

**MINUTES OF A MEETING  
OF THE EXECUTIVE  
HELD AT NELSON TOWN HALL  
ON 30<sup>th</sup> MAY 2024**

*PRESENT –*

*Councillor A. Mahmud (- in the Chair)*

**Councillors**

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

**Also in attendance:**

*Councillor N. Ahmed  
Councillor M. Stone*

**Officers in attendance**

<i>Phillip Spurr</i>	<i>Director of Place</i>
<i>Damon Lawrenson</i>	<i>Director of Resources (Interim)</i>
<i>Howard Culshaw</i>	<i>Head of Legal and Democratic Services</i>
<i>Neil Watson</i>	<i>Assistant Director Planning, Building Control and Regulatory Services</i>
<i>David Walker</i>	<i>Assistant Director Operational Services</i>
<i>Gemma-Lousie Wells</i>	<i>Head of Finance</i>
<i>Iftikhar Bokhari</i>	<i>Head of Economic Growth</i>
<i>Jane Watson</i>	<i>Democratic Services Manager</i>



**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. MINUTES**

**RESOLVED**

That the Minutes of the meeting held on 12<sup>th</sup> March 2024 be approved as a correct record and signed by the Chair.

#### **4. CORPORATE PLAN REFRESH 2024/25**

The Director of Resources (Interim) submitted a report on the annual refresh of the Council's Corporate Plan for 2023-2027.

A refresh of the milestones ensured that appropriate action was taking place to deliver on the four priorities and to ensure continued service delivery for the year. Progress would continue to be reported to the Executive in the quarterly performance monitoring report.

Several suggestions were put forward to bring the Corporate Plan in line with the Shared Administration agreement. It was noted that the Enforcement Review and Best Value Review had not been submitted to the Executive and it was felt "implement" should be changed to "consider."

#### **RECOMMENDATION**

That Council be recommended to agree the Corporate Plan Refresh 2023/24 subject to the addition/amendment of the following:

##### **Priority 1**

- **Continuous Improvement**  
Implement actions from the enforcement review – amend "to consider" instead of implement.
- **Governance**  
Implement the actions from the Best Value review by external audit – amend "to consider" instead of implement.
- **Waste and Recycling**  
Add reference to securing funding from LCC in relation to the management of waste materials and domestic weekly food waste collections.

##### **Priority 2**

- **Climate Emergency**  
Continue to deliver electric vehicle charging schemes. This initiative had not been implemented so the wording needed to reflect this.
- **Community Safety**  
Relaunch of the Domestic Abuse Forum – amend to make it clear working with partners.
- **Bereavement Services**  
Add "review of cemetery services with a view to making them financially viable."
- **Community Cohesion** – to include better links and provision for community cohesion in the Borough.

##### **Priority 3**

- **UK Shared Prosperity Fund**  
Add "Earby" to the first bullet point.  
Add "to plan further phases."  
Add "to seek funding support from the County Deal for continued work."
- **Development Control** (add)  
Add a priority that says "develop systems to comply with the new arrangements to ensure timely decisions."

##### **Priority 4**

- **Indoor Leisure Review**  
Add "complete phase one of the refurbishment programme currently underway."

Add “plan/implement energy saving schemes.”

Add “review operational management of the leisure centres.”

- **Health and Wellbeing**

Add “seek to encourage health providers to deliver a health centre in Barnoldswick.”

**REASON**

***To ensure the Council retains focus on its priorities and performance to deliver good quality, accessible services and to uphold good governance arrangements.***

**5. SELF-BUILD AND CUSTOM HOUSE BUILDING REGISTER**

The Head of Economic Growth submitted a report proposing the introduction of a registration fee for entries on the Pendle Self-Build and Custom Housebuilding Register.

The number of entries on the current Pendle Self-Build Register was not a true reflection of the actual need, or demand, for self-build and custom housebuilding in the borough. There was currently no fee and the register included numerous duplicate and speculative entries.

By introducing a fee, it was felt this would ensure that only applicants who were genuinely looking to secure a self-build plot within their area were included on the register. It was also proposed that along with the annual charge two local eligibility criteria be included in the Register:

- A financial resource test.
- A local connection test.

**RESOLVED**

- (1) That the introduction of a fee to join the Pendle Self-Build and Custom House Building Register be approved.
- (2) That the registration fee be set at £100 per annum, with the maximum amount payable being £300 (i.e., applicants be permitted to stay on the register free of charge beyond three years).
- (3) That the eligibility criteria be included in the Register to include:
  - A financial resource test.
  - A local connection test.

**REASON**

- (1) ***To ensure that the Council meets its statutory requirements for management of the Pendle Self-Build and Custom Housebuilding Register.***
- (2) ***To help cover some of the costs incurred in obtaining planning permission or serviced plots for development.***
- (3) ***To monitor the genuine interest rather than the speculative interest in self-build and custom housebuilding within the borough.***

## **6. MANAGEMENT OF WASTE AND MATERIALS**

The Assistant Director Operational Services submitted a report which provided an update on the work that had taken place to develop options for the handling of Pendle's waste from 1<sup>st</sup> April 2025.

In April 2022 all East Lancashire district Councils received a request from Lancashire County Council to identify if they had any land or property which could be developed to create a waste transfer station. The issue at that time was that on 31<sup>st</sup> March 2025 the council's long standing landfill contract at Whinney Hill, Accrington would expire, requiring new provisions to be put in place.

After initial appeals for LCC to reconsider their decision, recent updates had advised that they were in negotiation to extend the agreement at Whinney Hill through to March 2026 but the agreement with SUEZ at Pendle would terminate in March 2025. To address the transporting of waste to Accrington from April 2025 to March 2026 would cost approximately £250,000 for the year. This included additional vehicles (x2), hire, fuel and staffing costs.

Two options had been put forward to develop the Fleet Street Depot following a site appraisal carried out by Wardell Armstong. The first option was a joint development of the Depot with Burnley Borough Council and the second was for a Pendle only option.

Considering the cost of development and ongoing revenue commitments, as shown within the report, the most economical option was for a joint development of the Depot with Pendle and Burnley Borough Council.

There was a feeling that LCC should be encouraged to contribute funding for the development of the Depot and not just leave it to Pendle to find the funding.

### **RESOLVED**

- (1) That the report be noted.
- (2) That the development of the Fleet Street Depot be approved to accept waste and all recycling materials.
- (3) That the revenue budget be increased to manage the site following development.
- (4) That the revenue budget be increased to compensate the service in providing additional vehicles and drivers to transfer waste to Whinney Hill between April 2025 and March 2026.
- (5) That the Assistant Director Operational Services be granted delegated authority to procure the necessary skills to support the full development of the facility.

### **REASON**

***To ensure arrangements are in place to handle Pendle's waste and recyclable materials following the termination of Lancashire County Council's agreements with SUEZ in March 2025 and March 2026.***

## **7. DOMESTIC WEEKLY FOOD WASTE COLLECTIONS**

The Assistant Director Operational Services submitted a report which provided an update on the introduction of weekly food waste collections and sought authority to carry out tendering exercises for capital expenditure items such as vehicles and caddies to ensure Pendle was ready to meet the DEFRA deadline of 1<sup>st</sup> April 2026.

The report provided information on the financial implications of the introduction of this scheme. Capital in excess of £1m had been set aside within the Council's capital budget. DEFRA had allocated £793,377 to the Council and Pendle's capital commitment was £281,807. A decision from DEFRA on whether additional capital funding would be received was awaited. Ongoing revenue costs of £900,000 had been estimated to provide staff and equipment to deliver the scheme from 1<sup>st</sup> April 2026. Guidance from DEFRA on the provision of transitional and New Burdens funding was still awaited.

The Executive were also advised of the long lead up times when ordering new vehicles and equipment to deliver this scheme. It was felt that delaying ordering equipment and vehicles would impact on the Council's ability to meet the Governments deadline.

It was suggested that Lancashire Leaders and the LGA be utilised to raise awareness of the cost implications of introducing this scheme and the need for political lobbying was also mentioned.

### **RESOLVED**

- (1) That the report be noted.
- (2) That the Assistant Director Operational Services be granted authority to start working towards the introduction of weekly food waste collections.
- (3) That the Assistant Director Operational Services be granted authority to purchase vehicles and caddies through standalone procurement exercises.

### **REASON**

***To ensure arrangements were in place to deliver a weekly collection scheme from all domestic premises within the Borough from 1<sup>st</sup> April 2026.***

## **8. PENDLE RISE SHOPPING CENTRE ACQUISITION**

The Director of Place submitted a report on the acquisition of the freehold land denoting Pendle Rise Shopping Centre for planning purposes pursuant to section 227 of the Town and Country Planning Act 1990.

Upon completion of the purchase of the shopping centre, the Council would become the owners. A procurement exercise for a suitably experienced and qualified shopping centre operator had therefore been undertaken by Penbrook Limited with input from officers.

Progress was being made in respect of preparing for a CPO, including an updated land referencing exercise and a separate report would be brought a future Executive meeting requesting authorisation of the CPO.

Demolition was targeted to have been completed by March 2026 to allow for the expenditure of Town Deal Funding within the defined envelope period which was March 2026. An outline timeline was included in the report.

## RESOLVED

- (1) That the negotiated settlement, reached through the delegated authority of 25<sup>th</sup> August 2022, with the owner of the Pendle Rise Shopping Centre, to acquire the freehold interest in the property be noted.
- (2) That any land acquired by the Council by private treaty, in order to facilitate the redevelopment of the Pendle Rise Shopping Centre (including the proposed acquisition of the freehold interest in the Centre) shall be acquired by the Council for planning purposes pursuant to Section 227 of the Town and Country Planning Act 1990.
- (3) That delegated authority be granted to the Director of Place to appoint Beddows Limited to operate the Pendle Rise Shopping Centre following its purchase, in advance of a future demolition and redevelopment.
- (4) That progress and next steps for the Compulsory Purchase Order process in respect of the Pendle Rise Shopping Centre be noted.
- (5) That the discharge of conditions relating to the adoption of the Nelson Masterplan be noted.

## REASONS

- (1) ***To allow the Council to acquire the Freehold interest in Pendle Rise Shopping Centre to enable redevelopment of the site, in line with the prevailing planning permission.***
- (2) ***To enable the Council to rely upon statutory powers in the Housing and Planning Act 2016 to override private rights in land which might otherwise prevent the redevelopment of Pendle Rise Shopping Centre from going ahead.***
- (3) ***To ensure that a suitably qualified organisation was in place to keep Pendle Rise Shopping Centre operating following purchase by the Council, in advance of its future demolition and redevelopment.***

## 9. UPDATE ON COLNE LEVELLING-UP FUNDING PROJECTS

The Director of Resources (Interim) submitted a report on progress with the four projects in Colne under the Levelling-Up Funding:

- **Little Theatre** – project now complete.
- **Hippodrome Theatre** – project progressing well and although there had been a short delay to the delivery schedule of the outside works the project was expected to be completed by June 2024.
- **Municipal Hall** – project had experienced delays due to essential ceiling and balcony repairs uncovered during restoration works. The project was now progressing well with an expected completion date of July 2024. Although this was later than planned it still fell within the original delivery plan completion for the project as a whole.

- **Market Hall** – works had started on the premises and the project was on course for completion of the LUF-funded works by March 2025. Some minor challenges were being experienced around the suspension of the pathway, but conversations were ongoing with LCC about this.

However, it was reported that in November 2023 the contractor at the Municipal Hall approached the Project Manager to highlight some structural issues with the building, and some health and safety concerns which could not be ignored if the scope of the intended work was to be completed to the required standard. This had resulted in the project being pushed back by several months along with additional cost variations. Details of which were outlined in the report.

All additional works at the Municipal Hall had been halted whilst a reassessment of the required spend on these projects was undertaken. However, there was a desire for the project to be completed to a good, refurbished standard. An estimated additional amount of £276k was required to avoid reinstating old fixtures and fittings within the renewed building. A list of the works involved was provided in Appendix B attached to the report.

The Executive were asked to consider 3 options which were included in the report in order to continue works at the Municipal Hall:

**Option 1:** Only works within the contract be undertaken going forward.

**Option 2:** Agree to match fund the required additional amount to ensure the works provided a refreshed/renewed facility.

**Option 3:** Agree that all further works be funded from within the LUF envelope, which would mean all additional costs must force savings to be made on the one remaining project, the Market Hall.

## **RESOLVED**

- (1) That authority be granted to fund the overspend on the projects at Colne Heritage Quarter, as detailed in the report.
- (2) That Option 2 be agreed as a way forward: “to match fund the required additional amount of £423k to ensure the works to the Municipal Hall provided a refreshed/renewed facility. The additional amount requested, in addition to current overspend, would push the required amount to £699k. This would see all the works set out in Appendix B implemented.

## **REASON**

- (1) ***To enable works on-site to continue to progress and be finalised.***
- (2) ***To support the desired outcome of all projects concerned.***

## **10. PERFORMANCE UPDATE – 1<sup>st</sup> APRIL TO 31<sup>st</sup> MARCH 2024**

The Director of Resources (Interim) submitted a report on performance monitoring information for the period 1<sup>st</sup> April to 31<sup>st</sup> March 2024.

By the end of March 2024 29 out of the 34 corporate priorities had been completed as planned. The remaining 5 were overdue and details of these were set out in Appendix A attached to the report.

A basket of 24 corporate key performance indicators (KPIs) had been used to provide the Council with a gauge of performance representing a range of services delivered by and on behalf of the Council. A selection of the best performing KPIs for the quarter were detailed in the report.

**RESOLVED**

That the report be noted.

**REASON**

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

**11. LOCAL PLAN AUTHORITY MONITORING REPORT 2022/23**

The Assistant Director Planning, Building Control and Regulatory Services submitted a report presenting the latest Local Plan Authority Monitoring Report. This document informed the Executive about the monitoring of key indicators, which helped to review the effectiveness of adopted planning policy in Pendle.

**RESOLVED**

That the content of the Local Plan Authority Monitoring Report be noted, and the document published on the Council's website as drafted.

**REASON**

***To comply with Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012.***

**12. HOUSEHOLD SUPPORT FUND 5**

The Director of Resources (Interim) submitted a report on a 6-month extension for the Household Support Fund. This fund remained similar to previous schemes; the funding ran from 1<sup>st</sup> April 2024 to 30<sup>th</sup> September 2024 and was to meet immediate needs and help those who were struggling to afford household essentials, including energy and water bills, food, and wider essentials.

**RESOLVED**

- (1) That the proposed delivery model for Household Support Fund 5 be approved, as set out in the report.
- (2) That delegated authority be granted to the Director of Resources, in consultation with the Leader and Deputy Leader of the Council, to agree future amendments to the programme and/or determine a local Pendle scheme should there be a further extension to the Household Support Fund September 2024-March 2025.

## **REASON**

***To enable effective delivery of the Household Support Fund 5 and via sufficient flexibility to allow all funds to be spent in accordance with the Guidance.***

### **13. UNIT 2 CHURCHILL WAY, LOMESHAYE INDUSTRIAL ESTATE, NELSON**

The Director of Resources (Interim) submitted a report following receipt of a request to extend the long leasehold interest of the land shown edged black on the plan attached to the report.

The land was subject to a 125-year lease from the Council to Walker Farrimond from 9<sup>th</sup> April 1990. A one-off premium was paid at the time. The lease had now been assigned to Perrys Peugeot and they had requested the lease be extended back to the original 125 year term.

## **RESOLVED**

- (1) That the extension of the lease by an additional 33 years be agreed.
- (2) That a premium of £20,500 be requested for this extension.

## **REASONS**

- (1) ***An extension to the lease would secure continued long-term occupation of the land and thus the business unit.***
- (2) ***The Council receives a premium for extending the lease term.***

### **14. URGENT REPAIR WORKS TO RETAINING WALL GISBURN STREET GARAGE SITE, BARNOLDSWICK**

The Director of Place submitted a report advising the Executive of urgent works required to a retaining wall structure below the Council's garage site at Gisburn Street, Barnoldswick.

Following damage by a vehicle to the top section of the wall owned by the Council (points C-D on the plan), which resulted in a section of the wall collapsing into the allotments below, a structural engineer's report was commissioned, which suggested that large sections of the wall were unstable and in need of repair.

It was estimated the cost to repair the Council owned section of the wall was £54,000. This was on the basis of rebuilding the wall using materials to satisfy any Conservation Area consent and the cost of taking down the two garages above the wall and reinstating them once the works were complete.

## **RESOLVED**

- (1) That the report be noted.
- (2) That a supplementary capital amount to secure the repair of the wall, that amount being determined subject to the completion of a formal tendering process.

**REASON**

***To remedy the current unstable condition of the retaining wall and remove a danger.***

**15. WORKING GROUPS**

**RESOLVED**

That the following working groups be established for the remainder of the 2024/25 municipal year:

Budget Working Group (2:2:2)

Asset Transfer Working Group (2:2:1)

**REASON**

***To maintain consistency.***

**16. COLNE MARKET WORKING GROUP**

To consider nominating two Executive representatives onto the Colne Market Working Group.

**RESOLVED**

That Councillors M. Hanif and D. Whipp be appointed as the Executives two representatives on the Colne Market Working Group.

**REASON**

***To provide appropriate Council representation on the Working Group.***

**17. ITEMS REFERRED FROM AREA COMMITTEES**

**(a) Land adjoining 67 Vernon Street, Nelson**

At a meeting of the Nelson, Brierfield and Reedley Committee on 25<sup>th</sup> March 2024 it was resolved:

- “(1) That the Executive be recommended to grant a lease of the land adjoining 67 Vernon Street, Nelson to Naik Trust.
- (2) That the Executive be recommended to authorise the Director of Place to negotiate the terms of that lease.”

**RESOLVED**

- (1) That a lease of the land adjoining 67 Vernon Street, Nelson be granted to Naik Trust.
- (2) That the Director of Place be authorised to negotiate terms of the lease.

**REASON**

***To transfer the Council's maintenance liabilities and address a problem site.***

**18. FORWARD PLAN**

The Executive's draft Work Programme and Forward Plan of key decisions for the three-month period commencing 16<sup>th</sup> May 2024 was submitted for information.

**19. 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).

**20. PENDLE RISE SHOPPING CENTRE, NELSON**

The Director of Place submitted, for information, the financial implications, in relation to minute 8 above.

**21. COLNE MARKET HALL  
PROPOSALS FOR FUTURE MANAGEMENT AND OPERATIONS**

The Director of Place submitted a report which provided an update on the Market Hall Project along with a request to conduct market testing for an external operator for the Market.

**RESOLVED**

- (1) That the progress on the works at the Market Hall be noted.
- (2) That the update regarding the potential for future phases of development at the Market Hall site to discharge the various components for the original Levelling Up Fund bid be noted.
- (3) That delegated authority be granted to the Director of Place to conduct market testing for the option of an external operator for the refurbished Market Hall.

**REASON**

***To respond to interest from market operations in the refurbished Colne Market Hall and to explore the extent to which this interest may translate into investment and a future profitable Colne Market.***

**22. FLEET PROVIDER UPDATE**

The Assistant Director Operational Services submitted a report which provided an update on Go Plant Fleet Services position and the work that had been taken to novate the fleet contract to a new provider to ensure the Council remained able to deliver all frontline services.

**RESOLVED**

That the report be noted.

Executive (30.05.2024)

**REASON**

***To make Members aware that the remainder of the agreement period with Go Plant Fleet Services had been transferred to NGR.***

Chair \_\_\_\_\_