

**MINUTES OF A MEETING
OF THE EXECUTIVE
HELD AT NELSON TOWN HALL
ON 20th JULY, 2023**

PRESENT –

Councillor A. Mahmood (Chair)

Councillors

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

Also in attendance:

*Councillor N. Ahmed
Councillor M. Stone
Councillor A. Sutcliffe*

Officers in attendance

<i>Rose Rouse</i>	<i>Chief Executive</i>
<i>Philip Spurr</i>	<i>Director of Place</i>
<i>Richard Gibson</i>	<i>Director of Resources</i>
<i>Howard Culshaw</i>	<i>Head of Legal and Democratic Services</i>
<i>David Walker</i>	<i>Assistant Director Operational Services</i>
<i>Sarah Whitwell</i>	<i>Head of Housing and Environmental Health</i>
<i>Iftikhar Bokhari</i>	<i>Head of Economic Growth</i>
<i>Ryan Gifford</i>	<i>Economic Development Officer</i>
<i>Jane Watson</i>	<i>Democratic Services Manager</i>

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29. DECLARATIONS OF INTEREST

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

30. PUBLIC QUESTION TIME

There were no questions from members of the public.

31. MINUTES

RESOLVED

That the Minutes of the meeting held on 22nd June, 2023 be approved as a correct record and signed by the Chair subject to the following amendment:

Minute 21 resolution (2) "That in the short term the Council go out to tender for a third party to live stream meetings ..." this be replaced with "That in the short term the Council obtain quotes for a third party to live stream meetings ...".

32. STRATEGIC LEISURE REVIEW

The Chief Executive submitted a report on the outcome of a feasibility study undertaken by Knight, Kavanagh and Page which had been commissioned by Pendle Leisure Trust.

The study considered demand and supply, the potential development of the leisure market and several sites, looking in turn at proximity to settlements, accessibility and transport. It concluded that the council should move to two sites through refurbishing and retrofitting West Craven Leisure Centre in Barnoldswick (with stronger links with health provision) and replacing Pendle Wavelengths in Nelson and Pendle Leisure Centre in Colne with a wholly new eco-centre at Seed Hill.

The report listed a number of issues in relation to the outcome of the study along with four broad indicative options which could be confirmed once further work had been undertaken.

During discussion there was a commitment from the Executive to keep all three leisure facilities open. However, it was accepted that a lot of investment was needed to improve and maintain the facilities and it was essential that surveys of Colne and West Craven centre was carried out as soon as possible.

RESOLVED

- (1) That this Executive is committed to retaining three accessible leisure facilities in Colne, Nelson and West Craven.
- (2) That mechanical and electrical surveys of the Colne and West Craven leisure facilities be carried out as soon as possible.
- (3) That a review be undertaken by the Overview and Scrutiny Committee to examine how the three leisure facilities in Colne, Nelson and West Craven could be made to be financially viable through retrofitting and renewal; to consider the mix of features taking affordability into account; to consider operating models for the future taking account of what was needed to ensure delivery of requirements for each leisure facility.
- (4) That the Overview and Scrutiny Committee be asked to consult with Town and Parish Councils and users of the three leisure facilities as part of the review in (2) above.

REASONS

To address the need to improve the leisure facilities within the Borough.

33. TRANSFORMATION PROGRAMME UPDATE

The Director of Resources submitted, for information, an update on the outcome of the Transformation Programme which had been approved in December, 2021.

The report highlighted a number of areas where improvements had been made along with a number of recommendations which were rag rated.

RESOLVED

That the report be noted.

REASON

To inform the Executive in order to allow the future direction of the programme to be agreed.

34. PEARL JOINT VENTURE COMPANIES DEVELOPMENT ACTIVITY

The Director of Place submitted a report which provided an update on development activity being carried out by the Council's PEARL Joint Venture companies. During 2022/23 and set out what was proposed during 2023/24.

Updates, including the overall financial position, were given on the four joint venture companies:

PEARL
PEARL2
PEARL Brierfield Mill
PEARL Together

It was noted that PEARL2 had requested a further variation to the lease to allow the company to enter into a finance agreement on the site to raise funds required to complete the Lomeshaye Phase 2 scheme. Details of the request were set out in the report.

Also included were updates on the ACE Centre, Lomeshaye Extension, Futher Clough Head, Nelson, Harrison Drive, Colne, Spring Mill, Earby, Bankhouse Road, Nelson, Colne Maket Hall/Bus Station, Quaker Heights, Brierfield

RESOLVED

- (1) That the amendment to the Lomeshaye lease, as set out in the report, be agreed.
- (2) That the capital programme be updated to allow the investment of £0.5m in Shareholder loans to PEARL Together Ltd., to finance the development of the Further Clough Head and Spring Mill, Earby schemes.
- (3) That the review of the disposal options for the Bankhouse Road development be endorsed based on a refreshed appraisal of the originally proposed Extra Care Facility alongside the alternative affordable housing scheme developed as an alternative.
- (4) That the updates on the various PEARL developments be noted.

REASONS

- (1) ***To enable timely completion of the Lomehsaye Industrial Estate extension.***

- (2) ***To enable housing development at Spring Mill, Earby and Further Clough Head, Nelson to proceed.***
- (3) ***To allow for a future report to come forward so the most advantageous deliverable proposal can be taken forward for the Bankhouse Road site in Nelson.***

**35. STRATEGIC MONITORING
1st JANUARY TO 31st MARCH, 2023**

The Director of Resources submitted, for information performance monitoring information on the Council's Corporate Plan or the period 1st January to 31st March, 2023.

36. REVENUE AND CAPITAL OUTTURN 2022/23

The Director of Resources submitted a report on the provisional revenue and capital outturn position or 2022/23.

The report provided a summary of the 2022/23 Revenue Outturn along with information in relation to budget pressures, savings and underspends, the use of reserves, slippage 2023/24 (both revenue and capital) along with a summary of the 2022/23 Capital Programme.

RESOLVED

- (1) That the outturn position on the Council's Revenue Budgets for 2022/23 and the reserve position, as set out in the report, be noted.
- (2) That a revenue budget slippage of £170,000 from 2022/23 to 2023/24 be approved.
- (3) That the outturn position on the Council's Capital Programme for 2022/23 be noted.
- (4) That a capital budget slippage of £7.283m from 2022/23 to 2023/24 be approved.
- (5) That Council be recommended to approve the revised Capital Programme for 2023/24, as set out in Appendix C attached to the report.
- (6) That the Budget Working Group (2:2:2) be reconvened and a meeting be arranged as soon as possible.
- (7) That a Community Asset Transfer Working Group (2:2:2) be convened.

REASONS

- (1) ***To inform the Executive of the provisional revenue and capital outturn for 2022/23 and to approve the budget slippage for 2023/24.***
- (2) ***To comply with the Constitution.***

37. UK SHARED PROSPERITY FUND

The Director of Place submitted a report on the allocation of UKSPF funding for Public Realm projects.

Executive (20.07.2023)

This was a three-year programme with funding of £3.6m. It was acknowledged that the timeline for spend in year 1 (2022/23) had been extremely tight which meant there was only three months to deliver the year 1 projects. Government had, however, allowed year 1 funding to be spent in year 2 (2023/24).

With Nelson and Colne securing funding from elsewhere it was proposed that public realm projects be undertaken in Brierfield, Barnoldswick and Earby details of which were set out in the report.

The Executive also considered the following resolutions from a meeting of the West Craven Committee held on

- Victoria Road, Earby Project

“That the Executive be asked to look at UKSPF funding and the phasing of work and for their views on how to progress the Victoria Road, Earby scheme if they only had two thirds of the funding for the work.”

- Public Realm Schemes in West Craven

“That the Executive be asked to look at the total amount of UKSPF funding available over the full programme and to agree a seamless programme of work over the period remaining to maximise the amount of work that can be done.”

RESOLVED

- (1) That the Year 3 UKSPF funding be allocated to public realm projects in West Craven (Barnoldswick and Earby) and Brierfield with the funding split:

Brierfield	£200,000
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With the remaining £476,000 to be split across the West Craven towns of Barnoldswick and Earby.

- (2) That the Director Place, in consultation with the Leader and the Deputy Leader, be granted delegated authority to approve the timescales and details of the projects including a phasing of the works in West Craven. This would mean that the UKSPF funds for 2022/23-2023/24 originally meant for both Earby and Barnoldswick would be allocated to one of the schemes only, with the other West Craven scheme taking place in Year 3 with the funds for West Craven given in Table 2 in the report, and that the Barnoldswick scheme be undertaken first.

REASON

In order to ensure that the UKSPF public realm funding is fully utilised and in order to allow flexibility in the delivery of the schemes to achieve maximum outputs and benefits to the community.

38.

PENDLE YOUTH SERVICES

The Director of Resources submitted, for information, a report which outlined the position for youth service provision in Pendle.

Reference was also made to the Million Hours Fund and it was suggested that the Council consider submitting an application to draw down a grant of £10,000. It was reported that the criteria of the fund meant that this fund could only be spent in the Vivary Bridge Ward. The scheme had been launched at the beginning of July with applications to be submitted by 14th August and the bulk of the money to be spent during the school holidays.

It was also noted that there was a lack of provision for young people in some areas of the Borough including West Craven and Barrowford.

RESOLVED

- (1) That the report be noted.
- (2) That the County Council be asked to consider providing services for young people in other areas of the Borough including West Craven and Barrowford.
- (3) That an application for the Million Hours Fund be submitted and this fund also be drawn to the attention of Pendle Leisure Trust with a view to them also submitting application to this fund.

REASON

To receive an update on youth service provision and to increase the level of provision wherever possible.

39.

HOME ENERGY EFFICIENCY

The Head of Housing and Environmental Health submitted a report which provided an update on the current domestic energy efficiency projects in Pendle.

The report suggested that the Council commit to examining the current domestic energy efficiency projects and funding streams available in Overview and Scrutiny and the findings and any recommendations be reported to the Executive by October, 2023.

There was a discussion on the Government's latest national Home Energy support scheme known as the Home Upgrade Grant (HUG2). The scheme focused on the low-income households living in properties with the worst EPC rated (D-G) off-gas grid homes and homes without gas central heating.

Blackpool Council was the lead authority on behalf of all Lancashire Authorities and they had gone through a procurement process and appointed RHEA projects, who were boiler and central heating installers to administer the grant on behalf of CHIL (Cosy Homes in Lancashire). It was reported that as of today, CHIL had not completed any works in Lancashire and there had been no households in Pendle confirmed as meeting the eligible criteria. However, there were 13 cases in Pendle waiting on a survey/quote.

RESOLVED

- (1) That the report be noted.
- (2) That it be noted that the greater part of the work be undertaken by the Overview and Scrutiny Committee.
- (3) That the Council promotes the HUG2 scheme at every opportunity.

REASONS

- (1) ***To keep the Executive informed on the Council's action taken in respect of home energy efficiency projects in Pendle.***
- (2) ***To ensure home energy efficiency is managed and improved.***

40. EAST LANCASHIRE WASTE DISPOSAL ARRANGEMENTS

The Assistant Director Operational Services submitted a report which provided an overview of the current discussions being held in relation to the bulking and transfer of the East Lancashire Districts waste following expiry of the County Council's contracts with SUEZ in March 2025.

In April 2022 all East Lancashire District Councils received a request from LCC to identify any land or property which could be developed to create a waste transfer station. Two sites within Pendle had been identified and submitted to LCC for initial scoping works to be completed in order to identify initial suitability and costs. Feedback was still awaited.

However, in December, 2022 LCC advised that the Farington Waste Recovery Park was the only guaranteed tipping point and they would give formal notice, by the end of May 2023 requiring waste collection authorities to transport residual waste to this processing plant if no other arrangement was in place. No formal notice had been received.

The report set out the financial implications for such a change to happen. Initial estimates were in the region of £3,000,000 to develop facilities for the transfer of waste as proposed by LCC. The County were currently reporting that District Council's would be required to cover these costs.

RESOLVED

- (1) That the report be noted.
- (2) That approval be granted for more detailed work to be completed on the possible joint procurement of facilities for Pendle and Burnley.
- (3) That officers be requested to investigate the legality of the County Council's current stance and challenge accordingly.
- (4) That the Assistant Director Operational Services be requested to write to the County Council asking for progress on the sites identified in Pendle to create a waste transfer station.
- (5) That further updates be submitted to the Executive as and when available.

REASON

To ensure the Council continues to deliver critical and income generating services effectively without impacting on the environment and the Council's budget any more than it currently does.

41.

**ENVIRONMENT ACT 2021
WEEKLY FOOD WASTE COLLECTIONS**

The Assistant Director Operational Services submitted a report which provided an overview of the DEFRA guidance covering the weekly collection of food waste from domestic properties within Pendle, the cost of introducing the new scheme and the current discussions being held in relation to the disposal of East Lancashire Districts food waste.

It was noted that the County Council had reported no other facilities, with the exception of the Farington facility, were currently being provided for food waste and as such each District would be required to deliver material collected from kerbside collections to the Leyland facility.

No further details had been received on funding for new schemes, new burdens payments calculations and confirmation of the exact timescales by which local authorities would need to change their current arrangements to comply with the Environment Act.

There was no information on any funding available for Pendle. Indicative capital costs for vehicles, internal and external food caddies and caddy liners were expected to be in the region of £2.7m. Officers were reluctant to progress with introducing a weekly collection scheme without confirmation of capital.

RESOLVED

- (1) That the report be noted.
- (2) That approval be granted for more detailed work to be undertaken to seek an exemption to the introduction of food waste through a TEEP assessment (Technically, Environmentally, Economically Practicable) for submission to the Secretary of State for consideration.
- (3) That officers be requested to continue to work with County and District partners to pursue capital and revenue funding in order to introduce a weekly food waste scheme if economically viable.
- (4) That further updates be submitted to the Executive as and when available.

REASON

To ensure the Council continues to deliver critical and income generating services effectively without impacting on the environment and the Council's budget any more than it currently does.

42. RETURNING OFFICER INDEMNITY

The Head of Legal and Democratic Services submitted a report for discussion in relation to the potential liability of the Chief Executive, in his/her capacity as Registration Officer and Returning Officer in relation to local elections, for costs incurred in proceedings arising from the conduct of those posts.

RESOLVED

That this item be deferred for further information.

REASONS

To provide information for the Executive to make an informed decision.

**43. APPOINTMENT OF REGENERATION
PROGRAMME MANAGEMENT RESOURCE**

The Director of Place submitted a report requesting the contract with RAISE Partnership be extended to provide specialist programme and project management support to help deliver the Council's regeneration activities.

RESOLVED

That as an exemption to Contract Procedure Rules the contract of the RAISE Partnership be extended in order to provide programme and project management support to ensure the successful delivery of key regeneration activities, in line with the fee proposals highlighted in Appendix 1 appended to the report.

REASON

To ensure that the Council is able to successfully deliver its complex programme of regeneration work, including Nelson Town Deal and Colne Levelling Up projects.

44. MATTERS REFERRED FROM AREA COMMITTEES

(a) Area Committee Budget 2023/24

At a meeting of the Barrowford and Western Parishes Committee on 5th July, 2023 it was resolved "that the Executive be requested to agree a supplementary estimate of £12,500 to Barrowford Cricket Club for improved security."

RESOLVED

That the request be noted.

**45. COLNE MARKET
JOINT VENUTURE DELIVERY VEHICLE**

The Head of Economic Growth submitted a report requesting the transfer of the Colne Market scheme into the PEARL2 delivery vehicle.

It was reported that PEARL Together Housing, at a recent Board meeting, had confirmed that, as it did not have any direct involvement in the housing component of the scheme, it did not wish the project to be delivered through the PEARL Together Joint Venture, as was originally proposed.

RESOLVED

- (1) That the preferred option would be for PEARL Together to continue to deliver the Colne Market Scheme, through indemnifying Together Housing for any losses incurred on the scheme by the existing PEARL Together Partnership.
- (2) Alternatively, that the Colne Market scheme be transferred to PEARL2 for delivery of the project.

REASON

To ensue the most appropriate method is adopted to deliver the Colne Market scheme in light of Together Housing not wishing to see it progressed through the PEARL Together Joint Venture, as originally intended.

46. FORWARD PLAN

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

Chair _____