven District Council to discuss trans-Pennine road and rail connectivity issues.
- (3) That Lancashire County Council be requested to commission the development of Scheme Business Cases for the Colne to Foulridge /A56 Bypass proposals in accordance with the new Major Road Network Investment Planning Guidance.
- (4) That the Department for Transport be urged to move the second stage investigation (“Develop”) into the viability of reinstating the Colne to Skipton railway line.
- (5) That a representative from Transport for the North be invited to meet with members of this Committee.

### **REASON**

***To keep Members updated on the latest position regarding the publication of national and sub-regional documents and Lancashire County Council’s proposals.***

*(The above item was considered earlier in the meeting – prior to 11.00 p.m.).*

### **172. BARROWFORD NEIGHBOURHOOD PLAN**

The Planning, Building Control and Licensing Services Manager submitted a report on the final version of the Barrowford Neighbourhood Plan.

The Plan had been submitted and subsequently withdrawn in 2018. Some changes had been made to the submitted revised version of the Plan, but, overall it remained largely unchanged. In some areas, it did not comply with the strategic policies in the Local Plan. The Council’s response to the Plan was attached to the report at Appendix 2.

### **RESOLVED**

- (1) That the submission of the Barrowford Neighbourhood Plan be noted.
- (2) That formal written representations be submitted, in response to the Regulation 16 public consultation, setting out the Council’s concerns about the Barrowford Neighbourhood Plan in its current form.

### **REASONS**

- (1) ***To comply with the Neighbourhood Planning General Regulations 2012, as amended.***
- (2) ***To ensure the Examiner is aware of the Council’s concerns and to ensure that the Barrowford Neighbourhood Plan is in general conformity with the Local Plan and the National Planning Policy Framework.***

**173.**

**THE PENDLE CHALLENGE**

The Chief Executive submitted a report which provided an update on the Pendle Challenge and how, as a district council, we could support its development.

Since its launch in February 2017 the Pendle Challenge Steering Group had met on several occasions and a number of themes/projects had taken place or were underway. An action plan had also been developed which was attached to the report.

In January the Steering Group received a presentation on Positive Footprints which outlined a proposal to work with primary schools in Pendle to support the Pendle Challenge's broad aim of raising aspirations. Details of the project were included in the report.

The Committee were asked to consider contributing £20,000 to this project from the Gearing up for Growth funding stream.

**RESOLVED**

- (1) That the background and progress made with the Pendle Challenge be noted.
- (2) That a financial contribution of £20,000 (from the Gearing up for Growth funding stream) towards Positive Footprints Rising Aspirations Project be agreed, subject to contributions from other partners.

**REASON**

- (1) ***To raise awareness.***
- (2) ***To carry out the Council's community leadership role in supporting educational attainment and increasing aspirations for young people in Pendle.***

**174.**

**ENFORCEMENT OF CEMETERIES REGULATIONS**

The Corporate Director submitted a report on how the Council could deal with the growing problem of unauthorised structures and items in cemeteries. In accordance with the Local Authorities' Cemeteries Order 1977 Regulations were in place for the general management and control of the Council's lawned cemeteries in Barnoldswick, Barrowford, Colne, Earby, Nelson and Salterforth.

There were currently around 450 graves in breach of the Regulations with the majority in Nelson and Colne. It was accepted that this situation was not unique to Pendle.

It was proposed that an up to date inventory of unauthorised and unsightly items be prepared. Where possible existing owners/family members would be contacted by letter and politely asked to deal with them. If there was no response within three months a further letter would be sent advising that if it was not dealt with in a further three months the Council would remove the item and put it in storage, if practical. Where it was not possible to contact anyone a small sign would be placed on the grave similar to the letter.

This item had been deferred at the November, 2018 meeting and a site visit to both Colne and Nelson Cemeteries had taken place on 7<sup>th</sup> February, 2019.

**RESOLVED**

- (1) That the enforcement action outlined in the report be approved.
- (2) That the Committee's support for staff in taking this difficult and sensitive action be reaffirmed.

**REASON**

***To maintain the cemeteries as attractive, dignified and safe places.***

**175. SUTTON BUILDING, NETHERFIELD ROAD, NELSON**

The Chief Executive submitted a report following receipt of a request from the owners of the Sutton Building on Netherfield Road, Nelson to relax the Council's covenant on use and to seek approval from the Committee as to agreeing a standard relaxation to the covenant allowing any use subject to receipt of planning permission for a change of use.

The owners had received a new offer to purchase the building and any delays in approving a relaxation of the restrictive covenant and agreeing a premium may lead to the sale falling through and the building remaining vacant.

**RESOLVED**

- (1) That the relaxation of the covenant to allow any use, subject receipt of planning consent, for the Sutton Building, Netherfield Road, Nelson be approved.
- (2) That the Chief Executive be granted delegated authority to determine the amount of premium payable or waive a premium if the proposed alternative use provided other benefits to the Council and the community or resulted in positive regeneration, new employment or other beneficial social outcome.

**REASONS**

- (1) ***The relaxation of the restrictive covenant would assist the owner of the building to dispose of its interest and allow a property which has been vacant for three years to be brought back into use or be re-developed.***
- (2) ***Delegated approval to the Chief Executive to agree the level of premium for the relaxation of the covenant would avoid any uncertainty for a potential purchaser in securing consent from the Council and reduce the risk of the owner/vendor losing a purchaser due to time delays.***
- (3) ***The Council may receive a premium payment to reflect the additional value or benefit to the owner of the relaxation of covenant.***

**176. TENDERS**

**(a) Tenders Received**

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

**(b) Vehicle Procurement**

It was reported that with regards to the tender for the replacement of all of the Council's vehicles, including the refuse collection fleet, one tender had been received for the outright purchase of the vehicles with a full maintenance package and three tenders had been received for contract hire of the vehicles over 7 years with a full maintenance package.

All tenders had been assessed by a panel comprising the Corporate Director, Chief Financial Officer, Environmental Services Manager and the Council's Procurement Adviser on the basis of price and quality with 60% in respect of price and 40% in respect of quality.

The most economically advantageous tender was the one that scored the highest for contract hire and this had been accepted by the Chief Executive and Group Leaders. In accordance with the Public Contracts Regulations 2015 the Council had notified the successful and unsuccessful tenderers of the outcome and this meant there was a 10 day standstill period to allow for any potential challenge on legal grounds to be raised before the contract was awarded.

It was noted that overall acceptance of the most economically advantageous tender would represent a shortfall in the approved 2019/20 budget of c£30,000. Work was being undertaken to deal with this and a report would be submitted to a future meeting.

Chairman \_\_\_\_\_