

**MINUTES OF A MEETING OF THE  
POLICY AND RESOURCES COMMITTEE  
HELD ON 22<sup>nd</sup> AUGUST, 2019  
AT NELSON TOWN HALL**

*PRESENT –*

*Councillor M. Iqbal (Chairman – in the chair)*

**Councillors**

*N. Ahmed*

*D. Clegg*

*M. Foxley*

*P. Foxley*

*M. Goulthorp*

*J. Henderson*

*B. Newman*

*M. Sakib (Substitute)*

*Q. Shazad (Substitute)*

*C. Wakeford*

*D. Whipp*

**Also attending:**

*Councillor J. Purcell*

*Councillor K. Turner*

*Councillor T. Whipp*

**Officers in attendance:**

*Dean Langton*

*Chief Executive*

*Philip Mousdale*

*Corporate Director*

*Susan Guinness*

*Chief Financial Officer*

*Kathryn Hughes*

*Principle Development Management Officer*

*Sarah Waterworth*

*Committee Administrator*

*(Apologies for absence were received from Councillors M, Arshad, Y. Iqbal and A. Mahmood)*



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

*Julie Manojlovic*

*19/0025/FUL Full: Major: Erection of 17 dwelling houses and Minute No.*

*Euan Clouston*

*new access at Land at the Junction with Greenberfield Lane, 60(a)*

*Laura Precious*

*Gisburn Road, Barnoldswick*

*John Riding*

*19/0468HHO Full: Retention of single storey rear extension Minute No.*

*Charlotte Bradshaw*

*with balcony at 42 Gisburn Road, Barrowford*

*Richard Whittle*

*60(b)*



**58.**

**DECLARATION OF INTERESTS**

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

**59.**

**PUBLIC QUESTION TIME**

There were no questions from members of the public.

**60. PLANNING APPLICATIONS**

- (a) 19/0025/FUL Full: Major: Erection of 17 dwelling houses and new access on land at the junction with Greenberfield Lane/Gisburn Road, Barnoldswick for MJF Pension Trustees Ltd.**

The Planning, Economic Development and Regulatory Services Manager submitted a report on the above planning application. At a meeting of the West Craven Committee on 6<sup>th</sup> August, 2019 the decision to refuse the application was referred as a recommendation to this Committee as the decision to refuse the application would be a significant risk of costs in the event of an appeal.

**RESOLVED**

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

- Highway Safety due to complex road layout
- Loss of TPO trees
- Design of properties not being in keeping with the character of the area

- (b) 19/0468/HHO Full: Retention of single storey rear extension with balcony at 42 Gisburn Road, Barrowford for Mrs Clare Riding.**

The Planning, Economic Development and Regulatory Services Manager submitted a report on the above planning application. At a meeting of the Barrowford and Western Parishes Committee on 8<sup>th</sup> August, 2019 a decision to condition out the use of the balcony was referred as a recommendation to this Committee as this could lead to a significant risk of costs in the event of an appeal.

**RESOLVED**

That planning permission be **approved** subject to the following conditions and reasons:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans: ADM/19/20/03A, ADM/19/20/02A and ADM/19/20/01A.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

2. All the external materials to be used in the development hereby permitted shall match those of the existing building in colour, form and texture and there shall be no variation without the prior consent of the Local Planning Authority.

**Reason:** These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

3. Full details of privacy screens to be erected to the side elevations of the balcony hereby approved, shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this permission. The screens shall be erected in strict accordance with the approved details, prior to first use of the balcony and shall thereafter be permanently retained in strict accordance with these details unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In the interests of amenity and privacy to neighbouring occupiers.

**REASON**

***Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed extension is acceptable in terms of policy, design, amenity and highway safety. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.***

**61. STRATEGIC MONITORING REPORT**

The Chief Financial Officer submitted a report which provided performance monitoring information on the Council's service and financial plans for the first quarter of 2019/20.

**RESOLVED**

That the progress made on actions identified in the Strategic Plan (as shown in Appendix A attached to the report) be noted.

**REASON**

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

**62. MARSEDN PARK GOLF COURSE, NELSON**

The Chief Executive submitted a report seeking approval to explore options for the future sustainability of Marsden Park Golf Club.

Marsden Park Golf Club is one of the assets leased to the Pendle Leisure Trust as part of the arrangements for the Trust to operate the Council's various sports and culture assets. In 2015, as part of the proposals for reducing the subsidy payable to the Trust, the Council agreed to permit the Trust to enter into a management agreement with Reevolution Golf. The arrangement was at no revenue cost to the Trust but the Trust/Council remained responsible for capital investment in the site.

Since taking over the operational management of the Golf Course, Reevolution Golf has more than doubled the membership of the Golf Club and daily green fee activity had grown month by month.

It was reported that the current building required significant upgrading and there was a need to invest in replacement Green-Keeper equipment but there was no suitable dry and secure storage facilities. In addition, the car park was in a poor state of repair and no longer had the capacity to hold the number of vehicles since the business had grown and was in need of significant investment.

Reevolution Golf had approached the Council/ PLT seeking assurances about their continued involvement in the operational management of the Course and had suggested options which could generate the necessary funding that council be reinvested back into the Golf Course potentially securing its long term sustainability.

**RESOLVED**

- (1) That the current operational management arrangements for the Marsden Park Golf Course be noted.
- (2) That approval be given to explore options, including those outlined in the report, for the future sustainability of the Marsden Park Golf Course and group leaders be consulted on the options.
- (3) That a further report be submitted to a future meeting regarding the outcome of the work.

**REASON**

***To ensure options for sustainability of the Marsden Park Golf Club and Course.***

**63. PROPERTY INVESTMENT STRATEGY – THE PROPERTY INVESTMENT FUND**

The Chief Financial Officer submitted a report seeking approval to establish a Property Investment Fund for investment in property assets for a commercial return.

At a meeting of this Committee in December 2018, a Commercial Strategy was approved which highlighted a number of way in which the Council could generate additional income and also other areas to be explored.

One of those areas to be explored and a key component of the Strategy was a proposal for investment in commercial property acquisitions as a means of generating net additional income for the Council to support the General Fund Revenue Budget.

In May 2019 a draft Property Investment Strategy was considered and members were asked to comment on the proposed strategy which set out the governance and investment framework within the Council would consider the acquisition of property for a commercial return.

The Property Investment Strategy 2019/22 at Appendix A of the report was submitted for approval.

**RECOMMENDATION**

That the Council be recommended to:-

- (1) Approve the Property Investment Strategy at Appendix A of the report.
- (2) Establish the Property Investment Fund with an initial allocation of £10m (£5m for 2019/20 and £5m for 2020/21)
- (3) Approve a supplementary capital scheme for 2020/21 of £5m, which would be funded by way of an equivalent amount of borrowing, such borrowing to be delegated to the Chief Financial Officer, used in accordance with the Property Investment Strategy and taken in compliance with the Council's annually agreed Treasury Management Strategy.
- (4) Approve the revised Capital Strategy 2019/22, provided at Appendix B of the report.

- (5) Approve the updated Treasury Management Strategy for 2019/20, provided at Appendix C of the report.

## **REASON**

***To put in place the funding and necessary governance agreements for a Property Investment Fund which would be used to invest in commercial property acquisitions with a view to generating net additional income support to the Council's Revenue Budget.***

### **64. REVIEW OF RESERVES AS AT 31<sup>ST</sup> MARCH 2019**

The Chief Financial Officer submitted a report regarding the review of reserves and was seeking approval to transfer amounts from specific reserves to create the approved New Homes Bonus Volatility Reserve that would support the ongoing development of the Council's challenging Medium Term Financial Plan (MTFP) position.

## **RESOLVED**

- (1) That the outcome of the review of revenue reserves as at 31<sup>st</sup> March 2019 be noted
- (2) That the transfer between specific reserves in 2019/20 of £0.502m to the approved New Homes Bonus Volatility Reserve be approved and recommend this to Council for approval (as per paragraph 23 of the report and Appendix C)
- (3) The assessment of the adequacy of the General Fund Balance be noted.

## **REASON**

- (1) ***To provide additional resources in support of the Council's revenue budget over the Medium Term Financial Plan (MTFP) period 2020/21 to 2022/23 which contains increased financial risk exposure from 2020/21 onwards caused by the uncertainty surrounding the unknown outcomes of the fundamental reviews into core funding.***
- (2) ***The outcomes of the Spending Review 2019 and Fair Funding Review are unknown with their medium term impact only expected to be announced later in the 2020 calendar year. If New Homes Bonus (NHB) is to be withdrawn in its entirety, this will increase the overall budget shortfall to 2022/23 by £0.551m to circa. £4.5m.***

### **65. HOUSING DELIVERY TEST – HOUSING ACTION PLAN**

The Planning, Economic Development and Regulatory Services Manager submitted a report on the outcome of the Housing Delivery Test 2018 assessment and was seeking approval of the Housing Action Plan (HAP)

As part of the monitoring of housing delivery performance across the UK, Government had introduced a Housing Delivery Test ("HDT"). The test establishes how many houses have been delivered set against a target number of houses. The HDT covered a three year period from 1<sup>st</sup> April 2015 – 31<sup>st</sup> March 2018. Where the HDT was not met a Housing Action Plan (HAP) must be prepared.

There was no prescribed structure for the HAP to follow. Likewise there was no sign-off, approval or elevation process for Central Government to follow once the HAP had been prepared and published. However it was likely that the HAP may form part of an examination process for Local Plans and that the Government would apply future sanctions to Councils that did not produce one.

In Pendle the HDT had not been met and a HAP had been prepared. It was recommended that the draft HAP be approved and used as a basis for engagement with the development industry on housing going forward.

**RESOLVED**

That the draft Housing Action Plan be approved.

**REASON**

*In order to comply with the requirement to publish a Housing Action Plan.*

**66. FORMER BLOCKBUSTER STORE, 45 MARKET STREET, COLNE**

The Planning, Economic Development and Regulatory Services Manager submitted a report on the requirements of a Compulsory Purchase Order (CPO) in the context of 45, Market Street, Colne.

It was reported that there had been two successful prosecutions for non-compliance with S215 Notice. A third prosecution was underway. The owner's agent had indicated that they were going to appoint local agents to see the building re-occupied. However previous indications of action on the building had not resulted in any tangible improvements.

**RESOLVED**

That a report be submitted to the next meeting regarding a CPO for the former Blockbuster Store, 45 Market Street, Colne.

**REASON**

*In order to secure the improvements of 45, Market Street, Colne.*

**67. PUBLIC SPACES PROTECTION ORDER (PSPO)**

The Corporate Director submitted a report seeking approval to extend the Councils dog control PSPO for a further three years; add new sites to the Order and add a provision relating to providing a name and address.

It was suggested that Mental Health disability be added to the exemptions.

**RESOLVED**

- (1) That the current PSPO relating to dog control in Pendle be renewed for a further three years.
- (2) That the following new sites be added to the PSPO:

- Children's play areas at Higham, Barley and Salterforth
- The War Memorial and the Memorial Gardens at Barnoldswick
- Extend the area covered at Colne Cemetery to include the public burial area

- (3) That the provision to make it an offence to refuse to give a name and address be added to the PSPO.

### **REASON**

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

### **68. REVIEW OF LITTER AND DOG WASTE BINS**

The Environmental Waste Services Manager submitted a report regarding the litter and dog bin emptying service.

A proposal was also put forward to help residents and visitors identify bins and their schedule for emptying in the future.

It was reported that the litter and dog waste bin emptying service was delivered by 8 manual street cleaning operatives and 5 operatives with vehicles. The 5 operatives also carried out domestic and commercial waste collections and the removal of litter and fly tipping from amenity areas.

In 2018/19 the Council spent £9,426 replacing worn and damaged bins. In the current financial climate the Council needed to reduce these costs by seeking to reduce the number of bins overall. This could be done by closely reviewing the need for new and replacement bins when considering request for such.

### **RESOLVED**

- (1) That the introduction of a bin numbering system and emptying schedules online to enable visitors and residents to report litter bin related issues more easily be supported.
- (2) That the introduction of a take your litter home campaign be supported.

### **REASON**

***To provide a sustainable service at reduced cost.***

### **69. TOGETHER AN ACTIVE FUTURE – UPDATE**

The Chief Executive submitted an update on the Pennine Lancashire 'Together an Active Future' (TAAF) programme and Pendle's responses, 'Pendle Together Up and Active, prior to Sport England submission on 3<sup>rd</sup> September 2019.

### **RESOLVED**

- (1) That the progress to date on Together an Active Future be noted.

- (2) That Pendle's Together Up and Active approach prior to the September 2019 Sport England submission be approved.

## **REASON**

***To ensure a robust and transparent process for developing Pendle's Together an Active Future programme.***

70.

## **TENDERS**

The Corporate Director submitted, for information, a report on tenders received and accepted and any exemptions from Contract Procedure Rules.

With regards to the Nelson Town Centre Masterplan tender the Committee were asked to nominate a Member from each Political Group of this Committee to sit on a Steering Group for the Nelson Master Planning process.

It was reported that there had been two exemptions granted from the Contract Procedure Rules (CPRs).

### **(a) Lomeshaye Phase 1 Extension**

The County Council had asked for geotechnical investigations and designs to be undertaken as soon as possible with regard to the new access road and its environs to ensure its stability. The scheme was closely linked to the European Structural and Investment Fund (ESIF) funded Blue and Green Infrastructure scheme joint funded by Pendle Council and the Ministry of Housing, Community and Local Government (MHCLG). The MHCLG required cost certainty for the scheme by the end of September.

Any delay would be unacceptable to MHCLG.

The exemption had been granted in accordance with CPR 5.2(a) and a contract had been awarded to Paul Waite Associates at a cost of £12,295.

### **(b) Further Clough Head – New Housing Development**

The County Council had asked for further detailed site investigations on the line of the new link road which would run from the end of Marsden Hall Road South to the proposed site boundary. This had been requested to ensure its stability due to the presence of old mine workings on the site.

The link road was being funded by Homes England and a date for the contractor to be engaged had been agreed – October 2019. Any delay would be unacceptable to Homes England.

The exemption had been granted in accordance with CPR 5.2(a) and a contract had been awarded to Paul Waite Associates at a cost of £12,295.

## **RESOLVED**

- (1) That the tenders that have been received and accepted be noted.



- (2) That the exemptions granted from Contract Procedure Rules for Lomeshaye Phase 1 extension and Further Clough Head – New Housing Development be noted.
- (3) That one member from each political group from this committee be appointed to sit on a Steering Group for the Nelson Master planning process.

**REASON**

- (1) ***To agree acceptance of tenders/offers in accordance with the Contract Procedure Rules.***
- (2) ***To oversee the developments of a new Masterplan for Nelson.***

**72. MATTERS REFERRED FROM AREA COMMITTEES**

**(a) Disposal of land at Queen Street, Nelson**

At a meeting of Nelson Committee on 5<sup>th</sup> August, 2019 it was resolved “that land at Queen Street, Nelson be declared surplus and the Chief Executive be authorised to invite offers of interest to use the land in parts or the whole for car parking for adjacent businesses; and that the Chief Executive be granted delegated authority to consider all offers and agree terms with interested parties.”

**RESOLVED**

- (1) That the land shown edged black on the plan be declared surplus to requirements and the Chief Executive be authorised to invite offers of interest to use the land in parts or the whole for car parking for adjacent businesses.
- (2) That the Chief Executive be granted delegated authority to consider all offers and agree terms with interested parties.

**REASON**

***To provide an opportunity for local businesses to secure dedicated customer car parking, to remove any maintenance liability from the Council as land owners and to generate a capital receipt.***

Chairman \_\_\_\_\_