

EXECUTIVE

Wednesday, 18th August, 2021
6.30 pm





EXECUTIVE

COUNCIL CHAMBER, BURNLEY TOWN HALL

**Wednesday, 18th August, 2021 at 6.30
pm**

This agenda gives notice of items to be considered in private as required by Regulations (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at: <http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

There is limited space to accommodate members of the public due to Public Health guidance around social distancing. You are advised to contact democracy@burnley.gov.uk in advance of the meeting.

AGENDA

1) Apologies

To receive any apologies for absence

2) Minutes of last meeting on 14 July 2021, and of 9 June 2021.

5 - 20

To approve as a correct record the Minutes of the last meeting held on 14th July, and the Minutes of the meeting held on 9th June 2021.

3) Minutes of Individual Executive Member Decisions

To consider the Minutes of Individual Executive Member Decisions made during 2021/22 as follows;

Minute 1- Unforeseen Disabled Facilities Grant Work -Executive Member for Housing and Development Control-on 19th July 2021.

4) Additional Items of Business

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

5) Declaration of Interest

In accordance with the Regulations, Members are required to declare any personal or personal and prejudicial interests they may have and the nature of those interests in respect of items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

6) Exclusion of the Public

To determine during which items, if any, the public are to be excluded from the meeting.

7) Right To Speak

To consider questions, statements or petitions from Members of the Public

8) Disabled Facilities Grant-Housing Renewal Policy Amendment 21 - 28

To consider a report on Disabled Facilities Grant regarding an amendment to the Housing Renewal Policy.

9) Community Renewal Fund 29 - 32

To consider a report on the Community Renewal Fund.

10) Exclusion of the Public

To determine during which items, if any, the public are to be excluded from the meeting and to consider the exclusion of the public from the meeting before discussion takes place on the following items of business on the grounds that in view of the nature of the business to be transacted if the public were present there would be a disclosure to them of exempt information within the meaning of Part VA of the Local Government Act 1972.

PRIVATE ITEMS

Details of any representations received by the Executive about why any of the following reports should be considered in public – None received.

Statement in response to any representations – Not required

11) Charter Walk 33 - 38

To consider an Update report on Charter Walk and to agree next steps.

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

MEMBERSHIP OF COMMITTEE

Councillor Afrasiab Anwar (Chair)
Councillor Sue Graham (Vice-Chair)
Councillor Beatrice Foster

Councillor John Harbour
Councillor Margaret Lishman
Councillor Asif Raja

PUBLISHED

Tuesday, 10 August 2021



EXECUTIVE

BURNLEY TOWN HALL

Wednesday, 14th July, 2021 at 6.30 pm

PRESENT

MEMBERS

Councillors A Anwar (Chair), S Graham (Vice-Chair), B Foster, J Harbour, M Lishman and A Raja

OFFICERS

Mick Cartledge	– Chief Executive
Howard Hamilton-Smith	– Head of Finance and Property
Kate Ingram	– Strategic Head of Economy and Growth
Joanne Swift	– Head of Streetscene
Clare Jackson	– Housing Manager
Imelda Grady	– Democracy Officer

ALSO IN ATTENDANCE

Councillor Alan Hosker

14. Minutes

The Minutes of the last meeting held on 17th June 2021 were confirmed.

15. Exclusion of the Public

IT WAS RESOLVED

That the public be excluded from the meeting before discussion relating to Minute 28 took place in view of the nature of the business to be transacted. If the public were present there would be a disclosure withing the meaning of Part VA of the Local Government Act 1972.

Minute 28 contained information relating to the financial or business affairs of any particular person (including the authority holding that information).

16. Right To Speak

Councillor Alan Hosker spoke under the Request to Speak Policy on the recycling review and blue bins in Padiham; taxi matters including, door, badges, driver conduct and vehicle testing; Anti social behaviour; and the weed control in Padiham and Ightenhill areas.

The relevant Executive Members for Community and Environmental Services and Health and Wellbeing responded to Councillor Hosker. In respect to taxi licensing matters and anti social behaviour the Executive members stressed the need for the public to be encouraged to report incidents to the relevant departments and agencies so that appropriate action could be taken.

17. Individual Executive Decisions

IT WAS RESOLVED

That the individual decision taken by the Executive Member for Resources and Performance in respect of the climate change budget commitment for electric mowers be noted.

18. Anti-Social Behaviour Policy

PURPOSE

To seek Executive approval of the proposed Anti-Social Behaviour Policy 2021-24

REASON FOR DECISION

- 1.The policy outlines the Council's approach to how it will deal with and support our communities and partner agencies in dealing with anti-social behaviour.
- 2.The proposed policy reflects that whilst the Council has no statutory obligations to publish an ASB Policy and Procedures document, a clear and concise document would formalise the Home Office Minimum Standards, our existing procedures and reflect the best practice adopted by other Local Authorities.

DECISION

That the Anti-Social Behaviour Policy 2021-24 be approved.

19. 2020/21 Final Outturn Revenue Budget

PURPOSE

To report the provisional position on the Council's revenue accounts for 2020/21.

REASON FOR DECISION

To conclude the revenue budget monitoring process for 2020/21 and report the final outturn position as outlined in the Council's Statement of Accounts for 2020/21.

DECISION

That Full Council be recommended to approve;

- a) The provisional final position on the Council's revenue account for 2020/21 shows a net underspend of £31k which has been transferred to the Revenue Support Reserve. The projected overspend from the outturn position estimated during quarter 3 budget monitoring was £49k.
- b) The transfers to/from Earmarked Reserves totalling a net £5.058m increase to reserves (see Appendix 2).
- c) The approval of additional revenue budget carry forward requests from Heads of Service totalling £2.198m (see Appendix 3)

20. 2020/21 Final Outturn Capital Budget

PURPOSE

To report to Members on the performance of the 2020/21 capital investment programme and present the financing of capital expenditure incurred during 2020/21.

To seek approval of a revised 2021/22 capital budget after incorporating net carry forward commitments (slippage) from 2020/21.

REASON FOR DECISION

To conclude the capital budget monitoring process for 2020/21 and report the final outturn position as outlined in the Council's Statement of Accounts for 2020/21.

To increase the 2021/22 Council capital programme for amounts carried forward from 2020/21 and other budget adjustments as shown in Appendix 3.

DECISION

That Full Council be recommended to approve:

- a) The final position on capital spending and financing of £11.915m for 2020/21 as shown in Appendices 1 & 2, which equates to 87% of the final resources position.
- b) The revised capital budget for 2021/22 totalling £20.527m as outlined in Appendix 3, (including net carry forward of £1.735m).

21. Annual Treasury Management Report Review of 2020-21 Activity

PURPOSE

To inform members of the Council's treasury management activity during 2020/21.

REASON FOR DECISION

To comply with the regulations issued under the Local Government Act 2003 to produce an annual treasury management report review of activities and the actual prudential and treasury indicators for 2020/21. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital

Finance in Local Authorities (the Prudential Code). Performance against the approved prudential and treasury indicators are shown in Appendix 1.

During 2020/21 the minimum reporting requirements were that Full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Full Council 26 February 2020)
- a mid-year treasury update report (Full Council 16 December 2020)
- an annual review following the end of the year describing the activity compared to the strategy (this report).

The regulatory environment places responsibility on Members for the review and scrutiny of treasury management policy and activities. This report is therefore important, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.

This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Scrutiny Committee before they were reported to Full Council. Member training on treasury management issues was undertaken during the year on 10 March 2021 in order to support Members' scrutiny role.

DECISION

That Full Council be recommended to note the annual treasury management activity for 2020/21.

22. Additional Restrictions Grant - Update

PURPOSE

The purpose of the report is to seek approval for the use of the remaining Additional Restrictions Grant Funds.

REASON FOR DECISION

On 31 October 2020, the Government announced the introduction of additional support for Local Authorities under national and Local Covid Alert Level 3 restrictions. It is for local authorities, within the broad parameters set out in the ARG Guidance, to determine how to use the fund. The Council approved a scheme on the 14th November 2020 and it was revised in January 2021 following further announcements in December 2020.

The Council has committed £2.5m of funding to over 508 businesses to date. There is £503,000 of funding remaining to be committed. The recommendations and revised proposals reflect the amount of money available and the revisions in restrictions since the ARG scheme was last approved earlier this year and aim to support those businesses most affected by on-going restrictions.

DECISION

1. That the proposals for the use of the remaining ARG grant as set out in paragraph 12 be approved; and

2. The delegated authority be given to the Strategic Head of Economy and Growth in consultation with the Head of Finance and Property and Executive Member for Economy and Growth to agree the detailed criteria and associated policy.

23. Selective Licensing

PURPOSE

To approve the consultation and evidence gathering for the proposal to designate the following areas for selective licensing

- a. Burnley Wood with Healey Wood
- b. Leyland Road

REASON FOR DECISION

To enable the statutory consultation of residents, landlords and stakeholders in the proposed selective licensing areas and wider consultation boundary.

To ensure the consultation includes a statement of case, proposed fee structure and proposed licence conditions to assist in the delivery and analysis of the statutory consultation.

To enable any issues to be addressed and evaluated before presenting the final report for the proposed selective licensing areas to the Executive Committee in December 2021.

The Ingham and Lawrence Street selective licensing area has not been included in further proposals as the analysis shows that the low demand for housing has improved sufficiently across the area.

DECISION

1. That approval be given to the proposed selective licensing designation areas and consultation boundary as detailed in:
 - Map 1 The Burnley Wood with Healey Wood proposed Selective Licenising area 2022 to 2027 (Appendix 4a);
 - Map 2 The Leyland Road proposed Selective Licenising area 2022 to 2027 (Appendix 4b).
2. That approval be given to the draft statement of case for the proposed selective licensing areas (Appendix 1), the proposed fee structure (Appendix 2) and, the proposed licence conditions (Appendix 3).
3. That Officers be authorised to undertake the statutory consultation exercise for the proposed selective licensing areas.
4. That delegated authority be given to the of Head of Housing and Development Control in consultation with the Portfolio Holder to make any necessary final amendments to the draft statement of case, the proposed fee structure and the proposed licence conditions.

24. Empty Homes Project

PURPOSE

1. To seek approval to make several Compulsory Purchase Orders (CPOs) for long term vacant properties in the private sector.
2. To dispose of the properties in accordance with the Council's Disposal of Empty Dwellings Policy and scheme of delegation or to Calico Homes as appropriate.

REASONFOR DECISION

The owners of these properties have been contacted and have either not responded at all or have given no reasonable proposals for renovating the property or bringing it back into housing use.

These properties are long term vacant properties, being empty, in one case for 19 years. Without intervention by the Council through acquisition by agreement or CPO the properties may remain vacant, continue to deteriorate, attract anti-social behaviour, fly-tipping and arson, all of which cause fear in local residents, resulting in a declining neighbourhood.

77 Tarleton Street Burnley vacant since 18th September 2009

1 Laburnum Close Burnley vacant since 17 March 2017

11 Fifth Avenue Burnley vacant since 12th April 2018

40 Caernarvon Avenue Burnley vacant since 15th February 2007

10 Ruskin Avenue Padiham Burnley vacant since 2nd May 2016

28 Spenser Street Padiham Burnley vacant since 1st May 2017

14-16 Boundary Street Burnley vacant since 19th October 2015

9 Fir Street Burnley vacant since 29th May 2017

23 Harley Street Burnley vacant since 17th May 2012

17 Pritchard Street Burnley vacant since 26th April 2018

26 Pritchard Street Burnley vacant since 1st September 2009

13 Grange Street Burnley vacant since 10th March 2008

75 Lindsay Street Burnley vacant since 1st September 2007

15 Brush Street Burnley vacant since 6th August 2001

6 Waterbarn Street Burnley vacant since 22nd August 2016

Through the Vacant Property Initiative and Empty Homes Programme over 130 properties have been acquired, refurbished and re-sold or re let, bringing those properties back into use and providing high quality accommodation.

DECISION

1. That the Head of Housing and Development Control in consultation with the relevant Executive Member approve in pursuance of the powers obtained under Section 17 of the Housing Act 1985 (as amended) to make the following compulsory purchase orders for the purpose of renovation and/or re-sale by the most appropriate method:

The Burnley (77 Tarleton Street Burnley) Compulsory Purchase Order 2021
The Burnley (1 Laburnum Close Burnley) Compulsory Purchase Order 2021
The Burnley (11 Fifth Avenue Burnley) Compulsory Purchase Order 2021
The Burnley (40 Caernarvon Avenue Burnley) Compulsory Purchase Order 2021
The Burnley (10 Ruskin Avenue Padiham Burnley) Compulsory Purchase Order

2021

The Burnley (28 Spencer Street Padiham Burnley) Compulsory Purchase Order

2021

The Burnley (14-16 Boundary Street Burnley) Compulsory Purchase Order 2021
The Burnley (9 Fir Street Burnley) Compulsory Purchase Order 2021
The Burnley (23 Harley Street Burnley) Compulsory Purchase Order 2021
The Burnley (17 Pritchard Street Burnley) Compulsory Purchase Order 2021
The Burnley (26 Pritchard Street Burnley) Compulsory Purchase Order 2021
The Burnley (13 Grange Street Burnley) Compulsory Purchase Order 2021
The Burnley (75 Lindsay Street Burnley) Compulsory Purchase Order 2021
The Burnley (15 Brush Street Burnley) Compulsory Purchase Order 2021
The Burnley (6 Waterbarn Street Burnley) Compulsory Purchase Order 2021

2. That the Head of Legal and Democratic Services be authorised to agree terms for the acquisition of the properties, to acquire the properties in this report by agreement as an alternative to compulsory purchase in accordance with the terms of delegation.
3. That the Head of Legal and Democratic Services be authorised to make minor amendments, modifications or deletions to the CPO schedule of interests and map, should this be necessary, and to finalise the making and submission of the CPO, including promoting the Council's case at public inquiry, if necessary.
4. Subject to confirmation by the Secretary of State the Head of Legal and Democratic Services be authorised to secure full title to and possession of the CPO land as appropriate by:
 - Serving notice of confirmation of the CPO on all interested parties
 - Serving notice of intention to execute a General Vesting Declaration
 - Executing the General Vesting Declaration
 - Serving Notices to Treat and/or Entry as appropriate
 - Acquiring land and interests by agreement if possible
5. That the tendering of any renovation works in accordance with SOC 1, 15 and 16 be authorised and delegated power to accept the tender be given to the Head of Housing and Development Control.
6. That approval be given for the proceeds from the sale of the properties is recycled back into the Empty Homes Programme for further acquisitions and renovations.

25. Covid -19 Community Recovery Plan Update

PURPOSE

To update the Executive on the community recovery plan and to set out funding proposals for the next two year.

REASON FOR DECISION

The original strategy is funded up to the end of 2021. Using the council's existing covid response budget, over the next two years, Burnley Together will take action to have a positive effect on the wider determinants of population health, now that the immediate pandemic response phase is drawing to a close.

DECISION

1. That approval be given to the proposals for covid community recovery set out in section 6 of this report.
2. That the Head of Policy and Engagement be given delegated authority to put the above recommendation into effect

26. Platinum Jubilee and Armed Forces Day

PURPOSE

To recommend that the council establish a budget for the Queen's Platinum Jubilee celebrations and for an Armed Forces event in Towneley Park.

REASON FOR DECISION

In 2022, Her Majesty The Queen will become the first British Monarch to celebrate a Platinum Jubilee, seventy years of service, having acceded to the throne on 6th February 1952 when Her Majesty was 25 years old.

Throughout the year, Her Majesty and members of the Royal Family will travel around the country to undertake a variety of engagements to mark this historic occasion culminating with the focal point of the Platinum Jubilee Weekend in June.

An extended bank holiday, from Thursday 2nd to Sunday 5th June, will provide an opportunity for the people of Burnley to come together to celebrate the historic milestone. The four days of celebrations will include public events and community activities, as well as national moments of reflection on The Queen's 70 years of service.

Armed Forces day in 2022 falls on 25th June. Councillor Cosima Towneley, through the Covenant group and in her role as Armed Forces champion, has asked the council to help organise an armed forces event in Towneley Park. Councillor Towneley is expected to become Mayor of the Borough in 2022.

DECISION

That Full Council be recommended to establish a budget of £20,000 from the revenue support reserve, for the Platinum Jubilee celebrations and an Armed Forces Day event to be held in summer 2022.

27. Strategic Risk Register

PURPOSE

To approve the Strategic Risk Register

REASON FOR DECISION

To ensure that Risks are appropriately monitored and recorded.

DECISION

That the Strategic Risk Register be approved.

28. Charter Walk

PURPOSE

The purpose of this report is to seek approval to acquire the property edged red on the attached plan (appendix1) via a competitive tender process.

REASON FOR DECISION

The Charter Walk Shopping Centre is an important asset in Burnley Town Centre that contributes significantly to the vitality and viability of the town and to the wider economic and social wellbeing of the borough. The ownership of this asset will enable the Council to actively manage and regenerate the shopping to the benefit of the borough in line with the Council's wider aspirations for the town centre.

DECISION

1. That approval be given to the proposal and financial business case set out in this report;
2. That delegated authority be given to the Strategic Head of Economy and Growth in consultation with the Executive Member of Resources and Performance to submit a bid within the financial parameters set out in this report;
3. That Full Council be recommended to approve the borrowing and approve the revision of the capital programme as set out in this report;
4. That delegated authority be given to the Strategic Head of Economy and Growth in consultation with the Head of Finance and Property and COO to negotiate final terms; and
5. That delegated authority be given to the Head of Legal and Democratic Services to complete all legal documents necessary to give effect to this decision.

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EXECUTIVE

BURNLEY TOWN HALL

Wednesday, 9th June, 2021 at 6.30 pm

PRESENT

MEMBERS

Councillors A Anwar (Chair), S Graham (Vice-Chair), B Foster, J Harbour, M Lishman and A Raja

OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Kate Ingram	– Strategic Head of Economy and Growth
Eric Dickinson	– Democracy Officer

ALSO IN ATTENDANCE - Councillor Alan Hosker

1. Minutes

The Minutes of the last meeting held on the 20th April 2021 were confirmed.

2. Declaration of Interest

Councillor Afrasiab Anwar declared a Disclosable Pecuniary Interest, and Councillor Bea Foster declared an Other (Prejudicial) Interest, in Item 10 on the agenda relating to Holiday Activities and Food Programme 2021.

3. Right To Speak

Councillor Alan Hosker exercised a Request To Speak regarding issues on Landlords and Anti-Social Behaviour, Planning, Taxi Licensing, and access to Streetscene services by those without the internet.

The relevant Executive Members for Housing and Development Control, and Community and Environmental Services, responded to Councillor Alan Hosker.

4. Constitution-Part 3 Executive Member Portfolios 2021-22

PURPOSE

To note the detailed Part 3 Executive Member Portfolios 2021-22 which the Leader agreed on 1st June 2021.

REASON FOR DECISION

To comply with the Council's constitution on reporting the Part 3 Executive Member Portfolios 2021-22 to the Executive.

DECISION

That the detailed Part 3 Executive Member Portfolios 2021-22 which the Leader agreed on 1st June 2021 be noted.

5. Executive Appointments to Committees, Working Groups, Panels and Outside Bodies 2021-22

PURPOSE

To consider the Executive Appointments to Committees, Working Groups, Panels and Outside Bodies 2021-22 as set out in the note on the agenda.

REASON FOR DECISION

To maintain appointments in 2021-22 for the Committees, Working Groups, Panels and Outside Bodies which are appointed to by the Executive.

DECISION

That the Executive Appointments to Committees, Working Groups, Panels and Outside Bodies 2021-22 be agreed as set out in the note on the agenda, with the inclusion of the Executive Member for Economy and Growth as the remaining Executive Member on the Traffic Regulation Order Sub Committee.

6. Cosy Homes in Lancashire (CHiL)- Green Homes Grant

PURPOSE

To seek approval to sign a contract with Rhea Project Limited for the provision of Cosy Homes in Lancashire (CHiL) delivery partner

REASON FOR DECISION

To deliver energy efficiency measures and advice to residents through CHiL to reduce fuel poverty.

DECISION

That the Head of Legal and Democratic Services be given delegated authority to sign the indemnity letter and delivery partner contract with Rhea Project Limited for the provision of Cosy Homes in Lancashire (CHiL).

7. Holiday Activities and Food (HAF) Programme 2021

Councillor Afrasiab Anwar and Councillor Bea Foster left the room and they did not take part in this item.

For this item only, Councillor Sue Graham took the Chair.

PURPOSE

To seek approval for the provision of a budget from LCC via the Department of Education for the Holiday Activities with Food (HAF) Programme 2021 and to establish the budget.

REASON FOR DECISION

To support the borough's most vulnerable residents and provide activities with food for those children and young people eligible for free school meals.

DECISION

- (1) That the Head of Policy and Engagement be authorised to entered into an agreement with the county council to accept the funding to deliver the Holiday Activities with Food (HAF) Programme;
- (2) That the Head of Legal and Democratic Services be authorised to give effect to all necessary documentation to implement the above decision; and
- (3) That Full Council, or the Chief Executive under Council Urgency powers, be recommended to establish the budget using the HAF grant funding allocation for 2021.

8. Strategic Risk Register 2021

PURPOSE

To approve the Strategic Risk Register 2021.

REASON FOR DECISION

To ensure that Risks are appropriately monitored and recorded.

The register is updated for the revised Strategic Objectives.

DECISION

That the Strategic Risk Register 2021 be approved.

9. Exclusion of the Public

That the public be excluded from the meeting before discussion takes place related to Minutes 10 and 11 on the grounds that in view of the nature of the business to be transacted if the public were present there would be a disclosure to them of exempt information within the meaning of Part VA of the Local Government Act 1972 relating to the financial or business affairs of any particular person (including the authority holding that information).

10. Update on Pioneer Place/Manchester Road Development.

PURPOSE

The purpose of the report is to enable delivery of the development proposal at Curzon Street (Pioneer Place) and Manchester Road by approval of new terms and delegations, and to update Members on progress.

REASON FOR DECISION

The Council and its development partner Maple Grove Developments have invested a considerable amount of time and resource into bringing the scheme to this stage, including securing the REEL cinema and Lidl supermarkets as tenants, and securing £3m of funding from LCC and £3.64m from the LEP. Approval of this recommendation will ensure that the scheme continues to progress within the timescale required by the LEP funding.

A major Leisure based development in the Town Centre will bring new visitors to the town centre during the day and evening time, retain footfall, deliver new jobs and support the growth of the UCLAN campus. The development will diversify the town centre from a primarily retail lead offer and consolidate its leisure and evening economy offer. The development is a major strategic intervention in Burnley's Town Centre and Canalside Masterplan and has gained much support from strategic partners and the Business Improvement District.

It is necessary to seek additional Executive approvals, which are beyond the authority of previous approvals and delegations relating to terms and financial implications, and this will ensure the timescale for the LEP funding expenditure is not compromised.

DECISION

- (1) That the project update and programme be noted;
- (2) That the cost of the lease variation, to be funded from the Growth Reserve as set out in paragraph 33, be approved;
- (3) That the change to the Council's Historic Cost Cap as set out in paragraph 39 be approved;
- (4) That the underwriting of costs as set out in paragraph 45 be approved;
- (5) That Delegated authority be given to the Strategic Head of Economy and Growth in consultation with the Executive Member for Resources to waive any of the pre-conditions as set out in paragraphs 45 and 51;
- (6) That Delegated authority be given to the Strategic Head of Economy and Growth to negotiate and agree any remaining terms for variations to all existing Agreements and agree new Agreements (as necessary) to give effect to this decision; and
- (7) That the Head of Legal & Democratic Services be authorized to complete all legal documents necessary to give effect to this decision.

11. Sale of Land Off Active Way

PURPOSE

To seek approval for the sale of land off Active Way, Burnley as shown edged red on the plan contained in Appendix 1

REASON FOR DECISION

To secure a capital receipt for the disposal of the land and to secure investment in the development of the same.

DECISION

- (1) That the sale of its land off Active Way, for the agreed price as set out in Paragraph 16 of the report, be approved;

- (2) That the Head of Finance and Property be authorized to negotiate terms and agree an option for the sale subject to the purchaser obtaining the necessary consents and funding for the proposed development; and
- (3) That the Head of Legal & Democracy be authorized to complete the legal documentation necessary to give effect to the decision.

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REPORT TO THE EXECUTIVE



DATE	18/08/2021
PORTFOLIO	Housing and Development
REPORT AUTHOR	Clare Jackson
TEL NO	01282 477231
EMAIL	cjackson@burnley.gov.uk

DISCRETIONARY DISABLED FACILITIES GRANT (DFG)

PURPOSE

1. To seek approval to amend the Private Sector Housing Renewal Policy 2012 that will ensure the Council continue to offer a comprehensive and flexible adaptations programme that improves the health and well-being of disabled residents.

RECOMMENDATION

2. To amend the Housing Renewal Policy 2012 and increase the discretionary disabled facilities assistance from £10,000 to £30,000 as detailed in appendix 1 to this report.

REASONS FOR RECOMMENDATION

3. To allow the DFG grant allocations to adapt to the significant increase in building material costs.
4. To ensure that the Council can continue to fully assist disabled people in Burnley to live independent and safe lives within their homes.
5. To ensure the Council can fully meet the increase in demand for applicants with complex needs, particularly for children, where the solution is often an extension to the property.

SUMMARY OF KEY POINTS

6. DFGs are the only mandatory grants available to disabled people when works to adapt their home are judged necessary and appropriate to meet their needs and when it is reasonable and practicable to carry them out having regard to the age and condition of the dwelling. With the exception of child cases, DFGs are generally subject to a test of resources which means that the applicant's income and

savings have to be assessed. The maximum amount of grant available is currently set by statute at £30,000 and has been at this level since 2008.

7. The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) gave local housing authorities the power to adopt discretionary policies with regard to housing interventions to promote independent living and wellbeing.
8. The Private Sector Housing Renewal Policy was last updated in 2012 and sets out Burnley's policies in relation to the forms of assistance it is able to offer, based on local priorities and the level of resources available. At this time there was no provision for discretionary disabled facilities assistance as historically there was insufficient government funding to meet the demand for mandatory DFGs and local housing authorities had to operate a waiting list.
9. Since the introduction of the Better Care Fund (BCF) in 2015, capital funding for DFGs is now paid directly to upper tier authorities (LCC), but the statutory duty continues to sit with the local housing authority. Currently the upper tier authorities allocate funding to their respective housing authorities as directed by Government. Since the introduction of the BCF, budgets for DFGs have significantly increased in Burnley.
10. In June 2019 the Council introduced a discretionary element to the disabled facilities grant of £10,000 giving a maximum assistance of £40,000. This was to account for the demand for more complex adaptations with the requirement for more specialist equipment and the increase in building costs since the original amount of £30,000 was set. Since Covid 19 building material costs have increased significantly, in some cases by 13%. The Federation of Master Builders reports that there is a building material shortage caused by Covid 19 and Brexit, leading to price increases in key building materials such as timber, steel, cement and roof tiles.
11. The DFG discretionary grant amount varies across Lancashire with Pendle and Ribble Valley Council mirroring Burnley's current policy at £10,000. Hyndburn Council are at £20,000, with the highest discretionary grant offered by Rossendale Borough Council at £70,000, taking the maximum grant available for adaptations work to £100,000. This report is proposing an increase in the discretionary element of disabled facilities grant in Burnley to £30,000 taking the maximum amount of grant available to £60,000.
12. Paragraph 5.6.8 of appendix 1 to this report contains the amendment.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

13. In 2021/22 Burnley Council has been allocated £2.7M from the Better Care Fund and any costs associated with the increase to the discretionary disabled facilities assistance will be funded through this allocation.

POLICY IMPLICATIONS

14. Aim 4 of the Council's Housing Strategy is to promote sustainable and secure homes for all. Fundamental to this is enabling residents to access and maintain housing

where they feel safe, secure and can enjoy life in a comfortable home of their choice. Completing the DFGs on the properties detailed in this report will help achieve this aim.

DETAILS OF CONSULTATION

15. Not applicable.

BACKGROUND PAPERS

FURTHER INFORMATION

PLEASE CONTACT: Clare Jackson

ALSO: Paul Gatrell

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Appendix 1 – Amendments to the Private Sector Housing Renewal Policy 2012

TYPES OF ASSISTANCE AVAILABLE

5.5. MANDATORY GRANTS

POLICY PRIORITY

(iv) Providing disabled people with adaptations to their homes through the provision of mandatory grants.

ASSISTANCE AVAILABLE

5.6. DISABLED FACILITIES GRANTS

5.6.1. The provisions governing mandatory disabled facilities grants (DFGs) are contained in the Housing Grants, Construction and Regeneration Act 1996 as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Advice on delivery of DFG's and the role and responsibility of the council and Social Services is contained in the Department for Education and Skills/Department of Health good practice guides "Delivering Housing Adaptations for Disabled People".

Eligibility

5.6.2. All owner-occupiers, tenants, licensees or occupiers who can satisfy the criteria in sections 19-22 of the 1996 Act are eligible. Private tenants may apply following approval by the landlord to the adaptation work. Housing Association tenants are also eligible and are assessed for need and means tested on the same basis as private owners and tenants. The eligible works are set out in section 23(1) of the 1996 Act. The grant is limited to a maximum of £30,000.

Prioritisation

5.6.3. The council's policy is to prioritise, for DFG assistance, urgent cases as defined by the Occupational Therapist. Non-urgent cases may still qualify for a DFG but are referred to a general waiting list and dealt with as soon as resources permit. The council accepts referrals from Housing Associations for urgent cases but non-urgent cases are dealt with by Housing Associations themselves. Minor adaptations are dealt with by Social Services and implemented through a local Home Improvement Agency.

Grant Conditions

5.6.4. The amount of assistance in each case will be determined in accordance with the means test as set out in statutory regulations. The grant will also be subject to conditions as set out in Regulations and it is the council's policy to require a certificate of owner occupation or a certificate of future letting as a condition of the grant being approved. Where these conditions are breached, the grant funding awarded may be recovered in line with the statutory regulations.

Repayment of grant

5.6.5. The Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008 set 10 year grant conditions from the certified date (the date works are completed) based on ownership and occupation of the property. If the grant conditions are breached during this period, any Grant award that exceeds £5,000 will become repayable where the applicant has an owners interest in the property. The council may demand the repayment by the recipient of the grant of such part of the grant that exceeds £5,000 if—

(i) the recipient disposes (whether by sale, assignment, transfer or otherwise) of the premises in respect of which the grant was given within 10 years of the certified date; and

(ii) the Council, having considered—

a) the extent to which the recipient of the grant would suffer financial hardship if they were required to repay all or any of the grant;

b) whether the disposal of the premises is to enable the recipient of the grant to take up employment, or to change the location of their employment;

c) whether the disposal is made for reasons connected with the physical or mental health or well-being of the recipient of the grant or of a disabled occupant of the premises; and

d) whether the disposal is made to enable the recipient of the grant to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the grant is intending to provide, or who is intending to provide care of which the recipient of the grant is in need by reason of disability or infirmity,

e) is satisfied that it is reasonable in all the circumstances to require the repayment.

5.6.6. Taking the above factors into account, the council has determined that it will not be the policy to register the disabled facilities grant as a land charge nor to reclaim disabled facilities grants under the above legislation.

Relocation assistance

5.6.7. The council may not approve a grant where the work required to adapt a property is not reasonable and practicable. In these circumstances, applicants will be advised of the options open to them, including relocating to a more suitable or more easily adapted property. The council may provide financial assistance towards the cost of the move.

Discretionary Disabled Facility Assistance (DDFA)

5.6.8. The Council will consider applications for discretionary Disabled Facilities Assistance where the costs of the eligible works exceeds the maximum grant amount of £30,000. DDFA may be awarded and will be subject to the availability of resources. An extra £30,000 may be available as a top-up to those applicants that are eligible for a DFG.

5.7.8 In cases where a disabled facilities grant is unable to proceed due to the poor condition of the property, the council may provide the applicant with an Emergency Work Grant. It is a discretionary grant available to owner-occupiers in need where works of repair have been identified as being Category 1 hazards under the Housing Health and Safety Rating System that pose an imminent threat to the occupants of a property. The grant can be administered quickly to remedy urgent action. The grant is not for larger scale home improvements but can help to facilitate the implementation of a disabled facilities grant. The works could include:-

- providing essential repairs to electrical wiring where this has been assessed as dangerous.
- making essential repairs to heating or hot water systems in times of cold weather
- To qualify a person must be an owner-occupier (including a Park Home owner) in receipt of income related benefits and aged 60 and over or must be a disabled person in receipt of Disability Living Allowance or Attendance Allowance, who is also in receipt of income related benefits.

Minor Adaptations

5.6.9. The council supports the administration of minor adaptations through the work of the Home Improvement Agency with individual referrals funded by Social Services. The policy has worked well since its introduction and is considered to be an effective way of delivering minor and urgent adaptations to those people most in need, including urgent hospital discharges. The criteria for minor adaptations are those eligible works of adaptation up to £500. Above this amount, adaptations are dealt with through referrals for a disabled facilities grant.

Details of the council's mandatory disabled facilities grant assistance and assistance towards relocation and minor adaptations are attached to the main policy as Appendix 4.

Community Renewal Fund – Growth and Innovation Fund

REPORT TO THE EXECUTIVE



DATE	18th August 2021
PORTFOLIO	Economy & Growth
REPORT AUTHOR	Kate Ingram/Kath Hudson
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PURPOSE

1. The purpose of the report is to seek approval to establish and deliver a Growth and Innovation Fund across Burnley, Pendle and Rossendale subject to Government Approval.

RECOMMENDATION

2. It is recommended that the Executive:
 - a) Approves the proposed scheme set out in the report;
 - b) Delegates authority to Head of Finance to accept the Grant Funding and for the Strategic Head of Economy and Growth to negotiate and approve the terms of the Funding Agreement;
 - c) The executive recommends to Full Council, or should timescales require that the authority is delegated to the Chief Executive under urgency powers, to establish a budget, fully externally funded, in relevant budgets;
 - d) Delegates authority to Strategic Head of Economy and Growth to negotiate and enter into:
 - i) A funding agreement with LCC for the CRF grant
 - ii) A service level agreement with Growth Lancashire to deliver the Fund
 - iii) An agreement with Pendle, and Rossendale Borough Council's to share any liabilities for under-performance or repayment of grant arising from the delivery of the project.
 - e) Delegates authority to the Head of Legal and Democratic Services to enter to execute the relevant documents;and
 - f) Delegates authority to Strategic Head of Economy and Growth to approve grants of up to £50,000.

REASONS FOR RECOMMENDATION

3. The project forms and important part of the Council's Economic Recovery and Growth Strategy, which has identified the need for a scheme that supports businesses to invest in innovation and growth.
4. The bid has not yet been approved but should the funding be approved then there is a very short timescale to implement the scheme by end of March 2022.

SUMMARY OF KEY POINTS

5. Within the March 2021 budget the government announced the creation of a new Community Renewal Fund (CRF) to be delivered in the financial year 20/21 as a forerunner to the UK Shared Prosperity Fund, the national replacement of the European Structural and Investment Funds.
6. The CRF is administered by Lancashire County Council. The fund is available to all areas to bid for but priority is given to 100 identified places. Within Lancashire only Burnley, Pendle and Rossendale are identified as priorities.
7. Earlier this year LCC called for proposals addressing the themes of Skills, Employment Business and Communities.
8. After an initial appraisal by LCC a bid of £10.83m including 18 separate projects was submitted to Government. £2.9m of the activity will be delivered specifically in Burnley. A decision had been expected prior to summer recess but non had been made.
9. Burnley Council on behalf of Burnley, Pendle and Rossendale Council's has submitted a proposal to deliver a Business Growth and Innovation Fund worth £994k, matched with Private Sector Investment of £596k.
10. Should the bid be successful, the scheme will offer grants to businesses across the three boroughs' as follows:
 - Revenue Growth and Innovation grants up to £100k. Covering Research & Development costs, new product development, feasibility studies, new or improved technology solutions. Eligible sectors include digital, manufacturing, engineering, retail, leisure, hospitality.
 - Capital Growth and Innovation grants up to £20k explicitly supporting local manufacturers in developing low carbon technologies by acquiring new machinery. This complements a similar proposal led by the Chamber of Commerce.
 - Revenue start-up grants of up to £20k for any business trading less than three years. Grants can cover the costs of consultants/professional services fees, small items of equipment or to subsidise cost of renting new or larger commercial premises.
11. The scheme will support 45 businesses to deliver:

- 100 new jobs
- 50 job safeguarded
- 15 Innovation Plans
- 5 new products/services
- 5 new businesses

The project outputs have been based on receiving a decision for the project in July with an anticipated start date of September. If the project is unable to start by September the size and scale of the project will need to be re-evaluated.

12. The scheme will be administered by Growth Lancashire. Growth Lancashire is a company owned by the local authorities including Burnley with a specific remit to deliver projects and programmes to support economic growth. Growth Lancashire already acts as a Business Growth Hub for Lancashire providing impartial advice and signposting to relevant support. Growth Lancashire has a strong track record of delivering similar schemes funded by European funding and Regional Growth Funding.

13. Growth Lancashire will be contracted to:

- Promote the grant opportunities
- Call for expressions of interest from businesses and carry out an initial appraisal to assess eligibility for full application
- Appraise applications and make recommendations to a Grants Panel
- Complete contract documents and grant offer letters
- Monthly monitoring of all approved projects
- Programme wide evaluation.
- Preparing information for grant claims to LCC

14. Burnley Council as accountable body will be responsible for:

- Financial monitoring of the programme
- Drafting proforma contracts and offer letters
- Approving grants
- Approving and processing grant payments
- Completing CRF claims and monitoring returns to LCC

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

15. The scheme is fully funded (subject to final approval) by the CRF with private sector match. Funding must be defrayed by 31st March 2022. There is no additional cost to the Council.

16. LCC has not yet seen any terms from MHCLG but will most likely include provisions for eligible expenditure, achievements and outputs, monitoring and clawback for non-compliance. The terms will be mirrored in the Grant Funding Agreement between BBC and LCC

17. To ensure that Burnley Council is protected from any liabilities occurring from grants to businesses in the other borough's or for any central costs an agreement will be

put in place to ensure that these liabilities are shared fairly across the three local authorities.

POLICY IMPLICATIONS

18. The decision supports the Council's strategic priorities for economy and growth and the recently adopted Economic Recovery and Growth Strategy

DETAILS OF CONSULTATION

19. None.

BACKGROUND PAPERS

20. None

FURTHER INFORMATION

PLEASE CONTACT:

Kate Ingram Ext 7271

ALSO:

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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