



EXECUTIVE

BURNLEY TOWN HALL

Wednesday, 16th August, 2023 at 6.30 pm

PRESENT

MEMBERS

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

OFFICERS

Paul Gatrell	–	Head of Housing & Development Control
Simon Goff	–	Head of Green Spaces and Amenities
Howard Hamilton-Smith	–	Director of Resources
Carol Eddleston	–	Democracy Officer

Also in Attendance

Councillor Gail Barton.

19. Apologies

All members of the Executive were present.

20. Minutes

The Minutes of the last meeting, held on 12th July 2023, were approved as a correct record and signed by the Chair.

21. Additional Items of Business

There were no additional items of business.

22. Declaration of Interest

There were no declarations of interest in any of the items on the agenda.

23. Right To Speak

No requests to speak had been received.

24. Delegated Decisions Taken Since the Last Meeting

Members of the Executive noted three decisions that had been taken under delegated authority by the Strategic Head of Economy and Growth in consultation with the Lead Member for Economy and Growth.

25. Burnley Playing Pitch and Outdoor Sport Strategy (BPPOSS)

PURPOSE

To seek approval of the Executive to adopt the Burnley Playing Pitch & Outdoor Sports Strategy (PPOSS).

REASONS FOR DECISION

1. The PPOSS (Strategy & Action Plan - Appendix 2) will guide the management and development of Burnley's playing pitches over the next 5+ years.
2. The PPOSS will provide a strategic framework to ensure that the provision of outdoor sports facilities meets the needs of residents (both existing and future) and visitors across Burnley. It will also support those organisations, including the Council, involved in the provision of outdoor sports facilities across Burnley.

DECISION

The Executive resolved to adopt the Burnley Playing Pitch & Outdoor Sport Strategy.

26. The 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/trustees of these properties have been contacted and have either not responded at all or due to circumstances beyond their control are unable to sell the property with a view that it would be brought back in to use.
2. The listed properties are long term vacant properties, being empty, in one case it is understood for some 16 years. Council Officers have inspected the properties and verified that they are vacant, one of the properties is in serious disrepair and has recently been served notices in respect of pest control with no response. Without intervention by the Council through acquisition by agreement or compulsory purchase 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.

The Burnley (4 Oat Street Padiham) vacant since 25th March 2016

The Burnley (32 Hurtley Street Burnley) vacant since 28th September 2007

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 (4 Oat Street Padiham) Compulsory Purchase Order 2023

The Burnley (32 Hurtley Street Burnley) Compulsory Purchase Order 2023

2. Authorise the Head of Legal and Democratic Services to agree terms for the acquisition of the properties and 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 be recycled back into the Empty Homes Programme for further acquisitions and renovations.

27. Exclusion of the Public

Members determined to exclude the public from the meeting before discussion took place on Minutes 28, 29, 30 and 31 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.

28. Acquisition of Properties for Temporary Accommodation

Members noted that the timescales for receipt of the signed Memorandum of Understanding associated with this item was 14th August 2023. Failure to submit would have put the grant funding at risk and, as such, the Chief Executive had taken an urgent Executive Delegated Decision on 14th August.

In accordance with, and following the requirements set out in Paragraph 16 of Part 4.5 of the Constitution regarding the agreement of the Chair of the Scrutiny Committee, it was stated that in the opinion of the Chief Executive, the decision was an urgent one and was therefore not subject to call-in.

29. Replacement of Fitness Equipment at St Peter's and Padiham Leisure Centres

PURPOSE

To seek approval for funding to replace the fitness equipment and refurbish the associated fitness areas at St Peter's and Padiham leisure centres.

REASONS FOR DECISION

The main income stream for Burnley Leisure & Culture comes from gym memberships and it is essential that the Trust continues to offer high-quality, up to date fitness equipment in a modern environment to retain customers and develop the business.

DECISION

The Executive resolved to:

1. Approve the replacement of fitness equipment and refurbishment of fitness areas at St Peter's and Padiham leisure centres.
2. Recommend to Full Council the establishment of a new budget in the 2023/24 Capital programme of £563,000.

3. Approve the part financing of the capital borrowing from the client contingency budget, with the remainder being funded by Burnley Leisure & Culture as set out in paragraph 13 of the report.
4. Note that the equipment will be owned by Burnley Council.

30. Levelling Up Fund - Newtown Mill

PURPOSE

To seek approval of the payments set out in the report in advance of the Agreement for Sale with UCLAN being completed, to avoid incurring further costs.

REASON FOR DECISION

To ensure that the project is delivered on schedule and within budget in advance of the finalisation of the Agreement for Sale with UCLAN.

DECISION

The Executive resolved to:

1. Approve the payment set out in paragraph 10 of the report.
2. Note that the Chair of Scrutiny has agreed to waive call-in to avoid the risks of incurring delays in the construction programme and potential additional costs.

In accordance with, and following the requirements set out in Paragraph 16 of Part 4.5 of the Constitution regarding the agreement of the Chair of the Scrutiny Committee, it is stated that in the opinion of the Executive, this decision is an urgent one to avoid the risks of incurring delays in the construction programme and potential additional costs and is therefore not subject to call-in.

31. Nicholas Street Redevelopment

PURPOSE

To seek approval to proceed with proposals for the re-development of Nicholas Street, through the Council's Housing Partnering Agreement with Barnfield Investment Properties.

REASONS FOR DECISION

1. The redevelopment of Nicholas Street is identified as a key project in the Burnley Town Centre and Canalside masterplan.
2. The building is surplus to requirements and no alternative viable uses have been found leaving the Council with on-going maintenance and management costs.
3. The Council has been awarded a grant of £416,312 to bring forward the site for residential development.

DECISION

The Executive resolved to:

1. Approve the proposals set out in paragraphs 12 to 14 of the report.
2. Approve match funding, as set out in paragraphs 18 to 22 of the report.
3. Delegate authority to the Director of Resources, in consultation with the Director of Economy and Development and the Executive Member for Resources and Performance Management to agree the Site Business Plan as set out in Part 1 Schedule 3 of the Housing JV Partnering Agreement.
4. Delegate authority to the Director of Resources to enter into the Grant Funding agreement as set out in paragraph 18 of the report.
5. Delegate authority to the Director of Resources in consultation with the Director of Economy and Development and the Executive Member for Resources and Performance Management to agree terms and dispose of the building on completion of the works to a Registered Social Landlord.
6. Delegate authority to the Head of Housing and Development Control to agree the terms of the instruction to Barnfield Investment Properties to authorise the remainder of the upfront design work to be instructed at risk to enable the completion of the Site Business Plan and Development Agreement.
7. Delegate authority to the Head of Legal and Democratic Services to appoint solicitors via the NW Legal Consortium Framework to draft the documents necessary to give effect to the decision.
8. Delegate authority to the Head of Housing and Development Control to accept tenders and appoint a consultant to undertake a benchmarking and monitoring role.
9. Delegate authority to the Head of Legal and Democratic Services to execute all documents necessary to give effect to this decision.
10. Note that the Chair of Scrutiny has agreed to waive call-in to allow the council to enter into the Grant Funding Agreement no later than the deadline of 16th August.

In accordance with, and following the requirements set out in Paragraph 16 of Part 4.5 of the Constitution regarding the agreement of the Chair of the Scrutiny Committee, it is stated that in the opinion of the Executive, this decision is an urgent one to meet deadlines to sign a funding agreement and deliver the project within timescales.