

**MINUTES OF A MEETING OF THE
POLICY AND RESOURCES COMMITTEE
HELD ON 25th NOVEMBER, 2021
AT NELSON TOWN HALL**

Councillor N. Ahmed (Chairman – in the Chair)

Councillors

*F. Ahmad (Substitute)
Z. Ali
D. Cockburn-Price
S. Cockburn-Price*

*M. Goulthorp
K. Howarth
M. Iqbal
D. Whipp*

(Apologies for absence were received from Councillor M. Hanif).

Also in attendance:

*Councillor M. Aslam
Councillor D. Lord
Councillor N. McGowan
Councillor T. Whipp*

Officers in attendance:

<i>Rose Rouse</i>	<i>Chief Executive</i>
<i>Philip Mousdale</i>	<i>Corporate Director</i>
<i>Richard Gibson</i>	<i>Chief Finance Officer</i>
<i>Graham Cadle</i>	<i>Interim Finance 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>



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

<i>Brian Sumner Georgie Mitchell Mrs. Heaps Carly Barlow Josie Taylor Mrs. Perkins Iram Ramzan</i>	<i>21/0567/FUL Full: Change of use of existing agricultural building and adjacent land for use as farm school, car parking and associated works (retrospective) in field 9971 Greenhead Lane, Brierfield</i>	<i>Minute No. 91(b)</i>
<i>Ian Swain</i>	<i>21/0769/OUT Outline: Major: Residential development (access only) on land to the west of White Leys Close, Earby</i>	<i>Minute No. 91(d)</i>
<i>Emma Hartley Robert Oliver Caroline Spencer-Palmer Susan Nike</i>	<i>Pendle Local Plan Part 2</i>	<i>Minute No. 94</i>
<i>Pauline Shaw</i>	<i>Tree Planting on Ringtone Crescent, Nelson</i>	<i>Minute No. 102</i>



89. DECLARATION OF INTERESTS

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

Councillor N. Ahmed declared a personal and prejudicial interest in minute number 108(a) Land adjoining New Scotland Road, Nelson as the applicant was a good friend of his.

90. PUBLIC QUESTION TIME

There were no questions from members of the public.

91. MINUTES

RESOLVED

That subject to the inclusion of the Ace Centre in minute number 64, the minutes of the meeting held on 14th October, 2021 be agreed as a correct record and signed by the Chairman.

92. PLANNING APPLICATIONS

- (a) 21/0275/FUL Full: Erection of porta-cabin and change of use to sandwich kiosk (Use Class E) and taxi booking office on car park adjacent to the ramp leading to the multi-storey car park on Netherfield Road, Nelson for Mr. Mohammed Saeed**

At a meeting of the Nelson, Brierfield and Reedley Committee on 1st November, 2021 the decision to approve this application was referred as a recommendation to this Committee as the decision was contrary to policy and would represent a significant departure from policy.

RESOLVED

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

1. The applicant has failed to demonstrate that there is no suitable alternative site available within Nelson town centre for the proposed retail use, the development would therefore be detrimental to the vitality and viability of the town centre, contrary to Policy 25 of the Replacement Pendle Local Plan and WRK4 of the Local Plan Part 1: Core Strategy and Section 7 of the National Planning Policy Framework.
- (b) 21/0567/FUL Full: Change of use of existing agricultural building and adjacent land for use as farm school, car parking and associated works (retrospective) in field 9971 Greenhead Lane, Brierfield for The Nest Farm School**

At a meeting of the Nelson, Brierfield and Reedley Committee on 1st November, 2021 the decision to approve this application was referred as a recommendation to this Committee as the decision was contrary to policy and would represent a significant departure from policy.

The Planning, Economic Development and Regulatory Services Manager circulated an update at the meeting. Following discussions with the Health and Safety Executive, they and Caden Gas

had withdrawn their objections. However the officer recommendation was still to refuse the application.

RESOLVED

That planning permission be **granted** subject to appropriate conditions and reasons.

(c) 21/0571/REM Reserved Matters: Major: Erection of 10 dwellings (appearance, landscaping, layout and scale) of outline planning permission 17/0691/OUT on land off Cob Lane and Old Stone Trough Lane, Kelbrook for YLBD

At a meeting of the West Craven Committee the decision to refuse this application was referred as a recommendation to this Committee as the decision would represent a significant risk of costs in the event of an appeal:

“That planning permission be refused for the following reason:

- Layout due to inadequate and cramped outdoor space.”

RESOLVED

That planning permission be **refused** subject to the following reason:

1. Layout due to inadequate and cramped outdoor space.

(d) 21/0769/OUT Outline: Major: Residential development (access only) on land to the west of White Leys Close, Earby for M. & D. Dinsdale

At a meeting of the West Craven Committee on 2nd November, 2021 the decision to refuse this application was referred as a recommendation to this Committee as the decision would represent a significant risk of costs in the event of an appeal:

“That planning permission be refused for the following reasons:

- Salterforth has had its quota of houses;
- Drainage was inadequate;
- Impact on highways/road safety.”

RESOLVED

That this application be **deferred** for a site visit and considered further at the next meeting.

93. DRAFT FINAL NELSON MASTERPLAN

The Housing, Health and Engineering Services Manager submitted a report on feedback from the consultation on the Draft Final Nelson Masterplan. Comments submitted, along with officer feedback, were attached to the report at Appendix 2. Comments from Nelson, Brierfield and Reedley Committee and the Nelson Town Deal Board were set out in the report.

There was a discussion around the need for diversity champions and on-line marketing which, it was felt, should be emphasised more in the Masterplan. It was felt that a Senior Executive Officer was needed to promote this.

RECOMMENDATION

That Council be recommended to agree to adopt the Nelson Masterplan subject to:

- Investigations into the possible compulsory purchase of Pendle Rise;
- The removal of land at Halifax Road, Nelson as an “opportunity site” for housing within the Masterplan;
- More emphasis and a targeted approach with regards to diversity issues and on-line marketing with this being led by a Senior Executive Officer.
- To note the comments received from the Nelson Town Deal Board as set out in the report.

REASON

To enable the Masterplan to be finalised and adopted by the Council.

94. PENDLE LOCAL PLAN PART 2

The Planning, Economic Development and Regulatory Services Manager submitted a report on responses received following the consultation exercise on the Part 2 Local Plan and the format of the Plan to go to Publication in order to further the social economic and environmental wellbeing of the Borough.

The Local Plan Part 2 builds on the strategic policies set out in Local Plan Part 1: Core Strategy but also reconsiders some of the policies, particularly those surrounding housing numbers and the provision of affordable homes. Both Plans, when taken as a whole, had to conform to the requirements of the National Planning Policy Framework and the National Planning Practice Guidance and would be tested for soundness based around that conformity.

There was a discussion around the housing numbers as taking account of the content and context of the available evidence and current national policy and guidelines, a housing requirement of 240 dwellings should be included in the Plan, which was set out in the Regulation 18 consultation. The Committee felt that this was too high and a figure of 142 was suggested.

Prior to the meeting an overview of the Pendle Local Plan Part 2 from the Council’s barrister was circulated along with a number of scenarios which set out the risk factors should the Committee feel that a housing number other than the recommended 240 be used.

RECOMMENDATION

That Council be recommended to agree a housing number of 142 for the Pendle Local Plan Part 2.

REASON

To agree the housing number prior to further consideration of the Part 2 Plan.

95.

LEVELLING UP FUND

The Housing, Health and Engineering Services Manager submitted a report on the successful bid for Round 1 funding of the Levelling Up Fund of £6,531,565. Following discussions with Members it had been agreed that the Round 1 bid would be for Colne Town Centre and the two projects included:

- Colne Heritage quarter (£3,474,845)
- Market Hall/Bus Station (£3,056,720)

A requirement of the bid was that there should be at least 10% local match funding. At the time of submitting the bid match funding had not been sought as it was a competitive process and there was no guarantee it would be successful. The Fund could not be drawn down if match funding was not approved.

The bid included £553,156 to be funded by the Council and £100,000 from the Hippodrome Theatre. The Council's contribution could be funded from the Development Opportunities project within the Capital Programme (£1,492,800 currently available). This funding had been displaced from the Lomehsaye Phase 1 project along with external funding from Growth Deal. If authority was granted approval would be sought from the LEP and Lancashire County Council to use this as match funding.

It was also noted that there was £125,000 of capacity funding had been allocated to all eligible local authorities. The majority of this money was still available as only a small amount had been spent.

RESOLVED

- (1) That the award of £6,531,565 from the Levelling Up Fund Round 1 for Colne Town Centre be noted.
- (2) That £553,156 from the Development Opportunities project in the Capital Programme be allocated as match funding.
- (3) That the Council act as Accountable Body for the Round 1 programme.
- (4) That delegated authority be granted to the s151 Officer to enter into the grant funding agreement for Colne Town Centre.
- (5) That Capacity Funding of £125,000 which had been secured to support the development of future bids be noted.
- (6) That the focus of the Round 2 bid be around improving peoples life expectancy, health, improved educational attainment, improved wages and housing issues.

REASONS

- (1) *To enable the Round 1 funding to be secured.*
- (2) *To support the development of a Round 2 bid.*

**96. 2022/2023 BUDGET SETTING AND MEDIUM TERM FINANCIAL PLAN
INITIAL EFFICIENCY/SAVINGS OPTIONS AND INCOME REVIEW**

The Chief Financial Officer submitted a report which reviewed the fees and charges in advance of the 2022/23 budget process in line with the Fees and Charges Policy. The initial efficiency and savings options identified through the budget setting process were included in the report.

The report noted the significant financial pressures continued to be faced by the Council and the required next steps in order to deliver a balanced budget through the period of the Medium Term Financial Plan. It was noted that in June, 2021 the Council's latest Medium Term Financial Plan for 2023/24 showed an estimated funding shortfall of £3.04m; this included a funding shortfall of £1.42m for 2021/22.

If the recommendations in the report were not accepted the Council would need to consider what further budget reductions would be necessary to achieve a balanced budget for 2022/23.

Proposed changes to fees and charges were appended to the report in Appendix A along with some new charges for:

- Administrative charge for replacement bins
- Bulky household waste collection fees
- Cemetery fees increases
- Increased garden waste charges
- Changes to street sweeping; mechanical
- Changes to street sweeping; manual
- Verge maintenance arrangements

With regards to the increase in cemetery fees it was proposed to introduce an additional charge for non-Pendle residents.

There was also a proposal that the Council undertake a transformation programme which would review and redesign its services around local resident need. It was proposed that £250,000 be identified from reserves in order to fund:

- A Transformation Programme Director role for an initial period of 9 months
- Business analysts, change management and programme support

This would lead the development of a detailed programme of work and re-design. Once opportunities had been identified these would be developed into detailed business cases and taken through the appropriate governance and decision making process.

RECOMMENDATION

(1) That with the exception of:

Item 22 – Admin Charge for Replacement Wheeled Bins

Item 24 – Bulky Household Waste Collections

Item 26 – Cemeteries, save for the introduction of a 50% premium on all fees for Non Residents in Pendle

the proposed fees and charges, as outlined in Appendix A attached to the report, be approved.

- (2) That Council be **recommended** to approve the proposed new charges relating to:
- Cemetery fees – 50% premium for non-residents
 - Increased Garden Waste charge based on an increase of £2 annually for both 2022/23 and 2023/24
 - Reduction in mechanical street sweeping
 - Reduction in manual street sweeping
 - Revised verge maintenance arrangements
- (3) That Council be **recommended** to support the proposal to support further critical transformation activity to the sum of £250k, utilising allocated reserves in principle, subject to the submission of a further report providing information on the invest to save plan.
- (4) That Pendle's MP Andrew Stephenson and the Government be lobbied to highlight the need for additional resources coming into Pendle to provide the services residents need and deserve.

REASON

To implement the Council's Financial Strategy, specifically in support of the 'charging' and 'saving' theme established as a strategy to contribute to balancing the budget within the Medium Term Financial Plan.

97. TREASURY MANAGEMENT 2021/2022 QUARTER 2 MONITORING REPORT

The Chief Financial Officer submitted, for information, the treasury management activities of the Council for the second quarter of 2021/22.

98. CORPORATE PEER REVIEW

The Chief Executive submitted a report on a proposed Corporate Peer Challenge in early 2022. Councils were expected to receive a Peer Challenge at least every five years and it was more than five years since the Council had undergone such an exercise.

RESOLVED

That the Council invites the Local Government Association to undertake a Corporate Peer Challenge in early 2022.

REASONS

- (1) ***The Council last had a Peer Challenge in 2015.***
- (2) ***A new Chief Executive had recently started with the Council. The Corporate Peer Challenge would provide an opportunity for the authority to take stock and plan where it needed to make further progress.***

99. UPDATED RISK MANAGEMENT STRATEGY AND POLICY STATEMENT

The Chief Financial Officer submitted a report on the revised Risk Management Strategy and Policy Statement.

RECOMMENDATION

That the updated Risk Management Strategy and Policy Statement be endorsed and recommended to Council for adoption.

REASON

To seek support for the revised Risk Management Strategy and Policy Statement.

**100. STRATEGIC MONITORING REPORT
1st APRIL – 30th SEPTEMBER, 2021**

The Chief Financial Officer submitted a report on performance monitoring on the Council's service and financial plans for the first quarter of 2021/2022.

RESOLVED

That the progress made on actions identified in the Strategic Plan, attached to the report at Appendix A, be noted.

REASON

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

101. NELSON TOWN DEAL – PENDLE YES HUB PROJECT

The Housing, Health and Engineering Services Manager submitted a report on the Pendle YES Hub project which was one of eight strategic projects to be delivered through the Town Deal. The project would support 16-24 year olds to overcome barriers to employment. The project was currently being piloted utilising funding from DWP but this funding would end in January, 2022.

The project had a total value of £876k and was seeking £420k of Town Deal funding to enable delivery from February, 2022 through to March, 2026. The Council were the lead organisation and most match funding had been secured.

To draw down Town Deal revenue funding during 2021/2022 project Summary Documents had to be submitted to DLUHC by 14th January, 2022. Committee were advised that to achieve this deadline it would not be possible for the business case to be fully developed, appraised and considered by the Town Deal Board prior to the meeting of this Committee in December. It was recommended that delegated authority be granted to the Chief Executive, in consultation with the Leader of the council, to consider the recommendations from the Town Deal Board following their meeting on 7th January, 2022.

If successful Towns Fund payment for Year 1 activity was March, 2022. Therefore the cost of keeping the service running through February and March, 2022 was £17,766 and this cost would

be met through the £420k Towns Fund that was being requested. In the meantime it was suggested that the Council 'front fund' and underwrite this revenue activity until the Year 1 Towns Fund delivery funding was released.

Committee were also asked to consider granting a 6 month contract to Active Lancashire, the existing service provider, to continue with the service whilst a procurement exercise was underway to ensure a seamless transition and to prevent a break in service.

RESOLVED

- (1) That delegated authority be granted to the Chief Executive, in consultation with the Leader of the Council, to consider the recommendations of the Town Deal Board and make the final decisions regarding Town Deal funding for the Pendle YES Hub project.
- (2) That, subject to the project being approved at a local level, the Council will front fund and underwrite revenue activity up to a cost of £17,766 to enable the service to continue running in February and March, 2022.
- (3) That, subject to the project being approved at a local level, the existing service provider continues delivery for the first 6 months of the Town Deal funding whilst a re-procurement of the Service was undertaken.

REASONS

- (1) ***To enable the project to be assured in line with the Nelson Town Deal Local Assurance Framework and the required Project Summary Document to be submitted to Government by the deadline of 14th January, 2022.***
- (2) ***To prevent a gap in service delivery between the pilot project and the main delivery phase.***

102. TREE PLANTING ON RINGSTONE CRESCENT, NELSON

The Environmental Services Manager submitted a report reminding Committee of the Council's decision in July 2019 to declare a Climate Emergency and set out an emergency action plan which included supporting the Lancashire Woodland Connect to increase tree and woodland cover. At a meeting on 17th September, 2020 Committee resolved that a number of Council owned sites be allocated for tree planting and this included Ringstone Crescent in Nelson.

Following objections from local residents, submission of a petition and a decision from the Nelson, Brierfield and Reedley Committee in June, 2021 a consultation exercise was carried out to establish the level of support, or not, for tree planting on Ringstone Avenue.

Committee were advised that the majority of residents around the Crescent area were against any form of tree planting on this site. Therefore, Committee were recommended not to proceed with this tree planting scheme.

RESOLVED

That the planting of an orchard on Ringstone Crescent, Nelson not be approved.

REASON

In response to objections received from local residents.

103. CALL IN – TREES AT KLONDYKE (EARBY ROAD, SALTERFORTH)

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

The trees were protected by a Tree Preservation Order but were suffering from Ash Dieback Disease. Surveys had been carried out on the trees and the risk of harm to the public had been identified.

A note of the call-in meeting and the report considered by the Committee at the previous meeting were submitted for information.

RESOLVED

That the three Ash trees located adjacent to Earby Road, Salterforth, protected by Tree Preservation Order (TPO/NO1/2000) be removed.

REASON

To reduce the risk of harm, damage or incident within an area of high occupancy.

The time having reached 11.00 p.m. and in accordance with the Council's Rules of Procedure at Committee Meetings it was agreed that the meeting continue to consider the remaining business.

104. ANNUAL EMISSIONS REPORT

The Chief Executive submitted the Council's Annual Emissions report for information. It was noted that there had been some significant reductions achieved over 202/21 there had been a 1% increase in carbon emissions from the Council's grey fleet. However, the Council was currently exploring low emission options for its fleet for a trial period of six months, as agreed by this Committee in October.

105. 2B KEIGHLEY ROAD, COLNE

The Housing, Health and Engineering Services Manager submitted a report following receipt of an offer for the above property further to it being advertised for sale.

Since 2018 the property has remained vacant and there have been concerns from members of the public and Members regarding its condition and future use. In July, 2021 this Committee declared the property surplus to requirements and that it be marketed for sale for redevelopment.

Four offers had been received, three of which were late offers, details of which were set out in the report. Advice from the Planning Department was that in principle retail to the ground floor and residential to the first floor would be acceptable and this was considered to be a more sustainable use than it being brought back into use as a licensed premises.

It was felt that, due to there being three late offers, full and final offers be invited and consideration be given to an appropriate use for this prominent building within the town centre.

RESOLVED

That full and final offers be invited to be submitted within the next two weeks and the Chief Executive, in consultation with the Leader, be granted delegated authority to agree the most appropriate offer.

REASON

The sale would result in a capital receipt, remove a maintenance liability and redevelopment of a problem building in the town centre.

106. ADOPTING AND IMPLEMENTING THE ELECTRICAL SAFETY STANDARDS IN THE PRIVATE RENTED SECTOR (ENGLAND) REGULATIONS 2020

The Housing, Health and Engineering Services Manager submitted a report advising of the new enforcement powers contained in the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 including the use of civil penalty notices under the Housing and Planning Act 2016.

RECOMMENDATION

- (1) That Council be recommended to adopt and implement the regulations in order to allow the Council to carry out its statutory function in relation to electrical safety standards in the private rented sector and that the Environmental Health Enforcement Policy be updated to incorporate the regulations.
- (2) That the same process of issuing and determining levels of civil penalties for the offences in the regulations be agreed and adopted in line with the Civil Penalty Policy adopted by the Council on 24th August, 2017.
- (3) That delegated authority be granted to the Housing, Health and Engineering Services Manager all powers to issue, use and enforce the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
- (4) That the money received from civil penalties returns to the Environmental Health Residential revenue budget to fund further enforcement activity.

REASONS

- (1) ***To ensure that the Housing, Health and Engineering Services Manager is authorised to exercise all necessary operational enforcement powers under and in respect of electrical safety in the private rented sector.***
- (2) ***The use of these powers will support and complement the work that the Council continues to deliver to tackle rogue landlords. The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 will act as a powerful deterrent to rogue landlord behaviour through the enforcement of significant financial penalties. The additional provision to impose a fine up to £30,000 sends a***

strong message to any rogue landlord that substandard property conditions and unsafe electrical installations will not be tolerated.

- (3) ***To ensure the Local Housing Authority is able to undertake its statutory duty to serve remedial notices, to arrange remedial action and serve penalty charge notices.***

107.

TENDERS

The Corporate Director, submitted for information, a report on tenders which had been received and accepted

108.

MATTERS REFERRED FROM AREA COMMITTEES

Councillor N. Ahmed declared a personal and prejudicial interest in the following item and withdrew from the meeting during discussion.

Councillor M. Goulthorpe (Vice-Chairman – in the chair)

(a) Land adjoining New Scotland Road, Nelson

At a meeting of the Nelson, Bierfield and Reedley Committee held on 1st November, 2021 it was resolved:-

- “(1) That the Policy and Resources Committee be recommended to declare land cross hatched on the plan attached to the report surplus to requirements on a long leasehold rather than a freehold.
- (2) That the Housing, Health and Engineering Services Manager be authorised to negotiate terms of a long leasehold sale to the owner of the adjoining property.”

RESOLVED

- (1) That the land adjoining New Scotland Road, cross hatched on the plan attached to the report, be declared surplus to requirements on a long leasehold rather than a freehold.
- (2) That the Housing, Health and Engineering Services Manager be authorised to negotiate terms of a long leasehold sale to the owner of the adjoining property.

REASON

The sale would achieve a capital receipt and end all maintenance and other liabilities to the Council.

Councillor N. Ahmed (Chairman – in the chair)

(b) Drainage on Stoneybank Road and Wentcliffe Drive, Earby

At a meeting of the West Craven Committee held on 2nd November, 2021 it was resolved:-

- “(1) that the Policy and Resources Committee be asked to consider a supplementary estimate of £20,000 to enable further investigative work and temporary solutions to be carried out as follows:-
- A desk study to inform the required site investigation to determine requirements for groundwater monitoring - £2,250;
 - Following this, a physical investigation for borehole installation, monitoring and interpretative report with possible engineering solutions - £12,000;
 - Temporary solutions to drain groundwater on Wentcliffe Drive to existing highway drainage and to remove groundwater flow over footways, causing dangerous conditions when temperatures fall below zero - £5,750.
- (2) That the Housing, Health and Engineering Services Manager be asked to request LCC for formal approval for the excess surface water in this location to go into the highway drainage system.”

The Housing, Health and Engineering Services Manager submitted a report which provided background to the request from the West Craven Committee to allocate the funding as referred to above.

Multiple locations on Stoney Bank Road and Wentcliffe Drive areas of Earby had seen an increase in saturated areas which were believed to be caused by groundwater rising up to the surface.

As some of the properties were in the ownership of Together Housing it was suggested that they be approached with a view to contributing to the cost of the proposed investigation works.

RESOLVED

- (1) That a supplementary estimate of £20,000 be agreed and met from the General Fund Revenue Budget to enable further investigative work and temporary solutions to be carried out as follows:-
- A desk study to inform the required site investigation to determine requirements for groundwater monitoring - £2,250;
 - Following this, a physical investigation for borehole installation, monitoring and interpretative report with possible engineering solutions - £12,000;
 - Temporary solutions to drain groundwater on Wentcliffe Drive to existing highway drainage and to remove groundwater flow over footways, causing dangerous conditions when temperatures fall below zero - £5,750.
- (2) That the Housing, Health and Engineering Services Manager be asked to request LCC for formal approval for the excess surface water in this location to go into the highway drainage system.
- (3) That the Housing, Health and Engineering Services Manager be requested to ask Yorkshire Water and Together Housing to contribute to the cost of the investigation works referred to above.

REASON

- (1) *To enable a thorough investigation into wide scale drainage problems along Stoneybank Road and Wentcliffe Drive, Earby to be undertaken in order to fully evaluate potential engineering solutions and support impacted residents within the area.***
- (2) *In the absence of engagement from other parties, the Council was the most likely agency to be able to co-ordinate an effective response for the benefit of impacted residents.***

Chairman _____