MINUTES OF A MEETING
OF THE EXECUTIVE
HELD AT NELSON TOWN HALL
ON 21ST AUGUST 2025

PRESENT –

Councillor D. Whipp (Chair)

Councillors

Z. Ali
A. Bell
M. Hanif
A. Mahmood
L. Whipp

Also in attendance:

Councillor C. Church
Councillor D. Cockburn-Price
Councillor S. Cockburn-Price
Councillor A. Sutcliffe

Officers in attendance

Lawrence Conway	*Interim Chief Executive*
Phillip Spurr	*Director of Place*
Karen Spencer	*Director of Resources*
Howard Culshaw	*Head of Legal and Democratic Services*
Neil Watson	*Assistant Director Planning, Building Control and Regulatory Services*
David Walker	*Assistant Director Operational Services*
Lynne Rowland	*Committee Administrator*

(Apologies for absence were received from Councillor D. Hartley.)

♦♦♦♦

37. DECLARATIONS OF INTEREST

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

Members' attention was also drawn to the requirements of the Council's Code of Conduct relating to the disclosure of Other Registrable Interests and Non-Registrable Interests.

The following persons declared an Other Registrable Interest in the item indicated, as they were all Directors of the PEARL Joint Venture Companies –

Councillor C. Church Councillor S. Cockburn-Price Councillor A. Mahmood Councillor D. Whipp	Joint Venture Governance	Minute No.43

Councillors A. Mahmood and D. Whipp had each been granted a one-off dispensation by the Council's Monitoring Officer to speak and vote, at this meeting only, on the Joint Venture Governance as the decision was to regularise the governance position of the Executive and not a financial decision affecting the companies.

Councillors C. Church and S. Cockburn-Price had each been granted a one-off dispensation by the Council's Monitoring Officer to speak on the same item, at this meeting only.

The following person declared an Other Registrable Interest in the item indicated, as a member of the Pendle Leisure Trust Board.

Councillor M. Hanif	Wavelengths Leisure Centre – Proposed Poolside Play Area and Associated Works	Minute No.44

As portfolio holder for Health and Leisure Services, Councillor M. Hanif had been granted an indefinite dispensation by the Council's Monitoring Officer to speak and vote on Pendle Leisure Trust matters at all council meetings.

38. PUBLIC QUESTION TIME

There were no questions from members of the public.

39. MINUTES

RESOLVED

That the Minutes of the meeting held on 17th July 2025 be approved as a correct record and signed by the Chair.

40. NOTIFICATION OF CHANGE IN EXECUTIVE MEMBER

The Leader reported that Councillor Z. Ali had replaced Councillor M. Iqbal on the Executive and held the portfolio for Housing and Customer Services.

The Leader, supported by Members, gave thanks to Councillor Iqbal for his contribution to the work of the Executive and wished him well.

41. PAVEMENT LICENSING POLICY

The Executive Member for Health and Leisure Services presented a report of the Director of Place for Members to consider a draft Pavement Licence Policy. A Pavement Licence was a licence granted by the local authority which allowed the licence holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

The Policy had been drafted taking relevant legislation into consideration. This included the Business and Planning Act 2020 which had initially been introduced as a temporary measure to assist businesses following the Covid 19 pandemic, and the Levelling Up and Regeneration Act 2023.

Executive (21.08.2025)

It was proposed that a six-week consultation be carried out on the draft policy to allow existing licensees, members of the public, and responsible authorities to make any observations and submit any representations to enhance it. The final policy would be brought back to the Executive for adoption.

Members discussed various sections of the draft policy including the length of the licence period; the proposal that a licence would not normally be granted where the site did not allow the licence holder, staff and customers to park in a safe manner; wheeled refuse containers not being permitted on or adjacent to the pavement café area; premises not being allowed to place 'A' Boards or advertising signs adjacent to the area; and the minimum width regarded as the minimum acceptable distance of unobstructed space.

RESOLVED

(1) That the draft policy be agreed subject to -

- the removal of 'the site does not allow the licence holder, staff and customers to park in a safe manner' as a reason as to why a licence would not normally be granted; and
- the addition of a control by which any miscellaneous furniture/items must be included as part of the application, which may or may not include wheeled refuse containers and 'A' Boards.

(2) That a six-week public consultation be carried out and the final policy be brought back to the Executive for adoption.

REASON

The Council seeks to provide those who wish to use a pavement for their business with a holistic and supportive policy, promoting growth by allowing them to use the public pavement in a safe and efficient way.

42. REVENUE AND CAPITAL MONITORING 2025/26 – QUARTER 1

The Leader of the Council presented a report of the Director of Resources which provided information on the revenue and capital budgets position, and funding for Quarter 1 2025/26.

The report set out a projected overspend on revenue budgets of £0.302m, which increased the 2025/26 use of reserves to £0.799m. The capital update included details of additional funding and agreed increases.

As at Quarter 1, the prudential borrowing required to fund the capital programme for this financial year was £9.212m.

A discussion and observations were made in relation to the revenue monitoring and a number of the capital schemes.

RESOLVED

That the Quarter 1 position on the Council's Revenue Budgets for 2025/26 and the Council's Capital Programme for 2025/26 be noted.

Executive (21.08.2025)

REASON

The Executive has been informed of the Council's financial position.

43. JOINT VENTURE GOVERNANCE

The Head of Legal and Democratic Services presented a report on joint venture governance.

It was reported that, in response to the 2022/23 Annual Audit Report by the Council's external auditors Grant Thornton LLP, the Council commissioned Anthony Collins LLP to provide independent legal advice on its governance of its joint venture companies.

The key issues highlighted were the need for proper execution of the Council's shareholder function and clearer management of conflicts of interest for councillor-directors.

It was noted that the Council had adopted the Local Government Association (LGA's) model Code of Conduct and provided Member training. In addition it was recommended that the Executive exercised the shareholder function for the joint venture companies.

RESOLVED

That it be agreed that –

(1) the Executive will exercise the shareholder function in relation to the Council's joint venture companies;

(2) all councillors who are directors of the Council's joint venture companies, register their directorship as other registrable interests under provisions of the Council's model Councillor's Code of Conduct;

(3) all councillors who are directors of the Council's joint venture companies appropriately declare their interests at all relevant council meetings and comply with the Code as regards their not participating in discussions and voting on matters in which they have declared an interest.

REASON

To provide clarity about relationships and responsibilities in relation to the governance and management of the Council's joint venture companies.

44. WAVELENGTHS LEISURE CENTRE – PROPOSED POOLSIDE PLAY AREA AND ASSOCIATED WORKS

The Executive Member for Health and Leisure Services presented a report of the Director of Resources which advised on a cost proposal and quote received for a proposed poolside play area and associated works at Wavelengths Leisure Centre, Nelson.

The report included a request for approval of an exemption to Contract Procedure Rules to allow the contract to be awarded to Hippo Leisure who, following extensive market research and supplier engagement, was the only manufacturer and installer identified as being capable of delivering 'turnkey' highly bespoke solutions required for the scheme. In addition, they had a proven track record in delivering similar projects within public and private leisure and aquatic environments.

RESOLVED

That –

(1) the tender/quote for the poolside play area scheme in the sum of £129,918 plus VAT be accepted;

(2) a waiver of Contract Procedure Rules for reasons set out in the report be approved;

(3) approval be granted for the award of the contract to Hippo Leisure.

REASON

(1) Only one provider is able to carry out the work or service or to supply the goods for technical or artistic reasons.
(2) The installation will fulfil specific requirements set out in the Wavelengths Nelson Town Deal bid.

45. PERFORMANCE UPDATE REPORT – QUARTER 1 – 2025/26

The Director of Resources submitted a report on performance monitoring information for the period 1st April to 30th June 2025.

It was reported that, at the end of June 2025, all of the 36 Council Priorities were on target for delivery during 2025/26. However, there were five Council Priorities with milestones that were overdue, details of which were provided in an appendix to the report.

The information was noted.

46. OVERVIEW AND SCRUTINY COMMITTEE: RECOMMENDATIONS FOR CONSIDERATION – REVIEW OF BULKY HOUSEHOLD WASTE COLLECTION AND REPLACEMENT WASTE CONTAINERS

The Executive Member for Housing and Customer Services presented a report of the Assistant Director, Operational Services.

Members were reminded of a scrutiny review of bulky household waste collection and replacement waste containers that had taken place in 2024. After being noted by the Executive, the scrutiny recommendations were considered by Council at its December 2024 meeting where it was agreed not to accept the recommendations, but instead introduce restrictions on bulky household waste collection and delivery of replacement waste containers

At its July 2025 meeting, Council was invited to review this decision due to the Council's customer facing systems being unable to align with the recommendations.

Council agreed to refer the matter to this meeting for comment prior to being further considered at Council.

<u>Executive</u> (21.08.2025)

The Executive was invited to reconsider the Overview and Scrutiny Committee recommendations in respect of introducing charges for bulky household waste collection and replacement waste containers or recommend a revision to the Council resolution to align with the capability of the Council's customer facing systems.

For both bulky household waste collection and waste containers, three options were put forward for consideration.

RECOMMENDATION

That Council be recommended to -

(1) agree Option 2 as presented in the report with regard to bulky household waste collection, by which residents can receive eight free bulky waste collections per year. Residents can continue to arrange for a maximum of nine items to be collected each time;

(2) agree Option 3 with regard to waste containers, subject to the words 'exchanges' and 'exchanged' being amended to 'replacements' and 'replaced', agreeing for residents to receive a maximum of three waste container replacements per year for free, allowing one bin per scheme to be replaced, excluding subscribed schemes.

REASON

Implementation of the options will align with the capability of the Council's customer facing systems.

47. MANAGEMENT OF WASTE AND MATERIALS POST APRIL 2026

The Executive Member for Housing and Customer Services presented a report of the Assistant Director, Operational Services. The report provided Members with an update on the options for the management of Pendle's waste and materials post April 2026 following recent meetings with Lancashire County Council (LCC) officers.

Three options had been presented by LCC representatives for consideration, all of which had significant financial implications for the Council. Details of each option, along with the financial implications, were provided in the report. The Executive was asked to agree a way forward.

It was noted that the three options were due to be discussed at the County Council's Cabinet meeting on 4th September.

RESOLVED

(1) That Option 1, Lancashire County Council (LCC) be requested to extend their agreement with Suez allowing Pendle to continue transferring waste and material, including food waste, through the transfer station located at Regent Street, Colne be the preferred option as it is the most effective for Pendle and the least expensive of the options put forward.

(2) That the request for LCC to continue to pay waste transfer costs be reiterated.

<u>Executive</u> (21.08.2025)

REASON

The continued use of Pendle Transfer Station enables the Council to deliver greater value for money over any of the other options investigated. The use of Pendle Transfer Station will not increase the future environmental impact of the Council's operations.

48. FORWARD PLAN

The Executive Forward Plan published on 14th August 2025 was submitted for information.

49. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That in pursuance of the power contained in Section 100(A)(4) of the Local Government Act, 1972 as amended, the public and press be excluded from the meeting during the next items of business when it was likely, in view of the nature of the proceedings or the business to be transacted that there would be disclosure of exempt information which was likely to reveal the identity of an individual.

50. DISPOSAL OF LAND ADJACENT 59 WALTON LANE, NELSON

The Leader of the Council presented a report of the Head of Property and Engineering for consideration.

RESOLVED

That the small parcel of land adjacent to 59 Walton Lane, Nelson as indicated in Plan Ref. 2 attached to the report, not be declared surplus.

REASON

To keep the land in Council ownership.

51. ITEM REFERRED FROM AREA COMMITTEE

Land Adjacent to Flats 1 & 2 Mill Street, Barrowford

At a meeting of Barrowford and Western Parishes Committee on 2nd July 2025 Members considered a report of the Director of Resources on a proposal to declare the above non-operational land (shown as two parcels within the plan attached to the report) surplus and to negotiate the sale or lease of the land to the adjoining residents for garden/domestic use.

The Committee recommended –

(1) That the Executive declare that the land adjacent to flats 1 & 2 Mill Street, Barrowford be surplus to requirements.

(2) That the Executive delegate authority to the Director of Resources to negotiate terms for the sale or lease of the parcel(s) of land.

Executive (21.08.2025)

RESOLVED

(1) That the land adjacent to flats 1 & 2 Mill Street, Barrowford, shown as two parcels within the plan attached to the report, be declared surplus to requirements.

(2) That the Director of Resources be delegated authority to negotiate terms for the sale or lease of the parcel(s) of land.

REASONS

(1) To allow residents to make use of non-operational land and to remove any future maintenance liability.
(2) To achieve a capital receipt or rental income in accordance with best value.

CHAIR ________________________________