

**MINUTES OF A MEETING OF THE
POLICY AND RESOURCES COMMITTEE
HELD ON 25TH AUGUST, 2022
AT NELSON TOWN HALL**

Councillors

Z. Ali
M. Aslam
D. Cockburn-Price
S. Cockburn-Price
M. Goulthorp

M. Hanif
A. Mahmood
M. Stone (Substitute)
D. Whipp

Also in attendance:

Councillor T. Whipp

Officers in attendance:

Philip Mousdale	Corporate Director
Richard Gibson	Chief Finance Officer
Julie Whittaker	Housing, Health and Engineering Services Manager
Lynne Rowland	Committee Administrator

◆◆◆◆

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

Charles Oakes	Hackney Carriage Unmet Demand Survey	Minute No.45
Charles Oakes	Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022	Minute No.46
Abdul Rehman Chaudhri	Land adjoining 44 Brunswick Street, Nelson	Minute No.52(c)

◆◆◆◆

39. APPOINTMENT OF CHAIRMAN

In the absence of the Chairman, the Committee was asked to appoint a Chairman for this meeting only.

RESOLVED

That Councillor M. Goulthorp be appointed Chairman of the Committee for this meeting only.

40. DECLARATION OF INTERESTS

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

41. PUBLIC QUESTION TIME

There were no questions from members of the public.

42. MINUTES

RESOLVED

That the minutes of the Policy and Resources Committee meeting held on 21st July, 2022 be agreed as a correct record and signed by the Chairman.

**43. KELBROOK AND SOUGH NEIGHBOURHOOD DEVELOPMENT PLAN –
EXAMINER’S REPORT AND REFERENDUM**

The Planning, Economic Development and Regulatory Services Manager submitted a report which provided an update on the progress of the Kelbrook and Sough Neighbourhood Development Plan (KSNDP) which had been prepared by Kelbrook and Sough Parish Council. The KSNDP had been subject to two formal periods of consultation in line with the Regulations and had undergone a formal examination by an independent Examiner. The Examiner’s report was included as Appendix 1 to the report and recommended a number of modifications. These changes were necessary to ensure the Plan met the Basic Conditions as required by the Regulations.

The Committee was recommended to accept the Examiner’s recommendations and to allow the KSNDP, as modified, to proceed to a referendum. Should this be agreed, the referendum would be held on Thursday 27th October, 2022.

RESOLVED

- (1) That the independent Examiner’s recommended modifications to the Kelbrook and Sough Neighbourhood Development Plan, as set out in the Examiner’s Report (Appendix 1) be accepted.
- (2) That it be agreed that the Kelbrook and Sough Neighbourhood Development Plan, as modified, meets the Basic Conditions and is compatible with EU obligations and human rights legislation.
- (3) That the Kelbrook and Sough Neighbourhood Development Plan proceed to referendum.

REASON

To comply with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012.

44. ANNUAL EMISSIONS REPORT

The Chief Executive submitted a report which advised the Committee of the Council’s Annual Emissions Report. The emissions data was captured within one of three categories (defined as Scope1, Scope 2 or Scope 3 in the DEFRA Guidance) and varied greatly for each category.

The detail provided showed a reduction in gas consumption and fleet emissions (Scope 1) and electricity emissions (Scope 2). However, energy consumption from outsourced services (Scope 3) had increased. Observations in relation to this information were provided in the report.

There was concern that past opportunities for funding had been missed. Members were assured that work was taking place in preparation for future rounds of funding.

RESOLVED

That the Annual Emissions Report be noted and approved.

REASON

To enable publication of our Annual Emissions data and assess progress towards Pendle Council's Climate Emergency Declaration.

45. HACKNEY CARRIAGE UNMET DEMAND SURVEY

The Planning, Economic Development and Regulatory Services Manager submitted a report for Members to consider the consultation results on whether to conduct a hackney carriage unmet demand survey. The consultation had asked for views on whether the Council should de-limit the existing limit of 71 hackney carriages and issue additional licenses to wheelchair accessible vehicles or carry on with the limit as the Council had enough licenses issued. Hackney carriage proprietors had been consulted separately on whether to carry out the survey and if so, whether they would be willing to fund the cost.

Details of the 37 responses received from the public, trade and organisations and the 22 responses from the hackney carriage proprietors were included in the report. Statements from the Chairman of the Hackney Association Pendle and the Hackney Drivers Association were also included.

RESOLVED

- (1) That an unmet demand survey be carried out and the cost recovered from the hackney carriage proprietor licence fee over a 3 year period.
- (2) That a tender process be commenced with experienced consultants to carry out the survey.
- (3) That the proposed increase in the hackney carriage proprietor's licence fee be advertised in accordance with S70 of the Local Government (Miscellaneous Provisions) Act 1976.

REASON

- (1) ***Following the consultation the trade want the Council to carry out an unmet demand survey.***
- (2) ***To appoint a cost effective and experienced consultant to carry out the survey.***
- (3) ***To recover the cost of the survey fee through the hackney carriage proprietor's licence fee.***

**46. TAXIS AND PRIVATE HIRE VEHICLES
(SAFEGUARDING AND ROAD SAFETY) ACT 2022**

The Planning, Economic Development and Regulatory Services Manager submitted a report which advised Members of an update to the Council's Taxi Licensing Policy to reflect the reporting of safeguarding and road safety issues under the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

RESOLVED

- (1) That the Policy as outlined in Appendix 1 to the report be adopted.
- (2) That the annual fee of £1,600 payable to the NAFN be recovered from the hackney carriage, private hire driver, and private hire operator licensing fees.

REASON

- (1) ***In the interest of public safety to assess whether an individual is a fit and proper person to hold a licence and share concerns with other local authorities.***
- (2) ***Hackney carriage and private hire drivers, plus private hire operators have a shared responsibility.***

**47. THE BOROUGH OF PENDLE (PENDLE RISE SHOPPING CENTRE, NELSON)
COMPULSORY PURCHASE ORDER 2022**

(Councillors M. Aslam, A. Mahmood and D. Whipp declared their position as a Director of the Joint Venture Company Penbrook Developments Limited. This was not a disclosable pecuniary interest as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.)

The Housing, Health and Engineering Services Manager submitted a report which requested the Committee to pass a resolution that would allow the Council to promote a compulsory purchase order (CPO) to acquire Pendle Rise Shopping Centre in Nelson. A map of the area to be considered was attached at Appendix 1 to the report.

The purpose of the proposed acquisition was to secure the development, redevelopment or improvement of the area by demolition of the existing shopping centre and procure a new build shopping centre on the same site. The proposed redevelopment was intended to deliver widespread social, economic and environmental benefits to the Borough of Pendle as well as being a platform for the transformation of Nelson Town Centre over the long term.

The Council had attempted to acquire ownership of the land by voluntary means, but this had not proved to be possible and accordingly the CPO was promoted as a last resort.

Information on the strict statutory process to be followed was included in the report.

The Draft Statement of Reasons was included as Appendix 2 to the report.

RESOLVED

That -

- (1) **THE BOROUGH OF PENDLE (PENDLE RISE SHOPPING CENTRE, NELSON)
COMPULSORY PURCHASE ORDER 2022** under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004 and the Acquisition of Land Act 1981 (as amended)) for the acquisition of all interests in land and premises described in this report and on the site shown edged with a thick black line and coloured pink on the Map in Appendix 1 to this report be made in order to acquire ownership of the shopping centre and upon acquisition to procure the disposal and renovation thereof.

- (2) The draft Statement of Reasons annexed to the report be approved and appropriate officers be authorised to make any amendments they consider reasonably necessary before submission of the Order to the Secretary of State.
- (3) The Head of Legal Services be authorised to take any necessary steps to prepare the documentation required to make The Borough of Pendle (Pendle Rise Shopping Centre, Nelson) Compulsory Purchase Order 2022 under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004 and the Acquisition of Land Act 1981 (as amended)).
- (4) The Head of Legal Services be authorised to take any such steps as may be required to promote with a view to securing the confirmation and subsequent implementation of the above aforementioned Order, such steps are to include but not be exclusive to the following:-
 - Affixing the Common Seal of the Council to the Compulsory Purchase Order and Map
 - the issue and service of all statutory notices
 - the submission of all necessary documentation to the Secretary of State for Levelling Up, of Housing and Communities in seeking to obtain confirmation of the Order
 - continuing negotiations and approving agreements with land owners setting out the terms for the acquisition of their interests, as if a confirmed Compulsory Purchase Order had been in place
 - agreeing in advance the withdrawal of objections to the Compulsory Purchase Order (where appropriate)
 - the presentation of the Council's case at any public inquiry or through written representations if this is appropriate
 - to make and affix the Common Seal of the Council to a General Vesting Declaration in respect of any part of the Order Land and to issue and serve any statutory notices relating thereto
 - representation of the Council's case on compensation matters connected with this Compulsory Purchase Order to the Upper Tribunal (Lands Chamber)

REASON

To make a Compulsory Purchase Order to be known as 'THE BOROUGH OF PENDLE (PENDLE RISE SHOPPING CENTRE, NELSON) COMPULSORY PURCHASE ORDER 2022'. This shall enable the acquisition of Pendle Rise Shopping Centre with a view to securing redevelopment of the site with new shopping facilities in association with Joint Venture Partner (Brookhouse Group Ltd), forming a central part of the transformation of Nelson town centre.

48. DISABLED FACILITIES GRANT POLICY

The Housing, Health and Engineering Services Manager submitted a report which sought approval to introduce a new Disabled Facilities Grant Policy.

It was reported that Disabled Facilities Grants (DFGs) were governed by the Housing Grants Construction and Regeneration Act 1996. The legislation was quite specific in certain aspects, but more open to interpretation in others. The Disabled Facilities Grant Policy therefore aimed to clarify how the Council intended to implement the legislation and formalise what was currently custom and practice.

The Policy was attached as Appendix 1 to the report, for consideration.

RESOLVED

That Council be recommended to approve the Disabled Facilities Grant Policy.

REASON

To continue to fully assist disabled people in Pendle to live independent and safe lives within their home.

49. LAND AT RAVENSCROFT WAY, BARNOLDSWICK

Further to land at Ravenscroft Way, Barnoldswick being declared surplus in June 2016, the Housing, Health and Engineering Services Manager submitted a report for consideration. It was reported that in 2018 an offer of £100,000, subject to planning permission for a commercial unit, had been accepted for the land. The offer was subsequently reduced to £5,000 following detailed site investigations by the offeror.

Due to the substantial reduction in the offer, interest had been invited from the other original offerors which had resulted in two offers being submitted. One of £18,000 to use the land as customer and staff parking for the adjoining commercial premises and a second of £24,000 to purchase the freehold with the proposal to build a row of five small industrial units for tenant occupation.

The Committee was asked to consider the information provided in the report and was recommended to accept the offer which was most likely to result in the land being developed.

RESOLVED

That the offer of £18,000 be accepted and the land be disposed of on a 125 year lease with a covenant that the land can only be used for surface development (Car Park) with no buildings.

REASON

- (1) Due to issues with obtaining planning permission for erecting buildings on the site, it is more likely that planning permission would be granted for surface development (Car Parking) on the land which is the lower offer and reflects Leasehold disposal and the restricted use. A sale to the adjoining owner would bring the site into use and achieve a Capital Receipt and end liabilities.***
- (2) Both offers do not reflect Freehold value. If the land is disposed of on a 125 year lease with restrictions on use then the Council would be able to control the future uses of the land and benefit from any acceptable request to vary the use.***

50. PROPOSED DESIGNATION OF GIB HILL AS A LOCAL NATURE RESERVE

The Corporate Director submitted a report for Members to consider a request from the Gib Hill Working Group to seek designation of the site as a Local Nature Reserve (LNR).

Declaration of the land as a LNR would require the support of Natural England and would require a draft declaration and Management Plan to be drawn up and sent to them prior to formal

declaration.

It was a requirement for a LNR that the land be controlled by a local authority. The Working Group had therefore recommended that the land remained in the ownership of Pendle Council, but that Nelson Town Council and Colne Town Council be involved in its management. The Group also recommended that it evolved to take on the management of the LNR, with the role and composition of the Group set out in the Management Plan.

It was noted that planning permission would be required for change of use from agricultural land to a LNR.

RESOLVED

- (1) That approval in principle be given to the declaration of the land as a Local Nature Reserve.
- (2) That officers work with the Working Group to develop the draft declaration document, management plan and Constitution and submit it to Natural England.
- (3) That approval be given to the Working Group taking on the role of management of the Local Nature Reserve.
- (4) That a further report be submitted to this Committee for the approval of the final declaration.
- (5) That the Environmental Services Manager be authorised to submit the necessary planning application.

REASON

To implement the policy of the Council.

51. LEVELLING UP PARKS FUND NOTIFICATION OF ELIGIBILITY

The Environmental Services Manager submitted a report which informed Members that the Department for Levelling Up, Housing and Communities (DLUHC) had confirmed that Pendle was eligible for funding under the £9m Levelling Up Parks Fund. The fund was being distributed in equal grants to fund the creation or significant refurbishment of parks and meant that, if accepted, Pendle would receive a grant of £85,000.

As part of the programme, Pendle would also receive project planning support, benchmarking and thematic workshops delivered by key stakeholders in the parks sector to support putting ideas into motion.

In order to receive the grant an opt-in form had to be completed by 5th September, 2022 and a project proposal submitted by 3rd October, 2022.

Full details of the offer were detailed in the notification of eligibility letter which was submitted as an appendix to the report.

RESOLVED

- (1) That the Environmental Services Manager be authorised to submit an opt-in form by the deadline of 5th September, 2022.

- (2) That Nelson, Brierfield and Reedley Committee; Colne and District Committee; Nelson Town Council; and Colne Town Council be invited to suggest areas within their neighbourhoods that would benefit most from a new or refurbished urban green space and the details be submitted to the next meeting of this Committee for consideration.

REASON

To improve residents' access to urban green spaces within areas of Pendle that are recorded to have less than 5% of green cover.

52. MATTERS REFERRED FROM AREA COMMITTEES

(a) Provision of EV charging points on Wellhouse Road car park

At a meeting of the West Craven Committee on 5th July, 2022 it was resolved "that the Policy and Resources Committee be **recommended** to consider the installation of two 120kw chargers on Wellhouse Road car park by Instavolt as a matter of urgency."

RESOLVED

That this be picked up as part of the wider project to install EV charging points which is part of the Council's Climate Emergency Declaration.

REASON

The Council is in the process of undertaking work to develop its own Borough wide electric vehicle charging infrastructure.

(b) Land adjoining 54 Carleton Street, Nelson

At a meeting of the Nelson, Brierfield and Reedley Committee on 1st August, 2022 it was resolved –

- "(1) That the Policy and Resources Committee be recommended to declare the land adjoining 54 Carleton Street, Nelson (as shown edged black on the plan attached to the report) surplus to requirements in order for the land to be sold.
- (2) That the Housing, Health and Engineering Services Manager be authorised to negotiate terms of a long leasehold sale of the land to the adjoining owner."

The report considered by Nelson, Brierfield and Reedley Committee was submitted for consideration. This stated that the land was classed as a problem site which had ongoing issues with fly tipping. However, this was questioned by Members that had visited the site, who stated that the fly tipping was on nearby streets and not on this piece of land.

RESOLVED

That the request to declare the land adjoining 54 Carleton Street, Nelson (as shown edged black on the plan attached to the report) surplus to requirements in order for the land to be sold be declined and the land be retained as an open green space.

REASON

To retain some open green space in this area of Nelson.

(c) Land adjoining 44 Brunswick Street, Nelson

At a meeting of the Nelson, Brierfield and Reedley Committee on 1st August, 2022 it was resolved –

- “(1) That the Policy and Resources Committee be recommended to declare the land adjoining 44 Brunswick Street, Nelson (as shown edged black on the plan attached to the report) surplus to requirements, and that it be offered to the owner of the land to the rear of 44 to 48 Brunswick Street.
- (2) That the Housing, Health and Engineering Services Manager be authorised to negotiate a private treaty sale of the land on a 125 year lease, and that if terms are not agreed that the land be marketed for sale.”

The report considered by Nelson, Brierfield and Reedley Committee was submitted for consideration.

It was noted that there had been issues with unroadworthy vehicles being parked on the land, fly tipping and littering and that the Council was in the process of taking enforcement action against the owner of the vehicles.

RESOLVED

That the request to declare the land adjoining 44 Brunswick Street, Nelson (as shown edged black on the plan attached to the report) surplus to requirements be declined.

REASON

To retain this area of open green space.

53. CORPORATE DIRECTOR

The Chairman concluded the meeting by leading the thanks to Philip Mousdale, Corporate Director who was retiring at the end of the month. The Chairman, together with all members of the Committee thanked him for his hard work, commitment, leadership and dedication to the Council for over 35 years and wished him well in his retirement. Councillor Ali also relayed the thanks of Nelson Town Council for his integral role with Town and Parish Councils.

Chairman _____