

**MINUTES OF A MEETING
OF THE EXECUTIVE
HELD AT NELSON TOWN HALL
ON 16th NOVEMBER 2023**

PRESENT –

Councillor A. Mahmood (Chair)

Councillors

*Z. Ali
M. Hanif
D. Lord
Y. Tennant (Substitute)
D. Whipp
T. Whipp*

Also in attendance:

*Councilor D. Cockburn-Price
Councillor S. Cockburn-Price
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>Jane Watson</i>	<i>Democratic Services Manager</i>

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73. DECLARATIONS OF INTEREST

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

74. PUBLIC QUESTION TIME

There were no questions from members of the public.

75. MINUTES

RESOLVED

That the Minutes of the meeting held on 19th October 2023 be approved as a correct record and signed by the Chair.

76. QUARTER 2 REVENUE AND CAPITAL BUDGET MONITORING 2023/24

The Director of Resources submitted a report which provided the Committee with the Quarter 2 Revenue and Capital Budget monitoring position for 2023/24.

Reference was made to the recent pay award; the Liberata Contact; the use of reserves and the projected outturn and the signing off of the 2021/22 Accounts. It was noted that on completion of the draft Statement of Accounts for 2022/23 the Council's Treasury Management Advisors (LINK) would be asked to carry out a Balance Sheet review to compare the value of the Council's assets with its borrowing. Alongside this the updated Medium Term Forecast would consider the affordability of any future schemes to be funded by the Council through prudential borrowing.

RESOLVED

- (1) That the Quarter 2 position on the Council's Revenue Budget for 2023/24 and the Council's Capital Programme for 2023/24 be noted.
- (2) That Council be recommended to approve the requirement for a supplementary revenue estimate of £0.377m in respect of contract inflation, as set out in a separate report.

REASON

To inform the Executive of the Council's Quarter 2 position for the Revenue and Capital Budgets for 2023/24.

77. SPRING MILL, BAILEY STREET, EARBY

The Director of Place submitted a report requesting the temporary use of Council land on Bailey Street, Earby for contractor car parking/compound for use by PEARL Together during the development of the Spring Mill site.

It was also proposed that a landscaped area (to be created) fronting onto Spring Mill/Chapel Street, Earby be transferred from PEARL Together to the Council.

RESOLVED

- (1) That PEARL Together be granted a licence for the temporary use of land on Bailey Street, Earby to be used as a contractor car park/compound during the development of the site.
- (2) That the transfer of a landscaped area, to be created as part of the development scheme, fronting onto Chapel Street, Earby be approved, subject to terms and conditions to be agreed by the Director of Place and payment of a commuted sum.
- (3) That West Craven Committee be requested to enter into discussions with Earby Town Council and any other interested parties to consider an alternative use for the compound area once it is no longer needed and that the developers be advised that the reinstatement of this land may be for something other than a grassed area.

REASONS

- (1) To assist PEARL Together with their development of the Spring Mill Site, to reduce the risk to pedestrians passing the development work and to provide betterment for the benefit of the community, post development.**
- (2) To take ownership and control of a future landscaped public area, to ensure it is maintained to a good standard, subject to the receipt of a commuted sum payable to the Council to cover ongoing costs.**

78. CEMETERY LODGE, KEIGHLEY ROAD, COLNE

The Director of Resources submitted a report on the sale of the above property. An offer of £197,000 had been submitted which included an additional area of land shown cross hatched and hatched on the plan attached to the report.

A report had also been before Colne and District Committee on 5th October 2023 where it was resolved:

- “(1) To accept the offer of £197,000 for the property, and to agree to declare additional areas of the Council’s adjoining land shown cross hatched and hatched on the plan attached to the report surplus to requirements in order for them to be included as part of the sale for vehicle access and parking/garden use.
- (2) Note that the existing cemetery gates are to be altered to electric opening and that the works are to be carried out by the Council as soon as is practicably possible, but this should not affect the sale of the property. To agree that the opening and closing arrangements for the gates should allow for controlled vehicular and pedestrian access and 24-hour pedestrian exit, and that there be no breaches to any walls.”

RESOLVED

- (1) That an offer of £197,000 for the property be accepted, and the additional areas of the Council’s adjoining land, shown cross hatched and hatched on the plan attached to the report, be declared surplus to requirements in order for them to be included as part of the sale for vehicle access and parking/garden use.
- (2) That it be noted that the existing cemetery gates are to be altered to electric opening and that the works be carried out by the Council as soon as practicably possible, but this work should not affect the sale of the property. The opening and closing arrangements for the gates should allow for controlled vehicular and pedestrian access and 24-hour pedestrian exit, and that there be no breaches to any walls.

REASON

- (1) To achieve a capital receipt and end all liabilities and bring a vacant property back into productive use.**
- (2) The sale includes a small area of land and a right of vehicle access shown hatched on the plan, and it adjoins an area of unused Council owned land shown cross hatched. Since the property was advertised interested parties have said they would**

only look at submitting offers if the additional land and access area were included in the sale.

(3) *Alteration of the cemetery gates would limit the potential for anti-social behaviour.*

79. CARBON EMISSIONS AND CARBON REDUCTION TARGETS – REVIEW

The Director of Place submitted a report on the Council's Annual Emissions for 2022/23 with proposed changes for consideration.

It was proposed that the Council continues producing the Annual Emissions Report, with revised methodology to include Pendle Leisure Trust in Scope 1 and 2. The Performance Indicators (PIs) would then be revised to directly align with this report.

Ownership of the PIs would move from the Resource Directorate to Place, which provides the strategic leadership for climate change. The Council was also in the process of updating the climate change action plan.

The Executive were presented with three funding options to enable delivery of an aligned carbon neutral target, details of which were set out in the report.

RESOLVED

- (1) That the Annual Emissions report be approved.
- (2) That progress to date on the 2030 carbon neutral target be noted.
- (3) That Option 2 Keep it Carbon Neutral by 2030 funding option be agreed and recommended to Council to approve to enable effective delivery of an aligned carbon neutral target for the Council. This was subject to the outcome of the Leisure Review and funding being secured.
- (4) That reports on any revised targets and associated performance indicators be submitted to a future meeting, subject to the level of resources agreed.

REASON

To better streamline monitoring of the Climate Emergency Declaration and enable the Council to deliver on its carbon reduction targets.

80. MATTERS REFERRED FROM AREA COMMITTEES

(a) Land fronting 34 Landless Street, Brierfield

At a meeting of the Nelson, Brierfield and Reedley Committee on 2nd October 2023 it was resolved:

- “(1) That the Executive be recommended to declare the land fronting 34 Landless Street, Brierfield surplus to requirements in order for it to be sold.

- (2) That the Executive be recommended to authorise the Director of Place to negotiate terms of a long leasehold sale to the existing tenant of 34 Landless Street with a restrictive covenant that the land be used as a domestic garden only.”

RESOLVED

- (1) That the land fronting 34 Landless Street, Brierfield be declared surplus to requirements in order for it to be sold.
- (2) That the Director of Place be granted delegated authority to negotiate terms of a long leasehold sale to the existing tenant of 34 Landless Street with a restrictive covenant that the land be used as a domestic garden only.

REASON

A sale of the land would result in a capital receipt for the Council and end all liabilities.

(b) Land fronting Hurstwood Gardens, Brierfield

At a meeting of the Nelson, Brierfield and Reedley Committee on 2nd October 2023 it was resolved:

- “(1) That the Executive be recommended to declare the land adjoining Hurstwood Gardens, Brierfield surplus to requirements in order for it to be sold.
- (2) That the Executive be recommended to authorise the Director of Place to negotiate terms of a long leasehold sale to the adjoining owner of 7 Hurstwood Gardens, Brierfield with a restrictive covenant that the land be used as a domestic garden only.”

RESOLVED

- (1) That the land adjoining Hurstwood Gardens, Brierfield be declared surplus to requirements in order for it to be sold.
- (2) That the Director of Place be granted delegated authority to negotiate terms of a long leasehold sale to the adjoining owner of 7 Hurstwood Gardens, Brierfield with a restrictive covenant that the land be used as a domestic garden only.

REASON

A sale of the land would result in a capital receipt for the Council and would reduce its maintenance liabilities.

(c) Land at Cornmill Place, Barnoldswick

At a meeting of the West Craven Committee on 3rd October 2023 it was resolved “that the Executive be recommended to agree that the Duchy Solicitor be requested to transfer to Pendle Council at nil cost the land in title number LA931725 shown within the red edge, consisting of the public space at Cornmill Place which should have been transferred to the Council when the land

was developed as well as the hardstanding area and road, minus the area shown in green, and it subsequently be transferred to Barnoldswick Town Council with the residual S106 funding.

RESOLVED

That the Duchy Solicitor be requested to transfer to Pendle Council, at nil cost, the land in title number LA931725 shown within the red edge, consisting of the public space at Cornmill Place which should have been transferred to the Council when the land was developed as well as the hardstanding area and road, minus the area shown in green, and it subsequently be transferred to Barnoldswick Town Council with the residual S106 funding.

REASON

The open space was originally intended for transfer to the Council along with a commuted sum, for its future maintenance. Barnoldswick Town Council are willing to maintain the land.

81. FORWARD PLAN

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

82. EXCLUSION OF PUBLIC AND PRESS

Members agreed to exclude the public and press from the meeting during the following item of business in pursuance of the power contained in Section 100(A) (4) of the Local Government Act, 1972 as amended, in relation to exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).

83. LIBERATA CONTRACT UPDATE

The Director of Resources submitted a report updating the Executive on the Liberata Contract Review.

RESOLVED

That it be noted and confirmed the agreement reached to date with Liberata UK, as set out in the report.

REASON

To note the agreements reached to date with Liberata UK.

84. PENDLE RISE, NELSON

The Director of Place submitted a report which provided an update on progress on the project to redevelop Pendle Rise Shopping Centre.

RESOLVED

- (1) That the updates regarding the Town Deal funded project to redevelop Pendle Rise Shopping Centre be noted.
- (2) That the purchase of the former Althams building at 1-3 Scotland Road, Nelson by PenBrook Limited requiring a contribution from Pendle Borough Council in line with the PenBrook Shareholders Agreement be agreed and it be funded from the New Town Deal Relocation Properties budget.
- (3) That it be agreed to rent the former Althams building at 1-3 Scotland Road, Nelson from PenBrook Developments Limited for 10 years on the basis of a single advanced rent payment to be funded from the New Town Deal Relocation Properties budget.
- (4) That the Director of Place be granted delegated authority to develop a Relocation Strategy and agree with PenBrook, on behalf of the Council, which relocation properties are to be purchased and which leased for sub-letting within the available Nelson Town Deal budgets. To include the agreement of financial terms for each property within the funding mechanism outlined in the report.

REASONS

- (1) ***For information.***
- (2) ***To begin to implement stated proposals and apply approved DLUHC funds to provide relocation properties for Pendle Rise Shopping Centre retailers utilising a key strategic retail site in the town centre.***
- (3) ***To allow for control of the renting of relocation properties to be fully within the control of the Council and the use of Nelson Town Deal funding for these purposes, while enabling revenue to be generated a s match funding and to provide a revenue budget for renting relocation properties not available or suitable for purchase.***
- (4) ***To ensure the successful relocation of tenants of Pendle Rise Shopping Centre and allow for the roll out of the funding mechanism and securing of other relocation properties within the available budgets.***

Chair _____