



EXECUTIVE

BURNLEY TOWN HALL

Thursday, 19th January, 2023 at 6.30 pm

PRESENT

MEMBERS

Councillors A Anwar (Chair), S Graham (Vice-Chair), J Harbour, S Hussain, M Lishman and M Townsend

OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Simon Goff	– Head of Green Spaces and Amenities
Howard Hamilton-Smith	– Head of Finance and Property
Kate Ingram	– Strategic Head of Economy and Growth
Clare Jackson	– Housing Manager
Kelly Smith	– Development Officer
Joanne Swift	– Head of Streetscene
Carol Eddleston	– Democracy Officer

62. Apologies

All members of the Executive were present.

63. Minutes

The minutes of the meeting held on 30th November 2022 were approved as a correct record and signed by the Chair.

64. Additional Items of Business

Members noted that the Chair had decided that two additional items of business, agenda item 14a) Executive Delegations to Heads of Service [minute 75] and agenda item 19 Levelling Up Fund [minute 80], should be considered at the meeting as a matter of urgency. These items had been published in a supplementary agenda.

65. Declaration of Interest

Councillor Harbour declared a personal interest in agenda items 6 Right to Speak [minute 66] and 12 Empty Homes Programme [minute 72] as he knew the member of the public who attended the meeting to speak. Councillor Harbour was permitted to remain in the meeting and take part fully in the debate and subsequent vote as the extent to which he knew the member of the public was not prejudicial to his consideration of the report and voting thereon.

Kelly Smith, Development Officer, declared a personal interest in item 12 Empty Homes Programme [minute 72] as she knew one of the owners of a property referenced in the report. Although officers of the Council are not required to leave the room during discussion and voting on items in which they have a personal interest, Ms Smith chose to leave the meeting for the duration of this item.

66. Right To Speak

A member of the public addressed the meeting in relation to one of the properties referenced in the report and explained why it had not yet been possible to start bringing the property back into use.

The member of the public was informed that, regardless of the outcome of the discussion and vote on the item later on the agenda, owners of any properties referenced in a report of this nature were encouraged to engage with the Council.

67. Market Rights Policy update

PURPOSE

At its meeting on 26th October 2022 the Executive approved a revised Markets Rights Policy and schedule of fees. The purpose of this report is for members to note a clarification regarding when and where the council is permitted to operate markets and to consider an amendment to the policy document which makes clear the qualifying conditions and criteria for applying for a licence.

REASONS FOR DECISION

1. The report to the Executive meeting on 26th October stated that the Council was permitted to operate markets each day of the week 'except for Sunday and Christmas Day etc'. In fact, due to the repeal of the Sunday trading laws, the Council can operate markets on any day of the week if it wishes to.
2. The revised policy makes clear the conditions for applying for a licence. The proposed changes are highlighted in underline and strikeout in the attached policy at Appendix A.

DECISION

The Executive resolved to:

1. Note that the Council is permitted to operate markets on any day of the week, including Sundays and Bank Holidays.
2. Approve the changes to the policy document.

68. Lancashire 2050

PURPOSE

To update Members on the progress in developing the Lancashire 2050 Strategic Framework.

REASONS FOR DECISION

This report presents progress made since January 2022, when the County Council together with Lancashire's 14 District and Unitary Councils considered and supported the proposal to develop a long-term Strategic Plan for Lancashire. It sets out the general principles and high-level priorities contained in a strategic framework for Lancashire, known as 'Lancashire 2050'. This report also sets out the continuing commitment to ensure that there continues to be opportunities for all the partner authorities to contribute to and influence thematic plans, including identifying specific schemes and activities.

DECISION

The Executive resolved to recommend that Full Council:

1. Endorse the outline Lancashire 2050 strategic framework (Appendix 'A') as the strategic framework that will guide further development of shared detailed priorities and actions with partners and stakeholders across the whole of Lancashire.
2. Agree that the Leader of the Council continues to work with Lancashire Leaders and that the Leader will make representations to that forum on any matters arising from the Council's consideration of this report.

69. Community Safety Annual Report 2022-23

PURPOSE

To provide an update to The Executive of Burnley's community safety performance as part of the required statutory duty, in accordance with the Crime and Disorder Act 1998, and request Executive approval of the Pennine Lancashire Community Safety Partnership's strategic priorities for 2022-2025.

REASONS FOR DECISION

1. Under the Crime and Disorder Act 1998, a statutory requirement is placed on Community Safety Partnerships to identify and set strategic priorities in addressing crime and antisocial behaviour as part of a three year cycle. This requirement for Burnley is satisfied through formal membership of the Pennine Lancashire CSP.

In December 2021 the Lancashire Strategic Assessment was published for 2022-2025 which identifies key risks and threats for the County. It is from this analytical work that Pennine Lancashire CSP has identified its strategic priorities for the period 2022-2025. These are:

- Maintaining Low Crime & Antisocial Behaviour
- Targeting repeat offenders and those causing the greatest harm
- Serious Violence.
- Road Safety

- Tackling Serious and Organised Crime
 - Domestic Abuse.
2. Local community safety delivery in Burnley remains the responsibility of the Multi Agency Tasking and Coordinating (MATAC) group which meets monthly and reports to Councillor Shah Hussain, Executive Member for Community and Environmental Services.
 3. Local activities and the response of the MATAC group also take into account emerging threats identified through the Partnership Analyst and/or data provided by partner agencies and the community monthly via the partner meetings.

DECISION

The Executive resolved to:

1. Note the detail of the report.
2. Endorse the Pennine Lancashire CSP's agreed priorities.

70. Food Safety Delivery Plan 2023

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 report formally consults the Committee on the plans prior to their 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. 6.
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 recommend that Full Council approve the Food Safety Service Delivery Plan 2022/2023, detailed at Appendix 1 to the report.

71. Health and Safety Delivery Plan 2023

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.

REASONS 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 recommend that Full Council approve the Health & Safety Delivery Plan 2022/2023, detailed at Appendix 1 to the report.

72. Empty Homes Programme

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 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 23 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.
Ormerod Street Worsthorne Burnley vacant since 16th December 1999
69 Halifax Road Briercliffe Burnley vacant since 20th October 2003
35 Villiers Street Burnley vacant since 3rd September 2014
89 Brennand Street Burnley vacant since 25th July 2018
385 Briercliffe Road Burnley vacant since 16th November 2020
1 Cobden Street Padiham Burnley vacant since 18th August 2022.
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 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 (11 Ormerod Street Worsthorne Burnley) Compulsory Purchase Order 2023
The Burnley (69 Halifax Road Briercliffe Burnley) Compulsory Purchase Order 2023
The Burnley (35 Villiers Street Burnley) Compulsory Purchase Order 2023
The Burnley (89 Brennand Street Burnley) Compulsory Purchase Order 2023
The Burnley (385 Briercliffe Road Burnley) Compulsory Purchase Order 2023
The Burnley (1 Cobden Street Padiham Burnley) Compulsory Purchase Order 2023
2. Authorise the Head of Legal and Democratic Services 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. 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 is recycled back into the Empty Homes Programme for further acquisitions and renovations.

73. Memorial Park Wheeled Sports Area

PURPOSE

To seek approval to accept tenders for construction of a Wheeled Sports area at Memorial Park (Park Road) Padiham.

REASON FOR DECISION

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

DECISION

The Executive resolved to:

1. Accept the tender submitted by Clark & Kent for the construction of a Wheeled Sports area at Park Road.

2. Authorise the Head of Legal Services and Democratic Services to give effect to all necessary documentation to implement the above decision.

74. Environmental Enforcement Services Procurement

PURPOSE

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

REASONS FOR DECISION

To enable the Council to:

- Provide continuity of service for environmental enforcement services and ensure that a suitable provider is appointed through a tender exercise compliant with the Council's Contract Standing Orders and the Public Contract Regulations 2015
- Continue to deliver its 'Clean Burnley' strategic priorities
- provide robust enforcement to challenge and change behaviours where these persist, regarding, littering, dog fouling and excess side waste.
- Maintain the cleanliness and enforcement across the whole of the borough.

DECISION

The Executive resolved to:

1. Authorise the Head of Streetscene to undertake an open tender procedure in compliance with Standing Orders for Contracts, Public Contract Regulations 2015 and requirements under the Find a Tender Service (FTS) to appoint a suitable provider for environmental enforcement services for the borough from 1st July 2023 for three (3) years and thereafter, at the discretion of the Council, extend the contract for up to two (2) further years.
2. Grant delegated authority to the Head of Streetscene in consultation with the Executive Member for Community & Environmental Services to accept the most advantageous tender to provide this service.
3. Grant delegated authority to the Head of Streetscene in consultation with the Head of Legal & Democratic Services to execute all documents necessary to give effect to the above decision.

75. Executive Delegations

PURPOSE

To seek approval to agree for the Chief Operating Officer to exercise those delegations to Heads of Service via reports to the Executive in the absence of that Head of Service.

REASON FOR DECISION

To enable the decisions approved by the Executive to be executed in a timely fashion and within contractual and funding deadlines.

DECISION

The Executive resolved to:

1. Authorise the Chief Operating Officer to exercise those delegations to specific Heads of Service in relation to actions arising from reports approved (both previously and in future) by the Executive in the absence of the relevant Head of Service.
2. Waive call-in in order to allow urgent deadlines to be met.
3. Recommend that Full Council approves a similar change to the Constitution Part 3 (Council Functions) Scheme of Delegation to add the following delegation to those of the Chief Operating Officer:

'The Chief Operating Officer is delegated authority to discharge delegations and functions afforded to a Head of Service in the absence of the relevant Head of Service, excluding those finance functions afforded to the Section 151 Officer.'

76. Exclusion of the Public

Members determined to exclude the public from the meeting before discussion took place on the remaining items of business [Minutes 77, 78, 79 and 80] 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.

77. Lower St James's Street Heritage Action Zone

PURPOSE

The purpose of the report is to approve revised proposals to develop a Creative Hub project as part of the Lower St James's Street Historic Action Zone programme.

REASONS FOR DECISION

1. In April 2020 Burnley Council successfully signed terms with Historic England, securing a grant of circa £1.26m to create a Heritage Action Zone on Lower St James Street. Along with match funding from the private sector, Lancashire County Council, the LEP and from Burnley Council, the total project value is £2,516,775.14. The funding is allocated to complete public realm works, grants for property refurbishments, community engagement with a specific amount ring-fenced for Burnley Council to acquire and transform a property into a hub for creative industries.

2. In February 2022 full Council approved a purchase of a property on Lower St James's Street. Unfortunately, the vendor withdrew from the transaction. An alternative property has been identified and the recommendations will enable the Creative Hub project to proceed.

DECISION

The Executive resolved to:

1. Authorise acquisition of the property referred to in paragraph 9 by 30th March 2023, in the HAZ project area for the purpose of renovation/redevelopment under the HAZ scheme.

2. Authorise the tendering of any renovation works and delegates power to accept the tender to the Strategic Head of Economy and Growth, in consultation with the Head of Finance and Property and the Executive Member for Economy and Growth.
3. Delegate authority to the Head of Finance and Property Services in consultation with Strategic Head of Economy and Growth and the Executive Member for Resources and Performance to agree terms for the disposal of the building on completion of the works to the operator chosen through a competitive tender process on the terms set out in paragraph 13.
4. Delegate authority to the Head of Legal and Democratic Services to execute all documents necessary to give effect to this decision.

78. Burnley Bus Station Facilities Management Services Procurement

PURPOSE

To obtain Executive approval to undertake the re procurement for a Facilities Management contract for Burnley Bus Station, Croft Street, Burnley.

REASONS FOR DECISION

To enable continuity of service in the management and running of Burnley Bus Station and ensure that a provider is appointed through a tender exercise compliant with the Council's Contract Standing Orders and the Public Procurement Regulations.

DECISION

The Executive resolved to:

1. Authorise the Head of Finance and Property Services to undertake an open tender procedure in compliance with Standing Orders for Contracts, Public Contract Regulations 2015 and requirements under the Find a Tender Service to appoint a suitable provider to fulfil the Bus Station Facilities Management contract, commencing on the 9th of April 2023 for three (3) years and thereafter, at the discretion of the council extend the contract for up to two (2) further years.
2. Give delegated authority to the Head of Finance and Property Services in consultation with the Executive Member for Resources and Performance to accept the most advantageous tender to provide this service.
3. Authorise the Head of Legal and Democratic Services to complete all documentation necessary to give effect to this decision.

79. Stables Cafe Lease

PURPOSE

To obtain Executive approval to vary the terms of the Lease of Stables Café.

REASONS FOR DECISION

To ensure that the Premises are refurbished to a high standard and that the business can be operated on a sustainable basis.

DECISION

The Executive resolved to:

1. Authorise the Head of Finance and Property to agree terms of the variation of the lease (in consultation with the Executive Member for Resources and Performance Management) to enable the Tenant to access funding to cover additional costs involved in refurbishing the building.
2. Authorise the Head of Legal and Democratic Services to complete all documents necessary to give effect to this decision.

80. Levelling Up Fund

PURPOSE

The purpose of the report is to approve advanced payments of funding to enable the delivery of the Levelling Up Fund programme.

REASONS FOR DECISION

To achieve the very challenging delivery programmes on both schemes and to mitigate the Council's risk of any penalties should targets for spend and progress not be met.

DECISION

The Executive resolved to:

1. Approve the advanced payment of £974,739.40 to LCC to enable them to commence works prior to a section 278 agreement being in place.
2. Approve the underwriting of the Developer's costs on the Newtown Mill as set out in paragraphs 8 and 11 of the report.