



EXECUTIVE

BURNLEY TOWN HALL

Wednesday, 7th November, 2018 at 6.30 pm

PRESENT

MEMBERS

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

OFFICERS

Lukman Patel	– Chief Operating Officer
Asad Mushtaq	– Head of Finance and Property
Rob Dobson	– Head of Policy and Engagement
Alison McEwan	– Democracy Officer

43. Apologies

Apologies were received from the Chief Executive.

44. Minutes

The Minutes of the last meeting held on the 18th September 2018 were approved and signed by the Chair.

45. Declaration of Interest

Councillor Mark Townsend and Councillor Lian Pate declared a disclosable pecuniary interest in the item on Homes in Multiple Occupation as landlords.

Councillor Lian Pate and Lukman Patel declared a prejudicial interest (other) in the item on the Aspiration Strategy - Cllr Lian Pate as a School Governor and Lukman Patel as a Trustee of Burnley FC in the Community.

Cllr John Harbour declared a prejudicial interest (other), in the item on Homes England Grant funding as a member of the Housing Joint Venture Board and in the item on Padiham Town Hall Community Room lease.

46. Houses in Multiple Occupation

Councillor Mark Townsend and Councillor Lian Pate left the room and took no part in this item.

Councillor John Harbour was in the Chair for this item.

Purpose

To implement the legislative reforms to the licensing of Houses in Multiple Occupation (HMO).

Reason for Decision

To meet the requirements of The licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018 and The licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England)

Regulations 2018.

To provide clarity to landlords in relation to the standards required in a HMO.

Decision

(1) That Burnley Borough Council's HMO standards in Appendix 1 be approved;and

(2) That the fee structure for HMO licensing detailed in Appendix 2 to the report be approved.

47. Empty Homes Programme

Purpose

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

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.

Reason for Decision

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.

These properties are long term vacant properties, being empty, in one case, for over 20 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.

Through the Vacant Property Initiative and Empty Homes Programme over 130 properties have been acquired, refurbished and re-sold or re let, bringing those properties back into use and providing high quality accommodation

Decision

(1) That it be approved 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 (292 Cog Lane Burnley) Compulsory Purchase Order 2018

The Burnley (158 Casterton Avenue Burnley) Compulsory Purchase Order 2018

The Burnley (39 Branch Road Burnley) Compulsory Purchase Order 2018

The Burnley (11 Willow Street Burnley) Compulsory Purchase Order 2018

The Burnley (13 Willow Street Burnley) Compulsory Purchase Order 2018

The Burnley (27 Cleaver Street Burnley) Compulsory Purchase Order 2018

The Burnley (41 Netherby Street Burnley) Compulsory Purchase Order 2018

The Burnley (67 Albert Street Burnley) Compulsory Purchase Order 2018

The Burnley (17 Elmwood Street Burnley) Compulsory Purchase Order 2018

The Burnley (12 Godiva Street Burnley) Compulsory Purchase Order 2018

The Burnley (158 Hollingreave Road Burnley) Compulsory Purchase Order 2018

The Burnley (518 Accrington Road Burnley) Compulsory Purchase Order 2018

The Burnley (99 Gannow Lane Burnley) Compulsory Purchase Order 2018;

(2) 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;

(3) That the Head of Legal and Democratic Services be authorised 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) That 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;

- (5) That the tendering of any renovation works be authorised in accordance with SOC 1, 15 and 16 and delegates power to accept the tender to the Head of Housing and Development Control; and
- (6) That it be approved that the proceeds from the sale of the properties is recycled back into the Empty Homes Programme for further acquisitions and renovations.

48. Aspiration Strategy Delivery Plan

Cllr Lian Pate and Lukman Patel left the room and took no part in this item.

It was noted at the meeting that, subject to approval, the Council's annual contribution of £10k to be increased to £12k in order to enable Burnley FC in the Community to employ extra resource to support the Rose School and Coalclough Academy in addition.

An amendment to paragraph 13b of the report was consequently proposed to read:
"A contribution of £23.5k from the Growth Reserve."

The recommendation in Paragraph 4 was therefore also proposed to be amended to read:
"That Full Council be recommended to approve a contribution on £23.5k from the Growth Reserve as set out in para 13 of the report as amended."

Purpose

To seek approval for two projects that will form part of the Council's Aspiration Strategy delivery plan.

Reason for Decision

Youth mental health is the key priority for the Burnley Health and Wellbeing Partnership. Schools and GPs have seen a significant increase in unmet demand for youth mental health services. The Aspiration Strategy includes an objective to support efforts to make young learners more resilient. The youth mental health project will therefore be a key deliverable.

The Aspiration Strategy also includes the objective to reduce the number of school leavers that are not in employment, education or training (NEETs). By developing a co-ordinated network of local career and enterprise advisers, the Careers Hub project will be a key deliverable in this regard and should help more of the borough's young people aspire to a bright future in the world of work.

Decision

- (1) That a three year youth mental health programme be supported in collaboration with Burnley FC in the Community, the secondary schools, and Burnley East Primary Care Network;
- (2) That the creation of a "Careers Hub" in Burnley be supported; and
- (3) That Full Council be recommended to approve a contribution of £23.5k from the Growth Reserve as set out in paragraph 13 of the report as amended.

49. Stoops Wheeled Sports Project

Purpose

To seek approval to obtain and accept tenders for construction of a wheeled sports area at Hargher Clough Park.

Reason for Decision

Approval of the Executive is required to obtain tenders for a scheme that is included in the Council's capital programme and which exceeds £100,00 contract value.

Decision

- (1) That the Head of Green Spaces & Amenities be authorised to obtain and accept the most economically advantageous tenders for the construction of a wheeled sports area at Hargher Clough Park, and, in consultation with the Chief Operating Officer and Deputy Leader to accept the most economically advantageous tender to deliver the project; and
- (2) That the Head of Legal and Democratic Services be authorised to give effect to all necessary documentation to implement the above decision.

50. Revenue Monitoring 2018/19 Quarter 2

Purpose

To report the forecast outturn position for the year as at 31 March 2019 based upon actual spending and income to 30 September 2018.

Reason for Decision

To give consideration to the level of revenue spending and income in 2018/19 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 breakeven position be noted, see Revenue Budget Summary and detailed Service Reports below and Appendix 2;
- (2) That Full Council be recommended to approve the latest revised budget of £15.090m as shown in Appendix 1; and
- (3) That Full Council be recommended to approve the net transfers to earmarked reserves of £0.022m as shown in Appendix 3.

51. Capital Monitoring 2018/19 Quarter 2

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 2018/19 capital programme.

Approval of the Executive is required to obtain tenders for a scheme that is included in the Council's capital programme and which exceeds £100,000 contract value.

Decision

- (1) That Full Council be recommended to approve net budget changes totalling a decrease of £1,574,244 giving a revised capital budget for 2018/19 totalling £10,106,544 as detailed in Appendix 1;
- (2) That Full Council be recommended to approve the proposed financing of the revised capital budget totalling £10,326,544 as shown in Appendix 2;
- (3) That the latest estimated year end position be noted on capital receipts and contributions showing an assumed balance of £964,482 at 31 March 2019 as shown in Appendix 3;
- (4) That the Head of Finance & Property be authorised to obtain and accept the most economically advantageous tenders for repairs to the Town Hall roof in consultation with the Chief Operating Officer and Executive Member for Resources & Performance Management and to authorise the Head of Legal & Democracy to give effect to all necessary documentation to implement the decision; and
- (5) That Standing Orders for Contracts 18 (SOC18) be waived to enable the successful tenderer to undertake the additional works required to the Town Hall roof due the recent theft of lead together with remedial dry rot works on the adjacent Mechanics roof. This is required to expedite the emergency repair works to the roof, to reduce the cross liability risk around having more than one contractor on the roof at any one time.

52. 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 53 to 57 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 53 to 57 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.

53. Constitutional Reporting- Urgent Decision Business Rates Retention

Purpose

To inform the Executive at the earliest opportunity of an Urgent Decision made by the Chief Executive to obtain approval for the Council to submit an application to join a Lancashire bid for participation in the 75% Business Rates Retention pilots for 2019/20.

Reason for Decision

To adhere to the requirements of the constitution.

Decision

That it be noted that the Chief Executive used urgency powers under Part 3 (Executive) of the constitution to make the following decision:

- (1) Approval for the Council to submit an application to join a Lancashire bid for participation in the 75% Business Rates Retention pilots for 2019/20; and
- (2) Approval to request for the Council to revert to participation of the existing Lancashire Business Rates Pool for 2019/20 and future years if the bid is unsuccessful.

54. Homes England Grant

Cllr John Harbour left the room took no part in this item.

Purpose

To notify the Executive of a successful application made for grant funding to fund remediation, site investigation work and environmental work, for proposed new housing schemes on Council owned sites at Melrose Avenue, Tay Street, Ridge Wood and Ridge Avenue.

To recommend delegating acceptance of the grant funding offer and completion of funding documents.

Reason for Decision

By approving the recommendations, the Council will be able to utilise grant funding to help develop sites in the Council's ownership for new housing.

Decision

- (1) That it be noted that under the Scheme of Delegation Paragraph 9 the Strategic Head of Economy & Growth has made a successful application for grant funding to the Homes England Accelerated Construction Programme, to fund remediation, site investigation work and environmental work, for proposed new housing schemes on Council owned sites;
- (2) That authority be delegated to the Strategic Head of Economy & Growth to approve acceptance of the grant offer;

- (3) That authority be delegated to the Strategic Head of Economy & Growth in consultation with the Head of Legal & Democratic Services to negotiate and agree the terms of the grant funding agreement;
- (4) That authority be delegated to the Head of Legal & Democratic Services to execute all documents necessary to give effect to the above; and
- (5) That it be noted that any proposed housing schemes would be subject to Planning Permission.

55. The Arbories Sports Ground Lease

Purpose

To approve terms for the surrender of the existing lease and the grant of a new lease of the Arbories Sports Ground to the Trustees of Padiham Sports Club for a term of 45 years.

Reason for Decision

To update the existing arrangements and enable the Club to secure external grant funding to undertake improvements to Clubhouse, changing facilities and sports grounds.

Decision

That the surrender of the existing lease and grant of a new lease of the Sports Ground Lease 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.

56. March Street Garden and Garage Lease

Purpose

To approve terms for the grant of a new lease of the March Street Garden and Garage site for a term of 35 years.

Reason for Decision

To update the existing arrangements and enable PLCF to invest external grant funding to construct new eco-friendly offices on the site, subject to planning consent.

Decision

That the grant of a new lease of those parts of the garden and garage site already occupied and managed by Pennine Lancashire Community Farm (PLCF) 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.

57. Lease of Community Room at Padiham Town Hall

Cllr John Harbour left the room and took no part in this item.

Purpose

To approve terms for a concessionary letting of office 105 at Padiham Town Hall.

Reason for Decision

To enable the short term use and letting of the room until such time as a rent paying tenant can be found.

Decision

That the Lease be approved on the outline terms set out in the report, and the Head of Legal and Democracy be authorised to complete the legal formalities.