



EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 14th October 2008

PRESENT

MEMBERS

Councillor Gordon Birtwistle, in the Chair.

Councillors Charlie Briggs, Charles Bullas, Roger Frost, Margaret Lishman, Martin Smith and Jeff Sumner.

OFFICERS

Steve Rumbelow	-	Chief Executive
Mick Cartledge	-	Director of Community Services
Nick Aves	-	Director of Resources
David Brown	-	Director of Environment
Mike Cook	-	Director of Regeneration and Housing
Tom Forshaw	-	Head of Chief Executive's Office
Farida Ahmed	-	Head of Property Consultancy
Sarah Yorke	-	External Funding Manager
Kate Thorp	-	Development Manager
Gerard Vinton	-	Head of Recreation and Leisure
Paul Chapman	-	Head of Information Services
Jeremy Richards	-	Public Relations Officer
Amy Blackburn	-	Public Relations Assistant
Imelda Grady	-	Democracy Officer

ALSO IN ATTENDANCE

Councillor Peter Doyle.

86. Minutes

The Minutes of the last meeting held on 23rd September 2008 were agreed as a correct record and signed by the Chair.

87. Additional Items of Business

Purpose	To consider the outcome of consideration by the Environment and Housing Scrutiny Committee of a call-in relating to vocational training for hackney carriage and private hire drivers.
Reason for Decision	In Order that the matter can be progressed within the timescales referred to in the Council's Scrutiny Procedure Rules.
Decision	In accordance with the provisions of Section 100 (B) (4) (b) of the Local Government Act 1972, the Chair decided that the item should be considered in view of the special circumstances outlined.

88. Declaration of Interest

Councillor Roger Frost declared a personal and prejudicial interest in item 17 of the agenda – Transfer of Nora Helen Bradburn Bequest and Elsie Elwood Bequest Funds to the Burnley Acorn Fund as he was a Trustee of Burnley Acorn Fund. He left the room and took no part in the discussion or vote on this item.

89. Public Question Time

Councillor Peter Doyle addressed the Executive under the Council's right to speak policy on item 15 (a) Revenue Budget Monitoring.

90. [Special Environment and Housing Scrutiny Committee Minutes 13th October 2008.](#)

Purpose	To consider the outcome of the Special Environment and Housing Scrutiny Committee held on 13 th October 2008 to the call-in of Executive minute 75, Vocational training for Hackney Carriage and Private Hire Drivers.
Reason for decision	To take into account the comments of the Environment and Housing Scrutiny Committee in accordance with the Scrutiny Procedural Rule 16 (d).
Decision	(1) That the recommendation of the Environment and Housing Scrutiny Committee not to ask the Executive to review its decision on this matter be noted;

- (2) That relevant officers be requested to take into account the comments made by the Environment and Housing Scrutiny Committee on the consultation process on future occasions in matters relating to taxi licensing; and
- (3) That the Licensing officers be requested to re-run the training presentation to the taxi trade.

91. [Accommodation Strategy 2008/09 Baseline Study and Implementation Plan](#)

Purpose To provide an outline implementation plan for 2008-10 in accordance with the Accommodation Strategy Baseline Study 2008/9 as detailed in appendix 1 to the report.

To seek approval for expenditure from the Capital Programme Budget 2008/9 and 2009/10.

Reason for Decision In order to meet the required health and safety standard.

It was considered prudent not to commit further monies to the implementation plan at this stage.

Decision (1) That approval be given to release £9,000 from the Council's 2008/09 Capital Programme for that part of the Accommodation Strategy Stage 1 Implementation Plan relating to the upgrading of lighting in the Information Services Operations Office.

(2) That the Head of Property Consultancy, in consultation with the Executive Member for Resources, be authorised to tender for the works in accordance with Standing Orders and accept the most advantageous tender for the works.

92. [Pennine Lancashire Multi Area Agreement](#)

Purpose For the Executive to consider entering into a Pennine Lancashire Multi-Area Agreement (PLMAA) and approving a draft agreement on a basis for negotiation with Government.

Reason for Decision In July 2007, the Government published its "Review of Sub-National Economic Development and Regeneration." The Review was wide-ranging but its focus was on encouraging economic growth, reducing the disparities

between regional economic performances and tackling deprivation. The review set out plans to refocus both powers and responsibilities, giving local authorities a greater role in driving economic growth and creating prosperity.

One measure, which was brought forward as part of this Review was MAA's, a mechanism to create more effective and accountable partnerships which can impact on economic development across "functioning economic areas."

This presents an opportunity to strengthen Government support by signing up to an informal agreement which will set out a common undertaking of the key interventions required to make a step change in the economic performance of Pennine Lancashire.

- Decision
- (1) That approval be given for Burnley Council to be party to a Multi-Area Agreement between the Pennine Lancashire Councils (Blackburn-with-Darwen, Burnley, Hyndburn, Pendle, Rossendale, Ribble Valley, Lancashire County Council and Central Government; and
 - (2) That the draft Agreement attached at Appendix 1 to the report be approved as a basis for negotiation with Government.

93. [Department of Communities and Local Government Consultation "Transforming Places: Changing Lives - a Framework for Regeneration"](#)

Purpose To seek approval of the Council's response to consultation proposals set out within the Department of Communities & Local Government's Regeneration Framework White Paper.

Reason for Decision The Framework for Regeneration sets out proposals for consultation which aim to re-focus the co-ordination and prioritisation of regeneration investment by Government. The Framework will therefore influence the future delivery of regeneration initiatives across the Borough.

Respondents are required to submit their formal response to the consultation by 31st October 2008.

Decision That approval be given for the draft response to DCLG's Regeneration Framework, as set out in Appendix I to the report.

94. [Local Accountability Consultation](#)

Purpose To agree the draft response to the Department of Communities and Local Government's consultation document 'Communities in control: Real people, real power' for submission by the deadline of 30th October 2008.

Reason for Decision	This consultation gives the opportunity to influence future guidance and legislation. The Government will take account of the responses received before introducing primary and secondary legislation on the topics discussed in the consultation document.
Decision	<p>(1) That the draft response to the DCLG's consultation document 'Communities in control; Real people, real power' as set out in appendix 2 of this report be approved;</p> <p>(2) That the views of the Leadership and Community Scrutiny Committee and the Scrutiny Committees Coordinating Panel be sought on Chapters 2 and 3 which relate specifically to scrutiny; and</p> <p>(3) That the Head of the Chief Executive's Office be authorised to finalise the response taking into account the comments of the Leadership and Community Scrutiny Committee and the Scrutiny Committees Coordinating Panel.</p>

95. <u>Transforming worklessness across Pennine Lancashire Project</u>

Purpose	<p>To secure the Executive's support for the Council's participation in the 'Transforming Worklessness across Pennine Lancashire' (TWPL) project.</p> <p>To secure the Executive's support for the Council to receive and manage external funding of £13,333 in 2008/09 for purpose 1. above.</p>
Reason for Decision	The project will contribute towards achieving LAA NI 153 targets, i.e. reducing the number of people claiming out of work benefits. This is a key commitment to the council and Burnley Action Partnership and one that will be closely monitored by Government.
Decision	<p>(1) That delegated authority be given to Head of People and Law and Director of Resources, to enter into a funding agreement with Blackburn with Darwen Borough Council (the accountable body for the project).</p> <p>(2) That approval be given to establish a budget (2008/09) for external funding to the value of £13,333 as detailed in appendix (i) to the report, to support the additional activities of the EDT as part of the 'Transforming Worklessness across Pennine Lancashire' project.</p>

96. <u>Release of Capital Programme Monies - Alleygating</u>

Purpose	To request that the Executive approves the release of the £207,000 in the Capital Programme for Alleygating 2008 – 2009.
---------	--

To inform Executive that half of the sum of £207,000 is from the year 2006-2007 and had already been released however, because of lengthy consultations, the money had to be re-profiled into the financial year 2007-2008. Twenty-three schemes have been completed so far this year, a further sixteen have now been fabricated and are ready for installation and a further eight schemes are envisaged to exhaust the spend before the end of March 2009.

Reason for Decision To improve the safety, amenity and reduce crime and the fear of crime in a number of neighbourhoods within the Borough.

Decision (1) That approval be given to release the £207,000 set aside in the Capital Programme for Alleygating; and

(2) That the Head of Streetscene be authorised to tender the proposed work in accordance with Standing Orders and accept the most economically advantageous tender.

97. [Purchase of Bust of Charles Townley 1807](#)

Purpose To seek approval to apply for external funding to purchase the bust of Charles Townley by Joseph Nollekens.

Reason for Decision This purchase has national support. It is the subject of a starred export ban which is an indication of the high quality of the sculpture and its historic importance. (The last starred sculpture was Canova's "The Three Graces"). The bust was on exhibition at Towneley from 1927-2007 and was one of the treasures of the Art Gallery. In 2007 it was sold by the O'Hagan family and now belongs to Daniel Katz of New Bond Street, London who has sold it to Yale University, USA.

If the funding is not raised by December 3rd it will go to Yale University.

Decision That the Curator be authorised to apply to the Art Fund, the National Heritage Memorial Fund and smaller bodies and to undertake local fundraising.

98. [Government Connect](#)

Purpose To seek approval to commit to the Government Connect programme.

Reason for Decision In order to ensure information transfer between the DWP and the Council (particularly Benefits) can still be carried out after March 31st 2009. As the DWP have made it clear that they will not communicate in any other way, there is no other real choice than to go down the Government Connect route.

Until the announcement in July, the Council did not know that the DWP would effectively mandate that Councils have to use Government Connect. Before this there was not a strong business case to go with Government Connect and the Council was not going to commit to the Programme.

- Decision
- (1) That approval be given to commit the Council to the Government Connect Programme (Government Connect);
 - (2) That Full Council be recommended to include an additional item of Capital expenditure in the 2008/09 Programme of £41,950 partly funded from use of Local Housing Allowance (LHA) Grant (£20,000) and reallocation of part of PC Replacement Funding Programme (£9000); and
 - (3) That it be noted that a revenue growth item to cover extra costs of £2500 per annum from 2009-10 onwards will need to be considered as part of the overall budget process.

99. Revenue Budget - Revenue Budget Monitoring

- Purpose
- To report the latest position on revenue spending and income for 2008/09 and show any significant variations from the approved revenue budget.
- To recommend any changes to the approved revenue budget which are considered necessary
- To highlight areas where further information has been requested from Heads of Service
- To determine any areas where Members require further information in addition to that already requested and supplied.
- Reason for Decision
- To give consideration to the level of revenue spending and income in 2008/09 and to ensure that the budget is revised where appropriate to reflect changing circumstances
- Decision
- (1) That the proposed budget transfers as shown in Appendix 1 to the report be approved;
 - (2) That the net salary savings as shown in Appendix 2 to the report be approved;
 - (3) That the approval of full Council be sought for the net increase in budgets funded from earmarked reserves as shown in Appendix 3; and
 - (4) That the forecast of revenue budget savings required shown in Appendix 4 and the revised position on net revenue spending as shown in Appendix 5 be noted.

100. Revenue Budget - Earmarked Reserves

Decision It was noted that this item had been withdrawn from the agenda.

101. [Capital Budget Monitoring 2008/09](#)

Purpose To provide Members with the current capital expenditure and resources position for 2008/09 and highlight any variances.

Reason for Decision To effectively manage the 2008/2009 capital programme.

Decision (1) That Full Council be recommended to approve a revised capital budget totalling £26,502,693 as outlined in Appendix 1 to the report; and
(2) That the current expenditure position along with the update on individual scheme delivery, outlined in Appendix 2 to the report, be noted.

102. [Transfer of Funds](#)

Purpose To seek approval to transfer the funds of the Nora Helen Bradburn Bequest and Elsie Elwood Bequest into the Burnley Acorn Fund.

Reason for Decision The Trustees of Burnley Acorn Fund have had the opportunity to review the objectives of the Nora Bradburn and Elsie Elwood Bequests to maximise the potential of the funds by transferring them into the Burnley Acorn Fund.

The Trustees are satisfied that the transfer will serve the best interests of the charities as they have similar aims and objectives.

Decision (1) That approval be given to transfer the assets of the Nora Helen Bradburn and Elsie Elwood Bequests totalling £238,682.47 to the Burnley Acorn Fund; and
(2) That a report be prepared on the management of the Burnley Acorn Fund and circulated to all members of the Executive.

103. 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 Nos. 103, 104, 105, 106 and 107 contain exempt information relating to 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 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 and that this item be considered after item 16 on the agenda.

104. Strategic Review of Leisure - Refurbishment of Padiham Leisure Centre

- Purpose** To inform Members of the progress on the design and tender documentation for the refurbishment of Padiham Leisure Centre and outline the milestones required to reach the start of the construction phase.
- Reason for Decision** To allow the final design and tender cost to be controlled, whilst ensuring that the agreed timetable is met and the centre re-opens on the 1st July 2009.
- Extensive consultation has taken place with the user groups of Padiham Leisure Centre and the St. Peter's Centre, to ensure that as many users as possible can be accommodated to under take their chosen activities. The majority of these activities will take place at St. Peter's and Spirit of Sport Centre, but some will take place in community venues in Padiham.
- Decision**
- (1) That approval be given for the commencement of refurbishment works at Padiham Leisure Centre, subject to the overall cost being no more than £1,250,000 and a satisfactory Value for Money study being undertaken by the Council's Consultant Quantity Surveyor;
 - (2) That the Head of Leisure and Recreation Services, in conjunction with the Executive Member for Leisure and Culture, the Executive Member for Resources, the Chair of Better Services Committee and the Director of Community Services, be authorised to make any changes to the scheme to ensure the overall cost is kept to £1,250,000. If further external funding is secured it be used to offset the Council's commitment;

- (3) That, subject to the costs of the scheme being no more than £1,250,000, the Head of People and Law be authorised to enter into a contract with In Spirit for the refurbishment work; and
- (4) That the transitional operational programme for the closure and the revenue budget for both 2008/09 and 2009/10 is adjusted to ensure the cost of the closure is cost neutral, be accepted.

<p>105. Asset Management - Daneshouse, Stoneyholme and Duke Bar - Burns Street</p>

- Purpose** To seek authority to re-negotiate a revised Development Agreement for a Mosque on the site attached in Appendix 1.
- Reason for Decision** The Building Licence that was granted to the Mosque set out clear conditions and timescales, including the completion of the Mosque within a three-year period from 14th April 2000. This clearly did not happen and, to avoid this situation arising in the future, we have to negotiate a robust Development Agreement.
- Decision**
- (1) That the Head of Property Consultancy, in consultation with Executive Member for Resources, be authorised to terminate the current Development Agreement and agree a revised Development Agreement; and
 - (2) That the District Valuer be appointed to undertake a valuation for a revised purchase price for the granting of a Building Licence under the Development Agreement.

<p>106. Asset Management - Disposal of Land at Hurtle Street / New Hall Street</p>

- Purpose** To seek approval to dispose of land at Hurtle St / New Hall St, Burnley, to Great Places at a price which is less than best consideration.
- To seek authority to waive Standing Orders for Contracts 17, which requires that contracts over £50,000 are publicly advertised.
- Reason for Decision** To enable the regeneration of the Daneshouse, Duke Bar, Stoneyholme (DDS) Action Plan Area by facilitating the development of 18 high quality Registered Social Landlord properties, to be developed by the Council's Lead RSL Partner for the DDS area, Great Places.
- Sale of the land at less than market value is justified in this case in order to meet Council Strategic Objective PL1a (restructure the housing market and address inappropriate supply).

- Decision
- (1) That the Head of Property Consultancy be authorised to agree terms, as reported, for the disposal of land at Hurtle Street / New Hall Street, Burnley, to Great Places, by way of a 250 year lease;
 - (2) That the Head of People and Law be authorised to complete the transaction; and
 - (3) That Standing Order 17 (Contracts exceeding £50,000 require Public Notice) be waived in the interests of the Council's Strategic Objective PL1a (restructure the housing market and address inappropriate supply).

107. Asset Management - Disposal of Land at Colne Road

Purpose To seek approval to dispose of 4,834 sq. m. of land at Colne Road, Burnley, to Great Places, which is less than best consideration.

To seek authority to waive Standing Orders for Contracts 17, which requires that contracts over £50,000 are publicly advertised.

Reason for Decision To enable the regeneration of the Daneshouse, Duke Bar, Stoneyholme (DDS) Action Plan Area by facilitating the development of an estimated 17 high quality Registered Social Landlord properties, to be developed by the Council's Lead RSL Partner for the DDS area, Great Places.

Sale of the land at less than market value is justified in this case in order to meet Council Strategic Objective PL1a (restructure the housing market and address inappropriate supply).

- Decision
- (1) That the Head of Property Consultancy be authorised to agree terms, as reported, for the disposal of land at Colne Road, Burnley to Great Places, by way of a 250-year lease;
 - (2) That the Head of People and Law be authorised to complete the transaction; and
 - (3) That Standing Order 17 (Contracts exceeding £50,000 require Public Notice) be waived in the interests of the Council's Strategic Objective PL1a (restructure the housing market and address inappropriate supply).

108. Asset Management - Disposal of Land at Sussex Street
--

Purpose To seek approval to dispose of 860 sq.m. of land at Sussex Street, Burnley, to the Accent Foundation Ltd. which is less than best consideration.

To seek authority to waive Standing Orders for Contracts 14, (Letting of contracts between £15,000 and £50,000).

Reason for Decision To enable the regeneration of the Burnley Wood Area Action Plan area by facilitating the development of 8 high quality 3-bedroomed family homes for rental as Registered Social Landlord properties, to be developed by the Council's Lead RSL Partner for the Burnley Wood area, the Accent Foundation Ltd.

Sale of the land at less than market value is justified in this case in order to meet Council Strategic Objective PL1a (restructure the housing market and address inappropriate supply).

Decision (1) That the Head of Property Consultancy be authorised to agree terms, as reported, for the disposal of 860 sq.m. of land at Sussex Street, Burnley to the Accent Foundation Ltd, by way of a 250-year lease.

(2) That the Head of People and Law be authorised to complete the transaction.

(3) That Standing Order 14 (Letting of contracts between £15,000 and £50,000) be waived in the interests of the Council's Strategic Objective PL1a (restructure the housing market and address inappropriate supply).

109. Weavers' Triangle Regeneration Project
--

Purpose To update members on progress with the Weavers' Triangle regeneration schemes including the Townscape Heritage Initiative (THI), and to seek approval to a number of specific actions as set out in paragraph 2 below.

Reason for Decision To allow further consideration of the details of the project.

Decision That consideration of this matter be deferred to a special meeting of the Executive.