

**MINUTES OF A MEETING
OF THE EXECUTIVE
HELD AT NELSON TOWN HALL
ON 28th NOVEMBER 2024**

PRESENT –

Councillor A. Mahmood (Chair)

Councillors

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

Also in attendance:

*Cllr N. Ahmed
Cllr C. Church
Cllr M. Stone*

Officers in attendance

<i>Rose Rouse</i>	<i>Chief Executive</i>
<i>Phillip Spurr</i>	<i>Director of Place</i>
<i>Karen Spencer</i>	<i>Director of Resources</i>
<i>Howard Culshaw</i>	<i>Head of Legal and Democratic Services</i>
<i>Iftikhar Bokhari</i>	<i>Head of Economic Growth</i>
<i>Gemma-Louise Wells</i>	<i>Head of Finance</i>
<i>Sarah Whitwell</i>	<i>Head of Housing and Environmental Health</i>
<i>Paul Preston</i>	<i>Democratic Services Manager</i>

Members of the public attending - 1



84. DECLARATIONS OF INTEREST

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

85. PUBLIC QUESTION TIME

There was one question from a member of the public.

Mr Waddington asked a question about there being only one hockey pitch left in Pendle which was at Pendle Vale College and outlined the work/achievements of Pendle Forest Hockey Club.

Members of the Executive commented on the question and matter raised and Members were supportive of the achievements of the hockey club. Reference was also made the Council's Playing Pitch Strategy 2024-29 document which was approved by Executive at its last meeting held on 31st October, 2024.

The Leader added that whereas Pendle Borough Council understood Mr Waddington's concerns as raised and highlighted, he explained the Council did not have any power over educational sites but suggested that possibly he as Leader of the Council or the Chief Executive could write to the college about the issue facing the Pendle Forest Hockey Club. Mr Waddington said he would welcome such a letter being sent.

Cllr M. Iqbal added he was the Chair of Governors at Pendle Vale College and was not aware of any plans to change the pitch the hockey team currently played on to any new artificial surface better suited for football purposes. He added he would like to see the hockey club still be located at this site for the foreseeable future.

RESOLVED

That the Chief Executive/Leader of the Council write to Pendle Vale College outlining the concerns raised by Mr Waddington at this meeting regarding the Pendle Forest Hockey Club and playing pitch surface.

86.

MINUTES

RESOLVED

That the Minutes of the meeting held on 31st October 2024 be approved as a correct record and signed by the Chair.

87. PROPOSAL TO ERECT A TELECOMMUNICATIONS TOWER AND ASSOCIATED BASE EQUIPMENT AT RAINHALL ROAD CAR PARK, BARNOLDSWICK

The Director of Resources submitted a report which informed the Executive of a request for a lease of land at Rainhall Road Car park, Barnoldswick for the installation of a new telecommunications tower and base station.

Cllr D. Whipp commented on the rationale and reasons that were outlined at a recent West Craven Committee with regards to this site. The Area Committee's preference was for the telecommunications tower and associated base station equipment to be sited within the grounds of the former police/ambulance station opposite the Rainhall Centre, however it was noted that this land was not owned by the Council.

Other Members of the Executive commented on this proposal and the potential courses of action available for the Executive to consider. There was general consensus that Executive should await the determination of the planning consent application for this site before determining the matter.

RESOLVED: That the Executive:

- (1) Defers any determination of this proposal until such time the outcome of the application for planning consent was known; and

- (2) Notes the resolutions made at the recent West Craven Committee with regard to this site (as detailed in paragraphs 11 and 12 of the submitted report).

REASONS

- (1) *To inform Executive of the proposal;*
- (2) *To provide continued mobile communication services within this locale. To ensure that the Council retains some control over the site and to secure a fair and reasonable level of consideration;*
- (3) *To inform the Executive of the Area Committee's preference.*

88. QUARTER 2 – REVENUE AND CAPITAL OUTURN BUDGET MONITORING REPORT FOR 2024/25

The Director of Resources submitted a report which informed the Executive of the Quarter 2 (Q2) Revenue and Capital Budget Monitoring Position 2024-25

RESOLVED: That the Executive –

- (1) Notes the Quarter 2 position on the Council's Revenue Budgets for 2024/25; and
- (2) Notes the Quarter 2 position on the Council's Capital Programme for 2024/25.

REASONS

- (1) *To inform the Committee of the Council's Quarter 2 position for revenue and capital budgets for 2024/25.*

89. TREASURY MANAGEMENT – MID-YEAR REPORT

The Director of Resources submitted a report which advised the Executive of the treasury management activities for the period 1st April 2024 to 30th September, 2024 in accordance with the Council's Treasury Management Policy.

Councillor M. Stone asked a question about paragraph 19 of the report and the levels of prudential borrowing and that the Council had "over-borrowed" in recent years. Gemma-Louise Wells, Head of Finance, explained the technical accounting rules in respect of the prudential borrowing to clarify the question and comments raised by Cllr M Stone.

RESOLVED:

That Executive notes the work on the Council's treasury management activities for the period 1st April, 2024 to 30th September, 2024 and the Mid-Year report (Appendix A).

REASONS

- (1) *To comply with the Council's Treasury Management Policy and good practice in treasury management generally; and*
- (2) *To utilise surplus funds more strategically and to avoid net costs from external borrowing.*

90. TRANSFER OF LAND AT COTTON TREE LANE, COLNE

The Director of Resources submitted a report which sought approval to the transfer of an area of land with existing access rights to the covenantee at Cotton Tree Lane, Colne.

A revised updated site plan was circulated to Members at the meeting. The reason for the revised plan was that the Council had received an e-mail from McDermott Homes who were developing the ELE site and they had suggested that they might need a slightly larger area than what was originally required to accommodate the new bridge and highways requirements for the access (as shown in the Yellow area as shown on the attached plan dated 25th November 2024). It also showed the requirement of a wooden footbridge on the area coloured blue, which would ensure access to the Council's retained open land beyond and emergency egress in the event of major flooding of the land beyond.

Officers' added that should Executive approve the recommendations in the report, for authority to be delegated to the Director of Resources to agree the exact boundary required to be transferred. The proposal was submitted to avoid the Council having to become joint applicants for the highways adoption requirement and the Executive had previously granted consent to amend the access way and install the new bridge.

RESOLVED: that the Executive:

- (1) Approves the transfer of the parcel of land to the covenantee at nil consideration;
- (2) That authority be delegated to the Director of Resources to agree terms and conditions of the Transfer; and
- (3) That authority be delegated to the Director of Resources to agree the exact boundary required to be transferred

REASONS

- (1) To provide a safer and wider access across the land and bridge in question to the site beyond and to avoid the necessity for the Council to enter into a joint S38 agreement with the covenantee and the Highways Authority as freeholder; and***
- (2) To ensure that sufficient strength of covenant is maintained to avoid and protect the Council from any potential claims or future costs.***

91. ACE CENTRE AIR CONDITIONING SYSTEM

The Director of Resources submitted a report which requested that the Executive recommend to Council the addition of a new partially funded scheme to the Capital Programme. The scheme was for the renewal of the Air Conditioning system at the ACE Centre. In addition, Executive was also asked to approve an exemption to the contract procedure rules to enable T Clarke to be appointed to deliver the scheme.

Councillor Tom Whipp commented regarding the mothballing of the air conditioning system in the area of the ACE Centre owned by the Council during the Covid period that was not fully serviced and also the type of air conditioning that was installed in the building.

Councillor A. Mahmood, Leader of the Council, whilst noting the points raised by Cllr T. Whipp, stated that this work had to be undertaken.

RECOMMENDATIONS TO COUNCIL:

- (1) That the addition to the Capital Programme of the ACE Centre air conditioning system scheme, at a total cost of £150k is approved; and
- (2) That Council approves a supplementary capital estimate (unfunded) to be spent during 2024/25 of £104k and accepts the contribution from Nelson and Colne College of £46k (funded by Town Deal grant).

RESOLVED: That Executive

- (1) Approves the request for an exemption from the Contract Procedure rules as set out in paragraph 2:3 of the submitted report.

REASONS

- (1) To provide fully operational air conditioning as per required design performance; and*
- (2) To enable the Advanced Digital Skills Hub Spoke to come to fruition.*

92. BODIES IN MOTION GARDEN PROJECT

The Director of Resources submitted a report which outlined the Bodies in Motion project and requested a revised lease to enable Bodies in Motion to access further funding to complete Phase 2 of the project.

RESOLVED: That Executive:

- (1) Notes the need to address the funding project for the Bodies in Motion Garden project;
- (2) Notes the resolution made at the recent Nelson, Brierfield and Reedley Committee with regards to the funding request (as detailed at paragraph 18 of the submitted report); and
- (3) Grants a new lease to Bodies in Motion to fulfil the requirements of the Edward Gosling Foundation (unexpired term of lease on completion of all work is more than 50 years) as a potential solution to meeting the funding shortfall.

REASONS

- (1) To support Bodies in Motion in accessing additional funding to meet the Phase 2 funding shortfall; and*
- (2) The Council's own financial situation.*

93. PERFORMANCE UPDATE REPORT 1 APRIL – 30 SEPTEMBER, 2024

The Director of Resources submitted a report which provided the Executive with performance monitoring information for the period 1st April – 30th September, 2024.

The Executive commented on the performance monitoring information provided.

RESOLVED:

That the Performance Update be noted together with the Executive's comments thereon.

REASON

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

94. ECONOMIC DEVELOPMENT STRATEGY 2025-2028

The Head of Economic Growth submitted a report which requested the Executive to review and approve the updated Economic Growth Strategy for Pendle. The Strategy set out Pendle's Borough Council's vision for economic development and growth for the next four years.

Members commented on the key themes and forward plan for this updated strategy.

Cllr D. Whipp mentioned that Local Government Reorganisation (LGR) in Lancashire was back on the political agenda in the region and was concerned how regional debate around this could affect matters. In response, Phillip Spurr, Director of Place, stated the Head of Economic growth and his team would continue to progress the Strategy and its key themes despite any uncertainties that might exist around LGR.

RESOLVED:

That the Executive adopts and approves the Pendle Economic Growth Strategy 2025-2028

REASON

(1) In order to help improve economic outcomes for Pendle.

95. AIR QUALITY STATUS REPORT FOR 2023 AND 2024

The Head of Housing and Environmental Health submitted a report which provided Executive with an update on Air Quality Management in Pendle covering the years 2023 and 2024.

RESOLVED:

That Executive notes the progress and approves the Air Quality Status report for 2023 and 2024, with progress made against the Air Quality Action Plan.

REASON

(1) In 2019, Pendle Borough Council officially recognised climate change as an emergency.

(2) To provide Members with a progress update on Air Quality monitoring undertaken across the Borough, with continuous improved air quality arising from the implementation of the Air Quality Action Plan.

96. ANIMAL LICENSING POLICY

The Head of Housing and Environmental Health submitted a report which requested the Executive consider the adoption of an Animal Welfare Licensing Policy.

The Policy had been developed in line with legislation, best practice and statutory guidance and aimed to aid applicants, licence holders and decision makers in understanding of the licensing requirements under the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018.

Members commented and welcomed this new policy.

RESOLVED:

That the Policy be approved and adopted.

REASON:

(1) It is recommended that a new Animal Welfare Policy is adopted to ensure the Council provides a clear, consistent, transparent and current approach for animal welfare licensing.

97. MATTER REFERRED TO THE EXECUTIVE FROM THE OVERVIEW AND SCRUTINY COMMITTEE – REVIEW OF BULKY HOUSEHOLD WASTE COLLECTION AND REPLACEMENT WASTE CONTAINERS

The Chair of the Overview and Scrutiny Committee submitted a report which sought Executive's response and consideration to Overview and Scrutiny Committee's recommendations following a scrutiny review of the Bulky Household Waste Collection and Replacement Waste Containers.

Councillor C. Church, the Chair of the Overview and Scrutiny Committee, attended the meeting and presented the report.

Members of the Executive commented on the report. Cllr D Whipp, stated that reports of this nature were normally debated at Full Council and moved that the Task and Finish group's recommendations be considered there.

Councillors N. Ahmed and Councillor M. Stone asked for Executive's comments and response on this report at this meeting as had been requested by the Overview and Scrutiny Committee.

RECOMMENDATION TO COUNCIL:

(1) That the report be received and noted by the Executive; and

(2) That report be referred to Full Council for consideration and for Full Council to provide a response to the Overview and Scrutiny Committee's recommendations following a scrutiny review

of the Bulky Household Waste Collection and Replacement Waste Containers following this meeting.

REASON:

(1) Executive receives recommendations from the Overview and Scrutiny Committee and provides a response accordingly.

98. MATTERS REFERRED FROM AREA COMMITTEES

(a) Land adjacent 26 Poplar Street, Nelson

At a meeting of the Nelson, Brierfield and Reedley Committee on 4th November, 2024 it was recommended:

- (1) “That the Executive be recommended to agree to the transfer of the land adjacent to 26 Poplar Street, Nelson, shown edged in black on the plan attached to the report at Appendix C to Nelson Town Council; and;
- (2) “That the Executive be then recommended to ensure the transfer contained a covenant that the site was to be retained as an amenity/play area only”.

The report considered by the Committee was attached.

The Executive was further informed that the Area Committee was in agreement with the Asset Transfer Working Group which had also recommended that Executive agree the transfer of land adjacent 26 Poplar Street, Nelson to Nelson Town Council.

RESOLVED:

That Executive agrees to the transfer of land adjacent 26 Poplar Street, Nelson to Nelson Town Council.

REASON:

(1) The land adjacent 26 Poplar Street does not generate any income for Pendle Borough Council and requires refurbishment. Nelson Town Council had secured funding to refurbish the land as an amenity area/play area.

(b) Land at Kingsley Road, Laneshaw Bridge

At a meeting of the Colne Committee on 7th November, 2024 it was recommended:

“A recommendation to the Executive to agree to transfer the garage site to Laneshaw Bridge Parish Council”.

The report considered by the Committee was attached.

The Executive was asked to consider the request from the Parish Council to take a transfer of the above-mentioned garage site, in conjunction with the resolution made by Members at Colne and District Area Committee held on 7th November, 2024 and the resolution of the Asset Transfer and Cost Sharing Working Group (ATCSWG) held on 24th September, 2024 (as detailed at paragraph 7 of the submitted report).

The Executive having considered the respective views of both the Asset Transfer and Cost Sharing Working Group and Colne Area Committee.

Councillor D Whipp spoke about the ATCSWG's consideration of this matter and that the approach previously taken by Pendle Council was that income generating sites, which the garages were, were no to be considered for transfer, in order to maintain an income stream to support services. He also added that Executive's decision should also be informed by the Council's Asset Management Strategy and align with the Council's aims and objectives, as the site might have future development potential.

RESOLVED:

That Executive does not agree to transfer the garage site to Laneshaw Bridge Parish Council.

REASON:

- (1) To ensure that the Executive is aware of the differing resolutions made by Area Committee and at the ATCSWG to assist with its decision as to whether retain or transfer the site; and***
- (2) For the Executive to make its decision following consideration of reason (1) above.***

99.

FORWARD PLAN

The Executive's draft Work Programme and Forward Plan of key decisions for the four-month period commencing 14th November, 2024 was submitted for information.

100. ITEM CONSIDERED AS A MATTER OF URGENCY: SOLAR PHOTO VOLTAIC INSTALLATION AT WAVELENGTHS LEISURE CENTRE, NELSON

(The Leader of the Council informed the meeting that the above-mentioned item was to be considered as a matter of Special Urgency in accordance with the Access to Information Procedure Rules – Paragraph 17 – the decision could only be taken if the agreement of the Chair of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred had been obtained. It was further reported that Cllr C. Church, Chair of the Overview and Scrutiny Committee, had been consulted and provided his written agreement for this item to be considered as a matter of urgency in advance of this meeting).

The Director of Resources submitted a report which sought the approval of Executive for the award of a contract for the installation of solar voltaic panels at Wavelengths funded from the Swimming Pool Support Fund grant.

RESOLVED:

That the contract for installation of solar voltaic panels at Wavelengths be awarded to Speakman Contractors Ltd.

REASON:

(1) The Council has been through a competitive procurement process. Speakman Contractors Ltd submitted the lowest tender and met the required criteria. The Council has received funding from Swimming Pool Support Fund to cover the cost of this project.

101.

EXCLUSION OF PRESS AND PUBLIC

Members voted not to exclude the press and public and to allow the following item of business to be heard in Part 1 – Open to the Public.

102.

EXEMPTION FROM CONTRACT PROCEDURE RULES

The Head of Finance submitted a report which sought Executive's Agreement for an exemption to Contract Procedure Rules.

RESOLVED:

That the Executive agrees to an exemption to Contract Procedure Rules for security measures at Pendle Rise Shopping Centre.

REASON:

(1) A formal tendering process could not be undertaken due to the immediate need for security from the date of purchase. The tendering process for the next phase of security is now underway.

Chair _____