

**MINUTES OF A MEETING OF THE
POLICY AND RESOURCES COMMITTEE
HELD ON 26th MARCH, 2022
AT NELSON TOWN HALL**

Councillor N. Ahmed (Chairman – in the Chair)

Councillors

*M. Aslam
D. Cockburn-Price
S. Cockburn-Price
M. Goulthorp*

*M. Hanif
M. Ibal
A. Mahmood
D. Whipp*

Also in attendance:

*Councillor P. McGladdery
Councillor J. Purcell
Councillor M. Stone
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>Neil Watson</i>	<i>Planning, Economic Development and Regulatory Services Manager</i>
<i>Jane Watson</i>	<i>Head of Democratic Services</i>

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

<i>Brian Sumner</i>	<i>21/0978/FUL Full: Retention of use for private</i>	<i>Minute No. 4(b)</i>
<i>Liam Pilkington</i>	<i>equine use, dog rehabilitation use and associated</i>	
<i>Jess Wilson</i>	<i>workers dwelling at Pendle Bridge Lodge,</i>	
<i>Liz Dickinson</i>	<i>Woodend Road, Brierfield</i>	

*Lisa Tennant
Ella Wilkinson
Daniel Lord
Maria Clancy
Anthony Kidd
Ian Shutt
Michelle Person
Janet Garvey*

<i>Amjad Khan</i>	<i>21/0055/CEA Lawful Development Certificate: Use</i>	<i>Minute No. 4(c)</i>
	<i>of premises for retail at Springbank Buildings,</i>	
	<i>Every Street, Nelson</i>	

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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

Mr. Oakes, from the Hackney Drivers Association, asked why there had been a delay in the consultation agreed at the last meeting of this Committee in relation to the unmet demand survey. He felt that the Council had deliberately delayed this consultation.

The Leader reassured Mr. Oakes that there had not been any intention by the Council to delay this consultation. The Planning, Economic Development and Regulatory Services Manager said that the consultation would be going out next week. There was no requirement on the Council to carry out an unmet demand survey but there was a requirement for the Council to carry out a full consultation with all interested parties. He also said that the Council had been in touch with Mr. Oakes about this process.

3. MINUTES

RESOLVED

That the minutes of the Policy and Resources Committee meeting held on 17th March, 2022 be agreed as a correct record and signed by the Chairman.

4. PLANNING APPLICATIONS

(a) 21/0755/FUL Full: Change of use of land to extend residential curtilage and formation of a hard standing for use as domestic car parking area (retrospective) at Waterside Bungalow, Montford Road, Brierfield

At a meeting of the Nelson, Brierfield and Reedley Committee on 28th March, 2022 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 reasons:

1. The application site is within Green belt and the proposed development would adversely affect the openness of the Green Belt and would thus be inappropriate development. There are no very special circumstances to justify approving inappropriate development. The development is thus contrary to Policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy and Section 13 of the National Planning Policy Framework.
2. The proposed development would cause unacceptable harm to the character and visual amenity of the area, contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy.

(b) 21/0978/FUL Full: Retention of use for private equine use, dog rehabilitation use and associated workers dwelling at Pendle Bridge Lodge, Woodend Road, Brierfield

At a meeting of the Nelson, Brierfield and Reedley Committee on 9th May, 2022 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:

The proposed building in an isolated position, away from a settlement and would result in an isolated dwelling in an unsustainable location with insufficient justification to warrant approving such a development in the open countryside. In addition, the development is inappropriate development in the green belt. There are no very special circumstances that would justify allowing such inappropriate development which would be harmful to the openness of the green belt. The proposal is contrary to paragraphs 80 and 147 of the Framework, Policies ENV2, ENV4, LIV1 and SUP2 of the Local Plan: Part 1 Core Strategy.

(c) 21/0055/CEA Lawful Development Certificate: Use of premises for retail at Springbank Buildings, Every Street, Nelson

At a meeting of the Nelson, Brierfield and Reedley Committee on 9th May, 2022 the decision to refuse this application was referred as a recommendation to this Committee as the decision would result in a significant risk of costs being awarded against the Council at appeal.

RESOLVED

That the developer had not demonstrated, on the balance of probability that the use for retailing would fall within Class E of the Town and Country Planning Use Classes Order 1987 (as amended).

5. PROPOSED TIMETABLE FOR DEVELOPING THE CORPORATE PLAN 2023/2027

The Chief Executive submitted a report which provided a proposed outline and timetable for developing the Corporate Plan for 2023/2027.

It was proposed that a more in depth review would be carried out which would include a consultation and engagement plan, involving Members, staff the local community, local businesses and partners.

There was a question about the length of time this process would take and how the engagement sessions proposed would be facilitated. It was explained that this would be done using a range of approaches.

RESOLVED

That the proposed process and timetable for the development of the Council's Corporate Plan 2023/2027 be approved.

REASON

To ensure a realistic, timely process for developing a meaningful and engaging Corporate Plan aligned to the Council's Medium Term Financial Plan.

6. TRANSFORMING PENDLE PROGRAMME

The Chief Executive submitted a report which provided a summary of progress to date for the development and delivery of the Transforming Pendle Programme. The report also provided a summary of the proposed next steps for consideration and agreement.

Attached to the report was a RAG Table of progress against different themes/workstreams.

RESOLVED

- (1) That the report be noted.
- (2) That the reallocation and refocusing of resources be endorsed.
- (3) That the next steps be approved as detailed in the report.
- (4) That a Member Reference Group be established (based on a membership of 5:3:1) with the first meeting to be held in June.

REASON

To continue to develop and deliver the Transforming Pendle Programme.

7. UK SHARED PROSPERITY FUND (UKSPF)

The Planning, Economic Development and Regulatory Services Manager submitted a report which provided guidance and arrangements for the UK Shared Prosperity Fund.

It was noted Pendle had been allocated £3,626,135 within the fund but an investment plan must be submitted to Government by 1st August, 2022 in order to formally request the allocation and set out how it was to be spent.

The funding was directed at three themes:

- Community and Places
- Supporting Local Businesses
- People and Skills

There was a requirement for a Local Partnership Group to be established which would include amongst others representatives from industry, education, European Investment funders, the local MP, local service providers and community groups.

RESOLVED

- (1) That a Local Partnership Group be established to steer the Investment Plan and this be chaired by the Leader of the Council or his nominated representative.

- (2) That the Chief Executive be granted delegated authority to develop and submit the Investment Plan, in consultation with the Leader of the Council.

REASONS

- (1) ***This is a requirement of the national arrangements for the UKSPF and the Council Leader is an appropriate person to chair the Group.***
- (2) ***The timetable for producing the Investment Plan is extremely tight and there is a need to provide an efficient but robust process for its development.***

8. TOWN DEAL BUSINESS CASE ASSURANCE AND FUNDING RECOMMENDATIONS

(a) Business Resilience and Growth

At a meeting of the Nelson Town Deal Board held on 13th May, 2022 it was resolved that this Committee be recommended to approve £2,000,000 of Towns Funding to this project, subject to a number of conditions.

RESOLVED

- (1) That £2,000,000 of Towns Funding be allocated to the Business Resilience and Growth project subject to the following conditions:
- Pendle Council should confirm that management of the project was affordable, given that the cost estimates did not account for inflation or wage growth, and confirm that the management resourcing was sufficient to effectively deliver the grants programme.
 - A process be agreed for early stage monitoring of take up and for agreeing amendments to the scheme eligibility criteria should it be necessary to expand its coverage.
 - Appropriate mitigations should be considered in the early stages of project delivery for a situation where support from Boost Lancashire was not provided after the first 18 months.
 - The Town Deal Board should also ensure that processes be in place to confirm that appropriate experience and expertise was included on the Grants Panel.
- (2) That delegated authority be granted to the project appraisal sub-group of the Board to ensure the above conditions are met. However, any proposed amendments to the scheme criteria should be considered and agreed by the Board.
- (3) That the submission of the Project Summary Document to Government be authorised.

REASON

To seek approval for project delivery funding from the Accountable Body and the Government; and to agree the conditions which should be attached to this.

(b) This is Nelson

At a meeting of the Nelson Town Deal Board held on 13th May, 2022 it was resolved that this Committee be recommended to approve £727,966 of Towns Funding to this project, subject to a number of conditions.

RESOLVED

- (1) That £727,000 of Towns Funding be allocated to the This is Nelson project subject to the following conditions:
 - How inflation would be managed and the implications on the project delivery was clearly set out and continued to be monitored closely.
 - Clear milestones for confirmation of match funding and the implications of any funding sources not being secured were clearly set out.
 - Processes be put in place for agreeing how any shortfall in funding was addressed and for agreeing any project changes and revisions to project scope.
 - Clear milestones for delivery be set out.
 - Further clarity over the roles and responsibilities of each element of the project was clearly set out and was reflected within the MOU's for organisations.
 - An annual delivery plan be submitted to and approved by the Board prior to the start of each financial year, given the co-creative/organic nature of the project.
- (2) That delegated authority be granted to the project appraisal sub-group of the Board to ensure the above conditions were met.
- (3) That the submission of the Project Summary Document to Government be authorised.

REASON

To seek approval for project delivery funding from the Accountable Body and the Government; and to agree the conditions which should be attached to this.

(c) Advanced Digital Skills Academy

At a meeting of the Nelson Town Deal Board held on 13th May, 2022 it was resolved that this Committee be recommended to approve £2,290,000 of Towns Funding to this project, subject to a number of conditions.

RESOLVED

- (1) That £2,290,000 of Towns Funding be allocated to the Advanced Digital Skills Academy project subject to the following conditions:
 - The implications of cost inflation and cost overruns should be carefully monitored over the coming months so that suitable mitigations could be identified at the earliest opportunity.
 - A clear process be agreed for determining suitable mitigations, where they had the potential to impact on the scale or range of uses that could be delivered.
 - Clear milestones for the securing of relevant planning permissions for College Hub Phase 2 and Town Centre Spoke works should be set out in order for any delivery risks to be identified at the earliest opportunity.
 - Relevant permissions and lease arrangements be put in place prior to funding for the Hub Phase 2 and Town Centre Spoke works being released.
 - The receipt of independent subsidy control advice.
- (2) That delegated authority be granted to the project appraisal sub-group of the Board to ensure the above conditions were met.

- (3) That the submission of the Project Summary Document to Government be authorised.

REASON

To seek approval for project delivery funding from the Accountable Body and the Government; and to agree the conditions which should be attached to this.

9. REVITALISED NELSON PROJECT

The Housing, Health and Engineering Services Manager submitted a report seeking approval to begin initial steps towards the preparation of a Compulsory Purchase Order for the Pendle Rise Shopping Centre, which was a priority building within the Revitalised Nelson project in the Nelson Town Deal.

Over the course of the last few years, the Council had held discussions with the current owner about acquiring the Centre, subject to funding being secured. This had been secured through the Town Deal funding with the Centre forming part of the Revitalised Nelson project.

A range of information had been requested by Liberata Property Services from the owner in order for them to produce a valuation of the Centre. Unfortunately not all of the information has been provided and therefore a valuation had not been prepared.

It was acknowledged that discussions and negotiations with the owner were continuing but the timetable for spending the Town Deal funding was tight.

There was a discussion around the risks involved and the need to engage with the Council's new Joint Venture partners Brookhouse to ensure they would be ready to engage with the process.

RESOLVED

- (1) That initial steps to prepare a Compulsory Purchase Order for Pendle Rise Shopping Centre be authorised.
- (2) That the possibility of the site being acquired by the Joint Venture Company rather than the Council be explored.

REASON

To begin initial steps to secure the regeneration of the site.

10. TRANSFER OF FACILITIES AND SERVICES TO TOWN AND PARISH COUNCILS

The Corporate Director submitted a report on progress with the transfer of facilities and services programme to Town and Parish Councils.

The report provided updates on the transfers that had taken place; parks; town centre sweeping; local car parks; cemeteries; Colne Market; Colne Municipal Hall, sports pitches and miscellaneous pieces of land.

RESOLVED

- (1) That the Corporate Director be authorised to agree terms for the transfer of Trawden Recreation Ground to Trawden Forest Parish Council.
- (2) That the Corporate Director be authorised to agree terms for an extended lease to Trawden Bowling Club.
- (3) That it be agreed that the land in front of Tyseley Grove, Earby be transferred to Earby Town Council.

REASON

To take forward the Council's programme of transferring facilities and services to Town and Parish Councils.

11. PUBLIC SPACE PROTECTION ORDERS/DISTRICT ENFORCEMENT CONTRACT

The Corporate Director and the Environmental Services Manager submitted a report on the findings of the reviews requested in relation to the Public Space Protection Order signage and the District Enforcement contract by both Council and this Committee earlier in the year.

During the review it was identified that over 30 PSPO signs needed to be replaced due to their absence, vandalism or fading. Anti-vandal casings would be erected in areas where there were repeated reports of vandalism.

In relation to the District Enforcement contract it was reported that a formal re-tendering exercise was being undertaken with a view for a new contract to commence at the start of July, 2022. The tender evaluation criteria would be split 50% for quality and 50% for price and income.

There was a lengthy discussion about the tendering process and the details of the contract and issues relating to the issuing of fixed penalty notices and members of the public not been given the 50% discount if the fine was paid within 14 days.

RESOLVED

- (1) That the position on replacement signage be noted.
- (2) That the re-tendering exercise be noted and the outcome be reported to this Committee.
- (3) That the Corporate Director provide information on the tender specification, the number of complaints raised, the number of fixed penalty notices issued and rescinded, the number of complaints resolved and the number of fixed penalty recipients not been given the possibility of a discount if the fine was paid within 14 days.

REASON

To address Members' concerns relating to enforcement.

**12. PENDLE YOUTH EMPLOYABILITY SERVICE HUB
SERVICE PROCUREMENT OUTCOME**

The Chief Executive submitted a report on the outcome of the Youth Employability Service (YES) Hub service procurement exercise. Although there were nine expressions of interest registered only one tender submission was received by the 12th May deadline. This was from the existing service provider, Active Lancashire.

It was reported that the tender was a strong submission and scored highly against the questions in the Method Statement. It was proposed that the contract for the YES Hub service be awarded to Active Lancashire from August, 2022 to August, 2026 with a probation period of one year and a workforce skills analysis as outlined in the report.

RESOLVED

- (1) That the outcome of the procurement exercise and the resulting selection process for the YES Hub service provider.
- (2) That Active Lancashire be appointed as the YES Hub service provider from August, 2022 to March, 2026.

REASONS

- (1) *To ensure the project delivers within the requirements set out in the YES Hub Nelson Town Deal Business Case.*
- (2) *To prevent a gap in service delivery between the pilot project and the main delivery phase, enabling a seamless transition of the service.*

13. TENDERS

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

RESOLVED

- (1) That the tenders which had been received and accepted be noted.
- (2) That the exemption granted from Contract Procedure Rules for the provision of a homelessness database and associated technical support updates; and the provision of services related to the delivery of domestic abuse services, be noted.

REASON

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

14. MATTERS REFERRED FROM AREA COMMITTEES

(a) 43A Market Street, Colne

At a meeting of the Colne and District Committee on 31st March, 2022 it was resolved “that the Policy and Resources Committee be recommended to declare the upper floors of the property, shown edged black on the plan attached to the report, identified as 43A Market Street, Colne,

surplus to requirements; the Chief Executive be authorised to negotiate a private treaty sale with an interested party; and if terms are not agreed it be marketed for sale.”

RESOLVED

That the upper floors of the property, shown edged black on the plan attached to the report, identified as 43A Market Street, Colne, surplus to requirements; the Chief Executive be authorised to negotiate a private treaty sale with an interested party; and if terms are not agreed it be marketed for sale.

REASON

A sale would result in a capital receipt, removal of a maintenance liability and a Town Centre property being improved. It was recommended that the land be sold on a long leasehold rather than a freehold so that covenants would be easier to enforce in the event of them being breached.

Chairman _____