



# EXECUTIVE

## BURNLEY TOWN HALL

Tuesday, 8th December, 2020 at 6.30 pm

### PRESENT

### MEMBERS

Councillors M Townsend, L Pate, A Anwar, S Graham, J Harbour and A Raja

### OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Simon Goff	– Head of Green Spaces and Amenities
Howard Hamilton-Smith	– Head of Finance and Property
Kate Ingram	– Strategic Head of Economy and Growth
Joanne Swift	– Head of Streetscene
Rob Dobson	– Head of Policy and Engagement
Chris Gay	– Governance Manager
Alison McEwan	– Democracy Officer
Pete Milward	– Principal Planner
Elizabeth Murphy	– Planning Policy Manager

#### 51. Minutes

The minutes of the last meeting were approved as a correct record.

#### 52. Minutes of Individual Member Decisions

The Individual Member Decisions taken by Cllr Sue Graham on 23<sup>rd</sup> October (COVID Support) and 20<sup>th</sup> November (Streetscene Restructure) were noted.

#### 53. Minutes of Urgent Delegated Decision by the Chief Executive

The Urgent Delegated Decision by the Chief Executive taken on 23<sup>rd</sup> November (Local Restrictions Support Grant & Additional Restrictions Grant) was noted.

#### 54. Declaration of Interest

The following declarations of interest were received:

Cllr Afrasiab Anwar – Item 9 Developer Contributions SPD – (Disclosable Pecuniary Interest). Cllr Anwar left the room and took no part in the debate or vote.

Cllr Lian Pate – Item 11 Community Recovery Plan (Other Non-Prejudicial Interest)  
Lukman Patel – Item 11 Community Recovery Plan

## **55. Exclusion of the Public**

It was resolved

### **IT WAS RESOLVED**

That the public be excluded from the meeting before discussion related to Minutes 65 & 66 took place in view of the nature of the business to be transacted. If the public were present there would be a disclosure within the meaning of Part VA of the Local Government Act 1972.

Minutes 65 & 66 contained information relating to the financial or business affairs of any particular person (including the authority holding that information).

## **56. Developer Contributions Supplementary Planning Document (SPD)**

### **PURPOSE**

The purpose of this report was to seek the adoption of the Developer Contributions Supplementary Planning Document (SPD). The amended draft SPD (attached at Appendix A) was prepared to support the implementation of Burnley's Local Plan.

### **REASON FOR DECISION**

To meet the Council's commitment to prepare a Developer Contributions SPD as set out in Burnley's Local Plan and the Council's Local Development Scheme (LDS).

### **DECISION**

- (1) That Executive adopt the Developer Contributions SPD attached at Appendix A.
- (2) That the Strategic Head of Economy and Growth be authorised by the Executive to make any minor typographical corrections to the draft SPD required prior to its publication.

## **57. Air Quality Management: Protecting Health and Addressing Climate Change Supplementary Pla**

### **PURPOSE**

To seek the adoption of the Air Quality Management Supplementary Planning Document (SPD). The SPD was prepared to support the implementation of Burnley's Local Plan. It has been the subject of formal statutory consultation. Once adopted, it will become a material consideration to be used in the determination of relevant applications.

## **REASON FOR DECISION**

To meet the Council's commitments set out in the 2019 Air Quality Annual Status Report (ASR) in fulfilment of Part IV of the Environment Act 1995.

## **DECISION**

It was resolved that the Executive:

- (1) Noted the decision of Scrutiny Committee dated 11th November 2020 recommending that the Executive Approve the SPD
- (2) Adopt the Air Quality Management SPD.
- (3) Authorise the Strategic Head of Economy and Growth to make any minor typographical corrections to the draft SPD required prior to its publication.

### **58. Covid-19 Community Recovery Plan**

#### **PURPOSE**

To seek Executive approval of the council's covid-19 community recovery plan.

#### **REASONS FOR DECISION**

To generate positive outcomes to address the fragilities, and make the most of the opportunities, that the emergency has exposed.

#### **DECISION**

- (1) That the Executive recommend to Full Council that the council work in partnership - through the development of Burnley Together- to achieve community recovery.
- (2) That the Executive endorses the hubs priorities as set out in Appendix 1, namely: jobs and skills, health and wellbeing, and community inclusion.
- (3) The Executive delegate authority to the Head of Housing and Development, in consultation with the Exec Member for Housing, to allocate funding from the Better Care Fund for Social Care Capital Projects.

### **59. The Safer Streets Project**

#### **PURPOSE**

- (1) To update the Executive on the details of the Safer Streets Project and seek approval to enter into an agreement to accept £549,500 grant funding from the project.
- (2) To Authorise the Head of Streetscene to tender for works associated with the project.

#### **REASONS FOR RECOMMENDATION**

The authorisation to proceed with the tender process will allow the commencement of works on the Safer Streets project with immediate effect.

#### **DECISION**

- (1) To seek approval for the Council to enter into an agreement with the Police and Crime Commissioner's Office to receive grant funding from the Home Office Safer Streets project.

- (2) That the Executive authorises the Head of Streetscene to tender for the proposed work in accordance with Standing Orders and accept the most economically advantageous tender.
- (3) To authorise the Head of Legal and Democratic Services to give effect to all necessary documentation to implement the above decision.
- (4) To authorise the Head of Streetscene in conjunction with the Executive Member for Community and Environmental Services to oversee the project delivery, performance and completion.

## **60. Capital Monitoring Report 2020-21 - Quarter 2 (to 30th September 2020)**

### **PURPOSE**

To provide Members with an update on capital expenditure and the resources position along with highlighting any variances.

### **REASONS FOR RECOMMENDATION**

To effectively manage the 2020/21 capital programme.

### **DECISION**

The Executive resolved to:

- (1) Recommend to Full Council, approval of net budget changes totalling a decrease of £2,206,530 giving a revised capital budget for 2020/21 totalling £16,908,615 as detailed in Appendix 1.
- (2) Recommend to Full Council, approval of the proposed financing of the revised capital budget totalling £16,908,615 as shown in Appendix 2.
- (3) Note the latest estimated year end position on capital receipts and contributions showing an assumed balance of £836,227 at 31 March 2021 as shown in Appendix 3.

## **61. Revenue Monitoring Report 2020-21 - Quarter 2 (30th September 2020)**

### **PURPOSE**

To report the forecast outturn position for the year as at 31 March 2021 based upon actual spending and income to 30 September 2020.

### **REASONS FOR RECOMMENDATION**

- (1) To give consideration to the level of revenue spending and income in 2020/21 as part of the effective governance of the Council and to ensure that appropriate management action is taken to ensure a balanced financial position.
- (2) To create a specific Covid-19 reserve to provide budget support around the introduction of any additional restrictions, whether localised or national, which may result in a further loss of income and additional expenditure. The reserve will also ensure funding is available to assist the future recovery programme.
- (3) To reflect the reduced usage of the Service Level Agreement with the Leisure Trust due to the coronavirus pandemic and the majority of their staff being placed on furlough due to the mandated closure of leisure facilities and their heavy involvement in the response work to the pandemic within the borough.

### **DECISION**

The Executive resolved to:

- (1) Note the projected revenue budget forecast position of a net overspend of £1.2m (excluding potential collection fund losses). An estimated £1.1m is to be received through the sales, fees and charges income compensation scheme which would reduce the forecast net overspend to £118k, as summarised in Table 1 and detailed in Appendix 1.
- (2) Note that the in-year collection fund losses will not impact on the current financial year, but will be spread over the next three financial years (2021/24) in line with the Government's proposed change to legislation. Burnley's share of the current in year collection fund loss is estimated at £1.2m.
- (3) Note that Officers are continuing to work on a number of options to mitigate the potential financial impact and bring forward options for decision as appropriate.
- (4) Note that the Council, along with other District Council's and industry groups continue to lobby Central Government for additional funding. The Executive is also asked to seek approval from Full Council for:
- (5) The latest revised net budget of £15.693m as shown in Table 1,
- (6) The transfer of the unallocated Tranche 4 Government funding of £0.86m into a newly created Covid-19 Reserve that can be called upon when required and to delegate authority on the use of the reserve to the Head of Finance and Property and the Executive Member for Resources.
- (7) The proposal to waive the current year Service Level Agreement charge to Burnley Leisure of £257k, and
- (8) The net transfers to earmarked reserves of £1.217m as shown in Appendix 2.

## **62. Treasury Management Mid-Year Report**

### **PURPOSE**

To report treasury management activity for the first half year of 2020/21 covering the period 1 April to 30 September 2020.

### **REASONS FOR RECOMMENDATION**

To inform members of the treasury management activity in the first half of 2020/21 and to fulfil statutory and regulatory requirements.

### **DECISION**

The Executive resolved to;

- (1) Note the treasury management activities undertaken during the period 1 April to 30 September 2020, and;
- (2) Recommend that Full Council;
  - a. Endorse the mid-year update on Treasury Management Strategy for 2020/21 in compliance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management.
  - b. Approve the revised Counterparty list and investment limits for Local Authority and Money Market Funds as set out in Appendix 2 to this report.

## **63. Fees and Charges 2021/22**

### **PURPOSE**

To inform Members of the Council's proposed fees and charges from 1 April 2021.

### **REASONS FOR DECISION**

To set the Council's fees and charges from 1 April 2021 and assist in finalising the 2021/22 budget process.

## **DECISION**

That the Executive recommend to Full Council:

- (1) Approval of the proposed tariff of fees & charges from 1 April 2021 with an increase of 2.5% as outlined in Appendix A attached.
- (2) To authorise the Head of Finance and Property, in consultation with the relevant Head of Service, to determine any new charges or changes to existing charges relating to the preparation and approval of the 2021/22 revenue budget.
- (3) To authorise the Executive Portfolio Members to amend fees & charges periodically in their own area on the basis that overall income in their portfolio area remains the same as a minimum.
- (4) To authorise the Strategic Head of Economy and Growth, in consultation with the Executive Member for Resources and Performance Management and the Head of Finance and Property, to adjust fees and charges in relation to the Markets service from time to time to reflect current trading conditions and the overall position of the market.

## **64. Burnley Market Recovery Support Review**

### **PURPOSE**

To review the revised opening times and the market recovery package as agreed by the Executive in July 2020 to help businesses recover from the Coronavirus pandemic lockdown and to consider options for further support in light of on-going local and national restrictions.

### **REASON FOR DECISION**

- 1) The setting of market opening times is currently an executive decision. During the pandemic it has been necessary to adjust trading times at very short notice and the current decision-making process is cumbersome. The delegation will ensure that the market management is able to respond quickly and adopt new trading patterns during the pandemic.
- 2) In June 2020 the Executive agreed a recovery rental package for market traders including a 50% rent reduction for a three month period to be reviewed at the end of September
- 3) The review has taken into consideration the on-going impact of COVID 19 on the market and its tenants, the amount of government support received by traders to assist them through the pandemic, the Council's 'overall financial situation and the market budget position.
- 4) On balance the cost to the Council of an on-going rental support package is unaffordable given the Council's current financial situation and the significant operating deficit in the market budget.
- 5) The proposed approach offers a fair but affordable approach in line with the Government's Code of Conduct.

### **DECISION**

The Executive resolved to:

- a) Delegate Authority to the Head of Economy & Growth in consultation with the Exec Member for Economy and Growth to determine market opening and closing times of the Market for the duration of the pandemic.
- b) Not to continue with the market recovery subsidy for the reasons set out below.
- c) In accordance with Code of Conduct for Commercial Property Relationships during Covid

- 19, to deal with requests from individual tenants to re-negotiate rents who are unable to pay their rent in a fair and transparent manner as set out in paragraphs 30-33 of this report
- d) Delegate authority to Head of Economy and Growth in consultation with Executive Member for Economy and Growth to consider and make decisions on rent renegotiations within the budget parameters set out in paragraph 37 until 31<sup>st</sup> March 2021.
  - e) Approve a budget as set out in paragraph 37, funded from the Covid-19 Reserve

## **65. Towneley Hall - Repair Work Update**

### **PURPOSE**

To update the Executive on repairs required at Towneley Hall.

### **REASON FOR DECISION**

To ensure that elected members are informed about the condition of Towneley Hall and the progress of repair works.

### **DECISION**

The Executive resolved to:

- i) Note the contents of this progress report.
- ii) Note that there had been a presentation to all members at 6.30pm on 1<sup>st</sup> December.
- iii) Delegate the adoption of the draft Conservation Management Plan (CMP) as an executive member decision, following final amendments and revision of the draft CMP