



EXECUTIVE

BURNLEY TOWN HALL

Wednesday, 12th July, 2023 at 6.30 pm

PRESENT

MEMBERS

Councillors A Anwar (Chair), S Graham (Vice-Chair), J Harbour and M Townsend

OFFICERS

Mick Cartledge	– Chief Executive
Paul Gatrell	– Head of Housing & Development Control
Howard Hamilton-Smith	– Head of Finance and Property
Rob Dobson	– Head of Policy and Engagement
Alison McEwan	– Democracy Officer
Pete Milward	– Principal Planner
Elizabeth Murphy	– Planning Policy Manager

Virtual Attendance – Lukman Patel Chief Operating Officer

8. Apologies

Apologies were received from Cllr L Khan.

9. Minutes

The minutes of the last meeting were approved as a correct record and signed by the Chair.

10. Executive Individual Decision - Minute 1 Health & Housing Coordinator

The Executive Individual Decision was noted.

11. Statutory Review of the Local Plan and Revision of the Local Development Scheme

PURPOSE

- i) To consider the Statutory Review of the Local Plan to determine if a full or partial update of Burnley's Local Plan should be commenced;

- ii) To consider if the Statement of Community Involvement (SCI) should be updated at this time;
- iii) To consider the need to progress the Gypsy and Traveller Site Allocations Development Plan Document (DPD) at this time; and

To update the Local Development Scheme (LDS) to reflect the above decisions.

REASONS FOR DECISION

- i) To meet the legislative requirement to review the local plan at least every five years from the date of adoption to assess whether it needs updating; and to publish the reasons if it is considered that no update is necessary.
- ii) To meet the legislative requirement to review the SCI at least every five years from the date of adoption to assess whether it needs updating; and to publish the reasons if it is considered that no update is necessary.
- iii) To agree that an update of Burnley's Local Plan 2012-2032 is not pursued at the present time for the reasons set out in the report, which conclude that no national policy trigger has been activated in respect of local housing need, that the Plan is sufficiently up-to-date, that it continues to perform well delivering the Council's Vision for the borough and that it continues to provide a strong plan-led approach to development.
- iv) The proposals set out in the Levelling Up and Regeneration Bill would fundamentally change the nature of local plans and the procedures for preparing them. To commence a local plan update ahead of the Bill being enacted may lead to abortive work and costs.
- v) To meet the legislative requirement to maintain an up-to-date LDS setting out the local plan documents that the Council intends to produce and the timescales for their production.

DECISION

That the Executive:

- i) Note the content of the review and agrees that an update of Burnley's Local Plan 2012-2032 is not required at the present time;
- ii) Approve the revised Local Development Scheme set out in Appendix C; and
- iii) Agree that an update of the Statement of Community Involvement is not pursued at the present time.

12. Climate Change Strategy Update

PURPOSE

To seek approval for the update to the Council's Climate Change Strategy, the Carbon Budget and work to calculate and monitor emissions.

REASONS FOR DECISION

- i) To ensure the Council's Climate Change Strategy remains up to date and relevant and to document the progress the Council has made since the introduction of the strategy in 2022.
- ii) To ensure the Council has a thorough and complete understanding of its emissions.

DECISION

That the Executive:

- i) Approve the following documents:

Appendix 1 - Climate Change Strategy Progress Update 2022 – 2023

Appendix 2 - Revised Climate Change Action Plan 2023

Appendix 3 - Burnley Council Carbon Budget Report 2023

- ii) Approve the spend of £24,995 to commission CO2Analysis to work with the Council to calculate, monitor and reduce scope 3 emissions.
- iii) Note the concerns re. ground nesting birds raised by Scrutiny and agree to contact United Utilities to outline those concerns and seek information on what protection they could offer.

13. Empty Homes Programme

PURPOSE

- i) To seek approval to make several Compulsory Purchase Orders (CPOs) for long term vacant properties in the private sector.
- ii) 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.

REASONS FOR DECISION

- i) 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.
- ii) The majority of the properties are long term vacant properties, being empty, in one case for 26 years. One of the more recently vacant properties is on this list as the owner has advised the council that he plans to take no action to bring the property back in to use. 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. The Caernarvon Avenue property is on the list as local residents report that some of the former

occupants have returned on a number of occasions over the last few months and used the property as a 'party house'. On inspection it was evident that the property had been vandalised internally.

7 Cameron Street Burnley vacant since 22nd May 1997

34 Piccadilly Road Burnley vacant since 1st August 2008

34 Fraser Street Burnley vacant since 6th April 2020

8 Gill Street Burnley vacant 17th December 2021

14 Graham Street Padiham Burnley vacant since 28th February 2022

66 Caernarvon Avenue Burnley vacant since 12th December 2022

25 Lawrence Street Padiham Burnley vacant since 23rd May 2023

- iii) Through the Vacant Property Initiative and Empty Homes Programme over 150 properties have been acquired, refurbished and re-sold or re let, bringing those properties back into use and providing high quality accommodation.

DECISION

That the Executive approve:

- i) That the Head of Housing and Development Control in consultation with the relevant Executive Member be authorised 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 (7 Cameron Street Burnley) Compulsory Purchase Order 2023

The Burnley (34 Piccadilly Road Burnley) Compulsory Purchase Order 2023

The Burnley (34 Fraser Street Burnley) Compulsory Purchase Order 2023

The Burnley (8 Gill Street Burnley) Compulsory Purchase Order 2023

The Burnley (14 Graham Street Padiham Burnley) Compulsory Purchase Order 2023

The Burnley (66 Caernarvon Avenue Burnley) Compulsory Purchase Order 2023

The Burnley (25 Lawrence Street Padiham Burnley) Compulsory Purchase Order 2023

- ii) 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.
- iii) To authorise the Head of Legal and Democratic Services 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.
- iv) Subject to confirmation by the Secretary of State to authorise the Head of Legal and Democratic Services 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
- v) That the Executive authorises the tendering of any renovation/building works in accordance with SOC 1, 15 and 16 and delegates power to accept the tender to the Head of Housing and Development Control.
- vi) That the Executive approves that the proceeds from the sale of the properties is recycled back into the Empty Homes Programme for further acquisitions and renovations.

14. Allotment Review 2023

PURPOSE

To seek approval to adopt the Review of Allotment Provision 2023.

REASON FOR DECISION

To ensure that the Council provides well managed allotments.

DECISION

The Executive resolved to:

- i) Adopt the Review of Allotment Provision 2023.
- ii) Note that additional funding for a post of part-time Allotment Officer and to fund a program of allotment improvements will be provided from the Revenue Support Reserve.

15. 2022/23 Final Revenue Outturn Position

PURPOSE

To report the provisional position on the Council's revenue accounts for 2022/23.

REASON

FOR

DECISION

To conclude the revenue budget monitoring process for 2022/23 and report the final outturn position as outlined in the Council's Statement of Accounts for 2022/23.

DECISION

The Executive recommend that Full Council approve:

- a) The provisional final position on the Council's revenue account for 2022/23, being a net underspend of £61k which is to be transferred to the Revenue Support Reserve. The projected underspend estimated at quarter 3 budget monitoring was £9k.
- b) The transfers to/from Earmarked Reserves totalling a net £2.368m increase to reserves *including* carry forward requests subject to approval but *excluding* the recommended Revenue Support Reserve transfer above (see Appendix 2).
- c) The approval of additional revenue budget carry forward requests from Heads of Service totalling £671k and assumed within the net underspend reported above for presentation purposes only at this time (see Appendix 3).

16. 2022/23 Final Capital Outturn Position

PURPOSE

- i) To report on the performance of the 2022/23 capital investment programme and present the financing of capital expenditure incurred during 2022/23.
- ii) To seek approval of a revised 2023/24 capital budget after incorporating net carry forward commitments (slippage) from 2022/23.

REASONS FOR DECISION

- i) To conclude the capital budget monitoring process for 2022/23 and report the final outturn position as outlined in the Council's Statement of Accounts for 2022/23.
- ii) To increase the 2023/24 Council capital programme for amounts carried forward from 2022/23 and other budget adjustments as shown in Appendix 3.

DECISION

The Executive recommends that Full Council approve:

- i) The final position on capital spending and financing of £21.810m for 2022/23 as shown in Appendices 1 & 2, which equates to 92% of the final resources position.
- ii) The revised capital budget for 2023/24 totalling £40.426m as outlined in Appendix 3, (including net carry forward of £1.925m).

17. Annual Treasury Management Review of 2022/23 Activity

PURPOSE

To inform members of the Council's treasury management activity during 2022/23.

REASONS FOR DECISION

To comply with the regulations issued under the Local Government Act 2003 to produce an annual treasury management report containing a review of activities and the actual prudential and treasury indicators for 2022/23. 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 2022/23 the minimum reporting requirements were that Full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Full Council, 23rd February 2022)
- a mid-year treasury update report (Full Council, 7th December 2022)
- 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 25th November 2022 in order to support Members' scrutiny role.

DECISION

The Executive recommends that Full Council note the annual treasury management activity for the year ended 31 March 2023.

18. Senior Management Structure

PURPOSE

To consider proposals to review the Council's Senior Management Structure.

REASONS FOR DECISION

- i) The Head of Paid Service is to ensure that the authority's functions are properly co-ordinated as well as organising staff and appointing appropriate management.
- ii) Following recent senior personnel changes, the Senior Management Structure has been reviewed by the Chief Executive/Head of Paid Service (Designate) to ensure that the structure remains up to date and can continue to deliver on the Council's priorities which include the re-procurement/extension of the council's two strategic partnerships, strategic delivery of the climate change agenda and improving the quality of the Borough's housing supply and stock.

DECISION

That the Executive recommend to Full Council to (from 11th August 2023):

- (a) Endorse this report and the updated Management Structure as set out in the Appendix;
- (b) Redesignate the Strategic Head of Economy & Growth (RR1002) to Director of Economy and Development and transfer the management of the Head of Housing & Development Control to this post;
- (c) Redesignate the Head of Finance & Property Services (AS0007) to Director of Resources and transfer the management of the People & Development service to this post;
- (d) Note the inclusion of the Head of Housing & Development Control to the Chief Executive's Management Team;
- (e) Redesignate the role of Monitoring Officer to the Head of Legal & Democratic Services; and
- (f) Delegate authority to the Monitoring Officer to make any consequential amendments to the constitution (Part 3 – Scheme of Delegation & Part 7 – Management Structure) to give effect to this decision.

Thanks to Retiring Chief Executive

The Executive gave their thanks to Mick Cartledge as this had been his last Executive meeting prior to his retirement. His work for Burnley and Padiham over the last twenty years had been much appreciated.