

**MINUTES OF A MEETING OF THE
POLICY AND RESOURCES COMMITTEE
HELD ON 27th MARCH, 2021
AT NELSON TOWN HALL**

Councillor N. Ahmed (Chairman – in the Chair)

Councillors

<i>Z. Ali</i>	<i>M. Goulthorp</i>
<i>M. Aslam (Substitute)</i>	<i>M. Hanif</i>
<i>D. Cockburn-Price</i>	<i>M. Iqbal</i>
<i>S. Cockburn-Price</i>	<i>D. Whipp</i>

Officers in attendance:

<i>Dean Langton</i>	<i>Chief Executive</i>
<i>Philip Mousdale</i>	<i>Corporate Director</i>
<i>Neil Watson</i>	<i>Planning, Economic Development and Regulatory Services Manager</i>
<i>Lynne Rowland</i>	<i>Committee Administrator</i>



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

<i>Qaiser Ahmed Iftikar Ali</i>	<i>20/0083/FUL: Full: Change of use of ground floor residential dwelling (Use Class C3) to a shop (Use Class E) and insertion of a shop front (resubmission) at 55 Newport Street, Nelson</i>	<i>Minute No.4(a)</i>
<i>Ria Abraham Reehaina Saddique</i>	<i>20/0732/FUL: Change of use from public toilets (Sui Generis) to non-residential institution (Use Class D1) and erection of first floor extension above at Public Conveniences, Colne Road, Brierfield</i>	<i>Minute No.4(b)</i>
<i>Craig McBeth</i>	<i>Performance Indicators Update: 1st April, 2020 to 31st March, 2021</i>	<i>Minute No.8</i>
<i>Craig McBeth</i>	<i>PEARL Joint Venture Companies Development Activity</i>	<i>Minute No. 9</i>
<i>Deryn Ashby David Southern Amir Javed</i>	<i>Land at Townhouse Road, Nelson</i>	<i>Minute No.10</i>
<i>Craig McBeth</i>	<i>Earby Flood Alleviation Works – New Cut Wall and Waterproofing of Victoria Mill Wall</i>	<i>Minute No.12</i>
<i>Craig McBeth</i>	<i>Tenders and Other Contract Related Matters</i>	<i>Minute No.17</i>



1. DECLARATION OF INTERESTS

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

2. PUBLIC QUESTION TIME

Craig McBeth referred to a Motion considered at the recent Annual Council meeting relating to human rights in Palestine. He asked whether Members thought that it was appropriate to use public resources for religious motions. He also asked whether it was thought that a precedent had now been set or whether such motions would be restricted in future.

The Chairman advised that the Motion was about human rights and was not about religion. He explained that Councillors raised issues on behalf of members of the public and it would not be right to restrict Councillors in putting motions to future meetings.

3. MINUTES

RESOLVED

That the minutes of the meeting held on 18th March, 2021 be agreed as a correct record and signed by the Chairman.

4. PLANNING APPLICATIONS

- (a) **20/0083/FUL Full: Change of use of ground floor from residential dwelling (Use Class C3) to a shop (Use Class E) and insertion of a shop front (resubmission) at 55 Newport Street, Nelson for Mr Qaiser Ahmed**

At a meeting of Nelson Committee on 29th March, 2021 the decision to approve this application was referred as a recommendation to this Committee as the decision would have an unacceptable impact on the vitality of the town centre and would represent a significant departure from policy.

RESOLVED

That planning permission be **granted** with appropriate conditions.

REASON

It is the view of the Committee that the change of use is to allow for the extension of an existing business. The site was previously a retail shop and, although it is now a dwellinghouse, the shop front has been retained. The property is currently vacant and approval of this application will bring a vacant property back into use.

- (b) **20/0732/FUL Full: Change of use from public toilets (Sui generis) to non-residential institution (Use Class D1) and erection of first floor extension above at Public Conveniences, Colne Road, Brierfield for Community Access Solutions UK**

At a meeting of the Brierfield and Reedley Committee on 30th March, 2021 the decision to refuse planning permission was referred as a recommendation to this Committee as this decision would

represent a significant risk of costs on appeal.

RESOLVED

That consideration of this application be **deferred**.

REASON

To allow for further discussions with the applicant/architect.

5. LOCAL GOVERNMENT ACT, 1972

In accordance with the provisions of Section 100 (B)(4) of the Local Government Act, 1972, as amended, the Chairman agreed that the following item should be considered as a matter of urgency, on the grounds that the deadline for statements was 1st June, 2021 with a Hearing date of 29th June.

**6. APPEAL AGAINST REFUSAL OF PLANNING PERMISSION
20/0198/FUL- COWFIELD FARM, TRAWDEN**

The Planning, Economic Development and Regulatory Services Manager submitted a report which advised Members of an appeal against refusal of planning permission 20/0198/FUL, Cowfield Farm, Trawden. The Hearing date was scheduled for 29th June, 2021.

Members were advised that, under the Royal Town Planning Institute (RTPI) code of conduct, a member of the RTPI may not make or subscribe to any statement or report contrary to their own bona fide professional opinion nor enter into any contract that required them to do so. Officers could not therefore appear at the Hearing as they had recommended approval. It had also been established that consultants were not able to represent the Council in this case.

Under these circumstances, the Councillors that had made the decision had been asked to assist. Unfortunately, they were unable to assist and had come to the view that consent should be granted for a three year temporary permission.

The Committee was asked to consider two options as follows –

1. Ask another Councillor to prepare and appear at the Hearing.
2. Indicate to the Planning Inspectorate that the Council no longer supports refusal and would not object to a three year temporary consent being granted.

In terms of option 2, the agent had confirmed that if the Council withdrew from the process they would not pursue any costs against the Council.

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be authorised to indicate to the Planning Inspectorate that the Council no longer supports refusal and would not object to a three year temporary consent being granted.

REASON

In view of the professional advice given.

7. STRATEGIC PLAN 2020-2023: ANNUAL REFRESH 2021-2022

It was reported that the Strategic Plan 2020-2023: Annual Refresh 2021-2022 would be presented to the next meeting of this Committee.

8. PERFORMANCE INDICATORS UPDATE 1st APRIL, 2020 TO 31st MARCH, 2021

The Chief Finance Officer submitted a report on performance monitoring information on the key performance indicators delivered by and on behalf of the Council.

The key issue affecting performance across the delivery of all services had been the Coronavirus emergency. The impact had been varied with some services being unable to be delivered, such as those where home visits/business premises inspections were required and some services had seen performance increase due to their role in the COVID-19 response, such as Communications.

RESOLVED

- (1) That the report be noted.
- (2) That the work of the Council be acknowledged and the Committee's appreciation be conveyed to all members of staff across all levels.

REASON

- (1) ***To inform the Committee of performance monitoring information relating to the Council's key performance indicators.***
- (2) ***In recognition of the work carried out.***

9. PEARL JOINT VENTURE COMPANIES DEVELOPMENT ACTIVITY

The Housing, Health and Engineering Services Manager submitted a report which provided an update on development activity carried out by the four PEARL Joint Venture Companies during 2020/21 and set out proposals for 2021/22.

RESOLVED

That the report be noted.

REASON

To keep the Committee informed of progress with the PEARL companies.

10. LAND AT TOWNHOUSE ROAD, NELSON

The Chief Executive submitted a report on the proposed disposal of land at Townhouse Road, Nelson. Following consultation with Nelson Committee in February, 2016 the Executive had decided in September, 2016 to market the land for sale with appropriate conditions regarding the use of the land.

The land was not marketed at the time and in December, 2020 the owner of the adjoining property enquired about buying the land with a proposal to extend his existing garden. Neighbours were notified of this proposal and no objections were received.

However, five objections were received from local residents when the Council notified its intention to dispose of the land in the local press before it was sold. This was between 26th March and 2nd April, 2021.

The report advised that if it was agreed that the land be sold the sale would be subject to planning permission and some of the objections would be dealt with at the planning application process.

RESOLVED

That the objections be noted and it be agreed that the land not be sold as a garden for the adjoining property.

REASON

To maintain this area of public open space.

11. INNOVATION CENTRE, BROOK STREET/NETHERFIELD ROAD, NELSON

The Chief Executive submitted a report requesting that the Committee accepts a surrender of the lease of the Innovation Centre, Brook Street/Netherfield Road, Nelson, edged black on the plan attached to the report, and authorise the building to be advertised to let.

There had been a significant decline in occupation levels of the Centre in recent years due to changes to business start-up grants and a reduction in the number of businesses coming forward. The building currently had a low level of occupation. As a result, Trust 4 Business wished to surrender their lease.

Two separate businesses based in the Borough had expressed an interest in taking a lease of the whole property as they were expanding and required larger premises. Both businesses wished to remain in the area.

RESOLVED

That -

- (1) the request for a surrender of the lease from the existing occupier of the property be accepted on the proviso that the existing lease is not surrendered until the property has been re-let and a new lease signed;
- (2) the Chief Executive be authorised to agree terms as required for the surrender;
- (3) the property be advertised To Let and the two parties who have already expressed an interest in the property be invited to submit offers;
- (4) the Chief Executive be authorised to accept an offer and negotiate terms.

REASON

The current lease of the property does not produce a rental income for the Council, and a surrender of the lease would allow the whole building to be let which would result in a rental income. A surrender and new letting of the property may also create new employment.

12. EARBY FLOOD ALLEVIATION WORKS – NEW CUT WALL AND WATERPROOFING OF VICTORIA MILL WALL

The Housing, Health and Engineering Services Manager submitted a report on proposals to undertake the delivery of the construction of a new flood defence wall on New Cut adjacent to Albert Street and the waterproofing of Victoria Mill in Earby.

European Structural and Investment Funding (ESIF) of £635,260 had been approved in March 2018 for a series of flood prevention measures to minimise flood risk to Earby's commercial and residential communities. This was to be matched with £425,000 public sector funding from the Environment Agency (EA) Yorkshire; Grant in Aid funding (GiA).

The EA had completed their detailed flood modelling work in Earby and shortlisted these works as their preferred scheme, with a flood water storage area at Victoria Clough as second. The second scheme commenced at the end of March 2021. However, the EA had since decided that they were not in a position to deliver the first scheme due to a potential problem with the stability of the mill wall and the extra cost involved in underpinning the existing foundations of the mill wall.

As the EA were not in a position to deliver the scheme, the Committee was asked to consider the option of Housing, Health and Engineering Services undertaking the works.

Expert structural advice had been sought and it had been concluded that there was not a problem with the structural integrity of the mill wall.

The EA had agreed to fully support Pendle Council with the delivery of the scheme. In order to receive the ESIF funding, the works must have commenced by August 2021.

Members were advised of the potential risks and the implications of work to and within a building owned by a third party.

RESOLVED

- (1) That the risks as set out in the report be noted.
- (2) That Housing, Health and Engineering Services be authorised to design, tender and implement the construction of the New Cut flood wall and the waterproofing of Victoria Mill Wall.
- (3) That officers continue discussions with the mill owner in relation to future liability.
- (4) That the Environment Agency be requested to undertake urgent consideration of the condition of the Victoria Clough culvert, with a view to removing service crossings that reduce its capacity.

REASON

To note the risks, to ensure that the funding is not lost and that the scheme is undertaken.

13. RESOURCES AND WASTE STRATEGY

The Environmental Services Manager submitted a report which provided an update on the recently released DEFRA Resources and Waste Strategy consultations.

Two of three consultations were released on 24th March, 2021 which related to Extended Producer Responsibility and the Deposit Return Scheme. The third consultation on Consistency of Collections was released on Friday 7th May, 2021.

A briefing note which highlighted the main issues from the two consultations which directly affected Pendle as a Waste Collection Authority was attached as an appendix to the report.

RESOLVED

That –

- (1) the report be noted;
- (2) the Environmental Services Manager be delegated authority to provide responses to each consultation that directly impacts on Pendle as a Waste Collection Authority following consultation with the Council's Leader;
- (3) further updates be reported to the Committee as appropriate.

REASON

To ensure that Members are fully briefed on the Resources and Waste Strategy and are aware of the possible effects the strategy and consultations may have upon the Council.

14. VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS

The Planning, Economic Development and Regulatory Services Manager submitted a report which sought approval for the adoption of the list of requirements for the submission of planning applications. The list for Pendle was last adopted in May 2019 and had to be reviewed every two years.

The full validation procedure incorporating the proposed changes was attached as Appendix A to the report.

RESOLVED

That the validation as set out in the document attached at Appendix A to the report be adopted.

REASON

In order to ensure Pendle has a formally adopted scheme.

15. WELCOME BACK FUND (RE-OPENING HIGH STREETS) AND TASK FORCE

The Planning, Economic Development and Regulatory Services Manager submitted a report which provided details on the Re-opening of the High Street Safely Fund (RHSSF), the Welcome Back Fund (WBF) and the High Streets Task Force (HSTF).

The RHSSF was allocated in 2020 to all local authorities for the safe re-opening of each area's towns. It was noted that the final claim date for the RHSSF was June, 2021. However, any underspend on the RHSSF could be rolled over into the WBF, which had a final claim date of March 2022.

The report sought approval for a basic plan for spending of the WBF, including rolling over the underspend from the RHSSF into the additional funding.

The High Street Task Force was designed to assist one town centre within a local authority area. The deadline for requesting this assistance was June 2021, when one town from our area must be nominated to benefit from this help.

It was acknowledged that Colne was represented with Colne BID and Nelson had the Town New Deal bid. It was therefore recommended that Barnoldswick was the Pendle town that was put forward to receive this assistance.

RESOLVED

That –

- (1) the Chief Executive and Planning, Economic Development and Regulatory Services Manager be granted delegated authority to submit the draft Welcome Back Fund action plan;
- (2) the Welcome Back Fund has a single action plan produced, which area committees will agree to the content of, relating to the towns in their area;
- (3) the allocations as set out at Table 1 in the report be agreed;
- (4) Barnoldswick be approved as the town of choice for High Street Task Force assistance.

REASON

- (1) ***In order that the Committee remains apprised of the eligibility of spending for WBF and of the help available through HSTF.***
- (2) ***To ensure spending through the WBF programme is done in an eligible and co-ordinated way.***
- (3) ***To ensure that the help given by HSTF is given to an appropriate town within Pendle.***

16. PENDLE HOLIDAY ACTIVITIES AND FOOD PROGRAMME

The Chief Executive submitted a report which informed the Committee of the Holiday Activities and Food programme. The programme provided healthy food and enriching activities to disadvantaged children and young people.

It was reported that Lancashire County Council had received £4.2m government funding for the programme over 2021.

The report provided information on the approach that Pendle was adopting to support the co-ordination and delivery of the programme to ensure that as many children and young people as possible would benefit from it.

RESOLVED

That the report and approach to supporting the co-ordination and delivery of the programme be noted.

REASON

To deliver health benefits for vulnerable children/young people in Pendle over the 2021 summer and Christmas holiday period.

17. TENDERS AND OTHER CONTRACT RELATED MATTERS

The Corporate Director submitted, for information, a report on tenders which had been received and accepted and details of an exemption granted from Contract Procedure Rules.

It was noted that one of the contracts had been awarded to O'Callaghan Limited, who had previously been appointed to carry out works to the Town Square, Barnoldswick. There had been a delay to the Town Square works and there was concern that the award of this new contract may cause a further delay.

RESOLVED

- (1) That the report be noted.
- (2) That O'Callaghan be asked to complete those contracts already engaged with prior to commencing any further contracts they may be awarded in the future.

REASON

- (1) ***To agree acceptance of tenders/offers in accordance with Contract Procedure Rules.***
- (2) ***To ensure that schemes are completed within an acceptable timeframe.***

CHAIRMAN _____