



EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 20th October, 2020 at 6.30 pm

This was a remote meeting held in accordance with the Coronavirus Act 2020.

PRESENT

MEMBERS

Councillors M Townsend, L Pate, A Anwar, S Graham, J Harbour and A Raja

OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Paul Gatrell	– Head of Housing & Development Control
Howard Hamilton-Smith	– Head of Finance and Property
Kate Ingram	– Strategic Head of Economy and Growth
Joanne Swift	– Head of Streetscene
Chris Gay	– Governance Manager
	– Principal Planning Officer
Alison McEwan	– Democracy Officer
Imelda Grady	– Democracy Officer

Also in attendance; Councillor Margaret Lishman

26. Apologies

There were no apologies received.

27. Minutes

The minutes of the last meeting held on 11th August 2020 were noted.

28. Declarations of Interest

There were no declarations of interest received.

29. Public Question Time

A request was received from Mr McCormick regarding a property on Cog Lane indicating his preference to work on the property and spend funds rather than go through a long Compulsory Purchase Order process.

The Chair indicated that the Head of Housing and Development Control would respond to this at item 11 on the agenda.

30. Executive Appointments

The appointments to Outside Bodies which were reserved to the Executive to appoint were approved as follows:-

Pennine Lancashire Leaders and Chief Executives Joint Committee (PLLACE) – The Leader Councillor Mark Townsend and Deputy Leader Councillor Lian Pate.

Pennine Lancashire Building Control Joint Executive Committee:-
Executive Member for Housing Councillor John Harbour and Executive Member for Resources and Performance Management Councillor Sue Graham

Traffic Regulation Order Sub Committee (TROSC):- Executive Member for Housing Councillor John Harbour, Executive Member for Economy and Growth Councillor Asif Raja, and Executive Member for Community and Environmental Services Councillor Afrasaib Anwar

Barnfield and Burnley Development Limited (BBDL) :- Leader Councillor Mark Townsend and Chief Executive Mick Cartledge

Housing Joint Venture Company – Council:- Executive Member for Housing Councillor John Harbour and Chief Operating Officer Lukman Patel

Housing Joint Venture Company – Stakeholder:- Leader Councillor Mark Townsend, Chief Executive Mick Cartledge and Strategic Head of Economy and Growth Kate Ingram

31. Executive Portfolios

The appointments by the Leader of the Executive were approved as follows:-

Deputy Leader and Executive Member for Health and Wellbeing Councillor Lian Pate.

Executive Member for Housing Councillor John Harbour

Executive Member for Economy and Growth Councillor Asif Raja

Executive Member for Resources and Performance Management Councillor Sue Graham

Executive Member for Community and Environmental Services Councillor Afrasaib Anwar

32. Final Revenue Outturn Position 2019/20

Purpose

To report the provisional position on the Council's revenue accounts for 2019/20.

Reason for Decision

To conclude the revenue budget monitoring process for 2019/20 and report the final outturn position as outlined in the Council's Statement of Accounts for 2019/20/

Decision

That Full Council be recommended to approve:

- a) The provisional final position on the Council's revenue account for 2019/20 shows a net deficit of £93k which has been funded from the Transformation Reserve. Of the £93k net deficit, £66k was due to Covid-19 related budget pressures incurred in March 2020 which reduces the true in year net deficit to £27k. The projected overspend from the outturn position estimated during quarter 3 budget monitoring was £140k.
- b) The transfers to/from Earmarked Reserves totalling a net £0.888m increase to reserves as shown in appendix 2
- c) The approval of additional revenue budget carry forward requests from Heads of Service totalling £0.047m as shown in appendix 3.

33. Draft Homelessness and Rough Sleeping Strategy 2020/25

Purpose

To seek approval from Members to consult on a draft Homelessness and Rough Sleeping Strategy 2020-2025

Reason for Decision

To ensure the Council meet its statutory duty to publish a Homelessness and Rough Sleeping Strategy to cover the period 2020-2025.

To enable partners and stakeholders to input into the development of the strategy ensuring the final document is a comprehensive strategy supported by those organisations and agencies what will be instrumental to its delivery.

To ensure the strategy is fit for purpose and effective to prevent homelessness and rough sleeping across the borough.

Decision

That approval be given to the document included at Appendix 1 to the report as a draft Homelessness and Rough Sleeping Strategy 2020-2025 and authorise officers to conduct a consultation exercise with partners and stakeholders.

34. Empty Homes Programme

Prior to consideration of this item the Head of Housing and Development Control responded to the earlier public question and said that a compulsory purchase order was a final action and negotiations with property owners to bring a property back into use could still be continued.

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

1. 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.
2. These properties are long term vacant properties, being empty, in some cases for over 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.

Gorple Cottages - Wallhurst Close Worsthorne – new builds with no work undertaken since 2018.

143 Cog Lane Burnley vacant since 16th April 2013

200 Cog Lane Burnley vacant since 27th November 2008

206 Cog Lane Burnley vacant since 25th March 2014

56 Dall Street Burnley vacant since 2nd July 2013

27 Waterbarn Street Burnley vacant since 11th June 2016

23 Elmwood Street Burnley vacant since 1st April 2019

29 Elmwood Street Burnley vacant since 14th April 2019

38 Woodbine Road Burnley vacant since 20th September 2017

1 Berry Street Burnley vacant since 1st August 2014

32 Parkinson Street Burnley vacant since 17th July 2014

79 Tarleton Street Burnley vacant since 28th September 2017

1 Wren Street Burnley vacant since 15th November 2017

51 Herbert Street Burnley vacant since 9th October 2014

32 Pritchard Street Burnley vacant since 28th June 2013

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

3. That the Head of Housing and Development Control in consultation with the relevant Executive Member approve 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 (Gorple Cottages - Wallhurst Close Worsthorne)

Compulsory Purchase Order 2020

The Burnley (143 Cog Lane Burnley) Compulsory Purchase Order 2020

The Burnley (200 Cog Lane Burnley) Compulsory Purchase Order 2020

The Burnley (206 Cog Lane Burnley) Compulsory Purchase Order 2020

The Burnley (56 Dall Street Burnley) Compulsory Purchase Order 2020

The Burnley (27 Waterbarn Street Burnley) Compulsory Purchase Order 2020

The Burnley (23 Elmwood Street Burnley) Compulsory Purchase Order 2020

The Burnley (29 Elmwood Street Burnley) Compulsory Purchase Order 2020

The Burnley (38 Woodbine Road Burnley) Compulsory Purchase Order 2020

The Burnley (1 Berry Street Burnley) Compulsory Purchase Order 2020

The Burnley (32 Parkinson Street Burnley) Compulsory Purchase Order 2020

The Burnley (79 Tarleton Street Burnley) Compulsory Purchase Order 2020

The Burnley (1 Wren Street Burnley) Compulsory Purchase Order 2020

The Burnley (51 Herbert Street Burnley) Compulsory Purchase Order 2020

The Burnley (32 Pritchard Street Burnley) Compulsory Purchase Order 2020

4. 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.
5. 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.
6. 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

7. That the Executive authorises the tendering of any renovation works in accordance with SOC 1, 15 and 16 and delegates power to accept the tender to the Head of Housing and Development Control.
8. 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.

35. Air Quality Management: Protecting Health and Addressing Climate Change Supplementary Planning Document (SPD)

The Chair advised that this item had been withdrawn to allow more time for the Scrutiny Committee to further consider the document before being brought back to the Executive.

36. Single Use Plastics - Executive Response to Council Motion

Prior to consideration of this item the Chair said that he had given consideration to a request from the Green group to withdraw the item for further consideration but said that he felt this was not the correct step and that there were some positives in the report that the council should take and that the matter could be looked at again in the future but at present in light of the Covid pandemic it was not the council's immediate priority.

Purpose

To consider a motion presented to Council from the Green group on single use plastics.

Reason for Decision

The Council is already undertaking a number of initiatives to reduce reliance on SUP and any response must be proportionate. The focus of council resources is currently prioritised on its response to the Covid-19 pandemic.

Decision

That approval be given to:-

- a. an audit and publication of single use plastic (SUP) items used by the council is not undertaken
- b. an annual SUP audit and publication scheme is not introduced
- c. Where reasonably practical council actions are maintained to reduce SUP in the supply of council goods, services and works, through appropriate tender specifications
- d. Where reasonably practical and appropriate include specific lease or tenancy conditions to support SUP removal and reduction
- e. Criteria are included in tender specifications to evaluate supplier compliance to SUP removal or reduction

f. The recommendations at C and E above are applied where SUP use is identified in the existing council supply chain

g. Work continues to encourage local businesses to reduce SUP

h. the council does not undertake a feasibility study to identify available premises for a community co-operative shop

i. The council uses social media to facilitate and raise awareness on actions to support SUP reduction, linking this with existing County wide awareness initiatives

37. Gating Public Space Protection Order

Purpose

To seek approval to enact a Borough-Wide Public Spaces Protection Order (PSPO) covering all alleygating schemes under s60 Anti-Social Behaviour, Crime and Policing Act 2014.

Reason for decision

October 2020 marks the expiry of those first schemes that, having previously been implemented under S129A-129G clean Neighbourhoods and Environment Act 2005, transitioned to PSPOs following the introduction of the ASB, Crime and Policing Act 2014.

To manage the legislation of all schemes that exist on public land within the Borough in a more efficient manner.

Decision

That authority is granted

1. To implement the PSPO to manage all current and future applicable alleygate schemes in the Borough.
2. To implement the Order as soon as practicable for the defined 3-year period.

38. Licensing Act 2003 Burnley Borough Council Licensing Policy

In considering this matter the Chair said that the Executive was keen to work with the licensing team to bring both the daytime and night-time environments together.

Purpose

To advise members of the requirement under The Licensing Act 2003 that the Licensing Authority (Burnley Borough Council) has to determine and publish its Licensing Policy at least every 5 years.

The Statement of Licensing Policy sets out the principles that the authority will apply when exercising its functions under the Licensing Act 2003.

The existing policy was for the period from Jan 2016 to Jan 2021, so this needs to be revised and updated and agreed by the Full Council and published before 10th January 2021.

There is a requirement when considering updating the policy that it is sent out to relevant authorities for consultation.

A pre-consultation draft has already been circulated to key members and received no responses. As the next step the Licensing Committee agreed to send out the draft policy for formal consultation. The consultation was sent to over 100 individuals / organisations with a final response date of Friday 11th September 2020.

The formal consultation has now ended, there were two formal responses and some comments from others and this resulted in the draft Licensing Policy being amended slightly. The revised policy is attached (with highlighted changes) and now comes back before the committee.

Following this it will go to the full council in December 2020.

Reason for decision

To comply with the timescale to have a final policy agreed and published by January 2021.

Decision

That the draft Licensing Act 2003 Policy be recommended to Full Council for approval and be implemented as soon as practicable.

39. Minutes of Urgent Decisions

The minutes of the following urgent decisions taken by the Chief Executive were noted:-

Replacement of Crematorium flue gas waste heat recovery unit
Local Authority Discretionary Business Grant Scheme Proposed Amendments to the scheme criteria
Establishment of Environmental Health (Compliance) Officer Streetscene

40. Exclusion of the Public

Purpose

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

Reason for decision

Minute number 41 contains exempt 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 item relating to minute 41 because in view of the nature of the business to be transacted if the public was present there would be a disclosure to them of exempt information within the meaning of Paragraph 12A of the Local Government Act 1972.

41. Trafalgar Mill

Purpose

To draw to the attention of the Executive the deteriorating condition of the Grade II Listed Trafalgar Mill and to seek authorisation to serve an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in order to secure emergency works to an unused part of the building which has recently suffered a roof collapse above a section of public walkway.

Reason for decision

The LPA has a statutory responsibility for administering the planning system and for the preservation of listed buildings in exercising these powers. As such there is a clear public expectation that the LPA should act in the interest of listed buildings at risk in their areas.

In the case of Trafalgar Mill, it is evident that the building is being allowed to deteriorate to the extent that that its condition is compromising its preservation. Part of the building is in an advanced state of deterioration and is open to the elements and it is therefore essential that it is secured and made weathertight and safe through urgent temporary works in order to limit further decline and safeguard the pedestrian walkway beneath. This would provide further time for the Council to consider the options for the permanent repair and long term future of the building such that it can make a positive contribution to the social, economic and cultural life of the area.

There are specific statutory powers available to LPAs to take action in building at risk situations and it is their duty to have regard to exercising these powers should the need arise.

On this occasion, relying solely on negotiation with the owner to secure the necessary works is not considered to be a suitable alternative to exercising the Council's powers. Despite over two years of negotiations the owner has not taken any positive steps towards protecting the building from further deterioration. Accordingly it is considered that failure to take prompt action will lead to the eventual collapse of the structure, resulting in the loss of the integrity of the listed building and its contribution to the special interest of the conservation area. In the interest of this nationally significant building, this is not a recommended option.

An amendment to recommendation (d) to remove the word `not` was accepted

Decision

That approval be given to :

- a) Delegate authority to the Strategic Head of Economy and Growth to Serve an Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the owner of Trafalgar Mill.
- b) In the event of the authority having to appoint contractors to undertake the works in the default to approve a budget of £39,900 to cover the costs of an Urgent Works Notice to be funded from the Town Centre and Canalside Masterplan Budget and, where eligible, for costs to be recovered through a grant from Historic England as set out in section 9 of the main body of the report.
- c) In the event of the Authority having to appoint contractors to undertake the works in default, Delegate Authority to Head of Legal and Democracy to take the necessary steps under Section 55 of the Act to recover the costs of the works specified in the Urgent Works Notice from the owner of Trafalgar Mill.
- d) Delegate authority to the Strategic Head of Economy and Growth to resolve to use powers under the Planning (Listed Buildings and Conservation Areas) Act 1990 in circumstances where building control wish to serve a dangerous structures notice under Section 77 of the Building Act 1984.