



# SCRUTINY COMMITTEE

BURNLEY TOWN HALL

Thursday, 19th October, 2023 at 6.30 pm

## PRESENT

## MEMBERS

Councillors G Barton (Chair), B Horrocks (Vice-Chair), H Baker, G Birtwistle, H Bridges, C Briggs, M Brindle, J Broughton, J Launer, M Lishman, J McGowan, C Sollis, D Whitaker and F Wild

## OFFICERS

Rob Dobson	– Chief Operating Officer
Paul Gatrell	– Head of Housing & Development Control
Kate Ingram	– Director of Economy and Development
Richard Brown	– Community Safety Officer
Carol Eddleston	– Democracy Officer

## Also in attendance

Councillor John Harbour – Executive Member for Housing & Leisure

### 176. Apologies

Apologies for absence were received on behalf of Councillor Reynolds.

### 177. Minutes

The minutes of the meeting held on 14<sup>th</sup> September 2023 were approved as a correct record and signed by the Chair.

### 178. Additional Items of Business

There were no additional items of business to be considered.

### 179. Declarations of Interest

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

## **180. Exclusion of the Public**

Exclusion of the press and public was as set out in the agenda.

## **181. Public Question Time**

No questions, statements or petitions had been received from members of the public.

## **182. Notice of Key Decisions and Private Meetings**

Members were asked to note the Notice of Key Decisions and Private Meetings (NKDPM) published on 22<sup>nd</sup> September 2023, with the exception that it was now planned that the 'Social Care Projects using the Disabled Facilities Grant allocation from the Better Care Fund' would be taken to the Executive meeting on 29<sup>th</sup> November 2023 and the 'Strategic Risk Register' would be taken to the Executive meeting on 17<sup>th</sup> January 2024.

Members noted that the Key Decision threshold had been increased from over £100,000 to over £125,000 at Full Council on 27<sup>th</sup> September 2023.

RESOLVED: That the NKDPM of 22<sup>nd</sup> September 2023 and the updates be noted.

## **183. Gating Public Space Protection Order**

A report was submitted which recommended that the Executive grant authority to extend the Public Space Protection Order (PSPO) to manage all current and future applicable alleygate schemes in the Borough for a further three years.

As the gating programme approached its twentieth year, gating remained popular amongst both existing and prospective scheme holders. The current consideration list stood at over 80 applications from across the Borough and new applications were received each year.

There were currently 178 alleygate schemes in Burnley which had been established under differing forms of legislation. While there were 133 schemes managed under the PSPO, 45 were classed as 'old style' and were put in place using highway closure orders. These schemes did not come under the gating PSPO.

In 2019, following work conducted by a pan-Lancashire officer group looking at best practice in managing the legal aspect of gating under PSPO legislation, there was a consensus across districts that a single order to streamline the gating project was the way forward.

Members asked a number of questions to which responses were provided as follows:

Alleygating sites were based on crime and disorder data over a three year rolling period.

The Community Safety Officer would check and confirm whether a specific site was currently on the consideration list.

Council officers would be happy to provide appropriate assistance to residents in applying for a site to be added to the consideration list if they had not already applied.

Residents were expected to secure neighbour/local support for a site to be added prior to submitting an application, so as to avoid the potential scenario of significant objections being received from other residents during the consultation process.

Applications for alleygating on unadopted roads would be considered but alleygating would not help to get a road adopted or upgraded.

Alleygates in effect obstructed the highway and only local authorities, via a PSPO Gating Order, had the power to cause such an obstruction. Consequently, residents who would like to have gates installed privately, because of, or despite, a lack of supporting crime and disorder data, could not legally do so.

Some of the now defunct Ward Opportunity Fund (WOF) had been used by local Councillors in the past to fund alleygates and, although it had been a discretionary fund, it had still been issued by the local authority.

The Council veered away from the use of privately sourced funding for schemes of this nature due to the complexities of ownership and maintenance.

Comprehensive information about alleygating, including eligibility and the application process, was available at [Alley gating - burnley.gov.uk](http://Alley_gating_-_burnley.gov.uk) and assistance was also available over the telephone from Customer Service Advisors.

RESOLVED, that the report be noted and the Community Safety Officer be thanked for responding to members' questions.

#### **184. Asset & Development Management Services - Charter Walk**

A report was submitted which recommended that the Executive authorise the advertising of the tender for asset and development management services at Charter Walk, Burnley.

An Asset Management Agreement with a commercial asset management company was an essential part of the effective management of a shopping centre. As the current agreement was due to expire on 21<sup>st</sup> March 2024, a new Asset Management Agreement was required from 22<sup>nd</sup> March 2024.

A professional, experienced asset and development management services company was required to provide the Council with advice on how best to manage the strategic direction and maximise the performance of Charter Walk, including dealing with leases and letting vacant properties.

Members asked a number of questions, to which responses were provided as follows:

Occupancy rates were on target and were measured in two ways: square footage and rental income.

The Council was 'breaking even' and income was ringfenced for any future redevelopment.

Various options were already under consideration for the office block above Boots the Chemist on St James's Street. The new Asset and Development Management company would be expected to advise on this as part of the longer term strategy for Charter Walk.

Rising inflation and other cost/price increases had been factored into the budget for the new Asset and Development Management Services.

Tenderers would be asked to include proposals in their tender submissions for how they would expect to be paid such as, for example, based on the size of development or as a percentage of income generated.

RESOLVED, THAT the report be noted and the Director of Economy and Development be thanked for responding to members' questions.

### **185. Scrutiny Review Groups**

The Chair reported that the Climate Change Review Group would report back to the committee once it had concluded its current work in the New Year.

RESOLVED, THAT the verbal report be noted.

### **186. Feedback - Queensgate Review Group**

The Head of Housing and Development Control provided a verbal update on the Queensgate Review Group.

He explained that the work had started with a Task and Finish Group approach, with Councillor Birtwistle and former Councillor Royle, himself and a representative from Streetscene meeting with two resident representatives from the Burnley Lane Residents Group.

The residents had highlighted the concerns that were being expressed by residents of Queensgate and a number of actions were taken promptly as a result:

Rubbish and littering – The area was added to Kingdom's list of areas to patrol in order to catch and deter litter offenders. The Council's Enforcement/Education Officer had targeted a small number of properties where black bags were being left out in the street.

Anti-social behaviour (ASB) – the Police were asked to add the area to their patrol schedule but the group agreed that if gangs of young men and women congregating represented lawful behaviour and no offence or ASB was taking place, there was little that could be done. Residents were encouraged to report specific incidents of concern to ensure that the police had a formal record of them.

Empty properties – concern was expressed about a number of empty properties in the area. These had been reported to the Council's Empty Homes Team for review and action, and three were now being dealt with as part of the Empty Homes Programme.

The Head of Housing and Development Control said he was aware that there were still some ongoing concerns and work was ongoing with the Police, Calico and others in relation to ASB and crime.

As a member of the review group, Councillor Birtwistle made the following observations:

The review had started due to concerns about the deteriorating quality of housing in that part of Burnley and the increase in ASB, including youths driving cars at high speed and drug activity. Crime levels were high and residents felt that they had nowhere to turn to. He had visited the area on a couple of occasions with the Leader.

The situation was no better than it was. Briercliffe Road and Colne Road would benefit from speed cameras but he understood that funding had been allocated elsewhere in the county. The number of properties in a poor condition was increasing and that in itself bred a lack of respect. He commended the Head of Housing and Development Control for all of the work that he and other officers were doing but said that the area desperately needed significant investment. He acknowledged that there were a number of landlords who were keeping rents below market value in order to help their tenants during difficult times but also acknowledged that there were a lot of landlords that were not known to the Council.

Other members of the committee made a number of observations as follows:

The Council was doing an awful lot of work and, under the Selective Licensing scheme, landlords could get interest free loans to carry out improvements.

In relation to ASB and speeding, the Council could take preventative and reactive actions but not solve the issue.

Local Councillors should be a central port of call for their residents and it was disgraceful that residents had felt the need to come to Full Council for a third time.

The issues experienced in Queensgate were shared in areas across the country and the challenge was to secure sufficient levels of funding from the government.

Ward Councillors' relationships with their local Police Community Support Officers (PCSOs) were very important and it would be helpful if Councillors could be invited to their local PACT meetings.

Councillors needed to take their responsibilities seriously and work with other Councillors for the benefit of their residents.

None of the Queensgate members were in attendance this evening so it was not appropriate to comment on their relationship with their local residents.

Local Housing Allowance Rates meant that the most vulnerable people were being priced out of accommodation.

As Executive Member for Housing and Leisure, Councillor Harbour made a number of observations as follows:

The problem in Burnley was not unique to Queensgate. Many millions of pounds' worth of funding for the regeneration of the town had been cut in the last 13 years. The government needed to recognise the issues that the borough faced.

The Head of Housing and Development Control confirmed that there were challenges in a number of areas but the Queensgate Review Group had been set up because the area had been raised at Scrutiny Committee. There was a particular focus on Queensgate again now because local residents had attended Full Council in September to speak about their local area.

The Chief Operating Officer made a number of comments as follows:

Officers had a further programme of hotspot work in the area and there was work ongoing to address the longer term challenges in the area including youth work and speeding.

The Council was disappointed not to have secured any fixed speed cameras on Colne Road but it was hoped that we would be in a position to secure a Speed Indicator Device (SPIDs) at either end of Colne Road in the hope of building up some data that would evidence the need for Colne Road to be moved higher up the priority list for fixed cameras.

RESOLVED, that the verbal report and observations thereon be noted.

#### **187. Work Programme 2023/24**

The Committee received the updated work programme for 2023/24 and discussed at some length two additional items proposed by Councillor Baker, as outlined on the agenda.

Members noted that the Work Programme was subject to change with items being moved to meetings later in the municipal year. Members accepted that this was often because reports were deemed to be 'not yet ready' but felt it would be helpful to have more of an explanation of why items were moved.

RESOLVED, THAT the updated work programme for be noted, subject to the additions below:

#### Work Programme 2023/24

23<sup>rd</sup> November 2023 – Charter Walk one year post purchase – Interim Report – Projected, planned purchase costs versus actual operating income and expenditure as at 30th September 2023.

#### Work Programme 2024/25

5<sup>th</sup> June 2024 - Charter Walk one year post purchase – Final report - Planned purchase costs versus actual operating income and expenditure for the first year.

5<sup>th</sup> June 2024 – Pioneer Place six months post purchase – Projected, planned costs versus actual and the planned projected costs for income and expenditure in the first year. To include also an updated projection for expenditure and income from the Manchester Road site.