

**MINUTES OF A MEETING
OF THE EXECUTIVE
HELD AT NELSON TOWN HALL
ON 19TH OCTOBER 2023**

PRESENT –

Councillor A. Mahmood (Chair)

Councillors

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

Also in attendance:

*Councillor N. Ahmed
Councillor A. Sutcliffe*

Officers in attendance

<i>Philip Spurr</i>	<i>Director of Place</i>
<i>Richard Gibson</i>	<i>Director of Resources</i>
<i>Emma Barker</i>	<i>Legal Services Manager</i>
<i>Neil Watson</i>	<i>Assistant Director Planning, Building Control and Regulatory Services</i>
<i>Jessica Robinson</i>	<i>Committee Administrator</i>



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

<i>John Birchenough</i>	<i>Pendle Local Plan - Local Green Spaces</i>	<i>Minute No. 68</i>
<i>Alison Birkinshaw</i>		
<i>Anthony Chamberlain</i>		
<i>Emma Hartley</i>		
<i>Dr Caroline Spencer-</i>		
<i>Palmer</i>		
<i>Colin Unwin</i>		
<i>Brian Wildman</i>		



62. DECLARATIONS OF INTEREST

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

63. PUBLIC QUESTION TIME

There were no questions from members of the public.

64.

MINUTES

RESOLVED

That the Minutes of the meeting held on 21st September, 2023 be approved as a correct record and signed by the Chair.

65.

LOCAL GOVERNMENT ACT, 1972

In accordance with the provisions of Section 100 (B)(4) of the Local Government Act, 1972, as amended, the Chair agreed that the following item should be considered as a matter of urgency, the ground being that the Overview and Scrutiny Committee at its meeting on 11th October, 2023 had resolved not to establish a Task and Finish Group, as had been requested by the Executive on 20th July, 2023, '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; and to consider operating models for the future taking account of what was needed to ensure delivery of requirements for each leisure facility' and as the next meeting of the Executive was scheduled for 16th November, 2023 it would be unreasonable for the undertaking of this vital work to be delayed any further.

66.

ESTABLISHMENT OF A WORKING GROUP OF THE EXECUTIVE

It was proposed that an all-party Working Group of the Executive be convened 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; and to consider operating models for the future taking account of what was needed to ensure delivery of requirements for each leisure facility. The findings of the Working Group were expected to be presented to Council by the end of this calendar year, as per the timetable agreed for the Overview and Scrutiny Committee. It was further proposed that this Working Group be constituted of both Executive and Non-Executive Members and a total of nine Members, three Members from each of the three political groups.

RESOLVED

- (1) That a Working Group of this Executive, constituted of both Executive and Non-Executive Members and a total of nine Members (3; 3; 3), be established.
- (2) That a review be undertaken by the Working Group 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; and to consider operating models for the future taking account of what was needed to ensure delivery of requirements for each leisure facility.
- (3) That the findings of the Working Group be reported to Council by the end of this calendar year.

REASON

To address the need to improve the leisure facilities within the Borough as a matter of urgency.

**67. STRATEGIC MONITORING REPORT
1st APRIL TO 30th JUNE 2023**

The Director of Resources submitted a report which provided information on progress made with the delivery of the corporate actions as at 30th June 2023.

As Council was unable to agree the Corporate Plan at its meeting on 28th September 2023 the key priorities and milestones of the report had been redacted and the report covered just the 24 key performance indicators and risk management arrangements. The Corporate Plan elements would be added to the report once the Plan had been agreed by Council, which was scheduled for December 2023.

It was noted that there were currently four KPIs which were falling below the expected service levels/targets and four which were falling slightly below the expected service levels/targets. The reasons were summarised in the report.

There was discussion around the Planning Department's performance and an update was given.

RESOLVED

That the report be noted.

REASON

To inform the Executive of performance monitoring information relating to the Council's services.

**68. PENDLE LOCAL PLAN
LOCAL GREEN SPACES**

The Assistant Director Planning, Building Control and Regulatory Services submitted a report informing Members of the sites nominated for designation as Local Green Space within the Pendle Local Plan.

The Executive approved the first draft of the Pendle Local Plan Fourth Edition on 25th May 2023 for public consultation. This consultation was held between 23rd June and 18th August which sought further local green space site nominations to provide full coverage across the borough. An additional 55 site nominations had been assessed.

A Local Green Spaces report and methodology was attached to the report, and this looked at each of the site nominations received. Officers had visited each site and carried out an independent assessment. Their findings were presented alongside the evidence submitted to justify why a site was considered to be of 'particular importance' to the local community.

RESOLVED

- (1) That the report be noted.
- (2) That the officer recommendations on the designation of sites as Local Green Space be published and made available for a four-week public consultation, to allow interested parties to comment on the Council's recommendations.

REASONS

- (1) ***To prepare a robust and credible evidence base for the policies in the Pendle Local Plan.***
- (2) ***To progress towards submission of the Pendle Local Plan Fourth Edition 2021-2040 to the Secretary of State for independent examination, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended.***

69. REGULATION OF INVESTIGATORY POWERS ACT 2000

The Head of Legal and Democratic Services reported, for information, that following an inspection by the Investigatory Powers Commissioner, the Commissioner was content with the Council's compliance with the Regulation of Investigatory Powers Act 2000 (RIPA).

He required that this fact be reported to the Executive and that it be noted that the Council's RIPA Policy had been updated because the two authorising officers required by the law, Corporate Director Philip Mousdale, had left the Council's employment in October 2022 and he had been substituted by the current Legal Services Manager Emma Barker, who had received appropriate practical training for the role in 2021.

70. PROPOSED INCREASE IN HACKNEY CARRIAGE FARES

The Assistant Director Planning, Building Control and Regulatory Services submitted a report following receipt of a request from the hackney carriage trade to increase the hackney carriage fares due to the cost of living increasing.

The current and proposed tariffs were attached to the report, for information. The current fares had been in force since 2008 and were one of the lowest in the country.

The hackney carriage proprietors had been consulted on the proposed increase. A total of 63 license holders were contacted and a total of 24 responses (38%) were received. All of the responses were in favour of the increase. In addition to the consultation, the Pendle Hackney Carriage Association also held a meeting with the trade, who were all in agreement to an increase in the fares.

RESOLVED

- (1) That the proposed increase in the hackney carriage fares, as set out in Appendix 2 attached to the report, be approved.
- (2) That the proposed increase in the hackney carriage fares be advertised in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and should no objections be received the increase be implemented.

REASON

- (1) ***To approve a request from the hackney carriage trade for an increase in fares.***
- (2) ***An increase in the hackney carriage fares must be advertised to consider any objections.***

71. MATTERS REFERRED FROM AREA COMMITTEES

(a) Rediffusion Cables

At a meeting of the West Craven Committee on 5th September 2023 it was resolved “that this issue be referred to the Executive, as it was a borough wide problem.”

The Assistant Director Planning, Building Control and Regulatory Services submitted a report which highlighted the issues surrounding the remaining cables of the former Rediffusion company.

The report advised that unless there was a legal basis on which to act to remove the cables, the Council should not proceed with direct action. There was also reference to the financial implications and insurance liability which would be required for removing private property. If the cost estimates for known sites were typical costs the financial implications for a wider programme of removal would be significant.

Particular concerns regarding the cables over Frank Street, Barnoldswick, Albert Road, Barnoldswick and Gisburn Road, Barrowford and the threat they were posing to the public were expressed. The responsibility for matters relating to the public highway were normal for the Local Highways Authority who would have powers under Section 152 of the Highway Act 1980 to remove cables if they were projecting from a building and obstructing the safe passage along a street.

RESOLVED

That Lancashire County Council, as Local Highways Authority, be requested to take urgent action to remove the Rediffusion cables above Frank Street, Barnoldswick, Albert Road, Barnoldswick and Gisburn Road, Barrowford as they were posing a threat to the public.

REASON

The Council has no statutory responsibility for the cables, with the responsibility lying with the owners, Health and Safety Executive and highways authority, and the issues should be dealt with by the parties legally responsible for the apparatus and highway safety.

72. FORWARD PLAN

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

Chair _____