



EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 18th June, 2019 at 6.30 pm

PRESENT

MEMBERS

Councillors C Briggs (Chair), M Lishman (Deputy Chair), G Birtwistle, I Emo and C Towneley

OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Asad Mushtaq	– Head of Finance and Property
Kate Ingram	– Strategic Head of Economy and Growth
Joanne Swift	– Head of Streetscene
Clare Jackson	– Housing Manager
Eric Dickinson	– Democracy Officer

1. Minutes

The Minutes of the last meeting held on the 20th March 2019 were noted.

2. Declaration of Interest

Councillor Charlie Briggs, and Mick Cartledge, declared an Other (personal) interest in the item relating to the Urgent Decision on Sandygate.

3. Constitutional Reporting-Urgent LEP Decision

Decision.

That the Urgent Delegated Executive decision made by the Chief Executive on 29th March 2019 regarding Membership of the Lancashire Enterprise Partnership be noted.

4. Adoption of Shopfront and Advertising Design

Purpose

Executive considered a report at its meeting on the 11th December 2018 which sought approval to consult on the draft version of the Shopfront and Advertisement Design Supplementary Planning Document (SPD). The purpose of this report is to inform Executive of the representations received during the period of public consultation and the changes that have been made to the draft SPD as a result. Executive is requested to adopt the final SPD.

The SPD has been prepared to provide clear guidance on how to achieve high standards of design in relation to shopfront and advertisements as required by Burnley's Local Plan. Once adopted, it will become a material consideration to be used in the determination of relevant applications for planning permission and listed building consent.

Reason For Decision

To meet the Council's commitment to preparing a Shopfront and Advertisement Design SPD as set out in Burnley's Local Plan and the Council's Local Development Scheme (LDS).

To ensure that the draft SPD is modified to take account of the outcome of the consultation, as appropriate.

Decision

(1) That the matters raised in the consultation responses to the draft Shopfront and Advertisement Design Supplementary Planning Document (SPD) be noted and that the minor changes to the consultation draft SPD outlined and explained in the Consultation Representation Report at Appendix A be agreed;

(2) That it be resolved to adopt of the Shopfront and Advertisement Design Supplementary Planning Document (SPD) at Appendix B under the provisions of Section 23 of the Planning and Compulsory Purchase Act 2004 and Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and

(3) That the Strategic Head of Economy and Growth be authorized to make any minor typographical or presentational corrections to the SPD prior to its final publication.

5. Recycling Collections

Purpose

To seek approval to implement changes to the recycling service that is undertaken as part of the current Waste and Cleansing Contract following a review of current arrangements.

Reason For Decision

To equip the Council going forward to deliver the priorities that have been identified in the Government's recently published Waste and Resources Strategy, by increasing the Council's recycling capacity.

To implement the proposed service change to reflect the housing stock and storage provision of the Borough.

To enhance performance and improve the customer experience of the recycling services in Burnley.

The extension of the current Waste and Cleansing Contract is recommended considering the positive performance of the Contractor and as the most viable means to part fund the capital provision of the introduction of wheeled recycling bins.

For Officers to review and source improved provision of the existing paper and card recycling equipment to improve collection, resident satisfaction and increase recycling participation.

Decision

- (1) That the move to the introduction of wheeled recycling bin service for 22,000 properties across the Borough as edged in green in Appendix One – Proposed recycling service changes be approved;
- (2) That a two-year extension of the current Waste and Cleansing Contract, in line with the existing Contract provision be approved;
- (3) That authority be delegated to the Head of Streetscene in consultation with the Executive Member of Community and Environmental Services to accept the most economically advantageous tender for procurement of the recycling bins following the results of a mini- competition undertaken through Yorkshire Purchasing Organisation “Supply of Wheeled Bins” Framework;
- (4) That the Head of Streetscene be authorized to undertake the procurement of replacement recycling equipment for the collection of paper and card for the areas edged in red in Appendix One – Proposed recycling service changes;
- (5) That the Head of Legal and Democratic Services be authorized to execute all documentation necessary to implement the above decision;
- (6) That it be recommended to Full Council to add a capital budget of £720k for the procurement of wheeled bins and paper and card collection equipment in the 2019/20 capital budget; and
- (7) That a further review be carried by the Executive of those properties in red at Appendix 1 to the report, to commence after 6 months of full operation and to be completed by the end of September 2020.

6. Rogue Landlord Database and Banning Orders

Purpose

To implement the new enforcement powers contained in the Housing and Planning Act 2016 (Part 2). In particular the Database of Rogue Landlords and Property Agents and the use of Banning Orders.

Reason For Decision

The use of these new powers will support and complement the work that the Council continues to deliver to tackle rogue landlords. The use of the Rogue Landlord database

and in particular Banning Order could be a powerful deterrent to rogue landlord behaviour through the Banning Orders which would prevent them operating as a landlord in England.

Decision

- (1) That the Council's Policy and Matrix for the use of Rogue Landlord Database and Banning Orders (Appendix 1) be approved: and
- (2) To note that authority rests with the Leader regarding amending Part 3 (Executive) Functions relating to the addition of a delegation of the Head of Housing and Development Control regarding the following power:

“To exercise all powers to in relation to the Rogue Landlord Database and issue, use and enforce Banning Orders as detailed in the Housing and Planning Act 2016 (and any regulations made there under)”.

7. Discretionary Disabled Facilities Grant

Purpose

The purpose of this report is to seek approval for amendments to the Private Sector Housing Renewal Policy 2012.

To implement discretionary DFG assistance to ensure the Council continue to offer adaptations that improve the health and well-being of disabled people.

Reason For Decision

To continue to fully assist disabled people in Burnley to live independent and safe lives within their home.

To effectively use the increase in funding, provided by the Better Care Fund to local housing authorities for home adaptations.

The existing upper limit for major disabled adaptations has not increased since 2008. Since then there has been an increase in the complexity of needs for disabled applicants, particularly for children, which are accommodated by property extensions. In addition, there have been significant building cost increases over the last 11 years, which cannot be met by the current grant threshold.

Decision

To amend the Housing Renewal Policy 2012 and approve the discretionary disabled facilities assistance of £10,000, giving a maximum assistance of £40,000 (Appendix 1). The discretionary assistance will be funded through Burnley's allocation of the Better Care Fund.

8. Appointment to Pennine Lancashire Leaders and Chief Executives Joint Committee (PLLACE)

Decision

That the Leader, with the substitute being the Deputy Leader, be appointed to Pennine Lancashire Leaders and Chief Executives Joint Committee as qualified appointments.

9. Appointment to Pennine Lancashire Building Control Joint Executive Committee

Decision

That the Executive Member for Housing and Leisure, with the substitute being the Executive Member for Resources and Performance Management, be appointed to Pennine Lancashire Building Control Joint Executive Committee as qualified appointments.

10. Appointment to Traffic Regulation Order Sub Committee (TROSC)

Decision

That the following 3 Executive Members be appointed to the Traffic Regulation Order Sub Committee;

Executive Members for Housing and Leisure, Economy and Growth, and Community and Environmental Services.

11. Appointment to Barnfield & Burnley Development Limited (BBDL)

Decision

That the Leader and Chief Executive be appointed to Barnfield & Burnley Development Limited as qualified appointments.

12. Appointment to Housing Joint Venture Company

Decision

That the qualified appointment of representatives to Housing Joint Venture be as follows;

Council-Executive Member for Housing and Leisure, Chief Operating Officer

Stakeholder-Leader, Chief Executive, Strategic Head of Economy and Growth

13. 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

Minutes 14, 15, and 16 contain information relating to the financial or business affairs of any particular person (including the Authority holding that information).

Decision

That the public be excluded from the meeting before discussion takes place on the items relating to Minutes 14, 15, and 16 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.

14. Capital Budget Works

Purpose

To update the Executive on unavoidable additional works arising on the contract for capital works at Burnley Town Hall.

Reason For Decision

To ensure that the works are progressed in a timely and cost-effective manner, reduce future unplanned maintenance costs and associated health and safety consequences of water penetration, to remove dangers from insecure masonry, and to protect both the heritage value and operational use of the Town Hall.

The reason for urgency is so that the works can be progressed in a timely manner and reduce unnecessary holding costs

Decision

- (1) That the Head of Finance and Property be authorised to extend the current contract to cover phases 1 to 3 of capital works at Burnley Town Hall in consultation with the Project Manager “Liberata”, and the Head of Legal and Democratic Services;
- (2) That the Head of Finance and Property be authorised where reasonably necessary to depart from the Council’s Standing Orders for Contracts; and
- (3) That it be recommended to the Chief Executive to use urgency powers (Council) to approve the proposed financing of the revised capital works as set out in the report.

In accordance with Part 4.5 of the constitution it is stated that the decision (Executive) is an urgent one, and therefore not subject to call-in.

15. Procurement of Insurance Arrangements

Purpose

To seek approval for the procurement of an insurance provider to the Council.

Reason For Decision

To ensure that a compliant procurement exercise is conducted in accordance with the Public Contract Regulations 2015 and other UK legislation, Council Standing Orders for Contracts and the principle of obtaining value for money.

To ensure the appointment of the most economically advantageous insurance provider(s).

Decision

- (1) That the Head of Legal & Democratic Services be authorised to carry out a tender exercise to appoint an insurance provider(s) to the Council to provide appropriate insurance cover commencing 1st April 2020 for a term of 3 years;
- (2) That the Head of Legal & Democratic Services be granted delegated authority to undertake evaluation of the tenders received, and award a contract in consultation with the Executive Member for Resources & Performance Management and the Chief Operating Officer; and
- (3) That the Head of Legal & Democratic Services is granted delegated authority to execute all documents necessary to give effect to the above decision.

16. Constitutional Reporting-Urgent Decision on Sandygate

Councillor Charlie Briggs, and Mick Cartledge, declared an Other (personal) interest in this item.

Decision

That a decision made by the Chief Executive on 22nd March 2019 be noted to use urgency powers under Part 3 (Executive) of the constitution, regarding a Supplemental Development Agreement to the Development Agreement dated 29 March 2012- relating to Weavers Triangle, Sandygate Burnley to facilitate the construction of the Student Accommodation