



EXECUTIVE

MECHANICS THEATRE, MANCHESTER ROAD, BURNLEY

Wednesday, 19th January, 2022 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
Howard Hamilton-Smith	– Head of Finance and Property
Kate Ingram	– Strategic Head of Economy and Growth
Clare Jackson	– Housing Manager
Eric Dickinson	– Democracy Officer

ALSO IN ATTENDANCE

Councillor Alan Hosker, Geoffrey Berg, and Paul Brown

67. Minutes

The Minutes of the last meeting held on the 1st December 2021 were approved.

68. Minutes of Individual Executive Member Decisions

That the Minute of the following Individual Executive Member decision be noted;
-Development Control Team Restructure, on 2nd December 2021, by the Executive Member for Resources and Performance.

69. Minute of Urgent Executive Key and Private Decision by CEO-Levelling Up Fund

That the Minute of an Urgent Key and Private Decision made by the CEO regarding the Levelling Up Fund on 21st December 2021 be noted.

70. Declaration of Interest

Councillor Bea Foster declared a Disclosable Pecuniary Interest in Item 8 on the agenda relating to a RTS received from Cllr Alan Hosker.

Councillor Afrasiab Anwar and Mick Cartledge both disclosed an Other Prejudicial interest on Item 15 on the agenda relating to the Levelling Up Fund.

71. Right To Speak

Councillor Bea Foster left the meeting during the RTS from Cllr Alan Hosker and did not take part in any discussion on that RTS.

Councillor Alan Hosker addressed the meeting under the Right To Speak policy regarding the Old Bridge House Pub and the Old Clef shop in Hapton, in particular on their physical condition and any Council Tax issues.

Geoffrey Berg addressed the meeting under the Right To Speak policy on Item 9 relating to the Selective Licensing Designation Area for Burnley Wood with Healey Wood and Leyland Road Areas, in particular on budget and consultation issues.

Paul Brown addressed the meeting under the Right To Speak policy on Item 9 relating to the Selective Licensing Designation Area for Burnley Wood with Healey Wood and Leyland Road Areas, in particular on consultation and review issues.

72. Selective Licensing Designation Area - Burnley Wood with Healey Wood and Leyland Road Areas

PURPOSE

To update the Executive on the results of the selective licensing consultation in the following areas:

Burnley Wood with Healey Wood

The Leyland Road Area

To consider further selective licensing designation areas in Burnley Wood with Healey Wood and the Leyland Road area for the reasons set out in the Statement of Case (Appendix A), along with the fee structure, budget implications and licence conditions

REASONS FOR RECOMMENDATION

The Council have satisfied the statutory tests in Section 80 of the Housing Act 2004, in relation to the conditions required to designate an area for selective licensing in that; the proposed designation areas are suffering from low housing demand.

Making a designation will when combined with other measures taken in the area by the local authority or by other persons together with the local authority, contribute to the improvement of the social, environmental and economic conditions in the area.

Although improvements have been made in the private rented sector there are properties that are of poor condition and poorly managed, contributing to low housing demand. Selective licensing will help to address the problems associated with low demand by compelling those landlords that are not operating to minimum required standards to improve the management practices and the condition of their properties. This will improve

the housing offer which in turn will continue to improve demand and sustainability of tenancies within the neighbourhoods.

The continued introduction of selective licensing areas in Burnley is key to the Council's strategy to tackle low demand, improve the quality of homes within the borough and create a balanced housing market to support social and economic improvements.

Housing plays a fundamental role in delivering sustainable neighbourhoods, facilitating social and environmental improvements and promoting economic growth. The Council believe that selective licensing has an important role to play and offers valuable support to existing initiatives to tackle empty homes, prevent homelessness, create high quality neighbourhoods and reduce anti-social behaviour.

An option appraisal detailed in paragraph 7 of appendix A to this report looks at other powers and options that are available to the Council with the reasons why they could not be used as an alternative to the proposed selective licensing designations. They will be used as support tools as part of an integrated programme of measures to improve the social, economic and environmental conditions of the areas.

The Council have taken all reasonable steps to consult persons likely to be affected by the proposed designations and have considered all representations made

DECISION

- (1) That the areas detailed in plans A and B and Street lists A and B be approved as selective licensing areas for a maximum period of 5 years for the reasons detailed in Appendix A, Burnley Borough Council's Statement of Case for Selective Licensing Areas;
- (2) That the making and submission of an application to the Secretary of State be approved for the confirmation of the Burnley Wood with Healey Wood and Leyland Road selective licensing designation areas;
- (3) That the Fee Structure and Charging Policy be approved in Appendix B to this report;
- (4) That the Licensing Conditions be approved as detailed in Appendix C to this report; and
- (5) That the Executive recommends to Full Council the approval of the financial implications detailed in this report and creates a budget of £148,090 for 2022/23 which will be recovered through the fee income.

73. Health and Safety Intervention Plan 2021-22

PURPOSE

The Council's regulatory team responsible for Health & Safety at Work enforcement must have in place an intervention plan to meet the requirements of statutory guidance. This report formally consults the Committee on the plans prior to their approval at Full Council.

REASON FOR DECISION

Section 18 of the Health & Safety at Work Act 1974 and the subsequent National Local Authority Enforcement Code for Health and Safety (The Code) provides a framework within which the Environmental Health & Licensing Team must operate when carrying out its public protection duties within workplaces. The framework requires the Council to have plans in place to control these activities, and mechanisms for review. The intervention plan appended to this report has been prepared to satisfy the statutory requirements.

DECISION

That the Executive recommends to Full Council to approve the Health and Safety Intervention Plan (reviewed 2021/2022), detailed at Appendix 1 to this report.

74. Food Safety Delivery Plan 2021-22

PURPOSE

In order to meet statutory requirements, the Council's Environmental Health and Licensing Team is responsible for Food Safety enforcement and must have in place approved plans. In line with the Constitution, approval of the Food Safety Delivery Plan will be sought from Full Council.

REASON FOR DECISION

To formally review past performance and agree a framework for the future delivery of effective, risk based, proportionate and consistent food safety services.

DECISION

That the Executive recommends to Full Council to approve the Food Safety Delivery Plan (reviewed 2021 to 2022), detailed at Appendix 1 to this report.

75. Part of Rakehead Recreation Ground-Proposed Lease for Temporary Car Parking

PURPOSE

To seek approval to lease part of Rakehead Recreation Ground, shown edged red on the attached plan, to East Lancashire Hospitals NHS Trust for use as a temporary car park.

REASON FOR DECISION

The grant of the lease of part of Rakehead Recreation Ground for use as a temporary staff car park for the NHS Trust will facilitate the development of an Extra Care unit at Burnley General Hospital. The rental income generated from the temporary letting will be used to fund a programme of improvements at the recreation ground which will be of long term benefit to the local community.

DECISION

That the Head of Finance & Property be authorised to agree terms with East Lancashire Hospitals NHS Trust for a three year lease of part of Rakehead Recreation Ground for use as a temporary staff car park in connection with development works at Burnley General Hospital;and

That the Head of Legal & Democracy be authorised to complete all necessary legal documentation in connection with the lease, subject to the NHS Trust obtaining planning permission for its proposed use; and

That the ringfencing of the rental income received from the NHS Trust be authorised to fund a programme of improvement works to be undertaken at Rakehead Recreation Ground at the end of the lease.

76. Land off Tabor Street

PURPOSE

To approve the sale of land off Tabor Street Burnley for use in connection with the adjoining Primary School.

REASON FOR DECISION

To provide the school with additional outside space to encourage pupils to become more active and to develop community use/links, subject to planning consent.

DECISION

That the sale of the land be approved on the outline terms set out in the report, and the Head of Legal and Democratic Services be authorised to complete the legal formalities

77. Exclusion of the Public

That the public are to be excluded from the meeting before discussion takes place on Minutes 78,79, and 80 relating to the Levelling Up Fund, Kinross Street, and an Urgent Executive Decision Report by the CEO on Levelling Up Fund, 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 Schedule 12A of the Local Government Act 1972.

78. Levelling Up Fund

Councillor Afrasiab Anwar and Mick Cartledge both left the meeting for this item and they did not take part in any discussion or vote on this item.

Councillor Sue Graham took the Chair for this item

PURPOSE

The purpose of the report is to seek executive approval for the Council to purchase a property and to enter into various agreements necessary to enable delivery of the Levelling Up Fund (LUF) programme.

REASON FOR DECISION

Burnley Borough Council has been awarded £20m of Levelling Up Fund monies. A portion of the funding is to carry out works including the construction of new teaching and student facilities, public realm works and site preparation for future phases. The decisions are required to facilitate this work and ensure the timely delivery of the project.

The development is identified as a key project in the Burnley Town Centre and Canalside Masterplan. The proposed property purchase is key to delivering the masterplan and the levelling up fund programme

It is necessary to waive call-in to enable the acquisition of the strategic site to be completed by the end of March 2022

DECISION

- (1) That the purchase of the property be authorised set out at paragraph 9 of this report and edged red on the plan in Appendix A of this report to be funded from the 2021/22 Capital Programme and delegates authority to the Head of Finance and Property to negotiate and agree terms of the purchase in consultation with the Strategic Head of Economy and Growth and the Executive Member for Resources and Performance Management;
- (2) That a variation to the boundary of the "Property" be approved as defined in the Development Agreement relating to Weavers' Triangle, Sandygate, Burnley (the "Development Agreement") to incorporate the property edged red on the plan in Appendix A of this report and delegates authority to Head of Legal and Democratic Services to enter into a Deed of Variation to the Development Agreement Dated 29th March 2012 to include the said property edged red on the plan at Appendix A;
- (3) That authority be delegated to the Strategic Head of Economy and Growth to agree the terms of a Supplemental Agreement to the Development Agreement to (inter alia) facilitate the redevelopment and construction works required to the property edged red and the land shaded blue on the plan at Appendix A to deliver the Levelling Up Fund bid;
- (4) That authority be delegated to the Strategic Head of Economy and Growth to agree the terms of the Building Contract and Collateral Warranties to facilitate the construction works required to the property edged red and the land shaded blue on the plan at Appendix A;
- (5) That authority be delegated to the Head of Finance and Property Services in consultation with the Strategic Head of Economy and Growth and the Executive Member for Resources and Performance Management to approve the Development Proposal Notice (DPN);
- (6) That authority be delegated to the Head of Finance and Property Services in consultation with Strategic Head of Economy and Growth and the Executive Member for Resources and Performance Management to agree terms for the disposal of the building on completion of the works to UCLAN as set out in this report;
- (7) That authority be delegated to the Strategic Head of Economy and Growth to agree the terms of the instruction to Barnfield Investment Properties to authorise the remainder of the upfront design work to be instructed at risk to enable the completion of the DPN and Supplemental Agreement and ensure that the tight timetable in the Levelling Up Bid is not compromised;
- (8) That authority be delegated to the Head of Legal and Democratic Services to appoint solicitors via the NW Legal Consortium Framework to draft the documents necessary to give effect to the decision;
- (9) That authority be delegated to the Strategic Head of Economy and Growth to accept tenders and appoint a consultant to undertake a Monitoring Surveyor role;

- (10) That authority be delegated to the Head of Legal and Democratic Services to execute all documents necessary to give effect to this decision; and
- (11) That call-in be waived subject to the prior approval of the Chair of Scrutiny or in their absence the Vice Chair of Scrutiny.

In accordance with and following the requirements set out in Paragraph 15 of Part 4.5 of the constitution regarding the agreement which has been provided by the Chair of Scrutiny, it is stated that in the opinion of the Executive the decision is an urgent one and therefore not subject to call in.

79. Land at Kinross Street

Councillor Afrasiab Anwar resumed the Chair.

PURPOSE

That approval be given to sell 2.3 acres of land at Kinross Street, Burnley, shown edged red on the attached plan, to Calico Homes Limited for residential development.

REASON FOR DECISION

To facilitate the development of 58 affordable homes in South West Burnley

DECISION

- (1) That the sale of 2.3 acres of land at Kinross Street Burnley be authorised, on the terms set out in the report;
- (2) That the Head of Finance & Property be authorised to consider any objections received in response to the advertisement of the Council's intention to dispose of land comprising public open space, as defined by Section 233 of the Town & Country Planning Act 1990; and
- (3) That the Head of Legal & Democratic Services be authorised to complete all necessary legal documentation to give effect to the decision.

80. Report of Urgent Executive Key and Private Decision by CEO on Levelling Up Fund

PURPOSE

To inform Members of the report relating to the Urgent Key and Private Decision made by the CEO regarding the Levelling Up Fund on 21st December 2021.

REASON FOR DECISION

To implement constitutional reporting regarding an Urgent Key and Private Decision made by the CEO.

DECISION

That the report be noted relating to the Urgent Delegated Executive Key and Private Decision made by the CEO regarding the Levelling Up Fund on 21st December 2021.

