

**MINUTES OF A MEETING
OF THE EXECUTIVE
HELD AT NELSON TOWN HALL
ON 25th MAY, 2023**

PRESENT –

Councillor A. Mahmood (Chair)

Councillors

*Z. Ali
M. Ammer
M. Hanif
D. Lord
D. Whipp
T. Whipp*

Also in attendance:

*N. Ahmed
M. Aslam
D. Cockburn-Price
S. Cockburn-Price
M. Iqbal
K. Slater
M. Stone
A. Sutcliffe*

Officers in attendance

<i>R. Rouse</i>	<i>Chief Executive</i>
<i>P. Spurr</i>	<i>Director of Place</i>
<i>R. Gibson</i>	<i>Director of Resources</i>
<i>H. Culshaw</i>	<i>Head of Legal and Democratic Services</i>
<i>N. Watson</i>	<i>Assistant Director, Planning, Building Control and Regulatory Services</i>
<i>J. Eccles</i>	<i>Committee Administrator</i>



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

<i>Sharon Wraith</i>	<i>Local Plan</i>	<i>Minute No. 3</i>
<i>Andrew Wraith</i>		
<i>John Birchenough</i>		
<i>John Hartley</i>		
<i>Emma Hartley</i>		
<i>Caroline Spencer-Palmer</i>		

<i>Richard Thorley</i>	<i>Colne Neighbourhood Development</i>	<i>Minute No. 4</i>
<i>Sharon Dale</i>	<i>Plan</i>	
<i>John Birchenough</i>		
<i>Mark Rogers</i>		

*Jane Turner
William Reynolds
Caroline Spencer-Palmer
Elizabeth Lane*

*Damian Hunt
John Barker
Aneesa McGladdery
Jane Turner*

Colne Levelling Up Projects

Minute No. 6

Aneesa McGladdery

*Colne Business Improvement District
(BID) Development Update*

Minute No. 7



1. DECLARATIONS OF INTEREST

Members were reminded of the legal requirements concerning the declaration of interests.

2. PUBLIC QUESTION TIME

There were no questions from members of the public.

3. LOCAL PLAN

The Assistant Director, Planning, Building Control and Resources Services submitted a report seeking approval of the Local Plan 4th Edition (Preferred Options Report) and agreement for the Plan and the supporting documents to go out for formal public consultation.

The Plan had been updated with a new set of evidence – a retail capacity study and a Development Needs appraisal looking at Pendle’s future housing and economic development needs. It contained policies on parking, designs, ecology, climate change and biodiversity net gain.

The main issues raised were the annual housing number requirement and the designation of local green spaces. These comments were noted and would be considered along with other comments received at the end of the six week period of consultation. A report would come back to this Committee when Councillors would have the opportunity to make changes before the final version was consulted on.

RESOLVED

- (1) That the content of the report, including the timetable for the preparation of the Local Plan, be noted.
- (2) That the Local Plan (Appendix 1) go out for public consultation.
- (3) That the Pendle Housing and Economic Development Needs Assessment [Appendix 2]; the Pendle Retail and Leisure Capacity Study [Appendix 3]; and the Pendle Local Plan: Sustainability Appraisal Non-Technical Summary [Appendix 4] be made available for public consultation, alongside any previously prepared evidence base and supporting documents.

REASON

- (1) To progress the Local Plan towards publication of the final draft of the Local Plan 4th Edition (Regulation 19) and its submission to the Secretary of State (Regulation 22) for independent examination (Regulation 24).**
- (2) To comply with the requirements of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.**
- (3) To ensure that Pendle has an up-to-date Local Plan, as required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).**

4. COLNE NEIGHBOURHOOD DEVELOPMENT PLAN – EXAMINER’S REPORT AND REFERENDUM

The Assistant Director Planning, Building Control and Regulatory Services submitted an update on the Colne Neighbourhood Development Plan (CNDP) to highlight modifications proposed by the independent Examiner, that had to be made to the plan to ensure that it met the Basic Conditions and could proceed to referendum.

It was recommended that the changes to the Plan set out at Appendix 1 of the report be approved. The date of the Referendum was likely to be 20th July 2023.

RESOLVED

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

REASON

- (1) To comply with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012.**
- (2) To comply with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 and Schedule 4B of the Town and Country Planning Act 1990 (as amended).**
- (3) To comply with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012.**

5. TECHNICAL CONSULTATION ON THE COMMUNITY INFRASTRUCTURE LEVY

The Assistant Director Planning, Building Control and Regulatory Services submitted a report on the Government’s consultation on the Community Infrastructure Levy which was being rolled out to every Council across England. The production of the new Levy would be mandatory requiring Councils to:

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- Produce a viability appraisal of all forms of development in their area
- Produce an Infrastructure Investment Plan identifying all of the required investment
- Set up procedures to monitor and recover the Levy

RESOLVED

That the content of the consultation be noted and the response from the Assistant Director Planning, Building Control and Regulatory Services, as set out in Appendix 1, be agreed subject to additional content in the response to Question 3 on setting the distinction between integral and levy-funded infrastructure on sustainable and accessible transport not just highways infrastructure.

REASON

In order that Pendle contributes to the development of national planning policy.

6. COLNE LEVELLING UP PROJECTS

The Transport and Co-ordination Manager submitted a report seeking approval and the delegation of authority to progress to the next stage of Colne Levelling Up Fund (LUF) Programme capital projects.

£6 million of LUF funding had been secured for projects in Pendle and this had levered a further £2 million of investment into schemes which would benefit residents of the borough. This would result in new and upgraded cultural facilities in Colne, allowing the Municipal Theatre, Little Theatre and Hippodrome to offer an enhanced programme of events and activities. Around £3 million of the funding had been allocated for a remodelled Colne Market Hall scheme, creating improved space for businesses and housing.

RESOLVED

- (1) That Pendle Borough Council (PBC) act as the Accountable Body for the LUF-funded Little Theatre and Hippodrome Theatre schemes in Colne.
- (2) That authority be delegated to the Director of Place to appoint suitable Project Management and other professional services, funded by LUF, to manage the capital works projects at Little Theatre and Hippodrome Theatre schemes.
- (3) That authority be delegated to the Director of Place to appoint preferred contractors for the execution of construction works packages at the Little Theatre and Hippodrome Theatre schemes (contractors identified from Council-compliant procurement processes already carried out by both theatres).
- (4) That works at the PBC owned Municipal Theatre in Colne, due to commence imminently under the management of Liberata, be noted.
- (5) That a Working Group be established to urgently consider the proposals for the remodelling of Colne Market Hall, consisting of 2 Executive Members, 2 representatives from Colne Town Council, 2 representatives from Colne and District Committee, and 2 market traders and for a report to come back to the next meeting.

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- (6) That the Peter Birtwistle Trust be approached to see if their involvement and investment could bring further benefits to the Market Hall scheme.

REASONS

- (1) ***To allow full VAT recovery on the scheme in order to maximise the funding envelope and to comply with Council's Financial Procedure Rules.***
- (2) ***To ensure projects are under Council control to mitigate risks involved with capital projects such as overspend, project drift and compliance issues.***
- (3) ***To ensure Colne Heritage Quarter projects can mobilise quickly to meet fixed deadlines for completion of works.***
- (4) ***To enable the project to proceed within the LUF timescales.***
- (5) ***To fully explore the options for the Colne Market Hall scheme prior to the submission of the proposed planning application.***

7. COLNE BUSINESS IMPROVEMENT DISTRICT DEVELOPMENT UPDATE

The Assistant Director, Planning, Building Control and Regulatory Services submitted a report on progress made with renewing the Colne Business Improvement District (BID), including the next stages of development required to move forward to a ballot.

It was noted that the Colne BID, elected by the businesses in the Colne BID boundary who paid the levy, was coming to the end of its 5 year term. In its first 5 year term, the BID had raised over £475,000 in Levy income as well as leveraging in £50,000 of public sector funding such as through the Arts Council and the Welcome Back Fund. The additional services to Colne which it had provided, the events it had held and other successes were all acknowledged.

RESOLVED

- (1) That the Council continue to support the efforts of the Colne Business Improvement District (BID), as they seek re-election for a second term.
- (2) That the Council support the BID ballot on Thursday 29th June 2023.
- (3) That should the ballot agree to the BID continuing, the date of issue of Levy bills to businesses and their collection be brought forward.

REASON

To support the BID and the process of it seeking a continuation for a further 5 years.

8. HOLIDAY ACTIVITIES AND FOOD PROGRAMME UPDATE

The Director of Resources submitted a report on the Pendle Holiday Activities and Food (HAF) programme to provide healthy food and enriching activities to disadvantaged children and young people throughout the main school holidays.

In 2022/23 LCC had awarded £376,000 to PBC to roll out the HAF programme. The report set out how the money had been spent. Funding had been increased to £405,000 for 2023/24 and the report outlined plans for the 2023/24 programme.

RESOLVED

- (1) That the 2022/23 update and the proposed delivery approach for 2023/24 be noted.
- (2) That delegated authority be granted to the Director of Resources, in consultation with the Leader and Deputy Leader of the Council, to make final decisions regarding the development of the 2023/24 Pendle Holliday Activities and Food programme.

REASON

To support vulnerable children/young people and their families over the three main school holidays.

9. LAND AT RAVENSCROFT WAY, BARNOLDSWICK

The Director of Place submitted a report on the sale of land at Ravenscroft Way, Barnoldswick which was edged black on the plan attached to the report. It was recommended that Members accept the highest offer which had been submitted.

At the meeting it was pointed out that there was a well-used unmarked Public Right of Way on this land which Members wanted to retain. It was also noted that there were drainage issues which would need to be addressed in the planning permission process.

RESOLVED

- (1) That the highest offer of £35,000 submitted to purchase the freehold of land at Ravenscroft Way, Barnoldswick be agreed, subject to the purchaser obtaining planning permission for the proposed use of a single commercial unit and the retention of the Public Right of Way running from Roundell Road to Ravenscroft Way.
- (2) Should the purchase not proceed that the Chief Executive be authorised to accept any other offers received to purchase the long leasehold of the land up to an amount to which they have delegated authority to agree.

REASON

- (1) ***At its meeting on 25th August 2022 Policy and Resources Committee agreed to accept an offer of £18,000, and for the land to be disposed of on a 125 year lease for car parking, but the sale is no longer proceeding.***
- (2) ***It was also reported to the same Committee that offers of £5,000 and £24,000 had been submitted to purchase the freehold. The parties are still interested, but the offer of £24,000 has been increased to £35,000 and the proposal is for one commercial unit. This would be subject to planning permission, but there may be issues in obtaining permission for this use.***

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- (3) ***An offer of £8,000 has also been submitted from the adjoining car repair garage to use the land as a caravan storage facility which is for the freehold. This amount is considered to be less than the freehold or if disposed of on a 125 year lease, but the use is more likely to be granted planning permission.***

10. LAND AT NETHERFIELD ROAD, NELSON

The Director of Place submitted a report requesting that Members decline a second request from the tenant of land at Netherfield Road, Nelson edged black in the plan attached to the report for the land to be declared surplus to exercise an option to buy in the lease.

RESOLVED

That the request to declare the land at Netherfield Road, Nelson surplus to requirements be agreed and authority be delegated to the Director of Place to start the negotiations with the tenant, and that respective parties bear their own costs.

REASON

To generate a capital receipt.

11. LAND AT GREENFIELD ROAD, COLNE

At a meeting of the Colne and District Committee on 11th May 2023 it was resolved “that, subject to the Council’s costs/legal fees being covered, the Executive be recommended to agree to grant an easement over land at Greenfield Road, Colne to allow an adjoining owner to construct an underground drain and that the Chief Executive be authorised to agree the amount of the premium”. The report considered by the Committee was submitted showing the land edged black on the plan attached.

RESOLVED

That an easement be granted to allow an adjoining owner to construct an underground drain at Greenfield Road, Colne and that the Chief Executive be authorised to agree the amount of premium.

REASON

The grant of an easement would result in the Council receiving a premium from the benefit to the owner.

12. REPRESENTATIVES ON OUTSIDE BODIES

Members were asked to consider nominating the relevant Portfolio Holders on the following outside bodies:

- (a) Pendle Community Safety Partnership
- (b) Pendle Leisure Trust Board

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It was noted that Councillor D. Whipp currently chaired the Pendle Community Safety Partnership.

RESOLVED

- (1) That Councillors D. Lord, Z. Ali and a Councillor from the Conservative Group be appointed to the Pendle Community Safety Partnership.
- (2) That Councillor N. Ashraf and a Councillor from each of the other two political groups be appointed to the Pendle Leisure Trust Board.

REASON

To provide appropriate Council representation on relevant outside bodies.

13. TENDERS

The Director of Resources submitted a report on tenders, for information, which had been received and accepted since the last meeting of Policy and Resources Committee on 16th March.

14. FORWARD PLAN

The Executive's Work Programme and Forward Plan of key decisions for the four month period commencing 1st June, 2023 were submitted for information.

RESOLVED

That the draft work programme be agreed with the following additional items –

- Provision of Youth Services for 22nd June
- Phase 3 of the Earby Flood Alleviation Scheme for 22nd June
- Provision of a new health centre in Barnoldswick for 20th July
- Review of District Enforcement for 20th July
- Home Energy Efficiency proposals for 20th July

Chair _____