



# EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 3<sup>rd</sup> April 2012

## PRESENT

## MEMBERS

Councillor Charlie Briggs (in the Chair), Roger Frost, Margaret Lishman, Jeff Sumner and Linda White.

## OFFICERS

Steve Rumbelow	-	Chief Executive
Nick Aves	-	Director of Resources
Mick Cartledge	-	Director of Community Services
Mike Cook	-	Director of Regeneration and Housing
Tom Forshaw	-	Head of Chief Executive's Office
David Wilcock	-	Head of People, Law and Regulation
Colin Hill	-	Head of Facilities Management
Mark Rogers	-	Operations Manager
Jeremy Richards	-	Public Relations Officer
Imelda Grady	-	Democracy Officer

## ALSO IN ATTENDANCE

Councillors Peter Doyle and Peter McCann

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### 156. Minutes

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The Minutes of the Meeting held on the 7<sup>th</sup> March 2012 were confirmed as a correct record and signed by the Chair.

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### 157. Minutes of the Individual Decisions

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The Minutes of the following individual decisions made since the last meeting were noted;

Minute No. 25 Staffing Changes Chief Executive's Office

Minute No. 26 Changes to the staffing establishment of the Law Unit

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### 158. Vacant Property Initiative

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Decision That this item be withdrawn from the agenda.

### 159. Padiham Town Centre Manager

- Purpose To establish a 25 hour per week post of Padiham Town Centre Manager to be funded from Tesco Section 106 funds.
- To establish an operational budget of £50,000 effective from May 2012 pending receipt of funds from Tesco, in order to accelerate the appointment.
- Reason for Decision To support Padiham Town centre in preparing for the business challenges it will face on the opening of a new Tesco supermarket
- Decision (1) That approval be given to establishing a new 25 hour Grade 9 position ( subject to Job Evaluation Quality Assurance confirming this level ) for a fixed contract term finishing on 31<sup>st</sup> March 2014
- (2) That an operational budget, including salary costs, be established of £50,000 for both 2012/2013 and 2013/2014.
- (3) That Full Council be recommended to approve the forward commitment of £50,000 in 2013/14**
- (4) That the budget for 2012/2013 be brought forward ahead of receipt of funding from Tescos.

### 160. Free Swimming for the Over 60's

- Purpose To consider the introduction of free swimming sessions for the over 60's in the Borough.
- Reason for Decision To help increase the take up of swimming for older residents in the Borough and improve their health and well-being.
- Decision That approval be given to the introduction of free swimming sessions for the over 60's in the Borough.

### 161. 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 162, 163,164and 165 contain exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).  
Minute Number 166 contains exempt information relating to any

consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or officer holders under, the Authority.

Decision That the public be excluded from the meeting before discussion takes place on the items relating to Minute 155 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.

<b>162. Manchester Road Railway Station Project</b>
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Purpose To seek authority to make provisions in the capital programme to undertake redevelopment works to Manchester Road Railway Station, to procure a suitable contractor to undertake construction and site works at the station, and to let the site on a long lease to Lancashire County Council.

Reason To enable the Council to continue to deliver the regeneration of Manchester for Road Railway Station, one of Burnley's gateway sites and to promote a Decision positive image of Burnley.

To enable the Council to contribute towards much needed improvements to the railway passenger services at a station that is expected to see significantly increased passenger numbers in the coming years.

To contribute towards the long term goal of overall rail service improvements in Burnley, fitting in with the long term plan of reinstating a direct rail service to Manchester.

- Decision
- (1) That full Council be recommended to increase the 2012/13 capital programme for the Manchester Road Railway Station project to £1,550,000.**
  - (2) That subject to (1) above, approval be given to the release of the project's funding from the Capital Programme for the financial year 2012/13.
  - (3) That once all the project funding is secured , authorisation be given for the procurement of contractors, and subsequent letting of a contract, to undertake construction and site works to the new Manchester Road railway station building and grounds, in accordance with the Council's Standing Orders for Contracts;
  - (4) That delegated authority be given to the Director of Economic Regeneration to accept the most economically advantageous tender.
  - (5) That the Head of Economic Regeneration and Planning Policy, in consultation with the Director of Resources, be authorised to negotiate and agree terms for a 125 year lease of the premises

- shown edged red on the attached plan to Lancashire County Council.
- (6) That the Head of People, Law and Regulation be authorised to enter into all necessary contracts and agreements to put into effect the recommendations.

**163. University Technical College (UTC), Victoria Mill**

- Purpose** To update the Executive on the proposal that a University Technical College should be established in Burnley, and that the Council-owned Victoria Mill, in the Weavers' Triangle, should be the location for it; and to ask the Executive to authorise Officers to negotiate and enter into agreements on behalf of the Council in respect of funding, project management, leasehold disposal of property, and capital construction works, in order to allow the project to be delivered.
- Reason for Decision**
- (i) The Department for Education (DfE) has made a provisional offer of financial support, to a maximum of £9.3 million, for the establishment of a University Technical college (UTC) in Burnley; and has agreed in principle that the location should be Victoria Mill;
  - (ii) DfE's provisional offer of financial support has been made on the condition that the Council acts as client and accountable body;
  - (iii) To include in the Council's Capital Programme the sum of £9.3 million in additional external funding, as soon as the final approval is confirmed by the Department for Education;
  - (iv) Project development funding is required to secure external advice on cost, VAT, property and CDM issues; DfE guidelines allow a maximum of £150,000 to be ring-fenced for this purpose, but a lower amount is considered to be sufficient in this case;
  - (v) The Council has procured a consultancy contract with E C Harris LLP for the provision of financial and construction cost advice; this was procured by competitive tender, but was below the threshold above which Executive approval is required. In view of their familiarity with the scheme, their knowledge and experience of DfE/PfS policies and procedures, and the quality of the work undertaken to date, and to ensure rapid progress within tight deadlines, it is recommended that their contract be extended and enhanced to provide similar advice through the project's development stages;
  - (vi) Dfe require that an Agreement to Lease the site to Visions Learning Trust must be in place before the letting of a Design and Build contract for the scheme. Following practical completion, the grant of a long (125 year) lease has been proposed as the appropriate mechanism for transferring ownership of the new College to the Trust;

- (vii) DfE have accepted that the OJEU Procurement Exercise (OJEU Notice No. 2010-S131-200710), through which Barnfield Investment Properties and Barnfield Construction Limited were selected as developer and contractor for the Council-owned properties in the Sandygate area of the Weavers' Triangle (including Victoria Mill), was conducted in such a way that no further procurement procedure is required;
- (viii) The location of the site may necessitate the entering into of agreements in respect of working adjacent to, or over, a navigable waterway;
- (ix) The appropriation of the Sandygate redevelopment site for planning purposes will facilitate the carrying out of development, redevelopment or improvement which is likely to contribute to the economic, social or environmental well-being of the area and which is required in the interests of proper planning. Appropriation of the entire Sandygate site, of which the proposed UTC site forms a part, will allow future redevelopment phases to be progressed without the need for additional approvals. A site plan, showing the proposed UTC site and the wider area, is at Appendix A.

Decision

- (1) That the Director of Economic Regeneration, in consultation with the Director of Resources and the Head of People, Law and Regulation, be authorised to make an application for grant funding from the Department for Education for the capital cost of developing Victoria Mill to house a University Technical College;
- (2) That approval be given for the Council to accept the consequent grant funding agreement and act as client and accountable body for the management of the grant;
- (3) That approval be given, subject to final approval of grant funding from the Department for Education, for the sum of £9.3 million to be brought into the Council's capital budget, and that the Executive, at the appropriate time, recommend to full Council that the Capital Programme be amended accordingly;
- (4) That approval be given, within the above sum, for the amount of £95,000 to be utilised for the purpose of project development;
- (5) That approval be given for the waiving of Standing Order SOC17 to allow the extension of an existing contract with E C Harris LLP for the provision of external cost and CDM consultancy;
- (6) That the Head of People, Law and Regulation be authorised to enter into a 125-year lease agreement on behalf of the Council with Visions Learning Trust to occupy Victoria Mill as operators of the University Technical College, subject to their entering into an operating and funding agreement with the Department for Education;

- (7) That the Head of People, Law and Regulation be authorised to enter into a Design and Build contract, and collateral warranties as appropriate, with Barnfield Construction Limited for the delivery of the programme of capital works;
- (8) That the Head of People, Law and Regulation be authorised to enter into any agreements with British Waterways/Canals and Rivers Trust that may be necessary to allow the development to proceed;
- (9) That approval be given for the Sandygate redevelopment site (comprising those sites and buildings, including Victoria Mill that were the subject of the OJEU procurement exercise No. 2010/S131-200710) to be appropriated for planning purposes.

<b>164. Capital Contribution Charter Walk Shopping Centre</b>
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**Purpose** To seek approval to the payment of a contribution by the Council towards the cost of improvement and refurbishment of Charter Walk Shopping Centre.

**Reason for Decision** The estimated total cost of the works proposed is £2.25 million. A contribution by the Council of 10% of this cost would be £225,000. This investment will secure the long term letting to key anchor tenants of prominent units in the centre and rental income from the units concerned of £455,000 p.a. It will also help to secure the long term viability of the Centre as a whole such that making a contribution is felt to be the best investment option.

To preserve the percentage share of the rents receivable for the Centre that the Council is currently entitled to at 10%.

**Decision** (1) The approval be given to the making of a contribution of up to £225,000 towards the cost of improving and refurbishing the Centre in accordance with the terms of the existing lease.

(2) That the level of contribution made and the method of making the contribution be determined by the Council's Director of Resources in consultation with the Executive Member for Resources.

**(3) That Full Council be recommended to approve a capital budget of £225,000 (funded from reserves) to cover the maximum level of contribution requested.**

<b>165. Grounds Maintenance Equipment &amp; Transport Procurement</b>
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**Purpose** To seek approval to release the budget of £119,176 for replacement of transport fleet vehicles and horticultural machinery in the capital programme 2012-2013.

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Reason for Decision The approval will enable the timely purchase of mowers and other equipment that is required for the coming season.

Decision (1) That approval be given for the release of funds of £119,176 contained in the Council's capital programme 2012-2013 for the procurement of transport fleet vehicles and horticultural machinery.

(2) That Standing Order 17 (authorisation of contracts exceeding £50,000) be waived in respect of the purchase of the fleet vehicles in order that the Council can use the existing Pan/DWP Government Framework with Ford Fleet Direct sales.

(3) That Standing Order 17 be waived in respect of the purchase of grounds maintenance equipment in order that the council can take advantage of discounts arising from the maintenance contract as outlined in the report.

<b>166. Staff Car Allowances</b>
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Purpose To make progress in implementing the Council's decision to reduce the cost of car allowance payments to staff by £30,000.

Reason for Decision To reflect the fact that it has not been possible to negotiate with the trade unions and to ensure that the Council's budget for car allowance payments in 2012/13 is not exceeded.

To ensure that payments to staff more accurately reflect the costs that they are incurring and any excess profit element is removed.

Decision That approval be given to invoke the dispute resolution process and refer the matter to the North West Joint Council for Local Government Services.