

EXECUTIVE

Tuesday, 20th March, 2018
6.30 pm





EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 20th March, 2018 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 Governance |Manager by 5.00pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council's website www.burnley.gov.uk/meetings.

AGENDA

1) *Apologies*

To receive any apologies for absence

2) *Minutes*

5 - 20

To approve as a correct record the Minutes of the meeting held on xx 2017

3) *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.

4) *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.

5) *Exclusion of the Public*

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

6) *Right To Speak*

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

7) *Sale of Land at Holme Road, Burnley*

21 - 24

To consider the Sale of Land at Holme Road, Burnley.

8) *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

9) *Curzon Street Procurement*

25 - 34

To consider a report on Curzon Street Procurement

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

MEMBERSHIP OF COMMITTEE

Councillor Mark Townsend (Chair)
Councillor John Harbour (Vice-Chair)

Councillor Sue Graham
Councillor Lian Pate

PUBLISHED

Monday, 12 March 2018

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EXECUTIVE

BURNLEY TOWN HALL

Monday, 12th February, 2018 at 6.30 pm

PRESENT

MEMBERS

Councillors M Townsend (Chair), J Harbour (Vice-Chair), S Graham and L Pate

OFFICERS

Lukman Patel	– Chief Operating Officer
Paul Gatrell	– Head of Housing & Development Control
Simon Goff	– Head of Green Spaces and Amenities
Howard Hamilton-Smith	– Finance and Commercial Manager
Rob Dobson	– Corporate Policy and Projects Manager
Eric Dickinson	– Democracy Officer

55. Minutes

The Minutes of the last meeting held on the 17th January 2018 were agreed as a correct record and signed by the Chair.

56. Additional Items of Business and Order of the Agenda

Purpose To note the Executive Portfolios amended by the Leader on 29th January 2018, as Item 6a.

To approve a revised Organisation Review Report, including Appendix 4, to replace Item 24 as Item 24a.

Reason For Decision

To meet constitutional requirements for reporting of changes to the Executive Portfolios by the Leader.

To approve a revised Organisation Review report including Appendix 4.

Decision In accordance with the provisions of Section 100 (B)(4) (b) of the Local Government Act 1972 the Chair decided that the item regarding Executive Portfolios should be taken as item 6a, and that a revised Organisation Review report including Appendix 4 should be taken as Item 24a on the agenda, in view of the special circumstances outlined.

57. Declaration of Interest

Councillor Sue Graham declared an Other Interest (Prejudicial) in Item 20 on the Agenda relating to the Prairie Development.

58. Executive Portfolios

Purpose To note that the updated Executive Portfolios were amended by the Leader on 29th January 2018 following the recent resignation of Cllr Mohammed Ishtiaq from the Executive.

Reason for Decision To comply with the Council's constitutional requirements.

Decision That the updated Executive Portfolios which were amended by the Leader on 29th January 2018, following the recent resignation of Cllr Mohammed Ishtiaq from the Executive, be noted.

59. Revenue Budget Monitoring Q3 2017-18

Purpose To report the forecast outturn position for the year as at 31 March 2018 based upon actual spending and income to 31 December 2017.

Reason for Decision To give consideration to the level of revenue spending and income in 2017/18 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 (1) That the projected revenue budget forecast underspend of £98k (see the overview table in paragraph 6) be noted;
(2) That Full Council be recommended to approve;

- (a) The latest revised budget of £14.596m as shown in Appendix 1;
- (b) The net transfers to earmarked reserves of £427k as shown in Appendix 4; and
- (c) The carry forward of forecast unspent budgets as requested by Heads of Service in Appendix 5. These amounts totalling £216k to be transferred into the transformation reserve and transferred back out to create additional revenue budgets in 2018/19 or when required.

60. Medium Term Financial Strategy 2018-19 to 2021-22 Incorporating the Reserves Strategy
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Purpose	To consider the longer term financial outlook within the context of a Medium-Term Financial Strategy covering the financial years 2019/20 to 2021/22, highlighting uncertainties, underlying risks and make recommendations to Council. The MediumTerm Financial Strategy should be read in conjunction with the revenue budget 2018/19 and the associated statutory report of the Chief Finance Officer.
Reason for Decision	Professional accounting practice recommends that a medium term financial strategy is in place to ensure that resources are aligned to strategic intent and business objectives. It also provides a firm and robust basis on which to prepare the annual budget. Given the current financial climate, the need for consideration of the medium term financial position is pertinent to ensuring sustainable service delivery and for the Council to remain viable as a going concern
Decision	<p>That Full Council be recommended the following;</p> <ul style="list-style-type: none"> (1) Approval of the latest Medium-Term Financial Strategy; (2) Approval of the Reserves Strategy, as appended to the Medium-Term Financial Strategy; and (3) Note that a refreshed document will be provided regularly when required as an aid

to monitoring the continued delivery of an annually balanced budget.

61. Revenue Budget 2018-19

Purpose To consider the estimates of revenue income and expenditure for 2018/19 and to make recommendations to Full Council about next year's Revenue Budget

Reason for Decision To fulfil the Council's statutory obligation to calculate its Council Tax requirement as set out in Section 31A of the Local Government Act 1992 (as amended by section 74 of the Localism Act 2011).

To set a balanced budget for the financial year 2018/19 that ensures the viability of the Council and aligns resources to the Council's strategic priorities.

Decision That Full Council be recommended to:

- (1) Endorse the approach that has been adopted in developing budget proposals that reflect the Council's Strategic Objectives for 2018/19;
- (2) Approve the proposals contained in this report;
- (3) Set a Council Tax Requirement of £6,738,897 for the financial year 2018/19;
- (4) Set a Net Budget Requirement of £15,089,625 for 2018/19;
- (5) Receive and consider the statutory report issued by the Head of Finance under the Local Government Act, 2003;
- (6) Authorise the Chief Operating Officer/Heads of Service to progress action plans to deliver the 2018/19 budget;and
- (7) Approve a Council Tax (Band D) figure of £291.50 for this Council for the year commencing 1st April 2018 and adopt the statutory resolution to set the full Council Tax for the year. This is equivalent to a 2.99% Council tax increase.

62. Treasury Management Strategy 2018-19 and 2018-21 Prudential and Treasury Indicators

Purpose	<p>To comply with the amended Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2011.</p> <p>To outline a treasury management strategy statement for the financial year 2018/19.</p> <p>To set out prudential indicators for the financial years 2018/21 in line with the CIPFA's Prudential Code 2013.</p> <p>To seek approval for the Council's Minimum Revenue Provision (MRP) Policy Statement for the financial year 2018/19 in accordance with Government regulations</p>
Reason for Decision	<p>To provide the proper basis required by current Government regulations and guidance to make charges for debt repayment (MRP) to the Council's revenue account.</p> <p>To fulfil statutory and regulatory requirements and to provide a clear framework for local authority capital finance and treasury management.</p>
Decision	<p>That Full Council be recommended approval of ;</p> <ol style="list-style-type: none">(1) The treasury management strategy statement for 2018/19 as set out in Appendix 1;(2) The prudential and treasury indicators for 2018/19 to 2020/21 per Appendix 2 including the authorised limit for external debt of £33.817m in 2018/19;(3) The list of Counterparties for Deposits outlined within Appendix 3; and(4) The Council's MRP Statement for 2018/19 as set out in Appendix 4 of this report.

63. Capital Budget Monitoring Q3 2017-18

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

Reason for Decision To effectively manage the 2017/18 capital programme.

Decision (1) That Full Council be recommended approval of the net budget changes totalling a reduction of £3,930,713 giving a revised capital budget for 2017/18 totalling £11,417,995 as detailed in Appendix 1;

(2) That Full Council be recommended approval of the proposed financing of the revised capital budget totalling £11,417,995 as shown in Appendix 2; and

(3) That the latest estimated year end position on capital receipts and contributions showing an assumed balance of £3,088,221 at 31st March 2018, in Appendix 3, be noted.

64. Capital Budget 2018-19 and Capital Investment Programme 2018-21

Purpose To recommend approval of the capital budget for 2018/19

Reason for Decision To establish a capital budget that reflects the Council's overall priorities and provides a framework for capital spending to be undertaken during 2018/1

Decision (1) That Full Council be recommended to;

(a) Approve the 2018/19 Capital Budget, totalling £10,140,512, as set out in Appendix 1;

(b) Note the 2018-21 Capital Investment Programme as also set out in Appendix 1;

(c) Note the estimated position on capital resources as set out in Appendix 2;

(d) Discuss the Priority of Schemes/Resources within the 2018-21

Capital Investment Programme;

- (2) That subject to 1(a) above the release of capital scheme budgets be approved including slippage from 2017/18, subject to compliance with the Financial Procedure Rules and that there will be full compliance with Standing Orders for Contracts; and
- (3) That David Donlan, Accountancy Division Manager in Finance, be thanked for the work he has done for the Council.

65. Strategic Plan 2018-21

Purpose	To seek Executive endorsement of the Strategic Plan (Appendix 1).
Reason for Decision	The Strategic Plan sets out a clear vision for the future at a time of challenging budget decisions: one that is evidence based, shared by all Units of the Council, and is in tune with the aspirations of local people.
Decision	That the Strategic Plan be recommended to Full Council, subject to the references in Appendix 1 to the Executive Member for Community Services and the Executive Member for Leisure and Culture being amended to the Executive Member for Community and Leisure Services.

66. Empty Homes Programme

Purpose	To invite Members to consider the option of adding additional resources to the empty homes programme to increase project outputs.
Reason for Decision	To introduce additional resources into the empty homes programme to increase project outputs.
Decision	That the appointment of an Empty Homes Project Assistant be approved.

67. Housing Needs Officer

Purpose	To consider the introduction of an extra officer in
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the Housing Needs Team to respond to the implementation of the Homeless Reduction Act 2017 (HRA)

Reason for Decision To ensure that the Council dedicate sufficient resources to the Housing Needs Team to effectively implement and fulfil the new duties introduction by the HRA.

Decision That the appointment of an additional Housing Needs Officer over the three years 2018/19 – 2020/21 be approved.

68. Food (Official Controls) Delivery Plan Reviewed 2017-18

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 (Official Controls) 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 Full Council be recommended to approve the Food (Official Controls) Delivery Plan (reviewed 2017/2018)

69. Health and Safety Intervention Plan Reviewed 2017-18

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 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) 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 That Full Council be recommended to approve the Health and Safety Intervention Plan (reviewed 2017/2018), detailed at Appendix 1 to this report.

70. Rural Strategy

Purpose To update the Executive on the work of the rural strategy group and to recommend that the Council joins Pennine Prospects.

Reason for Decision As a member of Pennine Prospects, the Council will have further opportunity to promote the borough's image and rural visitor economy. It will also give the Council access to more external funding opportunities and rural development expertise.

Decision That the Council join Pennine Prospects.

Rob Dobson left the room after this item and did not take part in any further items.

71. Exclusion of the Public

Purpose To consider when it may be relevant to exclude the public from the meeting, and clarify the order of the agenda

Reason for Decision Minute Numbers 72,73,74, and 75 contain exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).

Minute number 76 contains information relating to any consultation or negotiations, or contemplated negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holder under, the authority.

Decision That the public be excluded from the meeting before discussion takes place on the items relating to Minutes 72,73,74,75, and 76 since 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.

72. Prairie Development

Councillor Sue Graham left the room and did not take part in this Item.

Purpose To seek the Executive's approval for the development of a second artificial grass pitch at Prairie Sports Village and approval to submit funding applications and authority to procure the scheme if successful.

Reason for Decision The development of an additional artificial grass pitch (AGP) will help meet the growing demand from local football clubs and leagues and the additional income generated will strengthen Burnley Leisure's financial position

Decision

- (1) That the development of a second artificial grass pitch at Prairie Sports village for which planning consent will be sought be approved;
- (2) That the submission of a grant application to the Football Foundation for the sum outlined in paragraph 7 be approved, and if successful, delegate the Head of Green Spaces & Amenities and relevant Executive Member to accept the grant; and
- (3) That the Head of Green Spaces and Amenities be authorised to procure the construction of the Artificial Grass Pitch through a framework agreement that is operated by the Football Foundation.

73. Worsthorne Recreation Ground

Purpose To advise the Executive of proposals to improve Worsthorne Recreation Ground and approve the submission of a funding application for £100,000 to Football Foundation and authority to procure the scheme if successful.

Reason for Decision The improvement of Worsthorne Recreation ground will provide improved recreational facilities for residents of Worsthorne and provide improved football pitches and changing rooms for Fulledege Colts Junior Football Club.

Decision (1) That the submission of a grant application of £100K to the Football Foundation be approved; and

 (2) That the Head of Green Spaces and Amenities be authorised to procure the pitch improvement works subject to grant funding approval.

74. Environmental Enforcement

Purpose To seek approval to undertake the procurement of the Council's environmental enforcement service for the borough.

Reason for Decision To enable the Council to appoint a suitable provider in accordance and compliance with the Public Contract Regulations 2015 / EU Public procurement Directives (OJEU).

To enable the Council to continue to deliver its 'Clean Burnley' strategic priorities.

To enable the Council to provide robust enforcement to challenge and change behaviours where these persist, regarding; littering, dog fouling and public space protection order

To enable the Council to maintain the cleanliness and enforcement across the whole of the borough.

Decision (1) That the commencement of an OJEU compliant tender exercise to appoint a suitable provider to deliver an effective environmental enforcement service, on behalf of the Council, be approved;

 (2) That delegated authority be given to the Head of Streetscene in consultation with the Chief Operating Officer and Executive Member for Community and Leisure Services (as amended from the Head of Community Services), to accept the most economically advantageous tender to

provide this service;

- (3) That a proposed Contract Term of 3 years with an option to renew for 2 years be approved; and
- (4) That the extension of the existing pilot and provider to ensure continuity of service to coincide with any Contract Procurement Award be approved.

75. Sale of Land at Westview/Thompson Street

Decision That this item be withdrawn.

Paul Gatrell and Simon Goff left the room after this item and did not take part in any further items.

76. Organisation Review

Purpose To seek approval to implement a revised structure as part of the Council's need to reshape itself to meet future challenges, in the context of reducing budgets.

An additional recommendation as Paragraph 2 (p) was circulated, relating to Decision (16).

Reason for Decision The Council's Medium-Term Financial Strategy (MTFS), included elsewhere on this agenda, sets out the financial forecast for 2019-2022. The forecast identifies a cumulative significant gap of £3.2 million.

The MTFS notes the requirement to develop an autonomous structure and flexible scheme of delegation to support a one team approach. It recommends the organisational structure and services be redesigned to encourage greater self-reliance by those who work on the frontline and agility to support the business partnering model and challenges that lie ahead.

As part of its wider strategy, the Council has established or is engaged in a range of partnerships. Any new structure must assign clear roles for partnership leads and enable cross unit joined up working both within the Council and with partners.

Decision That Full Council be recommended the following, including an additional recommendation as Paragraph 2 (p) set out below in Decision (16);

- (1) Approve the proposed operating model as detailed in this report and Appendix 1 that delivers total savings of £102,000 over 3 years (payback period of a maximum of 3 years) and delegates to the Chief Operating Officer (COO) any resulting adjustments to job roles and/or post designations which are required;
- (2) Transfer responsibility for the Property function to the Head of Finance and the Environmental Health and Licensing function to the Head of Streetscene;
- (3) Note the additional responsibilities assumed by officers following the deletion of the Director of Resources post in December 2016 which delivered annual savings of £85,905;
- (4) Approve the deletion of the vacant post of Head of Governance, Law, Property and Regulation(HGLP&R)

from the Council's senior management establishment together with the posts sets out in paragraph 7 on the dates indicated or on expiry of any relevant redundancy notice;

- (5) Approve the creation of the posts of Head of Policy and Engagement and Head of Legal and Democratic Services (Band 3); (Appendix 2);
- (6) Give authority to the Head of People and Development to issue a redundancy notice to the relevant postholder where no suitable alternative employment is identified; subject to consideration of any further representations made within the consultation period;
- (7) Note the proposed succession planning set out in paragraph 9 of the report;
- (8)) Revise the Band 2 and 3 salaries of the Chief Officer Pay Policy as set out in paragraph 25 of this report;
- (9) Approve changes to be made to Part 3 Council Functions arising from the Organisation Review relating to those previously discharged by the Head of GLP&R (transferred to the Chief Operating Officer on 22 November 2017), in particular relating to licensing and their redistribution to the Head of Legal and Democratic Services, and the Head of Streetscene –as follows;
 - (a) All the HGLP&R Licensing delegations are to be transferred to the Head of Streetscene, except that Paragraphs 5-7 are to be transferred to the Head of Legal and Democratic Services and Paragraph 8 will also apply to the Head of Legal and Democratic Services; and
 - (b) All the HGLP&R Development Control delegations are to be transferred to the Head of Legal and Democratic Services, as will those Council delegations

previously discharged by the HGLP&R.;

- (10) Approve that the Chief Operating Officer shall undertake the Council functions delegated to the Head of Legal Democratic Services until that post is filled;
- (11) Approve that the Council's Senior Solicitor shall also be entitled to exercise the Licensing Council functions delegations referred to in paragraphs 5-8 (formerly with the HGLP&R) even if the Head of Legal and Democratic Services is not absent until that post is filled;
- (12) Approve the retention payment outlined in paragraph 30 of this report;
- (13) Give delegated authority to the making of consequential amendments to the Constitution (Council functions) and associated policies and procedures to the Monitoring Officer;
- (14) Note that the Leader will be making the relevant amendments as set out in Appendix 4 to the HGLP&R's Executive Functions delegations (transferred to the Chief Operating Officer on 20th November 2017) to reflect their transfer to the Head of Legal and Democratic Services, the Head of Streetscene, and the Head of Finance;
- (15) Appoint the Council's Internal Audit Manager as the Council's Data Protection Officer for the purposes of the General Data Protection Regulations; and
- (16) That subject to approval by Full Council of recommendations (1) to (15) above, the Executive assigns the delegations it has previously granted to:

- (i) The Head of Governance, Law, Property & Regulation as follows;

- (a) Delegations relating to property matters to be assigned to the Head of Finance; and
- (b) Any remaining delegations to be assigned to the Head of Legal and Democratic Services when that post is filled, and until then to the Chief Operating Officer; and
- (ii) The Head of Community Engagement to the Head of Policy and Engagement when that post is filled.

REPORT TO THE EXECUTIVE



DATE	20th March 2018
PORTFOLIO	RESOURCES & PERFORMANCE MANAGEMENT
REPORT AUTHOR	Andrew Leah
TEL NO	01282 425011 ext. 7149
EMAIL	<u>aleah@burnley.gov.uk</u>

Appropriation of land off Holme Road, Burnley

PURPOSE

1. To seek authority for the appropriation of land off Holme Road Burnley, shown edged red on Plan A, to enable the land to be sold to the adjoining owner, the sale to be completed under powers delegated to the Head of Finance and Property.

RECOMMENDATION

2. To appropriate for planning purposes land at Holme Road Burnley, shown edged red on Plan A, under Section 122 of the Local Government Act 1972, to enable disposal pursuant to section 233 of the Town and Country Planning Act 1990.

REASONS FOR RECOMMENDATION

3. The Council acquires and holds property for various statutory purposes in order to provide its various functions. Land is used only for the purpose of the function for which it was originally acquired, until such time as it is disposed of or appropriated for another purpose. In this instance the land edged red on Plan A was acquired in order to facilitate the construction of the Princess Way/Holme Road link road which was needed to promote future industrial development of the land in the immediate vicinity.
4. Land is held by the Council subject to any existing third party legal rights and any such rights will pass with the land on disposal. If the land is formally appropriated for planning purposes prior to disposal however, Section 237 of the Town and Country Planning Act 1990 provides statutory power to override easements and other rights subject to the grant of planning permission for the development of the land being received.

SUMMARY OF KEY POINTS

5. The land was acquired by the Council in order to construct the link road using powers conferred by the Highways Act 1980 with the highway, when constructed, to be adopted by

the Highway Authority. The highway was constructed on a slightly different line to that originally identified which resulted in small areas of land being surplus to the Council's requirements

6. The land edged red on the attached plan appears to have been physically incorporated into the adjoining privately owned plot for many years, but the Council remain the registered proprietor under title number LA695940
7. The owner of the adjoining plot has offered to purchase the land edged red from the Council with the land to continue to be used as part of their industrial plot. The land must first be appropriated for planning purposes to enable the sale to proceed
8. The land is surplus to the Council's requirements having been physically occupied for many years by the proposed transferee.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

9. Where rights are overridden compensation is payable to any person suffering loss. The potential for excessive claims and the ability for owners to frustrate development will have been removed by the appropriation. The Council is unaware of any third party rights over the land edged red on Plan A and the risk to the Council is considered to be remote. A capital receipt of £1500 with the purchaser to pay the Council's legal and surveyors fees is anticipated.

POLICY IMPLICATIONS

10. None

DETAILS OF CONSULTATION

12. Ward Councillors.

BACKGROUND PAPERS

13. None.

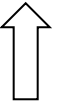
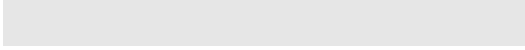
FURTHER INFORMATION

PLEASE CONTACT:

ANDREW LEAH :EXT 7149

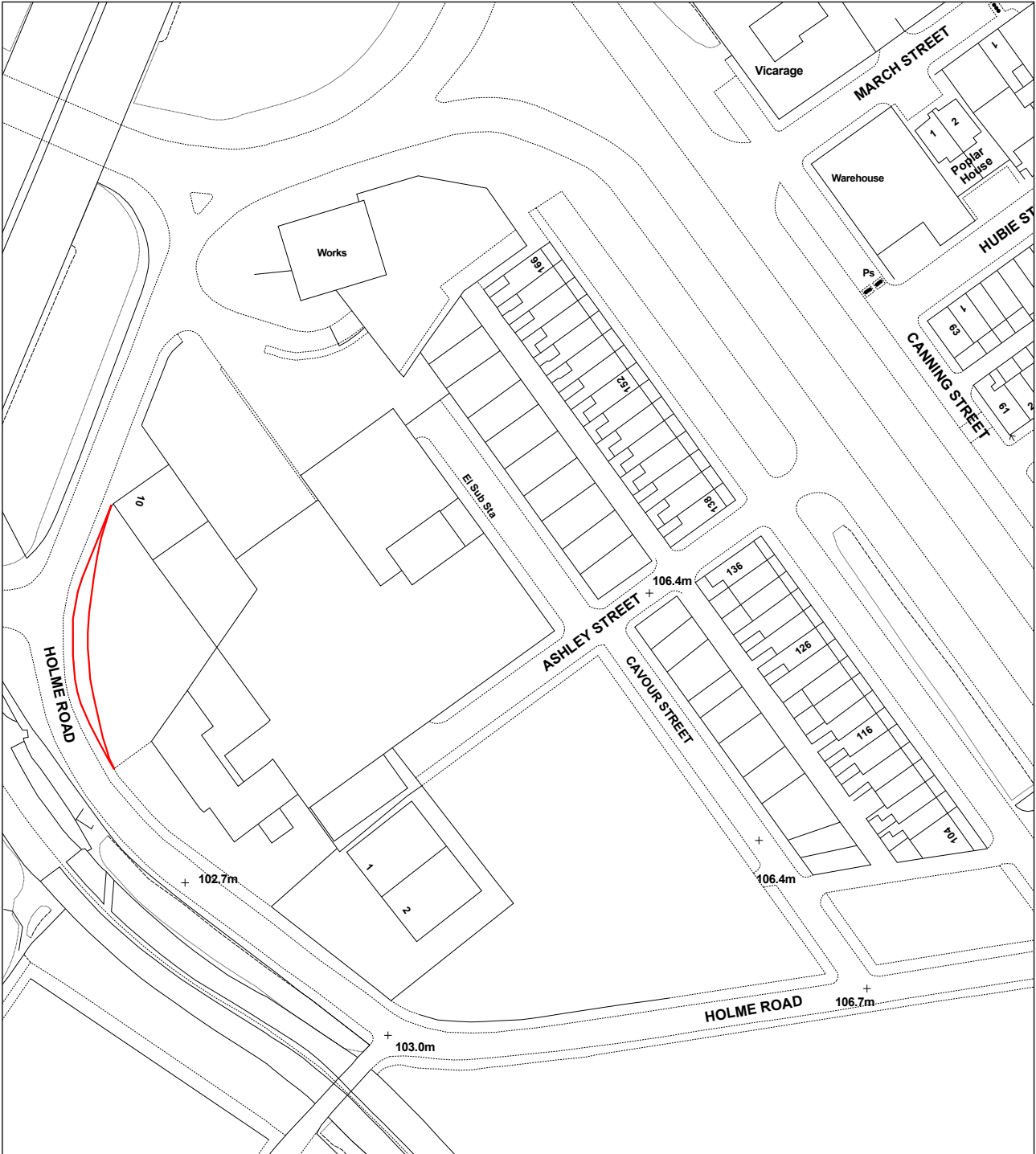
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PROPERTY SERVICES

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