



# EXECUTIVE

## BURNLEY TOWN HALL

Tuesday, 20th March, 2018 at 6.30 pm

### PRESENT

### MEMBERS

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

### OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Asad Mushtaq	– Head of Finance
Kate Ingram	– Head of Regeneration and Planning Policy
Imelda Grady	– Democracy Officer

### 77. Minutes

The Minutes of the last meeting held on 12<sup>th</sup> February 2018 were approved as a correct record and signed by the Chair.

### 78. Additional Items of Business and order of the Agenda

Purpose	To approve a revised Curzon Street Developer Procurement report, to replace item 9 with item 9a.
Reason for Decision	To approve a revised a Curzon Street Developer Procurement report
Decision	In accordance with the provisions of Section 100(B)(4)(b) of the Local Government Act 1972 the Chair decided that a revised Curzon Street Developer report should be taken at item 9a on the agenda, in view of the special circumstances outlined.

## 79. Sale of Land at Holme Road, Burnley

**Purpose** 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.

**Reason for Decision** 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.

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.

**Decision** That approval be given 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.

## 80. 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 Number 81 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 81 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.

## 81. Curzon Street Developer Procurement

Purpose	To seek Executive approval to enter into a Development Agreement for the delivery of a leisure led town centre scheme on the Curzon Street development site
Reason for Decision	<p>The procurement of a development partner for the Curzon Street site will enable the council to deliver a major town centre regeneration scheme.</p> <p>Amendments to paragraphs 14, 16 and 22 of the report were reported verbally at the meeting, as detailed in the manuscript minute to this meeting.</p>
Decision	<ol style="list-style-type: none"><li>(1) That Company A's bid be accepted as the most economically advantageous tender for the Curzon street development procurement subject to agreement of the legal terms;</li><li>(2) That the Strategic Head of Economy and Growth, be authorised, in consultation with the Leader, to accept Company A as the Preferred Bidder and conclude the procurement in compliance with EU procurement procedure (including Contract Award);</li><li>(3) That the Strategic Head Authorise the Strategic Head of Economy and Growth be authorised, , in consultation with the Leader, to finalise the final terms of the agreement with Company A;</li><li>(4) That the Head of Legal and Democratic Services be authorised (and until that post is filled the Chief Operating Officer) to execute all documents; and</li><li>(5) That approval be given to a budget as set out in paragraphs 17 and 18 to cover the Council's external professional fees and costs incurred up to the point of the agreement becoming unconditional</li></ol>