



EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 5th June, 2018 at 6.30 pm

PRESENT

MEMBERS

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

OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Eric Dickinson	– Democracy Officer
Catherine Price	– Town Centre Manager

1. Apologies

Apologies for absence were received from Councillor Sue Graham.

2. Minutes

To approve the Minutes of the last meeting held on the 23rd April 2018.

3. Additional Items of Business and order of the agenda

Purpose

To approve as an additional item a report on the Amendment of Weavers Triangle Development Agreement, to be considered immediately after Item 18 on the agenda as Item 18a).

Reason for Decision

To approve an Amendment of Weavers Triangle Development Agreement report.

Decision

In accordance with the provisions of Section 100(B)(4)(b) of the Local Government Act 1972 the Chair decided that a report on the Amendment of Weavers Triangle Development Agreement should be considered immediately after Item 18 on the agenda as Item 18a), in view of the special circumstances outlined.

4. Declaration of Interest

Councillor Mark Townsend declared an Other Interest (Prejudicial) in Item 11 on the agenda relating to North West Growth Corridor, in Item 18 relating to Variation of Funding Agreement for Former Clock Tower Mill, and Item 18a) relating to Amendment of Weavers Triangle Development Agreement.

Councillor John Harbour declared an Other Interest (Prejudicial) in Item 20 on the agenda relating to Lease at Padiham Town Hall.

Mick Cartledge declared an Other Interest (Prejudicial) in Item 18 on the agenda relating to Variation of Funding Agreement for Former Clock Tower Mill, and Item 18a) relating to Amendment of Weavers Triangle Development Agreement

5. Constitutional Reporting - Executive Portfolios and Any Other Executive Issues

Purpose

To note that the updated Executive Portfolios were amended by the Leader on 9th May 2018, and were updated by a minor amendment on the 21st May 2018.

Reason for Decision

To comply with the Council's constitutional requirements.

Decision

That the updated Executive Portfolios which were amended by the Leader on 9th May 2018 and by minor amendment on 21st May 2018 be noted.

6. Empty Homes Programme

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

Reasons for Decision

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.

These properties are long term vacant properties, being empty, in one case, for 12 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.

Through the Vacant Property Initiative and Empty Homes Programme over 120 properties have been acquired, refurbished and re-sold or re let, bringing those properties back into use and providing high quality accommodation.

Calico Homes have applied for and received funding from Homes England to bring a number of vacant properties back into use as social housing and adding to their stock. We are currently working with them in the Daneshouse and Trinity areas to identify properties they wish to take forward.

Decision

- (1) That it be approved that 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 (38 Thorn Street Burnley) Compulsory Purchase Order 2018

The Burnley (47 Branch Road Burnley) Compulsory Purchase Order 2018

The Burnley (71 Branch Road Burnley) Compulsory Purchase Order 2018

The Burnley (79 Branch Road Burnley) Compulsory Purchase Order 2018

The Burnley (70 Piccadilly Road Burnley) Compulsory Purchase Order 2018

The Burnley (9 Baker Street Burnley) Compulsory Purchase Order 2018

The Burnley (24 Laithe Street Burnley) Compulsory Purchase Order 2018

The Burnley (49 Albion Street Burnley) Compulsory Purchase Order 2018

The Burnley (98 Every Street Burnley) Compulsory Purchase Order 2018

The Burnley (28 Robinson Street Burnley) Compulsory Purchase Order 2018

- (2) 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;
- (3) 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;

- (4) 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
- (5) That the tendering be authorised 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;
- (6) That the Head of Legal and Democratic Services be authorised to dispose of 70 Piccadilly Road, 9 Baker Street, 98 Every Street and 49 Albion Street to Calico Homes;and
- (7) That it be approved that the proceeds from the sale of the properties be recycled back into the Empty Homes Programme for further acquisitions and renovations.

7. Burnley Town Centre BID Feasibility

Purpose

To present the findings of a feasibility study for the proposed development of a Business Improvement District (BID) for Burnley town centre and to seek approval:

- For the Town Centre Manager to proceed with the development of a BID for Burnley town centre in line with the recommendations of the feasibility study
- To appoint a Consultant to lead the process of BID development

Reasons for Decision

To follow the findings and recommendations of the Feasibility Study for the development of a BID for Burnley town centre.

To further drive economic growth in Burnley town centre.

To enable the Council to proactively work with town centre partners to deliver projects and services which benefit the town centre and its businesses in addition to services already provided.

Decision

- (1) That the Town Centre Manager be approved to proceed with the development of a Business Improvement District (BID) for Burnley town centre and the commitment of the resources required; and
- (2) That the appointment of a Consultant be approved to lead the development process subject to following the Council's procurement rules

8. NW Growth Corridor

Councillor Mark Townsend left the room and did not take part in this item

Purpose

To note the decision by the Lancashire Economic Partnership (LEP), to award a £4.9 million grant to fund infrastructure works in Padiham, that will support the redevelopment of the former Baxi site for housing and public realm works that will reinvigorate Padiham Town Centre.

To seek permission to accept the grant funding offer and delegate authority to officers to complete legal agreements necessary to implement the scheme

Reasons for Decision

In order to progress the Northwest Burnley Growth Corridor funding agreements, that are essential in delivering the infrastructure works, which will result in the delivery of 240 new homes, to protect Padiham Town Centre from future flooding and to reinvigorate Padiham as a retail destination.

Decision

(1) That delegated authority be given to the:

- (a) Head of Finance and Property in consultation with the Strategic Head of Economy and Growth to accept the Grant Funding;
- (b) Strategic Head of Economy and Growth in consultation with the Head of Legal and Democratic Services (and until that post is filled the Chief Operating Officer) and the Head of Finance and Property to negotiate and agree the terms of the Grant Funding Agreement;
- (c) Strategic Head of Economy and Growth in consultation with the Head of Legal and Democratic Services (and until that post is filled the Chief Operating Officer) to negotiate and agree the terms of a delivery agreement (with Burnley as the funding partner) with the Environment Agency (EA), who are delivery partners on the flood defence scheme;
- (d) Strategic Head of Economy and Growth in consultation with the Head of Legal and Democratic Services (and until that post is filled the Chief Operating Officer) to negotiate and agree the terms of a Section 278 Agreement with Lancashire County Council (LCC), who are delivery partners on the public realm improvements; and
- (e) Head of Legal and Democratic Services (and until that post is filled the Chief Operating Officer) to execute all documents necessary to give effect to the decision.

(2) That Full Council be recommended to incorporate the scheme into the Council's Capital Programme.

9. Strategic Risk Register

Decision

That this item be withdrawn.

10. Appointment to Pennine Lancashire Leaders and Chief Executives Joint Committee (PLLACE)

Decision

That the Leader, with the substitute being the Deputy Leader, be appointed to the Pennine Lancashire Leaders and Chief Executives Joint Committee (PLLACE).

11. Appointment to Pennine Building Control Joint Executive Committee (PLBCJEC)

Decision

That the Executive Member for Housing and Leisure, with the substitute being the Executive Member for Resources and Performance Management, be appointed to the Pennine Building Control Joint Executive Committee (PLBCJEC)

12. Appointment to Traffic Regulation Order Sub Committee (TROSC)

Decision

That the Executive Member for Housing and Leisure, the Executive Member for Economy and Growth, and the Executive Member for Community and Environmental Services be appointed to the Traffic Regulation Order Sub Committee (TROSC)

13. Appointment to Barnfield & Burnley Development Limited (BBDL)

Decision

That the Leader and the Chief Executive be appointed to Barnfield & Burnley Development Limited (BBDL).

14. 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 Numbers 15,16,17,18 and 19 contain 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 items relating to Minutes 15,16,17,18 and 19 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.

15. Variation to Funding Agreement for Former Clock Tower Mill

Councillor Mark Townsend and Mick Cartledge left the room and did not take part in this item

Purpose

To enable completion of development and sale to buyers of 16 apartments at Sandygate

Reason for Decision

Homes England (HE) has requested the changes to align with the updated Government programme funding arrangements.

Decision

- (1) That the changes be approved to the land transfer and funding documents referred to in paragraph 6 of the report; and
- (2) That the Strategic Head of Economy & Growth be authorised to agree and the Head of Legal & Democratic Services to complete all necessary documentation to give effect to this decision

16. Amendment to Weavers Triangle Development Agreement

Councillor Mark Townsend and Mick Cartledge left the room and did not take part in this item

Purpose

To seek approval to vary the development agreement and to transfer resources for purposes set out in this report

Reason for Decision

To enable further development of the On the Banks regeneration area in line with the tender submitted by Barnfield Investment Properties (BIP)

Decision

- (1) That the variation of the Weavers Triangle development agreement as set out in paragraph 6 of this report be approved;
- (2) That the transfer of funds be authorised to the Barnfield and Burnley Developments Limited (Weavers JV Co) for the purposes set out in paragraphs 8, 9 and 10 of this report;
- (3) That delegated authority be given to the Chief Operating Officer to negotiate terms and execute all documents necessary to give effect to the above decision; and
- (4) That the inclusion of the Weavers JV Co in the Treasury Management approved counter party list for this transaction be approved.

17. Barden Track

Purpose

To approve the granting of a lease of Barden Athletics Track to Burnley Leisure Trust.

Reason for Decision

To enable the Trust to continue and develop the sporting use of the site in conjunction with their wider health and recreation aspirations.

Decision

That a lease of the Barden Athletics Track and associated land be granted to Burnley Leisure Trust for continued sporting use on the outline terms set out in the report, and the Chief Operating Officer be authorised to complete the legal formalities

18. Lease at Padiham Town Hall

Councillor John Harbour left the room and did not take part in this item

Purpose

To approve terms for an extension to the lease on renewal of Padiham Town Hall Assembly Hall and Offices.

Reason for Decision

To enable the Town Council to bid for funding to undertake improvements to the Assembly Hall and facilities

Decision

That the extension of the Lease be approved on the outline terms set out in the report, and the Chief Operating Officer be authorised to complete the legal formalities.

19. Sale of Land at Westview/Thompson Street

Purpose

To seek approval for the sale of three parcels of land at West View Terrace/Thompson Street, Padiham, extending to approximately 0.53 ha (1.29 acres) and shown edged red on the plan contained in Appendix 1.

Reason for Decision

To obtain a capital receipt from the disposal of a surplus asset and to facilitate the development of new housing in accordance with the emerging Local Plan allocation.

Decision

- (1) That the sale be authorised of approximately 0.53 ha (1.29 acres) of land at West View Terrace/Thompson Street, Padiham (subject to planning permission and ground investigations) on the terms reported;
- (2) That the Head of Finance & Property be authorised, in consultation with the Executive Member for Resources, to agree any reduction in purchase price based on abnormal development costs identified in the ground investigations report; and
- (3) That the Chief Operating Officer be authorised to complete all documents necessary to give effect to this decision.