

**MINUTES OF A MEETING OF THE
POLICY AND RESOURCES COMMITTEE
HELD ON 23rd JULY, 2020
VIA TEAMS**

Councillor M. Iqbal (Chairman – in the Chair)

Councillors

*N. Ahmed
M. Aslam (Substitute)
D. Clegg
S. E. Cockburn-Price
T. Cooney
M. Goulthorp*

*M. Hanif (Substitute)
Y. Iqbal
B. Newman
J. Nixon
M. Sakib (Substitute)
D. M. Whipp*

(Apologies for absence were received from Councillors Musawar Arshad, J. Henderson and A. Mahmood).

Officers in attendance:

<i>Dean Langton</i>	<i>Chief Executive</i>
<i>Philip Mousdale</i>	<i>Corporate Director</i>
<i>Vince Green</i>	<i>Chief Financial Officer</i>
<i>Neil Watson</i>	<i>Planning, Economic Development and Regulatory Services Manager</i>
<i>Jane Watson</i>	<i>Head of Democratic Services</i>



8. DECLARATION OF INTERESTS

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

Councillor M. Sakib declared a pecuniary interest in Minute No. 18 (Tenders) as he was a builder on one of the sites.

9. PUBLIC QUESTION TIME

There were no questions from members of the public.

10. MINUTES

RESOLVED

That the minutes of the meeting held on 25th June, 2020 be agreed as a correct record and signed by the Chairman.

11. PLANNING APPLICATIONS

- (a) 19/0620/FUL Full: Major: Erection of 12 semi-detached dwellings and associated hardstanding and landscaping on land to the west of the playing fields, Bailey Street, Earby for PEARL Together Ltd.**

It was reported that this application had been deferred prior to the meeting to enable an outstanding site visit to take place.

(b) 20/0198/FUL Full: Resiting of a temporary single storey agricultural workers dwelling at Cowfield Farm, Burnley Road, Trawden for Mr. Robert Airey

At a meeting of the Colne and District Committee on 9th July, 2020 the decision to refuse this application was referred as a recommendation to this Committee as this decision would lead to a significant risk of costs being awarded against the Council in the event of an appeal.

RESOLVED

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

1. The applicant has failed to demonstrate that there is an essential need for an agricultural workers dwelling in this isolated countryside location, the proposed development is therefore contrary to Policies SDP2, LIV1 and ENV4 of the Pendle Local Plan Part 1: Core Strategy and paragraph 79 of the National Planning Policy Framework.

12. CAPITAL PROGRAMME – PROVISIONAL OUTTURN 2019/20

The Chief Executive submitted a report on the provisional outturn position on the Council's Capital Programme for 2019/20.

Committee's attention was drawn to the loan of £210,000 to Pendle Leisure Trust in 2013/14 to facilitate the construction of a high ropes course on land off Vivary Way, Colne. The course had subsequently been removed and the land sold. At the start of the financial year the Council retained an outstanding loan balance of £147k a decision was needed on how to treat this outstanding balance.

It was reported that with the recent impact of COVID-19 and the financial challenges facing the Trust repayment of the balance was remote. It was considered that the loan balance was fully impaired and therefore the outstanding loan balance had in effect been written out of the accounts for 2019/20.

Reference was also made to the slippage in relation to the Property Investment Strategy and the underspend on Disabled Facilities Grants.

RESOLVED

- (1) That the provisional outturn position on the Council's Capital Programme for 2019/20 be noted.
- (2) That the proposals to carry forward budget slippage on the programme from 2019/20 to 2020/21 be approved.
- (3) That the accounting treatment applied in 2019/20 in respect of the loan to Pendle Leisure Trust for the former High Ropes course (paragraphs 22-25 in the report) be noted.

- (4) That the budget position be noted and the proposed use of residual funding in support of the Council's financial contribution to the Brierfield Mill (Northlight) project (paragraphs 26-27 in the report) be endorsed.

REASON

To inform the Committee of the provisional outturn position for the Council's Capital Programme in 2019/20. This information is deemed provisional pending completion of the audit by Grant Thornton of the Council's accounts for 2019/20. Other matters reported are for information/transparency purposes.

13. PROVISIONAL REVENUE OUTTURN 2019/20

The Chief Finance Officer submitted a report on the provisional outturn position on the Council's General Fund Revenue Budget for 2019/20.

Committee were asked to agree slippage in relation to:

	£
Funding carried forward to sustain the post of Empty Homes Officer for an additional year	50,000
Carry forward of income achieved on Trade Waste activity to invest in new skips for hire	20,000
TOTAL	70,000

RESOLVED

- (1) That the outturn position on the Council's Revenue Budget for 2019/20 be noted and it be acknowledged that the position was provisional pending completion of the audit of the accounts for the year.
- (2) That the proposals for budget slippage from 2019/20 to 2020/21 be approved for those items exceeding £15,000 as referred to above and as shown in Appendix B attached to the report.
- (3) That an additional revenue resource of £35,000 be allocated to support the re-opening of town centres, funded from the Budget Strategy Reserve in 2020/21. The funding to be distributed via the Area Committees on the same basis as the ERDF town centre funding previously agreed.

REASON

To inform the Committee of the Council's outturn position on revenue budgets for 2019/20.

14. LOMESHAYE INDUSTRIAL ESTATE EXTENSION

The Housing, Health and Engineering Services Manager submitted a report which provided an update on the funding position and sought agreement to enter into revised agreements for Lomeshaye Phase 1.

Due to outstanding issues around State Aid and Security which had not been resolved on Lomeshaye Phase 2 the Council did not feel able to contract with the owners Pendle Business Park Ltd., at that time. The project spend could, therefore, not be achieved by 31st March, 2021 and funding was withdrawn from Phase 2 by the Lancashire Enterprise Partnership (LEP) and the Council no longer had a role in delivering that Phase.

Agreement had been made by the LEP to reallocate the funding of £1.5m to Lomeshaye Phase 1. The £2.5m to Northlight to allow for the development of the call centre was to be discussed by the Growth Deal Management Board on 21st July (UPDATE).

The LEP funding to Lomeshaye Phase 1 had been approved subject to the signing of a Grant Fund Agreement which had a number of conditions. The key condition was that the Council had to commit to invest £1.5m of its own resources that were originally allocated to the scheme in alternative economic development priorities. Details were to be agreed by the LEP and LCC with approval being at officer level.

The original Grant Funding Agreement was drawn up on the basis of this Council leading on the delivery of both Phases of Lomeshaye. It was understood by LCC and the LEP that any receipt from Phase 1 would be rolled over into the delivery of Phase 2. As a result of the Council not now delivering Phase 2 a revised Grant Funding Agreement was needed.

RESOLVED

- (1) That the Chief Executive be granted delegated authority to:
 - (a) enter into a Grant Funding Agreement with the Lancashire Enterprise Partnership for Growth Deal grant of £1.5m for Lomeshaye Phase 1.
 - (b) Enter into a Revised Grant Funding Agreement with the County Council for 1.5m for Lomeshaye Phase 1 which would include a provision for clawback of land receipt.
- (2) That the £1.5m of capital funding currently allocated to Lomeshaye Phase 1 in the capital programme for other economic development priorities which is to be agreed by the Lancashire Enterprise Partnership and the County Council, be retained.

REASON

To progress with the delivery of the Phase 1 scheme in line with the County Council and Lancashire Enterprise Partnership requirements.

15. NELSON TOWN DEAL – BOUNDARY EXTENSION

The Housing, Health and Engineering Services Manager submitted a report on proposals to extend the Nelson Town Deal boundary.

At the last Nelson Town Deal Board meeting amendments to the boundary for Nelson were discussed. Recommendations were put forward which were set out in Appendix 1 attached to the report.

The amendments included taking in both Lomeshaye and Whitewalls Industrial Estates; areas around Seedhill, Victoria Park and Halifax Road. These additions would mean there was

opportunity for Towns Fund to be invested in them in the future, if it was felt appropriate. This would be considered as part of the development of the Town Investment Plan and project proposals.

RESOLVED

- (1) That a revised Nelson Town Deal boundary be put forward for approval by the Cities and Local Growth Unit at the Department of Business, Energy and Industrial Strategy.
- (2) That Nelson Town Deal Board be advised that this Committee has requested that any proposals on land at Whitewalls Industrial Estate be submitted to Colne Committee and Colne Bid for consideration before the planning stage to help protect the viability of Colne Town Centre and that any planning applications for this site within Colne be submitted to Colne Committee for consideration.

REASON

To agree and define the boundary upon which the Town Investment Plan and subsequent potential Town Deal for Nelson will be based. To ensure that all potential assets and opportunities for investment and growth were included.

16. SWAN PLACE, COLNE – SURRENDER OF LEASE

The Chief Executive submitted a report following receipt of a request from the long leaseholder of the above apartments to surrender their lease back to the Council. This comprised of the apartments on the upper floor of Colne Market Hall and the garage colony to the rear of the Market Service Area. The lease had been granted to Housing Pendle in 2007 who had transferred its interest to Together Housing Association Ltd., in 2016.

A recent fire risk assessment had identified compartmentalisation issues in the roof space between the apartments and the market hall below. Although the whole building was equipped with a fire and smoke detection system there were real concerns that in the event of a serious fire containment may be affected.

The issues raised could be remedied but the cost of doing this was considered to be uneconomical and Together Housing intended to relocate its tenants elsewhere. Also the building was not DDE friendly and lacked the provision of a lift.

The report set out suggestions of what Together Housing could do if the request was refused and what the holding costs were if the surrender was agreed.

RESOLVED

- (1) That the Surrender be allowed subject to agreement of terms and conditions.
- (2) That delegated authority be granted to the Chief Executive to agree terms and conditions of a Surrender.

- (3) That updates on any future development of this area be submitted to this Committee as and when required.

REASONS

- (1) ***To avoid any uneconomic expenditure required to address fire safety concerns discovered at the property for the Council and for the tenants.***
- (2) ***To ensure that the terms of Surrender agreed to not burden the Council as freeholder and could be concluded quickly.***

17. REGULATION OF INVESTIGATORY POWERS ACT POLICY

The Head of Legal Services submitted an amended Regulation of Investigatory Powers Act Policy for consideration.

The relevant changes suggested were set out in paragraphs 3 and 6 of the report. There was also a separate policy to address and govern the surveillance issues thrown up by the increased use of social media submitted for consideration.

RESOLVED

That the amended Regulation of Investigatory Powers Act Policy and the new Social Media Policy be approved.

REASON

To take account of changes in the Regulation of Investigatory Powers Act Codes of Practice.

(Councillor M. Sakib declared a pecuniary interest in the following item and withdrew from the meeting during discussion).

18. TENDERS

The Corporate Director submitted a report on tenders which had been received and accepted along with any exemptions from the requirements of the Contract Procedure Rules.

Committee were also asked to consider accepting a bid in relation to Plot 1 on Bamford Street, Nelson. The party that had submitted a bid which had been accepted for this Plot back in 2017 had indicated that they would prefer a plot on Wickworth Street. Bids for Wickworth Street had been accepted in February this year.

As a consequent Plot 1 Bamford Street had become available and a bidder which had been unsuccessful in 2017 had made a new offer at the same value as previously accepted by the Executive in October, 2017.

RESOLVED

- (1) That the tenders which had been received and accepted be noted.
- (2) That the bid for Plot 1 Bamford Street, Nelson be accepted.

REASON

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

Chairman _____