



# EXECUTIVE

## BURNLEY TOWN HALL

Wednesday, 17th January, 2024 at 6.30 pm

### PRESENT

### MEMBERS

Councillors A Anwar (Chair), M Lishman (Vice-Chair), H Baker, S Cunliffe and L Khan

### OFFICERS

Lukman Patel	– Chief Executive
Howard Hamilton-Smith	– Director of Resources
Joanne Mclean	– Head of Streetscene
John Killion	– Project Officer (Vacants), Housing & Development Control
Carol Eddleston	– Democracy Officer

### Also in Attendance

Councillor Mark Townsend.

### 52. Apologies

Apologies for absence were submitted on behalf of Councillor Launer and Chief Operating Officer Rob Dobson.

### 53. Minutes

The minutes of the last meeting, held on 24<sup>th</sup> October 2023, were approved as a correct record and signed by the Chair.

### 54. Additional Items of Business

There were no additional items of business.

## **55. Declaration of Interest**

There were no declarations of interest.

## **56. Exclusion of the Public**

Exclusion of press and public was as set out on the agenda.

## **57. Right To Speak**

No questions, statements or petitions had been received from members of the public.

## **58. The Empty Homes Programme**

Members were informed that 19 Lubbock Street had been brought back into use and was no longer proposed to be subject to a Compulsory Purchase Order.

### **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.

### **REASONS FOR DECISION**

1. The owners/personal representatives 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.
2. The majority of the properties are long term vacant properties, being empty in one case for 7 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.

*22 Carlton Road Burnley vacant since 3<sup>rd</sup> September 2016*

*5 Weldon Street Burnley vacant since 3<sup>rd</sup> July 2017*

*21 Clegg Street Burnley vacant since 2<sup>nd</sup> October 2018*

*60 Athol Street Norther Burnley vacant since 8<sup>th</sup> February 2019*

*29 Glen View Road Burnley vacant since 4<sup>th</sup> February 2022*

*6 Arkwright Street Burnley vacant since at least April 2023*

*81 Rossendale Road Burnley vacant since at least May 2023*

3. 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

The Executive resolved to:

1. Authorise the Head of Housing and Development Control in consultation with the relevant Executive Member 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 (22 Carlton Road Burnley) Compulsory Purchase Order 2023

The Burnley (5 Weldon Street Burnley) Compulsory Purchase Order 2023

The Burnley (21 Clegg Street Burnley) Compulsory Purchase Order 2023

The Burnley (60 Athol Street North Burnley) Compulsory Purchase Order 2023

The Burnley (29 Glen View Road Burnley) Compulsory Purchase Order 2023

The Burnley (6 Arkwright Street Burnley) Compulsory Purchase Order 2023

The Burnley (81 Rossendale Road Burnley) Compulsory Purchase Order 2023

2. Authorise the Head of Legal and Democratic Services to agree terms for the acquisition of the properties and to acquire the properties in this report by agreement as an alternative to compulsory purchase in accordance with the terms of delegation.
3. 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.
4. Subject to confirmation by the Secretary of State, 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
5. Authorise the tendering of any renovation/building works in accordance with SOC 1, 15 and 16 and delegate power to accept the tender to the Head of Housing and Development Control.
6. Approve that the proceeds from the sale of the properties be recycled back into the Empty Homes Programme for further acquisitions and renovations.

## 59. Revenue Monitoring Report 2023/24 - Quarter 2 (to 30 September 2023)

### PURPOSE

1. To report the forecast outturn position for the year ending 31 March 2024 based upon actual spending and income to 30 September 2023.
2. Members are again asked to note the financial impact of the ongoing cost-of-living crisis as can be seen in paragraph 5. In view of the ongoing economic challenges, forecasts remain under review and remain subject to change as the impact on the economy unfolds. Updates will be provided to Members through the established quarterly budget monitoring process.

### REASON FOR DECISION

1. To give consideration to the level of revenue spending and income in 2023/24 as part of the effective governance of the Council and to ensure that appropriate management action is taken to ensure a balanced financial position.

### DECISION

The Executive resolved to:

1. Note the projected revenue budget forecast position of a net overspend of £166k, as summarised in table 1 and detailed in Appendix 1, although it is expected that there will be a break-even position by the end of the financial year. The net overspend of £166k has reduced from a forecast net overspend of £243k as reported at Quarter 1.
2. Seek approval from Full Council for:
  - a) The latest revised net budget of **£16.267m** as shown in Table 1, and
  - b) the net transfers from earmarked reserves of **£5.904m** as shown in Appendix 2.

## 60. Capital Monitoring Report 2023/24 - Quarter 2 (to 30 September 2023)

### PURPOSE

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

### REASON FOR DECISION

To effectively manage the 2023/24 capital programme.

### DECISION

The Executive resolved to:

- a. Recommend to Full Council, approval of net budget changes totalling an increase of £2,467,058 giving a revised capital budget for 2023/24 totalling £41,657,323 as detailed in Appendix 1.
- b. Recommend to Full Council, approval of the proposed financing of the revised capital budget totalling £41,657,323 as shown in Appendix 2.
- c. Note the latest estimated year end position on capital receipts and contributions showing an assumed balance of £3,307,353 as at 31 March 2024 as shown in Appendix 3.

## **61. Fees & Charges Tariff 2024/25**

### PURPOSE

To inform Members of the Council's proposed fees and charges from 1 April 2024. Proposals of an increase of 3% are being presented in the report for members to consider.

### REASONS FOR DECISION

1. To set the Council's fees and charges from 1 April 2024 and assist in finalising the 2024/25 budget process.
2. To carry out an annual review of the Council's Commercial Strategy.

### DECISION

That the Executive approve and recommend to Full Council to approve:

1. The proposed tariff of fees & charges from 1 April 2024 with an increase of 3% as outlined in Appendix 1 attached, with a range of exceptions as outlined in the report.
2. Authorisation to the Director of Resources, 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 2024/25 revenue budget.
3. Authorisation to Executive Portfolio Members to amend fees & charges periodically in their own area with the agreement of the Director of Resources.
4. Authorisation to the Director of Economy and Development, in consultation with the Executive Member for Resources and Performance Management and the Director of Resources, 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.
5. The Council's Commercial Strategy as included in Appendix 2.

## **62. Treasury Management Mid-Year Report 2023/24**

### PURPOSE

To report treasury management activity for the first half of 2023/24 covering the period 1 April to 30 September 2023.

### REASON FOR RECOMMENDATION

To inform members of the treasury management activity in the first half of 2023/24 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 2023, and;
2. Recommend that Full Council Endorse the quarterly update on the Treasury Management Strategy 2023/24 in compliance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management.

## **63. Strategic Risk Register**

### PURPOSE

To present the Executive with a Strategic Risk Register.

### REASONS FOR DECISION

1. The Executive is required to approve the Strategic Risk Register (Appendix 1) pursuant to the Risk Management Strategy.
2. The Audit and Standards Committee has recommended the register to the Executive.

### DECISION

That the Executive approve the Strategic Risk Register.

## **64. Food Safety Service Delivery Plan 2024**

### PURPOSE

The regulatory team responsible for Food Safety must have in place a Service Plan for the Delivery of Official Controls to meet the requirements of statutory guidance. This annual Service Delivery Plan 2024/25 incorporates a review of performance against the 22/23 plan

and sets priorities for 24/25. The Plan is consulted with Scrutiny and Executive prior to approval at Full Council.

## REASONS FOR DECISION

1. The Council has a statutory obligation to conduct a range of food enforcement functions in accordance with the provisions of the Food Safety Act 1990 and a range of regulations made under the Act.
2. The Food Standards Agency's (FSA) "Framework Agreement on Official Feed and Food Controls by Local Authorities" sets out what the FSA expects from local authorities in their delivery of official controls on feed and food law.
3. It is a requirement of the Framework Agreement to produce a service plan for the delivery of official food controls. The Food Safety Service Delivery Plan appended to this report has been prepared to satisfy this requirement.

## DECISION

The Executive resolved to:

1. Note the report.
2. Recommend that Full Council approve the Food Safety Service Delivery Plan 2024/2025, detailed at Appendix 1 to the report.

## **65. Health & Safety Intervention Plan 2024**

### PURPOSE

The regulatory team responsible for Health & Safety at Work enforcement must have in place an intervention plan to meet the requirements of statutory guidance. This annual Intervention Plan 2024/25 incorporates a review of performance against the 22/23 plan and sets priorities for 24/25. The Plan is consulted with Scrutiny and Executive prior to 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) provide frameworks within which the Environmental Health & Licensing Team must operate when carrying out its public protection duties within workplaces. The frameworks require 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

The Executive resolved to:

1. Note the report.

2. Recommend that Full Council approve the Health and Safety Intervention Plan 2024/2025 detailed at Appendix 1 to the report.

## 66. Exclusion of the Public

Members determined to exclude the public from the meeting before discussion took place on Minute 67 [agenda item 16] 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.

## 67. Waste and Cleansing Services

Members noted an error in the first recommendation in the report and that the correct portfolio title, as communicated at December's Full Council meeting, was Community and Environmental Services and not Community, Health and Environmental Services.

### PURPOSE

To seek approval to implement changes for the future delivery of the waste and cleansing services in Burnley, in accordance with the Government's '*Simpler Recycling*' national waste reform and to provide an update on East Lancashire Waste Disposal future provision.

### REASONS FOR DECISION

1. The recommendation to extend the existing Contract is made in order to provide the Council with greater clarity and financial assurance around the implementation of the recently announced Government waste reforms. The recommended Contract extension length will enable the Council to better align the future procurement with the recent announcements regarding the introduction of '*Simpler Recycling*' and mandatory food waste collections that are expected to come into force from 2026, therefore enabling the Council to secure the most economically advantageous tender.
2. The additional option to extend by a further 12 months, beyond the scheduled implementation date of 31<sup>st</sup> March 2026, will provide flexibility should there be any further delays to the indicative Government timescales.

### DECISION

The Executive resolved to:

1. Delegate authority to the Head of Streetscene in consultation with the Executive Member for Community and Environmental Services to agree terms for the extension of the waste and cleansing contract with Urbaser Ltd (the incumbent waste and cleansing contractor) on the expiry of the current contract for 10 months until 31<sup>st</sup> March 2026, with an option to extend for an additional 12 months, until 31<sup>st</sup> March 2027.



2. Delegate authority to the Head of Legal and Democratic Services to draft and execute all documents necessary to give effect to the contract extension, including the issue of a VEAT notice.
3. Delegate authority to the Head of Streetscene to undertake a feasibility study on potential East Lancashire waste transfer sites, in partnership with Lancashire County Council and Pendle Borough Council.